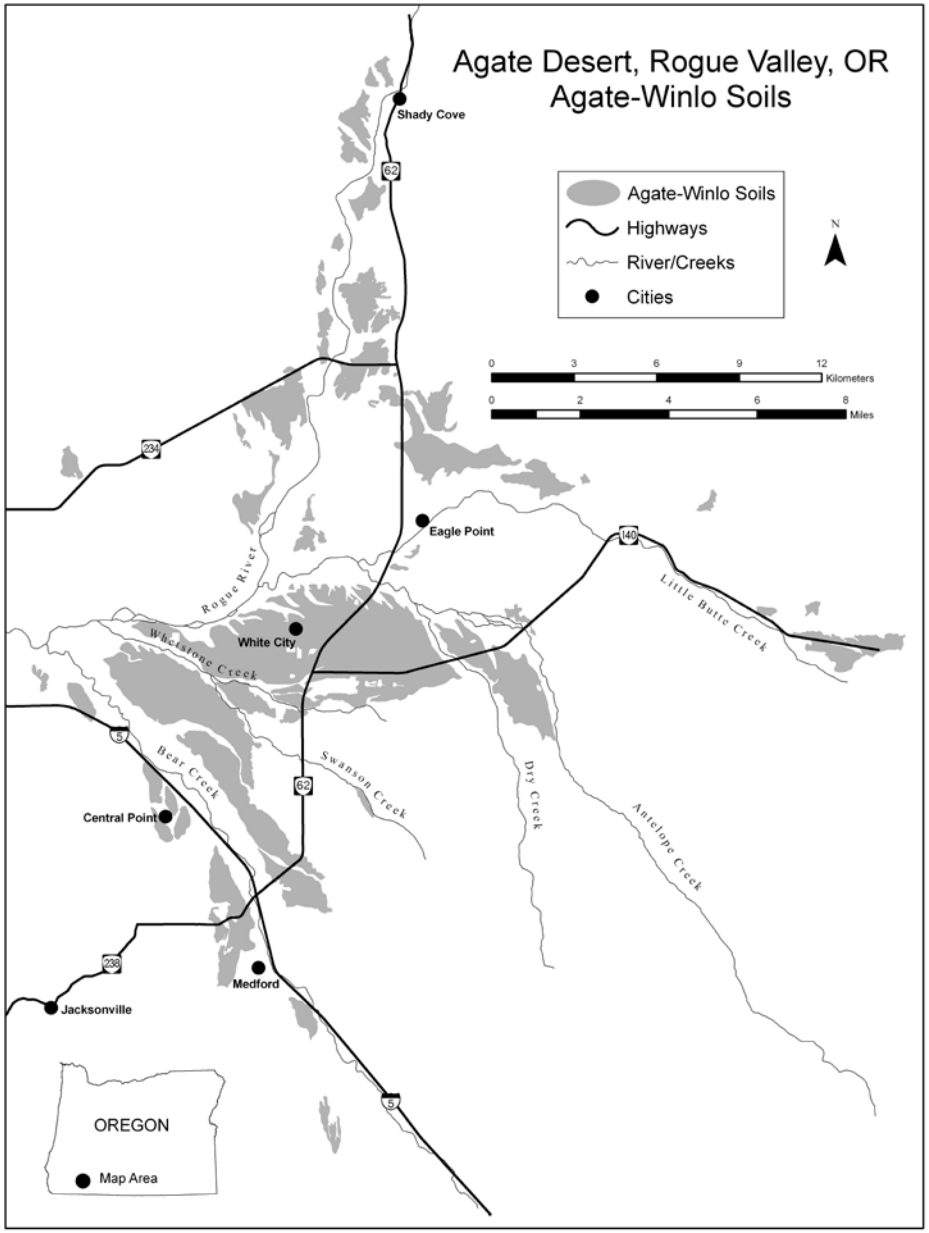
Vernal Pool Informational Public Meeting

March 13, 2013

Outline:

- What and where are Vernal Pools?
- Background
- Final Recovery Plan
- The Programmatic Biological Opinion
- Highlights of DSL GP and Corps RGP
- Time for Questions

Vernal pools are seasonal wetlands found on shallow soils over an impermeable hardpan layer. The Jackson County vernal pools and associated upland mounds are known to support several rare species.


