

Benton County Habitat Conservation Plan Technical Advisory Committee Meeting Minutes November 16, 2006



Attendees

- Paul Hammond (Oregon State University)
- Bill Emminger (Benton County)
- Bob Altman (American Bird Conservancy)
- Mark Wilson (Oregon State University)
- Mike Gallagher (Parametrix)
- Andrew Gray (Oregon State University)
- Nicholas Testa (Oregon Department of Transportation)
- Rebecca Currin (Oregon Department of Agriculture)
- Deborah Clark (Oregon State University)
- Ed Alverson (The Nature Conservancy)
- Dana Ross (Individual)
- Tom Kaye (Institute for Applied Ecology)
- Carolyn Menke (Institute for Applied Ecology)
- Michelle Michaud (Institute for Applied Ecology)
- Donna Schmitz (Benton Soil and Water Conservation District)
- Greg Verret (Benton County)
- Laurie Starha (Benton County)
- Jerry Davis (Benton County)
- Ann Kreager (Oregon Department of Fish and Wildlife)
- Al Kitzman (Benton County)
- Bob Frenkel (Benton County – Jackson Frazier Wetlands Advisory Council)
- George McAdams (Benton County)
- Cheryl Schultz (Washington State University, via phone)

Minutes

Introductions/County Role

Jerry Davis, Benton County Natural Areas and Parks Director welcomed everyone to the meeting. Jerry indicated that today would be his last day as Director of Benton County Natural Areas and Parks Department but that he would continue on as a contractor, and that George McAdams would be the interim director.

Purpose of Meeting

Tom Kaye explained the role of the Technical Advisory Committee (TAC) in the HCP planning process. The TAC is an advisory group for Benton County. It will provide feedback and technical/scientific support to the County and contractors. Its role is to make recommendations – final decisions are up to the Board of Commissioners. TAC members are not expected to put a lot of time into their participation beyond meetings, but all involvement is welcome.

The role of the TAC is distinct from that of the Stakeholder Advisory Committee, in that the latter includes regulators, land owners, and agencies likely to be affected by the HCP or whose participation could be important to the success of the plan.

HCP Presentation

Tom Kaye gave a power point presentation describing what a habitat conservation plan is and why Benton County is preparing a habitat conservation plan. He briefly described the species and habitats to be covered by the HCP, and discussed the steps (Community Building and Involvement, Field Assessments, Analysis, Writing, Review and the NEPA process) in HCP development. The county estimates that the HCP development process will take 3-4 years, and the county is approximately 6 months into the project at this point.

Bob Frenkel questioned whether the NEPA documentation was programmatic or whether individual NEPA documentation would be required when specific projects were being implemented. The NEPA documentation will be programmatic, with the intent that further NEPA documentation will not be required for specific projects. We will seek clarification from USFWS on this issue.

Ed Alverson asked whether the County is liable for take in an instance where a plant species population spans the border between public and private land and take of the species on private lands would result in the extirpation or decline of the species on public land. We are unsure at this time how USFWS might address this issue, and will seek clarification from USFWS.

Review Draft TAC Charter

Michelle Michaud went over the draft Technical Advisory Committee charter, explaining the goals of the TAC and the operating principles and guidelines. Michelle indicated that the schedule/time table listed on the TAC charter was flexible both as to when the meetings would occur and what topics would be covered at the meetings.

Ed Alverson wanted to know whether the TAC would have decision making authority. Jerry Davis said that decision making authority rests with the Benton County Commissioners. Michelle mentioned that Jerry and the Institute for Applied Ecology (IAE) staff meets with the Benton County Commissioners on a regular basis to update them on the HCP process and any issues raised by the TAC would be presented to the Commissioners. Ed suggested that the draft TAC Charter be clarified as to the committees “advisory” role.

Michelle requested that committee members provide Benton County with information on the amount of time and expenses they incur in serving on the TAC so that the time could be counted towards the match Benton County is required to provide for the USFWS grant. Tom Kaye mentioned that providing in-kind match was voluntary and in some circumstances committee members might not be allowed to provide in-kind match. Michelle handed out a form committee members can use to complete and turn in to Benton County indicating their in-kind match for today’s meeting.

