

Benton County HCP Stakeholder Advisory Committee Meeting Minutes May 7, 2009



Stakeholder Advisory Committee Meeting: Recommendations to Benton County Board of Commissioners regarding comments on the HCP

Meeting Attendees

First Name	Last Name	Organization
John	Gaylord	Audubon
Gail	Andrews	Audubon
Jim	Fairchild	Audubon
Al	Kitzman	Benton County Natural Areas and Parks
George	McAdams	Benton County Natural Areas and Parks
Jeff	Powers	Benton County Natural Areas and Parks
Laura	Starha	Benton County Public Works
Jerry	Davis	Consultant to Benton County
Carolyn	Menke	Institute for Applied Ecology
Rachel	Schwindt	Institute for Applied Ecology
Michael	Cairns	Luckiamute Watershed Council
Nicole	Duplaix	Luckiamute Watershed Council
Karen	Fleck-Harding	Marys River Watershed Council
Rebecca	Currin	Oregon Department of Agriculture
Irene	Pilgrim	OSU Department Animal Science
Jerry	Chiappisi	Public
Robert	Montgomery	Public
Steve	Northway	Public
Adam	Novick	Public
Mikki	Collins	US Fish & Wildlife Service
Rich	Szlemp	US Fish & Wildlife Service

The following is a summary of the questions, comments and discussion relating to the meeting presentation, agenda and materials. The entire meeting was completely open to participation from members of the public in attendance. Please note that after the first "most frequent comment" topic, the group decided to skip around to related "most frequent comment topics", rather than go in order on the summary sheet. Not all topics were covered.

Meeting Presentation

Carolyn Menke (IAE) presented the stakeholder committee members and members of the public (identified in Table 1) with a summary of the comments received by the County during the 90-day public comment period which ended April 2, 2009. All comments in unedited form are available on the Benton County webpage (<http://www.co.benton.or.us/parks/hcp/documents/>).

The goal of the meeting was to make recommendation to the Benton County Board of Commissioners (BOC) concerning comments received by the County during the public comment period.

Frequent Comment Topic: Fender's Blue Zone Boundary Concerns

- Context:
 - Fender's blue zones are based on current Fender's blue populations, the distance the butterflies travel, and locations of non-forested potential habitat.
 - Current plan requests "take" from US Fish and Wildlife Service (USFWS) based on current Fender's blue zones.
 - There may be populations not yet known.
- Summary of comments:
 - Will zone change? What if County/Cooperator restoration sites attract new Fender's blue populations? What if a new population is found?

Discussion: There were two main issues raised by the group concerning the blue zone.

- 1) Landowners should be warned about potential for inclusion in the blue zone so there isn't disenfranchisement.
- 2) Landowners have to go through process which is a burden.

Carolyn Menke replied that the process will be simplified for landowners with the HCP. Areas that are clearly not habitat or never will be (e.g., gravel pits) can be excluded from the blue zone. There was a question regarding change in vegetation such as reforestation of a property. Carolyn Menke noted that reforestation was not an activity that required a permit from the County, but that such work may require a permit from the USFWS if it impacts Fender's blue butterfly habitat. Once completely forested, a site would likely no longer be habitat.

A secondary discussion during the blue zone boundary discussion concerned monitoring. Some felt that the mitigation, as defined in the HCP, would not be well monitored and that it could be 'heavy-handed'. There was concern that the qualifications for those doing the monitoring were not well defined, and that monitoring results may be biased by those conducting the monitoring. John Gaylord (Audubon) suggested someone unbiased be selected to do the monitoring. Carolyn asked the County to provide clarification on the selection process. Jeff Powers (Benton County) explained that

monitoring would go out for Request for Proposal for hiring. Mikki Collins (USFWS) commented that the monitoring should be implemented as set out in the HCP, and that monitoring protocol would be reviewed/approved along with the HCP. She also indicated that the USFWS would provide oversight of the HCP implementation, including monitoring.

Steve Northway (public) commented that surveys may not assist with recovery and the HCP should include benchmarks for recovery to gain goodwill and confidence of community regarding the HCP. The group decided that this topic (Recovery) would be addressed at the next stakeholder meeting on June 11th, which would be about the Prairie Conservation Strategy. The group moved on to the next topic and chose to revisit the Blue Zone later in the meeting.

Group decided to skip around to related “most frequent comment topics”, e.g., fees, as changes to the proposed fee structure may change concerns about the Fender’s blue zone., rather than go in order on the summary sheet.

Frequent Comment Topic: Fees/disincentives

- Context:
 - Draft HCP proposes:
 - Proposed fees are added to each county issued building permit in the mapped Fender’s blue zone to share costs of enhancement and management required for mitigation.
 - The County to split the cost of mitigation at a site with the permit applicant.
 - Not to require surveys (in the narrow survey window of May-June) before a ground disturbing construction permit is issued in potential butterfly habitat, but assume a low level of impacts and conduct mitigation in advance.
 - Without an HCP:
 - Permit applicants in potential Fender’s blue habitat would be required to complete survey
 - Referred to USFWS to complete an individual HCP process, if have habitat and cannot avoid.
- Summary of comments:
 - Fees unfair, should be spread to entire County.
 - Fees penalize those with remaining habitat.
 - Current approach/fees are a risk to the species.

Discussion: Carolyn Menke presented three possible options for fees and asked the group to think of more.