Agate Desert, Rogue Valley, OR
Agate-Winlo Soils
Agate-Winlo Soils
Highways
River/Creeks
Cities
N
0 3 6 9 12 Kilometers
0 2 4 6 8 Miles
Shady Cove
Eagle Point
White City
Central Point
Medford
Jacksonville
Rogue River
Whetstone Creek
Bear Creek
Swanson Creek
Dry Creek
Antelope Creek
Little Butte Creek
62
234
140
5
238
OREGON
Map Area

Vernal pool issues:

- Unique wetland type, only ~20% remains intact
- Vernal pools support 3 federally listed species:
- -- Vernal Pool Fairy Shrimp
- -- Cooks desert parsley
- -- Large-flowered woolly meadowfoam
- Wetlands & waters regulated by DSL and Corps
- Listed species regulated by US Fish & Wildlife Service
- Unpredictable permit outcomes & timelines

Vernal Pool Fairy Shrimp

- Habitat extremely limited; mostly threatened by development
- Hatches from eggs when pools fill w/winter rains
- Matures quickly, Lays eggs as pools begin drying out

Vernal Pool Fairy Shrimp

- Federally listed as Threatened in 1994
- First documented in Jackson County in 1997
- CA &OR Recovery Plan adopted in 2005
- 7,500 ac Critical Habitat designated in Jackson Co, 2005
- Oregon portion of the Recovery Plan updated, 2012

Large-Flowered Woolly Meadowfoam
Limnanthes pumila ssp. grandiflora

Found nowhere else in the world

except the Agate Desert

- Federally listed as Endangered in 2002
- 6,300 ac Critical Habitat designated in Jackson Co., 2010
- Recovery Plan adopted 2012

Cook's Desert Parsley

Lomatium cookii

- Grows in seasonally wet soils in and near vernal pools and surrounding upland mounds
- Found only in Rogue plains and Illinois River valley
- Federally listed as Endangered, 2002
- 2,300 ac Critical Habitat designated in Jackson Co., 2010
- Recovery Plan adopted 2012

Background

- Wetland Conservation Plan Process started 1999
- Local stakeholder committee convened 2000
- Function Assessment method customized for Agate Desert
- Inventory of 59 vernal pool complexes near White City
- Public Notice of Agate Desert Regional Mitigation and Conservation Strategy June 2007
- PN for Corps/State General Permits May/June 2008
- DSL originally approved Vernal Pool GP November 2009
- USFWS released Programmatic Biological Opinion on Vernal Pool Conservation Strategy January 2011
- Oregon Legislature directed DSL to adopt GPs via rulemaking June 2011 – DSL/COE Request public input Fall 2011
- State GP issued April 2012; Corps RGP issued November 2012

U.S. Fish & Wildlife Service

Recovery Plan for Rogue and Illinois Valley Vernal Pool and Wet Meadow Ecosystems

Vernal pool photograph used with permission.
Sam Friedman/U.S. Fish and Wildlife Service

- Adopted 2012
- Guidance for Cook's Desert Parsley and Woolly Meadowfoam Recovery
- Step-down recovery guidance for vernal pool fairy shrimp

Remaining Vernal Pool Habitat

- Approx. 8,000 ac (of historically 20,000 ac) vernal pools remain
- Approx. 63 % is hydrologically intact topography
- FWS Conservation Strategy goal: Protect approx. 4,000 ac of the remaining intact habitat.

FWS Conservation Strategy: How to protect 4,000 acres of VP Habitat?

- Currently protected habitat = 2,420 acres
- Conservation Banks to protect 500 acres
- Conservation Easements to protect 1,000 acres
- Mitigation actions, government purchase, or land trust purchases to protect 300 acres
- Achieved through partnership and regulatory process

Programmatic Formal Consultation on the U.S. Fish and Wildlife Service's Vernal Pool Conservation Strategy for Jackson County, Oregon

(FWS Reference Number 13420-2011-F-0064)

U.S. Department of the Interior
U.S. Fish and Wildlife Service
Oregon Fish and Wildlife Office
January 25, 2011

Signature: Moxity Knudsen

Date Signed: 1/26/2011

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Programmatic rather than multiple consultations for individual projects

