

**Yolo Natural Heritage Program
Steering Advisory Committee
Draft Meeting Summary
October 25, 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

- Send out registration and agenda for the NCCPP Workshop (“Habitat Planning from Tahoe to the Bay”) on November 16 in Vacaville.
- Send out information on the California Burrowing Owl Consortium meeting on buffer lands.

MEETING SUMMARY

1. Call Meeting to Order

The meeting was called to order at 5:03 p.m. by Yolo Natural Heritage Program Co-Chair, John Hopkins.

2. Introductions and Welcome

All those present introduced themselves. Monica Parisi from the California Department of Fish & Game is a new representative to the YNHP for the CDFG. She plans to attend SAC meetings regularly.

Attendees:

Steering Committee Members

Steve Greco, UC Davis
Vinton Hawkins, Sierra Holdings
Glen Holstein, CNPS/Tuleyome
Yvonne LeMaitre, Yolo County Farm Bureau
Chad Roberts, Yolo Audubon Society
Jeannette Wrynski, Yolo RCD

JPA Member Agency Staff and Liaisons

Bruce Boyd, City of Davis
Rick Landon, Yolo County Agricultural Commissioner
Dave Shpak, City of West Sacramento

JPA Staff

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

Interested Parties

Helena Chung, Yolo County Citizen

Monica Parisi, California Department of Fish & Game

Catherine Portman, Burrowing Owl Preservation Society

Charles Tyson, Yolo County landowner

3. Approval of agenda order

The order of the agenda was approved.

4. Meeting Summary and Action Items

Discussion and approval of the draft meeting summary and associated action items for the SAC meeting on September 27, 2010, were deferred until the next meeting.

5. Presentation and Discussion on the draft Impact Assessment and Estimated Level of Take (*Pete Rawlings, SAIC*)

See hand-out: "Chapter 4. Impact Assessment and Estimated Level of Take – Draft Annotated Outline" and copy of ppt presentation.

The purpose of the impact assessment section of the plan is to provide estimates of the plan's impacts on covered species and natural communities throughout the life of the plan. It serves as the basis for determining the extent of permitted take of listed species and permitted impacts on other covered species. It will guide evaluation of adverse modifications to critical habitat and will be used to estimate mitigation requirements and costs involved in the implementation of the plan, taking into account covered activities and conservation measures. The purpose of this analysis is to develop a "footprint" of direct and indirect impacts and to ensure that the estimate is reasonable. It is also used to identify the mechanisms that lead to impacts on species' habitat.

The assessment is based on the description of covered activities (Chapter 3), assumptions about how covered activities are implemented, and estimates of the impacts (direct and indirect) on covered activities and natural communities. These impacts are assessed using GIS data, species habitat models, and quantitative and qualitative assessment. Indirect impacts associated with noise and visual disturbances differ from direct mortality and injury of covered species and impacts on the ecological functions of natural communities. The quantitative results of these assessments are presented in acres of habitat and natural community removed. Indirect impacts are based on hypothetical or scenario projects and establish ceilings or boundaries rather than exact numbers.

DISCUSSION

Question: What are examples of qualitative assessments?

Response: For example, we may anticipate impacts from construction equipment noise, which might cause temporary decrease in available habitat. However, it may not always be possible to quantify the precise amount of this impact.

Question: How is information acquired?

Comment: Information related to qualitative impacts is science based or based on expert opinion. Any impacts that might affect wildlife behavior or nesting ability (direct or indirect effects) could affect mitigation requirements. We also look at effects on “ecological functions of natural communities.”

Question: Will our plan have any standing if the state requires habitat for a new species and it affects other species covered in our plan?

Response: Our plan is focused on a list of covered species. Any other entity will have to deal with the ESA, CESA, CEQA, and go through the required permitted process. The implementing entity will maintain coordination with other agencies and other relevant actions as appropriate.

Question: Are solar farms anticipated in this plan?

Response: We need to acquire additional information to come up with the appropriate assumptions for the likely development of such installations in the future. We will likely develop an alternative energy “envelope” that describes the conditions under which solar and wind projects will be covered under the NHP.

Response: Yolo County and the City of Davis are preparing policies related solar farms. We will coordinate with them.

