



**PLANNING COMMISSION
MEETING AGENDA**

**Online via Zoom and In Person at
Tumwater Fire Department
Headquarters, Training Room, 311 Israel
Rd. SW, Tumwater, WA 98501**

**Tuesday, March 14, 2023
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Commissioner's Reports
5. Manager's Report
 - a. Ongoing 2023 Planning Commission Meeting Schedule
6. Public Comment
7. Bush Prairie Habitat Conservation Plan (HCP) – Status Update
8. Meeting on March 28, 2023 is cancelled. Next meeting date is April 11, 2023 and it will be a joint meeting with the Tree Board.
9. Adjourn

Meeting Information

The public are welcome to attend in person, by telephone or online via Zoom.

Watch Online

https://us02web.zoom.us/webinar/register/WN_xAdR8-ysRdWLcBCyMmqCEA

Listen by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 896 3061 3734 and Passcode 339170.

Public Comment

The public is invited to attend the meeting and offer comment. The public may register in advance for this webinar to provide comment:

https://us02web.zoom.us/webinar/register/WN_xAdR8-ysRdWLcBCyMmqCEA

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to:

cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on the date of the meeting.

Comments are submitted directly to the Commission Members and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager, Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

What is the Planning Commission?

The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.

Decorum Statement

Welcome to the Planning Commission meeting. We thank you for attending.

The City Council encourages community engagement in local government and provides a variety of ways to participate.

The Chair of the Planning Commission will be responsible for conducting orderly and efficient meetings within the scheduled time. To accomplish that, the Chair will maintain order and decorum and can regulate inappropriate debate, repetitious discussion, and disruptive behavior when needed.

The Chair will recognize those that wish to speak and may limit the time allowed for individual comments. City staff will record questions and comments during the meeting. If an issue or question cannot be addressed during the meeting, City staff will address the issue or respond to the question by following up with the individual.

We respectfully request that attendees refrain from disruptions during the meeting and comply with decorum rules.

Thank you for participating.

DRAFT TUMWATER PLANNING COMMISSION - 2023 MEETING SCHEDULE

Note: Schedule is tentative and subject to change; Updated 3/3/23

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
January 10, 2023	<u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad <u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments –Street Tree Plan – Introduction (O2023-005) – Brad
January 24, 2023	<u>Briefing</u> : Preliminary Docket for 2023 Comprehensive Plan Amendments (O2023-002) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Plan (O2023-005) – Brad
February 14, 2023	<u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments – Street Tree Plan Update (O2023-005) – Brad <u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments – Landscaping Regulation Update (O2023-004) – Brad
February 28, 2023	<u>Briefing</u> : 2023-25 Comprehensive Plan Update Public Participation Plan
March 14, 2023	<u>Briefing</u> : Bush Prairie HCP
March 28, 2023	[Meeting Cancelled]
April 11, 2023	<u>Joint Briefing with Tree Board</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad
April 25, 2023	<u>Briefing</u> : SEPA Update (O2023-003) – Brad/Erika <u>Worksession</u> : 2023-25 Comprehensive Plan Update Public Participation Plan
May 9, 2023	<u>Worksession</u> : SEPA Update (O2023-003) – Brad/Erika
May 23, 2023	<u>Hearing</u> : SEPA Update (O2023-003) – Brad/Erika <u>Worksession</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad
June 13, 2023	<u>Joint Briefing with Tree Board</u> : Urban Forestry Amendments –Street Tree Plan (O2023-005) – Brad <u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad
June 27, 2023	<u>Hearing</u> : Urban Forestry Amendments – Tree and Vegetation Preservation Regulation Update (O2023-006) – Brad
July 11, 2023	<u>Joint Briefing with Tree Board</u> : Urban Forestry Amendments – Landscaping Regulation Update (O2023-004) – Brad <u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments –Street Tree Plan (O2023-005) - Brad
July 25, 2023	<u>Hearing</u> : Urban Forestry Amendments –Street Tree Plan (O2023-005) – Brad <u>Briefing</u> : Final Docket for 2023 Comprehensive Plan Amendments (O2023-002) – Brad
August 8, 2023	<u>Joint Worksession with Tree Board</u> : Urban Forestry Amendments – Landscaping Regulation Update (O2023-004) – Brad
August 22, 2023	<u>Worksession</u> : Final Docket for 2023 Comprehensive Plan Amendments (O2023-002) – Brad <u>Worksession</u> : Urban Forestry Amendments – Landscaping Regulation Update (O2023-004) – Brad
September 12, 2023	<u>Hearing</u> : Final Docket for 2023 Comprehensive Plan Amendments (O2023-002) – Brad <u>Hearing</u> : Urban Forestry Amendments – Landscaping Regulation Update (O2023-004) – Brad
September 26, 2023	

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
October 10, 2023	
October 24, 2023	
November 7, 2023	<u>Discussion</u> : Election of New Planning Commission Chair and Vice Chair
November 21, 2023	<u>Discussion</u> : 2024 Work Program
December 12, 2023	<u>Joint Worksession with City Council</u> : 2024 Work Program
December 26, 2023	[May Cancel Meeting]

January 9, 2024 – Joint meeting with the Tree Board

Notes:

The following will need to be scheduled on the Planning Commission meeting schedule:

- Planning Commissioner Training – Brad
- Mayor Sullivan Meet and Greet and Q&A with Advisory Boards and Commissions – Brad

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: March 14, 2023
SUBJECT: Bush Prairie Habitat Conservation Plan (HCP) – Status Update

1) Recommended Action:

Review the attached materials and be prepared for discussion.

2) Background:

Working together with the Port of Olympia and large group of stakeholders, the City is completing Phase 2 and starting Phase 3 of the Bush Prairie Habitat Conservation Plan (HCP) with consultant assistance.

The Bush Prairie Habitat Conservation Plan (HCP) is intended to provide the basis for a comprehensive federal citywide incidental take permit. The permit would allow development, operations, and activities to occur in compliance with state and federal endangered and threatened species protections, while also providing the foundation for a coordinated conservation system that supports the preservation of the endangered and threatened species. This month a working draft of the HCP has been provided to the project stakeholders, U.S. Fish and Wildlife Service (USFWS), and the Washington Department of Fish and Wildlife (WDFW) for review.

3) Policy Support:

Comprehensive Plan Conservation Element Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.

Comprehensive Plan Conservation Element Policy C-2.16: Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving “special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

4) Alternatives:

☐ None

5) Fiscal Notes:

This is a federal grant and an internally funded work program task.

6) Attachments:

- A. Memorandum
- B. Presentation

**Attachment A**

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 555 Israel Road SW
 Tumwater, WA 98501-6515
 Phone: 360-754-5855
 Fax: 360-754-4138

BUSH PRAIRIE HABITAT CONSERVATION PLAN**STATUS MEMORANDUM****PLANNING COMMISSION DISCUSSION – MARCH 14, 2023****Introduction**

The City of Tumwater and the Port of Olympia's Olympia Regional Airport and New Market Industrial Campus are located on the site of a glacial prairie historically called Bush Prairie after early resident, George Washington Bush, who settled here in 1845. Since then, most of Bush Prairie has been converted to agriculture or forestry, residences, and businesses, but part of it still remains and provides a home for the unique flora and fauna of the South Puget Sound Prairies ecosystem.

The Bush Prairie Habitat Conservation Plan (HCP) is intended to provide the basis for a comprehensive federal citywide incidental take permit covering listed species. The permit would allow development, operations, and activities to occur in compliance with state and federal endangered and threatened species protections, while also providing the foundation for a coordinated conservation system that supports the preservation of the endangered and threatened species. The City provided a working draft of the HCP this month to the project stakeholders, U.S. Fish and Wildlife Service (USFWS), and the Washington Department of Fish and Wildlife (WDFW) for their review.

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Purpose

The HCP is being developed to balance growth and the preservation of endangered species within the City and its urban growth area. The HCP will better conserve these endangered species by providing long-term habitat protection across a system of managed reserve areas. The City and the Port are jointly developing the HCP under the terms of an Interlocal Agreement.

Benefits

The HCP will provide for long-term preservation and management of three species and their habitat protected under the federal Endangered Species Act (ESA) that occur in the City: the Olympia pocket gopher, streaked horned lark, and Oregon spotted frog, as well as one species that is expected to be listed in the near future, the Oregon Vesper Sparrow. Protection of the habitat for these species will also mitigate the impacts of ongoing development, maintenance, and other activities performed by the City or the Port, which have the potential to harm or “take” these species or their habitat under the ESA and state law.

The four species will benefit from assured, long-term habitat protection. The people of the City and the customers of the Port will benefit from a having federal permit authorizing impacts to these species for the next 30-years, which will facilitate ongoing development, maintenance, and

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operations. The HCP is expected to reduce the costs and time that would otherwise be needed for individual landowners to comply with the provisions of the ESA.

Habitat and Protected Species

As noted above, the South Puget Sound Prairies support many unique species while also being extensively developed, which create many potential conflicts between development and threatened or endangered species.

Developed as part of Phase 1 of the HCP, the species that would be covered by the HCP include the following:

Covered Species	Federal Listing Status	State Listing Status
Olympia pocket gopher	Threatened	Threatened
Oregon spotted frog	Threatened	Endangered
Oregon vesper sparrow	Under Review	Species of Concern
Streaked horned lark	Threatened	Endangered

The Olympia subspecies of the Mazama pocket gopher is the most widespread of the protected prairie species in the City. The Olympia pocket gopher was listed by the federal government under the ESA in 2014. The range of the Olympia pocket gopher overlaps the southern two-thirds of the City and its urban growth area and an equivalently sized area of unincorporated Thurston County south of the City. The Airport is large area of known occupancy for the Olympia pocket gopher.

The streaked horned lark is another federally listed prairie species and the Oregon vesper sparrow is a state listed prairie species that could potentially be listed under the ESA. Both bird species are found primarily on the Airport.

Another species federally listed in the City is the Oregon spotted frog, which is found primarily in wetlands and streams in the western half of the City associated with the Black Lake drainage system.

The ESA listings protect both the listed species and its habitat. Many activities occur in the City and on Port property have potential to impact gophers and other prairie species. Because of the potential for impacts, federal permits are needed for those projects. These permits, which allow the “take” of animals or habitat, require a complex, costly, slow USFWS process that is especially difficult for individual landowners.

Habitat Conservation Plan (HCP)

The HCP and its associated federal incidental take permit are intended to replace the need for individual federal permits under the ESA. The HCP and federal permit would allow for area wide “take” under Section 10 of the ESA. In addition to reducing uncertainty, costs, and delays for

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new development and redevelopment and allowing for development envisioned by the City and Port to be built, as well as the continued and ongoing maintenance of City and Port facilities, the HCP would provide for higher quality and more efficient long-term species protection than individual federal permits would produce.

