

YOLO COUNTY HABITAT JOINT POWERS AGENCY  
YOLO NATURAL HERITAGE PROGRAM

JPA BOARD MEETING

Draft Minutes: April 20, 2009

Prepared by: Maria Wong

**JPA Board Members present:**

Martie Dote, City of Woodland  
Matt Rexroad, Yolo County  
Stephen Souza, City of Davis  
Helen Thomson, Yolo County

**JPA Board Alternates present:**

None

**Staff present:**

Maria Wong, Executive Director

Minutes

1. **The meeting was called to order at 5:33 p.m.**
2. **Approval of Agenda Order**  
- (Rexroad moved and Dote seconded 4-0)
3. **Public Comment** – None
4. **Board Correspondence**  
Copies of letters regarding the Lower Yolo Bypass Planning Forum's request to meet with BDCP; the Congressional sign on letter co-sponsored by Rep Tauscher and Bono Mack on increased HCP funding; and the Yolo Basin Foundation's letter of comment on the BDCP EIR/EIS scoping. Wong informed the Board that UCD student Tracy Ng is interning this semester for college credit. Tracy will be working on the E-Newsletter and the Yolo County Fair exhibit and traveling kiosk in addition to helping with administrative duties. Wong reported on the newly awarded Section 6 planning assistance grant, a pollinator field trip April 22<sup>nd</sup> in conjunction with the Pollinator Study, and a new 600 acre Swainson's hawk conservation easement at the Wildlands, Inc. River Ranch project.
5. **CONSENT CALENDAR**
  - (a) Approval of Board Minutes – March 16, 2009.
  - (b) Receive and File Mid-Year Report.
  - (c) Receive and File Special District Financial Transaction Report for FY 2007-08
  - (d) Adopt Resolution Approving a Certificate of Consent to Self Insure Workman's Compensation Liabilities (YCPARMIA).
  - (e) Executive Director Report

Approved as submitted (Rexroad moved and Dote seconded 4-0)

**REGULAR AGENDA**

6. **Adopt Resolution amending the 2008-09 budget to adjust available fund budgets for consultant services, easement acquisition and staff support.**

Wong presented the item. The requested changes are necessary to adjust the budget through the end of the fiscal year. In response to a question from Dote, Wong informed the Board that the Resolution enacts prior approved encumbrances and that no new funds above those previously allocated were being requested. Rexroad expressed support for the request to utilize County Parks Department specialized accountings services and asked staff to balance delegation of accounting tasks with continued oversight.

(Approved as submitted (**Souza** moved, **Rexroad** seconded 4-0)

7. Board Adjourned at 5:50 p.m. to May 11, 2009, at 4:00 pm.

**Accepted:**

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**Helen M. Thomson, Chairwoman  
Board of Directors**

## Staff Report

TO: Chair and Board Members  
Yolo County Habitat JPA

FROM: Maria Wong  
Executive Director

DATE: June 15, 2009

SUBJECT: Approve a letter to the United States Environmental Protection Agency (US EPA) on proposed National Pollutant Discharge Elimination System (NPDES) permit for the discharge of treated wastewater treatment for the Cache Creek Casino Resort.

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### Requested Action:

Authorize the Chairwoman to sign a letter (Exhibit A) commenting on the on proposed National Pollutant Discharge Elimination System (NPDES) permit for the discharge of treated wastewater treatment for the Cache Creek Casino Resort.

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### REASON FOR REQUESTED ACTION:

The proposal to discharge wastewater into Cache Creek has the potential to adversely impact natural resources that are important to the Yolo Natural Heritage Program HCP/NCCP.

### ANALYSIS:

The comment letter reflects the JPA's initial concerns resulting from the proposal to discharge wastewater from the Cache Creek casino to Cache Creek. The proposal has the potential to result in adverse impacts within the HCP/NCCP planning area.

The Rumsey Band of Winton Indians ("Tribe") is in the process of expanding the Cache Creek casino. A larger waste waster treatment system will be needed to meet the needs of the expansion. The Tribe intends to meet this need in one of three ways: 1) discharge into a tributary of Cache Creek; 2) discharge to a proposed reservoir on adjacent non-trust lands identified in the draft Tribal EIR; or 3) discharge wastewater to an underground system on-site on trust lands.

Discharging wastewater in Cache Creek requires the issuance of a NPDES Permit from US EPA. The attached comment letter outlines the JPA's comments on the proposal as staff currently understands it and is intended to provide early input to the review and permitting process.

FISCAL IMPACT: None.

Attachment A: EPA comment letter

**ATTACHMENT A**

June 15, 2009

John Tinger  
U.S. Environmental Protection Agency Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Re: Cache Creek Casino proposal to discharge treated waste water to Cache Creek

Dear Mr. Tinger:

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 (riparian, woodland, wetland, grassland and agriculture). The Cache Creek corridor lies within the conservation planning area.

The JPA appreciates the opportunity to comment on the Tribe's proposal to discharge Cache Creek Casino's treated wastewater to Cache Creek. Cache Creek and its associated upland habitats support a number of species that are important to the YNHP planning process. A draft list of species to be addressed in the YNHP, subject to change as the planning process continues, is attached. Several of these species and their associated habitats are likely to experience adverse impacts from the proposed action unless best management practices and mitigation measures designed to reduce or eliminate these threats are incorporated into the project. The effect of human pharmaceuticals (especially endocrine blockers) and personal care products on wildlife is well documented. Cache Creek supports fish and aquatic species that are part of an extended food web that benefits wildlife and human consumers. Inadequately treated wastewater has the potential to negatively impact this food web. Accidental wastewater discharges that coincide with seasonal low peak flows in the creek could further exacerbate the impact on sensitive resources.

We appreciate your consideration of these concerns and impacts in your review of the NPDES permit. If you have questions regarding this letter please contact Maria Wong, JPA Executive Director, at (530) 406-4885.