1. No change in fee structure: County covers ½ and blue zone landowners cover ½
2. No fee: use general funds to cover mitigation costs
3. No fee: use levy and general funds to cover mitigation costs

The group came up with several other options including:

4. Paying landowners out of a conservation fund to do mitigation on their own property
5. A bond or levy
6. Shift forest deferral to a conservation deferral (suggested by Steve Northway)
7. Not have a County HCP, but some other alternative (suggested by Adam Novick)

A group member asked if there would be site by site tracking for mitigation. Jeff Powers clarified that development is tracked and there would be yearly compliance reporting to USFWS. Carolyn Menke noted that if a landowner avoided impacting habitat, there would be no extra fee for a building permit. Carolyn asked the group to vote on the alternatives and individuals could vote for more than one option.

Leave fee structure as-is: 3 votes

No fee using general fund: 1 vote

No fee using general fund and levy/bond measure: 8 votes

Option other than HCP: 5 votes

Frequent Comment Topic: Costs/funding for Plan Administration

- Context:
 - [In Chapter 8] the draft HCP outlines several possible funding options, including fees, bonds, grants, levy, General Fund, etc.
- Summary of comments:
 - Concern that Benton County does not fully commit to funding Plan, and has not selected a reliable funding mechanism.

Discussion: Carolyn Menke clarified that these costs to administer the HCP program, including mitigation/monitoring needed for impacts that result from County road maintenance, etc., will be covered with funds designated by the Benton County Board of Commissioners (BOC) (e.g., county revenues). The group added that a levy could be considered also.

Frequent Comment Topic: Provide additional comment period

- BOC is planning 30 day comment period for revised HCP
 - including Prairie Conservation Strategy and Taylor's checkerspot management plan
 - in late summer (August/September)

Discussion: Carolyn Menke asked the group if the proposed additional comment period for the HCP/Prairie Conservation Strategy in August or September was satisfactory. The group voted yes. Karen Fleck Harding (MRWC) asked if this was the only opportunity to comment on the Prairie Conservation Strategy. Carolyn indicated there would also be opportunity to comment once the HCP was submitted to the

USFWS and Oregon Department of Agriculture (ODA). USFWS will hold a comment period, and comments submitted will be sent to Benton County.

Frequent Comment Topic: Take availability is limited

- Context:
 - Only the amount of take (impacts) requested in HCP can be “used” over time.
- Summary of comments:
 - Concern that private landowners are “at the end of the line” for take.
 - Clarification requested as to what happens when:
 - County “runs out of take”, or
 - Specific cooperator runs out of take

Discussion: Carolyn Menke described the issue of running out of ‘take’ in the future. The options would be to send landowners to USFWS or to amend the HCP. Rich Szlemp (USFWS) noted that take will be monitored through compliance monitoring throughout the permit time period, so with some foresight, there will be time to have discussion of options prior to running out. Karen Fleck Harding noted that landowners would need assurances that projections of take fit need and that there should be a commitment to consider amending the HCP. Carolyn Menke said that take is currently limited to the Blue Zone and asked if the HCP should assume expansion of the blue zone, and request take accordingly, to avoid amending the HCP in the future. Rich Szlemp suggested expanding the take available to outside the current Fender’s blue zone in case new butterfly populations are discovered. For private lands, this could involve expanding where coverage occurs but not the actual acreage. Mitigation could be completed on-site at the public property. HCP staff will evaluate land area available (in prairie type habitat areas) for expansion, and generate possible take estimates in high probability areas for expansion.

Frequent Comment Topic: Incentives

- Context:
 - Draft HCP did not include the Prairie Conservation Strategy (an appendix to the HCP), which includes majority of non-regulatory conservation strategy aspects of HCP.
 - The Prairie Conservation Strategy will be available in next draft.
- Summary of comments:
 - More incentives are needed for private landowners to engage in conservation work
 - Tax deferral for lands in conservation?

Discussion: Carolyn Menke asked for suggestions for incentives for conservation. The group recommended several.

1. Tax deferral for conservation. One example, Wildlife Habitat Conservation Management Program could be focused on prairie conservation. Oregon

Department of Fish and Wildlife (ODFW) could have other groups approve projects since there is a lack of funding.

2. Remove regulatory disincentives
3. Have volunteers or staff with expertise, provide technical assistance to help address conservation issues, including navigating the process to enroll into the incentive programs.
4. Safe Harbor: USFWS should provide clarity of guidelines for landowners
5. Provide free surveys via other programs
6. County conservation recognition program
7. Outreach to landowners
8. Access to database of successful projects, habitat management techniques, or learning opportunities

Frequent Comment Topic: Unfair not to be able to impact type 1 ROW

- Context
 - In Chapter 8 the draft HCP discusses the values of road right-of-way (ROW) populations
 - Draft HCP categorizes Benton County roadside populations as:
 - Type 1: Large, connected or unique (6 sites)
 - Type 2: Small, low connectivity (25 sites)
 - Type 1 ROW sites protected from impacts, and managed.
- Summary of Comments:
 - Handful of landowners get no assistance from HCP to access their property

Brief Discussion

If Road approach permit requested for Type 1 ROW, landowner may negotiate own agreement with ODA or USFWS

Jerry Chiappisi (public) asked that the HCP be changed to address right of way access to private lands in special situations. Carolyn Menke noted that Oregon Department of Agriculture regulates plants on public lands including rights-of-ways, therefore road approaches through rare plant populations would require a permit from them. Steve Northway noted that right of ways are important habitats for many rare plant species due to lower predation by wildlife.

Other:

Audubon representative Jim Fairchild indicated that Audubon will no longer be a member of the stakeholder committee and has sent a letter to Benton County with this information.

Jim Fairchild also asked for a list of the HCP Planning Team members. Carolyn Menke noted that they are listed in [Appendix F of] the draft HCP.