

**Yolo Natural Heritage Program
Steering Advisory Committee
Meeting Summary
February 22, 2010**

Note: *“The policy in preparing meeting summaries is to produce a record of discussion by all participants. Statements do not necessarily reflect the views of the YNHP Steering Advisory Committee or the JPA Board of Directors.”*

Action Items

- Task the Agricultural Habitat Interface Working Group to undertake a preliminary review of this document and report back to the SAC with recommendations for how this strategy should be incorporated into the draft plan conservation strategy.

1. Call Meeting to Order

The meeting was called to order at 6:10 p.m. by YNHP Executive Director Maria Wong.

2. Introductions and Welcome

All those present introduced themselves. Maria Wong introduced Steve Greco, who is a new member of the SAC, representing the education community. He is a professor in the Landscape Design & Architecture Department at UC Davis. Steve is also a new dad this week! Congratulations were extended by all.

Attendees:

Steering Committee Members

Steve Greco, UC Davis
Keith Fichtner, Development
Yvonne LeMaitre, Yolo County Farm Bureau
Stefan Lorenzato, Yolo County Flood Control & Water Conservation District
Chad Roberts, Yolo Audubon Society

JPA Member Agency Staff and Liaisons

Bruce Boyd, City of Davis
Chris Lee, Yolo County Board of Supervisors
Phil Pogledich, JPA Legal Counsel
Dave Shpak, City of West Sacramento
Warren Westrup, Yolo County Parks and Resources

JPA Staff

Maria Wong, Executive Director
Kate Montieth, Assistant to the Director
Susan Garbini, Graduate Fellow
Paul Cylinder, SAIC
Pete Rawlings, SAIC

Interested Parties

Matt Keasling, Yocha Dehe Wintun Nation
Charles Tyson, Yolo County landowner
Kathryn Tyson, Yolo County landowner

3. Approval of agenda order

A request was made and approved to change the agenda order to discuss the project schedule (item 6) before the Presentation on the Brown Act (item 5), due to other commitments on the part of the presenters.

4. Meeting Summaries and Action Items

The draft meeting summary for the SAC meeting on January 25, 2010, was approved with two changes – a typo on p. 3 (from “posting no harm...” to “posing no harm” and the description of the Biological Working Group’s task on p. 4 (from “...will continue their review of species issues” to “...will continue reviewing biological issues that affect the plan.”

The draft meeting summary for the Riparian Conservation Strategy workshop on December 14 will be available at the next Riparian Conservation Strategy Workshop (set for March 8). It is more appropriate for all participants in the workshops to have the opportunity to review those proceedings before preparing a final draft.

Action Items

- The action item from the December 14 workshop was to form a working group to draft a definition of “riparian” for the next meeting. [*Volunteers:* Chad Roberts, Glen Holstein, John Hopkins, Steve Greco]. The group met on February 2 and their proposed definition will be submitted for discussion and approval at the Riparian Conservation Strategy Workshop scheduled for March 8.
- The action item from the January 25 SAC meeting was for staff to provide materials for discussion at each meeting at least 1 week prior to the meeting. Staff is aiming to achieve this goal.

6. Proposed Project Schedule

Maria Wong and Paul Cylinder [SAIC]

The schedule provided for the meeting does not reflect tasks associated with the EIR/EIS (environmental impact review/environmental impact statement). Most of the EIR/EIS tasks will run occur after the draft NCCP plan is submitted to the JPA Board of Supervisors for preliminary approval. That EIR/EIS document is not the purview of the Steering Advisory Committee.

Certain milestones need to be accomplished in order to meet the schedule the JPA has set for a preliminary plan to be ready.

At this point, many of the components of the plan are drafted or are in preparation, including approaches to the conservation strategy for the riparian and upland areas. We also have developed a habitat scoring system for agricultural lands, which was presented to the SAC earlier. At this point, some sections of the plan are drafted (chapters 1 and 2), while input is still being collected for other chapters (e.g. the riparian conservation strategy).

