

YOLO COUNTY HABITAT JOINT POWERS AGENCY
YOLO NATURAL HERITAGE PROGRAM

JPA BOARD MEETING

Draft Minutes: June 15, 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 5:40 p.m.**
2. **Approval of Agenda Order**
- (Rexroad moved and Dote seconded 4-0)
3. **Public Comment** – Tovey Giezentanner, Conaway Landowners Group, updated the Board on the ownership transition proposal for Conaway Ranch. A handout outlining the proposal was provided to staff. Mr. Giezentanner expressed an interest in working with the JPA to achieve mutually beneficial conservation outcomes.
4. **Board Correspondence** - None
5. **CONSENT CALENDAR**
 - (a) Approval of Board Minutes – April 20, 2009
 - (b) Approve a comment letter to the United States Environmental Protection Agency on proposed National Pollutant Discharge Elimination System permit for the discharge of treated wastewater treatment from the Cache Creek Casino Resort.
 - (c) Approve a comment letter to the Western Area Power Administration and the Transmission Agency of Northern California (TANC) regarding the notice of preparation and request for comments for the proposed TANC transmission project.
 - (d) Approve First Amendment to SAIC consultant contract regarding work related to the Bay Delta Conservation Plan (BDCP).
 - (e) Approve JPA Board and Steering Advisory Committee FY 2009-10 meeting calendar.
 - (f) Adopt Resolution accepting a \$634,988 planning assistance grant from the Cooperative Endangered Species Conservation Fund Program (Section 6).
 - (g) Executive Director Report.

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

REGULAR AGENDA

6. Discussion and adoption of FY 2009-10 Budget and Work Plan.

Wong presented the item. The FY 2009-10 Work Plan includes carry over tasks from the previous year, well as new tasks associated with expanded public outreach, preparation of the HCP/NCCP document, participation in development of a CDFG Conceptual Area Protection Plan, and the HCP/NCCP environmental review process. The Board asked staff to bring back more information on the CAPP process. The FY-2009-10 budget assumes no increase in staffing levels and freezes salaries except for increases that occur county wide.

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

7. Board Adjourned at 6:15 p.m. to August 3, 2009, at 5:30 pm.

Accepted:

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

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: August 3, 2009

SUBJECT: Ratify the First Amendment to the Planning Agreement extending the duration of the Agreement to February 8, 2013.

Requested Action:

1. That the Board ratify the First Amendment to the Planning Agreement extending the duration of the Agreement to February 8, 2013.
-

BACKGROUND:

Earlier this year staff became aware of a proposal by the State Legislative Analyst's office to partially close the state budget deficient by requiring local governments to reimburse Department of Fish and Game for time spent working on HCP/NCCPs. Planning Agreements were one of the tools the LAO's office recommended using to enact this change.

ANALYSIS:

The Yolo County HCP/NCCP Planning Agreement was approved with a five year term and was scheduled to expire in February 2010. JPA and wildlife agency staff were already working on language to extend the Agreement when the LAO's proposal regarding NCCP funding was made public. Because the LAO's office had made similar recommendations in previous years, staff was concerned that the JPA was vulnerable if the requirement was enacted and the JPA's Planning Agreement extension was negotiated after the new state budget was adopted. After consultation with legal counsel from CDFG and the JPA it was agreed that the JPA's best interest would be served if the Amended Agreement was executed before adoption of the State budget and later ratified by the full Board.

FISCAL IMPACT:

This action creates no impact to the current budget.

Attachment A: Executed copy of the First Amendment to Planning Agreement No. 2810-2003-003-02

FIRST AMENDMENT TO

PLANNING AGREEMENT No. 2810-2003-003-02

BY AND AMONG

**THE YOLO COUNTY HABITAT CONSERVATION PLAN/NATURAL COMMUNITY
CONSERVATION PLAN JOINT POWERS AGENCY, THE CALIFORNIA
DEPARTMENT OF FISH AND GAME, AND THE UNITED STATES FISH AND
WILDLIFE SERVICE**

REGARDING THE

**YOLO COUNTY NATURAL COMMUNITY CONSERVATION PLAN AND HABITAT
CONSERVATION PLAN**

JUNE 15, 2009

This First Amendment to the Planning Agreement regarding the Yolo County Natural Community Conservation Plan and Habitat Conservation Plan ("Agreement") is made and entered into by and between the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan Joint Powers Agency ("JPA"), the California Department of Fish and Game ("DFG") and the United States Fish and Wildlife Service ("USFWS"). These entities are referred to collectively as "Parties" and each individually as a "Party." This Agreement is made with reference to the following Recitals.

