

MEETING NOTES

Water Resources HCP Steering Committee
Plateau Research Center; Crossville, TN
February 24, 2010

ATTENDEES

Name		Affiliation
Erik	Andelman	Morgan County
Steve	Bakaletz	National Park Service – Big South Fork
Robert	Baker	TN Department of Environment and Conservation
Everett	Bolin	Crab Orchard Utilities
Geoff	Call	USFWS
Larry	Crosley	Highland Utility District / Scott Co
Joe	Dario	Tennessee Tech Univ.
Malissa	Davis	Tennessee Tech Univ.
Kevin	Dean	City of Crossville
Frank	Fiss	TN Wildlife Resources Agency
Jennifer	Gihring	UT
Hon. J.H.	Graham	City of Crossville
Dennis	Gregg	Obed Watershed Community Association
Hon. Brock	Hill	Cumberland County
Hon. Rick	Keeton	Scott County
Doug	Little	Plateau Properties
Rick	Morgan	Morgan County
Dave	Ostermeier	UT
Gay	Reeves-Stuart	Home Builders Association of Cumberland County
Rebecca	Shapansky	National Park Service – Obed Wild and Scenic River
David	Starns	TN Department of Economic and Community Development
Roger	Thackston	Farm Bureau
Jake	Tisinger	UT
Bert	Walker	Brimstone Company / Scott County
Jonathan	Ward	TN Department of Economic and Community Development
Tom	Wolf	City of Crossville
Alex	Wyss	The Nature Conservancy

MEETING GOALS

- Achieve common understanding of HCP basics
- Update on HCP Core Team's progress
- Discuss role of the Steering Committee in Water Resources HCP development

WELCOME AND INTRODUCTIONS

Handouts: Agenda packet

- Alex Wyss (Nature Conservancy) welcomed all attendees.
- Attendees introduced themselves to the group.

WHAT IS IN THE HCP?

Handouts: Powerpoint presentation

Jennifer Gihring (UT) reviewed the basics of the Cumberland HCP. Highlights:

- The HCP is a way to achieve balance between economic development and the long-term viability of rare wildlife and plants.
- A local entity develops an HCP and submits it to USFWS as part of an Incidental Take Permit (ITP) application. This permit is a long-term agreement between a local entity and the USFWS
- The ITP allows a permit holder to take a listed species when permit requirements are followed.
- Current applicants for the Cumberland Water Resources HCP include the Cities of Crossville and Wartburg and Cumberland, Morgan, and Scott Counties.
- Benefits of the HCP include enhanced species conservation as well as “no surprises” for the applicants and landowners.
- HCPs address species impacts through avoidance, minimization, and mitigation.
- Draft flow charts have been developed for the selection of covered activities and covered species.
- Current activities under consideration include residential and commercial land development, stream crossings, utility corridors, and wastewater management.
- The Cumberland HCP will not include agriculture, mining, or water supply projects as covered activities.

Q&A

Responses provided primarily by Jennifer, Alex, Geoff Call and Robby Baker

What is a “water supply project”?	Creation of water reservoirs and related activities.
For wastewater treatment, there are already requirements through the NPDES. Will HCP have requirements in addition to the NPDES or will they be combined?	HCP requirements may be more stringent than wastewater treatment requirements of the NPDES permit. Over time, the HCP requirements may be incorporated into the wastewater plant’s NPDES permit. This remains to be determined.
If a species is not included in the HCP and is found on an affected property after the HCP has been signed and completed, will it have	Yes, the species would have to be dealt with separately with the US Fish and Wildlife Service or the HCP could be amended.

