



Benton County Prairie Species Habitat Conservation Plan

Stakeholder Advisory Committee Meeting

Worksession, May 15, 2008, 10 am- Noon

Benton Plaza, 408 SW Monroe Ave., Corvallis OR

Stakeholder Advisory Committee Attendees:

Name	Organization
Ann Kreager	Oregon Department of Fish and Wildlife (ODFW)
Annabelle Jaramillo	Benton County Board of Commissioners
Carolyn Menke	Institute for Applied Ecology (IAE)
Dave Lysne	OSU College of Forestry
David Phillips	City of Corvallis Parks Department
George McAdams	Benton County Natural Areas and Parks Department
Irene Pilgrim	OSU Dept. Animal Science
Jerry Davis	Benton County Consultant
Jim Noyes	Oregon Department of Fish and Wildlife (ODFW)
Karen Fleck Harding	Marys River Watershed Council (MRWC), Wren Citizens Advisory Committee (WCAC), Landowner
Karlene McCabe	Greenbelt Land Trust (GLT)
Ken Faulk	Benton County landowner, Oregon Small Woodlands Association (OSWA)
Lori Wisehart	Institute for Applied Ecology (IAE)
Michael Cairns	Luckiamute Watershed Council
Mike Totey	Oregon Department of Forestry (ODF)
Rich Szlemp	US Fish and Wildlife Service (USFWS)
Sara O'Brien	Defenders of Wildlife
Steve DeGhetto	City of Corvallis Parks Department
Steve Rogers	City of Corvallis Public Works
Tom Kaye	Institute for Applied Ecology (IAE)

Public/Interested Party Attendees:

Jim Fairchild
Adam Novick
Rana Foster
Steve Northway

Meeting Summary

Introductions and Welcome

Annabelle Jaramillo (Benton County): Benton County is supportive of this project to expand Benton County conservation goals, and appreciate the public process.

Tom Kaye (IAE): This is a workession, a chance to discuss comments on the partial draft. There are many items to discuss. First we must prioritize. Where do we want to spend time in this meeting?

Decision points/alternatives(from agenda, here with #'s assigned by committee for priority for discussion today):

1. HCP or No Action
2. Conservation measures
3. Take Authorization (Ken Faulk (OSWA): Discuss how this fits in with ESA)
4. Covered Activities
5. Covered lands (Private & public)
6. Covered species

1. **HCP or No Action:** What is business as usual, and why do a HCP?

Public lands: Species protections exist, but there is a lack of: (List generated by committee)

- information about locations
- enforcement
- planning
- coordination
- guidelines of how to manage species
- Flexibility/updating in regulations.
- Integrated regulations
- Funding
- Under state regulations, should have plan to deal with threatened and endangered species, plan to mitigate, etc, if an activity is planned that could impact the species. State law is largely unenforced, as is federal law. Agencies are understaffed & under funded.
- Mike Totey (ODF): May depend on Agency. They would do the right thing; if they even knew they [the species] were there.
 - Survey/location data needed.
 - Ken Faulk (OSWA): State was “charged” with taking care of spotted owls. Put large areas of lands off limits, to protect themselves (the state), and got over protective. If we don’t have a HCP, how is County gong to protect itself? Worried County is going to throw a big loop, as the state did. Do we need to make this specific to certain landowners? OR spread [increased regulations] across County? I see HCP as letting County focus better on habitat, what needs to be done and protected, rather than just throwing a large circle around everything.
 - Steve DeGhetto (City of Corvallis): Dataset has to be able to be updated, so then processing permit applications, dataset is in front of you and updated, if we have data inventory with no data steward, how are we to know if we’re working with most recent information or outdated?

Private Lands:

List of needs same for private lands as public.

Data Management:

Steve DeGhetto (City of Corvallis): Needs to see what is present for any project, and know if data has been updated recently. Is another survey needed?

Tom Kaye (IAE): On private lands, if Fender's Blue Butterfly (FBB) is present and landowner wants to do any activity that would disturb it, the landowner needs permit from USFWS. If County is issuing a permit, (building, etc) County would ask landowner to get a USFWS permit before coming to County. This is a change that has to happen, regardless of the HCP. Now, people aren't doing surveys, USFWS can't enforce protections, neighbors watching neighbors, and in some cases there is deliberate eradication before someone finds out. We don't have effective enforcement of ESA on private lands. But, if there is widespread enforcement, there will be widespread resistance. Not a positive environment.

