

**Benton County Prairie Species HCP  
Plants Technical Advisory Sub-Committee Meeting  
October 17, 2008 - 9:30-11:30am**

**Committee Attendees**

Rebecca Currin, ODA  
Ed Alverson, TNC  
Dick Brainerd, Salix Associates  
Deborah Clark, OSU  
Ann Kreager, ODFW  
Andrew Gray, OSU  
Nick Testa, ODOT  
Laurie Starha, Benton County  
Jeff Powers, Benton County  
Lori Wisheart, IAE  
Tom Kaye, IAE  
Carolyn Menke, IAE (by phone)  
Michelle Michaud, IAE (by phone)

**Public Attendees**

Steve Northway  
Adam Novick  
Bill Barton  
Paul Howard

**Meeting Minutes**

Lori Wisheart began the meeting with introductions.

Lori Wisheart: Goal for today is an informal discussion with the committee about issues or questions or clarifications for three draft chapters we sent out to the Committee for review:

- Chapter 3: Impacts
- Chapter 4: Conservation Measures
- Chapter 5: Adaptive Management and Monitoring

HCP Timeline: Plan is to get feedback, get revisions, send to Benton County staff, then go ahead with public release in December

Any up front comments?

Ed Alverson: What are the other pieces of HCP?

Lori Wisheart: Introduction, covered activities, the three chapters we've given you, then implementation (nuts and bolts) plus appendices, including Prairie Conservation Strategy, forms, databases. These are the most critical three chapters for your review.

**Impacts Chapter**

Lori Wisheart: We try to foresee all take from Benton County and Cooperating Entities. For plants, with protection on public lands, we estimated impacts to individual plants, except for Kincaid's lupine -we estimated impacts as square meters. Any concerns? (no concerns voiced)

Under transportation, we go through activity by activity- to estimate impacts to covered plants. This is where we see the most possible impacts. We had much discussion about the best way to estimate impacts from these types of activities. Working with Benton County Public Works, we came up with best estimate based on current transportation plan and known needs that overlap with known plants locations. There could be more activities or more populations found. We proposed to Benton County that they prioritize a subset of roadside populations, and allow no impacts to those populations. For the other populations, plan in advance for any possible impacts, anticipated or accidental, and duplicate those populations on protected lands. We suggest Benton County still avoid any impacts to those populations as much as possible, but they will have the security of already pre-mitigating. If a project comes up, they will have already pre-mitigated. This is summarized in tables at the end of the chapter. Table 1.4- identifies projects, table 1.5 for the categories of sites:

- those where they avoid all impacts because of their biological importance
- those where there will be projects and the County will pre-mitigate
- those where there are no anticipated impacts, but the county will pre-mitigate and avoid.

Deborah Clark- This is very specific, this is not set up to include potential new roads?

Lori Wisheart-: By premitigating for a large portion of the current known roadside populations, with the understanding that take of all those populations is unlikely, there should be sufficient coverage for additional needs that may arise over the course of the plan. That is our best suggestion for trying to foresee impacts and take needs for the 50 year permit term.

Ed Alverson- I would like to see analysis of the avoidance process- what are criteria that are used to determine whether or not impacts can be avoided?

Lori Wisheart-: We include Best Management Practices in the Conservation Measures chapter that describe avoidance measures.

Tom Kaye- Let me restate what Lori has said. How do we conserve these populations?

- Should we aggressively conserve all, and manage as network of prairies on the roadsides? The cost of doing so is quite high.
- The other extreme perspective is that conservation on roadsides, where populations are so vulnerable, does not make sense. We all know of cases where weeds, improper management have wiped out populations- roadsides are not the best place to do conservation.
- Should we shift towards enhancing and augmenting populations in secure areas?
- We reviewed our list of row populations, and felt that some were too important to give up on. We decided we would identify those, and require aggressive protection for those.
- Idea is not to give up on remainder and remove them, but to duplicate them in protected areas, recognizing ROW populations are vulnerable.. We can't do conservation without recognizing that. We will duplicate them in case of unforeseen or accidental situations. We want to ask for take coverage, but without plan to take them. Duplicate but also avoid.

