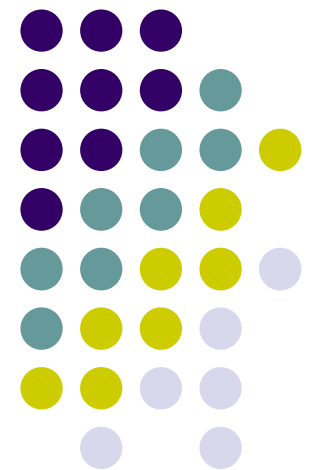
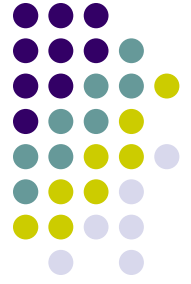


# HCP Stakeholder Advisory Committee

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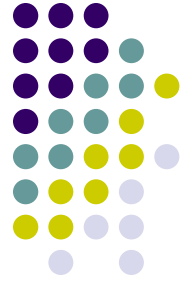
May 7, 2009





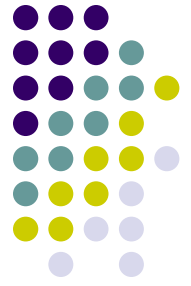
# Updates

- Prairie Seminar tonight, 7pm, here (Sponsored with Corvallis NPSO)
- Evening public worksession on Prairie Conservation Strategy 5/28, 7pm here.
- Next SAC meeting, focused on the Prairie Conservation Strategy, June 11, 10 am here.
- Plan to provide additional 30-day comment period in August/September 2009



# Goal for today

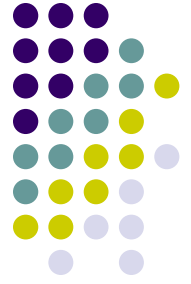
- Review most frequent summarized and compiled comments received during comment period
- Open discussion
- Make recommendations (does not have to be consensus) to BOC:
  - suggested responses/potential revisions to the draft HCP, to address most frequent comments
- Comments/responses will be formatted into newsletter to be distributed



# Most frequent comments

1. Concerns about changes to Fender's blue zones
2. Costs/Funding for Plan Administration
3. Covering other activities?
4. Concerns about the ESA
5. Landowner Fees/disincentives
6. Concerns about the SAC in HCP Development
7. Want additional comment period
8. Take availability is limited... then what?
9. Incentives needed
10. Unfair not to be able to impact Type 1 ROW for driveways

# 1. Concerns about changes to Fender's blue zones

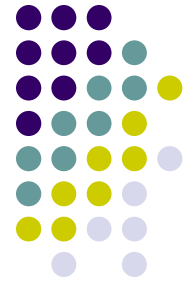


- Summary:

- Will zone change? What if County/Cooperator restoration sites attract new Fender's blue populations? What if a new population is found?

- Context:

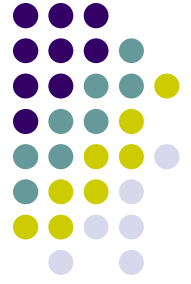
- Fender's blue zones are based on current FBB populations, the distance the butterflies travel, and locations of non-forested potential habitat.
- Current plan requests "take" from USFWS based on current Fender's blue zones.
- May be populations not yet known.



# Responses/Alternatives

1. Keep FBB zone as is for HCP permitting purposes.
  - If new populations are found, permit applicants in those areas would get routed to USFWS, as currently is occurring.
2. Plan to amend HCP to expand coverage as needed
3. Request take for current FBB zone projections, and add additional amount
  - Anticipate potential FBB zone expansion near restoration sites
    - e.g. Beazell, Soap Creek, etc.
4. Encourage those doing conservation work to enter Safe Harbor Agreements
  - Receive future regulatory assurances.
5. Suggestions??

## 2. Costs/Funding for Plan Administration



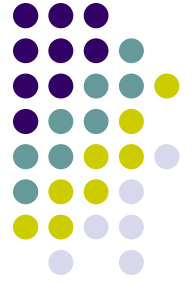
- Summary:
  - Concern that Benton County does not fully commit to funding Plan, and has not selected a reliable funding mechanism.
- Context:
  - Draft HCP outlines several possible funding options, including a levy, General Fund, etc.



