# SECOND ADMINISTRATIVE DRAFT YOLO HABITAT CONSERVATION PLAN AND NATURAL COMMUNITY CONSERVATION PLAN

VOLUME 1: CHAPTERS

Prepared by:

**Yolo County HCP/NCCP Joint Powers Agency** 

611 North Street Woodland, CA 95695



## Yolo County Habitat/Natural Community Conservation Plan Joint Powers Agency

~ Partnering for Conservation ~ *Member Agencies* 

County of Yolo • City of Davis • City of Winters • City of West Sacramento • City of Woodland • University of California, Davis

To: Yolo County HCP/NCCP Joint Powers Agency Board

From: Petrea Marchand

**Executive Director** 

Heidi Tschudin

Project Manager, Yolo HCP/NCCP

Subject: TRANSMITTAL OF SECOND ADMINISTRATIVE DRAFT OF THE

YOLO HCP/NCCP

Date: March 31, 2015

We are pleased to present the Second Administrative Draft of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) to the Yolo County HCP/NCCP Joint Powers Agency (JPA). This is an interim work product for review and consideration by the JPA Board, JPA staff, JPA member agencies, the JPA Advisory Committee, the California Department of Fish and Wildlife (CDFW), and the US Fish and Wildlife Service (USFWS).

The Second Administrative Draft of the Yolo HCP/NCCP differs significantly from the First Administrative Draft because it reflects a true collaboration of all interested parties. It represents a plan JPA staff believe the wildlife agencies can permit. Furthermore, it is a plan that we believe the member agencies and the state and federal government can afford and implement.

It is important to point out that the wildlife agencies have not signed off on this document. The JPA has further work to complete with the wildlife agencies. There are remaining substantive issues, detailed in this memo, that require resolution with the agencies and stakeholders. We believe that all of these issues can be resolved while keeping the plan affordable and implementable.

This will be the first detailed review of the entire plan as a workable fully integrated document by the member agencies and the Advisory Committee. JPA staff will present the Second Administrative Draft Plan to the JPA Board at the April 20, 2015 Board meeting. At that time, the Board will be asked to receive and file the plan. At the May 18, 2015 meeting, JPA staff are encouraging member agency staff and one representative of the Advisory Committee to present a

summary of their comments to the Board for consideration. The JPA Board will be asked to give specific direction to JPA staff regarding the plan and its component parts.

Member agency staff, Board members, and Advisory Committee members will receive a hard copy of the Second Administrative Draft Plan and a jump drive containing an electronic copy, including the appendices. Member agencies may request additional copies from JPA staff if desired. The plan is also posted to the JPA's web site. Members of the public may review the document online, purchase an electronic copy, or check out a paper copy from JPA staff.

After the review period, the JPA staff and consultant team will commence preparation of the formal Public Review Draft Plan. The Public Review Draft Plan and the Draft EIS/EIR will be released at the end of July 2016. The JPA will formally receive public comments on the Public Review Draft Plan for a mandatory period of 90 days.

### **Comment Protocol**

There will be no open public comment period for this draft, as it is a draft for circulation to the JPA Board, JPA member agencies, and JPA Advisory Committee only. The JPA Board has adopted a protocol for receipt and consideration of comments on this administrative draft. All comments are welcome but must come through the decision-making body of a member agency as described below. General responses to member agency comments will be prepared if schedule and budget permit:

- JPA Advisory Committee members shall submit comments representing their stakeholder interests through the chair of the committee for review and consolidation by the entire committee.
- County residents and interested parties with interests in the unincorporated area of Yolo County shall contact the Yolo Board of Supervisors.
- City residents and interested parties with interests in the incorporated cities of Yolo County shall contact the appropriate City Council.

The final due date for consolidated comments on this draft from the advisory committee and member agencies is **May 29, 2015**. To meet that deadline, each member agency will be scheduling a hearing/meeting in advance of that date to accept and consider comments and provide direction to their staff for transmittal of comments to the JPA. Anyone interested in this administrative draft is advised to contact the appropriate member agency (see description above).

#### **Remaining Issues**

The following list represents significant issues with the Second Administrative Draft Plan that require further work prior to release of the Public Review Draft Plan. There are other comments from the agencies that the JPA staff will address as well. This list is preliminary and subject to continued review and refinement over the next few months. JPA staff is confident these issues can be resolved with the wildlife agencies prior to commencement of the EIS/EIR in the summer of 2015. A brief description of each issue is provided. They are numbered for convenience and

reference only. The order of issues is not reflective of their importance or the order in which they may be resolved.