Ed Alverson: I don't see anything in here as far as criteria to determine when impacts to right-of-way populations are unavoidable. How will managers in future make these decisions?

Tom Kaye: Can you suggest any specific guidelines?

Ed Alverson: Costs, public benefit, value of population that is there, etc., might be considered. Not certain we need to put in specific criteria, but need to identify who will be making those decisions.

Tom Kaye- like USFWS or ODA?

Ed Alverson- I don't know. I think it is important to think through though, those agencies do have regulatory authority...

Lori Wisheart—The HCP does propose having a Technical Oversight or Advisory Committee. It is possible that County could have TOC provide technical guidance for project planning including avoidance.

Steve Northway (public): Who would be on the committee?

Lori Wisheart: If such a committee is formed it would likely be similar to the current Technical Advisory Subcommittees. Volunteer Committee members from local agencies, researchers, etc..

Steve Northway: How was the current committee selected?

Tom Kaye: The members of the Technical Advisory Committee were invited by the County Commissioners.

Steve Northway expressed concern that the selection of the committees was a political process and Tom Kaye disagreed.

Steve Northway: Would like to see the economic analysis done as to why it is too expensive to protect these species.

Tom Kaye: Costs- 25K per year was estimated as the cost to manage for the species in Special Management Areas.

Steve Northway: Disjunct populations are important- are costs too high? The recovery plan indicates it would cost millions to implement, so how is \$25,000 too expensive.

Carolyn Menke asked that further public comment be held until the end of the meeting so that the committee members could get through the material for discussion.

Ed Alverson: Need to make sure the first step in the process is avoidance. Want to make sure we don't skip over this process. How avoidance decisions will be made, interested in discussing more as a group.

Different options for how projects can be designed. Matter of weighing different options.

Tom Kaye, IAE- objective is not to mow down.

Ed Alverson: Adding more information about avoidance will help.

Nick Testa: TOC may offer some commentary on mitigation process- how would that work, if a cooperater has already signed on and planned a project, then TOC will revise project?

Lori Wisheart: As it is written now, objective of TOC is to evaluate monitoring, adaptive management, etc. But when Ed suggested more oversight in determining avoidable/non-avoidable impacts, I thought the TOC could contribute to that. It has not been discussed before.

Does any one else have advice for the County on how to make those decisions?

Ann Kreager: Discussed ODFW's mitigation policy based on habitat type.

Tom Kaye: We have already identified sites that should be protected based, in part, on connectivity. Populations intend to be large. Some sites will be impacted because of potential road projects. The third category – sites we will avoid, but they are vulnerable due, in part, to population size.

Ed Alverson: Concerned 20-years from now when it comes time to design a project, will they avoid impacts or simply impact the species because they know they have take for the species.

Nick Testa: Set up priorities- describe categories then can see how new populations would fit in.

Ann Kreager: Could use a matrix showing actual steps, so there is less ambiguity.

Nick Testa: Some impacts may not be mitigatable.

Ann Kreager: There would still be some room for analysis. ODFW has a mitigation policy- we designate habitat. Each habitat category in the matrix has a different requirement associated with it. In-kind, in place, etc. Will give IAE a copy to review.

Andy Gray: Should consider population size, encroaching vegetation, etc.

Tom Kaye, IAE- we did some categorization- size and connectivity. In general, the largest populations are prioritized. We then considered the group of populations where the County may need to do roadwork in the future. The third group we identified includes those we might not want to spend resources to protect-they tend to be smaller, more fragmented. The idea is to categorize in that manner, new populations could put into these categories

Ed Alverson: That makes sense, the only thing is that almost all impacts are theoretically avoidable, given enough money. That's the other piece. Just because there is a project there, it

doesn't mean that impacts can be avoided. My concern is that in 20 years, who is going to look at project goal look at avoiding impacts, etc. Don't want them to just see it is on the impacts list then wipe it out.

