ADEQ Arizona Department of Environmental Quality MEETING SUMMARY

TWG: **ESA**

Meeting: #13 **Date:** Feb. 19, 2019 **Time:** 12-3 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:

Welcome, Review Agenda

Carrie welcomed the group and reviewed action items. She added a review of flow chart comments received from Norm James to the agenda.

Heather added a list of changes to the document for the group to approve.

New language noted today will be available for review by TWG members. Once there is a document with all changes, SWCA's technical writer will review the document with track changes. Carrie and Heather will accept or decline changes.

- Action item: Carrie to notify the group of the availability of the document and deadline for final comments (done)

Action Items from Last Meeting

All action items were completed except as noted. Highlights of comments on these action items are included in the latest version of the final report:

- Heather to write option four and create a flow chart
    - Comments regarding the option four write up dealt with potential increased adverse effects.

- Results of voting
    - The survey remained open a few days after the deadline. About 2/3 of the TWG members replied to the survey. Carrie asked the TWG if the survey should be reopened. The group agreed to not reopen the survey.
    - Russel said that it seems like the results confirm that the TWG's ideal state is to get as close to the Section 7 consultation as possible.
    - Terry believes that it shows the group wants options.
    - Jenny cautioned against including assumptions about how and why people voted the way that they did.
    - Heather included an introduction on the recommended program that explains that there is no clear consensus. The group supported this approach.
- Heather reviewed items she identified in a table that have not yet been addressed.
    - Options five and six have not been written, including benefits and challenges.
        - Jenny pointed out that since these are nonexclusive options, additional text may not be needed.
        - Terry said that there must be unique benefits, otherwise they wouldn't have been presented as options.
        - Action item: Carrie will provide text in the updated document.

White Paper Draft

Heather entered areas of agreement and suggestions on the live document. In addition to updates noted on the live document, highlights of discussion follow.

- Since there is not an existing definition, the group agreed on a definition for discretionary federal action.
- Action item: Clay to review staffing section for recommendations.
- Option 1 MOA flow chart: Norm asked about biological assessments, since the FWS does not typically conduct these assessments.
- Action item: Jim to review Figure 3 Option 1 MOA flow chart for accuracy.
- Text should include that the details of the MOA should be further developed, and that the figure is a simplified representation.
- Figure 4 Option 2 MOA Flow Chart: Norm believes the off-ramp could occur at a different step. He is uncertain that the arrow is currently in the correct spot.
- Figure 5 Option 3 Statewide HCP: ADEQ does not actually *determine* project area, covered species, take, etc.
    - The group discussed how this option differs from a limited HCP. There is some discretion regarding what would be covered.
    - Action item: Jim agreed to review the flow chart for accuracy/simplicity.
    - ADEQ is the applicant in this process.
- Figure 6 Option 4 Project-Specific HCP: Norm was concerned that the flow chart implies it is simple to follow this process. Jim will also review this chart.

Next Steps

- Jenny volunteered to continue assisting on Thursday if needed.
- Carrie believes two to three weeks would be preferable for finalizing the document. Heidi noted that the Executive Work Group agenda includes ESA as a pending topic. (Note: The finalized schedule provided to TWG members by email after the meeting follows.)
    - Fri 2/22 - incorporate final changes
    - Sat-Mon 2/23-25 - final TWG review by COB
    - Tues 2/26 - Carrie & Heather final changes
    - Wed 2/27 - SWCA
    - Thurs 2/28 - am: Carrie/Heather and pm: SWCA
    - Fri 3/1 - turn in

Action Items/Assignments:

- (2/19) Carrie to notify the group of the availability of the document and deadline for final comments. (done)
- (2/19) Carrie to draft text for options five and six.
- (2/19) Clay to review staffing section for recommendations (done).
- (2/19) Jim to review Figure 3 Option 1 MOA flow chart for accuracy. Text should include that the details of the MOA should be further developed, and that the figure is a simplified representation.
- (2/19) Jim agreed to review the Figure 5 Option 3 Statewide HCP flow chart for accuracy/simplicity. Of note: ADEQ does not actually *determine* project area, covered species, take, etc. ADEQ is the applicant in this process.