Regards,

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

cc: JPA Member Agencies  
Rumsey Band of Winton Indians

**Staff Report**

TO: Chair and Board Members  
Yolo County Habitat JPA

FROM: Maria Wong, Executive Director  
Susan Garbini, staff

DATE: June 15, 2009

SUBJECT: Approve a letter to the Western Area Power Administration /Transmission Agency of Northern California (TANC)

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**Requested Action:**

Authorize the Chairwoman to sign a letter to the Western Area Power Administration /Transmission Agency of Northern California (TANC) with comments on proposed TANC transmission project.

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**REASON FOR REQUESTED ACTION:**

The comment letter responds to the Notice of Preparation of a Joint Environmental Impact Report/Environmental Impact Statement and Request for Comments.

**ANALYSIS:**

The TANC Transmission project proposes to upgrade and/or construct approximately 600 miles of high voltage transmission lines, some of which pass through Yolo County. TANC project goals include providing Northern Californians with increased access to renewable energy. Project proponents include the Transmission Agency of California, a coalition of public utilities that includes SMUD.

Three north-south alternative routes for the transmission project have been identified and are depicted on the map in Attachment B. All three have the potential to affect sensitive species and habitat, and therefore have the potential to adversely impact development and/or implementation of the Yolo Natural Heritage Program. The attached comment letter identifies this potential conflict and requests continued coordination to minimize unavoidable impacts as both planning efforts move forward.

**FISCAL IMPACT:** There is no fiscal impact.

ATTACHMENT A: TANC Transmission Project comment letter  
ATTACHMENT B: Project Conceptual Alignment Map

**ATTACHMENT A**

June 15, 2009

David Young  
NEPA Document Manager  
Western Area Power Administration  
114 Parkshore Drive  
Folsom, CA 95630

Re: Notice of preparation and Request for Comments for the Proposed TANC Transmission project

Dear Mr. Young:

Thank you for providing the Yolo County NCCP/HCP Joint Powers Agency (JPA) with an opportunity to comment on the scope of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the TANC Transmission Project (project). The JPA is currently preparing the Yolo Natural Heritage Program (YNHP) Plan, which is a county-wide conservation planning effort designed to serve as a comprehensive Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) for a 653,820 acre planning area. The YNHP will establish a mechanism for conserving the natural open space and agricultural landscapes that provide habitat for many species protected by the federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), and additional at-risk species found within the habitats and natural communities in Yolo County.

The NOI and NOP for the TANC project identify three alternative transmission line corridors for the southern portion of the Central Segment, a western corridor shown as Central 1, a central corridor shown as Central 2, and an eastern corridor shown as Central 3. All three alternative alignments traverse through the YNHP Plan's anticipated planning area. As such, all three of these routes may affect covered species and the conservation program that will be developed as part of the YNHP Plan.

Although the YNHP Plan is still in preparation, it will likely include a broad conservation strategy that encourages maintaining a diverse array of agricultural crop types and preserving riparian and upland areas that provide suitable habitat for a variety of species. This may include preserving areas that would be affected by the construction and presence of the proposed transmission lines. In particular, the Central 3 corridor could affect suitable habitat for bald eagles which are known to forage near Cache Creek, the Central 2 corridor would cross through agricultural lands that support a dense population of Swainson's hawks, and Central routes 1 and 2 could affect riparian habitat that supports waterfowl and other waterbird foraging habitats. Overhead transmission lines along all three corridors could affect the suitability of habitat for birds because of the potential for collisions with the transmission lines.

The direct impact to plant and wildlife species from the construction and presence of the transmission lines could compromise the suitability of affected lands to serve as protected conservation lands, and these potential harmful effects should be fully evaluated in the EIR/EIS. The Central 3 corridor is most likely to create conflicts with potential upland preserve areas that may be identified in the YNHP plan. The YNHP plan may include opportunities to enhance riparian and upland habitats as part of the conservation program. The EIR/EIS should therefore evaluate the effects on existing riparian habitats (e.g., from stream crossings) and on upland

habitats, and on the ability to restore and maintain restored habitats in the future. At this time, there is insufficient information available about the specific details of local impacts of the transmission lines to adequately assess the potential for harmful impacts on species of concern to the YNHP plan, so that we recommend these issues be revisited as the TANC project becomes more detailed in the planning and implementation process.

Potential effects on species and the NHP Plan's conservation program may also become more apparent as the JPA moves forward with the YNHP Plan. We would therefore appreciate the opportunity to comment further on the proposed alignments as the YNHP Plan's conservation program is developed, and to engage in further coordination with the TANC staff to ensure the effects of the TANC project are minimized. In this role, the YNHP Plan may be able to serve as an effective tool for mitigation of TANC project's effects on wildlife and habitat. As such, close coordination of the TANC project and the YNHP may help make both efforts more efficient and effective.