Recitals

- A. The Parties have entered into a Planning Agreement regarding the Yolo County Natural Community Conservation Plan and Habitat Conservation Plan ("Planning Agreement").
- B. The terms used in this Agreement will have the meanings set forth in Section 1 of the Planning Agreement.
- C. The Effective Date of the Planning Agreement is February 8, 2005. Pursuant to Section 7.5 of the Planning Agreement, the Planning Agreement will automatically terminate five (5) years from the Effective Date unless it is extended by an amendment or terminated pursuant to Section 7.7 of the Planning Agreement.
- D. The Parties desire by this Agreement to extend the Duration of the Planning Agreement for three (3) years from February 8, 2010.

Terms and Conditions

- 1. The Duration of the Planning Agreement is hereby extended for three (3) years beyond the original termination date set forth in Section 7.5 of the Planning Agreement. This additional three-year term shall be referred to as the "Extension Period."
- 2. All other terms and conditions of the Planning Agreement shall remain in full force and effect during the Extension Period.
- 3. This Agreement will take effect on the date that it is executed by the DFG and JPA.
- 4. Any modifications to this Agreement must be in writing and signed by all Parties.

IN WITNESS THEREOF, the Parties have executed this Agreement on the dates set forth below.

YOLO COUNTY HABITAT CONSERVATION PLAN/NATURAL COMMUNITY
CONSERVATION PLAN JOINT POWERS AGENCY

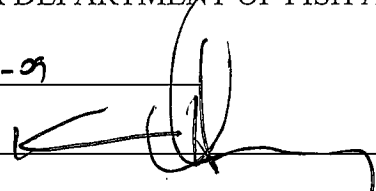
Date: _____

By: _____

Its: JPA Board Chair

CALIFORNIA DEPARTMENT OF FISH AND GAME

Date: 6-17-09

By:  _____

Its: Deputy Director, Ecosystem Conservation Division

UNITED STATES FISH AND WILDLIFE SERVICE

Date: _____

By: _____

Its: Field Supervisor, Fish and Wildlife Office

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: June 15, 2009

SUBJECT: Approve Second Amendment to SAIC consultant contract amending the scope of work and budget.

Requested Action:

- Approve the Second Amendment to SAIC consultant contract as to form and authorize the Chairwoman to execute said contract amendment pending final approval by JPA counsel.
-

BACKGROUND:

The Board approved a contract with SAIC in January 2009 for services related to the Yolo NHP. Staff recommends amending the contract to add additional tasks to initialize the EIR/EIS process, revising the budget accordingly, and extending the term of the contract through December 31, 2009.

ANALYSIS:

Initiation of EIS/EIR process

In order to maintain the current project schedule it is necessary to immediately begin work on background sections of the EIR/EIS. SAIC has agreed to take on this task in advance of the release of the RFP and the selection of a final EIR/EIS consultant. Because work on background EIS/EIR chapters requires no independent analysis, information and draft chapters generated with this contract will be applicable to the subsequent contract to complete the environmental document.

The tasks to be added to the contract scope of work are as follows:

- Review of Relevant Documents (for use in preparing the Affected Environment section of the EIS/EIR).
- Preparation of administrative draft initial chapters of the EIS/EIR (background on the project; the purpose and need for the proposed action; the Proposed Plan and Alternatives; and the Affected Environment).

The USFWS Sacramento Field Office maintains a policy that the technical team preparing the EIS/EIR for a HCP be separate from the team that prepares the HCP. To meet this requirement,

Agenda Item 5(c)

SAIC has identified a technical EIS/EIR team separate from the HCP/NCCP technical team. Resumes of EIS/EIR team project managers are provided in Attachments B and C.

FISCAL IMPACT: This amendment increases the contract budget by \$100,000 for a total of \$534,574. Work associated with this contract amendment will be funded from reprogrammed WMT funds and the 2007 Section 6 grant.

