



Memorandum

To: Brad Medrud, City of Tumwater
Rachel Jamison, Port of Olympia

From: Chris Earle
Project Manager, ICF

Date: March 8, 2017

Re: Bush Prairie Habitat Conservation Plan: Covered Activities

Introduction

This memorandum describes the process used to identify covered activities for the proposed Bush Prairie Habitat Conservation Plan (HCP) and describes the covered activities in general terms. Covered activities are those activities for which incidental take permit authorization from U.S. Fish and Wildlife Service (USFWS) under Section 10 of the Endangered Species Act (ESA) will be sought, and for which the HCP is expected to provide avoidance, minimization, and compensation for adverse effects on covered species and natural communities.

As described herein, covered activities are the projects and actions that the City of Tumwater (City) and the Port of Olympia (Port) expect to engage in or authorize within the HCP plan area during the proposed 30-year term of the HCP. For the purposes of the HCP, projects are defined as specific actions that occur once in a discrete location, unless otherwise noted, and activities are defined as actions that occur repeatedly in one location or throughout the HCP plan area.

The HCP will identify conditions required to avoid or minimize impacts to covered species and natural communities. While these conditions have not yet been fully determined, Appendix A presents an initial inventory of covered activities, potentially associated mechanisms of incidental take, and avoidance and minimization measures intended to reduce or eliminate the risk of incidental take from each activity.

As noted in the 2016 *HCP Handbook*,¹ to be eligible for incidental take authorization, covered activities must meet the following criteria.

- Otherwise lawful: Projects and activities that may legally be carried out provided the permittee complies with other local, state, and federal laws.

¹ Available: https://www.fws.gov/endangered/improving_ESA/hcp-handbook.html

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 2 of 16

- Nonfederal: Projects and activities that are not carried out by a federal agency and do not occur on federal land²; and that are under direct control of the permittee (City or Port) through jurisdictional authority, employment, contracts, leases, or land ownership.

This memorandum describes the methods used to identify covered activities and then describes the covered activities that would be performed by the City and the Port in the HCP plan area. Activities are described according to a standardized system for identifying such activities that is widely used by USFWS, an approach intended to simplify and standardize both description of the activities and assessment of their potential to cause incidental take.

Methods Used to Identify Covered Activities

Covered activities described in this memorandum are draft and preliminary in scope. It has not been established that activities named here are likely to result in incidental take of covered species. Additional covered activities may be identified later during the process of developing the HCP.

The process for identifying covered activities began with discussions between the City, Port, and USFWS regarding the approach to be used to identify covered activities. This included some discussion regarding past activities that have included measures to address ESA-listed species, as well as activities included in some recent and ongoing HCPs in the Thurston County region that have addressed impacts on prairie-associated species.

USFWS also described their preferred impact analysis method, Effect Pathway Modeling. This method deconstructs a project or program into discrete activities, each of which is named and described according to the standardized North American Industry Classification System (NAICS). Each activity is then associated with one or more stressors (e.g., vegetation removal), one or more avoidance or minimization measures, and an assessment of resulting effects to individuals and populations of covered species. The method also considers additional factors relevant to the frequency and severity of incidental take, such as the frequency and duration of the activity and the species life history forms affected. However, these matters are not addressed in this memorandum and instead they will be included in a forthcoming effects analysis memorandum. This memorandum seeks to classify and describe proposed covered activities in the context of the NAICS.

In practice, the NAICS is highly redundant. Consequently, this analysis focuses on identification of possible stressors, while the relationship between NAICS activities and possible stressors is also addressed. See Appendix A for a presentation of the relationship between the covered activities described in this memorandum and the relevant NAICS activity names and codes.

Following discussions with USFWS, City, and Port staff developed comprehensive lists of activities and projects under their direct control or jurisdiction that might warrant take coverage. The

² Projects or activities that are authorized by or partially funded by a federal agency can be included in the HCP, recognizing that take for those projects or activities will be authorized through a separate ESA Section 7 consultation. Including these projects and activities in the HCP will greatly streamline those future Section 7 consultations.

following six criteria were used to screen the lists. ICF has used these six criteria in many other HCPs to provide a systematic and repeatable approach to select covered activities. Candidate activities and projects meeting all six criteria are proposed as covered activities under the HCP.

- **Control:** The permittee will perform or authorize performance of the activity.
- **Location:** The project or activity will occur within the HCP plan area.
- **Timing:** A complete application under City regulations filed with the City for approval of the project or implementation of activities occurs after the HCP is approved (2019) and the project is completed within the expected term of the permit (2019-2048).
- **Impact:** The project or activity has a reasonable probability or likelihood to take a covered species (unlikely or speculative take does not meet this criterion).
- **Definition:** The location, size, and other relevant aspects of the project or activity can be defined well enough such that direct and indirect impacts to covered species can be evaluated and conservation measures developed to mitigate those impacts.
- **Practicability:** Inclusion of the project or activity as a covered activity will not result in undue delays or substantial additional cost to the HCP or to the proponents of the project or activity relative to the benefit of including the project or activity in the permit. In other words, it will not be more cost effective to permit the project or activity separately.

