

Meeting Notes

Local Government and UGA Representatives

September 17, 2002

Jury Assembly Room, Cherokee County Justice Center, Canton, GA

Notes prepared by Libby Ormes 09/25/02

Participants*:

Representatives from:

GA DNR, LAPA, TNC, UGA, USFWS, Bartow Co, City of Canton, City of Cartersville, Cherokee Co, Cobb Co, Cobb-Marietta WA, Forsyth Co, Fulton Co, City of Kennesaw, City of Marietta, Paulding Co, Pickens Co, and City of Woodstock

The meeting was facilitated by Otis White, from Civic Strategies.

*(See attached sheet for details of participants and contact information)

Meeting Purpose: The main purpose of this meeting as decided on 8/13/02 (in the previous planning meeting, see meeting notes, Etowah Advisory Committee Meeting 4) was to develop an overall vision and strategy for developing the Etowah HCP that will pave the way for its ultimate adoption and implementation by local governments. The three main objectives of this meeting were (1) Reintroduce the concept of the Etowah HCP, and why it is important, (2) Address concerns and questions about the plan in order to move forward with planning, and (3) Develop a specific process for developing the HCP to include governance, committee structure, and significant milestones. Some participants at the 08/13 meeting decided that some issues, i.e. public input and mission statement, should be discussed further into the development process (in the interest of time).

1. Reintroduce Etowah HCP

After a brief introduction by Otis about the goals and agenda of the meeting, Lonice Barrett, the Commissioner of Natural Resources, GA DNR, addressed some major issues in the Etowah: drinking water, greenspace, rapid development and growth, recreation, and diversity of species. He also briefly discussed the involvement of DNR in the planning process, and the importance and benefits of proactive planning and voluntary work (easier decisions, shorter time).

Sandy Tucker, USFWS, spoke about some of the specifics of the Endangered Species Act (ESA), and its role to both protect species and prevent negative impacts to species. She discussed using an HCP as a tool to address these issues and the importance of regional planning: collective thinking about the community and the watershed both now and in the future.

Laurie Fowler, UGA, discussed the Etowah watershed in greater detail: issues, uses, importance, etc., and also presented more detail about the Endangered Species Act, HCPs, and why an HCP would benefit the Etowah watershed. Laurie's powerpoint presentation is available online at: www.etowahhcp.org. There were no questions in response to this presentation so Otis moved the meeting forward to addressing questions and concerns.

2. Concerns and questions about the Etowah HCP

Participants were seated in 3 groups of 10-15, and each group discussed important questions which they wished to be addressed in order to move forward with the plan. A representative spoke on behalf of each group, and several significant questions were addressed and discussed. In the interest of time, not all of the questions proposed were discussed, but those that were left unanswered (as well as those discussed in the meeting) will be available on the website (given above).

The following are the questions addressed in the meeting: (They were initially directed to Laurie and then to other people, as appropriate)

1) Which individual HCPs will still be required (if a regional HCP is in place), and how much time will be saved?

- It depends on how comprehensive the developed HCP will be: the more comprehensive it is, the less likely other individual HCPs will be required
- Any action that is not covered under the approved HCP and that will harm (as defined in the ESA) the species listed in the plan will have to receive an incidental take permit via an HCP.
- An HCP can also cover other species that are not presently protected, but might need to be in the future, i.e. more planning now for the future leads to less surprises in the end.

2) How will the HCP interpret requirements for stormwater, TMDLs, watershed protection plans, EPD permitting, etc.?

- All of these actions that are already taking place, and any activities that are protecting endangered species, will be accounted for when the HCP is written (and in the development/planning process).
- We need to work with all of these programs from the beginning, identify them upfront, and coordinate with the regions to assure that all present actions are incorporated into the plan. (Note: “UGA team” decided to begin identifying these types of actions and organizations now, to start the coordination process.)

3) How do we modify the HCP for new rules?

- Can easily amend the HCP if something is not working or something needs to be added.
- If enough science (and background research) and planning is put into the HCP, then there should not be too much of a need to make changes.

4) Can you negotiate back with the HCP- use the HCP to coordinate with other regulatory programs?

- Yes. Its depends on how the HCP is written- all of those regulations can be included in it

5) Who do the incidental take permits (ITPs) go to (county or city)? What happens if a county participates in the plan and a city/municipality within that county does not (for example)?

- The ITPs go directly to the city.
- If the city within the participating county has not agreed to adopt the regional HCP, then any activity (that may negatively impact the endangered species...) within that city will require an individual HCP.

6) *What happens if a project crosses jurisdictional lines between counties (or a city and a county), and one of these has not adopted the HCP?*

- Individual segment in non-member jurisdiction would require an HCP. FWS would most likely require that they follow the requirements of the regional HCP.

7) *Who is the ultimate enforcer for the requirements of the HCP, and once the taking is permitted what is the burden?*

- If a developer (for example) does not follow the HCP, then the permit holder (county or city) is responsible, similar to enforcing other ordinances: the permit holder sends a letter to the developer informing of noncompliance, and then the issue goes to FWS.
- The possible involvement of FWS was seen as good or bad: some see it as an intrusion and others see it as an extra ‘hammer’ to follow regulations.