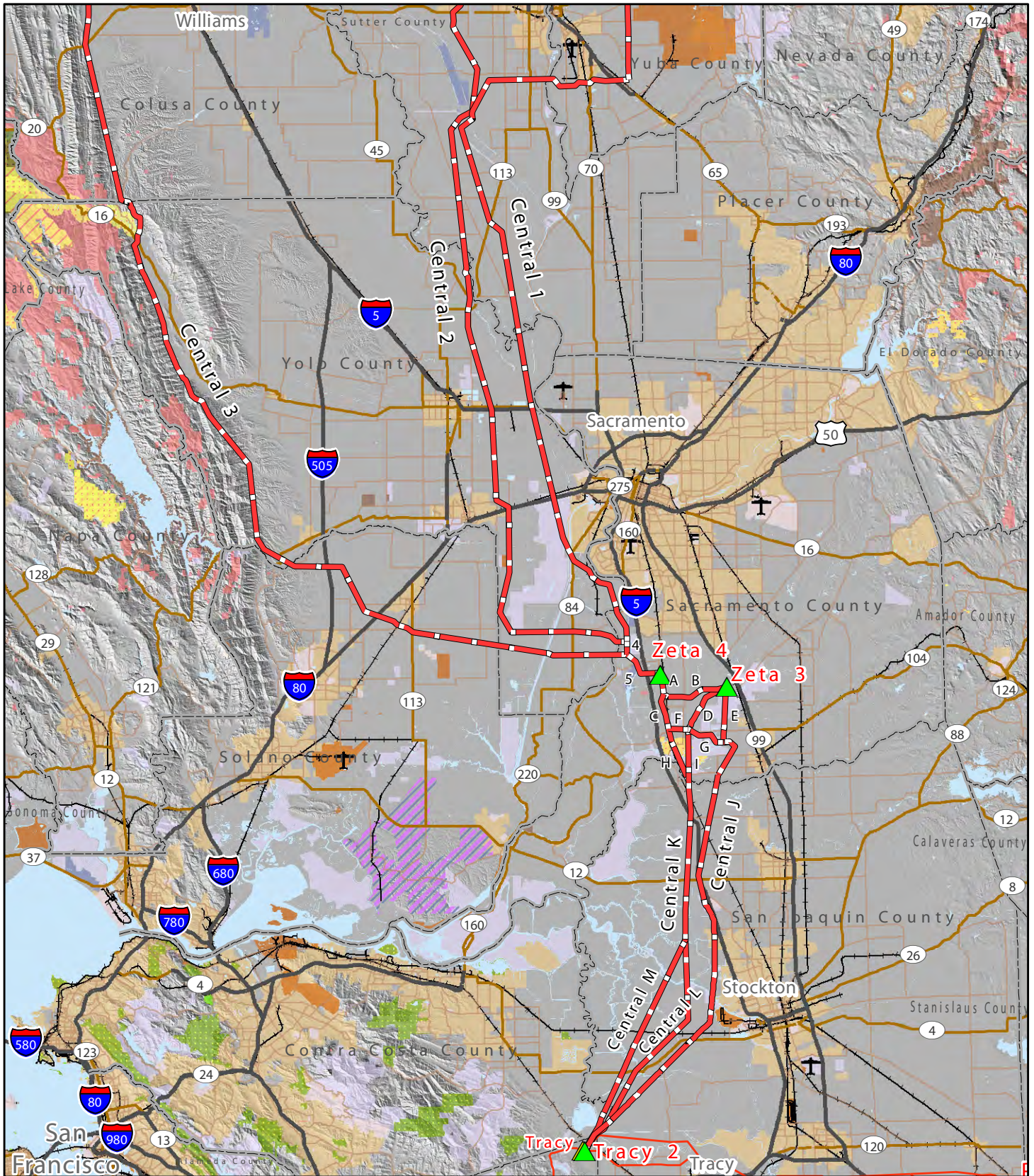
Thank you for this opportunity to comment on the scope of the EIR/EIS for the TANC project. We look forward to further communication and coordination. Please contact Maria Wong at [Maria.Wong@yolocounty.org](mailto:Maria.Wong@yolocounty.org) or (530) 406-4885 for further information regarding the Yolo Natural Heritage Program Plan or if you have any questions regarding this comment letter.

Regards,

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

cc: JPA Member Agencies

# South Portion of Central Segment - Preliminary Proposed TTP Routes



Proposed Substations	Major Highways	Public Land Ownership	Natl Park Service Lands
Existing Substations	Highways	BLM Lands	US Fish & Wildlife Lands
Preliminary Proposed TTP Routes	Airports	BLM Areas of Crit. Env. Conc.	Dept. of Defense Lands
TTP Other Proposed Route Segments	Railroads	BLM Wilderness Study Areas	Other Federal Lands
	County Boundaries	Wilderness Areas	East Bay Rgnl Park District
	Urban Areas	US Forest Service Lands	Other Public Lands
		RETI CREZ	

Scale 1:700,000

0 5 Miles

Route Date: 2/5/09

**ATTACHMENT A**

**FIRST AMENDMENT TO AGREEMENT BETWEEN THE YOLO COUNTY  
HABITAT/NATURAL COMMUNITY CONSERVATION PLAN  
JOINT POWERS AGENCY AND  
SCIENCE APPLICATIONS INTERNATIONAL CORPORATION ("SAIC")**

This First Amendment to the January \_\_\_\_, 2009 agreement between the parties is made and entered into as of June 15, 2009, by and between the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency ("JPA") and Science Applications International Corporation or "SAIC" ("Contractor").

***RECITALS***

**WHEREAS**, Contractor was previously retained to provide services related to the Yolo Natural Heritage Program to the JPA under a contract (the "Agreement"); and

**WHEREAS**, the parties wish to amend the Agreement to modify the scope of work, in particular to revise a limitation regarding Contractor's ability to perform tasks within the BDCP-YNHP planning overlap area.

**NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:**

***AGREEMENT***

1. Paragraph 2, page 1 of Exhibit B to the Agreement (Scope of Work) is revised as follows:

The schedule and cost estimate authorized in this Agreement will cover SAIC's effort on the following tasks: 1-14, 16, 21-23, and 24. SAIC is currently the lead consultant on the Bay Delta Conservation Plan. JPA and SAIC have reached agreement with the state agency responsible for the BDCP regarding SAIC's involvement in both conservation planning efforts. Because mutually beneficial outcomes to JPA and BDCP are desirable, JPA authorizes SAIC to objectively evaluate and advise JPA and BDCP regarding matters within SAIC's specific expertise on land within or operations of the Yolo Bypass and lands within the area of overlap between the Yolo County HCP/NCCP and Bay Delta Conservation Plan planning areas. All existing and future interim (draft) work products related to the described areas produced for JPA remain its sole property until JPA agrees to release said work products to BDCP.

2. Except as specifically amended by this document and by prior amendments to the original Agreement, the original Agreement shall remain in full force and effect according to its terms.

## Staff Report

TO: Chair and Board Members  
Yolo County Habitat JPA

FROM: Maria Wong  
Executive Director

DATE: June 15, 2009

SUBJECT: Approve First Amendment to SAIC consultant contract regarding work related to the Bay Delta Conservation Plan (BDCP).

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### ***Requested Action:***

1. Approve the First Amendment to SAIC consultant contract as to form and authorize the Chairwoman to execute said contract amendment pending final approval by JPA counsel.
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### **BACKGROUND:**

The Board approved a contract with SAIC in January for services related to the YNHP. SAIC is also the lead consultant to the Bay Delta Conservation Plan, and advised the Board that a prior contractual agreement with BDCP would limit their ability to provide analysis and/or technical advice regarding matters in the BDCP-YNHP overlap planning area.

