



BUSH PRAIRIE HABITAT CONSERVATION PLAN
STATUS MEMORANDUM
CITY COUNCIL WORKSESSION – JANUARY 25, 2022

Introduction

The intent of the Bush Prairie Habitat Conservation Plan (HCP) is to provide a comprehensive citywide permit that 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. Currently, USFWS and WDFW are reviewing a complete draft of the HCP that was submitted in November 2021.

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Background

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 Prairie ecosystem.

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 conserve these species by providing long-term habitat protection across a system of managed reserve areas. The City and the Port are jointly developing the HCP through the terms of an Interlocal Agreement.

Benefits

The HCP will provide for long-term preservation and management of three species, protected under the federal Endangered Species Act, that occur in the City: Olympia pocket gopher, streaked horned lark, and Oregon spotted frog. Protection of habitat for these species will also mitigate for 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.

The affected species will benefit from assured, long-term habitat protection. The people of the City and the customers of the Port will benefit from with a federal permit authorizing impacts to these species, which will facilitate ongoing development, maintenance, and operations. The HCP

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is expected to reduce the costs and time that would otherwise be needed for individual landowners to comply with the provisions of the Endangered Species Act.

Habitat and Protected Species

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.

The Olympia subspecies of the Mazama pocket gopher is the most widespread of protected prairie species in the City. The Mazama pocket gopher was listed by the federal government under the Endangered Species Act in 2014. The range of the Olympia pocket gopher overlaps the City and its urban growth area. The Airport is prime habitat for the Mazama pocket gopher.

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

Another species listed under the Endangered Species Act 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.

Endangered Species Act Listing protects 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. Federal permits, which allow the “take” of animals or habitat, require a complex, costly, slow U.S. Fish and Wildlife Service process that is especially difficult for individual landowners.

Habitat Conservation Plan (HCP)

The HCP is intended to replace the need for individual permits under the Endangered Species Act. The HCP would permits area wide “take” under Section 10 of the Endangered Species Act. 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 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 permits would produce.

The HCP will include a detailed description of the activities to be performed, both for development and for species protection, and their effects upon the species. The HCP will describe its governance structure and will provide assurances that the financial resources needed to make it work are available and committed to this task.

Funding for Preparation of the HCP

Federal Section 6 grant funds were approved in 2016 (Phase 1 – \$132,000) and 2018 (Phase 2 – \$846,000) to support the completion of the HCP. Federal funds are matched by City and Port

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funds (\$44,000 each for Phase 1 and \$150,000 each for Phase 2). Section 6 grant funds come from the U.S. Fish and Wildlife Service (USFWS), but are administered by the Washington State Department of Fish and Wildlife (WDFW). Work began under the Phase 1 grant in June 2016 and under Phase 2 in October 2018 and continues to this day.

