

MEETING NOTES

Cumberland Habitat Conservation Plan Steering Committee
Cumberland County Art Circle Public Library
3 East St., Crossville, TN
January 12, 2012

ATTENDEES

Name		Affiliation
Tim	Begley	City of Crossville
Eric	Brady	City of Crossville
Dr. Chris	Burcher	HCP Team (UT)
Kevin	Dean	City of Crossville
Janet	Dowlen	Cumberland County SCD
Dr. Jerry	Hardin	Emory River Watershed
Pam	Harris	ECE Services
Dr. Yoichiro	Kanno	HCP Team (TTU)
Doug	Little	Plateau Properties
Katherine	Medlock	The Nature Conservancy
Teresa	Payne	HCP Team (UT)
Rebecca	Schapansky	National Park Service
Peggy	Shute	U.S. Fish and Wildlife Service
Samantha	Wyatt	HCP Team (TTU)

MEETING GOALS

- Provide Steering Committee (SC) general updates on the HCP.
- Present and review the Conservation Measures.
- Review the progress of the HCP components.

WELCOME AND INTRODUCTIONS

- Teresa Payne (HCP staff) welcomed all attendees and reviewed the purpose of the meeting.

General HCP Update

Presented by Teresa Payne, CHCP Outreach Coordinator

Teresa Payne (HCP Team) updated the SC on work that has been accomplished. Highlights:

- Teresa and Chris attended HCP training school in December and learned valuable information. Their instructors have reviewed many HCPs and had a lot of good input and advice. Teresa and Chris are bringing this information back and incorporating it into this HCP.
- HCP staff is working on the same components, but they are getting closer to being finished. Monitoring should be wrapped up by around April. They are finalizing and

coming closer to delineating the priority areas. Meetings will be scheduled with species experts to review these priority areas. A more final draft map will be brought to the SC for review. HCP staff is in the process of meeting with the City and County to discuss mitigation. The Outreach Team is meeting Monday to look at what comes out of today for the Conservation Measures. HCP staff is working on Adaptive Management as well.

- The Conservation Measures were originally drafted with the Permitting Partnership Coordination Council (PPCC) and the applicants. They have been reviewed by the Outreach Team and have gone through several draft versions to get to where they are today. What comes from today will go back to the PPCC. The SC will not be approving them for quite some time.

Draft Cumberland HCP Conservation Measures for Development Activities

Presented by Dr. Chris Burcher, CHCP Science Coordinator

Media: Microsoft Word

Dr. Chris Burcher (HCP Team) reviewed the draft Development Conservation Measures (DCM).

Highlights:

- **DCM Task 1.1.6.:** Chris- FWS requires long-term monitoring of change in habitat, so documenting property plats will help monitor change in habitat loss.
- **DCM Task 1.2.4.:** Chris- This task should probably come first.
- **DCM Task 1.4.5.:** Pam- Relative to hard-armoring, bioengineering and other alternatives can be expensive. Chris- The existing regulations about this issue is tenuous as well. Katherine- We are talking about restoration here, so hard-armoring is not the best technique.
- **DCM 1.10.:** Chris- We will designate priority areas and check with the species experts to see if they make sense. Habitat corridors will be included in the priority areas. Priority areas are areas that are disproportionately more important across the landscape with a better probability of finding species there. These areas aren't too widespread across the County, with most being in the northeast portion of the County.
- **DCM 1.12.:** Peggy- You don't have to have a pot of money sitting there for mitigation, but you need to have assurances for that money in place.

Q&A

<p>DCM Task 1.1.3.: Is the 4,000 square feet in there to cover some particular disturbance?</p>	<p>Chris- It's in there to cover lots that are smaller than an acre.</p>
<p>DCM 1.2.: How do developers verify this?</p>	<p>Chris- Through DCM Task 1.2.2. Doug- Will it be tied to the Commission's final approval of the plat? Teresa- Wouldn't it have to be, Kevin? Doug- We cannot sell a lot until we have it recorded and we get the Commission's approval. Kevin is not sure right now. There will be a stormwater inspection. We will have to discuss post-construction. How long will it take? Chris- If it's based on two calculations, most of time, the</p>

	<p>calculations will be the same unless something was done wrong.</p> <p>Katherine- The construction permit is for during the construction phase. Post-construction is for when construction is complete.</p> <p>Kevin- The final plat is essentially an as-built. We need to talk about this section.</p> <p>Doug- This task sounds like about a year's work.</p>
DCM Task 1.2.6.: What is a brownfield site?	Teresa- It is a site that is possibly contaminated and no longer used, such as a gas station, or a site targeted for redevelopment.
DCM Task 1.4.4.: Will this be a fee or a fine?	<p>Chris- It will happen at the pre-application meeting, so it will be a fee.</p> <p>Katherine- It's for when you know that you will be encroaching on a buffer, and you have asked for a variance.</p> <p>Rebecca- Will there be criteria for qualifying them for variances?</p> <p>Katherine- We have talked about it, but it has not been established yet.</p>
DCM 1.11.: How close are we to priority mapping?	<p>Chris- We are close to finishing the mapping of priority areas for the 23 covered species, but we need to figure out where we draw the line for these areas, and we will discuss this with the species experts.</p> <p>Yo- Part of this has to do with how much we should preserve.</p> <p>Chris- We will consider the location and how much of the habitat is available throughout the County.</p> <p>Katherine- It is possible to have the priority habitat maps at the next meeting, but since we are relying on the species experts, it might take longer.</p>