BDCP entities who contract with SAIC and the JPA have since reached an understanding regarding the benefits of authorizing SAIC to work on behalf of both planning efforts, increasing the probability that mutually beneficial goals and objectives will be developed and achieved. SAIC does not have a role in advising on policy matters and their involvement in both planning efforts will be technical in nature.

FISCAL IMPACT: This amendment does not alter the existing contract budget.

Attachment A: Draft First Amendment to SAIC Agreement

First Amendment to SAIC Agreement  
Page 2

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement as of the day and year first written above.

YOLO COUNTY HABITAT/NATURAL  
COMMUNITY CONSERVATION PLAN  
JOINT POWERS AGENCY

SCIENCE APPLICATIONS  
INTERNATIONAL CORPORATION

By \_\_\_\_\_  
Helen M. Thomson, Chairwoman  
Board of Directors

By \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Robyn Truitt Drivon, County Counsel  
By Philip J. Pogledich, Senior Deputy  
Attorneys for the 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: June 15, 2009

SUBJECT: Approval of JPA Board and Steering Advisory Committee meeting schedules  
through June 30, 2010

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### ***Requested Action:***

1. Approve recommended meeting schedules as presented by staff.
- 

A suggested meeting schedule is outlined below. Additional meetings will be scheduled on an "as needed" basis. The adopted meeting schedule will be posted to the website.

Recommended meeting schedules through June 2010 are as follows:

#### JPA Board

July 20, 2009	January 4, 2010
September 21, 2009	March 15, 2010
October 19, 2009	May 17, 2010
November 16, 2009	

#### Steering Advisory Committee

Steering Advisory Committee (SAC) meetings will continue on a twice monthly basis (second and fourth Mondays) or as-needed until the planning process concludes. SAC working groups will continue to meet on an as needed basis.

**Staff Report**

TO: Chair and Board Members  
Yolo County Habitat JPA

FROM: Maria Wong  
Executive Director

DATE: June 15, 2009

SUBJECT: Adopt a Resolution accepting a \$634,988 planning assistance grant from the Cooperative Endangered Species Conservation Fund Program (Section 6).

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***Requested Action:***

1. Adopt the attached resolution accepting a \$634,988 planning assistance grant from the Cooperative Endangered Species Conservation Fund Program (Section 6) and committing to 25% in matching funds.
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**REASON FOR RECOMMENDED ACTION:**

The federal Cooperative Endangered Species Conservation Fund Program (Section 6) is a critical source of funding for HCP/NCCP planning efforts.

**BACKGROUND:**

Last year the JPA applied for funding under the Cooperative Endangered Species Conservation Fund Program (Section 6) and was awarded the full amount requested. In addition to the 2009 award the JPA has received Section 6 funding assistance in 2003, 2005 and 2007. Tasks to be undertaken with this grant include the following:

- Final Adaptive Management and Monitoring Framework
- Complete HCP/NCCP document
- Ongoing Data Collection, Updates, GIS Data Integration and Maintenance
- On-going coordination with other planning processes
- Preparation of Public Review and Final NEPA/CEQA Documents (*includes alternatives analysis, impacts analysis, preparation of administrative and public draft documents, preparation of final EIR/EIS and required public meetings*)
- Economic Analysis
- Implementing Agreement
- Continued Public Outreach & Communication

**Agenda Item 5(f)**

The grant requires a minimum of 25% in matching non-federal funding. Accepting this grant will obligate the JPA to \$213,000 to be paid out of the reprogrammed Mitigation Trust Fund account.

FISCAL IMPACT: Acceptance of the 2009 grant will increase funding for HCP/NCCP planning activities by an estimated \$ 516,250. The full grant award is reduced by \$118,738 in CDFG overhead costs.

Attachment: Resolution 2009-\_\_

**Attachment A**

**RESOLUTION 2009-\_\_**

**A resolution of the Yolo County Habitat/Natural Community Conservation Plan  
Joint Powers Agency  
Accepting a \$634,988 planning assistance grant from the  
Cooperative Endangered Species Conservation Fund Program (Section 6)**

**WHEREAS**, the federal Cooperative Endangered Species Conservation Fund Program (Section 6) is a critical source of funding support for HCP/NCCP efforts; and

**WHEREAS**, the JPA applied for and has been awarded a Section 6 grant in the amount of \$634,988; and

**WHEREAS**, acceptance of the grant requires a 25% commitment in non-federal matching funds; and

**WHEREAS**, the JPA has an identified a source of funding for the 25% non-federal matching funds requirement.

**NOW, THEREFORE, BE IT RESOLVED** that the JPA Board of Directors hereby accepts the \$634,988 planning assistance grant from the Cooperative Endangered Species Conservation Fund Program (Section 6) and commits to \$213,000 in matching non-federal funding.

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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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: June 15, 2009

SUBJECT: Executive Director's Report

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**1. Lower Yolo Bypass Planning Forum process update**

The LYB planning forum continues to meet and is making progress on a number of issues. A BDCP sub-committee has been established to focus in on BDCP related matters. The sub-committee is in the process of identifying priorities that can be conveyed to Yolo County as part of the Five Delta County/BDCP meetings coordinated through Resource Secretary Chrisman's office.

**2. SaCOG Rural Urban Connector Strategy update**

Staff continues to interface with SaCOG on the RUCS project. RUCS proponents have inquired about using discrete work products prepared during the NCCP planning process, including maps produced from the Resource Management Status layer of the GIS data base. RUCS staff has been advised that the JPA will be able to share data as it becomes part of the public domain during our regular course of business.

**3. Bay Delta Conservation Plan (BDCP) update**

Staff continues to monitor and/or attend meetings related to BDCP. CDFG and FWS staff assigned to BDCP have convened a series of technical discussions with the 5 county HCP/NCCP project managers in order to better understand the opportunities and constraints related to the various conservation planning efforts. JPA staff attends the meetings on behalf of the JPA; the next meeting is June 15<sup>th</sup>.

