

# Thurston County Board Briefing

<b><u>Briefing Date/Time:</u></b>	July 30, 2020, 8:30-9:30 p.m.
<b><u>Office/Department &amp; Staff Contact:</u></b>	<p>Joshua Cummings, CPED Director x4995</p> <p>Jennifer Davis, CPED Community Planning Manager x5475</p> <p>Christina Chaput, CPED Senior Planner x5486</p>
<b><u>Topic:</u></b>	<b>Thurston County Habitat Conservation Plan resubmittal</b>
<b><u>Purpose:</u></b> (check all that apply)	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <input type="checkbox"/> Information only  <input checked="" type="checkbox"/> Decision needed  <input type="checkbox"/> Follow up from previous briefing         </div> <div style="width: 35%; text-align: right;">           Optimal Time Frame for Decision is:            (08/01/2020)         </div> </div>
<b><u>Synopsis/Request/Recommendation:</u></b> <i>(One or two sentences identifying your primary objective for this session)</i>	
<p>Recommend that the Board direct staff to submit the fourth draft of the Thurston County Habitat Conservation Plan (HCP) to US Fish and Wildlife Service (USFWS). This item is consistent with Strategic Plan Initiative #7, as it balances development with protection of natural areas, as well as with Strategic Plan Initiative #6, as it allows access to development opportunities for property owners affected by listed species.</p>	
<b><u>Background</u></b>	
<p>Thurston County has submitted three previous drafts of the HCP to USFWS: May 2016, December 2018, and the most recent in January 2020. On March 25, 2020 staff received comments on draft 3 of the HCP from USFWS.</p> <p>In a meeting on April 1<sup>st</sup>, Commissioner Hutchings presented the Thurston County HCP team and the USFWS review team with a deadline of June 30<sup>th</sup> to resolve all issues identified by USFWS during their review of draft 3 of the HCP. Although a major lift, staff worked hard to develop and follow an efficient, collaborative process to revise the document.</p> <p>On June 30<sup>th</sup> we meet the deadline. Staff from USFWS, Thurston County, and our consultant worked collaboratively to achieve this success. This included weekly or even more frequent virtual meetings, exchanging drafts, memos, and problem-solving around numerous issues identified during the review of draft 3. This collaborative work to resolve all identified issues allowed the draft to be handed over to a technical editor, a step recommended by USFWS and our consultant, to ensure we have all our i's dotted and T's crossed.</p> <p>The technical editing has been completed. The fourth draft has been provided to the BoCC and staff requests that the Board direct staff to resubmit to USFWS.</p> <p>Next steps - After resubmittal, USFWS will engage their Regional Office and solicitor for legal review of the HCP. The County and USFWS will also be engaging our consultant to begin the EIS/NEPA phase of this process.</p>	

**Documents Attached:**

- Draft #4, Thurston County Habitat Conservation Plan (emailed)
- Appendices to the HCP (separate emailed attachment)
- Summary of changes from previous draft HCP
- Powerpoint presentation
- Draft cover letter for submittal

**Summary & Financial Impact:**

Resubmittal of the HCP is part of an ongoing, budgeted work program item.

**Affected Parties:**

*E.g. County residents, community organizations, other County offices/departments, etc.*

All county residents and departments with projects or potential projects on property occupied by listed species covered by the HCP.

**Options with Pros & Cons:**

*Below ~ List all viable options. Begin with underlined option title, then add pros and cons, financial impact of each, as well as affected parties (e.g. County residents, community organizations, etc.)*

**1. Direct staff to submit the fourth draft of the HCP to USFWS (recommended).**

Pro: Submitting this fourth draft HCP will trigger the next steps in the USFWS approval process for the HCP. USFWS has indicated staff is prepared to review this draft, and are expecting it soon.

Con: USFWS may require additional changes to the draft before approval. (However, this is the case whether the County submits now or later.)

**2. Do not resubmit. Ask for additional changes to the draft HCP.**

Pro: Ensures BoCC desired changes to the draft are incorporated.

Con: May require additional consultant work and delay resubmittal. A lengthy delay may not allow USFWS to review the draft in a timely manner. This would further delay the County's ability to attain an incidental take permit covering county public works projects and individual property owners.

**Board Direction:**

Request direction to resubmit the HCP to USFWS.

**Next Steps/Timeframe:**

*Based on the Board's recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step, and when the Board should expect to see this issue before them again.*

1. Submit Draft #4 HCP to USFWS for review
2. August - USFWS review, possible additional revisions, USFWS accept draft
3. 2020-2021- public outreach, SEPA/NEPA review, periodic progress reports to BoCC
4. 2021-2022- ITP issuance, Ordinance adoption, implementation.