The schedule is to have a first administrative draft ready by August (that is, all chapters will be available in a continuous draft version). A second administrative draft is anticipated by September/October. In the meantime, the SAC will review chapter drafts, and later, the full administrative draft. Different sections of Chapter 5 (goals and objectives) will be ready by April-May (agriculture, riparian, upland, lowland). The monitoring program and adaptive management strategy will be ready for review by June. Revisions to draft chapters and sections will continue to be made in response to reviewers until the Plan is adopted.

The draft plan will be ready for the EIR/EIS process in May/June, once a complete draft of Chapter 5 is available. This includes an implementation plan for conservation measures to protect, restore, and enhance habitat, which is also part of the EIR/EIS evaluation and review. Chapter 6 also deals with the cost and funding of the implementation plan. This section will be in development from April-September.

Chapter 7 is a required chapter that lays out alternative strategies to the ones we have chosen (and arguments why they were rejected). Chapter 8 is references. Finally, comes Appendices.

The EIR/EIS is a separate process conducted under the auspices of the JPA and the agencies (Fish & Wildlife Service and the Department of Fish & Game). The next stage includes public review and comment, and finally, the permit process.

The SAC meetings through August will include items for review. The review is an iterative process in which the working groups and the SAC exchange information as appropriate. More detail can be covered in the working groups and then presented to the SAC for approval.

The next section for review is the upland conservation strategy, which has been provided to the Biological Working Group.

We all need to be present and available for the task at hand in order to meet the milestones and stay on schedule. The consultants will bring larger, more complete chapter sections to the SAC for review over time.

DISCUSSION

Question: Will the plan go to the JPA after the second administrative draft?

Response: JPA will see sections of the plan documents as the process continues throughout the year. Budget and timing issues will require us to keep the plan moving forward. Discussion is expected to occur in working groups prior to bringing sections to the SAC for endorsement. There are processes for resolving disagreements, but ultimately, the JPA Board will make the final decisions.

Question: What about the "Conservation Outcomes" section?

Response: We are looking for the impacts of covered activities on covered species, with some forecasting of what the outcome will be for the species. Predicting outcomes is useful to the agencies in judging the efficacy of the plan in achieving particular goals.

Impact assessment examines the adverse effects of covered activities. The conservation outcomes include both the predicted adverse and beneficial effects. Because the plan is

designed to achieve certain goals, we will need to evaluate how successful the implementation strategy is likely to be.

Comment: The FWS is guided by recovery plans or jeopardy laws – do these fit into our approach?

Response: Recovery plans are helpful and may be used as a guide to help identify conservation activities to include in our strategies.

Question: How far have the FWS and DFG moved toward accepting agriculture as a component in our conservation strategy?

Response: We have kept them informed about the important aspects of the strategy, for example the crop valuation matrix, so that they develop an understanding of our approach over time. However, they won't be "predecisional" so we will continue to look for additional reassurance that the approach will be acceptable.

Question: Is our economic model sufficient or will they want more?

Response: The key is to provide historical evidence of species co-existing in habitat dominated by agriculture. The most intense scrutiny will be focused on whether and when we need to take action in the future and what the predicted cost will be to maintain these conditions.

Comment: Those elements of the strategy need to be understood by the SAC. We need time to digest these parts of the plan – more time than a week to really understand and endorse such a strategy. There is too much to understand in too short a time, including a great deal of technical information that needs to be digested. It is important that we understand the details rather than focusing on generalities.

Response: BDCP has done a good job of teeing up information, having discussion, coming back with revisions, etc. We have provided details of our approach to the SAC over the past year. Discussion of the framework has been ongoing throughout our meetings. The text form should not be a surprise when you see subsets of sections and then entire chapters, and then the first complete draft. We will be asking in May whether this is ready to go to the EIR/EIS process for impact analysis.

But even after the draft has started through the EIR/EIS, changes and rewrites will continue to take place. The intention is not to pressure or force agreement, but to give time for understanding. However, the schedule is important.

Comment: The upland conservation strategy was promised to come back to the SAC BEFORE it was drafted by the consultants, but it has not come back. Now it seems that it will be drafted without discussion of some fundamental questions, e.g. about corridors, which were going to be examined before the draft was prepared.

Response: The Biological Working Group is still working out the strategy. It will come back to the working group and then to the SAC. The process is continuing within the Biological Working Group. The second iteration has not come back yet, but will likely be a topic for discussion in March. We intend to bring different components of the plan to the SAC when they are ready.

