



# Bush Prairie HCP

## Stakeholder Meeting, November 16, 2018

### BUSH PRAIRIE HCP STAKEHOLDERS:

Name	Organization
Laurence Reeves	Capitol Land Trust
Don Moody	CBRE
Patrick Dunn	Center for Natural Lands Management
Jeff Pantier	Hatton Godat Pantier
Kelly Cairns	Land Owner
Lisa Dennis-Perez Wendy Steffensen	LOTT Cleanwater Alliance
Amy Tousley Jeff Beckwith	Puget Sound Energy
Rod Wetherbee	Spencer Aircraft
David Schaffert	Thurston County Chamber of Commerce
Chris Chaput	Thurston County Community Planning & Economic Development
Teresa Hoyer	Thurston County Assessor's Office
Joel Hansen	Tumwater Citizen
Tanya Baker	Tumwater School District
Derek Stinson	Washington State Department of Fish and Wildlife
Theresa Nation	Washington State Department of Fish and Wildlife

### BUSH PRAIRIE HCP APPLICANTS:

Mike Matlock Brad Medrud	City of Tumwater
Rachael Jamison Rudy Rudolph	Port of Olympia

### BUSH PRAIRIE HCP CONSULTANT TEAM:

Troy Rahmig	ICF
Ruth Bell Lynn Knapp	Cascadia Consulting Group



## Arrival and Welcome

- Meeting began at 9:07 AM.
- Rachael Jamison stated the purpose for the meeting as an overview of the HCP framework and a time to get feedback on the process.
- Ruth Bell gave an overview of the agenda and explained facilitation ground rules.

## Grant Application Update (Brad Medrud):

- The Section 6 grant application for Phase 2 is fully funded by U.S. Fish and Wildlife Service (U.S. Fish) to be administered by the Washington Department of Fish and Wildlife. The grant is \$900,000 minus WDFW administration fee of \$54,000 plus matching grant funds from the City and County of \$150,000 each to get through the grant process.
- Grant monies are available for three years and work began in October 2018.
- Thank you to folks that wrote letters in support of the grant application on behalf of your organizations and to WDFW.
- The consultant is on board for Phase 2.

## Presentation and Discussion: Phase 2 Project Activities (Troy Rahmig):

- We are currently in the process of developing first three draft chapters of the HCP. There will eventually be nine chapters.
- The first three chapters describe the purpose, need, and regulatory context for the HCP. They also includes environmental baseline and covered species with natural history, which lays groundwork for described species needs.
- These chapters outline permit area, the covered species, and the activities that are covered.
  - Permit Area & Plan Area
    - Plan area is the area of study, usually larger than the permit area, and gives us a sense of the conservation strategy in regard to regional context.
    - Permit area shows where permit applies, which in this case is the urban growth boundary of the city of Tumwater.
    - There has been a change since the last meeting, with the realization that the gopher is the driving species. The new plan area is the pocket gopher range. The plan area needs to be in the framework from the beginning because NEPA and SEPA will consider this in their review.
  - Covered Activities:
    - Activities must meet all six criteria:
      - Control - who has the permit?
      - Location - is it in the permit area?
      - Timing - does it happen within the 30-year permit term?
      - Impact - will the activity impact the species?
      - Definition - is the activity well-defined enough?
      - Practicable - is it more feasible to include the activity than not to?



