



## **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

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:

<b>Covered Species</b>	<b>Federal Listing Status</b>	<b>State Listing Status</b>
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

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**

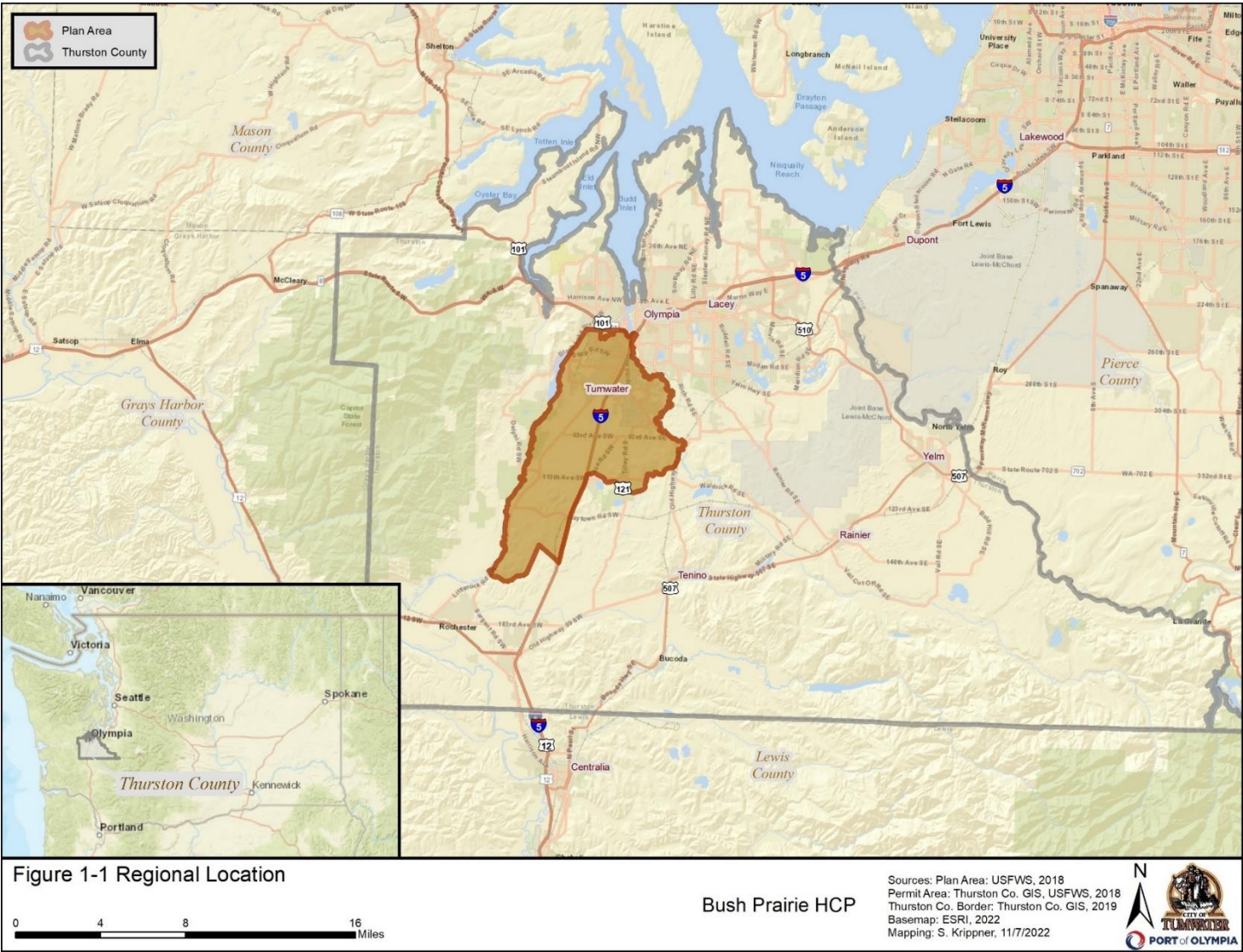
Developed as part of Phase 1 of the HCP, the term of the HCP is 30-years.