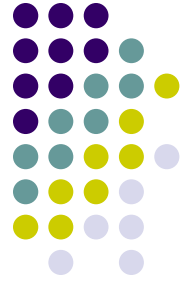
# Response/Alternatives

- Revise HCP to clarify County plans to cover costs of HCP implementation through general fund.
  - (e.g., program administration & County's mitigation obligations)
- Per USFWS, can leave option open to seek additional funds.
  - As long as needed funding is guaranteed.
- Clarify that Cooperators pay for their own:
  - survey work
  - mitigation
  - Monitoring
- Is this adequate clarification?

# 3. Covering other activities?



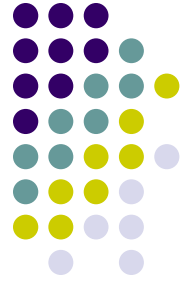
- Summary:
  - HCP does not cover activities like ranching, farming or grazing [for private landowners]. What about mowing, gardening?
- Context:
  - For private lands, draft HCP covers County-permitted activities only.
- To come under County's HCP coverage
  - Have to be able to quantify and estimate impacts from an activity
  - Activity generally needs to be County regulated.



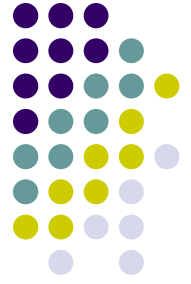
# Response/Alternatives

- County not planning to regulate new activities
- USFWS determines whether these activities result in impacts
- Could find a way to offer landowners free surveys to help in avoidance [without consulting USFWS].
  - County staff training
  - Collaboration with Benton SWCD?
  - Others?

# 4. Concerns about the ESA



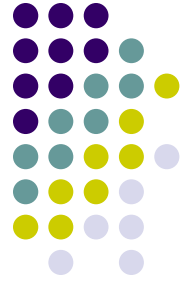
- Summary:
  - USFWS is misinterpreting its options-could be more voluntary
  - (HCP conflicts with recovery).
  - (HCP is not in the spirit of the ESA)
- Context:
  - The ESA protects listed species from harm.
  - When impacts are incidental and unavoidable, they may occur with a permit.
  - The mechanism to receive a permit is through an HCP.



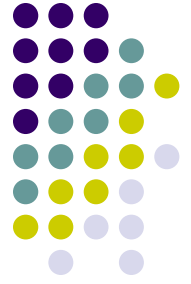
# Response

- These concerns should be directed to the USFWS and ODA.
  - The ESA protects listed species from harm.
  - When impacts are incidental and unavoidable, they may occur with a permit.
  - The mechanism to receive a permit, (for non-research or restoration work) is through an HCP.
- Is this adequate clarification?

# 5. Landowner Fees/Disincentives



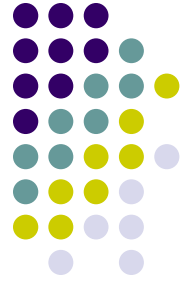
- Summary:
  - Fees unfair, should be spread to entire County.
  - Fees penalize those with remaining habitat.
  - Current approach/fees are a risk to the species.
- Context:
  - Draft HCP proposes:
    - To split the cost of mitigation at a site with the permit applicant.
    - not to require surveys (in the narrow window)
  - Without an HCP:
    - Permit applicants in potential Fender's blue habitat would be required to complete survey
    - Referred to USFWS if have potential habitat and cannot avoid.



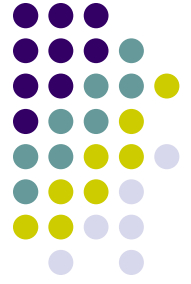
# Alternatives

1. Keep as is:
  - 50%-50% share between County and permit applicant.
2. Eliminate fee:
  - pay for all of the permit applicant's mitigation out of General Fund.
  - (Spread costs around entire County.)
3. Eliminate fee:
  - pay for all of the permit applicant's mitigation.
  - do fundraising for conservation.
  - pay remainder out of General Fund.
4. Others?