Species Covered in the HCP

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

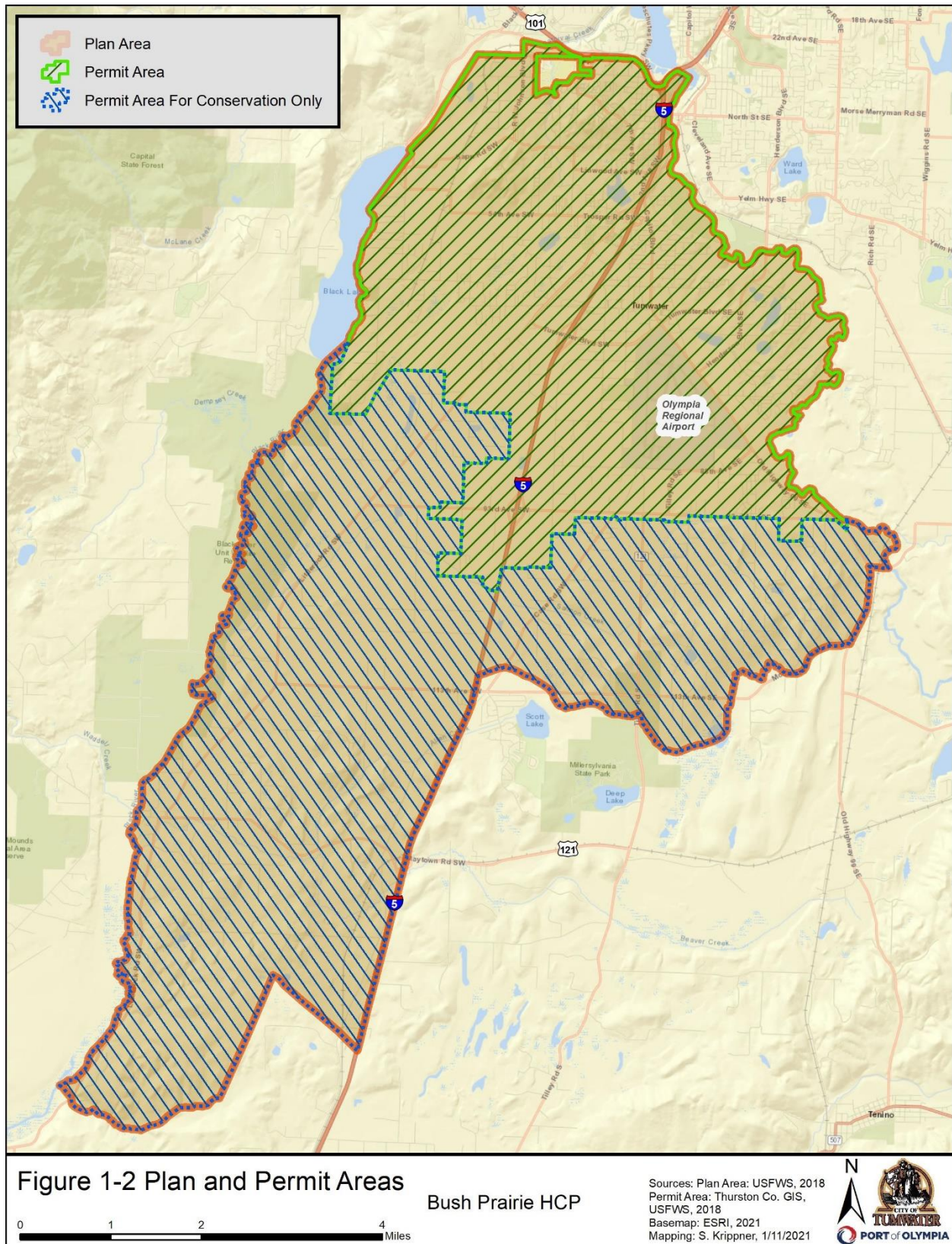
Term of the HCP

Developed as part of Phase 1 of the HCP, the term of the HCP will be 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 is 12,877 acres in size. The permit area is where activities can occur that have potential to impact the species covered by the HCP and that would be mitigated through the HCP.

The plan area is the Olympia pocket gopher range, which is approximately 44,009 acres in size, and is primarily where mitigation for impacts to the species covered by the HCP could occur. The City and Port are looking at potentially expanding the plan area for the streaked horned lark to allow for larger area available for mitigation.