#### **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.

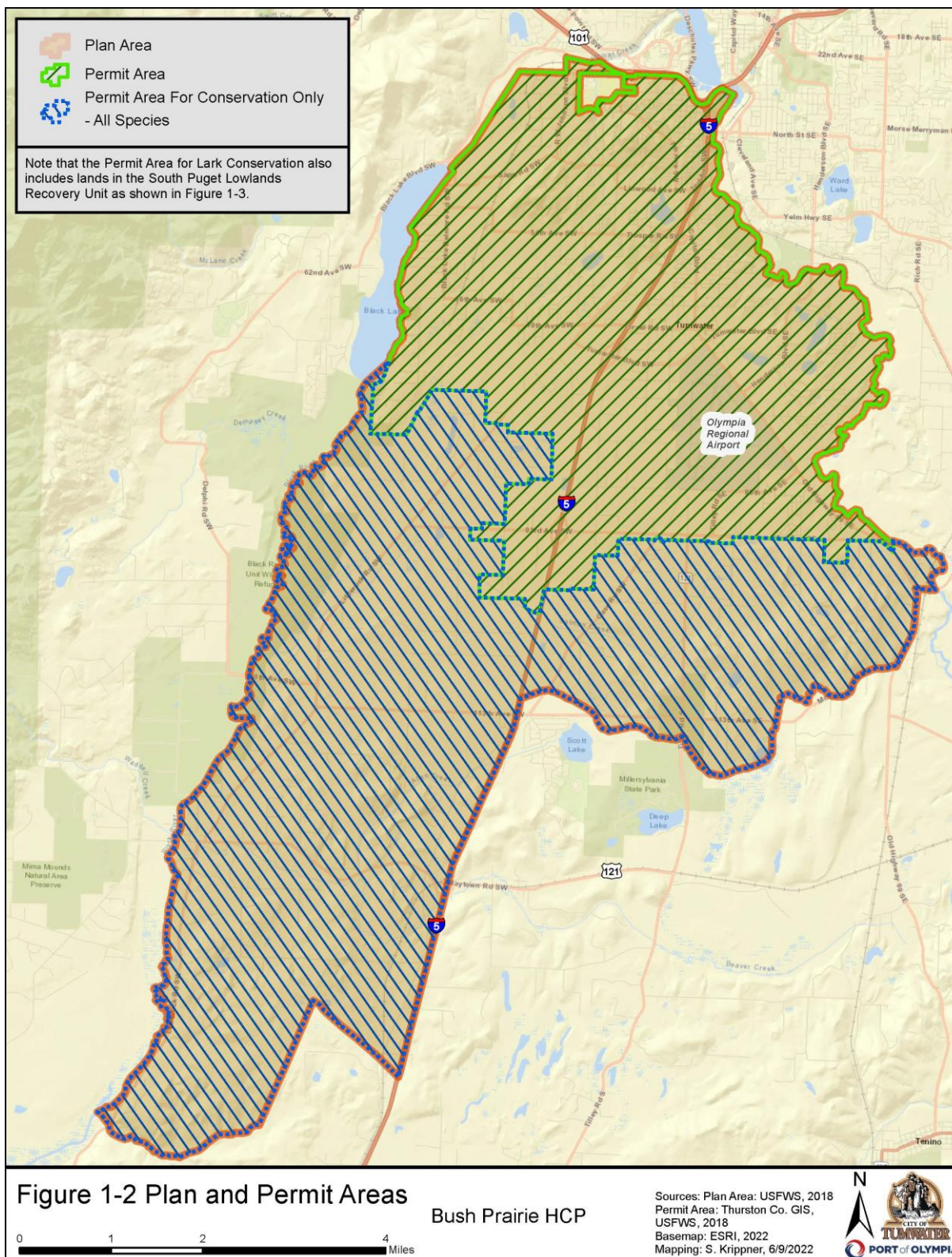
The plan area for all covered species is the Olympia pocket gopher range, which is approximately 31,136 acres in size, and is primarily where mitigation for impacts to the species covered by the HCP could occur and it is shown in Figure 1-1 and Figure 1-2 below. A larger permit area for streaked horned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