The HCP includes a detailed description of the activities to be performed under the federal permit, both for development and for species protection, and their effects upon the species. The HCP describes a governance structure and provides assurances that the financial resources needed to make it work are available and committed to this task.

Funding for Preparation of the HCP

Three federal Section 6 grants have been approved to date to support the completion of the HCP: Phase 1 in 2016 for \$132,000, Phase 2 in 2018 for \$846,000, and Phase 3 in 2023 for \$225,000. Federal funds are matched by City and Port funds (\$44,000 each for Phase 1, \$150,000 each for Phase 2, and \$39,500 each for Phase 3). All Section 6 grant funds come from USFWS, but are administered by the WDFW. Work began under the Phase 1 grant in June 2016, the Phase 2 grant in October 2018, and the Phase 3 grant in April 2023 and continues to this day.

Term of the HCP

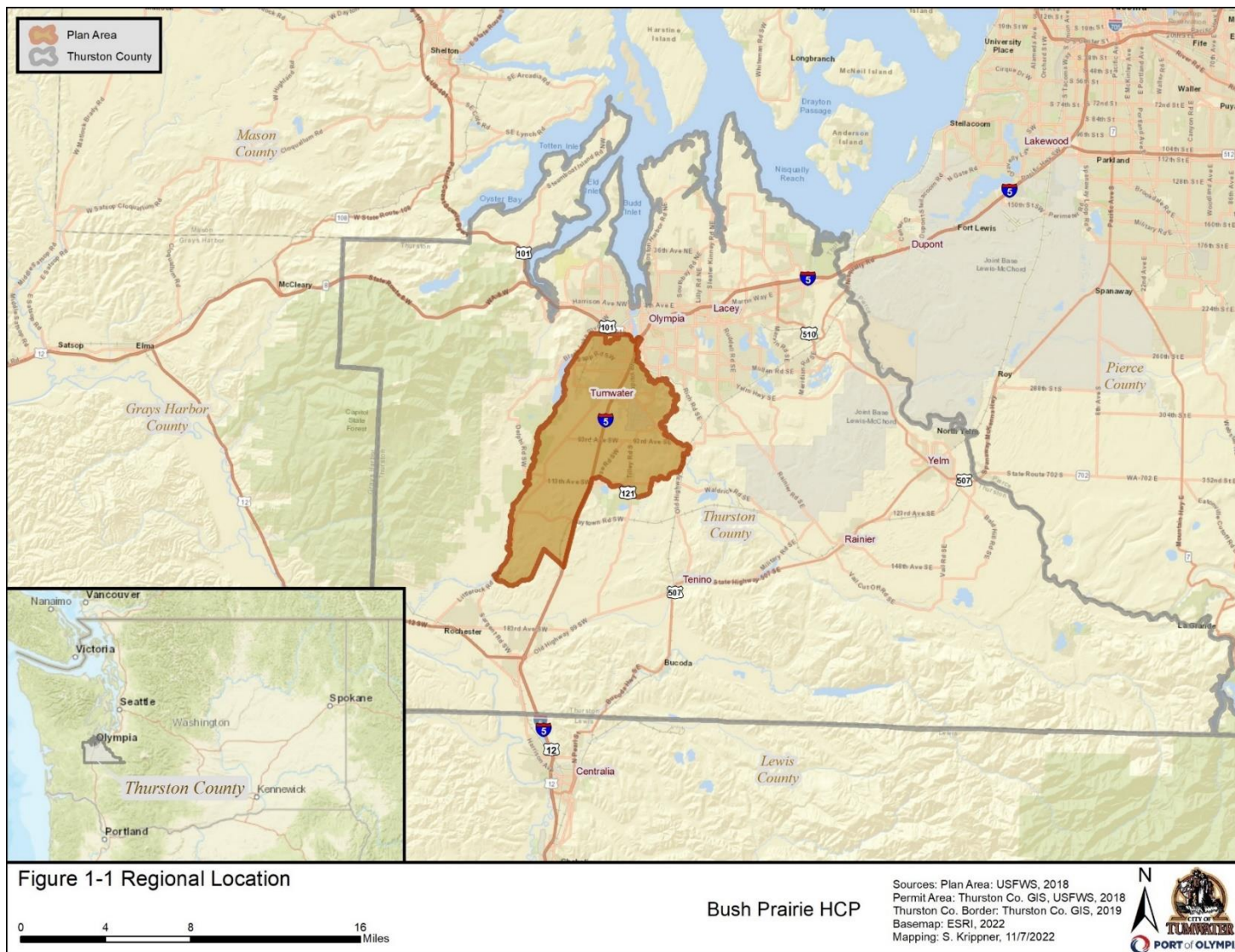
Developed as part of Phase 1 of the HCP, the term of the HCP is 30-years.

Permit & Plan Areas

Developed as part of Phase 1 of the HCP, the permit area covered by the HCP includes the City and is urban growth area and Port controlled lands. The permit area is 12,877 acres in size. It is where activities can occur that have the potential to impact the four species covered by the HCP, which would be mitigated through the HCP.

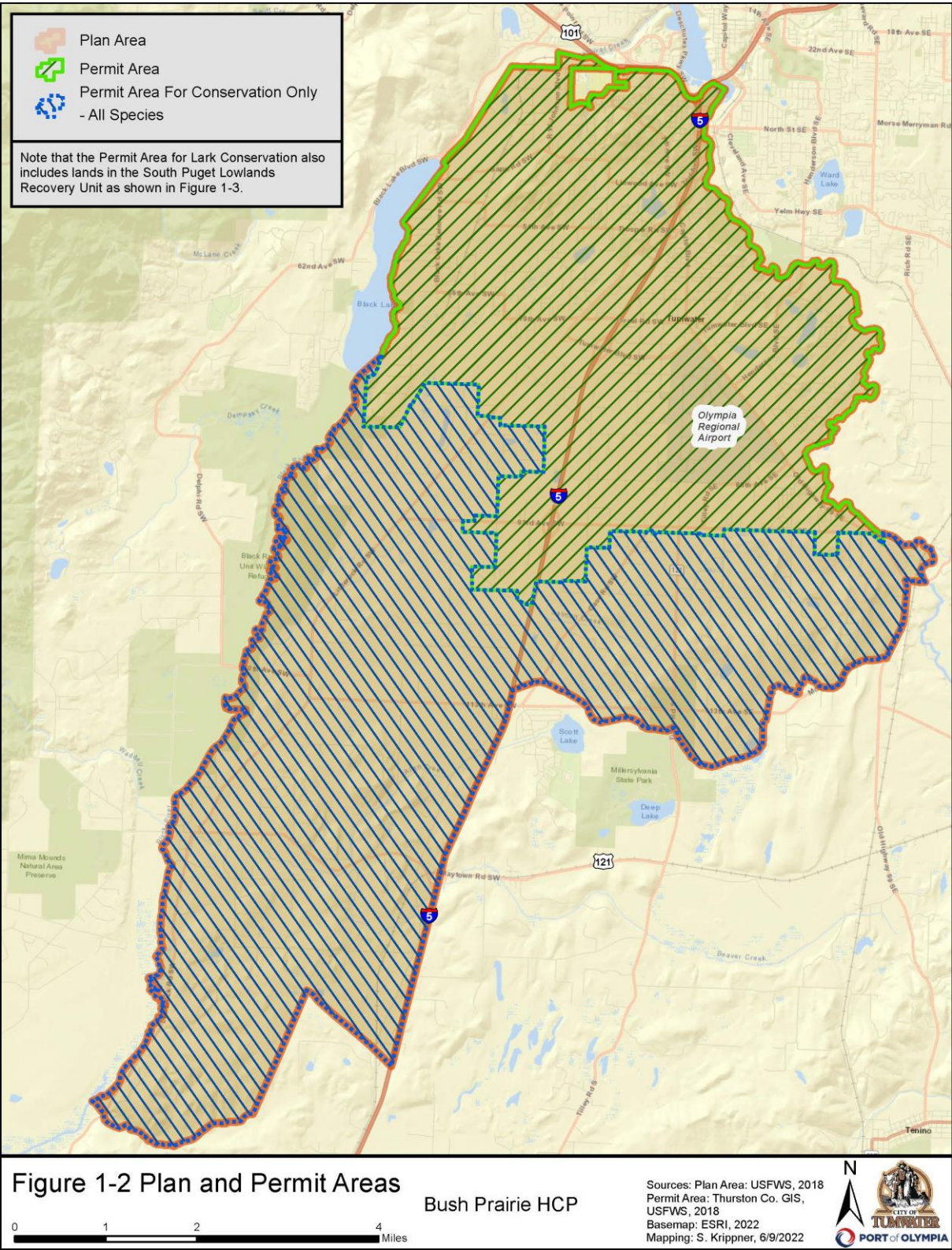
The plan area for all covered species is the Olympia pocket gopher range, which is approximately 31,136 acres in size, and is primarily where mitigation for impacts to the species covered by the HCP could occur and it is shown in Figure 1-1 and Figure 1-2 below. A larger permit area for streaked horned lark conservation encompasses the South Puget Sound Lowlands and it is shown as Figure 1-3 below.