Additionally, meetings between elected officials in each Delta county are taking place with the BDCP leadership team to revolve policy level issues. Supervisor Mike McGowan attends on behalf of Yolo County and Supervisor Helen Thomson attends on behalf of Yolo County and the JPA.

JPA consultants have prepared a report on the impact of the BDCP inundation proposal in the Yolo Bypass to species and habitats important to the Yolo Natural Heritage Program. The report identifies several species proposed for coverage in the Yolo NHP that are likely to be negatively impacted by the BDCP proposal. This could compromise our ability to receive take authority and regulatory coverage for these species. The

report will be presented to the Steering Advisory Committee at their June 22<sup>nd</sup> meeting and to the JPA Board at the July meeting.

**4. Conservation Easement Update**

**Swainson's hawk:** Wildlands, Inc. is working with a developer on a 600 acre Swainson's hawk conservation easement on River Ranch. The easement will mitigate impacts from projects located in West Sacramento. Wildlands and I concur that the JPA is best positioned to hold and manage this easement until the NCCP is approved. A closed session discussion on the proposal will be scheduled for the June 2009 Board meeting.

**Ireland Ranch:** Tuleyome has inquired about the JPA's interest in holding a conservation easement on Ireland Ranch, which Tuleyome owns. The property contains unique habitat values that are of interest to the NCCP effort. A closed session discussion on the proposal will be scheduled for the July 2009 Board meeting.

**Quackenbush conservation easement:** Staff is working with Tuleyome and the landowner to permanently protect over 630 acres of oak woodland and Swainson's hawk/grassland habitat near the Dunnigan Hills. The property will provide a key habitat corridor linking upland woodland areas with the valley floor. A closed session discussion on the proposal will be scheduled for the July 2009 Board meeting.

**Chickahominy Creek Ranch #2:** Staff and the landowner have reopened discussions on the second phase of the Chickahominy Creek conservation easement. A coordinating meeting is being scheduled with CDFG and FWS to assess the range of conservation opportunities. A closed session discussion on the proposal will be scheduled for the July 2009 Board meeting.

## Staff Report

TO: Chair and Board Members  
Yolo County Habitat JPA

FROM: Maria Wong  
Executive Director

DATE: June 15, 2009

SUBJECT: Discussion and adoption of FY 2009-2010 Budget and Work Plan.

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### ***Requested Action:***

1. Board discussion and adoption of FY 2009-10 annual Budget and Work Plan.
- 

### **REASON FOR REQUESTED ACTION:**

The JPA Board is required to adopt an annual budget and workplan.

### **BACKGROUND**

The upcoming budget cycle is expected to complete planning phase of the Yolo Natural Heritage Program (the JPA's activities will shift in FY 2010-11 from project planning to project implementation). The following Work Plan and Budget highlights are presented in detail in Attachments 1 and 2:

### **Budget**

The following assumptions were used to formulate the 2009-10 budget (Attachment 2):

#### Mitigation Trust Fund account

Revenue to the WMTF account from the Interim Mitigation Fee program is expected to be unchanged from FY 2008-09 due primarily to expectations that the housing downturn will make a slow recovery, and that mitigation fees will be directed primarily to Mitigation Receiving sites. This budget assumes that 100 acres of impact will be mitigated through Mitigation Receiving sites and 50 acres will be mitigated via payment of the in lieu fee.

Staff does not expect to complete additional conservation easements with funds from the WMTF this budget year. However, staff is working with CDFG to create a Conceptual Area Protection Plan (CAPP) linked to the HCP/NCCP that will make additional non-JPA funding available if opportunities to protect additional lands in advance of the adopted HCP-NCCP arise.

#### Administrative account

Personnel and professional services will continue make up the largest percentage of the Administrative Account. No change to staffing levels in FY 2008-09 is projected (current staffing includes one full time Executive Director and one 0.5 FTE position filled by a student intern/Fellow). However, personnel costs will decline due to the county's efforts to resolve a significant budget shortfall. The current proposal, to be considered by the Board of Supervisors at the end of June, recommends a 112 hour furlough for the employee group that houses the Director's position. The

## **Agenda Item 6**

The county proposal assumes that furlough would be spread over fiscal year and that November salary increases will not be cut. Other operating costs are projected to remain constant over the next budget cycle.

The Revenue and Expenditure Summary (Section 3 of the Budget) is subject to change pending receipt of final fund activity from the County Auditor's office at the end of this fiscal year.

### **Work Plan**

The draft Work Plan (Attachment 1) includes carry over tasks from the previous year, well as new tasks associated with expanded public outreach, preparation of the Plan document, creation of a CDFG Conceptual Area Protection Plan, and the HCP/NCCP environmental review process.

### **Attachments:**

1. Draft FY 2009-10 Work Plan
2. Draft FY 2009-10 Line Item Budget
3. Draft Resolution 2009-\_\_\_\_

## Attachment 1

### FY 2009-10 Work Plan

DRAFT

#### **Introduction**

This Work Plan reflects the goals and priorities of the Yolo H/NCCP JPA by establishing objectives for Fiscal Year 2009-10 and the methods for achieving those objectives. The Work Plan is designed to operate in tandem with the FY 2009-10 budget which allocates funding for associated Work Plan activities.

In addition to its administrative responsibilities the JPA will continue to oversee two programs in FY 2009-10: the Swainson's hawk Interim Mitigation Fee program and the Yolo Natural Heritage Program ("HCP/NCCP planning process"). The Swainson's hawk Interim Mitigation Fee program has been expanded to include establishing and monitoring Mitigation Receiving Sites. The JPA will continue to coordinate with various entities and processes related to the Yolo Natural Heritage Program and regional habitat issues. This Work Plan identifies the institutional and organizational relationships that are integral to the successful implementation of target objectives.