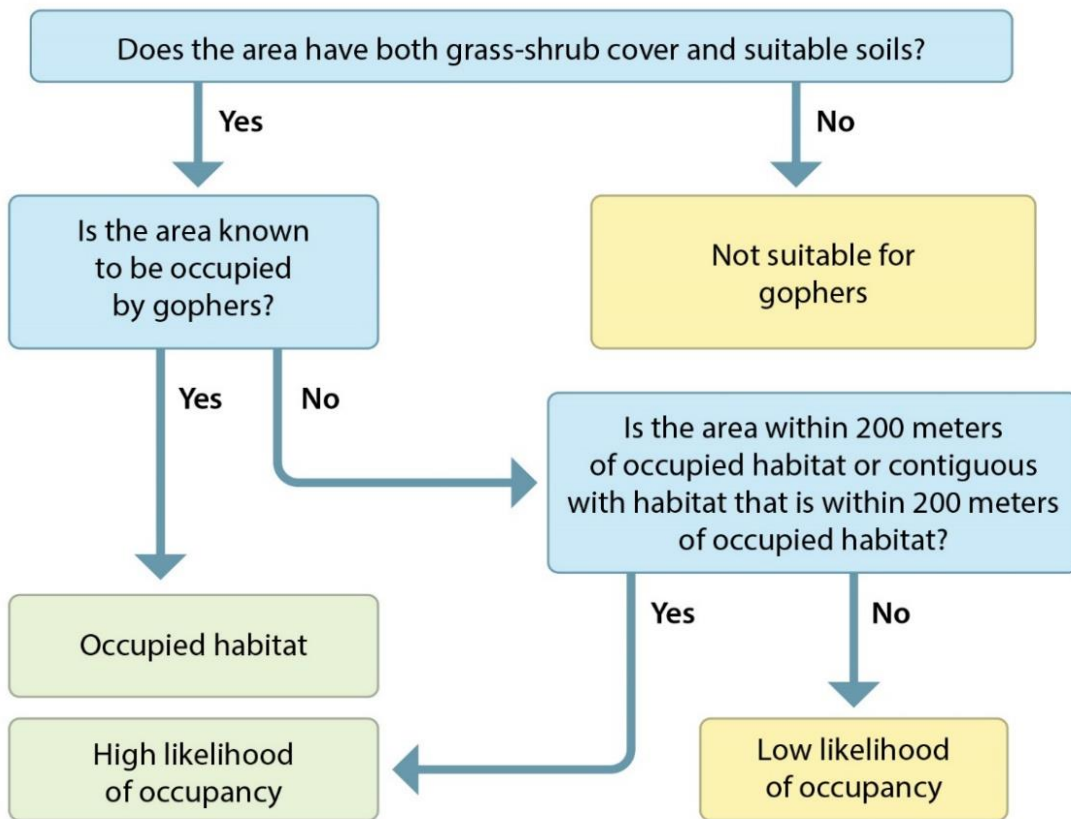


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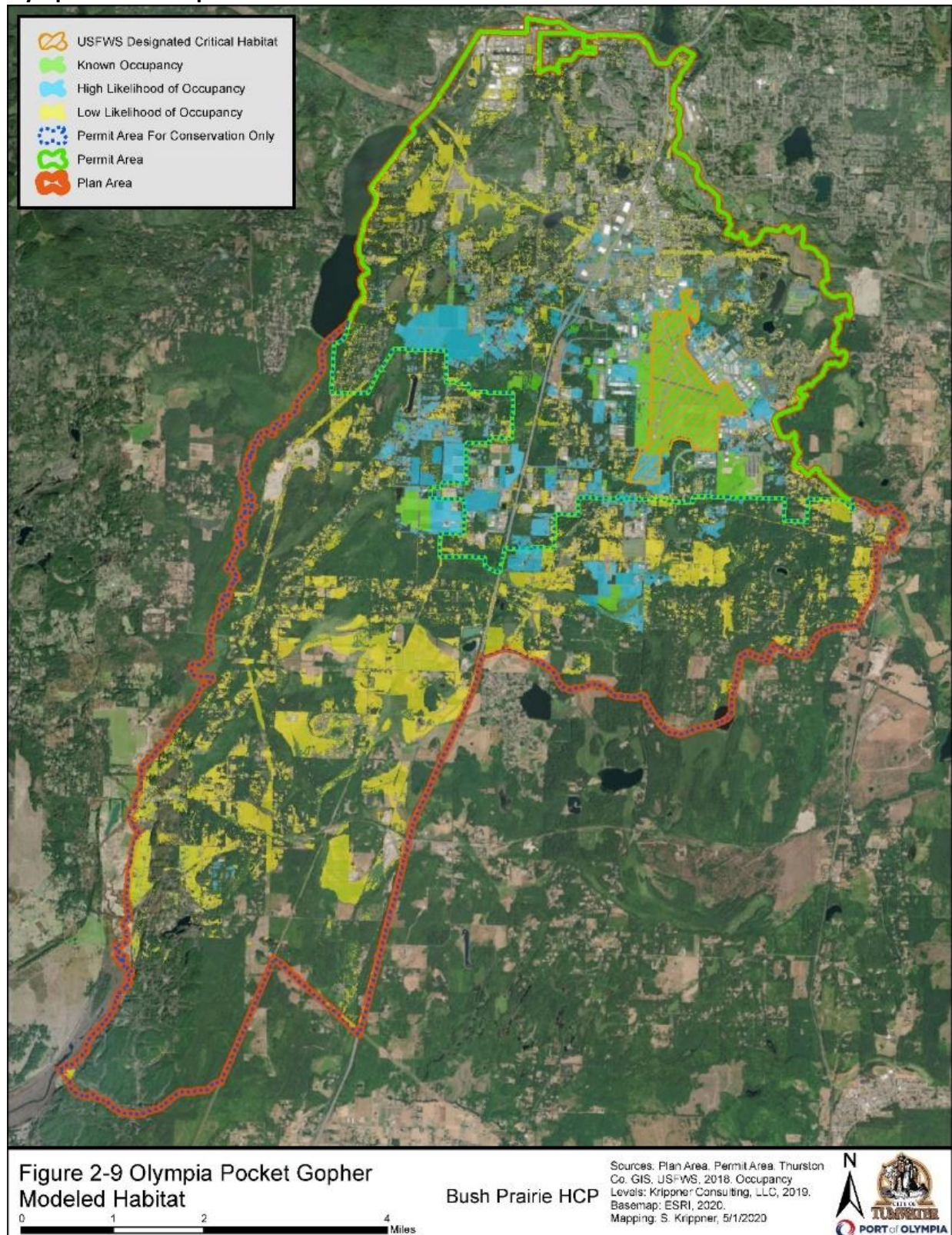
Habitat Models

