

Meeting Notes

Follow-up from 9/17; Structuring Process

October 3, 2002

Location: Cherokee County Water and Sewer Authority, Canton, GA

Notes prepared by Libby Ormes 10/11/02

Participants:

UGA Representatives: Laurie Fowler and Libby Ormes

Steve Bradley, Bartow County Commission

David Kuballa and Tom Heard, Cherokee County Water and Sewer Authority

Emily Lemcke, Cherokee County Commission

(Jeff Watkins, Forsyth County, planned on attending but could not make it to the meeting due to pressing county business)

Meeting Purpose:

The purpose of this meeting was to 1) develop a committee and governance structure to present to the county and city representatives and other participants based on their input on 9/17; and 2) determine the next step to move forward with developing the Etowah HCP.

Initial concerns

Before reviewing the input on committee and governance structure from the 9/17 meeting, there were several questions/concerns raised about developing the HCP for the Etowah watershed. Most centered around being able to communicate the benefits of participating in the HCP to developers and the general public. The questions/concerns follow:

- How many incidental take permits have already been issued in the watershed for private development and what specific types of action triggered the need for obtaining the permits?

It is UGA's understanding from talking to Robin that no incidental take permits or habitat conservation plans have been approved pursuant to section 9 of the ESA in the Etowah. We agreed to provide examples of non-federal activities that have required incidental takings permits and individual habitat conservation plans in other jurisdictions for the next meeting as well as have this information available for viewing on the website. We will need the help of FWS in putting this information together.

The local government representatives stressed the importance of having a "hammer" lurking in the background to help persuade folks that the more proactive approach of a regional HCP is advantageous. All agreed that having specific examples would be very useful as would providing "scenarios" of possible actions that would require either consultation or incidental take permits and habitat conservation plans. The consensus was that the cities and counties recognize that a major advantage in participating in a regional HCP is that having a program of best management

practices already developed should minimize the time and expense involved in a section 7 consultation but that it will be harder to persuade developers and others of the benefits of avoiding individual Section 9 incidental take permits/ habitat conservation plans through a regional HCP because they haven't been subject to Section 9 in the past.

- What permits will be required for water supply reservoirs?

Reservoirs may receive federal funding and most require a permit from the Corps of Engineers. Therefore they are covered under Section 7 which requires a consultation but not a Section 9 habitat conservation plan.

Guidelines for developing water supply reservoirs that protect the imperiled aquatic species of the Etowah can be included in the HCP, but reservoir construction will still require consultation under Section 7. FWS will rely on the guidelines developed in the HCP which should speed up the consultation process considerably.

- How much data do we already have about impacts of sedimentation on species and methods for remedying the problem through the HCP? (David Kuballa specified the need for “numbers” for comparison to current siltation and run-off models being conducted by Cherokee County Water and Sewer Authority.)

We (UGA) have a good bit of information on this already and a lot more will be developed within this next year. We will communicate what we know already and how we propose going about discovering more information at the first meetings of the Steering and Technical Committees. One of local government's concerns is that the HCP will require much stricter standards than will be imposed by new stormwater regulations, etc. They might perceive participating in the HCP as “buying an extra peck of trouble”. LAF and Libby think Bud should address whether this is likely at the Steering Committee meeting.

- What kind of money will be required of local governments pursuant to the HCP?

Local government may need to beef up enforcement to show FWS they have the capacity to enforce the HCP. Most of the scientific work will be done pursuant to the grant from FWS, therefore local governments will probably not need to fund this. Local governments may have to generate monies for acquisition of land or interests in land. One of the local government representatives mentioned that it may be possible to get some funding from the legislature; this will be difficult to deal with next year (politically), but can be addressed the following year, or later.

- Will the HCP just be another regulatory “burden”? (this is also addressed in one of the questions from the last meeting (9/17).

The HCP will incorporate the requirements already pending under TMDL, stormwater, greenspace, etc., programs. We can go to FWS and say, look we are doing all these things to mitigate the effect of development on aquatic habitat so let us have an HCP.

- What are the costs associated with acquisition?

Depends on to what degree we emphasize acquisition as a priority over regulation (ie stream buffers) and whether we purchase development rights v. fee simple. We gave as an example the fact that Athens-Clarke County has chosen to protect the Oconee through a buffer ordinance and Jackson County has chosen to purchase the development rights in the riparian corridor rather than regulate protection.

- If darters are found to be ubiquitous (in the Etowah watershed) what happens to the HCP? What about protecting potential listed species?

Species can become unlisted and in that event we suppose the HCP would no longer be binding. On the other hand local governments might keep the HCP in place because it furthers so many other community objectives: water quality, recreation, etc. Because many of the imperiled aquatic species of the Etowah need the same kind of habitat as the species that are already listed, this HCP should protect potential listed species as well.

Development of the governance and committee structure

Steering Committee:

Each incorporated city and county will have a vote. In the next month each governing authority needs to appoint a representative to exercise that vote and serve on the steering committee. The representative can be a member of the governing body, a staff member, or any other person appointed by the governing body.

Nonvoting members of the Steering Committee will include UGA, DNR, LAPA, UERA, and the county and public Water and Sewer Authorities (it was determined that the private authorities probably aren't large enough)

Technical Committee:

Members should include local government planners, erosion and sedimentation authorities, etc. We should ask all (or at least some) of the county and city representatives who serve on the Metropolitan North Georgia Water District to serve on the Technical Committee to provide some coherence between groups. UGA will contact local elected officials, planners, MNGW District representatives, etc to develop a draft list of committee members, and present it to the governing bodies of the counties and cities for their approval and additions.

Watershed-wide Stakeholder Committee:

To ensure complete coverage in this large watershed, we will develop individual county stakeholder groups; the chair person of each county group will serve on the watershed-wide stakeholder committee along with other folks with particular expertise or interests in this area. The county groups have the responsibility of including all of the municipalities, as well as representing all interests of that county. UGA will provide someone to attend all stakeholder meetings to assure that the message is consistent, that all concerns are ultimately addressed, and to act as a liaison between the other committees.

UGA will develop a draft list of names, organizations, or affiliations (similar to process for Technical Committee) of potential members of both the watershed-wide committee and the local committees and submit that list to the local governments for their input and additions. The list we develop of the local committees will be incomplete as counties and cities are in a much better position to select these groups that we are.

Next steps:

- Develop draft list of Technical and Stakeholder Committee membership (via methods provided above)
- Answer questions posed at 9/17 meeting and in this meeting and post to website along with the powerpoint presentation on HCPs made on 9/17
- Send out to mailing list of local elected officials the following:
 - Summary of this meeting and 9/17 meeting
 - A request that each governing authority elect a formal representative for the Steering Committee and send us a letter of designation by December 1st
 - Notice and invitation to first Steering Committee meeting on January 10, 2003
 - Draft list of Technical and Stakeholder Committee members and request that each governing authority add to list and notify us by December 1st
 - Answers to questions posed at 9/17 and this meeting
- Invite Steering Committee members and Technical and Watershed-Wide Stakeholder Committee members to 1/10/03 meeting
- Invite local government official who has experience with HCPs to speak at 1/10/03 meeting. FWS recommends a fellow from Mobile (AL) who has experience with an HCP re gopher tortoise; we'll talk to him and others if necessary.
- Develop full agenda for 1/10/03 meeting