

TWG: ESA

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

Attendees (Conference call participants):

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

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.