Attachment A: Draft Second Amendment to SAIC Agreement

Attachment B: Resume for Monica Hood

Attachment C: Resume for Trevor Pattison

ATTACHMENT A

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

This Second Amendment to the January 12, 2009 agreement between the parties is made and entered into as of August 3, 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 initiate work on background section of the EIS/EIR.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

AGREEMENT

1. Section V "Term and Termination", Paragraph A, is revised as follows:

The term of this Agreement shall be from January 6, 2009 to December 31, 2009 unless otherwise terminated in accordance with this Agreement, or extended by the JPA.

2. Section "COMPENSATION AND REIMBURSEMENT OF EXPENSES" is revised as follows:

For the services described in Section I above, Consultant shall be compensated in accordance with Section III, below, but the amount of any compensation shall not exceed \$534,574.00 (Five hundred thirty four thousand five hundred seventy four dollars and no cents).

2. Exhibit B to the Contract shall be amended to add task 24.0 as follows:

Task 24.0 Initial Phase of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

Task 24.1 Data Collection and Review of Relevant Documents – SAIC will assist in the collection of documents and resources (including GIS data) as needed for use in preparing the Affected Environmental section of the EIS/EIR to be undertaken with a subsequent EIS/EIR contract.

Task 24.2 Coordination with HCP/NCCP Consultant Team – The EIR/EIS Project Manager will coordinate with the HCP/NCCP team, as needed, in the development of draft project description and alternatives, including at a minimum a No-Take Alternative; No Project Alternative; and a Greater Level of Conservation alternative.

Task 24.3 Initial chapters of the EIS/EIS – administrative draft initial EIS/EIR chapters will be undertaken including the Introduction (includes background on the Project, the purpose and need for the proposed section, etc.); the Proposed Plan (i.e., the Proposed project) and Alternatives.

3. 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.

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

Monica Hood

M.E.S.M., Environmental Science and Management, University of California at Santa Barbara, 2002
B.A., Law and Society, University of California at Santa Barbara, 1989

WORK SUMMARY

Ms. Hood is a Project Manager with approximately 10 years of experience managing CEQA/NEPA documentation for a variety of projects. Project management experience also includes providing management support for regional Habitat Conservation Plans/Natural Community Conservation Plans (HCP/NCCPs) including the Butte County Association of Governments (BCAG) HCP/NCCP. Ms. Hood has been on the management team for large Environmental Impact Statements/Environmental Impact Reports (EIS/EIRs), and has managed water supply and infrastructure EIRs and Mitigated Negative Declarations (MNDs) throughout California. Project experience also includes contributing to the technical analyses for the CEQA/NEPA documentation for regional conservation plans including the Lower Colorado River Multi-Species Conservation Plan (LCR MSCP).

SELECTED PROFESSIONAL EXPERIENCE

Science Applications International Corporation, Project Manager

HCP/NCCP and MSCP Project Experience

Ms. Hood is currently serving as the Deputy Project Manager for the Butte County Regional HCP/NCCP. SAIC is assisting BCAG with development of an HCP/NCCP on behalf of the County and four city jurisdictions that will provide compliance under sections 10 and 7 of the Endangered Species Act (ESA) and the California NCCP Act for proposed development and other land use-related activities that could occur in the planning area over the next 30 years. Currently, 35 species are proposed for coverage under the plan. Ms. Hood is supporting key elements of the plan such as the development of the covered activity descriptions. Other key elements of the plan include coordination with concurrent development of the County and city general plans, development of conservation measures to address needs of the covered species and natural communities, development of an adaptive management plan and monitoring plan to guide future HCP/NCCP implementation, development of implementation costs and funding mechanisms, and public outreach.

Ms. Hood was a team member on the Lower Colorado River Multispecies Conservation Plan (LCR MSCP) project (client - Bureau of Reclamation, Metropolitan Water District of Southern California and U.S. Fish and Wildlife Service) and prepared various EIS/EIR sections including an analysis of the impact of the project on agricultural resources, land use, and recreational resources. The LCR MSCP is a 50-year conservation program for 400 miles of the Colorado River from Lake Mead to the Mexican border.

