



COUNTY COMMISSIONERS

John Hutchings
District One
Gary Edwards
District Two
Bud Blake
District Three

**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

August 22, 2018

Terry Peterson
EVERGREEN VALLEY FARMS LLC
6625 MT HWY 200
PLAINS, Montana, 59859

Subject: Critical Area Review

Project No. 2018102058 and 2018102060

Tax Parcel No. 11712210000 and 11711110400

Site Address: 7515 Meridian Rd SE

Dear Mr. Peterson,

During a review of the above referenced properties, activity of Mazama pocket gophers, a federally and state listed species, was observed. Gopher habitat is a critical area regulated under the Critical Area Ordinance (Title 24 TCC). This letter provides guidance in proceeding through the County review process. Three options available are outlined below.

Option 1: Submit a Critical Area Report per the Thurston County Critical Areas Ordinance

In order to continue to sufficiently review the possible impacts the project may have on the critical area the following technical information is required to be submitted pursuant to Thurston County Code (TCC) Title 24. Please be advised that these items must be submitted before any further processing will take place.

1. Submit for a Critical Area Review Permit along with the required application fee (required pursuant to TCC 24.40.030 and 20.60.035).
2. Submit a Critical Area Report prepared by a qualified professional biologist with experience preparing reports for prairie habitat and related species. The report shall evaluate the potential impacts for the proposed use or activity on any habitats or species protected by the CAO (required pursuant to TCC 24.05.027; 24.25.075; 24.35.260).
3. The Critical Area report and accompanying plan/data sheets shall contain at minimum the relevant information specified in TCC 24.35.290. Based on review of the Critical Area Report the following may be required as additional information:
 - A drainage and erosion control plan that describes the methods to minimize erosion and contain soil within the project boundaries during construction. The plan shall provide for stormwater management from the site and its surroundings during and after construction consistent with the

2000 Lakeridge Drive SW, Olympia, Washington 98502 (360) 786-5490/FAX (360) 754-2939
TTY/TDD call 711 or 1-800-833-6388 Website: www.co.thurston.wa.us/permitting

Drainage Design and Erosion Control manual for Thurston County (required pursuant to TCC 24.35.320).

- A grading plan that identifies the proposed development project including the movement of material onsite along with the proposed and existing contours of the site and cross sections thereof. The report shall be prepared by a civil engineer licensed in the State of Washington consistent with Chapter 14.37 TCC (required pursuant to TCC 24.35.330).
4. Submit a proposed plan that demonstrates how the proposed project will avoid impacts to the important habitat and species. If avoidance is untenable or impossible for the proposed project, the plan shall demonstrate why there is an inability to avoid the proposed impacts (required pursuant to TCC 24.01.035(A); 24.01.037).
 5. If the proposed project is unable to avoid impacts to the important habitat and species, demonstrate that all adverse impacts have been minimized (required by TCC 24.01.035; 24.04.035, 24.35.015). Submit a mitigation plan with credible scientific evidence. The plan shall at minimum include the information stated in TCC 24.35.300 (required by TCC 24.01.037; 24.35.300; 24.40.050(C)). The proposed plan must result in no net loss of the functions and values of the important habitat and species (Chapter 24.25 TCC).

Be advised that if a Critical Area Review Permit is issued it **may not satisfy the requirements of the USFWS criteria under the Endangered Species Act and additional Federal permits may be required to be obtained**. The County encourages project applicants to consult with USFWS regarding any potential federal requirements for their projects.

Option 2: Work with USFWS Directly

Work directly with USFWS to modify your project footprint or location to avoid "take" and/or develop an individual Habitat Conservation Plan (HCP). Any modification of a site plan will require review by the County prior to issuance of a County permit or approval. Mitigation approved by the USFWS may satisfy Thurston County requirements related to critical area review for the Mazama pocket gopher only. Please provide timely written notice to the County if this option is chosen.

Option 3: Wait for county HCP

You may elect to withdraw your application and re-apply later, or we can place your application on hold until the county can provide you with federally authorized take coverage through a countywide HCP. This process is ongoing and completion is not anticipated prior to mid-2020. Please provide timely written notice to the County if these options are chosen.

All requested information, including written notice if either Option 2 or 3 above are chosen, must be submitted within 180 days from the date of this letter. Prior to the expiration of the 180 days the applicant may request an extension. Additional information may be requested through further review of the project.

No construction, excavating, clearing, filling, alterations or grading is allowed on-site without first obtaining authorization approved by the County.

Any aggrieved person may appeal this determination to the Hearings Examiner. A request for hearing shall be filed in writing with the department located on the second floor of Building #1 of the Thurston County Courthouse complex. The form shall be accompanied by the required fee of \$1,849.00 with in fourteen (14) calendar days of the date on the letter. This deadline may not be extended. Postmarks are

not acceptable. For your convenience, the appeal of an administrative decision form is located on the Thurston County Website at: <http://www.co.thurston.wa.us/permitting/hearing/hearing-appeal.html>

Should there be questions regarding information in this letter please contact me at mcdowev@co.thurston.wa.us or by phone 360-867-2118.

Sincerely,



Vince McDowell

Project Coordinator

Community Planning and Economic Development

Thurston County

2000 Lakeridge Dr SW

Olympia, WA 98502

phone 360-867-2118 fax 360-754-2939