

## INTERLOCAL AGREEMENT

### INTERLOCAL AGREEMENT FOR PROTECTION AND MITIGATION OF STATE SPECIES OF CONCERN AT THE OLYMPIA REGIONAL AIRPORT.

THIS AGREEMENT is made and entered into in duplicate this 30<sup>th</sup> day of October, 2008, by and between the PORT OF OLYMPIA, a Washington municipal corporation, (hereinafter "PORT"), and the WASHINGTON DEPARTMENT OF FISH AND WILDLIFE, a Washington State Government Agency, (hereinafter "WDFW").

WITNESSETH:

WHEREAS, the PORT operates a regional general aviation airport within the city limits of the City of Tumwater, Washington and leases land to tenants for development; and

WHEREAS, the City of Tumwater is the reviewing and permitting agency for tenant proposed improvements to airport land; and

WHEREAS, the City of Tumwater utilizes WDFW as the reviewing agency for proposed projects compliance with Chapter 16.32 of the Tumwater Municipal Code; and

WHEREAS, WDFW personnel satisfy the requirement of TMC 16.32.030(L) as "Qualified Personnel"; and

WHEREAS, Airport Development Projects will require habitat protection and mitigation measures in accordance with Tumwater Municipal Code, Section 16.32.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance, contained herein, the PORT and the WDFW agree as follows:

1. The PORT shall continue to maintain a parcel of land between Old Highway 99 and Bonniewood Drive SE, (Attachment A) tax parcel #38400003100 (approximately 8.6 acres), as Mazama Pocket Gopher Habitat Conservation Area. This parcel is in addition to any future Mazama Pocket Gopher Habitat Conservation Area established as part of the long-range plan(s) for the airport.
2. The Mazama Pocket Gopher Habitat Conservation Area may be considered as part of a mitigation bank once established. Mitigation banking ratio shall be calculated at a future date in accordance with the Airport Master Plan Update mutually developed and agreed upon by the Federal Aviation Administration (FAA), WDFW and the PORT.
3. The Airport Five-Year Development Plan (Attachment B) includes the development projects that have been reviewed by the WDFW Prairie Science Team for potential impact to the following species: Mazama Pocket Gopher, Streaked Horned Lark, Vesper Sparrow, Taylor's Checkerspot Butterfly, Mardon Skipper Butterfly, Puget Blue Butterfly and the Valley Silverspot Butterfly.

4. The Airport Five-Year Development Projects can continue as planned in accordance with WDFW RESPONSE TO FIVE-YEAR AIRPORT MAP OF PLANNED ACTIVITIES dated August 26, 2008 (Attachment C). The requested Management Area for the Streaked Horned Lark, Vesper Sparrow and the Requested Butterfly and Prairie Habitat Area will be preserved in accordance with WDFW RESPONSE TO FIVE-YEAR AIRPORT MAP OF PLANNED ACTIVITIES until a final resolution is achieved as part of the FAA sponsored Airport Master Plan Update.

5. WDFW shall have the authorization to trap pocket gophers in project areas and relocate them without restriction. WDFW may authorize a WDFW approved third party to trap and relocate pocket gophers. WDFW shall have the authorization to monitor and survey pocket gopher habitat without restriction.

6. This agreement will be incorporated by reference in to the future Airport Master Plan Update mutually developed and agreed upon by the Federal Aviation Administration (FAA), WDFW and the Port.

7. WDFW will send the correspondence to the City of Tumwater as appropriate indicating that the conditions of this agreement satisfy the requirements of the Tumwater Municipal Code, Section 16.32 for DRC projects.

8. The term of this Agreement and the performance of the parties shall commence on the approval by the governing body of each jurisdiction. This Agreement may be amended by written agreement, or terminated by mutual agreement of the signatory agencies.

9. No change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and agreed to by both parties. The governing body of each jurisdiction must approve any amendment. This Interlocal Agreement supercedes the previous INTERLOCAL AGREEMENT FOR MAZAMA POCKET GOPHER MITIGATION AT THE OLYMPIA REGIONAL AIRPORT FOR CITY OF TUMWATER DRC PROJECTS dated May 1, 2008.

