

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2009

SUBJECT: **Mid-Year Report and Resolution amending the 2008-09 budget**

Requested Action:

Continue Items 5(b) and 5(c) without comment to April 20, 2009

REASON FOR REQUESTED ACTION:

It has come to staff's attention that the approved FY 2008-09 budget was incorrectly entered into the County Auditor-Controller's system, creating phantom deficiencies in a number of the fund accounts. Staff is working with the Auditor's office to correct this error, and requests that the discussion on the mid-year report and the budget amendment resolution be continued to April.

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2009

SUBJECT: Resolution in support of increased funding to assist preparation and implementation of NCCPs and HCPs, and coordinating NCCPs and HCPs with other federal, state and regional natural resource protection and permitting programs, including programs for adaptation to climate change.

Requested Action:

1. That the Board adopt the “*California Habitat Conservation Planning Coalition Resolution*” in support of increased funding to assist preparation and implementation of NCCPs and HCPs, and coordinating NCCPs and HCPs with other federal, state and regional natural resource protection and permitting programs, including programs for adaptation to climate change.
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BACKGROUND

The California Habitat Conservation Planning Coalition began at a fall 2008 meeting of a small number of key Habitat Conservation Planning (HCP) and Natural Community Conservation Planning (NCCP) individuals from government, non-profit organizations and businesses, including the JPA’s Executive Director. The purpose of this coalition is to increase the effectiveness and support conservation plans in California. The main focus of the coalition is on county and sub-county scale conservation plans led by local governments. The coalition also recognizes the importance of new types of conservation plans focused on infrastructure and on renewable energy.

The coalition’s goals are to increase funding for the preparation and implementation of conservation plans, improve coordination of conservation plans with other resource protection and permitting programs, and facilitate the development and effectiveness of conservation plans. The coalition carries out these activities through Work Groups, a Steering Committee and occasional meetings. We encourage federal, state and local government entities, nonprofit organizations, business organizations and others to join the coalition, which is done by signing on to the accompanying resolution.

There are no fiscal impacts associated with this action.

Attachment: Draft Resolution

DRAFT

RESOLUTION NO. 2009-___

**A resolution of the Yolo County Habitat/Natural Community Conservation Plan
Joint Powers Agency
Adopting the approved 2008-09 fiscal year budget
California Habitat Conservation Planning Coalition Resolution**

The undersigned endorse habitat conservation planning as a way to conserve wildlife and plant species, natural communities and ecological processes while allowing appropriate economic development and facilitating federal and state permitting.

WHEREAS California supports the greatest variety of species and natural communities in the continental United States; and

WHEREAS California has 375 species of plants and animal listed as endangered or threatened under federal or state endangered species acts; and

WHEREAS the number of species that are listed as endangered or threatened is expected to increase unless proactive steps are taken now; and

WHEREAS many of these species and communities occur in areas undergoing substantial development; and

WHEREAS Natural Community Conservation Plans (NCCPs) and Habitat Conservation Plans (HCPs) are effective mechanisms to conserve and recover imperiled animals and plants as well as protect natural communities; and

WHEREAS many entities throughout California are preparing or implementing large scale, landscape level NCCPs and/or HCPs; and

WHEREAS NCCPs and HCPs provide permit streamlining, regulatory certainty and other benefits to development projects, infrastructure improvements and government planning; and

WHEREAS, the permit streamlining and regulatory certainty conferred by NCCPs and HCPs is beneficial to local and state economies; and

WHEREAS NCCPs and HCPs provide regulatory efficiency that can jump start economic growth which provides jobs and a prosperous economy; and

WHEREAS, NCCPs and HCPs contribute to state and local goals that preserve and enhance agriculture, open space and recreation in addition to providing critical species benefits; and

WHEREAS additional financial support and policy direction can make NCCPs and HCPs more effective; and

WHEREAS, NCCPs and landscape-scale HCPs are critical to achieving the public trust responsibilities of the Wildlife Agencies for natural resource conservation, protection, and management.