Regional Location



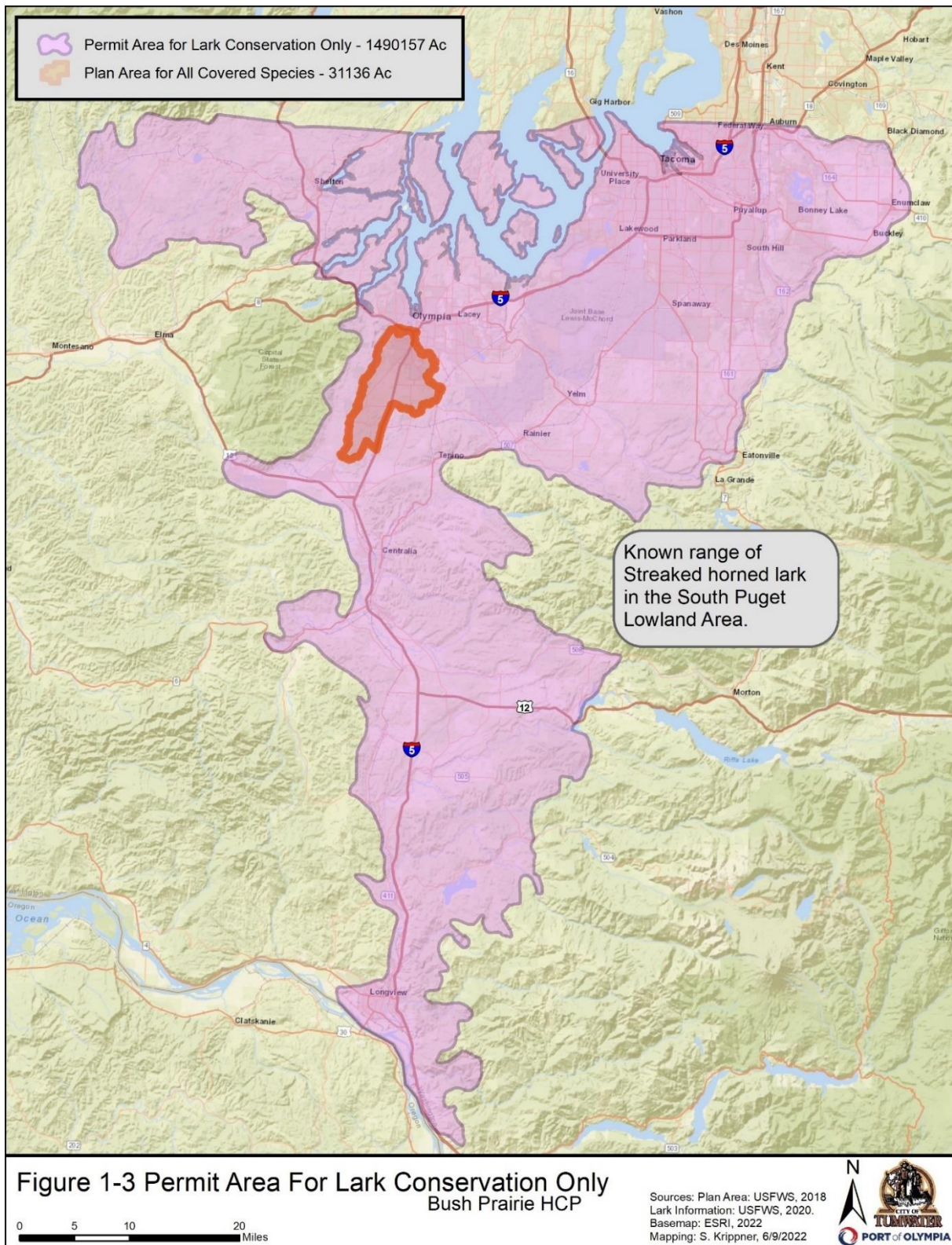
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Plan and Permit Areas



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Permit Area for Streaked Horned Lark Only

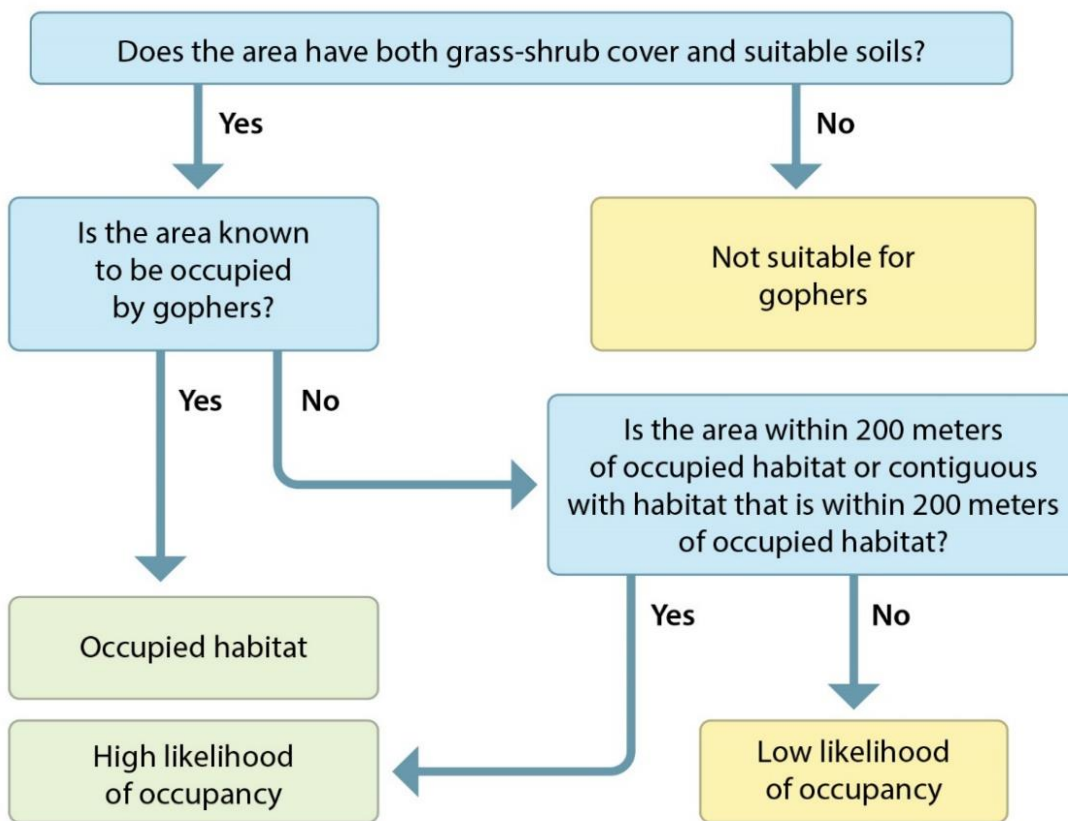


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Habitat Models

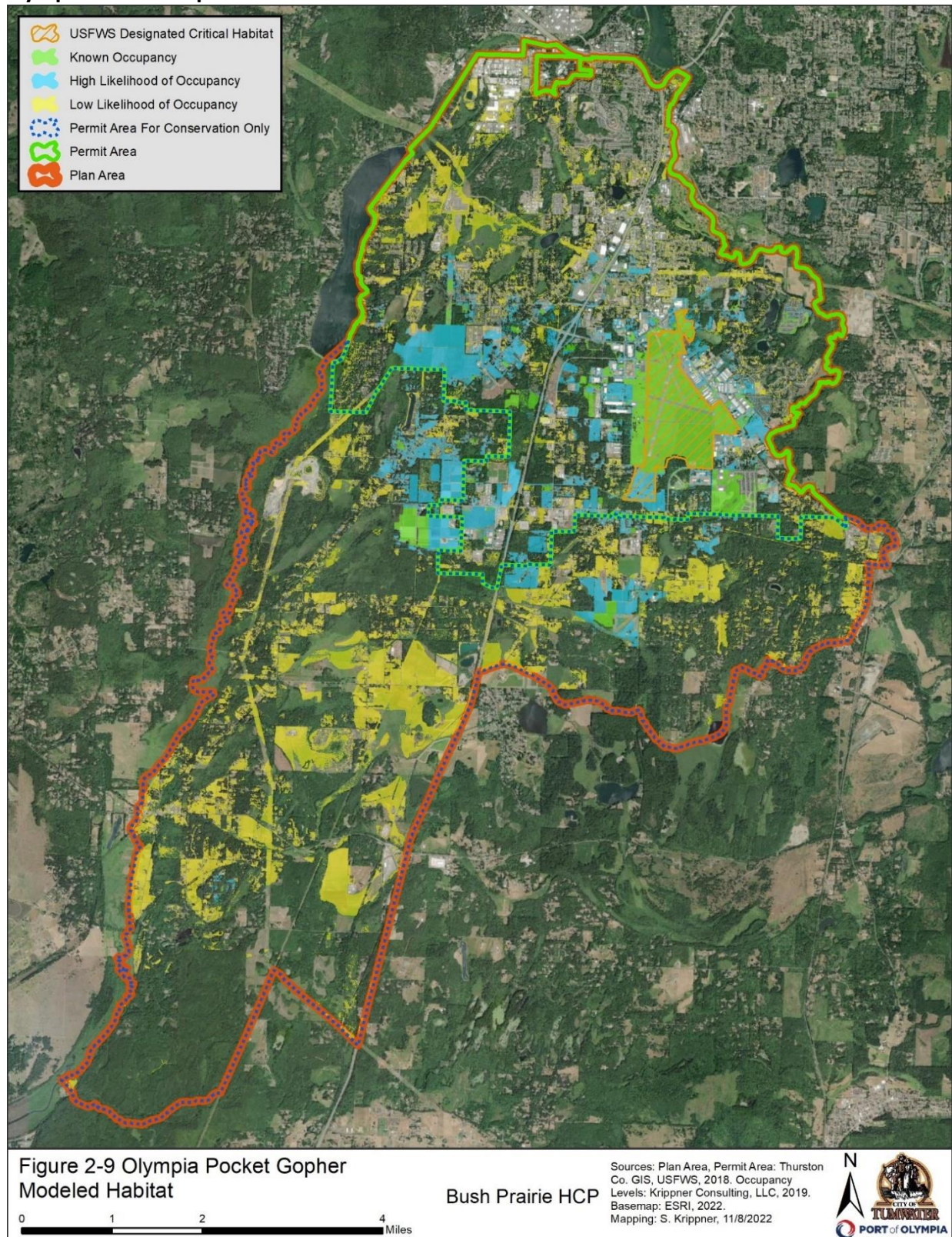
For each of the four species covered by the HCP, a habitat model was developed based on current species habitat information. The habitat model was used to determine the areas where the species and their habitat were most likely to be found and provided the basis for determining the effects of future development and ongoing operations on the species.

The following is the Olympia Pocket Gopher Model Flow Chart.



