

Staff Report

TO: Chair and Board Members
Yolo County Habitat JPA

FROM: Maria Wong
Executive Director

DATE: November 15, 2010

SUBJECT: Staff update on the Yolo Natural Heritage Program and approval of
recommendations regarding the draft governance structure of the HCP/NCCP

Requested Action:

1. Allow presentation of the update on the Yolo Natural Heritage Program
 2. Approve recommendations regarding the draft governance structure of the HCP/NCCP
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REASON FOR REQUESTED ACTION:

Staff seeks confirmation on the basic governance structure for implementation of the NHP prior to preparation of the draft HCP/NCCP document.

BACKGROUND

The Urban Interface Working Group and NHP Steering Advisory Committee discussed several possible governance and institutional models used to implement HCP/NCCPs. The recommendations below reflect those discussions.

DISCUSSION

Organizational structure

Existing HCPs and NCCPs have adopted a variety of organizational structures. Some plans have established conservancies to oversee and manage plan implementation, while others have relied on existing organizational structures. Staff envisions that the YNHP will consist of a Board of Directors, which would set policy; an Executive Director and staff to implement the plan, and a foundational tier of local groups, wildlife agencies, and non-governmental environmental organizations who would act as partners in carrying out many of the actions on the ground. A citizen's advisory group and independent science advisors are also envisioned.

An Implementing Entity (IE) will be established concurrent with the adoption of the Yolo NHP. The IE will be responsible for ensuring that the provisions of the NHP are carried out, including monitoring the permitting process and managing the conservation activities described in the plan. An Implementing Entity Governing Board (similar to the current JPA Board) will be established. Membership on the Governing Board will consist of designated officials from each of the plan's Permittees. The following are anticipated to be Permittees on the ESA Section 10(a)(1)(B) incidental take permit and the NCCPA permit providing authorization for take that occurs from covered activities within their respective jurisdictions:

- County of Yolo
- City of Davis
- City of Woodland

- City of West Sacramento
- City of Winters

Additional permittees under consideration include:

- Port of West Sacramento
- Yolo County Flood Control and Water Conservation District
- California Department of Transportation
- others ??

The overall charge to the IE is to ensure that the HCP/NCCP meets its objectives and goals over the life of the plan. In order to fulfill this objective, typical IE responsibilities include:

- Developing budgets and work plans
- Securing grant funding, collecting, receiving, and expending funds
- Identifying land acquisition opportunities and acquiring lands
- Coordinating and training permittees to ensure that covered activities are implemented in compliance with the provisions of the plan
- Implementing the adaptive management and monitoring activities
- Conducting public outreach and education
- Maintaining databases and GIS information related to plan functions and agreements
- Coordinating with other agencies and organizations
- Managing preserve lands
- Coordinating plan amendments
- Reporting on plan implementation status to the permitting agencies.

In addition to local government “permittees” that make up the IE, other organizations and agencies may also have interests that coincide with the NHP’s objectives (e.g. the county flood and water agencies, city recreation districts). In addition, agricultural community representatives, environmental organizations (e.g. Putah Creek Council, Cache Creek Conservancy, the Yolo Land Trust, the Audubon Society, the California Waterfowl Association), and other community groups (e.g. educational organizations, community environmental actions organizations) are expected to partner with the NHP.

These entities are depicted on Attachment B (“Draft Organizational Structure”) as the public, independent science advisors, stakeholders, consultants, and conservation partners. The Implementing Entity may draw on the expertise of these and other appropriate organizations. For example, staff envisions that the Implementing Entity will rely on a strong foundational tier comprised of existing non-governmental organizations to implement the conservation plan. Based on expertise and capacity, entities in the foundational tier could undertake “projects” on the ground, including related operation and maintenance functions, land acquisition and easements, and habitat restoration and other activities required to maintain or improve the status of species listed in the plan. An advisory committee, similar to the current Steering Advisory Committee, and an independent science advisors process could be convened.

Plan oversight

The Implementing Entity will need to assess the NHP’s progress during the life of the permit. Additional oversight of the plan’s activities and operations will be provided by the wildlife agencies signatory to the NHP, which currently are the California Department of Fish and Game and the US Fish and Wildlife Service. The primary responsibility of these agencies is to monitor compliance with achieving plan goals on a timely basis.

Financing

Financing the initial start-up phase of the NHP will be a challenge. Guaranteed funding will need to be identified to hire core staff (Executive Director and administrative support staff). Other start-up resources could include in-kind contributions (e.g. office space and equipment, telephone and computer services) similar to those provided by current JPA members. Technical and scientific expertise may be added to the program through use of consultants or contractors, or by tapping into expertise available from other participating organizations. A science advisory committee could be formed to provide ongoing assistance if resources are available.

Despite these alternative resources, a minimum floor of stable funding is required at plan adoption. This “base budget”, which will fund the start-up organization and its activities, could include a variety of sources: mitigation trust fund account funds and fees, grants, and from those organizations and agencies which are involved in and benefit from the plan’s operations. It is expected that each entity accessing the plan’s benefits will contribute a fair-share amount necessary to maintain a functioning program.

Other potential sources of start-up funds include:

- Seed money from the federal and state agencies
- Lobby for a low-cost loan fund for local governments to borrow from for initiating these programs
- Request deferral of certain actions to give the IE time to raise the necessary capital after the economic outlook improves;
- Apply for regional funds such as are available from transportation planning (e.g. SACOG)
- Investigate the potential for accessing funds from the state Climate Action Plan (e.g. carbon credits)
- Federal funding for HCP and sustainable communities’ projects.

Monitoring for organizational success

The Steering Advisory Committee discussed developing a five-year plan for the HCP/NCCP that details short- and long-term objectives for both the administration and content of the program. This plan could include descriptions of required expertise for staff and specific actions to achieve program goals. The short-term objectives (first 2 years) would concentrate on getting the program started by hiring appropriate administrative staff and establishing the executive, partnership, and public advisory bodies for the program. A program review is envisioned yearly for the first five years, culminating with the “State of the Plan” report, followed by less frequent review as the program moves forward and matures.

Attachments:

- A. Draft Recommendations regarding NHP governance and implementing structure
- B. Draft Organizational Structure (Figure)
- C. Anticipated organizational functions and roles of the Implementing Entity (Figure)

ATTACHMENT A

Draft Recommendations regarding NHP governance and implementing structure

Overarching principles

- Maintain current staffing levels during the start up phase of the NHP, recognizing that staffing needs will increase over time.
- Maintain a centralized Executive Director answerable to the Implementation Entity Governing Board.
- Where practical, draw on expertise within the governing Board's agency membership before hiring temporary or consultant help.
- Utilize "in lieu" contributions for office space and support.
- Build "near term" and "long term" objectives into the initial Implementation Work Plan.
- Carry out "Permittee staff training" immediately to ensure continuity across local permittee organizations.
- Cultivate technical and funding partnerships early in the process.
- Establish a Stakeholder Advisory Committee
- Recognize the need for "Independent Science Advisors" as well as internal scientific oversight.
- Incorporate a State of the Plan reporting mechanism.
- Create opportunities for continued public input