

**TWG:** ESA

**Meeting:** #10      **Date:** Jan. 8, 2019      **Time:** 1-3 p.m.

**Attendees (Conference call participants):**

- |                                                                                             |                                                                                                                  |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Robert Anderson, Fennemore Craig                                   | <input type="checkbox"/> Keith Knutson, Arizona Game and Fish Department                                         |
| <input checked="" type="checkbox"/> <i>Matthew Camba, Wood plc</i>                          | <input type="checkbox"/> Carrie Marr, U.S. Fish and Wildlife Service                                             |
| <input type="checkbox"/> Clay Crowder, Arizona Game and Fish Department                     | <input checked="" type="checkbox"/> <i>Jennifer Martin, Sierra Club</i>                                          |
| <input checked="" type="checkbox"/> <i>Rafael de Grenade, HILGARTWILSON, LLC</i>            | <input checked="" type="checkbox"/> <i>Jenny Neeley, Pima County Office of Sustainability &amp; Conservation</i> |
| <input 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"/> Laura Stewart, ACS (Archaeological Consulting Services, Ltd.)                |
| <input checked="" type="checkbox"/> Heather Finden, City of Phoenix Water Services Division | <input checked="" type="checkbox"/> <i>Jim Tress, WestLand Resources, Inc.</i>                                   |
| <input checked="" type="checkbox"/> <i>Jill Himes, Himes Consulting, LLC</i>                | <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:**

Kris welcomed the group and explained that federal employees would be unable to attend due to the federal government shutdown; however, as a retired federal employee, she was able to chair the meeting.

- The ESA white paper deadline has been extended to Feb. 28.
- The group will meet Jan. 22, Feb. 5, and Feb. 19.

**Draft Document Review and State Programmatic General Permit**

- The group reviewed ESA Technical Working Group Final Report Consolidated 12.10.18. In addition to consensus comments and questions noted on the live draft document, highlights of discussion are noted below.

Figure 1: Flowchart of Required Federal Review as described in 40 CFR section 233.50 et seq.

- First box – Add language: ADEQ accepts application, determination of reasonable potential for affecting threatened and endangered species.
- Jenny provided the flow chart in Google Docs/final docs file for editing.

Working group directive/Species protection (p. 6)

- The group agreed to a lead-in that compares current and recommend program and gaps, and a table heading.
- Action item: Jim will summarize the table and key differences, and reference the table in the appendix.
- The group agreed that definitions should be in the appendix.
- Action item: Heather to edit the substance of the questions posed in this section.
- Heather recommended avoiding personal pronouns where possible.
- Jenny inserted comments.

- Action item: Jim to identify any unresolved comments. He will discuss comments offline with Rob and/or Jenny as needed.

## Summary of Research

- The group agreed that the questions should be grouped, followed by the answer (appearing in the same order).
- Options:
  - May want to summarize or provide the comparison table found in Google Docs.
  - A good deal of outreach occurred. May want to provide the list of contacts or summary in an appendix.
  - Heather has begun a bibliography.
  - May need a statement: "With these questions in mind, the group reached out to xx states."
  - "Other states ESA" could be an additional question.
- Action item: Jill Himes and Mark will update the summary for the next meeting.

## Current State

- B. ESA Compliance – The group discussed whether section C is needed. May need to keep the information in, but combine with section B so it is easier for the reader to follow.
- Current State Flow Chart – This is the Section 7 process. Flow chart should reflect the language in the text. The group discussed whether a flow chart is needed. Carrie created a flow chart that could be used. Terry also created an abbreviated flow chart.
  - Action item: Heather to update Terry's flow chart including language and style for consistency.

## Positives

- First sentence — Discussion included stating why this is a positive, address concept of "higher" level of protection (higher than what? Section 7?); addition of language to qualify "positives" as a "known and established process." The group agreed to reconsider the first bullet.
- Charter specifies "benefits" and "problems."

## Future Programs/State Programmatic General Permit

- Nancy reviewed recommendations on this option.
- A state PGP has been discussed through the Permit Process TWG. Nancy summarized why this approach is not pursued by the ESA TWG.
  - Not full assumption – we have been charged to look at full assumption.
  - However, if partial assumption is an option, a state PGP may be a viable option.
  - The group agreed to add "Future options considered" and add a second heading "State Regional General Permit Option."

## Future Programs/Flowchart (Options 1-3)

- Terry said that we don't have a narrative description of the process. Kris believes additional organization is needed.
- May be Option 1, with A-B-C alternatives. Will need to consult with Carrie after the furlough.
- May shade ADEQ processes to be more clear.
- Action item: Heather to review the current state flow chart.

## Next Steps/Assignments and Due Dates

- Assignments due Jan. 18. TWG to review and comment prior to Jan. 22.
- Next meeting: Review new flow chart and remainder of the document. Goal is to complete review of document (saved in Google docs in Final Document folder as "ESA Technical Working Group Final Report Consolidated 12.10.18") and additions added from today's meeting.
- Next meeting: January 22, 1-3 p.m. at FWS (or ADEQ if necessary).

## **Action Items:**

- (12/11) Jill Himes to include additional information on 2% in the white paper.
- (1/8) Jim to summarize the table and key differences; reference the table in the appendix.
- (1/8) Heather to edit the substance of the questions posed in species protection section.
- (1/8) Jim to identify any unresolved comments. He will discuss comments offline with Rob and/or Jenny as needed.
- (1/8) Jill Himes and Mark to update the references summary for the next meeting.
- (1/8) Heather to update Terry's flow chart including language and style for consistency.
- (1/8) Heather to review the current state flow chart.