#### **Organizational Structure**

The JPA Board of Directors oversees the coordination of work performed in pursuit of a regional multi-species conservation plan (HCP/NCCP) and the Interim Mitigation Fee program for Swainson's hawk. An Executive Director, Land Agent (currently unfilled) and in-house legal counsel provide staff support. Intermittent assistance from Member Agency staff augments the JPA's limited staff resources. Specialized assistance is provided by consultants. The Board is also assisted by several committees as described below.

#### Board of Directors' Committees

*Executive Committee:* Three Board members comprised of the JPA Board Chair, Vice-Chair and one regular member to review, advise and interact with staff on matters that do not require full Board actions (meets on an as needed basis).

#### Advisory Committees

The JPA Board of Directors has established two advisory committees that will continue to operate in FY 2009-10. These committees serve as a link to citizens, key interest groups, and partner planning agencies.

*Technical Advisory Committee:* Twelve members representing agency, appointed by the JPA Board to review and advise the Board regarding the acquisition of Swainson's hawk conservation easements (meets on an as needed basis).

*Steering Advisory Committee:* An unspecified number of stakeholder members (between 11 and 20) appointed by the Board to assist in the preparation of the Yolo County HCP/NCCP (meets twice monthly or as needed).

Working Groups

Working groups are a sub-set of the Steering Advisory Committee formed to address specific issues and to assist with problem solving. Working groups will continue to meet frequently throughout the remainder of the planning process as specific issues are identified and conservation objectives are refined. Working groups currently convened include the Urban Interface Working Group, the Ag Interface Working Group and the Biological Working Group. Economic and Governance Working Groups will be activated early in FY 2009-10.

JPA Participation in other Local / Regional Conservation Planning Efforts

A number of important conservation related processes are underway in Yolo County and the region which could affect the outcome of the HCP/NCCP. The JPA works toward cooperation and coordination with these processes through participation in the following:

*Northern California Conservation Planning Partners:* An ad-hoc association of eight County and Sub-county scale Habitat Conservation Plans and Natural Community Conservation Plans. Activities include an annual workshop; discussion of issues of common concern; regional coordination with wildlife agencies; and the preparation of a multi-year strategy and plan to bring additional conservation dollars to Northern California in support of regional conservation plan implementation.

*Delta Mercury TMDL Collaborative:* A working group convened by the Delta Protection Commission to work toward collaborative solutions for common issues related to the regulation of mercury in the Delta.

*Yolo County Integrated Regional Water Management Plan process:* A collaborative county-wide planning process that will address water issues including habitat, flooding, water quality and water conservation.

*Yolo County General Plan update:* A comprehensive planning effort that will guide development of the County for the next 20 years.

*DELTA Vision:* The Delta Vision process is a state-wide strategic planning effort centered on the Delta.

*Delta Protection Commission:* The Delta Protection Commission is working on several programs and proposals related to the future of the Delta.

*Bay Delta Conservation Plan:* A multi-species conservation plan covering the Sacramento-San Joaquin River Delta.

*Lower Yolo Bypass Planning Forum:* Facilitated stakeholder group focused on the Lower Yolo Bypass area.

Public Involvement

In addition to regularly scheduled public meetings the JPA will continue to use the website, a bi-annual newsletter, press releases, and information workshops in FY 2009-10 to inform and communicate with the public and stakeholders.

**Report Format**

The Work Plan is organized into Elements, which are broad work broad categories that are not expected to change significantly over time. Elements are further sub-divided into program level categories (such as the Swainson’s hawk Interim Mitigation Fee program) that represent significant objectives.

**ELEMENT 09-01: ORGANIZATIONAL MANAGEMENT**

*OBJECTIVE:* To provide coordinated support for the Board of Directors and various sub-committees.

This element includes those tasks and products that are associated with the day to day operation of the organization. Tasks will be undertaken with the goal of increasing the JPA’s efficiency, performance and accountability.

*Tasks and End Products*

- a. Monitor for compliance with applicable state and federal regulations
- b. Consultant Contract administration
- c. Agency Contract administration
- d. Establish goals, evaluate progress, and update strategies
- e. **Board Agendas and Staff reports**
- f. **Committee Agendas and Staff reports**
- g. **Work Plan and Quarterly Reports**

**ELEMENT 09-02: FUNDING**

*OBJECTIVE:* To insure that sufficient funds are available to complete the adopted tasks.

Funding for JPA activities comes from several sources. Fund support for administrative tasks comes from fund balances available from FY2008-09; accrued interest income; and an administrative allocation from the Swainson’s hawk Mitigation In-lieu fee approved in 2004. Funds in support of other activities come from a combination of developer fees and grants. Grant revenue from state and federal sources is generally paid as a reimbursement, which in the past created cash flow problems. The Restated and Amended Joint Powers Agency Agreement approved in 2006 allows limited funds from the Wildlife Mitigation Trust Fund to be reprogrammed in support of completion of the HCP/NCCP planning process.

*Tasks and End Products*

- a. On-going coordination with state and federal funding partners
- b. Identify new grant opportunities
- c. Explore new funding partnership opportunities
- d. Continue to pursue planning grants for the developing HCP/NCCP
- e. Explore grant opportunities that build organizational and program capacity
- f. Explore funding opportunities in support of on-going administrative costs associated with the HCP/NCCP planning effort
- g. Continue to work with the NCCPP to develop funding legislation for Northern California HCP/NCCP plans
- h. **2010 Section 6 planning assistance grant application**
- i. **2010 Section 6 research and acquisition grant applications**
- j. **Additional grant applications (as warranted)**
- k. **Development of a CDFG Conceptual Area Protection Plan (CAPP)**
- l. **Budget change orders (as needed)**
- m. **Mid-year Budget Report**

**ELEMENT 09-03: PUBLIC OUTREACH**

*OBJECTIVE:* To insure that the public and stakeholders have an adequate opportunity to participate in development of the HCP/NCCP.