The activities and projects that may meet these criteria are discussed in this memorandum, which will then be reviewed and discussed with the stakeholder group. Further revisions are likely based on the outcomes of that review. A complete definition and description of the covered activities will then be presented in the *Covered Activities* chapter in the draft HCP, along with an appendix linking the covered activities to the relevant NAICS activity names and codes.

In addition, the draft HCP will discuss in more detail the City's existing and future land uses and the *Airport Master Plan*³ for the Olympia Regional Airport. The City's *Tumwater Comprehensive Plan*⁴ contains future land use projections for the City's population, housing, and employment, which are established under the requirements of the State Growth Management Act. The draft HCP will also discuss the policies in the Comprehensive Plan addressing land use, housing, conservation, parks, recreation, and open space, transportation, and capital facilities in the proposed HCP plan area, as well as the regulations in the Tumwater Municipal Code that provide the permitting basis for the projects and activities discussed here.

Categorization of Covered Activities

Projects and activities described below are expected to be implemented by the City or the Port, or would be implemented by private and public applicants under terms subject to the jurisdictional authority of the City. To help organize the HCP five general categories of covered activities are identified.

³ Available: <http://www.portolympia.com/130/Airport-Master-Plan>

⁴ Available: <http://ci.tumwater.wa.us/departments/community-development/tumwater-comprehensive-plan>

- Urban Development Projects
- Resource Development Projects
- Recurring Activities
- Operations and Maintenance
- Conservation Strategy Implementation

The next sections describe the covered activities in each of five general categories. The proposed covered activities described are intended to broadly define all the different types of activities covered by the HCP and provide the basis for the incidental take permit requested by the City and the Port through the HCP.

City of Tumwater Covered Activities

Projects and activities are proposed to be subject to the HCP if the activity is either subject to the City's jurisdictional authority (e.g., via a building permit or site development approval), or is performed by the City or the Port. Projects or activities identified below as proposed for HCP inclusion may pose a risk of take.

With regard to jurisdictional authority, note that projects and activities, other than Conservation Strategy Implementation, are not covered outside of the City boundaries. The HCP plan area includes the Tumwater Urban Growth Area as demarcated in the 2016 Comprehensive Plan, as well as any Conservation Strategy Implementation areas located outside of the City. The City is expected to annex a substantial portion of the current urban growth area during the HCP term. Once annexed, those lands will be under City jurisdiction and covered activities performed on those lands will be covered by the HCP. With regard to Conservation Strategy Implementation projects and activities, those activities are covered regardless of their location relative to the City; however, like all covered activities, they must be performed in accordance with all applicable laws and regulations, including those of the jurisdiction within which the Conservation Strategy Implementation property is located.

The categories of Urban Development and Resource Development are project-based and entail the possibility of impacts to covered species habitat on the affected lands. Note that portions of the developed parcel may not be affected by these projects, and lands within the City are under existing statutory protection of critical areas⁵ (which include riparian, wetland, habitat, and geologically hazardous areas), shorelines of the state⁶ or have approved permanent conservation easements⁷, or are elements of the conservation reserve system⁷. In other words, habitat for covered species is and would continue to be protected through mechanisms outside of the contemplated HCP.

The categories of Recurring Activities and Ongoing Operations and Maintenance are activity-based and may entail impairment but not removal of habitat, in a manner detailed in the effects analysis⁷.

⁵ See the critical areas regulations under Tumwater Municipal Code Title 16 available at <http://www.codepublishing.com/WA/Tumwater/?Tumwater16/Tumwater16.html>

⁶ See the City's Shoreline Master Program (2014), available at <http://www.ci.tumwater.wa.us/departments/community-development/long-range-planning>

⁷ To be described in a forthcoming memorandum.

As noted above, habitat for listed species is protected through mechanisms outside of the contemplated HCP.

Covered activities that fall into the Conservation Strategy Implementation category are both project- and activity-based and may entail short-term impairment of habitat functions, with long-term beneficial outcomes for covered species, in a manner detailed in the effects analysis⁷.

Data Sources

The projects and activities listed below are based on information found in the Tumwater Municipal Code, Comprehensive Plan, Subarea Plans, Capital Facilities Plan, and other associated plans, which may include master plans, bicycle or pedestrian plans, infrastructure plans, and other similar adopted plans that are consistent with and implement the City's Comprehensive Plan. The following current adopted plans apply to planning in the City.

The *Tumwater Comprehensive Plan* includes the following elements and subarea plans.

- Conservation Element
- Economic Development Element
- Housing Element
- Land Use Element
- Lands for Public Purposes Element
- Parks, Recreation, and Open Space Plan (Element)
- Transportation Element
- Utilities Element
- Shoreline Master Program (2014)
- Brewery District Plan (2014)
- Black Hills Subarea Transportation Plan (2003)
- Capitol Boulevard Corridor Plan (2015)
- Capital Facilities Plan (2016-2021)
- Littlerock Road Subarea Plan (2006)
- Tumwater / Thurston County Joint Plan (2009)

Other applicable City plans and documents include those listed below.