Lori Wisheart: One good example is McFarland road- on project list, but also proposed for priority protection. The planning team has not resolved it. It is a gravel road that floods each year. Community perspective, need to pave. Biological perspective, need to avoid.

Tom Kaye: From ODA's regulatory perspective. Can you share perspective?

Rebecca: Generally they have to avoid or they have to make a case for the greater good.

Tom Kaye: Road projects do result in take, and they are mitigated for.

Rebecca Currin: It does happen. I am concerned that we are writing these populations off though.

Laurie Starha: Depending upon funding source, there would be an impact analysis done. Avoidance is the first step, then mitigation for impacts. At this time, there is no funding available to do any of the projects for which take would occur. We don't anticipate funding in next two bienniums.

Tom Kaye: The point is that even though some of these are flagged for potential impacts, its not necessarily going to happen.

Rebecca Currin: The groups seem to be broken down by project, not by importance. Would like to know who would be involved in making that decision – regulator, biologist, public works staff.

Can we address how we prioritized, who will be involved in making decision- regulators, engineers, etc.?

Ed Alverson: The West Eugene wetlands plan- dealing with wetland fill issues. Areas that are suitable for development, but can be filled. Fill permit still has to go though before getting mitigation. Theory was for regulation to go to local level, but didn't turn out to be beneficial.

Laurie Starha: The County would probably look to ODA for consultation.

Tom Kaye: keep moving. Break this into two parts

1. the idea of recognizing roadside populations, trying to duplicate elsewhere to mitigate for potential of their loss. Does this make sense? Or should we do conservation on roadsides

Ed Alverson: The way we phrase it or frame the questions- it sounds like I would frame it that there are some cases where it is not possible to avoid impacts, need to mitigate. Think it is better to stick with that approach, if there is something unavoidable.

Tom Kaye: I've seen so many row populations lost-they are so vulnerable.

Ed Alverson: All populations are vulnerable- might not be as vulnerable to voles, etc. for some impacts ROW sites might not be as vulnerable

Nick Testa- If we have agreed to go along, but have to mitigate even if we don't impact? Might be hard to explain to managers.

Lori Wisheart-- We are planning to ask Benton County to do that, not others

Deborah Clark: We seem to be talking about row populations entire time. Need to talk about other impacts. ROW populations are a rut. Second chapter is conservation measures, last is adaptive management and monitoring.

Tom Kaye: I was trying to seek resolution on this issue so we could move on.

Ed Alverson: I would frame it differently. There are likely to be unavoidable impacts in future, if can mitigate in advance it is much better. But of course, it doesn't mean new populations or augmentation will work.

Tom Kaye: That is another topic, we need to clarify how decision process will be made.

Nick Testa: Risk that if these populations are accounted for already with mitigation, seems more likely they will disappear. I don't think the populations will be around for longer than 50 years (if take is authorized).

Carolyn Menke: There are also other risks to ROW populations that are out of Benton County or ODOT control- risks from adjoining landowners

Lori Wisheart- Moving on- where else might impacts be- (few, most are on ROW). Cooperating Entities are committed to protection of covered species on their open spaces, natural areas, etc.. One example of potential impacts in these areas is an existing trail, may impact Bradshaw's lomatium- if actually formalize trail, make ADA accessible, that one lomatium plant will be mitigated.

Ed Alverson- couldn't trail be designed to avoid?

Lori Wisheart: We felt most impacts could be avoided- but there are a few where impacts could happen- we wanted to anticipate it. If the TAC thinks there should be different criteria for identifying impacts, we should figure out. How much cost should be expended for one plant?

Ed Alverson: Just don't want to assume there will be loss.

Nick Testa: In conservation measures, first method will be avoidance. There is overlap within ESA and wetland fill ESA. Would still have to get wetland fill permit

Tom Kaye: unplanned trail- dog walking trail shows up, out of control of the County. For example, there used to be a bike trail through the lomatium at Jackson-Frazier- so the County built a fence to block that access.