THEREFORE be it resolved that the undersigned support the goals of:

- Securing adequate federal, state and local funding to assist preparation and implementation of NCCPs and HCPs;
- Coordinating NCCPs and HCPs with other federal, state and regional natural resource protection and permitting programs, including programs for adaptation to climate change;
- Facilitating the development and improving the effectiveness of NCCPs and HCPs; and
- Strengthening understanding of and support for NCCPs and HCPs among decision makers, stakeholders and the public.

PASSED AND ADOPTED by the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency Executive Board on the sixteenth day of March 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Helen Thomson, Chairwoman
Yolo County Habitat/Natural Community Conservation Plan
Joint Powers Agency

ATTEST:

Secretary, Yolo County Habitat/Natural
Community Conservation Plan Joint Powers Agency

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2009

SUBJECT: Approve a letter to the Bay Delta Conservation Plan Steering Committee outlining issues of common concern and requesting formal coordination between BDCP and the Yolo Natural Heritage Program, and Board authorization to allow the Executive Director to work with County staff regarding Delta issues of common concern.

Requested Action:

1. That the Board authorize the Chairwoman to sign a letter to the Bay Delta Conservation Plan Steering Committee outlining issues of common concern and requesting formal coordination between BDCP and the Yolo Natural Heritage Program; and
 2. Authorize the Executive Director to work with County staff regarding Delta issues of common concern.
-

REASON FOR REQUESTED ACTION:

BDCP staff has directed interested parties to submit all comments regarding the developing BDCP in writing. JPA staff has been working intermittently with County staff on Delta issues of common concern; staff seeks Board direction on continued coordination with county led efforts.

ANALYSIS:

The attached draft letter to the BDCP Steering Committee outlines the list of issues and comments that have been conveyed to BDCP staff over the last year. The letter also includes a request that BDCP include several projects that would benefit from the BDCP regulatory permitting process. These projects have proximity to the Yolo Bypass or other BDCP habitat restoration areas and could be adversely impacted by BDCP target species.

JPA staff has worked intermittently with Yolo County staff on issues of common concern related to the BDCP over the last year. Unless directed otherwise staff will continue to coordinate with county staff on BDCP related matters.

FISCAL IMPACT: There is no fiscal impact.

Attachment: BDCP letter

ATTACHMENT A

DRAFT

March 16, 2009

Secretary Mike Chrisman,
Undersecretary Karen Scarborough
California Natural resources Agency
Bay Delta Conservation Plan Steering Committee members
1416 9th Street, Suite 1311
Sacramento, CA 95814

Secretary Chrisman, Undersecretary Scarborough, and Committee members:

Yolo County, its incorporated cities, and the University of California at Davis (jointly the “Yolo Habitat JPA”) are developing a county-wide, multi-species HCP/NCCP known as the Yolo Natural Heritage Program (YNHP). Substantial public and private investment has been made to date on this effort and we anticipate plan approval in the spring of 2010. The Yolo Natural Heritage Program is expected to provide regulatory and conservation benefits for more than 65 special status and at risk species that inhabit five natural communities in Yolo County. Eight other landscape level conservation efforts are in various stages of completion between Lake Tahoe and San Francisco Bay. Yolo County, located midway between Tahoe and San Francisco, is strategically important to the completion of this meaningful habitat corridor in Northern California.

The JPA commends the state and its partners on the decision to engage in serious discussions regarding the health of the Sacramento-San Joaquin Delta through development of the Bay Delta Conservation Plan. We have been advised by staff to the Bay Delta Conservation Plan that the most reliable way to convey information to the BDCP process is in writing. This letter serves two purposes: to provide the JPA’s comments and concerns to date relative to the developing BDCP, and to request that the BDCP and the JPA establish a formal coordinating structure where opportunities and conflicts can be addressed efficiently and to our mutual benefit. The JPA is ready to engage in this effort and looks forward to discussing how we move forward productively.

The BDCP and YNHP share an approximately xxx,xx acre planning overlap area that provides functional habitat for several species of interest to both planning efforts. These include giant garter snake, Swainson’s hawk, and valley elderberry long horn beetle, as well as grasslands and seasonal wetland communities. The habitat values within the overlap area are critical to the viability of several at risk species, including near endemic plants that could be impacted by BDCP related habitat conversions unless careful analysis is undertaken early in the planning process. The overlap planning area also supports habitat friendly agriculture and the Vic Fazio Wildlife Area, two highly valued assets that we believe should be preserved.