For each of the four species covered by the HCP, a habitat model was developed based on current species habitat information. This 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.

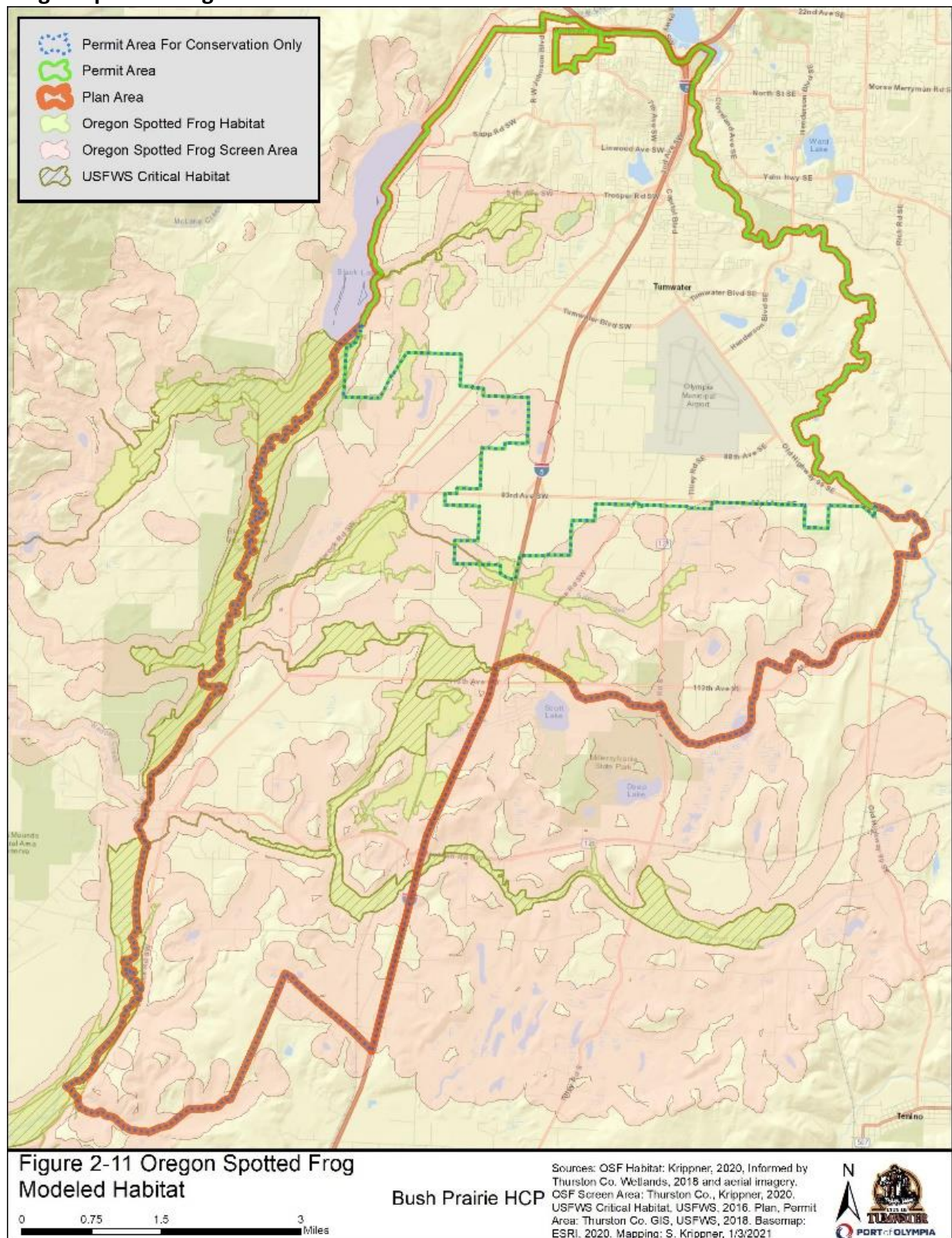
The following is the Olympia Pocket Gopher Model Flow Chart.