Ann Kreager: Need broader discussion on indirect effects. Need incidental take from recreation use. For construction on private lands, might be missing impacts from having just a 30' buffer, that might be too small to account for impacts from other development activities like landscaping.

Tom Kaye: That is related to impacts to Fender's blue butterfly -we did add a 30' buffer to account for landscaping impacts.

Ann Kreager: Seems like a feasible request to move trail away from plants. Or – the trail will inadvertently impact the plants and that has to be quantified.

Ed Alverson: Plants will also eventually die... what about that?

Lori Wisheart: We've discussed the issue of public use extensively (between the planning team). Cooperating entities with public access to lands where the covered species are present will need to make every effort to avoid impacts from public use. No new trails will be built that directly impact the covered species, and interpretive signs and other information sources will discourage the public from walking off trail, picking flowers, etc. do best effort to avoid. By following the avoidance measures outlined in the HCP-cooperating entities won't be required to mitigate for impacts from public use.

Ed Alverson: For me the public use issue is really an adaptive management issue.

Lori Wisheart: And we do address it in the plan's adaptive management strategy.

Lori Wisheart: We would also like feedback on livestock grazing. OSU is grazing when plants are dormant.

Will there be a formalization of their grazing regime?

Rebecca Currin: There are some issues with OSU and how they manage their livestock and covered plant species. For example, they are not considering effects from CREP (i.e. fencing and channeling animals). They should be doing mitigation for impacts they have had and continue to have.

Ed Alverson: Isn't it federal money, shouldn't they be dealing with UFWS?

Rebecca Currin: different with CREP. CREP is beyond the scope of this discussion, but needs to be addressed.

Ed Alverson: Would it be appropriate to say that some type of grazing plan would be developed for areas with the plants present?

Lori Wisheart: The grazing plan could specify timing, intensity, etc.

Tom Kaye: So there is a call for OSU to develop their grazing management plan.

Lori Wisheart: If they do just graze in the winter, are there are still impacts? Even though the plants are dormant? What would ODA require?

Rebecca Currin: There will likely still be negative impacts to the plants, especially if they are channeling cows through areas with lupine.

Lori Wisheart: We've met with OSU Ag managers and they have told us they will avoid impacting the species because they do not have the resources to do mitigation. If it is determined that winter grazing will have impacts needing mitigation- they will likely fence off the lupine from grazing.

Tom Kaye: This issue will need some thought- if OSU ceases grazing in those areas to avoid impacting the plants, that could be worse for the plants.

Rebecca Currin: Yes.

Andy Gray: Could you state in the HCP that in order for OSU to not have take, they would need to develop grazing plans?

Ed Alverson: Or-in order to participate in the HCP?

Tom Kaye: OSU would not need to participate in the HCP if they did not have any take. But, if they are doing restoration, there could be short term impacts, they would need the permit for that purpose.

Lori Wisheart: Part of the rationale for assuming not take from winter grazing in areas with lupine was that the recently released BA/BO from USFWS states that grazing can occur when lupine are dormant, but no grazing of lands with Nelson's checkermallow is recommended as this plant does not go totally dormant in the winter. OSU will be fencing all Nelson's checkermallow plants from grazing.

Lori Wisheart- Habitat restoration and enhancement- covered activity with impacts, but we don't ask for any take because long term benefits outweigh potential impacts. Not sure if ODA or UFWS ask for specific number- this would be virtually impossible to predict.

Tom Kaye: Persons needing coverage will need to comply with established criteria. Idea is to give sideboards on BMPs, an "it's ok to do these activities, they will not have bad impacts."

Rebecca Currin: ok premise- especially if monitoring and adaptive management are checking in on this to ensure there are no negative impacts, etc.

## **Conservation Measures Chapter**

Lori Wisheart: Are there any suggestions for modifications to biological objectives, are conservation measures appropriate? Any comments about mitigation ratios?

Deborah Clark: Is there a place where PCAs and PCMAS are defined?

Tom Kaye: Yes, they are defined and identified in the HCP.

Rebecca Currin: Is there anywhere in the HCP that discusses plant materials collection?