- Covered activities include:
  - Urban development projects
  - Resource development projects
  - Operations and maintenance
  - Conservation strategy implementation
    - There will be conservation land and management activities as a result of the HCP.
  - Aeronautical activities
    - Include capital improvements as well as operations and maintenance.
    - HCP will standardize activities and streamline permitting process to dovetail with what is already happening.
- Non-covered Activities:
  - Activities not inside city limits
  - Private construction that doesn't require a city permit
  - Agricultural activities that do not require city approval
  - Mining
  - Landfills & hazardous waste
  - Emergency activities
- Covered Species
  - Coordinated with U.S. Fish and local agencies on the species list.
  - Since this is a species-specific planning process, there will be analysis of the effects of covered activities and a conservation strategy for each covered species.
  - In recent years, the bar is high in the regulatory process and we need to make sure the species are specific to the covered area and activities. To consider a species, the following selection criteria are used:
    - Status - is the species currently listed at the federal level or will it be listed in the 30-year period? This can change, but an amendment is needed
    - Impact - will the species be impacted by covered activities?
    - Range - does the species occur in the permit area?
    - Data - do we know enough about the species to assess impacts and develop a conservation strategy to mitigate those impacts?
  - The Oregon vesper sparrow was added to the list since the last meeting because it is under review to be listed by U.S. Fish.
  - The checkerspot butterfly was removed from the covered species because the activities would not affect it within this area.
  - The screening process is meant to deal with species consideration.
- NEPA & SEPA
  - The HCP needs to go through a NEPA and SEPA process.
  - At the federal level, there is an idea about streamlining the NEPA process. There will be timing restrictions around how long a process can be and page limits to how long the document can be. At the end of 2017, the Department of Interior made a secretarial order for NEPA documents to be less than 150 pages and to be completed in one year from the start date. One year starts when the Notice of Intent is submitted and it ends

with issue of Record of Decision. This update might make us separate the NEPA and SEPA process.

- One strategy for meeting the NEPA document page limit is to reference other documents, so the NEPA document can reference the SEPA document.
- The HCP needs to be pretty far along before starting the NEPA or SEPA process because of the one-year window for NEPA.
- By the public review process, NEPA and SEPA are submitted at the same time.

## Stakeholder Input (input from all):

- Jeff Beckwith - I am wondering about the Tumwater portion of covered activities. Will these activities include if a homeowner comes to you with a private application?
  - Troy Rahmig - The city is given the permit and they can extend take application. They can do their own species act negotiation, but that is not going to be a requirement because if you have the permit already done, then you just sign up for it. The implementation will be sorted next year.
- Jeff Pantier - Is there coordination happening with the Thurston County conservation plan? Is the county looking at the area as well? Funding down the line has the County as permit authority, but Tumwater will have this as a covered area.
  - Troy Rahmig - Yes, there are overlapping jurisdictions, but there is separation at the covered activity level. Tumwater and Port of Olympia are covered under this HCP, and county activities go under their HCP. The point of confusion is the plan area that can be outside urban growth area that the county's HCP covers.
    - Jeff Pantier - What if there is a private development - take permits?
      - Brad Medrud - We are trying to figure out how it will work. We expect that we will cover development, but we are still working out the details. Details need to be sorted with the County, but the intent is to cover those areas within our permitting jurisdiction.
      - Jeff Pantier - It seems like the UGA is large, so when you think about how much funding or conservation area is needed that could be a big piece and we would not want it to be double-counted between the City and County. Funding seems to be a challenge and the overlap could be significant.
        - Troy Rahmig - Even though we are talking about urban growth area, realistically over the next 30 years we will look at geographic growth to determine potential impact on the species and how much restoration we will need.
        - Brad Medrud - On the land use side, the city has activities and potential development over the 30-year timeframe, including private development, based on private zoning and land capacity modeling. What we are trying to do is get to a finer grain regarding the UGA.
- Rod Wetherbee - If we own land in this area, do we need to wait until this process is done before developing the land?
  - Troy Rahmig - No, it is an individual permitting process for now.