Ms. Hood is currently the lead on refining conservation measures addressing local government issues including agricultural land use issues for the Bay Delta Conservation Plan (BDCP). The BDCP includes the development of an HCP/NCCP for covered ongoing and future water delivery and power generation activities. The HCP/NCCP will be designed to conserve and mitigate the effects of the covered activities on listed and at-risk fishes dependent on the Sacramento-San Joaquin Delta and associated natural communities. The HCP/NCCP will serve to provide compliance for implementing the covered activities under sections 10 and 7 of the ESA and the California NCCP Act.

CEQA/NEPA Project Management

Ms. Hood served as the Deputy Project Manager for the TraPac Berths 136-149 Container Terminal Improvement Project EIS/EIR. This project included a 25-year lease renewal and two phases of

construction (2007–2015 and 2015–2030) designed to optimize container terminal operations within the Berths 136-149 area in the West Basin portion of the Port of Los Angeles. The project involved dredge and fill operations, new wharf construction, terminal expansion on adjacent areas of existing and newly created land, and improvement of transportation infrastructure.

Ms. Hood has managed numerous CEQA documents included serving as the Project Manager for local water agency water supply and infrastructure projects including the Rio Vista Water Treatment Plant Expansion Project for Castaic Lake Water Agency. Ms. Hood managed the preparation of the Initial Study and the EIR for the expansion of Castaic Lake Water Agency's Rio Vista Water Treatment Plant from 30 million gallons per day to 60 million gallons per day, and the construction of new water supply infrastructure to support the expanded treatment capacity, including a new pipeline connection to Metropolitan Water District's 201-inch Foothill Feeder. Other local water agency project experience includes serving as the Project Manager for the State Water Project Water Transfer and Infrastructure Improvements Project for Lake Arrowhead Community Services District and Crestline Lake Arrowhead Water Agency. Ms. Hood managed the preparation of the CEQA environmental documentation for the one-time purchase of up to a total of 10,000 acre-feet of water by Crestline Lake Arrowhead Water Agency (CLAWA) from San Bernardino Valley Municipal Water District. The project included a 10- to 15-year agreement to take delivery of the water at CLAWA's State Water Project turnout in Lake Silverwood, and included infrastructure improvements to deliver the water to Lake Arrowhead Community Services District (LACSD). Ms. Hood presented at the public meeting to adopt the environmental documentation and received commendation from LACSD's General Manager for the overall management of the environmental documentation.

A. Trevor Pattison

B.S., Geological Sciences-Earth Systems, University of California at Santa Barbara (1999)

WORK SUMMARY

Mr. Pattison is a NEPA project manager and senior earth systems scientist specializing in the assessment and management of sensitive environments, stream systems, habitat planning, natural resources permitting within the federal and state of California regulatory environment, military installations projects, and regional and Coastal Zone development. His current/recent workload emphasis is on broad-scale habitat management planning, NEPA project management, section 7 documentation and consultation support, coastal wind power development environmental documentation, application of the Clean Water Act, Coastal Zone Management and Consistency Determinations, habitat management efforts supporting the HCP/NCCP for the Butte County Association of Governments, and management of other permitting requirements for California Department of Fish and Game and the State Water Resources Control Board. Mr. Pattison is also a technical lead for habitat studies development and implementation for the Santa Ana River Multi-species Habitat Management Plan. Mr. Pattison is currently the staff resources manager for SAIC's Carpinteria based biologists and GIS staff. Additionally, his current efforts include the management of a program to develop biological surveys and section 7 documentation for 1,000 acres of publicly owned land in California, Nevada, and Arizona with multiple agency stakeholders (\$1M), biological resources and NEPA manager for multiple projects, development of coastal and local permits for Southern California Gas Company in Ventura and Santa Barbara County, management of the long-term permitting and water quality program for local clients including City of Santa Barbara Waterfront Department, and successful and efficient development of mitigation and sensitive habitat management techniques on military lands.