to be dealt with it separately?	However, the HCP Science Advisory Committee is working hard to identify all likely species to avoid this situation.
Can species be excluded from being covered?	As stakeholders, the Committee should pay attention to balancing the benefits of including more species (enhanced permitting predictability) versus the possibility that including additional species may result in additional requirements. As a group, we want to be objective about activities that can benefit us as stakeholders down the road.
How, specifically, does the HCP affect land development?	The HCP could include open space requirements, stormwater management techniques, and other methods for addressing the impacts associated with land development. Guidelines regarding where development should occur may also be included. These decisions will be in the hands of the Steering Committee and, ultimately, the Applicants.
What if development is occurring and an endangered species is detected in the area even though documents included in the HCP did not predict the animal would be in the there?	Maps may be created predicting likely locations for rare species. You could choose to develop outside of areas of critical habitat. If you decide this is still best place for development, mitigation measures would have been established in the HCP, providing clear requirements. Alternatively, the Steering Committee may recommend that applicants establish requirements jurisdiction-wide sufficient to protect covered species. Then species impacts would be covered regardless of whether or not a species is detected, since the avoidance and mitigation measures would already have been incorporated into your project.
Upon acceptance of the HCP will I be permitted to develop or will I still have to apply for a permit? Currently, I apply for a stormwater permit for properties greater than an acre, or any property in Crossville.	As long as work is carried out according to the HCP, you will be covered under the Incidental Take Permit. State and local permit requirements will be integrated with the HCP.
Who monitors these activities?	We don't know yet. The city oversees the developer while the US Fish and Wildlife Service (USFWS) oversees the City. Ultimately,

	the USFWS monitors effectiveness of the HCP, but the City reports to the USFWS on progress.
Isn't the HCP being done to identify species to protect, and also to cover developers in the case of a surprise species showing up in an unexpected area? If we find one of these species, would we have to pay to have another study done?	You would not have to have another study done as long as it is a species covered in the HCP.
Does the HCP have a clause about the best available technology? What happens, after a permit is accepted, if better available technology comes about? Can the permittee trust the contract?	The HCP doesn't have the best available technology clause. It is a legally binding contract with the USFWS with very specific requirements. As long as the applicant is complying with contract, they will not be required to make any changes. The USFWS can ask for additional actions, but it's up to applicant if they want to comply with the request.
Is there a priority of which species to be saved/likelihood of being saved?	No. A species is either covered or it is not. We are doing work to determine the most vulnerable species.
Will cities have to hire enforcement staff? Or will this work be sent to TDEC or other organizations?	Cities and counties are ultimately the permit holders, and as such, are responsible for enforcing the HCP through whatever means is cost-effective for them. TDEC or others would have to be permit holders to enforce.
How long does the HCP approval process take?	The regional processes with the USFWS take around 6 months. The document is then sent to Atlanta where it will be under review for a minimum of one year. While measures are being taken to keep the Atlanta staff up to date on the progress of the Cumberland HCP, there is no way around a 1 year minimum review time.

ROLE OF THE STEERING COMMITTEE

Handouts: Powerpoint presentation

Jennifer Gihring (UT) reviewed the HCP project organization and discussed the role of the Steering Committee. Highlights:

- The Steering Committee is responsible for providing recommendations to the Applicants on aspects of the HCP. The Committee will base their decisions in part on information compiled by the Core Team.
- The Core Team is at the Committee’s disposal to gather information and answer questions.
- Key areas on which the Committee will be asked for recommendations include:
 - Covered species
 - Covered activities
 - Links between activities and species impacts
 - Biological goals and objectives
 - Numeric estimate of take (modeling)
 - Best management practices
 - Implementation mechanisms (e.g. ordinances, permits)
 - Monitoring and adaptive management strategy
 - Funding strategy
- The Committee has three types of members:
 - Applicants
 - Associates: non-applicant individuals and organizations that have a direct stake in the outcome of the HCP. Applicants and associates form the core decision-making body of the Steering Committee.
 - Ex officio: State and federal agencies that have information to inform Committee decisions.
- The Steering Committee will meet every other month.

Mayor Graham mentioned that Crossville experienced 36% growth in the 90s and could see another 60% in the next 10-20 years. The City is building the foundation to accommodate this growth. The HCP is an important part of that foundation.

Alex provided closing comments.

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ACTION ITEMS

Responsible Party	Item	Deadline
HCP Team	Bring draft covered species for discussion at next Steering Committee meeting.	Distribute prior to April meeting
HCP Team	Discuss implementation mechanisms (e.g. permitting & enforcement) at the next meeting.	Distribute prior to April meeting