Attachment: Summary of Changes completed in 2020 Thurston County HCP Draft and previous version

- **Consolidated information and added clarifications for better understanding and readability**
- **Updated species Best Available Science and will continue to do so throughout the implementation**
- **Updated Conservation Program Information**
- **Ensured HCP meets legal requirements to issue Incidental Take Permit (ITP)**

Revision Topic	Resolution	Impact
Technical editing	Technical editor engaged to review complete draft.	Ensures clarity and consistency in the document for better understanding and ease of readability by reviewers and the public.
Allow for periodic updates of species distribution and habitat information	Data from Washington Department of Fish and Wildlife (e.g. PHS) will be updated regularly during implementation of the HCP.	Ensures the information staff is working with is best available science.
Clarify impacts to species from Capital Improvement Projects	Consolidation of impact estimations into one section has clarified information.	Makes review of the document faster as reviewers no longer have to search different chapters for the information.
Clarify voluntary incentives	The Good Neighbor Principle has been removed.	Was not federally acceptable as an HCP policy. A programmatic Safe Harbor Agreement may be possible, to be negotiated separately.
Adaptive management and changed circumstances	Modifications made to align each item with specific biological goals of the HCP and quantifiable triggers.	More details provided to ensure document met legal requirements of ITP.
Designated Critical Habitat (dCH)	County/USFWS agreed on approach to mitigate impacts within dCH for MPG subspecies within the same dCH units.	This change is needed to ensure the HCP meets the legal requirement of “no adverse modifications to that critical habitat” necessary to issue an ITP.
Cost estimate information	County has reviewed cost models, and added clarifications.	Better details and description of mitigation fee calculation.
Species information	Updated species biological information to resolved USFWS concerns regarding performance standards, conservation strategies.	Ensures mitigation requirements in HCP are aligned with species needs.

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Revision Topic	Resolution	Impact
Financial and legal protection standards for Conservation Land System	Revised document to clarify performance standards will be the same for all conservation land types. Additionally, working lands acquired for mitigation are required to meet the same legal and financial protective standards.	Ensures consistency of mitigation and understanding all mitigation lands will have required permanent legal protections
Cultural/Historic Preservation	Revised historic preservation sections of the HCP to clarify compliance with NHPA and historic/cultural resources review.	Ensures HCP meets legal requirements for ITP issuance.
Conservation Program updates and clarifications	Updated information to ensure readers could follow the logic and understand intent throughout the document; consolidated similar information into same sections of the document. Included language consistent with USFWS guidance when discussing mitigation to keep pace with impacts.	Shows commitment in main document to implement BMPs to maximum extent practicable for each Covered Activity.  Ensures Conservation land prioritization criteria, baseline documentation, and performance standards are consistent across all conservation strategies (all types of reserves/preserves/easements).



COUNTY COMMISSIONERS

John Hutchings  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings, Director

August 1, 2020

Mr. Curtis Tanner  
U.S. Fish and Wildlife Service  
Washington Fish and Wildlife Office  
510 Desmond Drive SE, Suite 102  
Lacey, WA 98503

Mr. Tanner:

The Thurston Board of County Commissioners remains committed to the successful completion of a Habitat Conservation Plan (HCP) that serves citizens by taking in to account the need for future economic development and care for the natural environment. Thurston County has completed the fourth draft of the HCP, which is attached. The HCP covers the Mazama pocket gopher (and subspecies), Taylor's checkerspot butterfly, Oregon vesper sparrow, and Oregon spotted frog. The County submits this HCP for review and acceptance by U.S. Fish and Wildlife Service (USFWS).

Thurston County submitted three previous drafts of the HCP to USFWS. The first was submitted in May 2016, the second in July 2018, and the third in January 2020. Between April 1 and June 30, 2020, Thurston County staff and consultants worked collaboratively with USFWS staff to ensure that necessary revisions to the HCP identified by USFWS were incorporated into a final, fourth draft.

Highlights of the revisions captured in this fourth draft of the HCP include:

- Added clarifications and completed a technical edit of document for better readability and understanding;
- Updated Best Available Science for Covered Species;
- Clarification of how designated critical habitat will be mitigated;
- Updated conservation program details to demonstrate consistency across all conservation strategies.

In service to the citizens of Thurston County, we request a timely review of the attached document and appendices by your office. We look forward to continued work with USFWS on next steps in the process.

Sincerely,

Joshua Cummings, Director

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