*Tasks and End Products*

- a. Continue to identify & engage stakeholders
  - Outreach to agricultural interests
  - Outreach to academic community
  - Outreach to business/development community
- b. **Implement the Public Outreach Program**
- c. Continue and expand the HCP/NCCP vision process
- d. Assess stakeholder needs and concerns
- e. **Website**
- f. **Bi-annual newsletter and other print materials**
- g. **Traveling information kiosk & County Fair exhibit**
- h. **Press releases (as needed)**
- i. **Second public informational workshop**

**ELEMENT 09-04: PROGRAMS**

**Program 09-04-01: Swainson's hawk Interim Mitigation Fee Program**

*OBJECTIVE:* To successfully implement the Swainson's hawk Interim Mitigation Fee program.

The Swainson's hawk Interim Mitigation Fee program is an interim program pending development and approval of a regional conservation plan for Yolo County.

*Tasks and End Products*

- a. Work with the local, regional and state conservation partners to identify and engage potential landowners.
- b. Continue outreach efforts to farming and ranching interests
- c. Review and (if needed) update the interim mitigation fee
- d. Secure **conservation easements**
- e. **Annual Performance Report**

**Program 08-04-02: HCP/NCCP Planning Process**

*OBJECTIVE:* To continue development of a county-wide multi-species HCP/NCCP.

The HCP/NCCP planning process will continue in FY 2009-10. A scope of work and budget will be developed for the newly awarded 2009 Section 6 grant award. These funds, coupled with remaining funds from the 2005 and 2007 grant awards and reprogrammed funds from the Wildlife Mitigation Trust Fund will fund tasks in the FY 2009-10 Work Plan associated with the HCP/NCCP. The 2006 Independent Science Advisors Report, the County General Plan update, the emerging BDCP and public input will continue to inform assumptions related to the HCP/NCCP. Close coordination with wildlife agencies and other partners, and securing additional grant funding will continue to be a priority.

*Tasks and End Products*

- a. Project coordination, contract administration, additional technical support (as needed)
- b. Oversee consultant work on existing Contacts
- c. Coordinate with Yolo County to ensure consistency with the County's General Plan update
- d. Monthly project management meetings with wildlife agency staff
- e. Evaluation of the Independent Science Advisors Report
- f. **2005 Section 6 contract with CDFG (to be closed out this year)**
- h. **2007 Section 6 contract with CDFG**
- i. **2007 Section 6 Consultant Contracts**
- j. **2009 Section 6 contract with DFG**
- k. **2009 Section 6 Consultant Contracts**
- l. **Monthly Consultant Progress Reports**
- m. **Deliverables associated with the 2007 Section 6 contract**
- n. **Deliverables associated with the 2009 Section 6 contract**

## Attachment 2

# YOLO HABITAT JOINT POWERS AGENCY FY2009-10 Budget DRAFT

## INTRODUCTION

The Yolo Habitat Joint Powers Agency (JPA) was created in 2002 for the purpose of developing and adopting a County-wide Natural Communities Conservation Plan/Habitat Conservation Plan covering the political boundary of Yolo County.

The JPA is governed by an executive Board of Directors. The JPA Executive Board consists of representatives from Member Agencies as follows: two members from the Yolo County Board of Supervisors, one member each from the City Councils of Davis, Winters, Woodland and West Sacramento, and one ex-officio member from University of California at Davis.

This budget document is organized into three sections. Section 1 outlines the accounting structure utilized in the preparation and implementation of the JPA budget. Section 2 identifies the various funds administered by the JPA. Section 3 provides a summary of the anticipated revenues and expenditures for FY 2009-10 and includes a discussion regarding assumptions and forecasting.

## Section 1

### ACCOUNTING STRUCTURE

The JPA operates a collection of separate funds that are segregated for the purpose of carrying out specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. For the purposes of this budget, the term fund is defined as “a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances”.<sup>1</sup>

The budget is adopted on a modified accrual basis, consistent with generally accepted accounting principles. Under this method, revenues are recognized when they are “measurable” (the amount can be determined) and “available” (collectable within the current period). Expenditures are accounted for as the related fund liability is incurred.

## Section 2

### OPERATING BUDGET

The JPA operates funds which are generally classified as either administrative or fiduciary funds. Administrative funds are used to account for the JPA’s business-type activities (such as payroll, rent, and general office expenses). Fiduciary funds are used when the JPA manages financial resources in a trustee or fiduciary capacity. Fiduciary funds consist of expendable trust funds and agency trust funds. Outlined below is a summary of the purpose of each fund, appropriations

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<sup>1</sup> The Government Accounting Standard Board’s (GASB) *Codification of Governmental Accounting and Financial Reporting Standards (Codification)*, Section 1300

## **Agenda Item 6**

information for the fund, budget estimates for FY2008-08 and a discussion of changes that will be required during the current budget cycle to implement the anticipated programs and entitlements.

### **Administrative Funds**

The JPA manages an administrative fund that finances day to day operations of the organization. As in past years revenues for this fund will come from three sources in FY2009-10: fund balance available from FY2008-09; accrued interest income; and a 5% percent allocation from the collected Swainson's hawk Mitigation In-lieu fee. Expenditures to this fund include salary expense, insurance expense, legal expense, and expenses for specialized professional services. Administrative costs are expected to decrease slightly in FY2008-09 due to a decline in salary expenditures associated with efforts to balance the Yolo County budget.

The administrative fund is a non-replenishing account. Current revenues are limited to a portion of the Swainson's hawk Interim Mitigation Fee to support staff activities related to the acquisition of conservation easements. Subsequent budgets will need to consider supplemental revenue sources as the balance in this account will continue to decline over time.

JPA Member Agencies will continue to underwrite operational expenses associated with the JPA through in lieu contributions. These contributions include costs associated with rent, equipment, supplies, creation and maintenance of a website, and administrative support. With the exception of website maintenance, which has been moved to a consultant tasks, those contributions are expected to continue through the current budget year.

### **Fiduciary Funds**

**Agency Trust Funds:** For the purposes of this budget, agency trust funds are defined as fiduciary trust funds that are programmatic and for which the JPA has little discretion. The JPA will continue to manage several agency trust funds during FY 2009-10. The source of fiduciary funds this FY is expected primarily from grants for both planning and acquisition related activities.