- Citywide Design Guidelines (2016)
- Comprehensive Emergency Management Plan (2010)
- Comprehensive Stormwater Implementation Plan (2002, 2017 Plan in development)
- Deschutes Riparian Habitat Rehabilitation Plan (1993)

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 6 of 16

- Drainage Design and Erosion Control Manual for Tumwater (2010, as amended)
- Fire Master Plan (2009)
- Littlerock-70th Avenue Annexation Area Drainage Study (2011)
- Memorandum of Understanding: An Urban Growth Management Agreement, Tumwater and Thurston County (1988)
- Memorandum of Understanding: Urban Growth Area Zoning and Development Standards, Tumwater and Thurston County (1995)
- New Market Historic District Master Plan (1993)
- Police Master Plan (2001)
- Salmon Creek Comprehensive Drainage Basin Plan (2004)
- Sanitary Sewer Comprehensive Plan (2015)
- Strategic Plan (2010-2014)
- Transportation Improvement Plan (2016-2021)
- Tumwater Historic District Master Plan
- Tumwater Town Center Street Design (2004)
- Water System Plan (2010-2015)
- Wellhead Protection Plan (2010 informal update, 2017 update underway)

Other applicable regional plans include those listed below.

- Cities of Olympia-Lacey-Tumwater Urban Trails Plan, Thurston Regional Planning Council (2005)
- County-Wide Planning Policies, Thurston County (2015)
- Natural Hazards Mitigation Plan for the Thurston Region, Thurston Regional Planning Council (2009)
- Sustainable Thurston, Thurston Regional Planning Council (2013)
- On-Site Sewage Management Plan, Thurston County (2014)
- Thurston County Solid Waste Management Plan, Thurston Regional Planning Council (2009)
- Thurston Regional Trails Plan, Thurston Regional Planning Council (2007)

Urban Development Projects

Urban Development projects are undertaken to accommodate urban growth within the City and are subject to construction permits issued by the City. They include the construction and maintenance of typical urban facilities, both public and private. Urban Development projects include construction and maintenance of the following urban facilities and their accessory facilities, and include all uses

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 7 of 16

authorized or conditionally authorized through the City's zoning code, as it exists now or may be amended.

- Residential, commercial, industrial, and other types of urban development within the City, including accessory uses supporting such development, which may include parking facilities, parking accessways, signs, water, sewer, and stormwater facilities, lighting and other utilities, and other support structures.
- Transportation facilities, which may include sidewalks, bike paths, paved and unpaved roads, bridges, culverts, utilities, signage, landscaping, lighting, and transit facilities.
- Public service and cultural facilities, which may include federal, state, and local government facilities, fire stations, police stations, maintenance and operations facilities, communications facilities, public administration centers, post offices, parcel delivery facilities, hospitals, medical facilities, schools, colleges, jails, places of worship, convention centers, theatres, museums, community centers, community gardens, and concession buildings.
- Recreational facilities, which may include community and neighborhood parks, athletic fields, golf courses, indoor and outdoor sports centers, racetracks, campgrounds, dog parks, and trails; and associated infrastructure and amenities associated with these facilities, which may include access roads, utilities, signage, landscaping, parking facilities, launch ramps, trash receptacles, lighting, and drinking fountains.
- Public and private utilities, which may include coal, electrical, gas, oil, solar, wind, and other generation facilities and infrastructure, electric transmission and distribution lines, telecommunications lines, cable television lines and facilities, wireless communication facilities, and underground and aerial telecommunications lines and facilities, aviation and other fuel lines, and gas pipelines.
- Water delivery and storage facilities, which may include wells and well fields, water treatment plants, water supply pipelines, fill stations, and pump stations.
- Stormwater management facilities, which may include storm sewer systems, retention and detention facilities, stormwater and drainage collection systems, swales and ditches which may include roadside ditches, treatment facilities, nonpoint source reduction, outfalls, and drainage improvements.
- Flood control facilities, which may include associated pipes and structures, culverts or outfall structures, dikes, and levees.
- Waste-management facilities, which may include sewage-treatment plants, sanitary sewer systems and rehabilitation, water recycling, recycling centers, composting facilities, on-site hazardous waste treatment and storage facilities, on-site hazardous waste treatment and storage facilities, solid waste handling facilities, transfer stations, and used oil collection facilities.
- Funeral or interment services, which may include mortuaries, crematorium, columbaria, mausoleums, and similar services.

Bush Prairie Habitat Conservation Plan: Covered Activities
March 15, 2017
Page 8 of 16

- Urban Development projects would be sited on lands under the following associated City zone districts and overlays.
 - RSR Residential/Sensitive Resource zone district
 - SFL Single-Family Low Density Residential zone district
 - SFM Single-Family Medium Density Residential zone district
 - MFM Multifamily Medium Density Residential zone district
 - MFH Multifamily High Density Residential zone district
 - MHP Manufactured Home Park zone district
 - MU Mixed Use zone district
 - NC Neighborhood Commercial zone district
 - HC Historic Commercial zone district
 - GC General Commercial zone district
 - CBC Capitol Boulevard Community zone district
 - BD Brewery District zone district
 - LI Light Industrial zone district
 - ARI Airport Related Industry zone district
 - HI Heavy Industrial zone district
 - CS Community Services zone district
 - BP Business Park zone district
 - OS Open Space zone district
 - GB Greenbelt zone district
 - TC Town Center zone district
 - AP Airport overlay
 - MUO Mixed Use overlay
 - GCO General Commercial overlay
 - PUD Planned Unit Development overlay
 - FP Floodplain overlay
 - AQP Aquifer Protection overlay

Additional plans and associated Comprehensive Plan designations and implementing zone districts and overlays are expected to be developed over the course of the proposed 30-year term of the HCP. It is intended that activities proposed in these additional plans and designations will be covered by

the HCP as long as they are consistent with the covered activities criteria, impacts analysis, and conservation strategy.

