

ATTACHMENT A – A: NEW CHAPTER, Thurston County Environment Ordinance, Habitat Conservation Plan

17.40.040 – Definitions

1. Should these be in the code or in the plan or both. Currently they are not in the plan.
2. There is a term “individuals” used in several places throughout the plan to, I believe, mean a single pocket gopher. Not sure. Believe this term needs to be defined in either the code or the plan or both (e.g., pgs. 77 and 78).

17.40.060 – Thurston HCP Application Submittal.

A.1. provide should be provided.

A.2. ...or county approved equivalent of the project area. Such as? Most folks don't have the ability to obtain a shape file or Geodata base file. What would a County approved equivalent look like?

A.3. ...geographic extent of the proposed project **extent**, and... Believe the word extent here may be misplaced.

B. Last sentence. Don't see a copy of this referenced form in the HCP. Maybe I missed it. If it's not there might want to include it.

17.40.070 – HCP Application Review Procedures.

D.1. Did you mean C(1),(3) and (4)?

E.1. County will identify **projects** which projects... Delete the word projects.

G.3. Is there a list of these approved independent Conservation or Mitigation Banks somewhere? Maybe I just have found it yet. If there is you might consider saying here where that list is found in the document.

H.3. c) At least in the copy I got it appears something is missing from this sub paragraph. Maybe it is just a period.

17.40.100 – Land and Other in Lieu of Fee

A.1.c) The petition shall be processes in... Change the s to a d.

A.1.d) ...land that does not, **it** it's sole... Change the word it to in.

DRAFT Thurston County Habitat Conservation Plan

Pg xi – List of Acronyms Review of the first 140 pgs. of the HCP I found the following Acronyms that I did not find on the list.

DAHPP – Department of Archeology & Historic Preservation

GAP – pg. 31?

GPS – throughout document

NAS – National Agricultural Statistics Service

NHPA – National Historic Preservation Act

NPDES – National Pollution Discharge Elimination System

PCE – Primary Constituent Elements

PHS - ? pg. 101

RRMG - ? pg. 46

RUE – Reasonable Use Exception

VSP – Voluntary Stewardship Program

Pg. ix – last paragraph, 2nd line – awkward wording? ...would be to not **complete** the...

Chapter 1

Pg. 1, line 6 – awkward? ...grow **71,200 jobs from 128,500 in 2010** to nearly 200,000 in 2045...

Pg. 2, line 8 – missing word? ...need comply... Insert the word to after need.

Pg. 10, last bullet. And Pg. 38, Chapter 3, para 3.1.2, line 10. The 120 square feet exemption needs to be changed to sync with current county permit requirements. The county currently allows unpermitted sheds, etc. up to 400 sq ft outside the UGA and 200 sq ft inside the UGA?

<https://www.co.thurston.wa.us/permitting/docs/exempt-building-bulletin.pdf>

This is not an enforceable standard and needs to be changed.

Chapter 3

3.1 Covered Activities. Pg. 36, line 11 – Something missing? ...information as part of the in its annual... Part of what?

Chapter 4

4.4, Pg. 60, line 2 – Delete word? ...presented in in Table...

4.6.1, Pg. 75, line 5 – missing word? ...definition fish and wildlife... Insert the word “of” before the word fish?

Chapter 5

5.3.2, Pg. 88, last line – missing word? ...described Section 5.4... Insert the word “in” before the word Section?

5.4.5, Pg 92, Priority 1: - word oviposition? Oviposition means **expulsion of the egg from the oviduct to the external environment** and is a common phenomenon in vertebrates other than eutherian mammals. Would a better word be breeding or breeding site like is used on pg 119, 2nd bullet. On that page they use Breeding/oviposition. These documents need to be designed so they can be understood.

Chapter 6

6.3.1, Pg.98, 2nd sentence is awkward ...to be engaged... maybe, to engage or?

Pg 101, 3rd row uses the acronym PHS. Haven't seen it anywhere else and currently not on the acronym list. What is it?

