

Appendix J: Thurston County HCP Determination Letter and Certificate of Inclusion

NOTE: The following two documents will be used in the process for Thurston County to issue a Certificate of Inclusion for the HCP. The Determination Letter is issued by the County to the County permittee seeking take coverage. The Letter identified the property, any associated fees, and a permit file number. The Certificate of Inclusion is issued by the County at the time of permit issuance. The Certificate of Inclusion is recorded with the land, documenting the property's Incidental Take Permit coverage.

**Thurston County Habitat Conservation Plan
Sample Determination Letter (on county letterhead)**

(date)

(Participant name and address)

Re: Description of tract/project/project area/appraisal district identifiers/address/other identifiers; County file # _____

Dear _____:

A review of the referenced project has been completed in accordance with the Thurston County Habitat Conservation Plan (Plan). Based on the provided supporting documents the County is able to make the following determination as to this application:

1. The Mitigation Fee for the referenced project will be \$_____. This amount will be reflected in Paragraph two of the Participation Agreement attached.
2. Please notify this office as soon as possible – by email to **EMAIL** or by fax to **FAX** – of agreement to these participation terms.
3. A Participation Agreement (under separate cover) based on the participation terms will be delivered to (participant) for execution subject to receipt of the Mitigation Fee. Please have the appropriate individuals sign where indicated and enclose a copy of related corporate minutes, resolutions and/or authorizations regarding this participation for inclusion in County files, if appropriate.
4. A portion of the Participation Agreement (“Memorandum of Participation”) is to be filed in the deed records of Thurston County. Please return a signed copy of the Participation Agreement to us. If you wish the County to handle filing and to bill you for the associated fee, please indicate in the space at the bottom of this letter. Otherwise, please contact this office for filing instructions.
5. Subsequent to County’s receipt of the original recorded copy, this office will 1) provide a copy for your file, and, 2) upon request, prepare and mail a participation certificate.

Should you have any questions about this letter, please contact the Thurston County Community Planning & Economic Development (CPED) Department.

Sincerely,

NAME

TITLE, DEPT, Thurston County

CERTIFICATE OF INCLUSION

The United States Fish and Wildlife Service has issued Permits pursuant to the federal Endangered Species Act ("Permit") authorizing "Take" of certain species in accordance with the terms and conditions of the Permit, the Thurston County Habitat Conservation Plan ("HCP") and the associated Implementing Agreement. Under the Permits, certain activities by [land owner name here] are authorized to "Take" certain species, provided all applicable terms and conditions of the Permit, the HCP and the associated Implementing Agreement are met.

As the owner/operator of the property described by Assessor's Parcels Number (APN#) and gross acreage of impact as depicted on Exhibit A attached hereto and incorporated herein by this reference, you are entitled to the protection of the Permits for the proposed activities as set forth in Exhibit B with respect to any Take of species as identified in the HCP.

If the property depicted on Exhibit A is used for other purposes, Take Authorization under the Permit will automatically cease. Such authorization is provided as described in the Permit, the HCP and the Implementing Agreement. By signing this Certificate of Inclusion, you signify your election to receive Take Authorization under the Permit in accordance with the terms and conditions thereof. This Certificate of Inclusion does not give state and federal agencies additional regulatory control over the signatory nor require the signatory to provide additional information not called for in the Certificate of Inclusion, but instead ensures compliance with 50 Code of Federal Regulations, section 13.25(d).

Coverage under the Permits will become effective upon receipt of the executed Certificate of Inclusion by the Thurston County. All notices under this Participation Agreement shall be in writing and shall be deemed to have been properly given, delivered and received (a) as of the date of delivery if personally delivered, or (b) as of the date of deposit in the mail system if sent by United States certified mail, return receipt requested, postage prepaid. For purposes of notices, the addresses of the parties are as follows

PARTICIPANT:

COUNTY:

Thurston County Habitat Conservation Plan
c/o Plan Administrator, Resource Stewardship
Department
2000 Lakeridge Drive SW
Olympia, WA 98502

Attn: County Application File No. _____

or to such other address as hereafter shall be designated in writing by the applicable party.

EXECUTED AS OF THE LAST DAY SET FORTH BELOW.

PARTICIPANT:

By: _____ Print

Name: _____

Title: _____

Date: _____

COUNTY:

By: _____ Print

Name: _____

Title: _____

Date: _____

EXHIBIT "A"
TO Certificate of Inclusion

Legal Description of Participants Property, Site Map, and GPS coordinates/points, if available:

**EXHIBIT “B”
TO Certificate of Inclusion**

Covered Species and Participant’s Proposed Activities Relative to Participation Agreement

[Provide a summary describing the scope and nature of the proposed activities and uses of the Property. This summary should provide details regarding the proposed development plan, including square footage or acreage of limit of construction (limit of construction is any area within which any type of construction or land disturbance will occur, i.e., area for erosion controls, driveway, utilities). Attach conceptual plan that identifies the foregoing items.

(DESCRIPTION OF PROJECT)

Identify which of the following activities are covered by this Participation Agreement.

<u>Covered Activity</u>	<u>Yes</u>	<u>No</u>
<u>Residential Development</u>		
<u>Added Accessory Structures</u>		
<u>Commercial and Industrial Development</u>		
<u>Environmental Health (extended septic systems, home heating oil tank removal, etc)</u>		
<u>Public Service Facilities (Schools/Fire Stations)</u>		
<u>Landfill/Solid Waste Management</u>		
<u>Public Works Transportation Projects</u>		
<u>Public Works Transportation Maintenance</u>		
<u>Water Resources Management</u>		
<u>Parks and Trail Maintenance</u>		

Identify which of the following species are covered by this Participation Agreement.

<u>Covered Species</u>	<u>Yes</u>	<u>No</u>
Mazama Pocket Gopher (Yelm)		
Mazama Pocket Gopher (Olympia)		
Mazama Pocket Gopher (Tenino)		
Taylor’s Checkerspot Butterfly		
Oregon Vesper Sparrow		
Oregon Spotted Frog		