Resource Development Projects

Resource Development projects are undertaken to utilize or extract natural resources within the City. Resource Development projects are subject to development, grading, building, or other construction permits issued by the City. Resource Development projects include agriculture, forestry, fish hatcheries, and aggregate mining. They include the following activities.

- Agriculture, which may include community gardens, crops and orchards for wholesale or personal use, livestock for wholesale or personal use, animal kennels, nurseries, aquaculture, on site commercial agricultural activities, which may include tree farms, farmer's markets, on site sales of agricultural products, retail and wholesale nurseries, as well as accessory uses supporting the primary agricultural use, which may include parking facilities, parking accessways, stormwater facilities, and other support structures, which may include greenhouses, barns, toolsheds, and storage sheds. These agricultural activities are only covered to the extent that the City has jurisdictional authority, which is expressed through the review and approval process for site plans and building permits.
- Forestry, which may include log yards and tree lots.
- Fish production, which may include buildings, raceways, piping and pumps, and appurtenant facilities.

Recurring Activities

Recurring Activities are activities that are subject to City authorizations or permits and that do not entail land clearance. They occur with predictable extent, timing, and duration, and include the following examples. These activities have not been fully evaluated at this time. Upon further evaluation, it is likely that some of them will be found to not pose any risk of take.

- Farmer's markets that occur in open areas suitable for the covered species.
- Temporary sales, which may include auctions that occur in areas suitable for the covered species.
- Authorized public or private events, which may include festivals, parades, or other entertainment activities that occur on public or private lands in areas suitable for the covered species.
- Fireworks displays.

Operations and Maintenance

Operations and Maintenance activities are undertaken to maintain the utility of existing land uses, facilities, and services within the City. Covered Operations and Maintenance activities are subject to direct control by the City, when City facilities are involved, or to a discretionary permit issued by the City. Operations and Maintenance includes the following activities. These activities have not been

fully evaluated at this time. Upon further evaluation, it is likely that some of them will be found to not pose any risk of take.

Park and Open Space Facilities

These activities are performed by the City.

- Repair, maintenance, and replacement of signage.
- Landscaping and turf management.
- Placement and removal of infrastructure, which may include buildings, roads, and trails.
- Erosion control and revegetation.
- Management of natural resources, which may include enhancement of freshwater resources, sensitive species management and monitoring outside of the reserve system, prescribed burns, invasive vegetation management, management of nuisance species, and managed grazing.
- Trail maintenance, abandonment, and restoration.
- Pest abatement to manage rodents, insects, and disease, and weed abatement to manage fire hazards including removal of dead and dying wood, trees, and vegetation. This may include mowing or disking for weed abatement and for insect and disease management.
- Habitat enhancement and restoration projects.
- Maintenance of water delivery systems.
- Equestrian facilities and uses, which may include equestrian stables, equestrian centers, trails, manure management, equestrian group camping, and horse grazing.
- Golf course facilities and uses.

Public Services, Infrastructure, and Utilities Operations and Maintenance

Although public infrastructure is diverse in nature, it shares common operations and maintenance needs. The City performs these activities, which includes the following.

- Mechanical and manual vegetation management, which may include mowing, disking, pruning, maintenance of fire fuel management zones along existing infrastructure, grazing for purposes of vegetation management, removal of dead or downed wood or live vegetation that threatens the integrity of structures, and seeding or planting of disturbed areas, which may include installation, maintenance and removal of irrigation systems.
- Beaver dam removal.
- Dust and erosion management.
- Installation and maintenance of fencing.
- Installation and maintenance of lighting.

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 11 of 16

- Site inspections. Access, particularly in areas that are frequently maintained, is generally by paved or unpaved maintenance roads.
- Maintenance of flood control structures and associated storm water conveyance infrastructure, which may include sediment removal to maintain conveyance or storage capacity, bank stabilization, vegetation management, and natural and trash debris removal.
- Municipal separate stormwater system maintenance, which may include:
 - Excavation, inspection, cleaning, repair, replacement, and reburial of in-ground facilities, which may include manholes, vaults, pipes, culverts, and outfall structures.
 - Installation, maintenance, removal, and replacement of soils within the stormwater facility.
 - Cleaning, grading, and repair of ditches, swales, and ponds.
- Utility facilities maintenance, which may include natural gas, electric, water, sewer, communications, and other utility infrastructure. Activities may include surveying, excavation, trenching, replacement of above- or below-ground infrastructure, transmission line reconductoring, overburden material storage, and restoration of disturbed ground at maintenance sites. Maintenance of underground utilities often requires trenching around existing pipelines and conducting repairs or replacing segments of pipeline.
- Transportation facilities operations and maintenance, as detailed below.

