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COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Creating Solutions for Our Future

Joshua Cummings, Director

November 3, 2022

Aurora Oaks LLC (Steve Chamberlain)
4570 AVERY LN SE
LACEY WA 98503

SUBJECT: Critical Area Determination (CAD) – Option C Project Number: 2022105387
Tax Parcel Numbers: 11701220300, 11701220100, 11701230700

Thurston County Community Planning and Economic Development has completed review of the above noted application. Below are the review results for Mazama pocket gopher (MPG), prairie habitat, oaks and Mima mounds. Other critical areas and land use items (for example: zoning, wetlands, steep slopes, shoreline, streams, high groundwater, floodplain, etc.) are not reviewed with this CAD option.

This letter is not a permit or permission to begin development. Development activities and/or permit applications on the property are subject to all other applicable reviews as required under Thurston County Code. There may be other critical areas and/or land use items for you to address when future development applications are submitted and reviewed.

Gopher review: Thurston County reviewed a consultant report prepared by Alex Callender of Land Services Northwest. The report states that no Mazama pocket gopher mounds were detected in the screening process. Based on physical, environmental, and biological conditions on these properties, development activity has a low likelihood of significant impact to this protected species.

Thurston County soil mapping for this property indicates potential for the presence of Mazama pocket gopher (*Thomomys mazama ssp.*), a critical species protected under the Thurston County Critical Areas Ordinance (CAO) Title 24 and the Federal Endangered Species Act. Thurston County used a protocol recommended by the U.S. Fish and Wildlife Service intended to minimize the risk of unauthorized take of this protected species. Negative screening results that follow the recommended protocol (no MPG mounds detected) allow property owners and local jurisdictions to follow their normal permitting processes.

On April 9, 2014, the U.S. Fish and Wildlife Service listed four subspecies of the Mazama Pocket Gopher under the Federal Endangered Species Act. It is the responsibility of the landowner to be aware of any gopher listing under the federal Endangered Species Act and comply with applicable regulations. Endangered species cannot be harmed at any time, even after permit issuance. If any are found during development activities, the property owner and/or developer should contact Thurston County and the U. S. Fish and Wildlife Services.

The U.S. Fish & Wildlife Service approved Thurston County's Habitat Conservation Plan (HCP) in July 2022 and the HCP is excepted to be implemented in 2023. Under the county's HCP, projects that impact gophers or HCP habitat will go through a different review process and mitigation fees may apply based on your project scope. For more information visit <https://www.thurstoncountywa.gov/planning/HCP>

Prairie Review: The consultant surveyed the parcel for target prairie plants and prairie habitat areas as regulated under Title 24 of the Critical Areas Ordinance (CAO). Prairie criteria was not met. No Mima mounds were noted.

Oaks: Oregon white oak trees were detected and the consultant provided an oak survey map. Future development and site plans must include this information to confirm avoidance.

Oregon white oak trees (*Quercus garryana*) are protected under the Thurston County Critical Area Ordinance, Title 24. Cutting of Oregon white oaks is prohibited. Oaks must be avoided in the building process, affording the appropriate canopy dripline buffer as stated in TCC 24.25.070. An Oak tree protection area (buffer) extending a minimum of 5 feet beyond the dripline of Oregon white oak trees shall be established and protected from disturbance during site development. All development, construction equipment and debris shall not be located within the Oak tree protection area, or construction setback.

Additional oak information is available online here:

<https://www.thurstoncountywa.gov/planning/planningdocuments/2020-prairie-flyer-oregon-white-oak.pdf>

How long is this determination valid? Per TCC 24.05.070. E, this critical area determination is valid for three years from the date of this letter.

Any aggrieved person may appeal this determination to the Hearings Examiner. A request for hearing shall be filed in writing with the department located on the second floor of Building #1 of the Thurston County Courthouse complex. The form shall be accompanied by the required fee of \$2,054.00 within fourteen (14) calendar days of the date on this letter. This deadline may not be extended. Postmarks are not acceptable.

Appeal forms and additional appeal information is available online at:

<https://www.co.thurston.wa.us/permitting/hearing/hearing-appeal.html>

Sincerely,

Vince McDowell

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Project Coordinator, Development Services

Phone 360-867-2118 fax 360-754-2939 TDD 800-833-6388

vince.mcdowell@co.thurston.wa.us