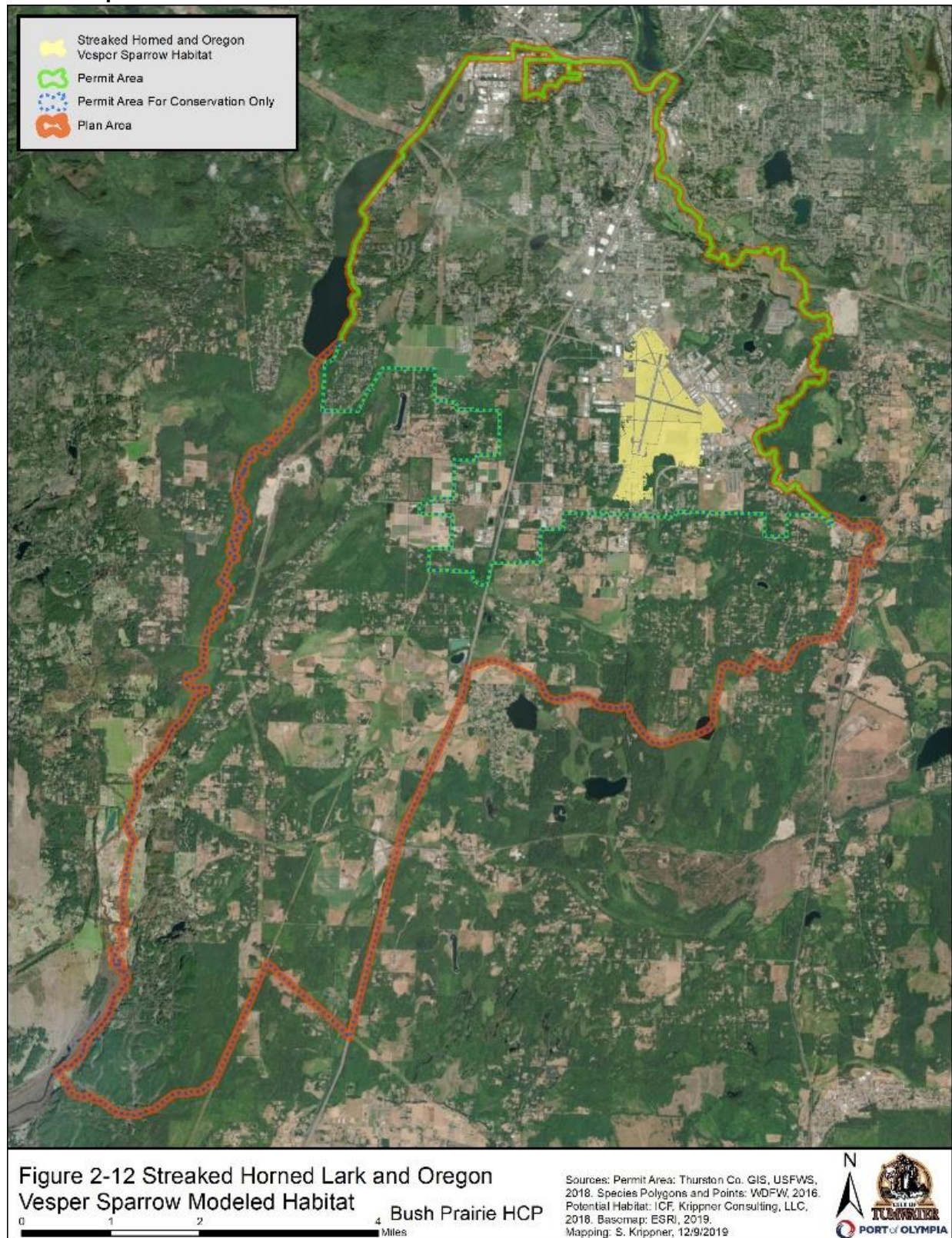
The maps on the next three pages depict the modeled habitat for the four species covered by the HCP.