Transportation Facilities Operations and Maintenance

Transportation infrastructure may include transit facilities, public and private roadways, bicycle paths, roadside parking and viewing facilities, and ancillary drainage systems. Operations and maintenance activities may occur within the rights-of-way of new and existing roadways and other facilities. Operations and maintenance activities at these facilities are performed by the City or require City authorization, and include the following activities.

- Drainage system maintenance, which may include modification of ditches and conveyance facilities, back-slopes, and shoulders.
- Bridge and culvert repair activities, which may include debris and trash removal from bridge piers and pilings, vegetation management beneath and adjacent to bridges, and erosion and sediment control for bridges and associated drainage infrastructure.

Extension of Coverage to Nonfederal Parties

Public and private entities such as utility operators, schools, and private landowners may request coverage under the HCP for routine maintenance and repair of existing facilities in the City, provided that they receive a ministerial or discretionary permit for this activity from the City and comply with conditions and application processes to be described in the HCP.

Conservation Strategy Implementation

Conservation Strategy Implementation projects and activities are undertaken to create and maintain the conservation reserve system. These activities will be undertaken by the permittee or by contractors to the permittee. Although the conservation strategy of the HCP has not yet been developed, it is expected to have a core consisting of a spatial network of dedicated reserve lands, complemented by lands on partially developed parcels that are protected and maintained pursuant to conservation easements. Because the HCP is located in an area of comparatively high land values and traditional set asides may not be financially feasible, the HCP is intended to identify cost effective strategies for achieving recovery, which may entail mechanisms other than land set-asides.

A Conservation Strategy project consists of work done on a parcel recently added to the reserve system, performed to improve its value as habitat for covered species. Activities included in a Conservation Strategy project may include the following.

- Demolition of existing structures, roads, drainage structures, or other infrastructure and removal of demolition debris from the site.
- Recontouring or regrading of the site to achieve desired gradients and contours.
- Vegetation removal and installation, potentially including removal of trees and shrubs, grinding or removal of stumps, controlled burning, control of undesirable herbaceous or woody vegetation, herbicide application, soil amendments, and planting or seeding using native species.
- Fencing and signage.
- Construction of light-duty roads or tracks for purposes of site access and maintenance.

Activities associated with maintenance of conservation reserve lands may include the following.

- Vegetation removal and installation, potentially including hand removal of woody vegetation, controlled burning, control of undesirable herbaceous or woody vegetation, herbicide application, and planting or seeding using native species.
- Maintenance or replacement of fencing and signage.

If a unit of the conservation reserve system is located outside of the City, then construction and maintenance at that reserve unit will be subject to constraints placed by the applicable jurisdictional entity, in addition to the HCP. In most cases, this would be Thurston County.

Portions of the conservation reserve system may be open for public access. If so, any associated trails, parking areas, signage, etc. would be covered activities as defined in the previous sections on Urban Development Projects and Operations and Maintenance of parks and open space facilities.

Extension of Coverage to Neighboring Nonfederal Landowners

The creation of conservation reserves may increase populations of covered species within the reserve lands. As a result, some individuals may disperse to neighboring private lands where the presence of listed species could interfere with existing activities. With certain provisions and

restrictions, lands within X⁸ feet of the Reserve System boundary are eligible for take coverage, during the permit term, and for take beyond the baseline condition that existed prior to the establishment of the reserves. Landowners affected by a proposed conservation reserve will be notified of this risk and this provision of the HCP, and will be given the option of undertaking baseline species surveys and securing coverage under this provision of the HCP.

Port of Olympia Covered Activities

All covered activities of the Port will be limited in the HCP to projects and activities occurring on the Olympia Regional Airport, which the Port owns and operates. The Port has authority to limit and condition all activities on Port lands consistent with the authority of the Port Commission. The Port operates consistent with the following currently applicable plans.

- Comprehensive Scheme of Harbor Improvements & Development Guidelines (Port of Olympia).
- Airport Master Plan.
- New Market Industrial Center and Tumwater Town Center Real Estate Development Master Plan.

The Port is engaged in the same categories of activity as the City, as follows.

- Urban Development Projects. Except as noted below in section *Aeronautical Activities*, all Urban Development projects on Port lands are subject to City permitting authority and thus are City covered activities, as described above in section *Urban Development Projects*.
- Recurring Activities. Except as noted below in section *Aeronautical Activities*, all Recurring Activities on Port lands are subject to City permitting authority and thus are City covered activities, as described above in section *Recurring Activities*.
- Operations and Maintenance (Park and Open Space Facilities; Public Services, Infrastructure and Utilities; Transportation). Operations and maintenance on Port lands are subject to Port Commission authority. The Port Commission will perform the same operations and maintenance activities as described above for the City, and will implement the same avoidance and minimization measures when performing those activities.
- Conservation Strategy Implementation. The Port, as well as the City, is a permittee under the HCP. All Conservation Strategy Implementation projects and activities will be implemented as described above for the City.

Aeronautical Activities

Aeronautical activities are activities that occur on the portion of the Olympia Regional Airport under direct Federal Aviation Administration (FAA) control.

In addition to the nonaeronautical activities, the Port plans to conduct during the term of this permit (consistent with those contemplated by the City) coverage will also be sought for all aeronautical

⁸ Distance to be determined, based on scientific information regard likely dispersal distances of covered species.