SELECTED PROFESSIONAL EXPERIENCE

Science Applications International Corporation, Environmental Scientist

Mr. Pattison has worked on a wide range of projects for SAIC in varying capacities, and covering many disciplines. Most recently, Mr. Pattison has acted primarily as a program/project manager and technical reviewer for natural resource and NEPA programs that focus on biological resources and wetlands. Typical efforts currently include technical quality assurance (QA) and oversight, client and agency interaction, and overall program management. Mr. Pattison also routinely develops analyses in support of biological assessments, wetland studies, and geology and soils.

NEPA/CEQA Program Management

As noted above, Mr. Pattison focuses on NEPA program management and has managed several NEPA projects in recent years ranging in size from \$60K to \$1M. Projects of focus typically include those NEPA/CEQA projects that have major natural resource components. Mr. Pattison is currently serving as deputy project manager and biological resources program lead for the MV-22 Osprey EIS \$2M Basing Project, and the deputy project manager for the MV-22 Training EIS \$2.5M Project. These projects consider the fielding and training of the MV-22 Osprey at several military installations in the southwest U.S. and southern California (MWTC Bridgeport, Edwards AFB, MCB Camp Pendleton, MCAS Yuma, El Centro, MCAS Miramar, MCAGCC 29 Palms). As deputy project manager, responsibilities include day to day contact with client, project labor and financial management, subcontractor management, QA and client deliverables. As project biologist, responsibilities include impact assessment of large scale construction and fielding projects over several installations in different habitats, management of staff

experts and submissions on wetlands, rare plants, and sensitive habitats, and completion of final impact assessment and comment responses.

In the past 5 years, Mr. Pattison has managed six Environmental Assessment efforts; all of which also included section 7 consultation requirements. Projects have ranged in size from \$250K to over \$600K. Although most projects have been associated with the military environments, project locations have ranged throughout California and the western U.S.

Recent Habitat Management Programs, Section 7 Consultations, Large-scale Biological Resource Management

Mr. Pattison specializes in large scale natural resource programs, NEPA, and section 7 consultation support. Programs focus on efforts in support of NEPA or other regulatory actions, but also include stand-alone data collection efforts, management of existing data, or management of measures required by regulating agencies as part of biological opinions or mitigation programs. Mr. Pattison recently delivered a biological assessment and associated background data to the U.S. Fish and Wildlife Service in support of a multi-state consultation process. This effort included development of a comprehensive biological assessment for actions and species in several states and coordination with stakeholders and public agencies. In addition, Mr. Pattison is the deputy project manager and senior technical lead for biological resources for this large NEPA program (\$1.5M). This program is ongoing and is currently in consultation with the U.S. Fish and Wildlife Service for review and development of the Biological Opinion.

Additional section 7 and habitat management efforts currently include managing and implementing a program to coordinate multiple public agencies and stakeholders and collect data for over 1,000 acres of public lands in the eastern Sierra Nevada in California, high desert in Nevada, Yuma, Arizona, and Cleveland National Forest in southern California. Current efforts include major data collection efforts associated with wetlands, federally listed and other regionally sensitive species, rare plant surveys, and comprehensive reporting to public agencies. Efforts will require the reporting and delivery of materials to the U.S. Forest Service and Department of the Navy, development and implementation of a section 7 consultation program for future activities, and management of the NEPA process.

Mr. Pattison is responsible for defining, costing, and completing field surveys for sensitive species and habitats within the Santa Ana River watershed, producing work plans and future studies analysis, coordinating review by stakeholders including the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and other public and private entities. As part of this project, Mr. Pattison is responsible for management-level review of technical documents and has coordinated and led hundreds of hours of person days in the field and been responsible for numerous technical deliverables. Currently in its fourth year, Mr. Pattison is also responsible for overseeing and providing data analysis, report preparation, and QA to stakeholders including both Federal and state agencies. SAIC has successfully negotiated the next phase of this project including the completion of the Final Habitat Management Plan.

Mr. Pattison was recently part of the team responsible for mapping and developing a data capture approach for land cover types for natural communities within the Butte County HCP/NCCP planning area which included approximately 570,000 acres of habitat.

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: August 3, 2009

SUBJECT: Authorize the Chairwoman to execute sign on letters to Senators Boxer and Feinstein, and Department of Interior Deputy Secretary Hayes requesting that DOI reinstate its prior policy allowing the use of local HCP mitigation fees as match for Section 6 HCP Land Acquisition Grants.