Annabelle Jaramillo (Benton County): Good to get information, and be proactive, but there is also a values issue. If we don't do anything, we stand to lose species. There is a value to having these species and habitats, and we need a mechanism to work with them, otherwise we will lose them.

Michael Cairns (Luckiamute WC): This is a difference between public and private lands, the issue of permits- the liability issue for County on private lands. It makes sense that the County would like to relieve some of that liability.

Tom Kaye (IAE): Another difference- no protection for plants on private lands.

Karlene McCabe (GLT): Without HCP, you are at risk for lawsuit. Then you will get so bogged down in lawsuit that you don't get any proactive work done. HCP allows you to move forward in positive way.

Dave Lysne (OSU): Otherwise can end up with citizen fighting citizen.

Tom Kaye (IAE): Negative Policy environment

Annabelle Jaramillo (Benton County): Litigation doesn't make problem go away, doesn't accomplish anything.

Karen Fleck Harding (MRWC, WCAC): Can we address anti-HCP thoughts? What are concerns?

Tom Kaye (IAE): Let's finish talking about these problems, then see if HCP could provide solutions, then talk about pros and cons. Then ask if there are downsides. We've been told HCPs can be whatever you want them to be. We can put in our own language and thoughts. If there are pitfalls that the plans typically have, we can address them in our HCP. E.g., updating, public input, make it not static. Build in process for change.

Steve Deghetto (City of Corvallis): From an operator's perspective, we come into conflict with different land development codes and ordinances that impact our ability to provide levels of protection, based on outdated science that is in the code. How can I work in a riparian and remove non-native vegetation, if that vegetation is providing shade? What other rules are on the books that afford some level of protection that we can integrate this with?

Solutions:

Planning: Landscape and site specific.

Updating: Ordinances, regulations need updating too, through adaptive management. We need feedback to go to already established regulations OUTSIDE the HCP. HCP is catalyst to review other established regulations, and add new information.

Coordination among land managers and regulators: This group of stakeholders starts the process.

- Karlene McCabe (GLT): We're more competitive for funding as a group. Sharing knowledge amongst managers helps.
- Jerry Davis (Benton County Consultant): need leveraging opportunity.
- Michael Cairns (Luckiamute WC): will need organization in County that takes care of updating, questions, etc, Institutionalizing coordination.

Lack of Survey/Info: Do surveys & do monitoring (second step)...

How to Manage: Provide management recommendations. Put information together, share information. Sharing info about funding, operations, process THAT WORK.

Long term coordination:

- Steve DeGhetto (City of Corvallis): If the HCP approach becomes a big positive, we want to be able to provide framework to others. Need a "wins page". Will there be a long term Technical Advisory Committee?
- Karlene McCabe (GLT): Also need to be able to work with USFWS. Otherwise, can run into problems when protocols don't exist. Need to go to USFWS as group, say we need you to work with us. Otherwise we get too worried, do nothing, and we lose the plants. Need ongoing team to work with USFWS, ODFW, to resolve problems. On private lands, people really can get frustrated with what they can and can't do.

Data Management: a part of coordination among land managers.

- Karen Fleck Harding (MRWC, WCAC): Address incentives on private lands- part of funding, part of solutions. Need actual incentives beyond technical assistance. Doing nothing is so destructive.
- Tom Kaye (IAE): attitudes about management and threatened and endangered species vary among private lands.

Flexibility: Build into HCP

Funding: HCP can make more competitive for certain types of dollars.

2. Conservation Measures

Karen Fleck Harding (MRWC, WCAC): Should the HCP address plants and candidates on private lands? Can the HCP have different levels on public and private lands with species e.g. plants work on private lands can be purely conservation, not regulation. Can you go beyond

outreach and address plants in conservation measures, and have active work on part of County to get landowners involved?