Regional Location





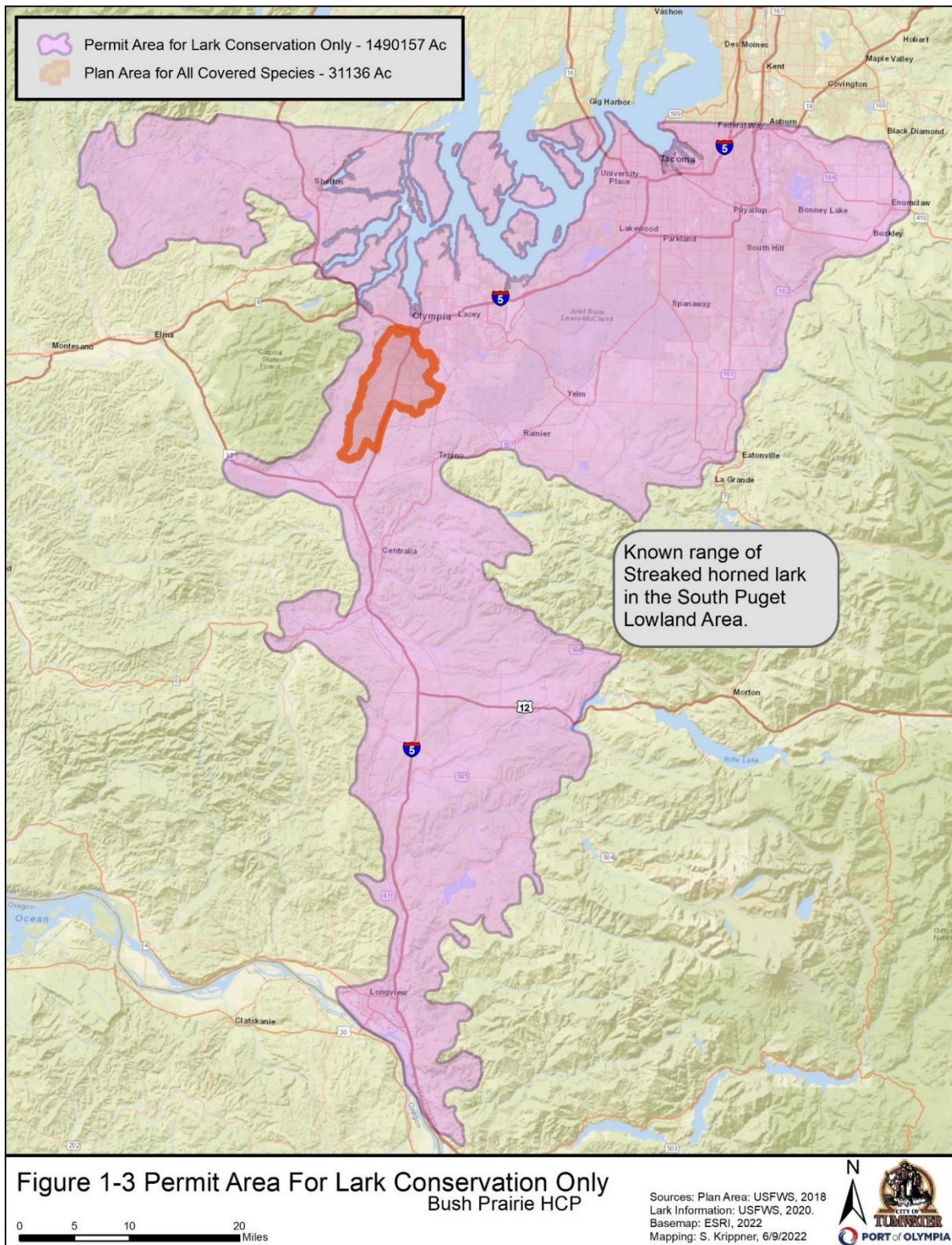
## Plan and Permit Areas



## BUSH PRAIRIE HABITAT CONSERVATION PLAN



### Permit Area for Streaked Horned Lark Only

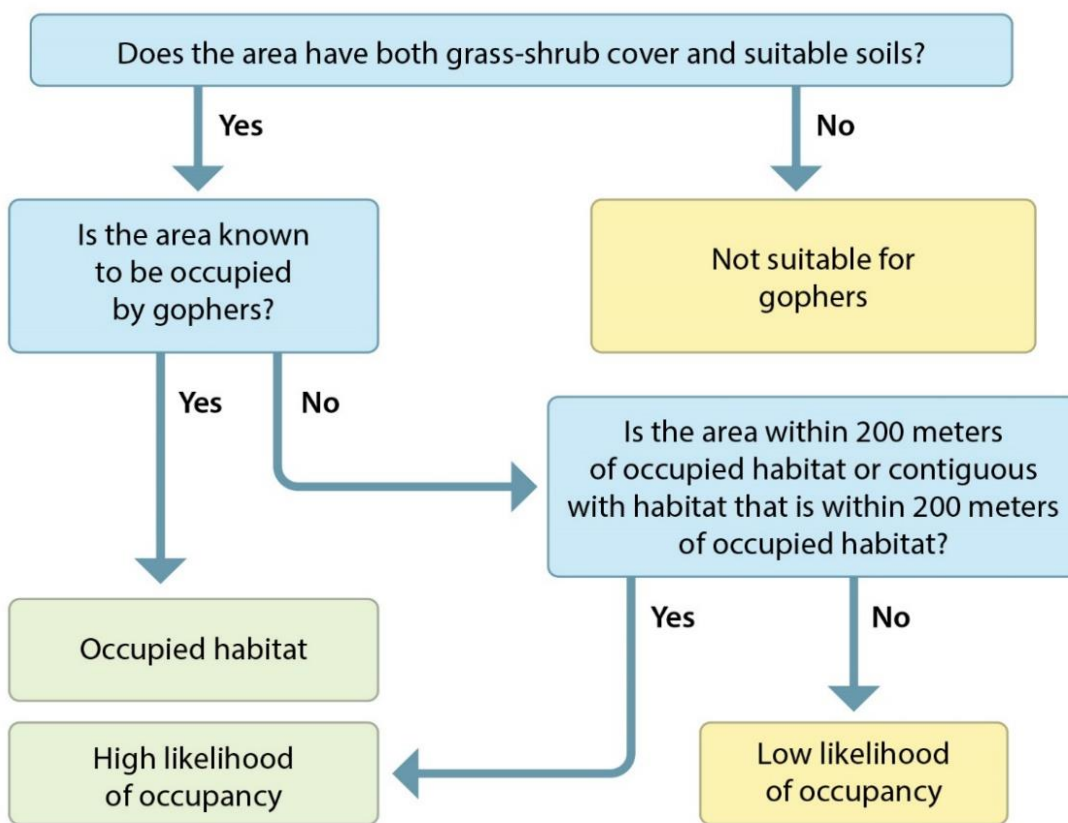