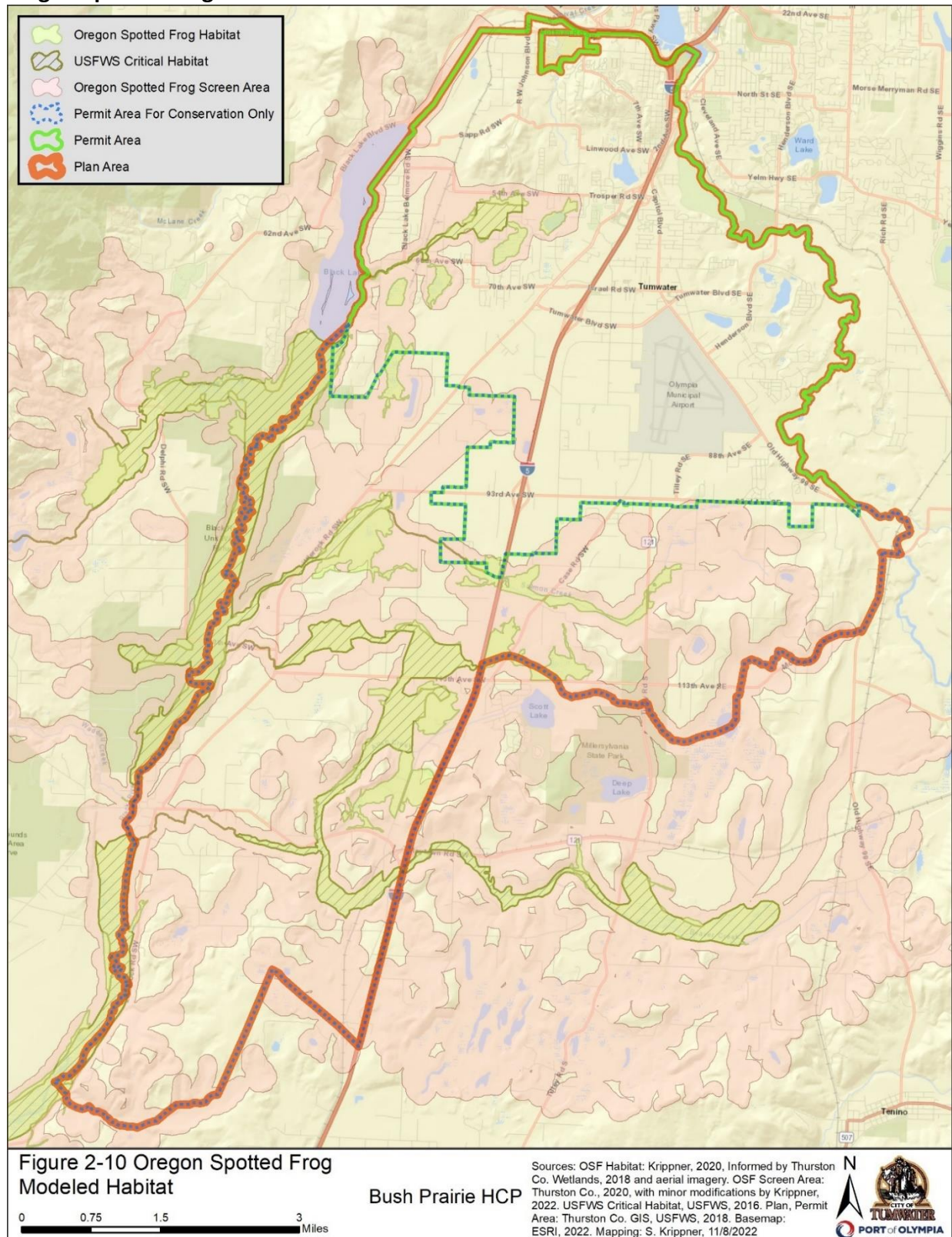
The maps below depict the modeled habitat for the four species covered by the HCP.

Olympia Pocket Gopher Habitat

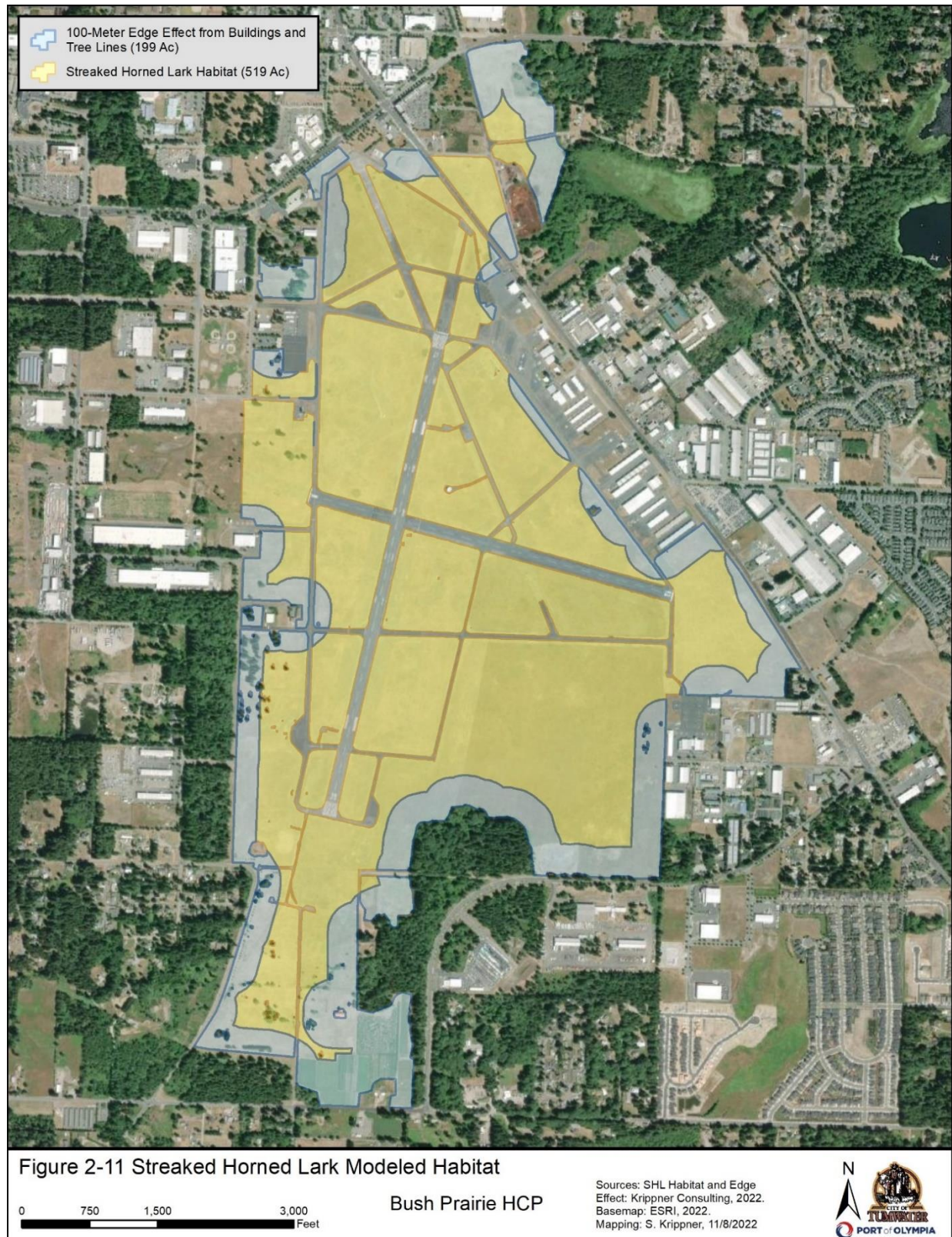


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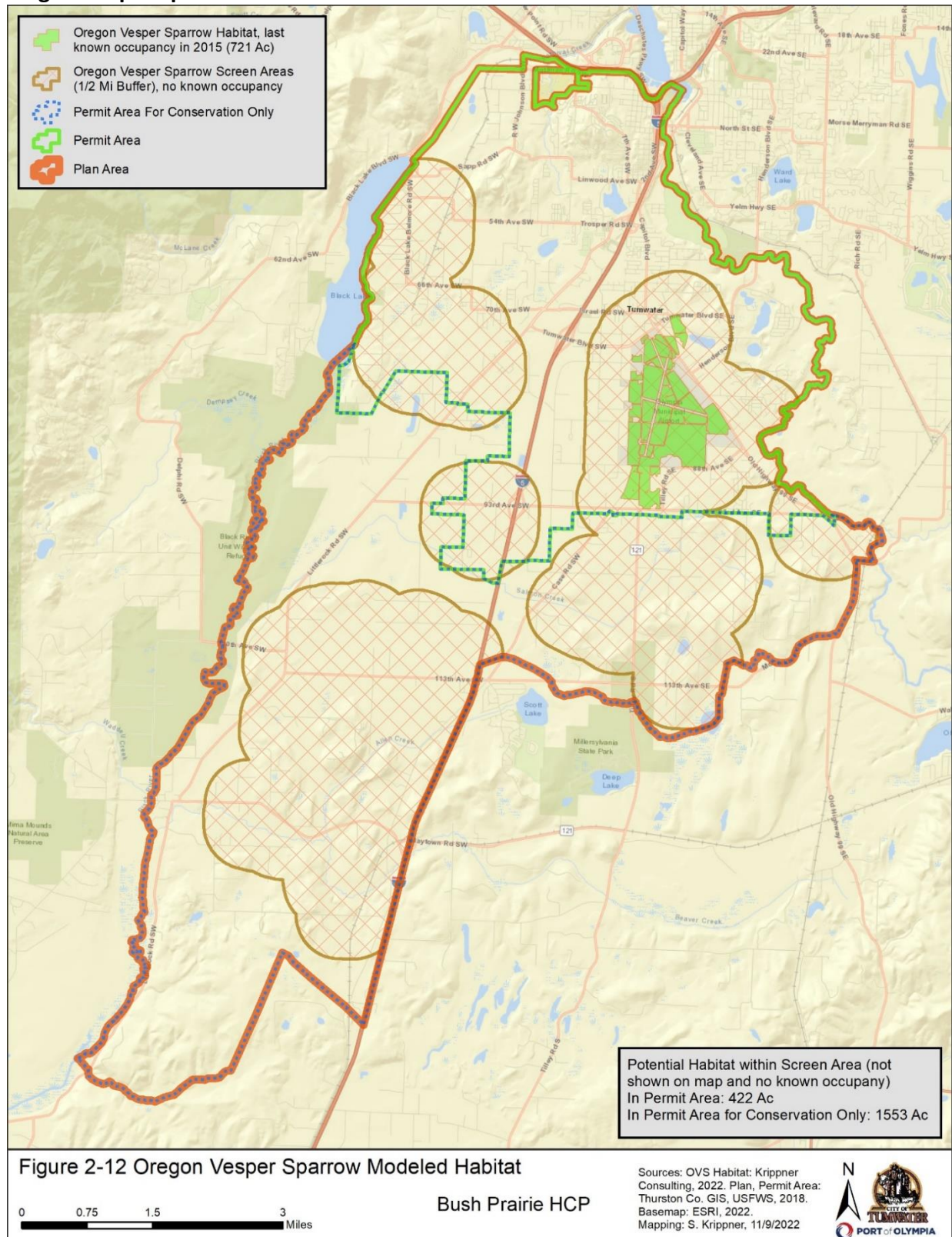
Oregon Spotted Frog Habitat



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Streaked Horned Lark Habitat**BUSH PRAIRIE HABITAT CONSERVATION PLAN**

Oregon Vesper Sparrow Habitat



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Covered Activities in the HCP

Covered activities are those projects or recurring activities that would receive incidental take permit authorization under the HCP. Activities covered by the HCP must meet all six criteria:

1. Control: City or Port performs or issues a permit for the activity.
2. Location: The activity is within the permit area of the HCP.
3. Timing: The activity is during 30-year permit term of the HCP.
4. Impact: There is a reasonable risk of take/need for a federal permit.
5. Definition: The activity is defined well enough to assess its impacts on the species.
6. Practicable: It is more feasible to include the activity in the HCP than to not do so.

The City covered activities include:

1. Urban development projects, anything that requires a City permit
2. Resource development projects, such as agriculture and forestry that requires a City permit
3. Recurring Activities, such as the Farmer's Market and the July 4 Parade and Fireworks
4. HCP Conservation strategy implementation
5. City operations and maintenance:
 - a. Park and open space facilities
 - b. Public services, infrastructure, and utilities operations and maintenance
 - c. Transportation facilities operations and maintenance

The Port covered activities include:

1. Aeronautical activities are under the authority of Federal Aviation Administration (FAA), which includes capital improvements as well as operations and maintenance
2. Capital improvements identified in Olympia Regional Airport Master Plan (ORAMP)
3. Recurring Activities, such as the airshow

Activities not described above or that do not require a City permit would not be covered.