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

Oregon Spotted Frog Habitat



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Lark and Sparrow Habitat**BUSH PRAIRIE HABITAT CONSERVATION PLAN**

Covered Activities in the HCP

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

1. Control: City or Port will perform or issue a permit for the activity
2. Location: Activity is within the permit area
3. Timing: Activity is during 30-year permit term
4. Impact: There is a reasonable risk of take/need for a permit
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

The City covered activities include:

1. Urban development projects, anything that requires a permit to be issued by the City
2. Resource development projects such as agriculture and forestry that requires a permit to be issued by the City
3. Recurring Activities, such as the Farmer's Market and public events such as the 4th of July 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)
2. Include capital improvements as well as operations and maintenance
3. Capital improvements identified in Olympia Regional Airport Master Plan (ORAMP)
4. 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 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. 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

Modeled Habitat Type	Total Amount of Modeled Habitat in Permit Area (acres)	Proportion of Habitat in Permit Area	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	2%	277	737	27
Higher Likelihood of Occupancy	1,630	4%	635	995	39
Lower Likelihood of Occupancy	4,360	10%	597	3,763	14
Total	7,004	16%	1,509	5,495	21

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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

Streaked Horned Lark/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
<i>Suitable Habitat</i>	814	345	469	42

Conservation Strategy

The HCP's conservation strategy is designed to address the requirement in the Endangered Species Act 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.

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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.

Modeled Habitat	Total Maximum Permanent Impacts	Mitigation Ratio for Permanent Impacts	Estimated Protected Habitat for Permanent Impacts	Total Maximum Temporary Impacts	Mitigation Ratio for Temporary Impacts	Estimated Protected Habitat for Temporary Impacts	Total Permanently Protected Habitat if Maximum Impacts Occur
Olympia pocket gopher	1,509	1:1	1,509	191	0.5:1	96	1,351–1,605
Oregon spotted frog	20	1:1	20	20	1:1	20	40
Streaked horned lark	345	1:1	345	45	0.5:1	23	368
Oregon vesper sparrow	537	1:1	537	45	0.5:1	23	560

Monitoring and Adaptive Management

The monitoring and adaptive management framework for the HCP includes guidelines and specific recommendations that will 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 will 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 ESA 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 ESA 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 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

Habitat Conversion Fee – Examples

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

10 acres X \$51,364 (Habitat Conversion Fee) per acre = \$513,640 in Habitat Conversion Fees

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 \$51,364 (Habitat Conversion Fee) per acre = \$707.49 in Habitat Conversion Fees

Any project not disturbing habitat

No Habitat Conversion Fee

Public Engagement

Staff has met with the project team and USFWS on a monthly basis. Three stakeholder meetings have been held to date and two more are planned. 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 2022.

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 2021

- January 15, 2021: Submitted first Administrative Draft HCP to USFWS
- July 12, 2021: Held workshop with USFWS
- November 12, 2021: Submitted second Administrative Draft HCP to USFWS and WDFW
- Held ten USFWS meetings and one WDFW meeting during the year

Timeline 2022/23

- Complete HCP: Public Draft expected late summer 2022, Final HCP and approvals 2023
- Prepare EIS: Scoping meeting in spring 2022 with draft EIS expected in 2022 and completed in 2023

Next Steps

- USFWS and WDFW completes review of Administrative Draft of the HCP
- HCP Administrative Draft made available to the public
- Next stakeholder meeting early-2022
- Start of the NEPA/SEPA scoping and review process

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.

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