Requested Action:

Authorize the Chairwoman to execute sign on letters to Senators Boxer and Feinstein, and USFWS Deputy Secretary Hayes requesting that local HCP mitigation fees be eligible as match for Section 6 HCP Land Acquisition Grants.

BACKGROUND:

In late 2007, local agencies in California working on HCP/NCCPs became aware that the U.S. Fish and Wildlife Service (FWS) was no longer willing to consider local fees collected from project proponents as a suitable form of the required non-federal match for Section 6 grants. Prior to this time, local agencies administering HCPs had understood these fees could be used as match, and in fact mitigation fees were part of the financing stream for many of the early HCP/NCCPs in California. FWS explained the change in policy by asserting that because local mitigation fees are a requirement of HCPs, use of such fees as match did not result in a meaningful leveraging of federal funds. A statewide effort by HCP/NCCP applicants is underway requesting that the Department of the Interior (DOI) alter its grant administration practices to allow fees collected by local governments as part of a local government-led HCP to be applied as match for HCP Land Acquisition Grants under the Cooperative Endangered Species Conservation Fund. Sign on letters are expected to be ready for signature before the next scheduled JPA Board meeting.

ANALYSIS:

This change in policy at the federal level has implications for the Yolo NHP financing structure. Grants from the Section 6 Cooperative Endangered Species Conservation Fund, HCP Land Acquisition Grant Program (HCP Land Acquisition Grants) play an essential role in local government-led habitat conservation plans (local government HCPs) in California and elsewhere. The potential to receive HCP Land Acquisition Grants is a key incentive for local agencies to complete the arduous planning process necessary to develop an HCP, to assume

responsibility from the state and federal governments for enforcing endangered species regulations and to accept the task of assembling and maintaining vast new preserve systems called for in the plans. The HCP Land Acquisition Grant program demonstrates to local agencies that the federal government recognizes the enormous challenge of developing a local government HCP and is willing and able to support their implementation.

An alternative granting procedure that would reflect the uniqueness of local government HCPs and ensure effective leveraging the federal investment in HCP Land Acquisition Grants is being discussed. The sign on letters will likely suggest that DOI allow local fees to be used as match if collected pursuant to an approved HCP that meets the following criteria (the Yolo NHP is expected to meet these guidelines):

- The HCP is administered by local, land-use planning agencies and relies on the land use authority of these local agencies to impose the endangered species conservation measures of the HCP on third parties through the land use permitting process;
- The HCP requires conservation over and above all mitigation requirements and contributes to recovery of endangered species;
- FWS determines that the HCP is providing a substantial conservation benefit that meets the leveraging objectives of the Section 6 Program.

FISCAL IMPACT:

Disallowing the use of mitigation funding as part of the local federal grant match requirement will restrict the Yolo NHP's ability to access federal funding, a key inducement for initiating and approving the Yolo NHP. The problem is more acute at this time because state bond funds, another potential source of match, have been frozen for some time and future availability is uncertain.

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: August 3, 2009

SUBJECT: Executive Director's Report

1. Lower Yolo Bypass Planning Forum process update

The LYB planning forum transmitted the *Lower Yolo Bypass Planning Forum Yolo Bypass Conservation Measures* document to BDCP at their meeting on July 16th and Senator Wolk's Office later that afternoon. LYBPF representatives expect to return to BDCP on July 30th for an in-depth walkthrough of the document.

2. TANC Project

The TANC application has been withdrawn and staff anticipates having no further involvement in this effort.

3. Bay Delta Conservation Plan (BDCP) update

Staff has been unable to attend several BDCP Steering Committee meetings in June and July due to work load issues. BDCP is unveiling its draft conservation strategy in a series of meetings over the next 2-3 months. Conservation measures (including those affecting Fremont Weir and Bypass as a whole) will not be finalized until October or November of this year. JPA staff will continue review and comment on draft documents as necessary, and to update the JPA Board as we receive information. Karla Nemeth, public outreach coordinator for BDCP, was able to meet with the Yolo NHP Steering Advisory Committee in June.