Effects Analysis

The effects analysis identifies activities that may result in incidental take of covered species. It encompasses the immediate effect of a covered activity on a species or its habitat as well as effects that occur later in time, but are still reasonably certain to take place. This includes direct mortality or injury to individuals or the removal or degradation of suitable habitat. The effects analysis establishes a base level for these potential effects prior to avoidance, minimization, or mitigation measures.

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Estimates of urban growth in the City were determined by models run by TRPC and estimates of Port development were determined by the Port of Olympia Master Plan. Areas were removed that are unlikely to develop, such as where high intensity development has already occurred, mitigated development is underway, or lands already set aside for mitigation. Areas that were likely to develop were compared with assumptions about species habitat potential.

Olympia Pocket Gopher Estimated Effects

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount Removed by Covered Activities (acres)	Modeled Habitat Remaining in Permit Area Following Loss from Covered Activities (acres)	Percent Lost During Permit Term
Occupied	1,014	277	737	27
Higher Likelihood of Occupancy	1,630	635	995	39
Lower Likelihood of Occupancy	4,360	597	3,763	14
Total	7,004	1,509	5,495	21

Oregon Spotted Frog Estimated Effects

Modeled Habitat Type	Total Modeled Habitat in Permit Area (acres)	Maximum Loss of Modeled Habitat in Permit Area (acres)	Total Habitat Remaining Following Modeled Habitat Loss from Covered Activities (acres)	Percent Lost During Permit Term
Occupied Wetlands	2,654	20	2,634	0.7

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Streaked Horned Lark Estimated Effects

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount of Modeled Habitat Lost in Permit Area (acres)^a	Amount of Modeled Habitat Remaining Following Habitat Loss under HCP (acres)	Percent of Habitat Lost During Permit Term
Suitable Habitat	519	222	297	43

Oregon Vesper Sparrow Estimated Effects

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount of Modeled Habitat Lost in Permit Area (acres)^a	Amount of Modeled Habitat Remaining Following Habitat Loss under HCP (acres)	Percent of Habitat Lost During Permit Term
Oregon Vesper Sparrow Habitat	2,696	597	2,099	22

Conservation Strategy

The HCP's conservation strategy is designed to address the requirement in the ESA to minimize and mitigate the impacts of the taking on the covered species to the maximum extent practicable (16 USC 1539). The conservation strategy describes a mitigation program that will fully offset the impacts of the taking on each of the covered species that may result from covered activities. The conservation strategy mitigates the impacts discussed in the effects analysis, including direct, indirect, temporary, and permanent effects. The conservation strategy is based on the best scientific data available at the time of its preparation and it considers the limitations of the baseline data available for the plan area.

The conservation strategy identifies the amount of mitigation land needed, the criteria for selecting it, and the location requirements. The conservation strategy creates biological goals and objectives for covered species, outlines the management activities on mitigation lands that will improve habitat conditions, and describes a monitoring program to track progress.

The following table shows the land acquisition goals for each of the four covered species in acres, assuming maximum impacts.

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Modeled Habitat	Total Maximum Permanent Impacts	Estimated Protected Habitat for Permanent Impacts	Total Maximum Temporary Impacts	Estimated Protected Habitat for Temporary Impacts	Total Permanently Protected Habitat if Maximum Impacts Occur
Olympia pocket gopher	1,509	1,509	191	96	1,351–1,605
Oregon spotted frog	20	20	20	20	40
Streaked horned lark	222	222	45	23	150-300
Oregon vesper sparrow	597	597	45	23	620

Monitoring and Adaptive Management

The monitoring and adaptive management framework for the HCP includes guidelines and specific recommendations that help the City and Port develop a detailed program during the initial years of implementation. The purposes of this framework and the monitoring program are to ensure compliance with the HCP, to assess the status of covered species habitat within the Reserve System, and to evaluate the effects of management actions on species as the conservation strategy is implemented over time.

Adaptive management and monitoring are integrated processes in the HCP, and monitoring will inform changes to management actions to improve outcomes continually for covered species.

Implementation

The Implementation chapter of the HCP includes a description of the City and the Port's roles and responsibilities as HCP Permittees, the covered activity application process, the process for assembling the Reserve System and other mitigation options, and annual compliance and reporting. The City will be the primary responsible party for HCP implementation, with the Port as a close partner. The Implementation chapter also outlines the regulatory assurances sought by the HCP Permittees and the changed and unforeseen circumstances that define those assurances.

The HCP takes into account a number of uncertainties regarding covered activities that need to be addressed during implementation of the HCP, such as the total amount of development that will ultimately occur, frequency of operations and maintenance activities, amount of onsite mitigation, and location within the City.

Another uncertainty is the number of project proponents who elect to seek federal permit coverage through the HCP. The HCP assumes that project proponents for all covered activities in modeled covered species habitat will seek coverage under the HCP rather than obtaining their

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own federal permits. However, based on site-specific circumstances, there may be project proponents who work directly with USFWS. The HCP does not preclude project proponents electing to seek ESA compliance on their own.

Costs and Funding

The HCP estimates the costs to implement the HCP and describes the methods used to estimate the costs and funding needed for the permit term and to continue management after the permit term. The HCP identifies fees and other funding sources that support implementation of the HCP, the funding needed to support ongoing management of Reserve System lands after the permit term ends, and funding adequacy.

Estimating the full costs of the HCP is an essential step in demonstrating adequate funding to meet regulatory standards. The City has primary responsibility for overall and day-to-day implementation of the HCP. For Plan implementation, the City will annually prepare and approve a budget, based on current information and projections regarding Plan assets, revenues, and expenses.

HCP Cost Centers

Cost centers for the HCP include the following:

1. Plan administration
2. Conservation land acquisition
3. Land management and habitat restoration
4. Monitoring and adaptive management
5. An endowment to fund to manage mitigation lands in perpetuity
6. Contingency funds to cover uncertainties
7. Olympia pocket gopher research

Habitat Conversion Fee

A habitat conversion fee will be used to fund the implementation of the HCP. The habitat conversion fee would be due at the first applicable step in the project approval process that authorizes ground disturbance, such as:

- Grading permit issuance
- Building permit issuance
- Any other final action for a covered activity that authorizes an action that will result in an impact on a covered species or its habitat

For development projects such as parks subject to mitigation fees but not subject to future City building permit issuance, the entire fee obligation associated with this acreage will be due at grading permit or improvement plan approval

For projects with multiple phases, the fee for each phase is due at the time of issuance of grading permits, improvement plans, or building permits

Infrastructure improvements that serve more than one phase on multi-phase projects will pay fees at grading permit issuance or improvement plan approval regardless of the number of future phases served by the infrastructure

The cost per acre of the Plan over the 30-year permit term is \$58,816 (Total Plan 30-Year Cost = \$89,929,823 / 1,529 acres of impacts = \$58,816). Assuming no other revenue is available to offset this amount, developers would pay this amount as a per-acre fee.

Habitat Conversion Fee – Examples

Any project (residential, commercial, institutional, or industrial) disturbing 10 acres of habitat:

10 acres X \$58,816 (Habitat Conversion Fee) per acre = \$58,816.00 in Habitat Conversion Fees

Adding a 20 foot by 30-foot patio to a backyard of an existing house and disturbing habitat:

20 feet X 30 feet = 600 square feet

600 square feet / 43,560 square feet = 0.014 acres

0.014 acres X \$58,816 (Habitat Conversion Fee) per acre = \$823.42 in Habitat Conversion Fees

Any project not disturbing habitat

No Habitat Conversion Fee

Public Engagement

Staff continues to meet with the project team and USFWS on a monthly basis. Five project stakeholder meetings have been held to date and two more are planned, one this month and one in April 2023. Staff has held numerous meetings with small groups of stakeholders and has done special coordination with WDFW and FAA.

A community meeting was held on November 14, 2019 and a second community meeting is planned for later in 2023.

NEPA and SEPA Review Process

National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) review will be required by the project and it is expected that a Notice of Intent and Public Scoping will start this year, which will involve public review and comment. It is expected that NEPA and SEPA review can be accomplished using a single document.

Timeline 2023

- March 6, 2023: City issued a working draft of the HCP to USFWS, WDFW, and the project stakeholder group
- March 17, 2023: Stakeholder Meeting #6
- April 21, 2023: Stakeholder Meeting #7
- More than once a month meetings with USFWS continuing during the year

Next Steps 2023/2024

- USFWS and WDFW completes review of working draft of the HCP
- Draft of the HCP made available to the public after Stakeholder Meetings #6 and #7
- Community Meeting #2
- Work on the implementation processes needed for the HCP as outlined in the Phase 3 grant scope
- Start of the federal NEPA and City SEPA scoping and review process
- USFWS completes review of the HCP, USFWS issues incidental take permit, and City approves any policy and code changes needed to support the HCP

Project Website

<http://www.bushprairiehcp.org/>

Applicable Comprehensive Plan Goals and Policies

From the Conservation Element of the Comprehensive Plan:

Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.

Policy C-1.1 Protect the ecological integrity of the natural environment while allowing for compatible growth and development.

Policy C-1.2 Promote conservation of natural resources and the environment in cooperation with residents, business owners, schools, affected jurisdictions, and tribes.

Goal C-2: Designate and protect critical areas including wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in accordance with the Growth Management Act to protect the functions and values of these areas as well as to protect against threats to health, safety, and property.