While we expect that our mutual interests will continue to evolve, at this time the JPA offers the following specific comments:

Habitat

- To ensure compatibility between the two plans we recommend that BDCP conservation objectives be coordinated early with the YNHP where we share common species needs. The YNHP has assembled a robust data set and is ready to engage in this discussion.
- Unavoidable habitat conversions resulting from BDCP actions must be fully mitigated. This includes mitigation for impacts to terrestrial species as well as for the loss of agricultural values.
- BDCP and YNHP should standardized mitigation ratios in the overlap area to ensure that equitable outcomes and benefits are realized.
- BDCP and YNHP implementing strategies should be coordinated as both planning efforts continue to evolve so that neither plan overshadows the other.
- We request that BDCP support our efforts to retain maintain vegetated levees within the YNHP planning area boundary.
- The JPA supports the continued viability of the Vic Fazio Wildlife Area and requests that BDCP avoid impacts to this important habitat resource.

Agriculture

- The production of rice within and outside of the Yolo Bypass is essential to the successful implantation of the YNHP because it provides habitat benefits to several YMHP species, including giant garter snake. We are concerned that BDCP proposals to inundate the Yolo Bypass for the benefit of fish species will compromise future production of rice in the Bypass, and by extension throughout the county. We ask that BDCP carefully evaluate proposals in the Bypass and where practical avoid sensitive biological resources and agricultural operations that provide species benefits.
- BDCP must provide regulatory assurances for landowners adjacent to BDCP habitat project areas.
- County revenue losses and increased public cost burdens associated with BDCP actions must be fully accounted for and mitigated.

Permitting

The JPA requests that the following projects be added to the BDCP covered activities list. These projects are proximate to Delta waters and would benefit from regulatory permitting benefits expected in the BDCP that cannot be achieved in the YNHP. We can provide detailed information on the scope of these activities upon request.

Davis/Woodland/UCD surface water project

Davis/Woodland wastewater discharge project

Port of Sacramento

Agenda Item 5(e)

Restoration and habitat enhancements undertaken in the YNHP that have the potential to impact BDCP target species

We realize that BDCP is on an accelerated timeline and are willing to marshal resources to ensure that our proposal does not impede BDCP progress. Because the YNHP and BDCP are expected to produce final plan documents within the same time frame we trust that our request will be considered expeditiously.

Please contact me or Maria Wong, JPA Executive Director, with any questions you have. I look forward to scheduling our first meeting at the earliest opportunity.

Cordially,

Helen M. Thomson
Chairwoman, Yolo County HCP/NCCP Joint Powers Agency

cc: Assemblymember Mariko Yamada
Mayor Cabaldon, City of West Sacramento
Mayor Davies, City of Woodland
Mayor Asmundson, City of Davis
Mayor Martin, City of Winters
Chair McGowan, Yolo County Board of Supervisors
Chancellor, University of California, Davis

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong Susan Garbini
Executive Director Intern

DATE: March 16, 2009

SUBJECT: Letter to Senator Wolk in support of legislative oversight for Delta solutions and requesting continued support for Delta county HCP/NCCP efforts.

Requested Action:

1. That the Board authorize the Chairwoman to sign a letter to Senator Wolk in support of legislative oversight for Delta solutions and requesting continued support for Delta county HCP/NCCP efforts.
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REASON FOR REQUESTED ACTION:

The purpose of this letter is to bring to the State Legislature's attention the efforts of counties in the Delta region to develop habitat conservation plans. It is particularly important that plans to solve the Delta's problems keep in mind these local concerns while undertaking regional planning.

FISCAL IMPACT:

There is no fiscal impact.

BACKGROUND:

Some of the proposals for solving the Delta's long-term and system wide problems have the potential to conflict with HCP/NCCP goals for particular species of concern and their habitat requirements. The Delta Bay Conservation Planning efforts should consider elements of the conservation plans of adjacent counties in devising long-term solutions. Staff of the YNHP have voiced these concerns in regional conservation planning forums, but it is important that the Legislature provide oversight to forestall decisions on a regional basis that might undermine or vitiate local conservation efforts.