10. Notice required under this Agreement will be provided by certified mail, return receipt requested. Notice required under this Agreement will be sent to:

Washington Department of Fish & Wildlife  
Regional Wildlife Program Manager  
Coastal & South Puget Sound Region  
48 Devonshire Rd.  
Montesano, WA 98563

Port of Olympia  
Executive Director  
915 Washington NE  
Olympia, WA 98501

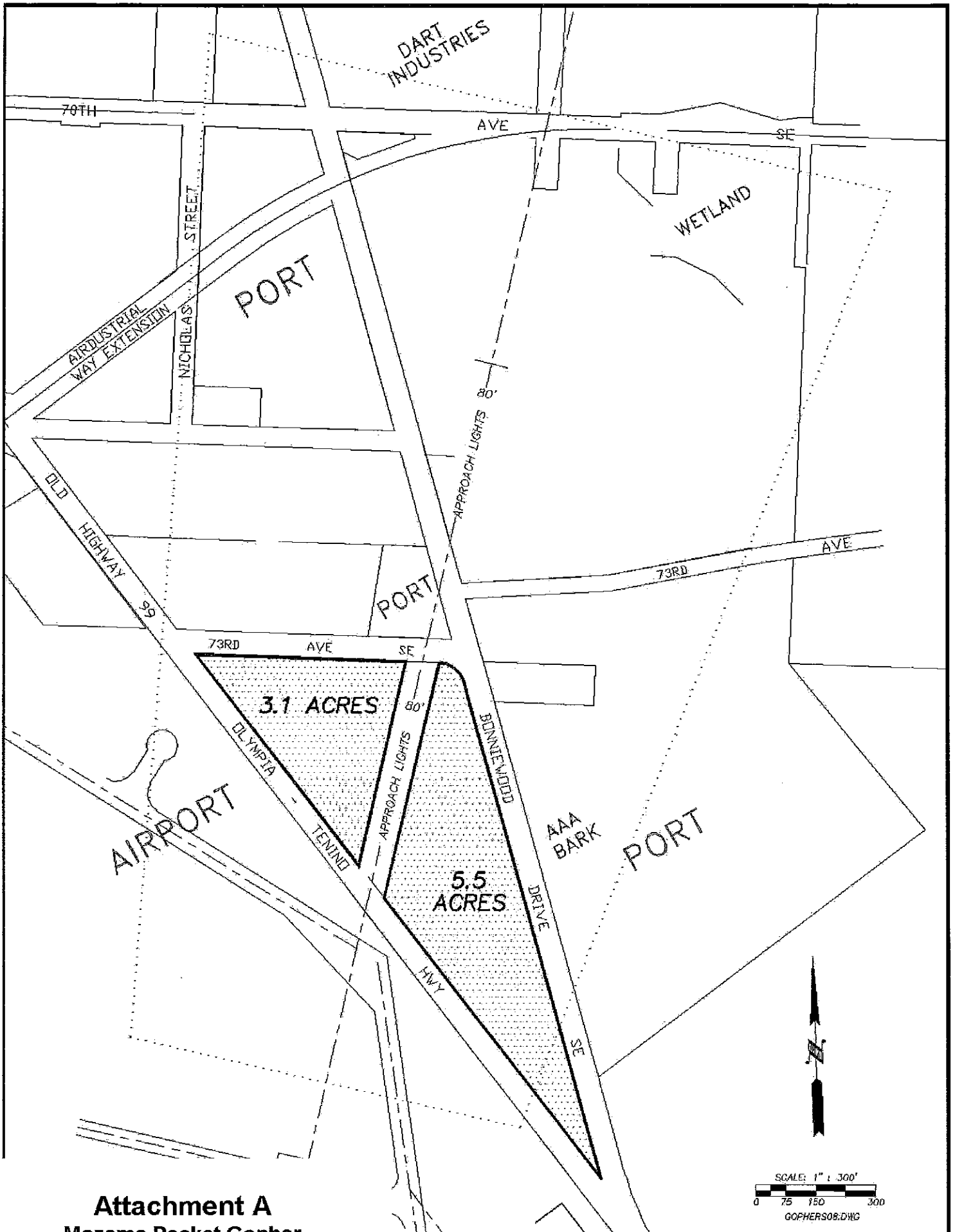
IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first herein above written.

PORT OF OLYMPIA  
915 Washington NE  
Olympia, WA 98501

  
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E. B. GALLOGHAN  
Executive Director

WDFW  
600 Capitol Way North  
Olympia, WA 98501

  
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Steve A. Pozzanghera  
Deputy Assistant Director



**Attachment A**  
**Mazama Pocket Gopher**  
**Habitat Conservation Area**

SCALE: 1" = 300'  
 0 75 150 300  
 GOPHERS08.DWG