8) *How do the jurisdictions get monitored?(is it FWS?)*

- Often times community members, landowners, city and county surveillance, etc. report an incident to the city, county, or FWS.
- Ultimately, it is up to law enforcement to monitor actions
- FWS does not handle sediment and erosion control violations (for example) because these actions are under state law, but if these actions are covered under an HCP, then the action (or noncompliance) becomes a federal violation, and FWS steps in.

9) *Will there be a standard fine to be imposed when there is a violation?*

- It is possible, but it is something that would have to be written into the plan.

10) *How will the issue be addressed if someone is totally against a particular action that is taking place (on a particular creek, for example)?*

- The EPD steps in to assure that the action is in compliance (or not) with the requirements of the HCP; if so then it can move forward.

11) *How do we address the concern that a regional HCP will actually facilitate, rather than deter, growth by allowing certain activities (that may harm species) to continue once receiving an ITP?*

- Overall, an HCP provides more protection for species than if there is not one in place. Developing a regional plan is more comprehensive because it affects all development activities rather than leaving some out. For example, there are some development actions (in many places) that “ignore” the necessity to consult with FWS or to develop an HCP. They might continue with the activity regardless of the effects on the species, and possibly be called on the action after they have already begun (or even finished!) the project.

- Once the plan is approved, FWS will have more time (in that particular area) to spend on recovery issues, rather than spending a lot of time consulting with developers and approving individual plans.
- A regional plan speeds up development in a positive way- it eliminates the required consultant process for federal actions. HCPs are an effective tool in helping to create a balance between development and protecting species of concern.

This was the conclusion of this section of the meeting, and at this point someone suggested that we (the UGA team) bring in some folks (local government official, specifically) who have worked directly in the development process of a regional HCP.

3. Develop a specific process for developing the HCP

Otis asked everyone if there were any major concerns anyone had that needed to be addressed before taking the next step. Two issues were brought up:

- 1) How do we get everyone involved and make it workable (because the project is so big)? Otis mentioned that this was going to be addressed in the next section of the meeting.
- 2) Someone stated that they were willing to move forward if developing this plan will make a process that already is in place (i.e. something that has to happen anyway) easier to do for the betterment of the environment and the community. No one objected to this statement, and many agreed.

Otis introduced the strawman for the structuring process (how the committees will work, who will be on them, etc.) that was developed at the last meeting (see meeting notes for 08/13) and was modified by Otis and other UGA representatives. The strawman was developed as a template for the local government representatives to work from and develop their own ideas of the structuring process.

There are three major components that will be involved in the plan:

- 1) Legal: presentation
- 2) Technical: research and work
- 3) Stakeholder: representation of the community for input

And there are 2 big players:

- 1) Elected officials: sell the plan
- 2) UGA: vouch for the plan

At this point, Otis encouraged the groups to work on the organizational structure by using templates for the Steering Committee, Technical Committee, and Stakeholder Committee. Each group was given a layout of the members, tasks, and process for each committee (as defined by the strawman). The original layouts are attached, and the modified layouts (as a result of the group work) are temporarily available in the Ecology Public Service and Outreach Department (until the final structure is agreed on).

The following are the suggestions from all three groups for each committee:

Steering Committee:

- Must contain a commissioner and mayoral representative from each county
- UGA representatives should be more than just UGA; should include technical representatives from water authorities, UERA, LAPA, TNC, etc.
- Invite all counties, municipalities, and authorities and then let the group pare itself down; give voting membership only to those who respond
- Include North Metro Water Planning District
- UGA should act as an advisory committee more so than part of the voting membership
(NOTE: Relative to the term ‘voting membership,’ voting will probably not be the form of agreement used in the development process; it will probably be more of a consensus- the term ‘voting membership’ will be used throughout these notes to refer to the primary members responsible for the committee)
- Act as a liaison with the legislature
- Question: How do we account for time lapse and continuity in the process (of developing and supporting the HCP) over time to transcend changes in county representatives? Incorporate other entities, like technical staff, for example, in the planning process, but not in the primary membership
- Involve everything from grassroots up: incorporate information, and then approve it
- Develop a long-term review procedure: every 2 years, 5 years, etc.
- DNR and FWS need to be integrally involved in the development process and with the Steering Committee

Technical Committee:

- provide technical support for the local governments
- review and incorporate other state mandates
- show concrete examples for developers (and others): research
- members should include county engineers, planning and zoning, environmental interests, water authorities, Home Builders Associations, and other appropriate agencies

Stakeholder Committee:

- provide media exposure
- citizens provide “the push” (for the adoption, monitoring, etc. of the plan)
- broadcast benefits and incentives to developers (and others)
- serve as advisory council (to Steering and Technical Committees)
- possibly serve as advisory committee within each county

Conclusions:

Otis made suggestions for certain participants to attend a follow-up meeting to fine-tune all of the suggestions for the committees. Those who agreed to participate were: David Kuballa, Cherokee County WSA, Steve Bradley, Bartow County, Emily Lemcke, Cherokee County Commission, and Jeff Watkins, Forsyth County, along with UGA representatives. Participants agreed to be in touch to set a meeting date.

Ron Papaleoni made a few closing comments. He reiterated the fact that we do not need to reinvent the wheel in the development process. We need to learn all of the appropriate initiatives that are in place and that have been doing relevant work in the Etowah already.