Attachment: Wolk Letter

ATTACHMENT A

March 16, 2009

The Honorable Lois Wolk
Senator, District 5
Room 4032, State Capitol
Sacramento, CA 95814

Dear Senator Wolk,

The Yolo County Habitat Joint Powers Agency took action today to express its support for legislative involvement and oversight in developing solutions for the Sacramento-San Joaquin Delta.

The JPA member agencies are in the midst of developing a county-wide, multi species habitat /natural community conservation plan (HCP/ NCCP) known as the Yolo Natural Heritage Program. The JPA and numerous local stakeholders have been committed to this effort for many years, and we expect to adopt the conservation plan in the spring of 2010. Similar conservation plans, in various stages of completion, are being undertaken by Sacramento, San Joaquin, Contra Costa and Solano counties. These cumulative efforts have the potential to provide meaningful conservation within and beyond the Delta boundary for a wide range of species and habitats far into the future.

As legislation moves forward to address the Delta's complex problems we ask that the value of HCP/NCCP efforts in the Delta region not be forgotten. Please feel free to call me or Maria Wong, the JPA Executive Director, if we can be of assistance in these efforts.

Sincerely,

Helen M. Thomson
Chairwoman, Yolo County HCP/NCCP Joint Powers Agency

cc: Assemblymember Mariko Yamada
Mayor Cabaldon, City of West Sacramento
Mayor Davies, City of Woodland
Mayor Asmundson, City of Davis
Mayor Martin, City of Winters
Chair McGowan, Yolo County Board of Supervisors
Chancellor, University of California, Davis

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2009

SUBJECT: Approve a one time appropriation of \$5,000 to Center for Collaborative Policy for facilitation services related to the Lower Yolo Bypass Planning Forum subject to receipt of funding from other Planning Forum participants.

Requested Action:

1. That the Board approve a one time appropriation of \$5,000 to Center for Collaborative Policy for facilitation services related to the Lower Yolo Bypass Planning Forum subject to receipt of funding from other Planning Forum participants.
-

REASON FOR RECOMMENDED ACTION:

Several members of the Lower Yolo Bypass Planning Forum (Planning Forum) have provided temporary funding support to offset budget losses incurred with the state budget crisis. While helpful, this funding is not sufficient to ensure that Forum meetings will continue uninterrupted until DFG funding is reinstated. Outcomes from the Planning Forum are expected to benefit the Yolo Natural Heritage Program.

BACKGROUND:

The Planning Forum was convened to develop a long range management strategy for the Lower Yolo Bypass area. The JPA was invited to participate and has been actively involved. The Planning Forum is co-sponsored by the Yolo Basin Foundation and the Delta Protection Commission. The project grew out of a CALFED grant to the Foundation in the early 2000s. In 2005, Center for Collaborative Policy (CCP) conducted and released a stakeholder assessment which stated that conditions in the Lower Bypass were feasible for a multi-stakeholder negotiation process. The vast majority of participants in that assessment process agreed that the physical conditions in the Lower Bypass required a comprehensive management plan to stop further degradation of the area and adjacent lands. Based on the results of the assessment, DFG decided to fund the process using \$300,000 in CALFED Ecosystem Restoration Program (ERP) funds.

Outside of the ongoing responsibilities of the Delta Protection Commission, there is no other diverse stakeholder group in the Delta that has been specifically convened to create a multi-party management plan for such a complex area as the Lower Yolo Bypass. The level of

partnership that the diverse Members of the Planning Forum have achieved has produced several important outcomes. In December 2008 the Forum issued a letter to the Delta Vision Task Force and their Executive Director outlining shared concerns. That letter received significant attention from several decision-makers and related influential parties, and was crucial to conveying Planning Forum concerns to the BDCP planning process.

FISCAL IMPACT:

Several State Government, Local Government, and private Planning Forum members have contributed similar amounts to keep the process moving forward. The requested allocation would redirect \$5,000 remaining in an existing CCP contract to work related to the Planning Forum. JPA staff was informed Wednesday that CDFG is looking for ways to reimburse contributions to the Planning Forum, but cannot guarantee that reimbursements can or will be issued.