Expires in 5 Years, or until 110 ac VP wetland or 550 ac VP habitat developed

Overall intent: net positive impact on VP systems

Consistent and supportive for listed species recovery

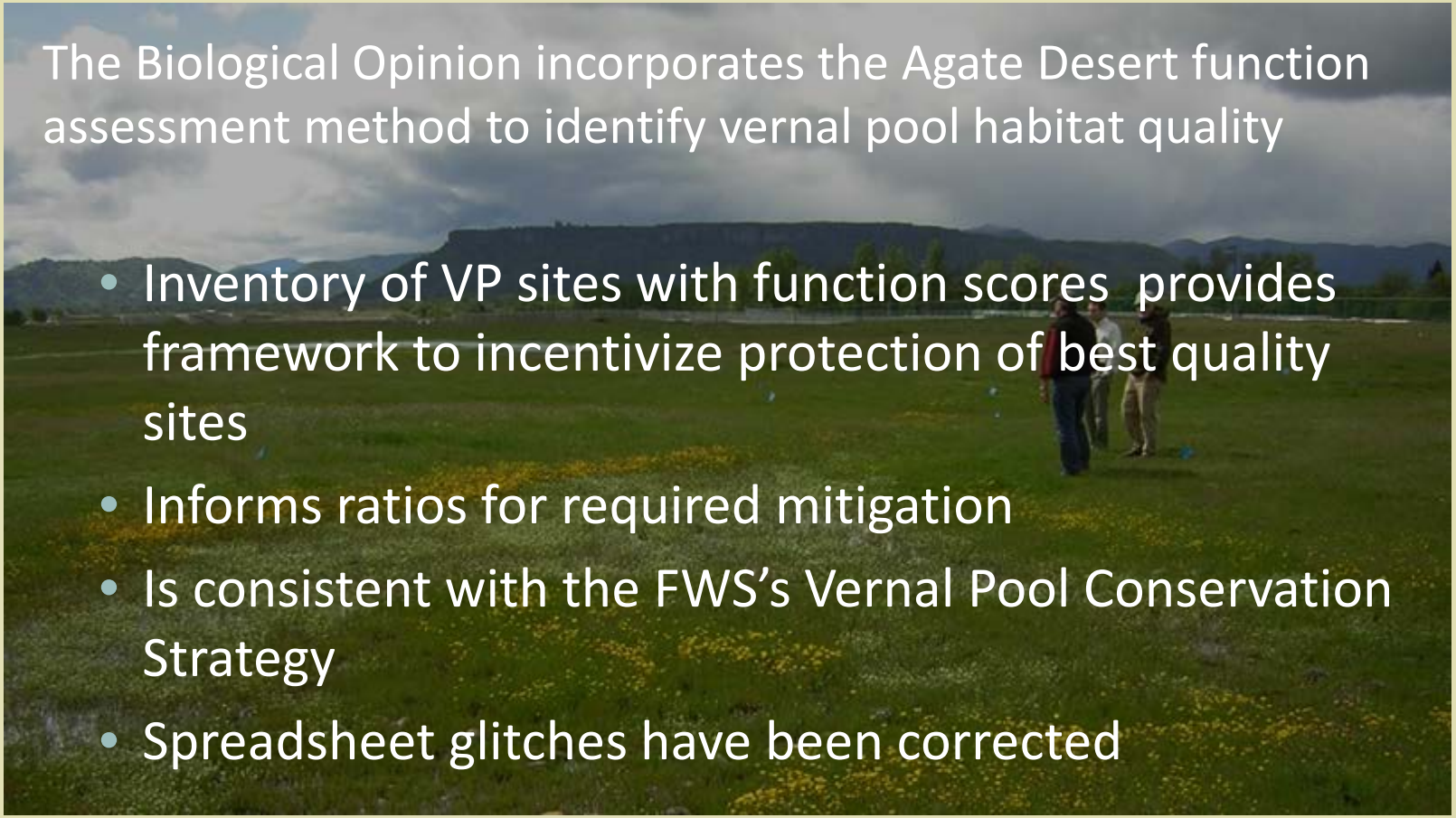
Anticipates low functioning vernal pools will be impacted and high quality vernal pools will be preserved

BiOp Provides*:

- ESA coverage for a broad suite of activities from a broad range of applicants
- BMP guidance
- Common expectations re: conservation standards (ratios)
- Site suitability criteria
- Corps and FWS release of credits
- Corps RGP, DSL GP and activities approved under them
- Take of vernal pool fairy shrimp