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 14 of 16

activities. Aeronautical activities will be limited to projects and activities occurring on the Olympia Regional Airport, which the Port owns and operates. The projects and activities listed below are based on previous information presented in the most recent Airport Master Plan Update affecting airport facilities under the jurisdiction of the FAA. A majority of these activities and projects are not subject to ESA compliance via Section 7, as there is no federal nexus (such as federal funding or a federal action).

Some of these activities and projects would continue to be federal activities subject to ESA compliance via Section 7. This HCP is intended to describe these activities and their mitigation in sufficient detail to serve as the basis for issuance of simple biological opinions between FAA and USFWS that reference the HCP. The projects and activities to be covered are based on those contemplated in the Olympia Regional Airport Master Plan Update (September 2013). Airport Master Plans are periodically updated in conjunction with the FAA.

The Airport Master Plan is intended to establish a strategy that implements the necessary improvements to satisfy the forecast aviation demand at the Olympia Regional Airport, while also providing guidance on what will be required to demonstrate the Port's ability to fund the identified improvement projects. The overall concept is to maximize the opportunities to receive federal and state grants within the context of and in recognition of the amount of local funds available for capital needs.

Capital Infrastructure, Support Facilities, and Utilities

Aeronautical activities related to infrastructure, support facilities, and utilities on the airport include the following.

- Capital transportation infrastructure design and construction (new and rehabilitation) such as runways, taxiways, aprons, ramps, taxi-lanes, heliports, helipads and motor vehicle roadways and travel lanes to include pavement removal, seal coating, signage and lighting, pavement marking, reflectors and construction staging.
- Design and construction of airfield and facility lighting, instrument approach facilities, navigational aids, visual approach lighting systems, precision approach lighting systems, weather observation and reporting facilities to include facility maintenance and vehicle travel lanes and other miscellaneous airport support facilities.
- Design and construction (new and rehabilitation) of aircraft hangar facilities, commercial and corporate air service terminals, maintenance support facilities, office buildings, air traffic control facilities, Airport Rescue & Fire Fighting facilities and associated ground support, training and vehicle access and parking areas.
- Airport building rehabilitation and improvements to include roofs, floors, siding, gutters, storm-water, hangar doors, and utilities replacement and upgrades, landscaping, external lighting and airport fencing.
- Purchase and deployment of Airport Rescue & Fire Fighting vehicles, airport maintenance equipment, snow and rubber removal equipment, mowers, tractors, earth moving equipment, sweepers, blowers, debris control devices, hand tools and small and attractive assets.

- Property acquisition for, but not limited to Approach Airspace Protection, Approach Protection Zones, Instrument Approach implementation, obstruction (tree and or structures) removal and easements.

Recurring Activity: The Olympia Air Show

The Olympia Air Show is held annually, typically on the last weekend in June. The air show includes three phases of activity: set-up, the event itself, and teardown. Set-up typically takes two days, the event itself takes two days, and teardown takes two days. Throughout the event, vehicles may park on the grass adjacent to the hangars, and in a designated 6-acre grass parking area on the east side of Old Highway 99. Pedestrians walk in these areas as well. Fencing is used to limit the area of this disturbance. During the airshow, approximately 3,000 people visit the Olympia Regional Airport, using areas not prohibited from access by signage and/or fencing. There are also very loud take-offs, landings, and overflights by military jets.

Projects and Activities Not Covered

The goal of the covered activities descriptions is to be as inclusive as possible. That is, all possible projects and activities that meet the criteria described in this memo will be included as covered activities. However, activities or projects that do not fall clearly within the descriptions provided in this chapter can be evaluated on a case-by-case basis. If the permittee (City or Port, as applicable) determines that a specific type of project or activity is not included within the descriptions in this chapter, then it will not receive coverage under the HCP. Any uncertainty regarding whether a type of project or activity can receive coverage under the HCP will be resolved by the permittee. A described activity or project may be covered under the HCP if the following criteria are met.

- The activity or project does not preclude achieving the biological goals and objectives of the HCP as determined by the permittee at the time the covered activity is proposed. For projects where there is some question whether or not the biological goals and objectives of the HCP may be precluded, the determination will be made by the permittee in coordination with USFWS.
- The activity or project is conducted by, or is subject to the jurisdiction of, the permittees.
- The activity or project would result in mechanisms of impact that have been evaluated in the HCP.
- Adequate take coverage under the permit remains available for other covered activities.

The projects and activities listed below were considered but rejected for coverage. The projects and activities that are not covered may or may not be described in the HCP. If they are not described in the HCP, this memo will serve as documentation of their consideration.

- Private sector Urban Development projects that do not obtain a construction permit. Construction permits involve land disturbance for the purposes of making land improvements, which may include the construction of buildings, roads, and driveways. Private sector activities that do not obtain these development permits are not covered by the HCP.