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2008

SUBJECT: Executive Director's Report

1. Update on Swainson's hawk conservation easement acquisitions

With the exception of one easement currently in escrow, all of the Swainson's hawk conservation easements approved by the Board have been completed. A conservation portfolio page describing each of the easements is in development and will be added to the JPA website. JPA staff has begun work on two additional easements that contain oak woodland and grassland resources. In response to landowner interest in the easement program staff is working with the JPA's various conservation partners to queue up the next tier of easements. In addition, staff has started a dialogue with the BDCP in anticipation that increased mitigation opportunities from BDCP will benefit Yolo County landowners and the YNHP.

2. Pollinator Study update

The consultant team has been working closely with the Xerces Society, a nonprofit research and conservation organization that focuses on the conservation of invertebrates including native pollinators, to develop a conservation strategy for the native pollinators in Yolo County. Native pollinators provide important ecosystem services by pollinating the native plants that maintain the natural landscape and by pollinating many of the crops important to the Yolo County agricultural community. Information developed from the Pollinator Study will be used to develop targeted conservation actions to benefit native pollinators in strategic locations where supplemental crop pollination will also occur. In addition, the Xerces Society biologists are working with NRCS to integrate new native pollinator conservation incentives into the Farm Bill through conservation programs such as EQUIP. The Yolo NHP is an excellent venue to develop these real-world applications of new research on native pollinators and agriculture. The final study report is expected in April.

3. New study on Swainson's hawk foraging habitat (Estep)

Estep Environmental Consulting has completed the second tier of their work on Swainson's hawk. *The Influence of Vegetation Structure on Swainson's hawk (Buteo swainsoni) Foraging habitat Suitability in Yolo County, California* has posted to the JPA website and is available for download. The study was designed to investigate the vegetation changes in different agricultural cover types throughout the Swainson's hawk breeding season to evaluate prey

accessibility and foraging value. The report concludes that the mosaic of perennial and annually cultivated cover types in Yolo County creates an agricultural landscape that provides consistently high value. The study will be used to assist in development of NCCP management strategies for Swainson's hawk.

4. Six County Aquatic Resources Inventory -- FYI 2009 Wetlands Program Development Grant

HCP/NCCP efforts in the SACOG six county area have been invited to participate in a Corps of Engineers effort to complete a Six County Aquatic Resources Inventory. The purpose of the proposed work is to inventory aquatic resources found in the Six County Area, including ponds, lakes, streams, wetlands and other bodies of water. The study will identify, characterize, and classify aquatic resources through a combination of watershed assessment, remote sensing, spatial analysis, and field work, similar to that required for a Special Area Management Plan. To the extent possible, the study will incorporate existing data sets and be sensitive to and consistent with on-going initiatives in the Six County Area, including Habitat Conservation Plans (HCPs) and large-scale mitigation strategies, as well as regional planning efforts, like the Sacramento Area Council of Governments' (SACOG) Blueprint, Rural-Urban Connections Strategy, and regional transportation plans. The aquatic resources inventory is intended to be used by local, state and federal agencies to make better-informed and efficient decisions regarding proposed development and other activities that affect aquatic resources in the Six County Area with the goal of developing a permitting strategy that encourages less damaging development activates though the use of general permits and/or letters of permission. One other important local goal would be to secure programmatic 404 and 401 permitting that can be used in tandem with the YNHP.

5. Public Outreach

In February JPA staff participated in the Yolo Basin Foundation Duck Days celebration and made a presentation on the YNHP to a cross section of CDFG staff involved in NCCP planning efforts.

6. Lower Yolo Bypass Planning Forum

The Lower Yolo Bypass Planning Forum continues to meet thanks to contributions from several member entities. A sub-committee focused on BDCP issues has formed; the JPA participates on that committee. A letter to Delta Vision Task Force was issued December outlining several of the Planning Forum's collective concerns regarding proposed Delta actions.