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**Habitat Models**

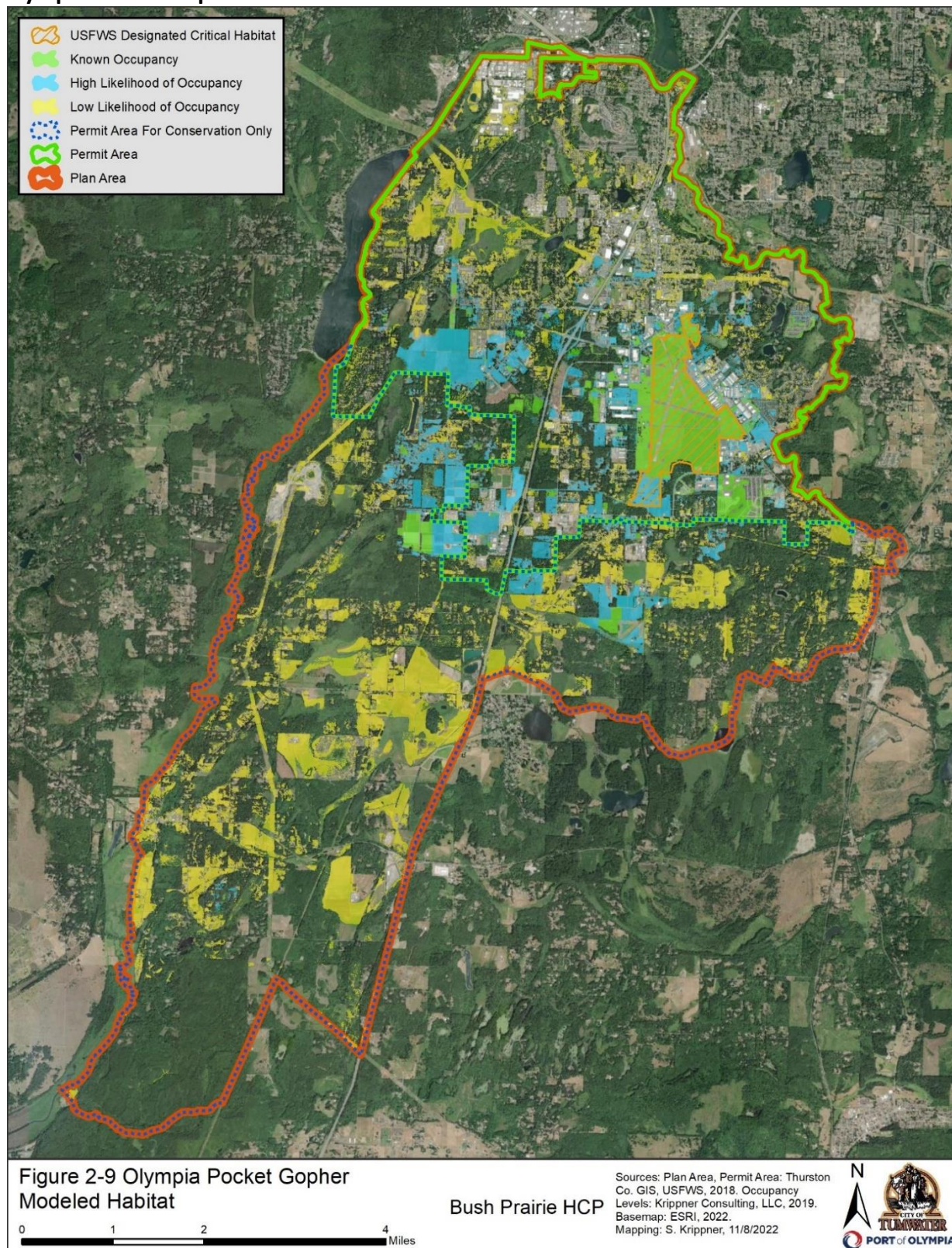
For each of the four species covered by the HCP, a habitat model was developed based on current species habitat information. The habitat model was used to determine the areas where the species and their habitat were most likely to be found and provided the basis for determining the effects of future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

The following is the Olympia Pocket Gopher Model Flow Chart.