- Tom Kaye (IAE): In take authorization process we can try to somehow address plants on private lands- with prairie conservation strategy. We can try to help landowners understand values of their property.
- Karen Fleck Harding (MRWC, WCAC): In an area that there is no lupine, or Fender's blue, but are checkermallow, there is still an effort on the part of the County to mobilize resources- funding assistance, incentives.
- Tom Kaye (IAE): An HCP can put information in place. County can help lead access to resources.
- Dave Lysne (OSU): HCP provides context: helps frame proposals for work.
- Jim Fairchild (Public): What about a reverse fee structure: can the HCP supply funding?
- Jerry Davis (Benton County Consultant): It has to be within context of strategy- County led group that gets funding.
- Steve DeGhetto (City of Corvallis): There has to be a bundle of services that the plan could direct them to, and levels of things we can provide. Help people enter the program, even if not in hotspots, etc. Help pursue grants, maintenance dollars, etc. Site may not require that much work for real benefit.

Tom Kaye (IAE): Mitigations- There are losses and mitigations are taking place, but there is no coordination, no landscape plan so that it happens in best place, therefore there is potential for lack of best work. Under HCP, the solution is to coordinate that mitigation so that losses are counteracted in most positive way possible. That is not currently happening.

- It is easy to create a negative policy environment: If it becomes too complex to do things, nothing happens. Also, on private lands there is fear of having these species on property.
- Ken Faulk (OSWA): I feel that there has been an attitude change- we are moving more towards regulation. Makes it hard to get private landowners to cooperate. A better attitude is that this is good for conservation, not because you have to.
- Irene Pilgrim (OSU): Threat of enforcement scares landowners. Better to offer them services.
- Sara O'Brien (Defender's of Wildlife): We can't undercut ESA, but we need to emphasize that we are trying to create a non-regulatory environment.
- Tom Kaye (IAE): Part of the challenge is that we are trying to create plan for problem that most landowners haven't faced yet. We are trying to find a compromise
- Karen Fleck Harding (MRWC, WCAC): Challenge on private lands comes up in a situation where someone applies for permit that would result in take, but they are not interested in conservation. This is a very different situation from landowners that just want to do conservation.

Risks to Species (added topic)

Needs to be written in HCP that there is not just no net loss, but gain for these species. That can change approach.

Steve Northway (Public). What happens if mitigations aren't working? Permits will be issued, but what if mitigation is not working in 20 years?

- Tom Kaye (IAE): We can address this in the HCP, by requiring proof of success, on a reasonable time frame. We can add reasonable assurances that mitigation is working.
- Jim Noyes (ODFW): We have to realize these are complex systems, pledge that we do the best we can, but there are no guarantees.
- Carolyn Menke (IAE): Mitigation can have problems today, if landowner goes to USFWS today. The HCP is not creating this problem, it already exists.
- Karen Fleck Harding (MRWC, WCAC): The HCP will bring it to local level.

We do need to make mitigation as sound as it can be, and make it so it hopefully results in a BETTER situation for the species now, than what was lost.

3. Take Authorization:

Private Lands:

Much of this plan is about butterfly on private lands: protecting them on public lands is fairly straightforward. On private lands, it just takes inaction to lose these species. One approach is Hotspot mapping. This mapping is based on distance butterflies will travel to nectar (0.5 km) and distance butterflies will travel to get to lupine (2 km). If there were no HCP, USFWS would ask distance from known populations. If too far, will potentially not need to do a survey.

- Rich Szlemp (USFWS): Would check information available. Would be discussion about potential for butterflies. If no survey, we may miss them. Possibility that survey would be needed. Could be butterflies out there. In generic sense- if prior survey information exists, would use as first cut. If surveys are old, evaluate whether or not you have habitat, and likelihood of occupancy. In 2 km zone, we will assume they are there, unless survey proves otherwise.
- Tom Kaye (IAE): How often do public landowners come to USFWS?
- Rich Szlemp (USFWS): Not very often

Tom Kaye (IAE) We must take the information we have, and construct the best way to deal with it. Hotspots are based on 2 km zones, areas within those that have current prairie. We added some additional areas outside this zone that are likely habitat.

Alternative 1: If you are in these hotspots, and want a permit, you get a survey. Then you can get permit

- Pro- very assured of following current regulations
- Con: Pushing landowners into a new process could get negative atmosphere. Landowners could have significant delays-very regulatory

Alternative 2: if you're in these hotspots, the County will already have pre-mitigated (best land set aside/managed in easements), and can allow loss of lower quality habitat.