7. Steering Advisory Committee update

The YNHP Steering Advisory Committee continues to meet on a twice monthly schedule. Working groups have reconvened with various levels of activity. The Biological Working Group has been working with the consultant team on several wok products, including finalizing the species account and the draft list of covered species. The Urban Interface Working Group is working with staff on completing the draft list of activities to be covered. The Ag Interface Working Group will be working on the covered activities list as well as assisting in the development of conservation strategies and management tools for lands that are in farm and rangeland uses.

ITEM 6

STAFF UPDATE ON STATUS OF YOLO NATURAL HERITAGE
PROGRAM PLANNING PROCESS

THIS IS A POWERPOINT PRESENTATION

HANDOUTS WILL BE PROVIDED AT THE MEETING

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: March 16, 2009

SUBJECT: Presentation and discussion of Draft Notice of Intent to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and notice of public meeting for the Yolo Natural Heritage Program, and Board authorization to initiate the EIR/EIS RFQ ("Request for Qualifications") process.

Requested Action:

1. Allow staff presentation of the draft NOI and authorize staff to initiate the EIR/EIS request for qualifications process.
-

REASON FOR RECOMMENDED ACTION:

To allow for Board and public input on the Notice of Intent prior to submitting it the Fish and Wildlife Service.

BACKGROUND:

The Fish and Wildlife Service is responsible for issuing the Notice Of Intent for the EIR/EIS. To assist them in this effort a working draft NOI has been prepared (Attachment A). We anticipate submitting a draft NOI in substantially this form to the Fish & Wildlife Service, supplemented by appropriate comments received. The NOI is the FWS's document and they will have final control of its content. Our role in the NOI is therefore limited, but we can provide the FWS with a draft that we think provides the appropriate public notice.

The NOI describes provides a general description of the Yolo HCP/NCCP including a draft list of species to be addressed in the plan, and a draft list of actions/activities that will be covered. The working draft provided in Attachment A contains placeholder language for sections of the document that are either in process or will be completed by FWS.

FISCAL IMPACT:

Costs associated with the preparation of the draft NOI and the EIR/EIS RFQ are funded through existing contracts and the 2007 Section 6 grant.

Attachment A: Draft Notice Of Intent (NOI)

ATTACHMENT A

*****DRAFT - - NOT FOR PUBLICATION *****

Billing Code: _____

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Habitat Conservation Plan/Natural Communities Conservation Plan for Yolo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and notice of public meeting.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), we, the Fish and Wildlife Service (Service), advise the public that we intend to gather information necessary to prepare, in coordination with Yolo County NCCP/HCP Joint Powers Agency (JPA), consisting of Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland, and the University of California at Davis, a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on the Yolo Natural Heritage Program plan (Plan). The Plan is being prepared under Section 10(a)(2)(A) of the Federal Endangered Species Act of 1973, as amended, (Act) and the California Natural Community Conservation Planning Act (NCCP Act). The JPA is facilitating preparation of the Plan with local partners and is the lead agency under the California Environmental Quality Act (CEQA). The JPA, in accordance with CEQA, is publishing a similar notice. The JPA and/or their local partners intend to apply for a 50-year incidental take permit from the Service. This permit is needed to authorize the incidental take of threatened and endangered species that could result from activities covered under the Plan.

We provide this notice to (1) describe the proposed action and potential alternatives; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS/EIR; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS/EIR.

DATES: Submit written comments on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. One public scoping meeting will be held on [INSERT DATE] 2009, from __ p.m. to __ p.m.

ADDRESSES: The public meeting will be held at the [LOCATION]. Submit written comments to Cori Mustin, Senior Fish and Wildlife Biologist, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825. Comments may also be sent by facsimile to (916) 414-6713.

FOR FURTHER INFORMATION CONTACT: Cori Mustin, Senior Fish and Wildlife Biologist, Sacramento Fish and Wildlife Office at (916) 414-6600.

SUPPLEMENTARY INFORMATION:

Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Cori Mustin at (916) 414-6600 as soon as possible. In order to

allow sufficient time to process requests, please call no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

The Plan is both a habitat conservation plan (HCP), intended to fulfill the requirements of the Endangered Species Act, and a natural community conservation plan (NCCP), intended to fulfill the requirements of the California Natural Community Conservation Planning Act (NCCP Act). The Plan is being prepared under the combined efforts of: the Yolo County NCCP/HCP Joint Powers Agency (JPA), which consists of Yolo County, the cities of Davis, West Sacramento, Winters, and Woodland and the University of California at Davis (collectively referred to as the Local Partners). Furthermore, efforts have included coordination with the California Department of Fish and Game (CDFG) as a CEQA Responsible and Trustee Agency.