Federal Section 6 Planning Assistance Grants:

**2005 Planning Assistance Grant:** A second Section 6 grant in the amount of \$605,000 was awarded in 2005. The award generated \$515,408 in net useable funds and required \$201,667 in matching local funding. This grant will be closed out in FY2009-10 as tasks associate with the grant are completed.

**2007 Planning Assistance Grant:** A third Section 6 grant in the amount of \$349,785 was awarded in May 2007. Acceptance of the grant requires \$440,000 in matching local funding, which will come from reprogrammed WMTF funds. This grant is currently funding tasks associated with the HCP/NCCP including: development of the conservation strategy; preparation of the HCP/NCCP plan document; initiation of the EIR/EIS process; stakeholder involvement; and public outreach. Tasks outlined in the 2007 grant proposal have been incorporated into the FY 2009-10 Work Plan.

**2009 Planning Assistance Grant:** A fourth Section 6 grant in the amount of \$634,998 was awarded in April 2009. Acceptance of the grant requires \$213,000 in matching local funding, which will come from reprogrammed WMTF funds. This grant will be used to undertake the last stage of the NCCP/HCP consultant contract beginning in summer 2009. Tasks outlined in the 2009 grant proposal have been incorporated into the FY 2009-10 Work Plan.

## **Agenda Item 6**

Expendable Trust Funds: For the purposes of this budget document, expendable trust funds are defined as fiduciary funds over which the JPA has some discretion. The JPA currently manages one expendable trust fund, known as the Wildlife Mitigation Trust Fund (WMTF). This fund is financed by the payment of developer in-lieu fees.

The purpose of the fund is to hold developer mitigation fees associated with the loss of Swainson's hawk foraging habitat until those monies can be expended through the purchase of conservation easements. The Swainson's hawk in-lieu mitigation fee was increased in FY 2006-07 from \$8,500/acre to \$8,660/acre.

### Accrued interest

The WMTF is an interest bearing account; interest income from the WMTF is accounted for in a separate fund sub-account. At the discretion of the JPA Board accrued interest income may be borrowed from this fund for use in administrative efforts that are directly associated with development of the NCCP Plan.

### Reprogrammed Funds in Support of HCP/NCCP

The Board and JPA member Agencies, with support from California Department of Fish and Game, have approved the allocation of no more than 2 million dollars from the WMTF to complete the HCP/NCCP. Fund transfers in excess of the amount of in-lieu fees collected prior to July 24, 2002 require prior approval of the JPA Board and Member Agencies. Approximately \$1,200,000 from the WMTF has been allocated to Phase 2 of the HCP/NCCP planning process. An additional \$650,000 will be earmarked during this budget cycle.

## **Budget assumptions and forecast through fiscal year 2009-10**

The purpose of budget forecasting is to provide the JPA Board with an "order of magnitude" ability to fund programs, including administration of the JPA. Because the forecast is subject to many unknown factors it is not predictive and should be viewed only as one of many tools to guide the JPA in a general financial direction. Forecasting for the FY2009-10 budget cycle assumes that interest rates and development activity remain unchanged in the region during FY2009-10.

Financing for the Yolo Habitat NCCP/HCP will continue to come from three primary sources: private developer fees, State and Federal grants, and local revenues. Grant funding will continue to be highly competitive, but should continue to be pursued. The JPA should apply this fiscal year for acquisition funding in anticipation of an adopted HCP/NCCP in mid-2010. Transaction costs related to conservation easements is not expected to change this budget cycle. As in past years, this budget does not assume that local revenues (member agency general funds) will be required to complete the HCP/NCCP. Any estimate of future local revenue contributions will be made after the draft NCCP/HCP Planning Document is complete and will be based on the priorities established at that time by the JPA Board.

**Section 3**

**REVENUE AND EXPENDITURE SUMMARY FY 2008-09**

Note: Figures shown in [ ] are for reference only and are not included in calculations  
Columns may not total due to rounding

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## Attachment 3

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### RESOLUTION 2009-\_\_

#### **A resolution of the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency Adopting the approved 2009-10 fiscal year budget**

#### Section 1. Purpose

This resolution defines the authority and responsibilities of the Executive Director in implementing the Approved Budget of the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency.

#### Section 2. Definitions

- 2.1 "Approved budget," means the budget adopted by the JPA Executive Board for the 2009/10 fiscal year.
- 2.2 "Executive Director" means the Executive Director, or his or her designee.

#### Section 3 Authorized staffing and appropriations

- 3.1 Any changes in staffing levels as authorized by the Approved or Amended Budget must be approved by the JPA Board.

#### Section 4 Appropriation transfers between funds

- 4.1 The Board may authorize the use of accrued interest income from the Wildlife Mitigation Trust Fund (WMTF) for administrative efforts that are directly associated with development of the NCCP Plan.
- 4.2 The Board may authorize the use of up to 2 million dollars of the WMTF for other appropriate purposes that are consistent with the goal of addressing the impacts of urban development on the Swainson's hawk, including but not limited to costs of completing the HCP/NCCP. Fund transfers in excess of the amount of in-lieu fees collected prior to July 24, 2002 requires prior approval of the JPA Board and member Agencies. Mitigation fee revenues shall not be used to pay overhead or other administrative costs unless such costs are directly associated with the acquisition or long-term management of habitat conservation land.

#### Section 5 Operating grants

- 5.1 Operating grants shall be approved by the JPA Board if:
  - a) Matching funds from the JPA resources are required; or
  - b) Accepting the grant creates an expectation for ongoing service or funding by the JPA.

#### Section 6 Miscellaneous controls

- 6.1 The Executive Director is authorized up to \$25,000 discretionary spending per fiscal year, subject to approval by the Executive Committee.
- 6.2 A Budget Change Order is required for expenditures exceeding \$5,000 that are not specifically funded at the beginning of the fiscal year.

Resolution 2009-\_\_\_\_  
Date

Section 7 Mid-year financial report

7.1.1 The Executive Director shall prepare and present a mid-year financial report for the Board's approval each fiscal year.

Section 8 Work Plan

8.1 The Executive Director shall implement the approved Work Plan and prepare a mid-year status report for the Board's approval each fiscal year.

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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

**ATTEST:**

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