Policy C-2.16 Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

Staff Contacts

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Bush Prairie Habitat Conservation Plan



Habitat Conservation Plan 101

Planning Commission Discussion, March 14, 2023



- **Habitat and Protected Species**
- **Endangered Species Act Listing**
- **Need for Habitat Conservation Plan**
- **Overview of the Bush Prairie HCP**
- **Public Engagement Opportunities**
- **Questions & Comments**

Agenda



Habitat and Protected Species

- **South Puget Sound Prairies**
 - Support many unique species
 - Extensively developed
 - Many potential conflicts between development and endangered species

- **Olympia Pocket Gopher**
 - Endangered Species Act listing in 2014
 - Most widespread of the protected prairie species in the City



■ Other Listed Prairie Species

- Streaked Horned Lark
- Oregon Vesper Sparrow
- Both on Olympia Regional Airport

■ Oregon Spotted Frog

- Found primarily in wetlands and streams in the western half of the City associated with the Black Lake drainage system

Habitat and
Protected
Species



Endangered Species Act Listing

■ ESA Listing

- Protects species and habitat
- The range of the Olympia pocket gopher overlaps with the City of Tumwater and UGA
- Oregon spotted frog habitat in City
- Many activities occur in the City and on Port property potentially impact gophers and other prairie species
- Federal permits needed for those projects
- City and Port ILA 2016



- **ESA Listing**
 - “Take” of animals or habitat requires a complex, costly, slow USFWS process
 - Incidental Take Permit
 - Especially difficult for individual landowners

Endangered Species Act Listing



HCP – Benefits

- **Habitat Conservation Plan (HCP)**
 - Permits area wide “take” (ESA Section 10)
 - Allows for higher quality and more efficient long-term species protection
 - Reduces uncertainty, costs, and delays for new development and redevelopment
 - Allows development envisioned by the City and Port to be built
 - Allows continued and ongoing maintenance of City and Port facilities



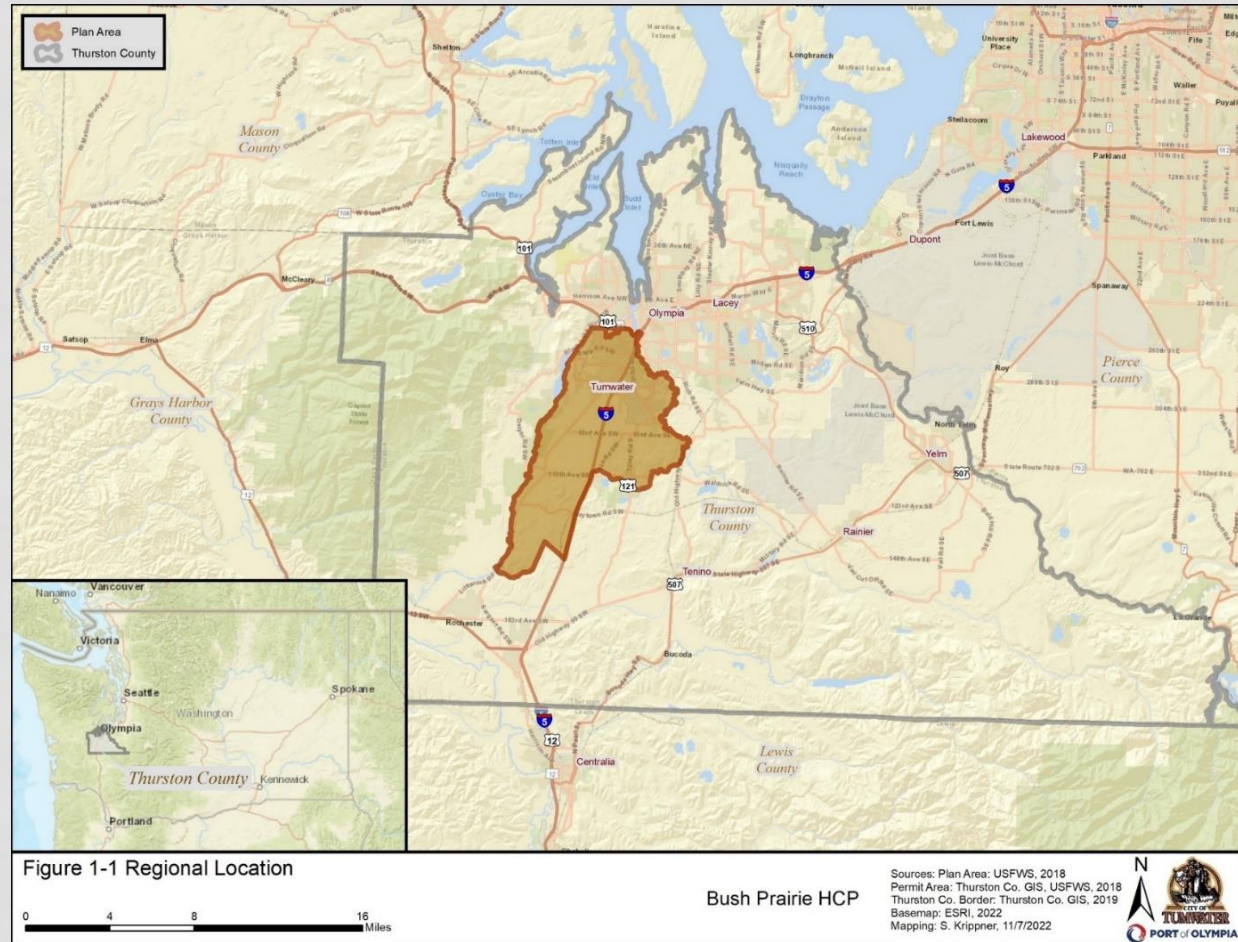
HCP – Funding to Prepare HCP

- **Funding to Prepare HCP**
 - Federal Section 6 grant received in 2016 (Phase 1), 2018 (Phase 2), and 2023 (Phase 3) to fund HCP completion
 - Matched by City and Port funds
 - Section 6 grant from the U.S. Fish and Wildlife Service, but administered by the Washington Department of Fish and Wildlife
 - Phase 1 grant in June 2016, Phase 2 in October 2018, and Phase 3 in April 2023



- **Permit Area**
 - Covers City and Port Controlled Lands
- **Term**
 - 30-year Term

HCP –
Permit Area
and Term



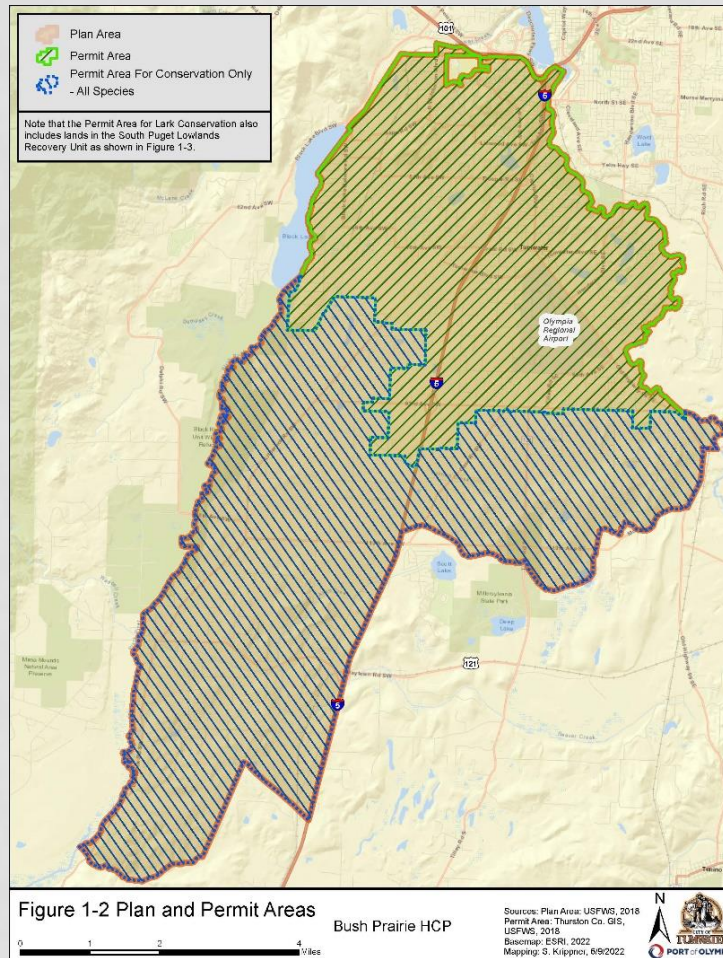
Bush Prairie HCP

Sources: Plan Area: USFWS, 2018
Permit Area: Thurston Co. GIS, USFWS, 2018
Thurston Co. Border: Thurston Co. GIS, 2019
Basemap: ESRI, 2022
Mapping: S. Krippner, 11/7/2022



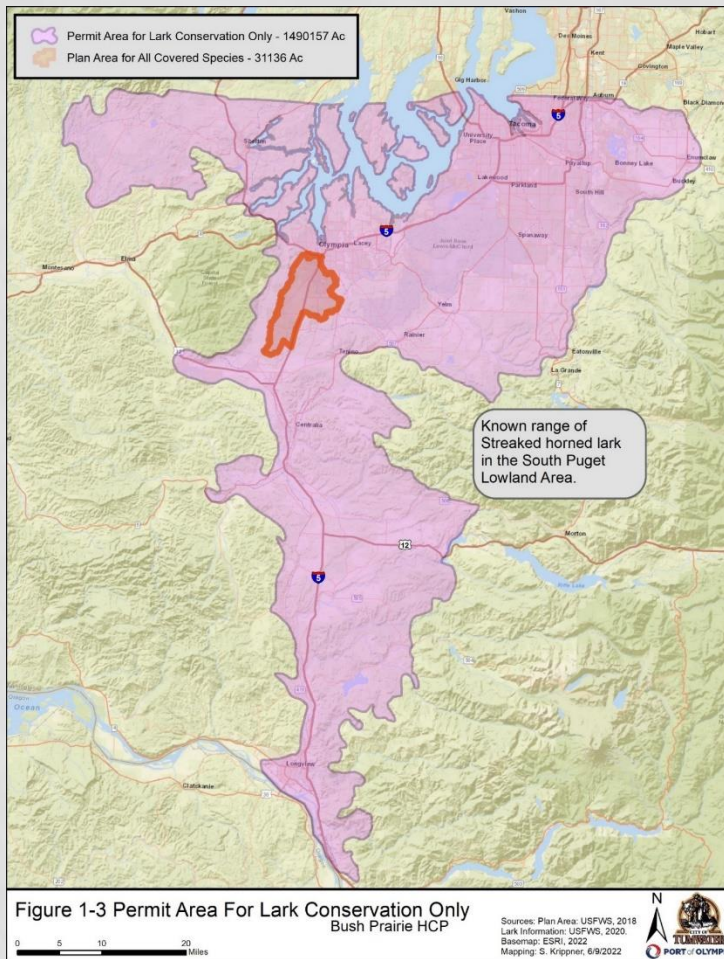
City of Tumwater
urban growth
area, west of the
Deschutes River

Olympia pocket gopher range





HCP – Permit & Plan Areas



Permit Area for Streaked Horn Lark Only

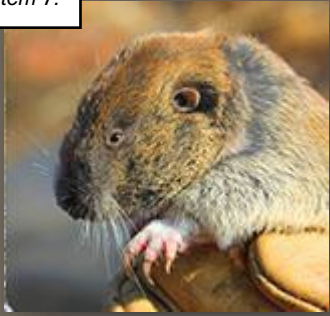
Streaked Horned
Lark range in the
South Puget
Lowland Area



