TWG: ESA
Meeting: #12  Date: Feb. 5, 2019  Time: 1-3 p.m.

Attendees (Conference call participants):
☒ Norm James for 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:
Carrie welcomed the group and reviewed action items. She thanked the TWG for continued efforts during the time FWS was furloughed.

Action Items from Last Meeting
- All action items were completed except as noted.
- Jim to identify any unresolved comments. He will discuss comments offline with Rob and/or Jenny as needed. (Completed.)
- Heather to update three flow charts (option one alternatives) with current language, including screening information. (Completed up to Figure 5.)
  - Revised flow charts are saved on the Google Drive.
  - Action item: Heather to update Figure 1 flow chart with “ADEQ denies permit” box and review logic of flow chart.
- Heather to update references from MOU to MOA. (Completed/ongoing.)
- Kris to revise option 2, including the flow chart. (Completed.)
- Heather to write option four and create a flow chart. (Text in process, flow chart pending.)
- Heather to update current document by the afternoon of Jan. 24. and email group when it is available. (Completed.)

White Paper Draft
Heather posted areas of agreement and suggestions on the live document. In addition to updates noted on the live document, highlights of discussion follow.
- Nancy suggested adding explanation prior to Table 6/gap analysis.
- Heather reviewed Figure 5 Option 3, project-specific HCP.
  - Jenny suggested referring to Section 10 permits (which are received after the HCP occurs), rather than “HCP” throughout the white paper. The group agreed to this reference.
  - There was a question about take/plants and section 7. The issuance of the federal permit triggers consultation. Consultation occurs later in the process.
    - Action item: Terry to provide mark ups for this section.
  - The group agreed that one to two years is the anticipated time frame to develop and negotiate the HCP and Section 10 permit, and to note that this process occurs prior to the official process.
- Norm explained that the previous draft delved into the FWS process. Information now reflects the Corps process. The footnotes refer to legal cases. The group agreed to remove the footnotes for consistency with the level of detail of the document.
- P. 9 definition of take is a bit limited. The group agreed to remove the partial definition to avoid confusion. The full definition of ‘take’ is listed in the definitions section.
- The group agreed to move the definitions to the front of the document.

Section B
- Add reference to Senate Bill 1493.
- Need to update language to reflect that ADEQ will forward all applications unless there is a specific waiver.

Current State
- Title of Fig. 1: Federal Coordination Required Under 40 CFR 233.50.
- Figure 2: Replace “current state” with “current process” to avoid confusion.
- The group simplified the flow chart on the live document.
- P. 16 biological evaluation: Nancy recommended tightening language. Norm noted the importance of avoiding an ADEQ supposition of how and how quickly the work is accomplished.
- Agreed to move “references/research on other state programs” as a new heading in Section 4.
- Should add EPA discretion question to “items considered but not carried forward”
  - Action item: Jim to draft a paragraph to include in Section 4 as a new number 6.

Votes for Consensus
The group explored voting methods that would represent the intent of the TWG.
- Action item: Kelly to create survey for anonymous polling. Values of 1-6 (six being the highest) may be assigned to each option, with the ability to vote “0” on as many options as desired.
  - Survey to include additional question: “Do you support ADEQ assumption regarding ESA issues?” Carrie to review draft survey.

Next Steps
• Gap closure information is included in the document and may need to be reformatted/expanded for the gap closure section.
• Next meeting: Feb. 19, noon-3 p.m. at ADEQ.

Action Items/Assignments:
• (1/22) Heather to write option four and create a flow chart.
• (2/5) Heather to update Figure 1 flow chart with “ADEQ denies permit” box and review logic of flow chart.
• (2/5) Terry to provide mark ups for section regarding: Take/plants and Section 7; the issuance of the federal permit triggers consultation. Consultation occurs later in the process.
• (2/5) Jim to draft a paragraph to include EPA discretion question to “items considered but not carried forward” for Section 4 as a new number 6.
• (2/5) Kelly to draft survey as noted. (Completed.)
• (2/5) All: Comments on white paper due Feb. 7 and will be incorporated Feb. 8.