4. County Fair Exhibit

The Yolo NHP exhibit and traveling kiosk for the county fair are progressing nicely. The exhibit will be in place for the GALA OPENING NIGHT CELEBRATION on Wednesday August 19th. Volunteers are still needed to staff the exhibit during the duration of the fair.

ITEM 6

STAFF AND CONSULTANT 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: August 3, 2009

SUBJECT: Adopt Resolution amending the 2009-10 budget to authorize one additional FTE limited term position and to increase available funding for staff support by \$71,086.

Requested Action:

Adopt Resolution amending the 2009-10 budget to authorize one additional FTE limited term position and to increase available funding for staff support by \$71,086 (includes salary and benefits).

REASON FOR RECOMMENDED ACTION:

To adjust the 2009-10 fiscal year budget to reflect anticipated changes in staff workload over the next 12-16 months.

BACKGROUND:

Since adoption of the FY 2009-10 budget in June 2009 several circumstances have changed that affect staff's ability to meet current JPA Board objectives, including completing the conservation plan at the earliest practical time, without adjusting current staffing levels. As reported in the FY2008-09 mid year report, JPA members are no longer able to donate administrative services to the JPA due to budget constraints. These same budget issues now limit the ability of staff from all of the member agencies and critical stakeholders to sustain their past levels of involvement in the HCP/NCCP planning process. Unfortunately this comes at a critical juncture in the Yolo NHP planning process.

Staff furloughs and layoffs have been used this year to balance strained budgets at the state and local level. Department of Fish and Game employees are furloughed indefinitely for 3 days a month and JPA staff is furloughed 112 hours in FY 2009-10. The USFWS Sacramento Field office is experiencing a staff shortage that limits the number of meetings they can attend with each of the HCP planning efforts in the region. JPA member agency staff face similar constraints on their time.

ANALYSIS:

Staff had hoped to carry out JPA responsibilities without requesting additional staff this fiscal year. However, due to the conditions outlined above staff now recommends that the Board approve the addition of one limited term FTE administrative staff position for the next 12-18

months to ensure that the JPA meets its objective of an approved HCP/NCCP by December 2010. Until now the JPA Executive Director has performed the tasks associated with operating the JPA and managing its two programs: the HCP/NCCP and the Swainson's Hawk In Lieu mitigation fee program. The JPA's workload over the remainder of the planning process expected to increase substantially as we focus more on public outreach, and overseeing the production of the draft HCP/NCCP document and the EIR/EIS.

The recommendation before the Board will create additional organizational capacity at a critical juncture in the Yolo NHP planning process and ensure that the JPA's administrative responsibilities are met promptly and efficiently. The requested budget increase is based on salary and benefit compensation packages for county positions that incorporate the following desirable skills; exceptional writing, communication and organizational skills; budget/contract management experience; scheduling experience; experience with press releases/annual reports/ newsletters/ writing for Boards and Commissions; experience working with sensitive and/or confidential information.

If the JPA Board approves the request, the Board of Supervisors will need to approve creating the position (this is a procedural requirement since the county performs payroll functions for the JPA). The earliest that action could be scheduled is September 15th. Human Resources Department has advised that several qualified individuals will be losing their jobs as a result of county downsizing efforts and would be available to fill the newly created JPA position.

FISCAL IMPACT:

Expenditure adjustments are recommended as follows:

1. Increase SALARIES AND EMPLOYEE BENEFITS budget from \$129,804 to \$200,890 to fund a new limited term FTE position.

OTHER AGENCY INVOLVEMENT:

Staff consulted with CDFG, County Human Resources, and County Parks and Resources in developing the recommendation and attached resolution.

Attachment: Budget Amendment Resolution

Attachment A

RESOLUTION 2009-__

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

WHEREAS, the JPA Board of Director adopted an annual budget for FY 2009-10 in June 2009; and

WHEREAS, the JPA antcipants workload increases over the next 12-18 months that will curtail progress toward completion of the HCP/NCCP unless additional staff support is available; and

WHEREAS, the current fiscal environment limits the ability of JPA member agencies to provide in lieu financial assistance or staff support to the JPA.