Lori Wisheart: There will be a separate appendix that deals with plant materials collection and planting.

Ed Alverson: How are objectives measured? How do you say if these are being met? Some are clear. Others not so clear. How do you know if you have achieved objectives?

Lori Wisheart: Monitoring will address whether conservation measures are successful.

Ed Alverson: For example-“enhance one acre” there needs to be a stronger link between objectives and outcomes. If addressed through monitoring chapter that could work as well.

Lori Wisheart: Should we put restated objectives in the monitoring section?

Ed Alverson: Under enhancement objective 2- make more specific- with how many individuals, with persisting how long. Make it more quantifiable. Could you make the objectives reference recovery goals?

Tom Kaye: HCPs are designed to manage take, not implement recovery. I'm all for implementing recovery, but don't want to do through wrong vehicle. This is part of the Prairie Conservation Strategy. But still want this to move forward to contribute to recovery. May as well as do mitigation that can contribute to recovery.

If you have too much take, there can't be conservation. HCPs can do more than just offset take, but how much do you want to set the HCP to be a vehicle for recovery. We're not going to achieve recovery for mitigating take.

Ed Alverson: I don't see the HCP as going to be a Benton County recovery plan.

Lori Wisheart: But we can still do mitigation that is consistent with recovery plan

Tom Kaye: We could modify tasks to state that mitigation occur in areas that will contribute towards recovery.

Nick Testa: Over a 50 year period- couldn't there be some sort of record keeping. Could be helpful to have areas lined up for each species. Try to make it specific.

Jeff Powers: The County will be supplementing park management plans with specific introduction/mitigation/recovery information.

Lori Wisehart: The planning team was concerned about making the objectives too specific, but maybe we should move in that direction.

Tom Kaye: We could add text to the objectives that makes them more quantifiable/accountable (ie By X amount, by X year...) Not sure its feasible to say a certain timeframe.

Ed Alverson: For sites that you are managing, taking funding form multiple sources, how do you do the accounting? It seems like it could be complicated.

Tom Kaye: It can get complicated, but is laid out when you get the money. E.g, county gets federal funding for enhancement- can t count towards mitigation, accounting has to make sure that doesn't get done. Match may or may not be able to be used, depends on funding sources.

Ed Alverson: Would be worth talking about with people who have tackled this problem (other HCPs).

Deboarh Clark: Why are some categories higher than others?

Lori Wisehart: The ratios currently being proposed only reflect where the mitigation will happen, not where the impacts will occur. The only time you could get 1;1 is if the mitigation is completed a high quality site that is protected in perpetuity by conservation easement or deed restriction.

We should probably also factor in the quality of the habitat/population being impacted.

Tom Kaye: If you're able to premitigate, and there will be no temporal loss, a lower mitigation ratio is possible. We are proposing a higher bar for mitigation after the fact. If it is done in an area with perpetual protection, it is worth more.

Rebecca Currin: The mitigation ratios should take into account whether the mitigation is augmentation of an existing population vs. creation of a new population (more risky- should not be a1:1 ratio).

Ed Alverson- would an entity get credit if they purchased an existing population, would that count?

Rebecca Currin-- concern about created populations... need to flesh out natural vs augmented population.

Lori Wisehart: In most cases we don't anticipate creation of new populations or acquisition/protection of populations as mitigation. We anticipate mitigate for plants will be mostly through augmentation of existing populations of public non-federal lands.

Ed Alverson: Suggests looking at how mitigation is other HCPs is addressed

Ann Kreager: Other HCPs usually have higher mitigation ratios.

Tom Kaye: I'm in favor of higher ratios.

Ed Alverson- 1;1 only ok if certain over long term... maybe average lifespan of plants? May differ from species to species.

Tom Kaye: If a lupine population is growing well after 6 yrs, there is more confidence the population will be sustainable. But for Willamette daisy or lomatium, maybe not.

Ed Alverson: Need to have certainty figured in. 1:1 ratio is only appropriate if there is a high probability of that augmented population persisting over the long term.