# 6. Concerns about the SAC in HCP Development



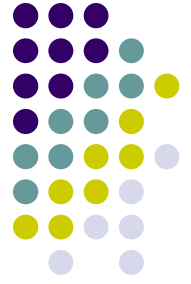
- Summary:
  - Insufficient private landowner representation on the SAC.
  - Representation of organizations has been problematic.
- Context:
  - SAC members appointed by BOC.
  - Level of participation has varied with committee member.
  - Representation of invited organizations, through selection of designees/alternates, is up to the organization.



# Response

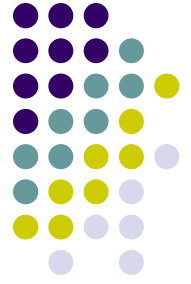
- SAC composed of:
  - Public & Private landowners in County
  - Conservation organizations
  - Watershed Councils
  - Extension/outreach
    - SWCD, OSU Extension, Pacific RC&D
- For additional private landowner involvement have:
  - held 5 public meetings, convened landowner focus group
  - given >25 presentations to local organizations
  - all Prairie Conservation Strategy meetings completely open to public participation
  - scheduled 3 “prairie events” this spring
- Propose to increase public and Stakeholder input rather than make new appointments.
- Additional suggestions?

## 7. Want additional comment period



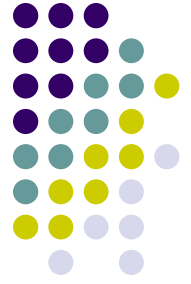
- BOC is planning 30 day comment period for revised HCP
  - including Prairie Conservation Strategy and Taylor's checkerspot management plan
  - in late summer (August/September)

# 8. Take availability is limited... then what?



- Summary:
  - 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
- Context:
  - Only the amount of take requested in HCP can be “used” over time.

# Response



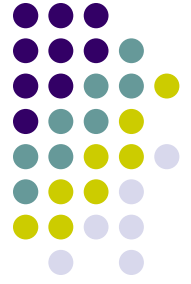
- Clarify HCP to emphasize:
  - As HCP is drafted, take can only be “spent” within its categories identified in HCP, and mitigated as described.
    - e.g. Impacts to FBB from home, farm and forest construction on private lands
      - If County “runs out”, can amend HCP, or landowners can work with USFWS. (recall prior discussion of take “cushion”)
  - When a cooperator has “spent” all its projected impacts, if additional impacts are needed, will need to seek own coverage from USFWS or ODA.
  - Sufficient clarification, other suggestions?



## 9. Incentives needed

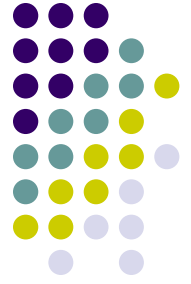
- Summary:
  - More incentives are needed for private landowners to engage in conservation work
  - Tax deferral for lands in conservation?
- Context:
  - Draft HCP did not include prairie conservation strategy, which includes majority of non-regulatory conservation strategy aspects of HCP.
  - Will be available in next draft.

# Response

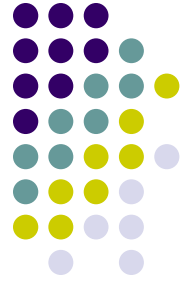


- Promote existing Wildlife Habitat Conservation Management Program (conservation tax deferral)
  - Currently unfunded by ODFW (reviews/helps develop the required associated conservation/management plans).
- Encourage Safe Harbor Agreements
  - Provide certainty to landowners wanting to do conservation, and at least a short term benefit to the species.
- Encourage enrollment in existing programs
  - (will be included in HCP and PCS)
- County could find a way to provide a survey, assist in avoidance if needed.
- County Conservation Recognition Program/Forum
- Others?

# 10. Unfair not to be able to impact Type 1 ROW for driveways



- Summary:
  - Handful of landowners get no assistance from HCP to access their property
- Context
  - Draft HCP categorizes BC 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.
  - If Road approach permit requested for Type 1 ROW, landowner may negotiate own agreement with ODA or USFWS.



# Response

- Protection of these sites is a compromise to protect some key, important populations, while recognizing roadside populations are vulnerable.
- ODA has indicated protection of these sites is critical within greater HCP.
- Landowner still has opportunity to negotiate with ODA or USFWS.
- Suggestions?