Bush Prairie Habitat Conservation Plan: Covered Activities

March 15, 2017

Page 16 of 16

- Projects and activities, other than Conservation Strategy Implementation, are not covered by the HCP outside of city boundaries.
- Agricultural activities that do not go through a City permitting process (e.g., a site plan or a building or grading permit) are not subject to local approval and therefore cannot be covered by the HCP.
- Expansion of cultivated agriculture into natural lands. The expansion of cultivated agriculture into natural lands is not covered by the HCP unless it receives an authorization from the City (e.g. a site plan approval).
- Mining, including mining of sand and gravel. Due to the potentially extensive impacts associated with new or expanded mines, and the extensive state and federal review processes involved, the development of new or expanded mines is not covered by the HCP.
- New and expanded landfills. Due to the potentially extensive impacts associated with new or expanded landfills and a lack of understanding about what future projects might be proposed, the development of new or expanded landfills is not covered by the HCP.
- Emergency activities not defined as a Changed Circumstance in the HCP. During the permit term, the permittees and those under their jurisdiction may need to respond to emergencies. USFWS will not obstruct any emergency response decisions made by the permittees. Existing consultation regulations will apply to emergency activities (50 CFR 402.05).

Appendix A

Covered Activities and National American Industry Classification System (NAICS) Descriptions and Codes

The covered activities listed here are the same as those listed in the memorandum. These activities are likely to require incidental take permit coverage in order to comply with the federal Endangered Species Act (ESA). They are proposed as covered activities for inclusion in the Bush Prairie HCP. They include project and ongoing operational activities that the City of Tumwater (City), Port of Olympia (Port), and private parties performing actions authorized by the City are anticipated to conduct during the 30-year permit term.

Some of the activities listed in this Appendix would require federal action (e.g. federal funding support for highway construction), so incidental take could only be authorized via ESA Section 7; for such activities, this HCP is intended to support the Section 7 consultation and in that role would help to streamline the consultation process.

The North American Industry Classification System (NAICS), developed by the U.S. Census Bureau, is used by Federal statistical agencies to classify businesses for collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS is also used as input by USFWS in their *Effects Pathway Manager* (EPM) model for classifying different business activities. The EPM is then used to analyze the effects that these project and operational activities have on covered species.

Definitions for the 2017 NAICS descriptions and associated numerical codes listed here can be found on the federal NAICS website (<https://www.census.gov/eos/www/naics/>). The first two digits of the code refer to general industry sectors such as Construction (22) or Utilities (23). These sectors are classified further into different sub-sectors, for example Construction of Buildings (236), and Heavy and Civil Engineering Construction (237). The sub-sectors are further divided into different industry groups, for example, Residential Building Construction (23611), which can be divided further into different types of residential housing, such as New Single-Family Housing Construction (236115), etc.

General industry sectors and some sub-sectors are shaded in Table 1 below to indicate that they are used for classification; not all possible activities within these sectors are proposed for coverage. Industry groups listed below in unshaded cells are proposed for coverage and, collectively, include all of the activities proposed in the *Covered Activities Memorandum*.

Table A-1. NAICS Classification of Covered Activities, by Category Type.

| NAICS Descriptor/Industry Sector, Sub-Sector, or Group | NAICS Code ^a | Category | | | | |
|---|-------------------------|----------|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Agriculture, Forestry, Fishing and Hunting ^b | 11 | | X | | | X |
| Crop Production | 111 | | X | | | |
| Vegetable and Melon Farming | 1112 | | X | | | |
| Fruit and Tree Nut Farming | 1113 | | X | | | |
| Greenhouse, Nursery, and Floriculture Production | 1114 | | X | | | |
| Other Crop Farming | 1119 | | X | | | |
| Hay Farming | 11194 | | X | | | |
| Animal Production and Aquaculture | 112 | | X | | | X |

| NAICS Descriptor/Industry Sector, Sub-Sector, or Group | NAICS Code ^a | Category | | | | |
|---|-------------------------|----------|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Cattle Ranching and Farming | 1121 | | X | | | X |
| Hog and Pig Farming | 1122 | | X | | | |
| Poultry and Egg Production | 1123 | | X | | | |
| Sheep and Goat Farming | 1124 | | X | | | |
| Aquaculture | 1125 | | X | | | |
| Other Animal Production | 1129 | | X | | X | |
| Horses and Other Equine Production | 112920 | | X | | | |
| Support Activities for Animal Production | 115210 | | | | X | |
| Utilities | 22 | X | | | X | |
| Water, Sewage and Other Systems | 2213 | X | | | | |
| Water Supply and Irrigation Systems | 221310 | X | | | X | |
| Sewage Treatment Facilities | 221320 | X | | | | |
| Construction | 23 | X | X | | X | |
| Construction of Buildings | 236 | X | X | | | |
| Residential Building Construction | 23611 | X | | | | |
| New Single-Family Housing Construction (except For-Sale Builders) | 236115 | X | | | | |
| New Multifamily Housing Construction (except For-Sale Builders) | 236116 | X | | | | |
| New Housing For-Sale Builders | 236117 | X | | | | |
| Residential Remodelers | 236118 | X | | | | |
| Nonresidential Building Construction | 2362 | X | | | X | |
| Industrial Building Construction | 236210 | X | | | | |
| Commercial and Institutional Building Construction | 236220 | X | X | | | |
| Heavy and Civil Engineering Construction | 237 | X | | | X | |
| Utility System Construction | 23711 | X | | | X | |
| Water and Sewer Line and Related Structures Construction | 237110 | X | X | | X | |
| Power and Communication Line and Related Structures Construction | 237130 | X | X | | X | |
| Highway, Street, and Bridge Construction | 237310 | X | | | | |
| Other Heavy and Civil Engineering Construction | 237990 | X | | | X | |
| Poured Concrete Foundation and Structure Contractors | 238110 | X | | | | |
| Site Preparation Contractors | 238910 | X | X | | X | |
| All Other Specialty Trade Contractors | 238990 | X | X | | X | |
| Wholesale Trade | 42 | | | X | | |
| Auction markets, livestock (except horses, mules), merchant wholesalers | 424520 | | | X | | |
| Auction markets, tobacco, horses, mules, merchant wholesalers | 424590 | | | X | | |
| Automobile auctions, wholesale | 425120 | | | X | | |
| Retail Trade | 44-45 | | | X | | |