Species proposed for coverage in the Plan are species that are currently listed as federally threatened or endangered or have the potential to become listed during the life of this Plan and have some likelihood to occur within the project area. Should any of these unlisted covered species become listed under the Act during the term of the permit, take authorization for those species would become effective upon listing. The Plan will provide for the long-term conservation and management of these species, and ensure that impacts to these species are minimized and mitigated to the maximum extent practicable. Species may be added or deleted during the course of the development of the Plan based on further analysis, new information, agency consultation, and public comment. The Plan is expected to address 65 listed and non-listed wildlife and plant species. Species proposed for coverage under the Plan are provided in Table 1.

Table 1. Proposed Covered Species

<u>Species Group</u>	<u>Common Name</u>	<u>Scientific Name</u>
Plants	Palmate-bracted birds-beak	<i>Cordylanthus palmatus</i>
	Colusa grass	<i>Neostapfia colusana</i>
	Solano grass (formerly Crampton's tuctoria)	<i>Tuctoria mucronata</i>
	Alkali milk-vetch	<i>Astragalus tener</i> var. <i>tener</i>
	Brittlescale	<i>Atriplex depressa</i>
	San Joaquin spearscale	<i>Atriplex joaquiniana</i>
	Heckard's pepper-grass	<i>Lepidium latipes</i> var. <i>heckardii</i>
	Ferris's milk-vetch	<i>Astragalus tener</i> var. <i>ferrisiae</i>
	Snow Mountain buckwheat	<i>Eriogonum nervulosum</i>
	Adobe-lily	<i>Fritillaria pluriflora</i>
	Hall's harmonia	<i>Harmonia hallii</i>
	Drymaria-like western flax	<i>Hesperolinon drymarioides</i>
	Colusa layia	<i>Layia septentrionalis</i>
	Bent-flowered fiddleneck	<i>Amsinckia lunaris</i>
	Morrison's jewelflower	<i>Streptanthus morrisonii</i> ssp. <i>morrisonii</i>
	Masons's lilaepsis	<i>Lilaeopsis masonii</i>
	Baker's navarretia	<i>Navarretia leucocephala</i> ssp. <i>Bakeri</i>
	Delta tule pea	<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>
Rose mallow	<i>Hibiscus lasiocarpus</i>	
Invertebrates	Conservancy fairy shrimp	<i>Branchinecta conservation</i>
	Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>
	Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>
	Vernal pool tadpole shrimp	<i>Lepidurus packardi</i>
	Midvalley fairy shrimp	<i>Branchinecta mesovallensis</i>
	California linderiella fairy shrimp	<i>Linderiella occidentalis</i>
	Ancient ant	<i>Pyramica reliquia</i>
	Molestan blister beetle	<i>Lytta molesta</i>
Sacramento Valley tiger beetle	<i>Cicindela hirticollis abrupta</i>	
Amphibians	California tiger salamander	<i>Ambystoma californiense</i>
	California red-legged frog	<i>Rana aurora draytonii</i>
	Foothill yellow-legged frog	<i>Rana boylei</i>
	Western spadefoot	<i>Spea hammondii</i>
Reptiles	Giant garter snake	<i>Thamnophis gigas</i>
	Coast horned lizard	<i>Phrynosoma coronatum frontale</i>
	Northwestern pond turtle	<i>Clemmys marmorata marmorata</i>
Birds	Least bittern	<i>Ixobrychus exilis</i>
	Redhead	<i>Aythya Americana</i>
	Bald eagle	<i>Haliaeetus leucocephalus</i>
	Northern harrier	<i>Circus cyaneus</i>
	White-tailed kite	<i>Elanus leucurus</i>
	Swainson's hawk	<i>Buteo swainsoni</i>