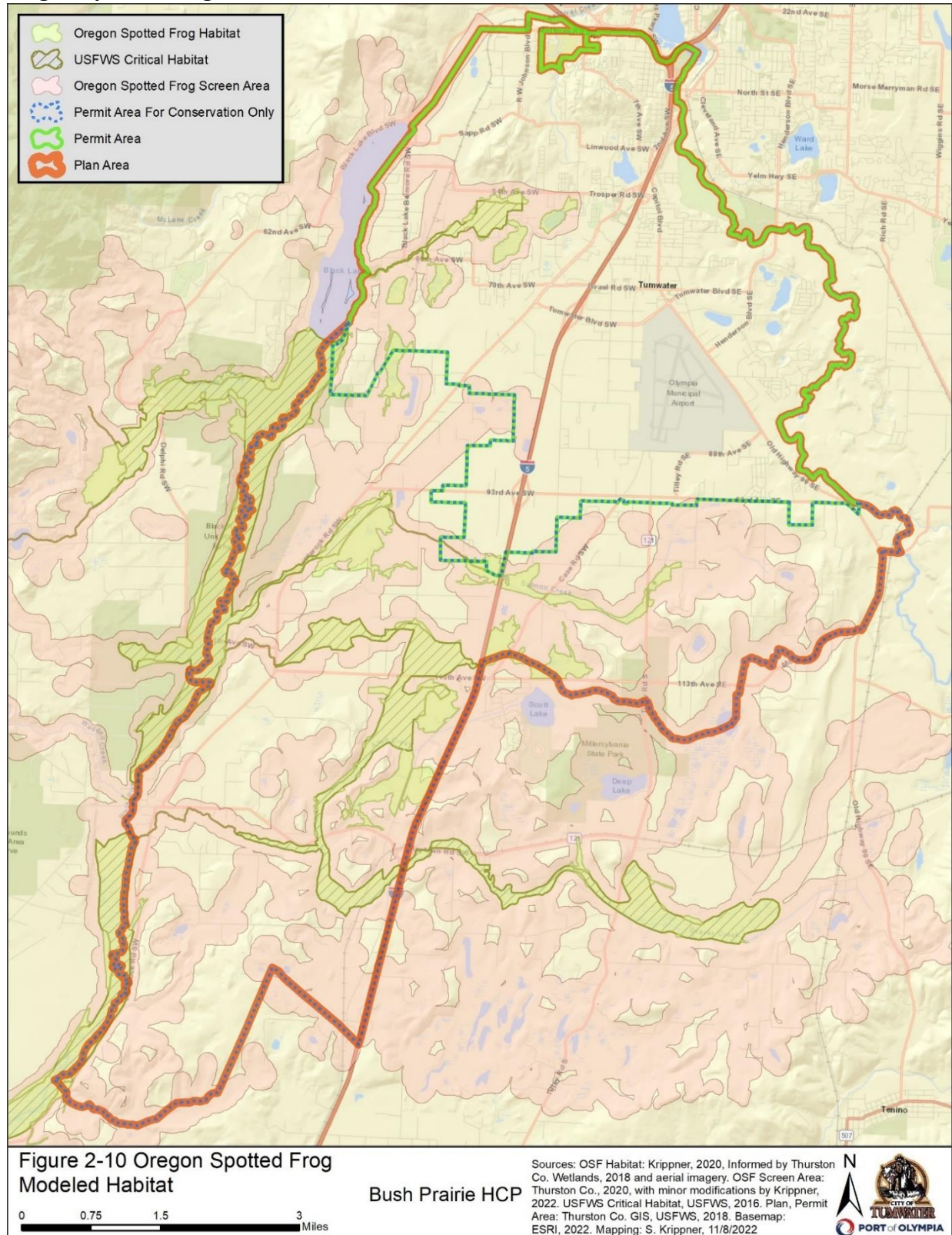


The maps below depict the modeled habitat for the four species covered by the HCP.

