ADEQ Arizona Department of Environmental Quality MEETING SUMMARY

TWG: **ESA**

Meeting: #11 **Date:** Jan. 22, 2019 **Time:** 1-3 p.m.

Attendees *(Conference call participants)*:

- ☒ *Robert Anderson, Fennemore Craig*
- ☒ Matthew Camba, Wood plc
- ☐ Clay Crowder, Arizona Game and Fish Department
- ☒ *Rafael de Grenade, HILGARTWILSON, LLC*
- ☐ Nichole Engelmann, U.S. Fish and Wildlife Service
- ☒ Terrence Enk, Freeport-McMoRan Inc.
- ☒ Heather Finden, City of Phoenix Water Services Division
- ☒ *Jill Himes, Himes Consulting, LLC*
- ☐ Mark Horlings, Maricopa Audubon Society
- ☒ *Nancy Johannesmeyer, ASARCO*
- ☐ Keith Knutson, Arizona Game and Fish Department
- ☐ Carrie Marr, U.S. Fish and Wildlife Service
- ☒ *Jennifer Martin, Sierra Club*
- ☒ *Jenny Neeley, Pima County Office of Sustainability & Conservation*
- ☒ Kris Randall, U.S. Fish and Wildlife Service
- ☒ *Laura Stewart, ACS (Archaeological Consulting Services, Ltd.)*
- ☒ *Jim Tress, WestLand Resources, Inc.*
- ☐ Russell Waldron, SWCA Environmental Consultants

Staff Support:

☐ Heidi Welborn, ADEQ ☐ Mark Joyner, ADEQ ☒ Jill Hankins, ADEQ ☒ Kelly Cairo, GCI

Discussion Items:

Kris welcomed the group and reviewed action items.

- Two meetings are on the calendar for the TWG: Feb. 5, and Feb. 19.
- All action items were completed except as noted (see below).

Draft Document Review

In addition to updates noted on the live document, highlights of discussion follow:

- The group agreed to include the matrix of references in the white paper.
- Heather reviewed the current state flow chart and asked for verification of items including:
    - Rob said that the Corps is empowered to make a no-effect call.
    - Informal consultation—Remove "Does not effect" arrow to left of "ACOE requests formal…" box.
    - Okay to remove question in red text.
    - Use of BA/Biological Assessment consistent with the narrative.

Option 1 flow chart

- The group agreed to create three separate flow charts for the future state/three alternatives to option one.
    - Action item: Heather to update three flow charts with current language.
- Need a description of each of the three flow charts.
- The group discussed "reasonable" vs. "reasonable and prudent."
- Action item: Heather to update references from MOU to MOA.
- The group agreed to title **Option 1: ADEQ/FWS MOA model**

- Option 2 does not currently include NEPA considerations. Jenny suggested taking the language from the statewide HCP and including it under the project specific HCP. The primary difference is that the applicant would need to apply for the HCP.
- Document needs to include Alternative 1 with three options:
    - Federal review through an MOA
    - Expedited permit transfer back to Corps
    - Project-specific HCP
- The group agreed to separate all options, for a total of four options.
- In a statewide HCP, ADEQ would be the permit holder. This is a Section 10 permit that would then be transferred.
- There are also future options considered, but not carried forward. This includes the statewide HCP and the streamlined HCP.
- Decision: The group agreed to vote on recommendations and use this information to characterize comments in the white paper.
- The group asked for several days to review the completed document privately. Heather said that a deadline for changes would need to be set.
- Options 1 and 2 begin with ADEQ screening, then determine whether the permit proceeds or goes to the off-ramp.
- The group agreed to describe the screening in Option 1, then reference the same screening process in other options.
    - Action item: Heather to add language to Option 1.
- **Option 2 is the off-ramp option.** A flow chart will need to be created.
- Off-ramp is only for certain circumstances, but have not yet identified those circumstances.
- Purpose of the options section is to provide ADEQ with options, not the applicant.
- Advantages of statewide HCP is that once it is established the permit can be completed much faster.
- A property HCP may be an approach, rather than a project HCP.
- Action item: Kris to revise option 2, including the flow chart.
- **Option three will be statewide HCP.**
- **Option four will be project-specific HCP.**
    - Action item: Heather agreed to write option four and create a flow chart.
- There was a concern about the federal furlough and including comments from FWS employees, including the TWG chair.

Next Steps

- Next meeting: Feb. 5, 1-3 p.m. at FWS (or ADEQ if necessary).

<u>Action Items/Assignments:</u>

- (1/8) Jim to identify any unresolved comments. He will discuss comments offline with Rob and/or Jenny as needed.

- (1/22) Heather to update three flow charts (option one alternatives) with current language, including screening information.
- (1/22) Heather to update references from MOU to MOA.
- (1/22) Kris to revise option 2, including the flow chart.
- (1/22) Heather to write option four and create a flow chart.
- (1/22) Heather to update current document by the afternoon of Jan. 24. and email group when it is available.
- (1/22) All to list gaps
- (1/22) All to provide remaining action items/comments by Jan. 31. Information should be provided in Google Docs.