

TO: General Government Committee
FROM: Brad Medrud, Planning Manager
DATE: October 11, 2023
SUBJECT: Third Amendment to the Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP)

1) Recommended Action:

Recommend that the City Council add the Third Amendment to Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP) to the consent agenda for approval at their October 17, 2023 meeting.

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 (HCP).

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 City and Port approved an Interlocal Agreement in 2016 to prepare the Bush Prairie HCP. The City and Port worked together to apply for the Bush Prairie HCP Phase 2 grant from USFWS in March 2017 and were awarded the grant in April 2018. The Bush Prairie HCP Phase 2 Service Provider Agreement with ICF Jones & Stokes was completed in 2018.

The proposed Third Amendment to the Phase 2 Service Provider Agreement with ICF Jones & Stokes would extend the term of the Phase 2 Service Provider Agreement twelve months from current expiration date of December 21, 2023 to December 31, 2024.

The proposed Third Amendment to the Phase 2 Service Provider Agreement would also adjust the amounts allocated to the tasks of the Phase 2 Service Provider Agreement to reflect the current funding allocations for the grant objectives in WDFW Phase 2 Grant Contract 18-11088. The total compensation in the Phase 2 Service Provider Agreement

would remain \$1,144,653.00.

All other terms and conditions of the Phase 2 Service Provider Agreement not modified by the Third Amendment to the Phase 2 Service Provider Agreement would remain in full force and effect.

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:

Work on this project is funded by federal grants and City general government funds.

6) Attachments:

A. Third Amendment to Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP)