

Staff Report

TO: Steering Advisory Committee members
Yolo County Habitat JPA

FROM: Maria Wong Executive Director Susan Garbini Graduate Fellow

DATE: November 8, 2010

SUBJECT: Continued discussion and recommendation to the Board of Directors regarding the general NHP governance structure

Action: After discussion, formulate a recommendation to the Board of Directors regarding NHP governance structure principles.

As previously discussed, 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. 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.

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.

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 IE will initially consist of a Board of Directors, which would set policy; an Executive Director with an administrative

staff person to implement the plan, and a foundational tier of local environmental and 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.

The Board of Directors would resemble the current Joint Powers Authority (JPA), with the possible addition of new voting or non-voting entities as appropriate. The Board of Directors serves as the policy-level tier, which is where financial authority, audit compliance, and the title to the permit are held. A middle tier of staff (Executive Director and support staff) will manage the work under the direction of the governing board, monitoring regulatory compliance, implementation of the biological and habitat goals of the plan, and overall administration. Based on expertise and capacity, entities in the foundational tier are expected to 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 to inform plan activities.

In addition to local government "permittees" that make up the IE, other organizations and agencies may also have interests that coincide with the HCP/NCCP 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 YNHP.

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 SAC has 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 and then less frequently as the program moves forward and matures.