- Rod Wetherbee - For aeronautical use that houses emergency services, would that eliminate needing to have a permit? We are trying to build a facility on this land where gophers are located. I want to build hanger facilities and understand what is restricted until the HCP is figured out.
  - Troy Rahmig - When emergency services are listed as a non-covered activity, we were defining that as a temporary time during an actual emergency.
  - Rod Wetherbee - DNR uses this area for fire watch and fuels up on this land. I want to better provide services for them.
    - Troy Rahmig - The facilities would be covered under this permit if they were built after the permit is issued. Access to the facilities during emergencies will need to be described under covered activities if they have the potential to impact covered species beyond what is expected from construction of the facilities.
- Laurence Reeves - The activities not covered are de minimis - why is mining not covered?
  - Brad Medrud - During the planning process, we identified natural resources within the city and we deal with existing mineral lands. Based on what is in the city, we think because of the range, the levels of permitting are much in excess to what we do within the HCP.
  - Rachael Jamison - Mining is not exempted. It's not that it's allowed, it is that it will need its own incidental take permit.
- Lisa Dennis-Perez - In terms of covered activities, LOTT has two areas that are within the permit area to use for reclaimed water. Is that covered under these categories? We see it as resource development related to conservation.
  - Troy Rahmig - We may need to add reclaimed water to the not covered list. We are trying to be granular for future interpretation.
  - Brad Medrud - We realized there are other agencies like schools and LOTT that have specific circumstances, so we are trying to include calculations for covered and non-covered activities.
- Patrick Dunn - In regard to conservation strategy, I understand why the focus is on the pocket gopher because it faces the greatest amount of impact. But there is impact for these other species and there might be better, cheaper, and more effective opportunities that might be outside of the pocket gopher range. There are other locations that would be more desirable. Reactive versus proactive approach and integrating so you do not have to have individual species conservation plan. In the long run, it is the most efficient way.
  - Troy Rahmig - In a perfect world, we would like to conserve for all those species in that area. Are you saying we should expand the plan area?
    - Patrick Dunn - Yes, potentially. There is competition with the County and Department of Defense (DoD), and there are overlapping desires. You could lay out conservation acreages and the state could buy it all with non-mitigation money.
      - Troy Rahmig - It is not uncommon to be in this situation with overlapping plans, but we will consider this when we put the conservation strategy together. There will be more opportunities to discuss this later.

- Patrick Dunn - Consider the elimination of the checkerspot butterfly to the HCP and national security ramifications of that. The burden falls more on to DoD for conservation of that species. We do not know of populations of checkerspots in Tumwater, but there is potential habitat. This is a proactive consideration that extends regionally.
- Wendy Steffensen - I am wondering how plans will be laid together. Can we consider corridors? How is the connectivity between the plans and opportunity for mitigation dollars?
- Jeff Beckwith - Do you think the conservation strategy will allow for private developers when they permit activities within the city of Tumwater? Will you require the person doing the activity to have land to do their conservation activity on?
  - Troy Rahmig - We have not worked that out yet, but we want to give options to developers. If a developer wants to offer land for the process, there could be an option to offer that. Conservation banks are another option.
    - Jeff Beckwith - So, costs will vary with each option?
      - Troy Rahmig - Yes, we need to figure out how much it is all going to cost. We will cost it out in a conservative manner that will assume the City and Port will do the mitigation across all covered activities.
- Teresa Hoyer - We have had numerous people concerned about how the endangered species are affecting the value of the property. In terms of a permit, is that permit cost going to directly reflect the cost of the project to create the HCP, or something else? For the assessors, it is important to know how much the cost is reflected in the value for us to keep track of the costs and have it publicly available and on an ongoing basis. We need to know whether the permit relates to buying a credit in a mitigation bank.
  - Rudy Rudolph - This is not the first time communities have dealt with this type of thing. How have other regions dealt with this? Lessons learned?
  - Theresa Hoyer - Thurston County is ground zero for the gopher, but the assessor has talked to other counties with HCPs and they do not have the same situation. There is some crossover from other species, like the eagle or spotted owl, so I cannot really say how that is worked out for the rest of the state. We are dealing with what happening in Thurston County.
  - Troy Rahmig - I can provide example of other counties and cities that have HCPs. In all types of mitigation, you will need to show you purchased those credits, so there is a disclosure of that transaction. On an annual basis, the City and the Port are required to report to U.S. Fish how much of their take authorization has been utilized. Through annual disclosure, it will be known how many acres were impacted and what they were mitigated for. If someone is buying mitigation credits, they will be disclosing that purchase price.
    - Don Moody - It sounds like the person who is acquiring mitigation will have the cost of that mitigation on that property forever. How does that add value to that piece of property?
      - Teresa Hoyer - I am thinking of it as a discount. If you are a developer, it is a cost to the developer and a discount off the value. You will deduct that from the land value.
      - Don Moody - What is a piece of property worth that has a gopher on it?