Pg 102, 3rd row, last column uses the acronym FHS. Probably should use USFWS.

Chapter 7

7.2.3, Pg. 108, 2nd bullet – Missing word? ...to standard defined the Performance... Should there be the word “in” between defined and the?

7.3.2, sub para 4. Pg. 112, Missing word? ...of inclusion recorded with... Should there be the word “is” between inclusion and recorded?

Figure 7.1, Pg. 113 – The double asterisk comment. How do you enforce this? Why is it there? Does anyone really think that someone wanting to build a 400 square foot shed outside the UGA is going to check to see if the USFWS has a problem with it?

7.3.2, sub para 1. Pg. 114, Missing word? ...opportunities minimize... Should there be the word “to” between these words?

7.3.3, sub para 1. Pg.114, Missing word? ...same as above. Should insert the word “to”.

7.5.1, 2nd para, 2nd to last sentence, Pg 121 – Extra word? ...multiplier will of 1.25... Should the word “will” be deleted?

7.6.3, Pg. 125 – As noted in the code comments above, if there is a list of these independent conservation or mitigation banks where is it? Identify here where folks can find it.

7.8.1, 2nd para, line 5, Pg 127 – Extra word? ...Initial credits and are calculated... Should the word “and” be deleted?

From: [Christina Chaput](#)
Cc: [Polly Stoker](#)
Subject: FW: hcp (Please forward to planning commission)
Date: Wednesday, March 2, 2022 4:51:17 PM

Please see below.

Best,

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From: Helen Wheatley <h.wheatley100@gmail.com>
Sent: Wednesday, March 2, 2022 4:23 PM
To: Christina Chaput <christina.chaput@co.thurston.wa.us>
Subject: hcp (Please forward to planning commission)

Hi Christina,

Ahead of tonight's meeting, I'd like to forward to you some suggested revision of text for the "purpose" section on the HCP. I appreciate the ESA referencing in the proposed revision, but it doesn't quite address all of the concerns I mentioned. I know I'm not a code writing professional or anything, but I looked around for some examples to help provide a clearer sense of how the ESA purpose and definitions can be more accurately stated (in a Plain Talk way), while also providing a better picture (e.g., for the Hearing Examiner) of the totality of what the HCP is supposed to accomplish and why from the Thurston County perspective.

Keeping in mind the concern expressed by planning commissioners regarding length, I aimed for brevity similar to the proposed revision presented. I hope it's useful. Regarding the reference to ecosystems and recovery, take a look at the purpose state and the definition of "conservation" provided in the ESA itself:

Section 2(b) *"PURPOSES.—The purposes of this Act are to provide a means **whereby the eco-systems upon which endangered species and threatened species depend may be conserved**, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section."*

Section 3 paragraph 3: *"The terms "conserve", "conserving", and "conservation" mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species **to the point at which the measures provided pursuant to this Act are no longer necessary**. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking."*

17.40.015 Purpose

The purpose of this Chapter is to implement the Thurston County Habitat Conservation Plan (Thurston HCP) according to the Implementing Agreement with the US Fish and Wildlife Service, in order to provide a regulatory framework for promoting the protection and recovery of rare, threatened and endangered species and the ecosystems on which they depend, while improving and streamlining the permitting process for covered activities and planned development in Thurston County.

The United States Endangered Species Act (ESA) and its implementing regulations in Title 50 of the Code of Federal Regulations (CFR) Section 17, prohibits the "take" of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA.

The Thurston HCP enables the County to obtain federal permission to mitigate the incidental "take" of listed species that results from activities that are not otherwise prohibited. It provides a process for issuance of take authorizations for Covered Species, including those which are not currently listed but which may be listed in the future, without the imposition of additional mitigation requirements outside of the Habitat Conservation Plan process.

The Thurston HCP provides an efficient process for conserving species and protecting natural resources by creating larger scale, more ecologically viable and more efficiently manageable mitigation sites, as well as a framework for providing permits and authorizations for with lawful Take coverage under the ESA.