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Comment: At present, there are a lot of applications in preparation for such activities. The Yolo County General Plan contains polices and goals related to wind energy and solar energy.

Question: Does an easement preclude wind turbines?

Response: Sometimes. We are monitoring the potential for new wind energy development in Yolo County.

Comment: The location of wind energy for Yolo County would likely be on the ridgeline at the western edge of the county.

Comment: If you buy the mitigation for the impact on wetlands up to the envelope, the end result is to create a mitigation bank. We are accustomed to viewing urban and suburban development as the main competitors for land and habitat, but this could change as new green energy projects are proposed.

6. Presentation and discussion regarding a draft proposal for the NHP governance structure (Maria Wong, YNHP)

See ppt hand-out: “Overview of HCP and NCCP Implementation Structures and Responsibilities”

The Urban Working Group met on October 4 to discuss governance and implementation issues. The current economic situation creates limitations on some of the feasible options – particularly for funding the start-up of the HCP/NCCP.

The implementing entity (IE) is responsible for ensuring that the YNHP HCP/NCCP meets its objectives and goals over the life of the plan. Typical IE responsibilities include:

- Developing budgets and work plans
- Securing grand funding and 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 NGOs
- Managing preserve lands
- Coordinating plan amendments
- Reporting on plan implementation status to the permitting agencies.

Other HCPs and NCCPs already in operation have adopted a variety of organizational structures, some of which were reviewed by the Urban Working Group. One possible approach is to establish a new conservancy to oversee and manage the plan implementation. The conservancy would consist of a Board of Directors (similar to the current JPA), which would set policy; an Executive Director; and an administrative staff person to implement the plan in partnership with a foundational tier of local environmental and wildlife NGOs (e.g. the Yolo Land Trust, the California Waterfowl Association), who might carry out some of the actions on the ground,

Discussion

Question: Can other agencies or organizations that are implementing the activities under the HCP/NCP receive funds?

Response: As long as the activity falls within the plan, they could receive funds directly. Coordination of such related activities by others will be a function of the IE. However, mitigation funds cannot be used for the conservation components of the plan, only for restoration activities. Conservancies can access certain monies; agencies others; NGOs have other roles.

Comment: It is important to differentiate between “managing” and “monitoring” of an easement. It is more accurate to call it “monitoring”. Many landowners will not want to participate if they think that their land will be “managed” by others under these agreements. Adding another bullet to the powerpoint slide would help to describe the compliance monitoring function more clearly.

Response: There is a difference between monitoring the easement and managing the land. The “no surprises” agreement with the landowner regarding the level and costs explicitly delineates what is expected. Not all easements are the same, and easements will have different levels of monitoring and management associated with them. For example, Swainson’s hawk easements typically require little in the way of management

Comment: Another term used is “stewardship” – on many easements there will be an endowment in place to enable the landowner to fulfill these requirements. All of these agreements involve willing sellers and willing easements. Some agreements are in perpetuity; some are short-term. Agreements are unique for each property.

Question: Will easements be noted on the deed so that a new owner is aware of the requirements?

Response: Yes, the new landowner is subject to all the requirements – responsibilities are conveyed with the title.

Comment: There is concern that over time, these requirements for stewardship actions and responsibilities will be lost.

Response: Educating landowners about their responsibilities for stewardship under agreements and easements is part of the IE's role. The language in the title to such land is very explicit and can speak to the "Defense of the easement", "due diligence", etc.

Comment: It is important to ensure that disclosure is made when land changes ownership.

Comment: The Farm Bureau makes presentations to realtors about the Williamson Act, mitigation requirements, etc. Most contracts have notification requirements about exemption clauses.

Comment: Other responsibilities for the IE should be a formal "review of the conservation plan" every five years, including review of outcomes and administrative processes. This should be transparent and public, perhaps presented in a "state of the plan" as a public document.

Response: A recurring program status review is required as part of the plan approval process.

Question: Is there really an opportunity to change the plan?

Response: Amendment is possible; also some changes are possible through the adaptive management process.

Comment: A process for evaluation of outcomes and benefits has to be mapped out in advance. Perhaps this should be the responsibility of a separate and independent entity.