NOW, THEREFORE, BE IT RESOLVED that the JPA Board of Directors hereby amends the 2009-10 fiscal year budget as follows:

| | |
|------------------------------------|-------------|
| Fund No. 366 (Administration Fund) | |
| Current Appropriations | \$1,229,804 |
| Add: | \$ 71,086 |
| Total Amended Appropriations | \$1,300,890 |

PASSED AND ADOPTED by the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency Executive Board on the third day of August 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: August 3, 2009

SUBJECT: Consider a request from Yolo Land Trust that the Habitat JPA hold and administer the Putah Creek Mitigation Bank Management Endowment.

Requested Action:

Consider Yolo Land Trust's request and accept staff's recommendations to approve the request based on the conditions outlined below.

REASON FOR RECOMMENDED ACTION:

Yolo Land Trust has asked for the JPA's assistance in administering the Management Endowment for the Putah Creek Mitigation Bank project.

BACKGROUND:

The Putah Creek Mitigation Bank project is located on the westerly side of the Yolo Bypass approximately one mile from the Grasslands Park and Davis Communication Site vernal pool complex. Completion of Phases 1 and 2 will result in 72.2 acres of restored vernal pools, 1.97 acres of restored riparian habitat and the preservation of 360 acres of adjacent upland grassland that functions as Swainson's hawk foraging habitat. JPA staff has worked for several years with the landowners and the mitigation bank proponents on this project will the goal of incorporating the site into the Yolo NHP NCCP preserve. The site is one of a handful where clay pan vernal pools can be successfully restored in Yolo County.

YLT is negotiating with the mitigation bank developer to hold the conservation easement. The mitigation bank requires two endowments: a Management Endowment and a Stewardship Endowment. YLT has informed JPA staff that they do not want to hold the Management Endowment as YLT has not assumed this role in the past and does not feel that it has the capacity to do so for this project.

YLT is willing to hold and manage the Stewardship Endowment but is not yet approved by DFG to do so. Accordingly, YLT would like the JPA to hold the Stewardship Endowment until YLT is authorized by DFG to hold it and then to transfer the Stewardship Endowment to YLT. The Stewardship Endowment is used for standard conservation easement stewardship expenses as well as the additional level of monitoring and reporting required in connection with the mitigation bank documents. The Long Term Management Plan has a budgeted amount of \$161, 977 for the Stewardship Endowment.

ANALYSIS:

The Long Term Management Plan stipulates that the Management Endowment is to be used for the following:

... to conduct the basic monitoring site visits and reporting, weed removal, trash removal, fence repair, and a prorated calculation of funding needed to fully replace the fences and gates every 30 years and to replace the signs every 10 years. (Page 30.)

These tasks are similar to those required in the Grasslands Park/Davis Communication Site vernal pool management program. The amount proposed by the mitigation bank developer for the long term Management Endowment is \$394,668 for Phase 1 with an additional \$34,088 for Phase 2 (if Phase 2 occurs). Preliminary analysis suggests that these amounts are sufficient to carry out the requirements outlined in the Project's Long Term Management Plan. Additional funding is proposed for Interim Management. (Page 30 of the draft Long Term Management Plan dated July 2009.) JPA will need to contract out these services in the first few years.

CDFG has policies relating to the management of endowments for projects that are credited to NCCPs. In general, CDFG prefers (and may require) that the NCCP Implementing Entity have some control over endowments to guard against the possibility that individual endowing entities will go bankrupt and reduce the overall capital available for NCCP management activities.

Recommendation:

Staff anticipates that the JPA will rely in part on local conservation community partners to implement portions of the Yolo NHP and from time to time will need to provide assistance to those entities in order to build and sustain capacity in the overall conservation network. In the long run these partnerships should reduce the overall costs of implementing the Yolo NHP while maintaining required levels of service and accountability.

Staff recommends that the Board grant YLT's request if the following conditions are met:

1. The JPA not enter into agreements related to the Management Endowment until it is satisfied that adequate funding will be in place; and
2. The JPA will be fully reimbursed for activities required in the Project's Long Term Management Plan; and
3. YLT agrees to accept transfer of the Stewardship Endowment as soon as it receives CDFG notification is it eligible to hold endowments.

FISCAL IMPACT: Approval of this request will not impact to the JPA's budget. Annual and on-going costs to administer the endowments have been anticipated and will be paid for out of the interest bearing component of the endowment fund.