- Con- Could lose some populations/parts of populations of species
- Pro: mitigation has made best of the best populations/habitat protected. Management will occur.
- Under this alternative, how do we pay for long term management? Do people needing take pay? Or the County? Combination?

- Will there be enough requests for permits to even contribute a significant amount? Especially if limit to only single family dwellings? Not subdivisions?
- Ken Faulk (OSWA): Fees and assessment for landowners are an incongruent argument- the Agency cannot afford the service if not enough people are involved
- Tom Kaye (IAE): It will likely not be a predictable revenue stream. Where can needed \$ come from? Who is responsible- just the landowner, or the whole County?
- Ken Faulk (OSWA): Read excerpt from OSWA policy statements- we disagree with the fees.

“OSWA believes the environment is a dynamic and flexible system. We believe in holistic species protection by promoting a variety of healthy habitats. Recognizing that wildlife is an essential part of the ecosystem, forestland landowners have a responsibility to provide appropriate habitat [compatible with forest management practices] and that the public has a responsibility to help share the cost of providing such habitat.”

- Sara O’Brien (Defenders of Wildlife): but it says share...does that imply that the County and the landowners should pay part of the cost? Is your thought that the landowner is losing revenue by keeping property in habitat already and the County needs to contribute?

Tom Kaye (IAE): Our intent is not to make the hotspot map static. We need mechanism to make map updateable. The risk to working with map is that there are unknown populations that are missed. What do we do if something significant is found? We need sideboards around this. The map needs to be updated for significant populations.

- Michael Cairns (Luckiamute WC): What about someone in hotspot (with or without HCP) that is required to have survey, and the survey says no butterflies, go ahead and do activity- but property may have right conditions where it could have butterflies and lupine some day? Ideally we have to be protecting enough habitat to allow County wide increase in butterflies.
- Tom Kaye (IAE): That is the role of the recovery plan, not necessarily the HCP. Death by 1000 cuts happens, with or without permits. The question is where are places where butterflies can make viable long term populations. We will not necessarily be managing everywhere for butterflies. We don’t have authority to be successful. If we can take care of the public’s mitigation responsibilities, we may have opportunities for willing landowners to do more conservation and see populations increase. We can help make those tools available. How can we make this as positive as possible?
- Jerry Davis (Benton County Consultant): We have to work through willing landowners.

Karen Fleck Harding (MRWC, WCAC): Can a tax base general to the County be considered as an option- a tax base for prairie conservation? Might be a more reliable source, and gets shared by broader population.

- Jerry Davis (Benton County Consultant): That is still an option.

Sara O’Brien (Defenders of Wildlife): This process has weaknesses, but they are fundamental to the ESA. Some are regulatory weaknesses that might not be able to be solved. There is some

discomfort with the idea of mitigation, that it is putting the cart before the horse. But mitigation is mandated by ESA. This is a good plan given what you have to work with.

- Tom Kaye (IAE): I agree, sometimes the ESA has issues, but maybe we can do better than the requirements.

Mike Totey (ODF): This project has risk of mission creep- get into recovery plan strategies, etc. Would help to point out what is specific to HCP, what is extra, what is required.

- Tom Kaye (IAE): We want this to be our communities HCP we can make it what we want. We can go beyond what is required if we want to. This is the idea of the Prairie Conservation Strategy. It will help us figure out where do we need to do more work and provide more connectivity.

Public Comment:

Adam Novick (University of Oregon Graduate Student): Thanks to everyone for their interest in the species. It is exciting to hear this conversation- I would like to offer a historical perspective. We're working around a Clementsian view of ecosystems. But these prairie ecosystems depend on perpetual maintenance. This gives landowners power- they can let it go to blackberry, etc. This undermines the regulation. We had discussions here about how to fund parts of this project? Fees? Your biggest power is to exercise restraint in HCP authority. Can we consider increasing funding from land ethic approach, and improve conservation by leveraging the private landowner

Steve Northway: When was this meeting announced? When was the agenda posted? Why was this not posted in the newspaper? I was not able to add to the mailing list on line.

Carolyn Menke (IAE): Meeting was announced to list-serve over a week ago. Agenda was only just generated this week, sent to the committee, and posted on website. As this is a committee meeting that is open to the public, not an actual public meeting, there is no advertisement in the paper. Contact me if you have problems with the mailing list.

End of Meeting.