- Teresa Hoyer - The land that is purchased and used for conservation purposes will have a value, but separately for the development land we want to make a deduction for the value of that, as a separate unrelated value of mitigation land.
- Rachael Jamison - The whole purpose of the HCP is to spread the cost of the HCP across all potential developments. The time and investment will just be a check for the developer and the ability to spread it over more permits will reduce impacts to the developers. It may not even make the radar. We still need to get numbers about requirements.
- Teresa Hoyer - Developers are concerned about the cost because it is different for a developer that does not have an endangered species on their property.
  - Rod Wetherbee - It needs to be an affordable cost for developers.
    - Rachael Jamison- We want to protect the species and the developers with balance.
- Amy Tousley - I want to encourage the City to look at the long-range transportation plan because that's where most PSE facilities are. I would want assessments to be made as long-range planning is made.
  - Troy Rahmig - Underneath urbanization, there is a whole section on transportation.

## Next Steps (Troy Rahmig & Ruth Bell):

- Troy Rahmig - We will continue working on the first three chapters of the HCP and coordination with U.S. Fish and WDFW. First draft of HCP will be ready by Spring 2019. Now that we have grant money, we can move as quickly as possible because we know as we get deeper into conservation and cost, there will be a lot of questions.
- Ruth Bell - Moving forward, we will be holding quarterly stakeholder meetings and two community workshops. There will be a public comment period.
- Troy Rahmig asked for final thoughts and questions:
  - Jeff Pantier - Is U.S. Fish involved in the scoping?
    - Troy Rahmig- Yes.
      - Jeff Pantier - Is the plan that interim status quo be in place until it is adopted?
        - Brad Medrud - Yes.
        - Troy Rahmig - The NEPA document is the U.S. Fish document so they will be involved in public scoping. They do not write the NEPA document, but they guide it.
    - Tanya Baker - what is the timeline goal for whole process to be completed?
      - Troy Rahmig - 2020.
      - Rachael Jamison - We want to explain the processes at community workshops and bring networks of folks to the table. Scoping could be done online, but the

city is committed to a process to engage a broad population in the community. To the degree you are willing to get to word out, it is appreciated.

- Wendy Steffensen - When is the first community workshop?
  - Rachael Jamison - In 2019 to give intentional community comment prior to the NEPA & SEPA process. We want to generate interest and get people informed.
    - Lisa Dennis-Perez - Will this stakeholder group meet to review the draft plan before community workshops?
      - Rachael Jamison - Yes, that will be the focus of the next meeting.
- Jeff Pantier - I think a lot of people in the group will be anxious to get to the funding strategy choices.
- Jeff Beckwith - How comfortable are you with middle of 2020 deadline? We have heard from U.S. Fish that it might take longer.
  - Troy Rahmig - They have told us they are committed, but this is the biggest risk to the timeline. Everyone at U.S. Fish has said if we meet our timeline, then they have committed to meet theirs.
- Patrick Dunn - In regards to permits, to issue developments there needs to be some conservation in place right?
  - Troy Rahmig - Not necessarily. There needs to be conservation in lockstep with your development. For every HCP, when it starts there is no money for implementation, so we do not need it on the ground, but soon after. The first year is critical to startup. During NEPA & SEPA process, the City and Port will talk about first conservation projects.
- Theresa Nation - Is there possibility of front-loading mitigation banks and projects?
  - Troy Rahmig - There is an option to do that, but we have not talked to U.S. Fish yet. Since we need conservation strategy, that could definitely happen.

- Meeting concluded at 10:28 AM.