Draft Cumberland HCP Conservation Measures for Road and Utility Rights-of-way and Easements and Waterbody Crossings
Presented by Dr. Chris Burcher, CHCP Science Coordinator
Media: Microsoft Word

Dr. Chris Burcher (HCP Team) reviewed the draft Road/Utility Crossings Conservation Measures (CCM). Highlights:

- **CCM Task 1.1.6.:** Teresa- Construction and maintenance of road and utility lines for a development have to be planned as a complete project.
- **CCM Task 1.4.1.:** Rebecca- These aren't just measures for the HCP. There are other agencies, such as the Corps of Engineers, that look at these. If you don't run into them with the HCP, you will somewhere else. Katherine- These measures came out of meetings with the PPCC. Tim- Some of these measures are more cost-effective, such as crossing streams at right angles.
- **CCM Task 1.6.3.:** Doug- The definition of a stream comes into play here. The blue-line definition of a stream is out-dated. Peggy- It will have to contain aquatic species at least part of the year. Tim- TDEC has criteria so that it's the same throughout the state. Peggy- If it's a temporary disturbance during the dry time, it would be fine. Doug- We would have to know when that

period is, and it will require front-end time and expense. Katherine- This is asking you to do it during the dry season and not during the spawning season. Doug- The dry period might be a time when I cannot work because I cannot clear trees. We go through a process and gather all of the information we need for where we are going to design a subdivision. We will have to validate this through assessments. Katherine- You have the option of doing that, or you have the option to assume that the species are there and adhere to the timeline restrictions. Doug- What about the tree clearing restrictions? It might take a year to get to the point where we can talk to Kevin. Peggy- You will be able to see how where you want to build overlaps with the priority areas. Doug- It takes time and money to make these kinds of assessments, and the economy is in the hole right now. Peggy- With the stream issue, a lot of priority areas will be clear as to whether it's a stream or not. We will have to be as careful as we can when we are mapping the priority areas. Katherine- We have tried to develop these CMs so that they do not take development off the table. Do you think these CMs do that? Doug- The cost does. Peggy- There have been examples where having priority areas bring people in and attract them to buy the land for development. Katherine- We did design these CMs, even in the priority zones, for you to still be able to develop but with stricter guidelines. The window of opportunity for development is narrower as a result. Doug- There is concern that we are making decisions about private property. Kevin- There will be a ceiling on fees. Doug- We can prepare for fees, but we cannot prepare for what it will cost to hire engineers for these assessments. Kevin thinks individual assessments will be few and far between. Teresa- You will be hiring a biologist for these assessments, not an engineer. Katherine- This is set up so that you don't have to hire anyone, unless you choose to. We included this in case you really wanted to or needed to do it. The purpose of the species survey is to prove that a species is not there. Peggy- This will speed the process with TDEC and others because it's tied with the HCP.

Progression of HCP Components

Presented by Dr. Chris Burcher, CHCP Science Coordinator

Media: PowerPoint

Dr. Chris Burcher (HCP Team) updated the SC on the progress of the HCP components and next steps. Highlights:

- The Conservation Measures have moved to an early draft. The take estimate is coming along nicely, and HCP staff is waiting on one set of data. Monitoring and Adaptive Management have progressed.
- Pam- The Team is doing a great job. The progress that's been made has been really good. Peggy- The current HCP Team is doing a good job of moving the project forward.

Q&A

<p>Will the SC get a copy of the Conservation Measures?</p>	<p>Teresa- We will wait until we have a more final draft to distribute them. The SC will approve them at some point and will have several discussions before then. Katherine- We are not willing or ready to send them out to the general public without the priority maps being ready. Chris- Your input is appropriate up until we submit the</p>
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	HCP to FWS. Peggy- FWS will ask for input as well before approval of the HCP.
Since Adaptive Management is included in the HCP, is there any way to come back and look in a few years to see if there are things that do not work for the developers?	Peggy- Yes, if it's written that way in the HCP. Teresa- Monitoring will reveal whether or not the Conservation Measures are working.
How do you amend the HCP?	Peggy- There are no surprises with the HCP. If FWS makes a wrong determination, there's nothing we can do. Chris- We are making our best effort to develop an HCP that will work.
If a developer wants to develop during a restricted time and decides to operate outside of the HCP, how does that work?	Peggy- Not everything has to go through the HCP, but they will not have the advantages of the HCP. There are very few HCPs in the southeast, so we want this one to work. Chris- We hope the HCP will increase the value of land. Peggy will look for references to the Austin, TX example that shows how land values increased.

ADJOURN

ACTION ITEMS

Responsible Party	Item	Deadline
HCP Staff & Applicants	Discuss section under DCM 1.2.	ASAP
HCP Staff	Determine whether or not DCM Task 1.2.4. needs to be moved up to DCM Task 1.2.1.	ASAP
Peggy	Send references for the Austin, TX example that shows how land values increased to HCP staff.	ASAP

The next SC meeting is scheduled for March 8th from 1-4 PM Central at the same facility (Cumberland County Art Circle Public Library on East St., Crossville).

2012 meeting dates: March 8th, May 10th, July 26th, September 13th, and November 8th.

Final Revision 1/17/12