Question: Where will funding for the plan implementation and operation come from?

Response: In general, funding will come from the permittees. The County, cities, and others who benefit from use of the plan will bear responsibility for paying for associated costs. Others may participate in the plan formally through a "certificate of inclusion" and will pay associated costs. Other funds may come from mitigation fees (although their use is limited to certain categories of activities).

Question: Would participants have to find new funding? This is a delicate and difficult question – especially in the current uncertain economic climate.

Comment: How about a county-wide tax assessment to support habitat conservation?

Response: Details of implementation costs and sources of funding are yet to come, but they are required in advance for approval of the plan by the wildlife agencies. We need to develop cost estimates for the plan's operations and secure, credible sources of funding in order to present the plan to the wildlife agencies for approval. Typically, they look at the cost estimates in 5 -year increments.

Comment: Some sources of funding may be available through federal or state grants for “jump-starting” the plans.

Question: If needs are different in the future, how are changes made?

Response: It is possible to revisit terms of easements and renegotiate contracts, although avenues for change are limited.

Presentation_(cont.)

The question is how can we get this plan established in the current economy? The Urban Working Group had a few suggestions:

- In-kind contributions
- Utilize expertise from existing agency staff
- Piggyback on other programs

The main guidance is to “live within our means”; however, there will need to be at least a couple of funded positions to start up the program. Staffing can increase as the plan matures and needs change.

Comment: Scientific oversight really needs to be part of the plan. Keeping up with new knowledge and information is crucial.

Response: That goes along with adaptive management and monitoring responsibilities. It is possible to bring in targeted outside expertise for these functions. The agencies are unwilling, in general, to fund this aspect of plan operations.

Comment: The IE should be a lean function focused on implementation at the start and acquiring additional expertise on an as-needed basis. It will be necessary to link up with a lot of agencies and NGOs in order to launch the program and create institutional linkages at the outset, which will be a positive asset for obtaining support.

Comment: It probably behooves the County and cities to assess how this plan will help them achieve their conservation goals and view funding from this perspective.

Response: We already have a Technical Advisory Committee in place, along with a citizen’s advisory committee, as well as a governing board. We may want to augment these groups with additional voices representing other stakeholders and organizations in the community.

At the next meeting, a draft action item regarding the governance and implementation structure will be brought for approval to present to the JPA based on these discussions.

Question: Will the recommendation include costs? Will the recommendation include details?

Response: We probably won’t have the costs until after the first of the year. We will need to build into the budget and structure placeholders for what we need in the future. The initial action item will probably be more about principles and a framework to inform the JPA Board of

Director's discussion on governance. The wildlife agencies will require certainty about how we will fulfill the requirements of the plan.

There is a difference between a start-up base budget to launch the program, funding for a transition phase to get the program activities underway, and a long-term budget for operations over into the future. We will concentrate for now on the launching phase, but including "placeholders" for future expansion as appropriate and necessary.

7. Working Group Reports

- *Biological Working Group:* The Biological Working Group is on hiatus
- *Agriculture Habitat Interface Working Group:* The Ag Working Group is on hiatus until January. Efforts are underway to provide information on the plan to the farm community.
- *Urban Interface Working Group:* The Urban Interface Working met on October 4, 2010, and developed the information presented above (agenda item #6). They will next review a draft report on governance and implementation that will be presented to the SAC at their next meeting.

8. Public Comment

The BDCP held a stakeholder meeting in West Sacramento for input on the Yolo Bypass. It appears that the cost estimates for the BDCP are huge. Also they are seeking additional funding to complete the planning process. The governance structure is out for review and can be accessed on the BDCP webpage. A complete draft of the HCP is due out in November.

9. Announcements and Updates

- The California Burrowing Owl Consortium is planning a meeting in February about buffer lands. Information will be provided.
- The NCCPP Workshop ("Habitat Planning from Tahoe to the Bay") on November 16 is filling up quickly. Registration information will be sent out again.

10. Summary and Next Steps

11. Adjournment

The meeting was adjourned at 7:05 pm. The next meeting will be held on Monday, November 8, at 5:00 pm.