

TO: City Council
FROM: Brad Medrud, Planning Manager
DATE: December 10, 2024
SUBJECT: Common Interest and Confidentiality Agreement between the City of Tumwater, Port of Olympia, Thurston County, and the Thurston Conservation District for Conservation Property Purchases Related to the Bush Prairie Habitat Conservation Plan (HCP)

1) Recommended Action:

Authorize the Mayor to sign the Common Interest and Confidentiality Agreement between the City of Tumwater, Port of Olympia, Thurston County, and the Thurston Conservation District for Conservation Property Purchases Related to the Bush Prairie Habitat Conservation Plan (HCP).

2) Background:

The streaked horned lark, the Olympia pocket gopher, and the Oregon spotted frog were listed for protection under the federal Endangered Species Act (ESA) in 2013, 2014, and 2016, respectively. The Oregon vesper sparrow is not federally listed under the ESA yet, but it is anticipated to be listed in the future. All four species occur within the City.

Under the ESA, the U.S. Fish and Wildlife Service (USFWS) may issue an incidental take permit to private and public landowners to allow for limited “take” of these species. One of the requirements for an incidental take permit to be issued is that USFWS approve a habitat conservation plan.

Working together with the Port of Olympia, a large group of stakeholders, and consultants, the City is preparing the Bush Prairie HCP to identify appropriate mitigation for impacts to the three endangered prairie species, as well as the Oregon spotted frog. The HCP will allow City and Port operations and maintenance, as well as public and private development to occur in some areas frequented by endangered species, in exchange for the development of contiguous mitigation sites that offset any impacts.

The goal of the HCP is to allow responsible growth to occur in the City, as required under the state Growth Management Act, while providing superior species protection over what the ad-hoc, case-by-case federal permitting approach currently provides. It is the intent of the HCP to cover all development actions by private and public landowners that require municipal approvals.

The purpose of the Common Interest and Confidentiality Agreement between the City of Tumwater, Port of Olympia, Thurston County, and the Thurston Conservation District is to allow for more detailed discussions between the four partners for conservation property purchases that would support the Bush Prairie HCP, the Thurston County HCP, and Thurston Conservation District programming.

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:

The Common Interest and Confidentiality Agreement will support property purchase decisions that will be made by the City Council in the future.

6) Attachments:

A. Common Interest and Confidentiality Agreement between the City of Tumwater, Port of Olympia, Thurston County, and the Thurston Conservation District for Conservation Property Purchases Related to the Bush Prairie Habitat Conservation Plan (HCP)