- 1. **Covered Species --** The HCP/NCCP must cover at least 11 species for the JPA to remain eligible for the federal Section 6 grant that is funding completion of the plan. The JPA added a 12<sup>th</sup> species to the Yolo HCP/NCCP, the white-tailed kite, because of some uncertainty related to whether the JPA could meet the requirements necessary to provide for the conservation of palmate-bracted bird's beak (the 11<sup>th</sup> species). Conservation for the white-tailed kite is not believed to be costly because it overlaps with other species that are covered in the plan. This increment of additional cost will be examined for possible cost savings, however, as the JPA staff endeavor to demonstrate a balance between plan costs and reasonably available funding. It may be appropriate to consider removing the white-tailed kite from the list and limiting the Plan to 11 covered species.
- 2. **40-year vs. 50-year Permit Term --** The wildlife agencies have asked the JPA to consider implementing a 40-year permit term verses a 50-year permit term. JPA staff has expressed concern that there is not sufficient time in a 40-year permit to raise the local funding necessary to meet the NCCP standard, currently estimated at 50 percent of the NCCP acreage requirement. This issue will be further examined with the agencies during preparation of the Public Review Draft Plan.
- 3. Additional Wetlands Restoration -- The Yolo HCP/NCCP currently proposes to restore wetlands only if impacts occur to wetlands habitat. The Yolo HCP/NCCP estimates a maximum of 981 acres of wetlands impacts, but the plan's avoidance and minimization measures focus on avoiding these impacts if possible. The wildlife agencies have requested that the JPA commit to restoring an undetermined amount of wetlands acreage regardless of impacts. Given the high costs of wetlands restoration (potentially over \$60,000 per acre), JPA staff have been hesitant to recommend this commitment. However, there is significant funding at the state level for wetlands restoration, so this issue could potentially be resolved through a commitment by the CDFW to a state-only cost share for conservation.
- 4. Alignment Between Local Funding Sources and Conservation Strategy -- The member agencies have committed to provide 50 percent of the funding necessary to acquire the permanent conservation easements (or fee title, if necessary) above and beyond mitigation necessary to meet the NCCP standard. The JPA has identified three local funding sources the Solano County Water Agency contribution to the Lower Putah Creek Coordinating Committee, the Yolo County Cache Creek Resources Management Plan (CCRMP) program, and the City of Davis Open Space Tax revenue. However, the activities these sources currently fund do not align completely with the various conservation actions in the draft plan. The JPA staff will work to further develop and solidify partnerships with these entities to maximize alignment between their programs and the activities that would count towards implementation of the HCP/NCCP conservation strategy. This may involve revisions to the conservation strategy to adapt to the available funding, and potential commitments by the local funding partners to activities consistent with the conservation strategy.
- 5. **Additional Conservation** A total of 4,000 acres of additional conservation land (above and beyond mitigation) which the JPA staff had agreed to include in the Plan was inadvertently left out. The Chapter 8 Costs and Funding analysis was performed without the

- 4,000 acres. The analysis demonstrated that the Yolo HCP/NCCP is substantively balanced in terms of revenue and costs with the conservation strategy as analyzed; however, the JPA will need additional funding if the 4,000 acres is added to the Yolo HCP/NCCP or the JPA would need to identify ways to reduce costs to pay for the increase in acreage (see item #6).
- 6. **Reduction of Monitoring and Administration Costs --** The wildlife agencies have asked the JPA to reduce the monitoring and administration costs and to use the savings to increase conservation over the 50-year term of the permits. JPA staff will review the existing monitoring and administration assumptions and work with the wildlife agencies on proposed changes as part of the process of preparing the Public Review Draft Plan.
- 7. **Adaptive Management --** The wildlife agencies have asked the JPA to revise the monitoring and adaptive management section of the conservation strategy to better define adaptive management actions in response to monitoring. The JPA will work closely with the wildlife agencies to make the necessary revisions during preparation of the Public Review Draft.
- 8. Administration of Mitigation Banks and Mitigation Receiving Sites -- The JPA currently approves Swainson's hawk mitigation receiving sites, which allow a landowner to place an easement on their property and sell mitigation credits directly to developers. The wildlife agencies also have an independent process of approval of mitigation banks for various special status species. Upon, or prior to, approval of the HCP/NCCP, these mitigation receiving sites and banks will require integration into the Plan reserve system, as well as ongoing monitoring and coordination through the JPA. The JPA will establish a plan administration fee to cover these costs and a process for working with mitigation land owners and managers.
- 9. Finalize the Conservation Easement Template and Management Plan Template -- The conservation easement template and management plan template are the foundation of the Plan conservation strategy, in that they represent the minimum legal and biological requirements for landowners who sell easements to the JPA. Both templates must support successful implementation of the Plan consistent with state and federal regulatory requirements. Preliminary templates have been reviewed by the agencies and are included in the appendices to this draft. The templates will be finalized for inclusion in the Public Review Draft Plan.
- 10. **Finalize Giant Garter Snake Conservation Strategy** -- The giant garter snake relies on wetlands and rice lands for habitat in Yolo County, including in the Yolo Bypass. The JPA staff will collaborate with the wildlife agencies, rice farmers, and local landowners over the next two months to ensure that the conservation strategy for the snake is feasible and meets state and federal regulatory requirements.
- 11. **Integration of Conservation Strategy and Other County Open Space Goals** There are exciting opportunities for the JPA to partner with the Yolo County CCRMP (mentioned above in item #4) and the Yolo County Parks Department in achieving mutual goals related to preservation of open space, however, County plans for public access and recreation opportunities must be considered. Such a partnership could allow the JPA to achieve conservation requirements of the Plan with greater certainty and could result in new funding

