TWG: COMPENSATORY MITIGATION

Meeting: #1  Date: August 30, 2018  Time: 9:30-10:30 am

Attendees:
☒ Robert Anderson, Fennemore Craig
☒ Joe Bardswich, Golden Vertex Corp
☒ Michael Byrd, Prescott Creeks
☒ Mark Edelman, Arizona State Land Department
☒ Julia Fonseca, Pima County Sustainability
☐ Angela Garcia, Salt River Pima-Maricopa Indian Community
☒ Jonathan Horst, Tucson Audubon Society
☒ Bob Iannarino, Psomas
☐ Spencer Kamps, Home Builders Association of Central Arizona

☒ Dave Kimball, Gallagher & Kennedy
☒ Keith Knutson, Arizona Game and Fish Department
☒ Shawn Lowery, Arizona Game and Fish Department
☐ Amanda McGennis, Arizona Chapter Associated General Contractors
☒ Myron Smith, KGHM
☒ Brenna White, Department of Interior, National Park Service

Staff Support:
☒ Andy Koester, ADEQ
☒ Theresa Gunn, GCI

Discussion

- TWG Charter discussion
  - A majority is 50% +1 of the people in attendance of the meeting
- Guidance from EPA on flexibility – what are the boundaries? What are the current requirements? Not consistent and interpretations of legal and guidance as well? Mostly defined under the 2008 rule – so pretty much defined in statute unless we have flexibility?
- EPA must approve the package
- Mitigation rule is in the 404 B1 guidelines in State Statute
- Policy
- Need to have a starting point ……
- Not sure other states have gotten to this extent ---

Decisions

- Group agreed to make decisions by consensus and include a minority report if necessary
- Group agreed to biweekly meetings lasting 60 to 90 minutes and prefer work products are provided in advance
- Group will meet in Phoenix and continue to have conference call and WebEx options for participation
- Meetings to be held every other Thursday at 2 p.m. at ADEQ beginning September 13
Action Items

- Theresa to send out meeting invite
- Andy to determine what NJ and Michigan are doing regarding mitigation and will have discussions with EPA on scope of mitigation guidelines
- David Kimball to contact other states and send next week
- Mark to call Corps to see if a speaker is available for next meeting
- Training materials also available – Rob Anderson if Corps not able to present ---
- Shawn will send information on other states
- Andy will discuss with 401 team to see what they are doing regarding functional assessments
- All should send links to Theresa to post on WG site

Future Discussion

- Determining what you need to do
- Assessment methodologies

Next Agenda Items

- Select Vice Chair
- Briefing on the 2008 Rule by Corps
- Information from other states