Michelle also suggested that subcommittees be formed to make identifying biological objectives and conservation measures more effective and efficient. The groups suggested were: Plants, Streaked Horned Lark, Taylor’s checkerspot, and Fender’s blue butterfly/Kincaid’s lupine. Michelle stated that committee members could sign up for one or more of the groups. Paul Hammond indicated that he would probably serve on both the Taylor’s and the Fender’s subcommittees. Dana Ross, likewise, stated that he would probably serve on both committees. The committee agreed that it made sense to combine the Taylor’s and Fender’s/Kincaid’s subcommittees. Tom Kaye then took down the names of committee members who wanted to serve on which committees:

Streaked Horned Lark

- Bob Altman, Doug Robinson, Ann Kreager, Donna Schmitz, Nick Testa

Plants

- Ed Alverson, Donna Schmitz, Andy Gray, Rebecca Currin, Nick Testa, Deborah Clark, Bob Frenkel, Ann Kreager, Laurie Starha

Taylor's checkerspot/Fender's blue butterfly/Kincaid's lupine

- Dana Ross, Mark Wilson, Cheryl Schultz, Paul Hammond, Ann Kreager, Al Kitzman

There was discussion about the frequency of subcommittee meetings versus full technical advisory committee meetings. The TAC wanted to ensure that full TAC meetings did occur so issues between species could be resolved. Dana Ross indicated his desire to get started as soon as possible, while the momentum is present, to convene the subcommittees. He indicated that his availability declines substantially after March. Others who do field work concurred that the subcommittees and full committees should meet before February and May, respectively. The group decided to have the first subcommittee meetings in January, with a full TAC meeting in early April. The group wants IAE staff to prepare the draft biological objectives and conservation measures for review and comment by the group.

Bob Altman wanted to know if there would be some consistency in IAE staff present at the subcommittee meetings. He believes at least one IAE staff member should consistently attend all meetings. Both Carolyn and Michelle will attend all subcommittee meetings.

Mark Wilson asked about adaptive management and why it isn't specifically mentioned in the TAC charter. Michelle indicated that USFWS requires adaptive management as part of the HCP. Michelle indicated that USFWS has a fact sheet about the HCP that includes mention of adaptive management. Michelle said she would send the document to the committee members.

Michelle also handed out draft guiding principles.

Review Purpose and Need Statement

Michelle briefly explained the purpose and need statement. Tom Kaye indicated that the purpose and need statement is intended primarily for the NEPA document, but we thought it would be helpful to prepare upfront as we begin development of the HCP.

Ed Alverson suggested including "habitat restoration" as a need in the purpose and need statement. The incidental take permit will cover habitat restoration activities and if Benton County wants to include these types of activities in their HCP; they need to have take coverage for these activities. Michelle said she would include habitat restoration as a need in the purpose and need statement.

Rebecca Currin would like to include "compliance with state endangered species act" as a need in the purpose and need statement as well. Michelle said she would include "compliance with state ESA" as a need in the purpose and need statement.

Discussion: Draft Biological Goals

Carolyn went over the draft biological goals with the group. Ed Alverson mentioned that the Oregon Department of Forestry has "Forest Legacy" funding for land acquisition and that oak savannas are a priority habitat. This could be a possible funding source for the HCP. He also suggested including ODF as a member of the committee. Jerry Davis will contact ODF to request representation on the stakeholder committee.

Mark Wilson suggested the biological goal language be tightened. He suggested eliminating words such as "seek to" and "where practicable".

Ed Alverson asked whether Benton County was trying to align their goals with the goals of the draft recovery plan. Carolyn indicated that the County is looking to align the goals of the HCP with the goals of the recovery plan. Ed also asked whether the term “acquisition” in the goals incorporated conservation easements as well. Yes. We will modify the draft biological goals to clarify that acquisition includes fee simple and conservation easements.

Discussion Permit Area Boundary

Carolyn explained the dilemma we have with defining the permit area boundary. Rebecca Currin wanted to know why *Delphinium pavonaceum*, a state listed species, is not being considered in the HCP. Carolyn explained that the HCP only includes select federal listed and candidate species. We will talk with the USFWS to determine if they have any concerns with addressing this plant species in the HCP also.

Nicholas Testa wanted to know what happens if a private landowner has a large project that could result in a large amount of take; would Benton County be required to issue a certificate of inclusion? This is an issue that will need to be addressed as part of the HCP development.

There was some discussion of take coverage for candidate species and whether take occurs for candidate species as soon as the incidental take permit is issued or only when listed. Ann Kreager believes that USFWS will want coverage right away. Bob Altman thinks immediate coverage is in the species best interest. Michelle mentioned that coverage would occur immediately for Benton County activities, but we will need to meet with USFWS to determine when coverage would occur for private lands.

Tasks

- Revise Technical Advisory Charter
- Revise Purpose and Need Statement
- Schedule Subcommittee Meetings
- Meet with USFWS to discuss (1) when take coverage begins for candidate species, (2) whether we can include *Delphinium pavonaceum*, (3) Benton County’s take liability for take on private lands (where County development permit is issued resulting in take of a plant species) that affects populations on County lands, (4) whether the EA/EIS covers specific conservation measures not mentioned in the NEPA documentation.
- Revise Draft Biological Goals
- Send TAC members USFWS Fact Sheet – HCP and Adaptive Management
- TAC MEMBERS: Submit hours and hourly rate to Benton County re: in-kind