| NAICS Descriptor/Industry Sector, Sub-Sector, or Group | NAICS Code ^a | Category | | | | |
|---|-------------------------|----------|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 |
| Specialty Food Stores | 4452 | | | X | | |
| Meat Markets | 445210 | | | X | | |
| Fish and Seafood Markets | 445220 | | | X | | |
| Fruit and Vegetable Markets | 445230 | | | X | | |
| Art auctions | 453920 | | | X | | |
| Transportation and Warehousing | 48 | X | | | X | |
| Other Airport Operations | 488119 | | | | X | |
| Other Support Activities for Road Transportation | 488490 | | | | X | |
| Administrative and Support and Waste Management and Remediation Services | 56 | X | | | | |
| Services to Buildings and Dwellings | 5617 | X | | | X | |
| Exterminating and Pest Control Services | 561710 | X | | | X | |
| Landscaping Services | 561730 | X | | | X | X |
| Waste Management and Remediation Services | 562 | X | | | | |
| Waste Treatment and Disposal | 56221 | X | | | | |
| Solid Waste Landfill | 562212 | X | | | | |
| Other Nonhazardous Waste Treatment and Disposal | 562219 | X | | | | |
| Remediation and Other Waste Management Services | 5629 | X | | | | |
| Materials Recovery Facilities | 562920 | X | | | | |
| Remediation Services | 562910 | X | | | | |
| Arts, Entertainment, and Recreation | 71 | | | X | | |
| Promoters of Performing Arts, Sports, and Similar Events without Facilities | 711320 | | | X | | |
| All Other Amusement and Recreation Industries | 713990 | | | X | | |
| Public Administration | 92 | | | | | |
| Justice, Public Order and Safety Activities | 922 | | | | | |
| Police Protection | 922120 | | | | X | |
| Fire Protection | 922160 | | | | X | |

Notes

a. Category types are as follows:

1. Urban Development Projects
2. Resource Development Projects
3. Recurring Activities
4. Operations and Maintenance
5. Conservation Reserve System

b. For all codes starting with "11" (Agriculture), only authorized or permitted agricultural activities are covered. That consists of activities requiring a site plan and/or a building permit.

1.1 Olympia Pocket Gopher: Covered Activities Stressors and Minimization Measures

The covered activities listed in Table 1 may result in incidental take via a variety of mechanisms. The mechanisms associated with each covered activity have not yet been tabulated, and will be presented in a forthcoming memorandum on the effects analysis for the proposed HCP. Stressors that may result in incidental take from covered activities include the following.

- Removal of soil for burrowing habitat
- Removal of above ground forage vegetation
- Removal of below ground food caches
- Crushing burrows, adults and young when soils are compacted by equipment
- Exposing burrows, adults and young where soils are excavated
- Hydrology changes that lead to flooding of burrows
- Fuel spills or other vehicle fluids killing vegetation or contaminating soils
- Remaining habitat area too small to support gopher population
- Soil tilling disturbing burrow systems
- Installation of sod, trees, or shrubs displacing foraging habitat
- Herbicides may reduce forage availability
- Herbicides or insecticides may be toxic to adults and/or young
- Noise and vibration from construction equipment, vehicle traffic, or vegetation cutting equipment stressful to adults
- Fire and smoke hazard for adults that may be above ground or near the surface

Each of these stressors may be avoided or ameliorated by implementing minimization measures, which may be required during performance of covered activities. Recommended minimization measures associated with each covered activity also have not yet been tabulated, and will be presented in a forthcoming memorandum on the effects analysis for the proposed HCP. Minimization measures expected to be associated with covered activities include the following.

- Minimize area of disturbance
- Use construction fencing to limit area of disturbance
- Use designated travel routes
- Only fuel and maintain vehicles in designated areas
- Use the lightest weight equipment with tracks to minimize soil compaction
- Work slowly to allow animals to escape excavation activities
- If possible, locate storm water facilities where soil infiltration is high
- Revegetate disturbed areas with a diversity of grasses and forbs (forage vegetation)
- Mow or manage vegetation to increase cover of forage vegetation
- Foster a diversity of grasses and forbs in mowed areas
- Avoid or minimize use of herbicides and insecticides

City of Tumwater and Port of Olympia

- If necessary, use herbicides targeted only to noxious weeds
- Protect habitat adjacent to larger habitat patches and designated conservation areas
- In occupied habitat, if doing a prescribed burn, only burn small patches or strips adjacent to other suitable habitat