Agenda Item 7

	Golden eagle	<i>Aquila chrysaetos</i>
	American peregrine falcon	<i>Falco peregrinus anatum</i>
	Prairie falcon	<i>Falco mexicanus</i>
	California black rail	<i>Laterallus jamaicensis coturniculus</i>
	Western snowy plover	<i>Charadrius alexandrinus nivosus</i>
	Mountain plover	<i>Charadrius montanus</i>
	Black tern	<i>Chlidonias niger</i>
	Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>
	Western burrowing owl	<i>Athene cunicularia hypugaea</i>
	Long-eared owl	<i>Asio otus</i>
	Short-eared owl	<i>Asio flammeus</i>
	Loggerhead shrike	<i>Lanius ludovicianus</i>
	Yellow-billed magpie	<i>Pica nuttali</i>
	Purple martin	<i>Progne subis</i>
	Bank swallow	<i>Riparia riparia</i>
	Yellow-breasted chat	<i>Icteria virens</i>
	Grasshopper sparrow	<i>Ammodramus savannarum</i>
	Tricolored blackbird	<i>Agelaius tricolor</i>
	Yellow-headed blackbird	<i>Xanthocephalus xanthocephalus</i>
Mammals	Western red bat	<i>Lasiurus blossevillii</i>
	Townsend's western big-eared bat	<i>Corynorhinus townsendii townsendii</i>
	Pallid bat	<i>Antrozous pallidus</i>
	Ringtail	<i>Bassariscus astutus</i>
	American badger	<i>Taxidea taxus</i>

Section 9 of the Act and Federal regulations prohibit the “take” of wildlife species listed as endangered or threatened (16 U.S.C. 1538). The Act defines the term “take” as: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in such conduct (16 U.S.C. 1532). Harm includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering [50 CFR 17.3(c)]. Pursuant to Section 10(a)(1)(B) of the Act, we may issue permits to authorize “incidental take” of listed species. “Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Service regulations governing permits for

threatened species and endangered species, respectively, are promulgated in 50 CFR sections 17.22 and 17.32.

We propose to include plant species on the permit in recognition of the conservation benefits provided for them under the Plan. For the purposes of the Plan, certain plant species are further included to meet regulatory obligations under Section 7 of the Act and the California Endangered Species Act (CESA). All species included on an incidental take permit would receive assurances under the Service's "No Surprises" regulations found in 50 CFR 17.22(b)(5) and 17.32(b)(5).

The Plan would result in take authorization for otherwise lawful actions, such as public and private development, agriculture and other activities that may incidentally take animal species within the Plan area. The Local Partners intend to request incidental take coverage for the following categories of covered activities: (1) agricultural activities, (2) urban development, operation and maintenance activities, (3) rural development, operations and maintenance activities, (4) flood control activities (5) parks and recreational activities; (6) specified mining projects; (7) emergency services; and (8) conservation implementation activities. [*****To be revised when the Covered Activities draft has been prepared*****]

The study area covers approximately 653,820 acres, which encompasses the entire extent of Yolo County. The study area was defined as the area in which covered activities would occur, impacts would be evaluated, and a conservation strategy would be implemented. The boundary of the study area is based on political, ecological, and hydrologic factors.

Environmental Impact Statement

The EIS will consider the proposed action (i.e., the issuance of a Section 10(a)(1)(B) permit under the Act), no action (no project), no take, and a reasonable range of alternatives. A

detailed description of the proposed action and alternatives will be included in the EIS/EIR. The alternatives to be considered for analysis in the EIS/EIR may include: approaches to reduce incidental take, modifications to the list of covered species, and reduced planning area. Different strategies for avoiding, minimizing and mitigating the impacts of incidental take may also be considered. The EIS/EIR will also identify potentially significant impacts on biological resources, cultural resources, land use, air quality, water quality, economics, and other environmental resources that could occur directly or indirectly with implementation of the proposed action and alternatives.

Environmental review of the EIS/EIR will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 et. seq.), its implementing regulations (40 CFR parts 1500-1508), other applicable regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR Section 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS/EIR. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the permit application is identified. Comments will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (see ADDRESSES). All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and /or homes addresses, etc., but if you

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wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information.

This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organization or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: _____

Deputy Manager

California/Nevada Operations Office

Sacramento, California