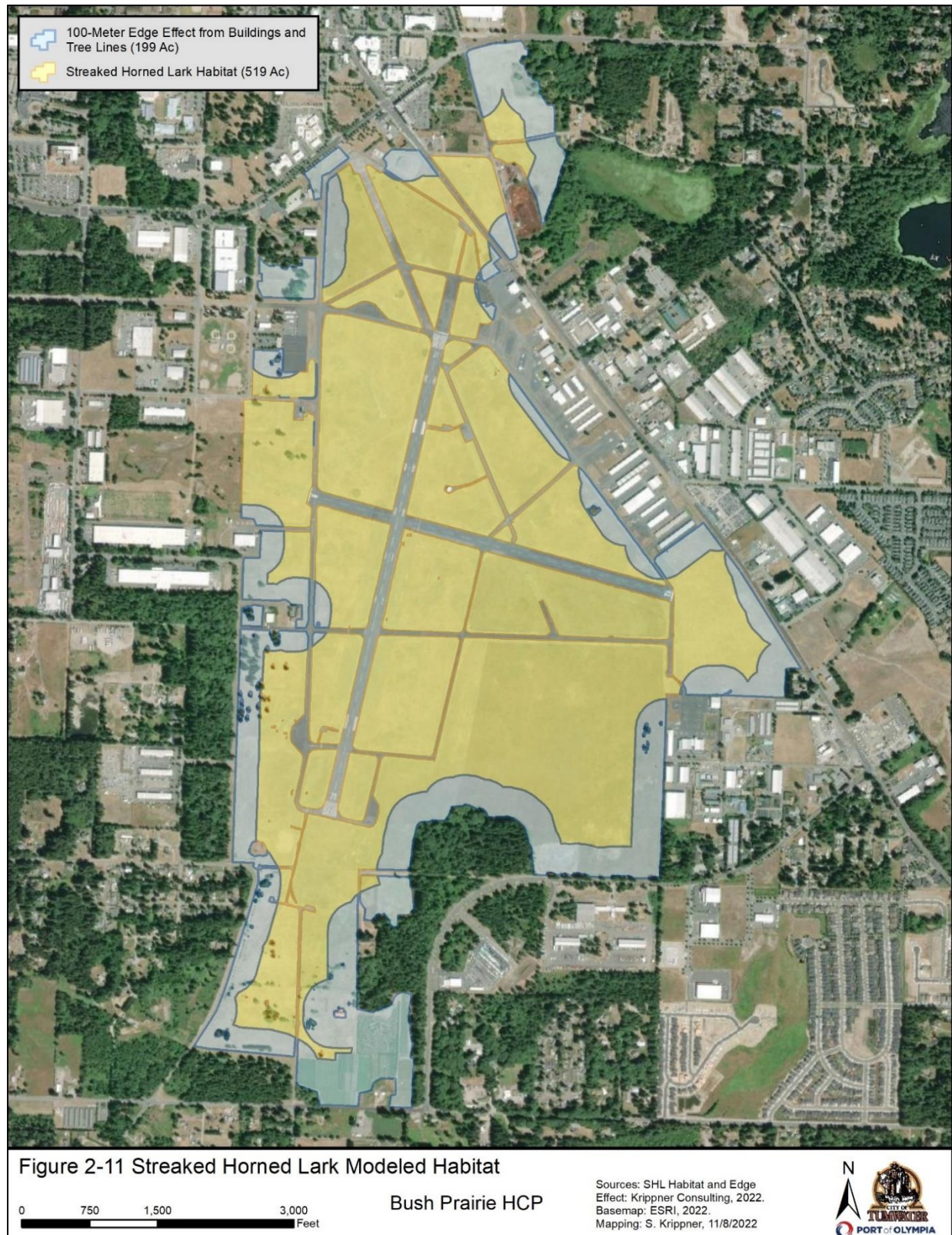


**Olympia Pocket Gopher Habitat****BUSH PRAIRIE HABITAT CONSERVATION PLAN**



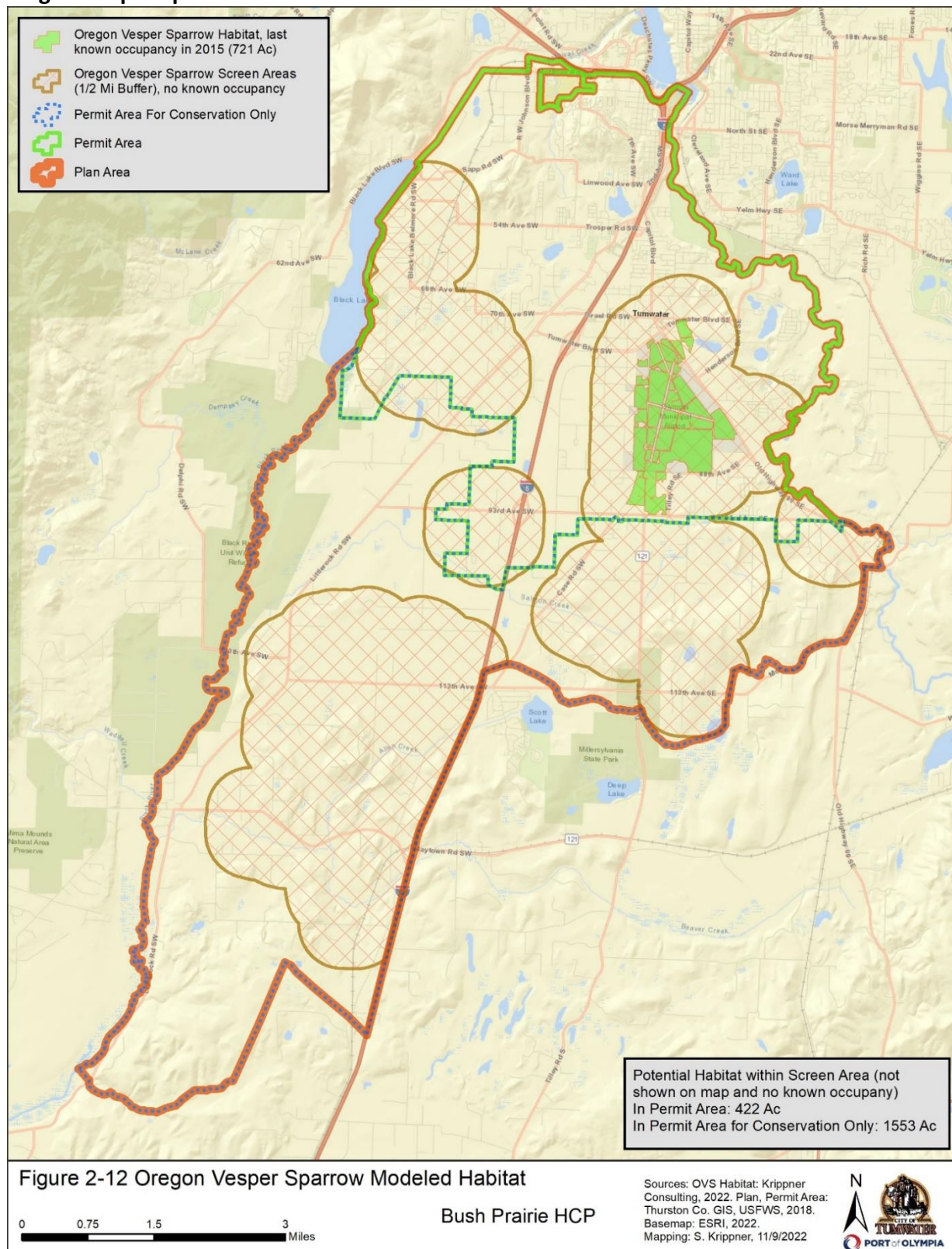
**Oregon Spotted Frog Habitat****BUSH PRAIRIE HABITAT CONSERVATION PLAN**



**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.

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*

<b>Modeled Habitat Type</b>	<b>Total Amount of Modeled Habitat in Permit Area (acres)</b>	<b>Maximum Amount Removed by Covered Activities (acres)</b>	<b>Modeled Habitat Remaining in Permit Area Following Loss from Covered Activities (acres)</b>	<b>Percent Lost During Permit Term</b>
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*

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

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*Streaked Horned Lark Estimated Effects*

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

*Oregon Vesper Sparrow Estimated Effects*

<b>Modeled Habitat Type</b>	<b>Total Amount of Modeled Habitat in Permit Area (acres)</b>	<b>Maximum Amount of Modeled Habitat Lost in Permit Area (acres)<sup>a</sup></b>	<b>Amount of Modeled Habitat Remaining Following Habitat Loss under HCP (acres)</b>	<b>Percent of Habitat Lost During Permit Term</b>
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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<b>Modeled Habitat</b>	<b>Total Maximum Permanent Impacts</b>	<b>Estimated Protected Habitat for Permanent Impacts</b>	<b>Total Maximum Temporary Impacts</b>	<b>Estimated Protected Habitat for Temporary Impacts</b>	<b>Total Permanently Protected Habitat if Maximum Impacts Occur</b>
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

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### **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

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**

Mike Matlock, Community Development Director

Brad Medrud, Planning Manager

City of Tumwater

Community Development Department

360-754-4180

[mmatlock@ci.tumwater.wa.us](mailto:mmatlock@ci.tumwater.wa.us)

[bmedrud@ci.tumwater.wa.us](mailto:bmedrud@ci.tumwater.wa.us)