Is the consensus that we can work within this schedule?

[All indicated agreement.]

Presentation regarding Ralph M. Brown Act

Phil Pogledich, JPA Legal Counsel

[see hand-out at http://www.yoloconservationplan.org/yolo_pdfs/steering/steering-2010/2010-02-22-Brown-Act-Guidelines.pdf]

The Brown Act is a state law that governs open meetings of local government bodies to ensure that actions and deliberations of local boards, commissions, and committees occur openly and with public participation in decisionmaking and the advisory process. The “Brown Act Guidelines” were developed by the Citizens’ Advisory Committee in mid-2009 to provide a summary for use by public bodies operating in the County, but not as a substitute for the Brown Act itself.

The Brown Act applies to all meetings of government bodies when a majority of the members are present. It provides for publication of meeting notices and agendas in advance (72 hours) in most cases. Discussion is not allowed for items not on the agenda, except for “public comment” – which is limited. The Act also spells out the rights of the public.

Inadvertent violations of the Brown Act can occur in the following circumstances:

- E-mail communications among members
- Informal gatherings where a majority of members are present
- Serial meetings in which members communicate with each other sequentially

DISCUSSION

- We should set ground rules for how we communicate.
- When we agree to a process, we need to follow through.
- Best to be cautious.
- All information needs to go to all members.
- Technical information needs to be communicated to all members in a way that is comprehensible (given time and cost constraints).

Question: What about a member adding pertinent technical information to the discussion?

Response: Staff understands the desire to exchange technical data; however, there are a few fundamental challenges with access (some SAC member don't use email); cost (some members don't subscribe to peer reviewed journals); and copyright (the JPA cannot post all journal articles on the webpage). Staff will return with recommendations for distributing technical information under the Brown Act.

7. Introduction and discussion regarding the “Pollinator Conservation Strategy” (deferred)

- It was agreed to ask the Agricultural Habitat Interface Working Group to undertake a preliminary review of this document and report back to the SAC at the next regular meeting with recommendations for how this strategy should be incorporated into the draft plan conservation strategy.

8. Working Group Updates

- *Agricultural-Habitat Interface Working Group*

The Agriculture-Habitat Interface Working Group will consider agricultural issues that are important to the YNHP plan. The Agriculture-Habitat Interface Working Group met on February 10 and developed a set of agricultural “issues” that are of concern for the overall habitat conservation plan. They include:

1. Fallowing of land (schedule, patterns, habitat benefits, economic parameters) and its consequences for habitat.
2. Water supply and availability for agriculture and the effects on habitat.
3. Role of government constraints and support for agriculture (e.g. Williamson Act, tax rate, parcel regulations) in shaping agricultural management and practices.
4. The importance of habitat associated with agriculture (e.g. hedgerows, edges, sloughs/ditches) and incentives for creating habitat on farmland.

They discussed item #1 (fallowing of land) and developed a set of reasons, categories and approaches to fallowing that help to delineate the ways in which the seasonal components of fallowing, the link with species’ biology, and the role of incentive-based programs that require ground to be fallowed affect habitat on agricultural lands.

This information will be compiled into a report to the SAC with the other issues at the end of this cycle of meetings.

The next meeting will be held on February 24, 3:00 pm, at 120 W. Main St., Suite C, Woodland.

- *Biological Working Group*

The Biological Working Group will continue reviewing biological issues that affect the plan. They plan to meet in the Conference Room at the Yolo County offices located at 600 A St. in Davis on March 10. They will continue their review of the upland conservation strategy.

- *Urban Interface Working Group*

This group will revisit covered activities and discuss governance issues when they resume meeting. They are tentatively scheduled to meet on March 17, at 10 am in the Conference Room at the Yolo County offices located at 600 A St. in Davis.

9. Public Comment

None at this time.

10. Announcements and Updates

None at this time.

11. Summary and Next Steps

The SAC will meet next on March 8, 2010 at 4:00 pm to convene the Third Riparian Conservation Strategy Workshop. At that time, we will follow up on the definition for “riparian” developed by the subcommittee.

12. Adjournment

The meeting was adjourned at 8:10 pm.