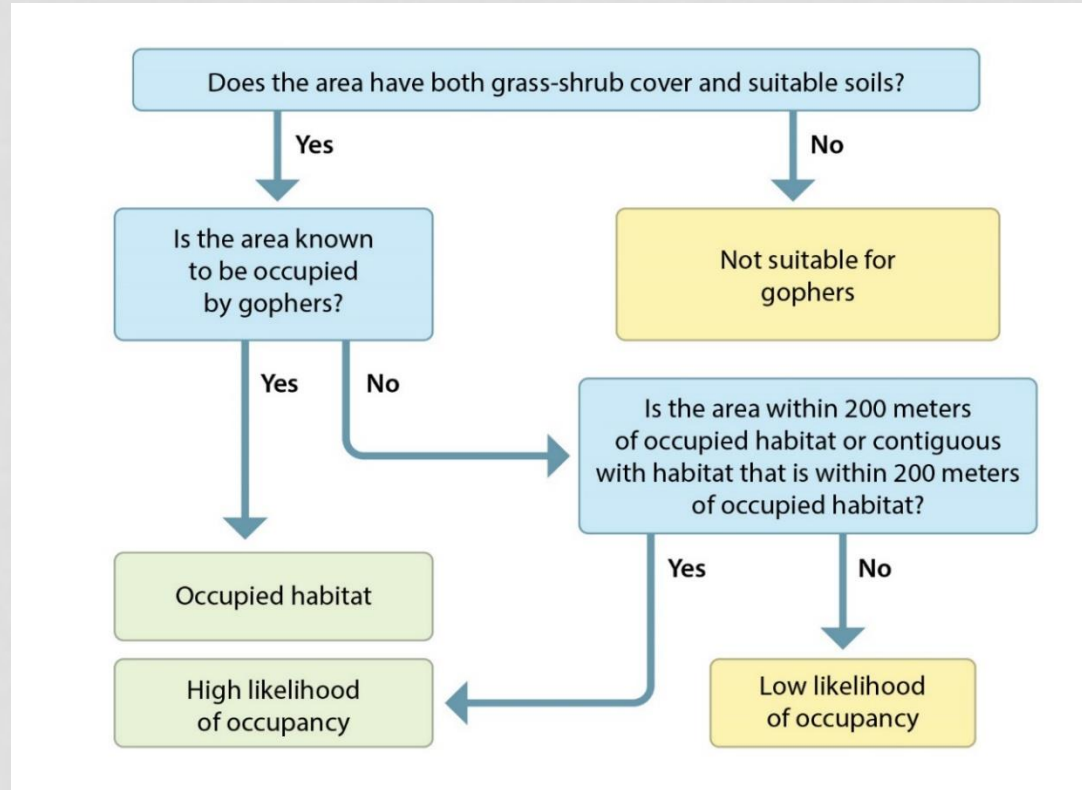
Covered Species	Federal Listing Status	State Listing Status
Olympia Pocket Gopher	Threatened	Threatened
Oregon Spotted Frog	Threatened	Endangered
Oregon Vesper Sparrow	Under Review	Endangered
Streaked Horned Lark	Threatened	Endangered



HCP – Covered Species

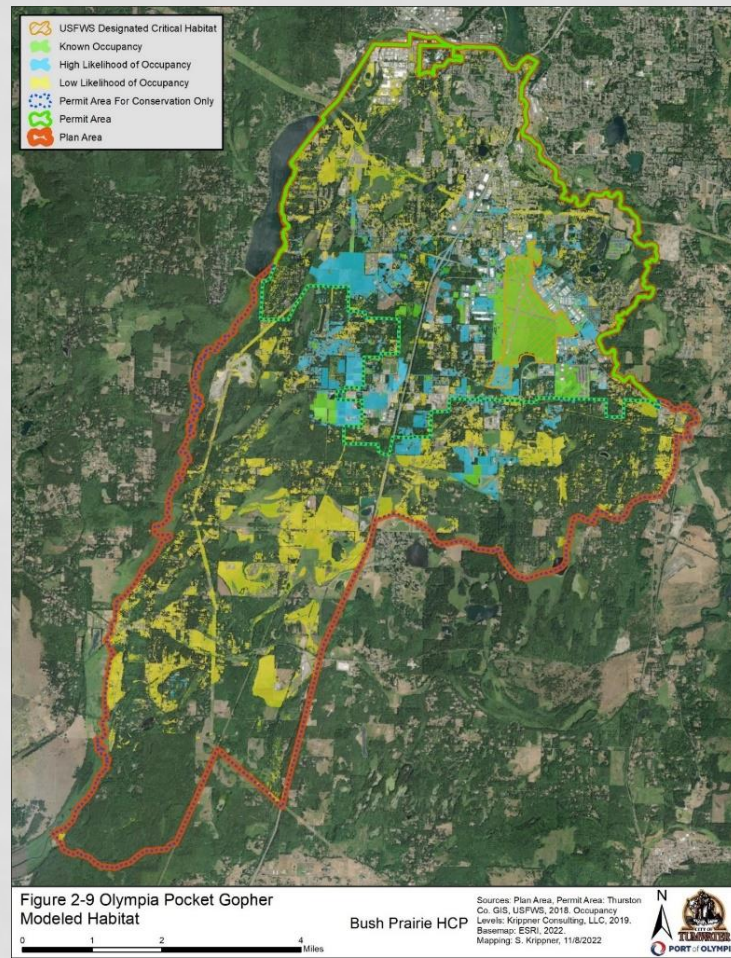


■ Olympia Pocket Gopher Model

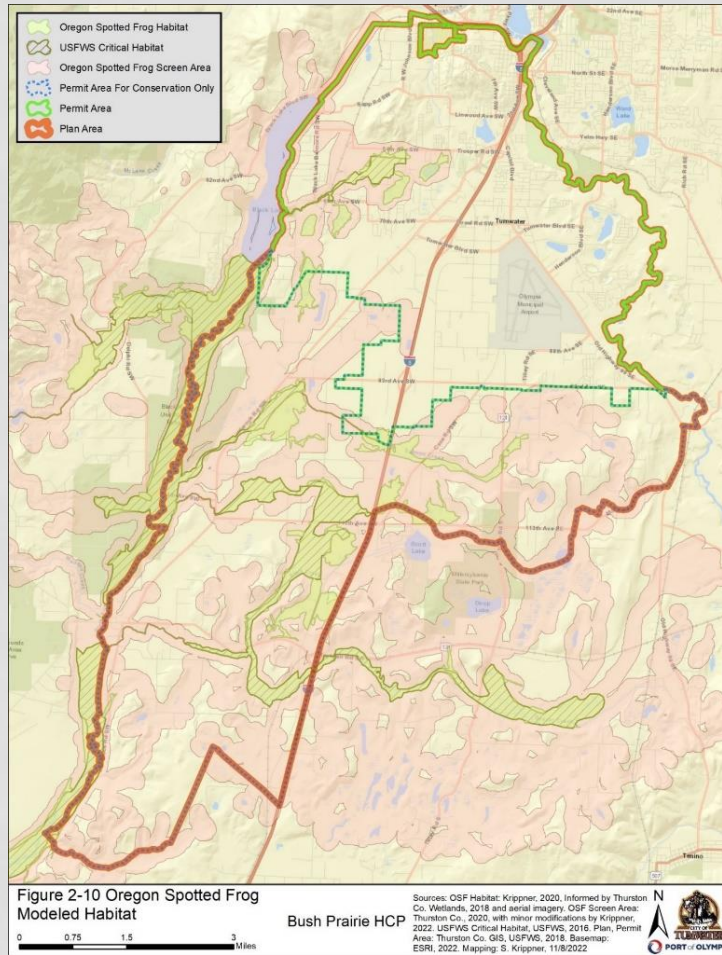


HCP –
Habitat
Models

Item 7.



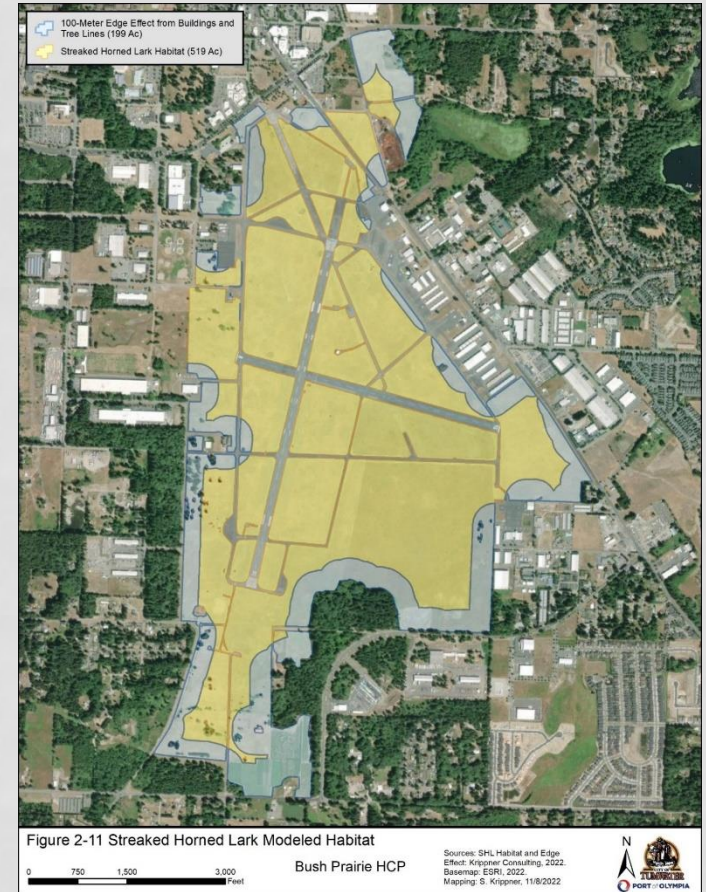
HCP – Olympia Pocket Gopher Habitat



HCP – Oregon Spotted Frog Habitat



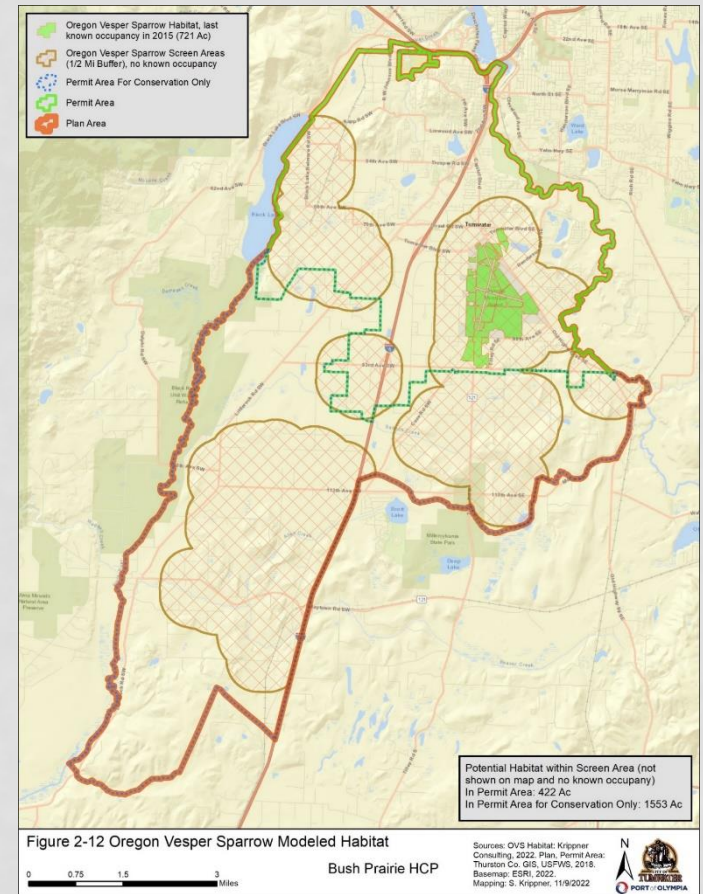
- Used known occurrences
- Included adjacent lands with short grassland vegetation