Tom Kaye: Is there a place to compare viability of what you've created to what you've lost. E.g., 3 sine on roadside, not reproducing, no evidence of recruitment, and replace with 15 elsewhere, even if they aren't reproducing, have you mitigated or not?

Ann Kreager: Need to have assurances that what you are replacing is self- sustaining. What is counting towards self sustaining. 6 years, ... could address in matrix... higher vs lower ratios...

Ed Alverson: Are ratios really the best way to quantify the results of the action. It works for acres, but for plants, if the number of plants that need to be established or mitigated.... It doesn't make sense because if had to replace 3, then that's not sustainable either.

Rebecca Currin: Ratios work best for larger populations. Could have minimum, so it makes sense biologically. So if you impact 1 plant, then must plant at least X plants, rather than replacing with three plants if you have a 3:1 ratio.

Tom Kaye: The introductions for mitigation could be adjacent to existing populations (so the total population would be more sustainable), or there could be a minimum- we could propose introduced populations have to be >30 plants.

No matter how many you plant, you have to have the target number 6 years after the fact.

Nick Testa: Instead of numbers may want to base it on habitat categories impacted . Like Ann was saying, if you develop a category of original species and population value. Have to meet replacement function, or have to redo it.

Dick Brainerd- is there habitat restoration/creation built into this mitigation?

Lori Wisheart: We have a section on introductions and augmentations. We need to circulate to TAC when it is done

Dick Brainerd: High or low quality—why mitigate in low quality site?

Lori Wisheart: An example of a low quality site could be a site that does not have the plant species there already. We should specify what is meant by “quality” in the HCP.

Tom Kaye: Threshold of too crappy to plant. Prairie with some useful qualities

Rebecca Currin: There are also existing sites that could be considered low quality.

Nick Testa: For site quality, will the HCP consider soil types...need to spell out carefully where mitigation can happen based on that information.

Lori Wisheart: Information about appropriate site quality for introductions will be in introduction protocols. Have to mitigate on appropriate site for it to count.

We’ve already surveyed many roadsides... how long are surveys good for?

Nick Testa: I get nervous after 3-5 years....it is possible that plants can colonize a site in that time period.

Tom Kaye: Has it happened?

Nick Testa: Not really.

Rebecca Currin: Difficult to know when to survey again if negative survey results are not documented.

Ed Alverson: Can be factors like year to year variation-plants might not be out in some years. Surveys may be only good for one year in some cases?

Tom Kaye: A piece of land is more likely to be colonized if it is near existing population- does that seem logical? All about probabilities. We suggest a new survey within 1 km-every 5 yrs, if outside 1km- 20 years.

Ann Kreager: With climate change that may not be often/soon enough.

The group consented that the frequency of survey would be largely dependent on the quality of the survey.

Rebecca Currin: ODA requires surveying for potential habitat, then if potential habitat exists, they have to survey during the season for rare species.

Tom Kaye: Is 5 years too long?

Ed Alverson: Need to think through how this would work. Project has a time period too.

Tom Kaye: So if a survey in 2010, survey, nothing found. If project in 2015, survey not required, but if work starts in 2016, have to survey

Ed Alverson: What is situation now- are surveys done for each project?

Laurie Starha: For routine maintenance, no, for projects, yes.

Tom Kaye clarified that the group would like to recommend surveying before every project, regardless of when the area was last surveyed.

Lori Wisheart stated that there was only time for final comments and that members of the committee should send any comments regarding the monitoring chapter via email.

**Comments from the public:**

Adam Novick: Although the committee was largely dealing with impacts to and mitigation for plants on private lands he would like them to consider the risk to maintenance-dependent species resulting from mitigation requirements on private lands. Concerned about the disincentive caused and concerned that the primary goal is mitigation and not conservation.

Steve Northway: Would like to see an analysis of the costs to protect plants on rights-of-way. Also wants to know why the County is engaged in a take process and not a recovery process. Lastly- wanted to express frustration at the lack of a formal agenda for the meeting.