*Must meet specific standards to be covered

Function Assessment Method



The Biological Opinion incorporates the Agate Desert function assessment method to identify vernal pool habitat quality

- Inventory of VP sites with function scores provides framework to incentivize protection of best quality sites
- Informs ratios for required mitigation
- Is consistent with the FWS's Vernal Pool Conservation Strategy
- Spreadsheet glitches have been corrected

Projects inconsistent w/BiOp

- Projects not meeting BiOp criteria will need to demonstrate equivalent or better conservation outcomes
- Consultation may be less streamlined

Current BiOp Status

- BiOp is in 2nd year, 3 more to go
- 1 acre has been impacted
- 2.25 credits have been used from a mitigation bank
- More impacts are anticipated with ODOT transportation and Medford Water Commission upgrades

Corps Regional General Permit and DSL General Permit

- Developed in coordination with local stakeholders, USFWS, and other state and federal agencies
- Incorporates comments received through public review opportunities
- DSL permit decisions within 60 days for projects consistent with all criteria (Corps to target 60 days)
- Corps RGP includes DEQ Water Quality Certification
- Projects that do not meet all qualifying criteria must follow conventional permit process

GP & RGP contain:

- Purpose, timing, definitions
- Eligibility requirements – all on Agate-Winlo soils (certain other waters included)
- Application requirements
- Mitigation requirements – 2-part ratios
- Mitigation site suitability requirements
- General and specific permit conditions
- Performance standards & monitoring methods are now in online guidance document

Wetland quality rankings

- Wetland function assessment method was customized for vernal pools
- 2007 Inventory mapped & evaluated functions of 59 vernal pool complexes near White City
- These 59 VPCs were ranked according to average of all functions combined
  - **Low** quality = lower than 30th percentile, scores 42 or less
  - **Medium** quality = mid-range scores, 43 to 69
  - **High** quality = 70th percentile or greater, score 70 or above
- **More mitigation is required for impacts to higher quality vernal pool complexes**
- Function scores need to be evaluated on site

Mitigation types & base ratios

- **Protect and Manage Mitigation** is preservation and ongoing management of large acreage, high quality sites to provide best certainty of sustaining rare species
- Protect & Manage generates 1 credit for 1.5 acres of wetland

- **Restore and Manage Mitigation** is re-establishment of vernal pools where they used to exist, and then providing ongoing management.
- Restore & Manage generates 1 credit for 1 acre of wetland

- Enhancement of existing wetland or creation of vernal pools where they did not exist before is not recognized in GP / RGP

Impact site ratio multipliers

- **Low** quality impact sites: multiply impact acres by 2
- **Medium** quality impact sites: multiply impact acres by 2.5.
- **High** quality impact sites: multiply impact acres by 3
- Definitions of low, medium, & high are based on function scores, size, connectivity, and Designated Critical Habitat
- Multiplier for other water impacts is the same as low quality vernal pools

Mitigation site suitability criteria

- Large blocks of habitat (70 acres) needed for sustainability of rare species populations.
  - Exceptions to size requirement if property adjacent to other protected VP sites
- High quality habitat – must score in top 70% of function rankings
- Shrimp must be present
- Hardpan must be intact
- Upland mounds and buffers must be protected too, to sustain the rare species

Applying for a permit

- Application must include the function assessment and an approved wetland delineation
- Purchase Mitigation Bank credits OR provide own mitigation
  - Mitigation plans follow the usual DSL/Corps requirements, except as otherwise specified in the GP or RGP
  - Long-term stewardship and funding for ongoing management
  - Monitoring for minimum of 5 years until performance standards met for 3 consecutive non-drought years
- DSL timeframes:
  - 30 days to review for completeness and eligibility
  - 15 day public review period; 15 days to final permit decision
- Corps verifies compliance w/RGP; no project-specific pn

Further Information

- Programmatic Biological Opinion: http://www.fws.gov/oregonfwo/FieldOffices/Roseburg/VernalPools/Documents/VP-BO-final.pdf

- Agate Desert Vernal Pool Function Assessment Method:
- http://www.fws.gov/oregonfwo/FieldOffices/Roseburg/VernalPools/Documents/AgateFunctionalAssessment.pdf

- Vernal Pool GP:
- http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Vernal_Pool_General_Permit

- Corps RGP:
- http://www.nwp.usace.army.mil/Portals/24/docs/regulatory/RGP5_Discharges.pdf