HCP – Streaked Horned Lark Habitat



- Used known occurrences
- Included adjacent lands with short grassland vegetation



HCP – Oregon Vesper Sparrow Habitat



HCP – Covered Activities Criteria

■ Activities Covered

- Activities must meet all six criteria:
 1. Control: City or Port will perform or issue a permit for the activity
 2. Location: Activity is within Permit Area
 3. Timing: Activity is during 30-year permit term
 4. Impact: There is a reasonable risk of take
 5. Definition: Activity is defined well enough to assess its impacts on the species
 6. Practicable: More feasible to include the activity in the HCP than to not do so



- **City Activities Covered**
 1. Urban development projects
 2. Recurring activities (public events)
 3. Facilities operations and maintenance
 4. Conservation strategy implementation

HCP –
City Covered
Activities



■ Port Activities Covered

1. Aeronautical activities under the authority of Federal Aviation Administration (FAA)
2. Operations and maintenance
3. Capital improvements identified in Olympia Regional Airport Master Plan

HCP –
Port Covered
Activities



HCP – Effects Analysis

- **Effects Analysis**
 - Identifies activities that may result in incidental take of covered species
 - Encompasses the immediate effect of an activity on a species or its habitat as well as effects that occur later in time, but are still reasonably certain to take place
 - Includes direct mortality or injury to individuals or the removal or degradation of suitable habitat



HCP – Effects Analysis

- **Development Effects**
 - Estimates of urban growth from the Thurston Regional Planning Council
 - Estimates of development under the Port of Olympia Master Plan
 - Removed areas that are unlikely to develop (e.g., development underway, mitigation lands)
 - Compared areas likely to develop with assumptions about species habitat potential



HCP – Estimated Effects Olympia Pocket Gopher

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount Removed by Covered Activities (acres)	Modeled Habitat Remaining in Permit Area Following Loss from Covered Activities (acres)	Percent Lost During Permit Term
Occupied	1,014	277	737	27
Higher Likelihood of Occupancy	1,630	635	995	39
Lower Likelihood of Occupancy	4,360	597	3,763	14
Total	7,004	1,509	5,495	21

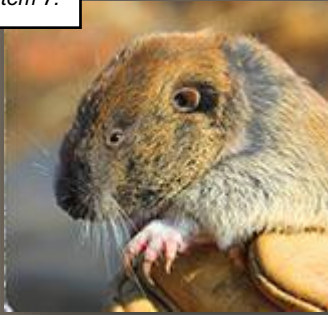
*Acreages are estimates and may change prior to completion of the HCP



HCP – Estimated Effects Oregon Spotted Frog

Modeled Habitat Type	Total Modeled Habitat in Permit Area (acres)	Maximum Loss of Modeled Habitat in Permit Area (acres)	Total Habitat Remaining Following Modeled Habitat Loss from Covered Activities (acres)	Percent Lost During Permit Term
Occupied Wetlands	2,654	20	2,634	0.7

*Acreages are estimates and may change prior to completion of the HCP



HCP – Estimated Effects Streaked Horned Lark

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount of Modeled Habitat Lost in Permit Area (acres)^a	Amount of Modeled Habitat Remaining Following Habitat Loss under HCP (acres)	Percent of Habitat Lost During Permit Term
Suitable Habitat	519	222	297	43

*Acreages are estimates and may change prior to completion of the HCP



HCP – Estimated Effects Oregon Vesper Sparrow

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Maximum Amount of Modeled Habitat Lost in Permit Area (acres)^a	Amount of Modeled Habitat Remaining Following Habitat Loss under HCP (acres)	Percent of Habitat Lost During Permit Term
Oregon Vesper Sparrow Habitat	2,696	597	2,099	22

*Acreages are estimates and may change prior to completion of the HCP



HCP – Conservation Strategy

■ Conservation Strategy

- Designed to address ESA requirement to minimize and mitigate the impacts of the taking on the covered species to the maximum extent practicable
- Mitigation program fully offsets the taking impacts of each of the covered species that may result from covered activities



HCP – Conservation Strategy

■ Conservation Strategy

- Mitigates the impacts in the effects analysis, including direct, indirect, temporary, and permanent effects
- Based on the best scientific data available at the time of its preparation
- Identifies the amount of mitigation land needed, the criteria for selecting it, and the location requirements



HCP – Conservation Strategy

- **Conservation Strategy**
 - Creates biological goals and objectives for covered species
 - Outlines the management activities on mitigation lands that will improve habitat conditions
 - Describes a monitoring program to track progress



HCP – Conservation Strategy – Land Acquisition Goals

■ Conservation Strategy

Modeled Habitat	Total Maximum Permanent Impacts	Estimated Protected Habitat for Permanent Impacts	Total Maximum Temporary Impacts	Estimated Protected Habitat for Temporary Impacts	Total Permanently Protected Habitat if Maximum Impacts Occur
Olympia pocket gopher	1,509	1,509	191	96	1,351–1,605
Oregon spotted frog	20	20	20	20	40
Streaked horned lark	222	222	45	23	150-300
Oregon vesper sparrow	597	597	45	23	620



HCP – Monitoring and Adaptive Management

- **Monitoring and Adaptive Management**
 - Includes guidelines to develop a detailed program during the initial years of implementation to:
 1. Ensure compliance with the HCP
 2. Assess the status of covered species habitat within the Reserve System
 3. Evaluate the effects of management actions on species as the conservation strategy is implemented over time



■ Implementation

- City and the Port's roles and responsibilities as HCP Permittees
- Covered activity application process
- Process for assembling the Reserve System and other mitigation options
- Annual compliance and reporting
- The City will be the primary responsible party for HCP implementation

HCP –
Implementati
on



HCP – Implementati on

■ Implementation

- The HCP takes into account a number of uncertainties:
 1. Total amount of development that occurs
 2. Frequency of operations and maintenance activities
 3. Amount of onsite mitigation
 4. Number of project proponents who seek ESA coverage through the HCP



HCP – Cost Centers

- **HCP Cost Centers**
 - Implementation of conservation strategy
 - Mitigation land acquisition
 - Land management, monitoring, and administration costs
 - Adaptive management
 - Funding to manage mitigation lands in perpetuity
 - Contingency funds to cover uncertainties



HCP – Cost Centers

■ HCP Costs – Habitat Conversion Fee

	Average Annual Costs	Cumulative 30- Year Costs
Plan Administration	\$57,585	\$1,813,928
Conservation Land Acquisition	\$1,696,443	\$50,893,291
Land Management and Habitat Restoration	\$412,312	\$12,369,373
Monitoring and Adaptive Management	\$333,460	\$10,003,810
Olympia Pocket Gopher Research	\$20,000	\$200,000
Endowment	\$488,314	\$14,649,422
Total	\$2,994,782	\$89,929,823
<i>Total Acres Impacted</i>		<i>1,529</i>
<i>Cost Per Acre of Impact (Habitat Conversion Fee)</i>		<i>\$58,816</i>



HCP – Habitat Conversion Fee

- **Habitat Conversion Fee – Timing**
 - The habitat conversion fee due at the first applicable step in the project approval process that authorizes ground disturbance, such as:
 - Grading permit issuance
 - Building permit issuance
 - Any other final action for a covered activity that authorizes an action that will result in an impact on a covered species or its habitat



- **Habitat Conversion Fee – Timing**
 - For development projects such as parks subject to mitigation fees but not subject to future building permit issuance, the entire fee obligation associated with this acreage will be due at grading permit or improvement plan approval

HCP –
Habitat
Conversion
Fee



HCP – Habitat Conversion Fee

- **Habitat Conversion Fee – Timing**
 - For projects with multiple phases, the fee for each phase is due at the time of issuance of grading permits, improvement plans, or building permits
 - Infrastructure improvements serving more than one phase on multi-phase projects will pay fees at grading permit issuance or improvement plan approval regardless of the number of future phases served by the infrastructure



■ Habitat Conversion Fee – Examples

- Any project (residential, commercial, institutional, or industrial) disturbing 10 acres of habitat:

10 acres X \$58,816 (Habitat Conversion Fee) per acre =
\$588,160 in Habitat Conversion Fees

HCP –
Habitat
Conversion
Fee



■ Habitat Conversion Fee – Examples

- Adding a 20 foot by 30 foot patio to a backyard of an existing house disturbing habitat:

20 feet X 30 feet = 600 square feet

600 square feet / 43,560 square feet = 0.014 acres

0.014 acres X \$58,816 (Habitat Conversion Fee) per acre =
\$823.42 in Habitat Conversion Fees

HCP –
Habitat
Conversion
Fee



■ Habitat Conversion Fee – Examples

- Any project not disturbing habitat

No Habitat Conversion Fee

HCP –
Habitat
Conversion
Fee



■ Stakeholder Meetings

- Five stakeholder meetings to date, #6 in March and #7 in April
- Numerous meetings with small groups of stakeholders
- Special coordination with WDFW and FAA

Public
Engagement



- **Community Meetings**
 - First meeting in November 14, 2019
 - Second meeting planned for later in 2023

Public
Engagement



NEPA/SEPA Review

- **NEPA/SEPA Review Process**
 - Notice of Intent
 - Public Scoping
 - Public Review and Comment
 - National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) can be completed concurrently
 - NEPA and SEPA may be accomplished using a single document or separate documents



HCP – Timeline 2023

- **2023 HCP Activities**
 - March 6, 2023: City issued a working draft of the HCP to USFWS, WDFW, and the project stakeholder group
 - March 17, 2023: Stakeholder Meeting #6
 - April 21, 2023: Stakeholder Meeting #7
 - More than once a month meetings with USFWS continuing during the year



- **What is Next**
 - **Complete HCP:** Public Draft expected late summer 2023, Final HCP and approvals 2024
 - **SEPA/NEPA Review:** Expected to start in 2023

HCP –
Timeline
2023/24



- **Questions and Discussion**
- **Project Website:**
<http://www.bushprairiehcp.org/>

Questions