- sources for operations and maintenance of some portion of the County's open space landholdings. JPA staff will explore this further for the Public Review Draft Plan.
- 12. **State-Only Cost Share --** The Second Administrative Draft framework adopted by the JPA Board proposed a ten percent state-only cost share. The CDFW indicated during subsequent discussions that the state was unlikely to commit to this cost share, but would re-evaluate the need after the JPA estimated the costs of implementing the Second Administrative Draft. The JPA may need to revisit the need for a state-only cost share if the wildlife agencies request additional wetland restoration acreage or the addition of some portion or all of the 4,000 acres mentioned in items #3 and #5 above.
- 13. **Verify Multispecies Benefits --** The proposed conservation strategy relies on the concept that the land proposed for conservation will benefit multiple species. Bird and raptor species that disperse easily face fewer constraints in terms of general mobility and access to habitat than do "limited dispersal species" such as the California tiger salamander and the giant garter snake. To secure sign-off by the wildlife agencies on the final conservation strategy, the agencies will be reviewing this issue in greater detail to test potential scenarios for design of the reserve system. This work will take place over the next two months as the Public Review Draft Plan is drafted. The agency review may result in a request to modify the reserve acquisition criteria or make other adjustments to the biological goals and objectives to ensure the plan meets the required HCP and NCCP standards for all species.
- 14. **Conservation of Natural Communities** With the reduction of covered species and the commitment to focus conservation in a more limited geographical area to maximize effectiveness and connectivity, the CDFW has indicated a desire to ensure that the conservation strategy will be adequate for conservation of natural communities consistent with the NCCP Act. The JPA staff will work with the agency staff to address this issue.



# SECOND ADMINISTRATIVE DRAFT YOLO HABITAT CONSERVATION PLAN AND NATURAL COMMUNITY CONSERVATION PLAN

This Second Administrative Draft HCP/NCCP is an interim work product for review and consideration by the JPA Board, JPA staff, JPA Member Agencies, the JPA Advisory Committee, the California Department of Fish and Wildlife (CDFW), and the US Fish and Wildlife Service (USFWS). Members of the public may review the document online, purchase an electronic copy, or check-out a paper copy from JPA staff.

This is an administrative document that represents the work done by the JPA since reorganization in late 2012. It is important to note that the CFDW and USFWS have not signed-off on this document. The JPA has further work to complete with the wildlife agencies to resolve remaining issues and modify this draft as necessary to reflect a plan can be approved and permitted by the state and federal government. This draft is accompanied by a Transmittal Memorandum that identifies comment protocols and significant issues that require additional work prior to the release of the Public Review Draft.

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### **Acronyms and Abbreviations**

°C Celsius
°F Fahrenheit
AG Agricultural

AIS Aerial Information Systems

AMMs avoidance and minimization measures

BDCP Bay-Delta Conservation Plan

CCAP Cache Creek Area Plan

CCIP Cache Creek Improvement Program

CDFW California Department of Fish and Wildlife

CEQA California Environmental Quality Act
CESA California Endangered Species Act

CFR Code of Federal Regulations

CNDDB California Natural Diversity Database

Corps U.S. Army Corps of Engineers

CRSBB Coast Range-Sierran Block Boundary

CWA Clean Water Act

DWR Department of Water Resources

Eagle Act Bald and Golden Eagle Protection Act

EIR/EIS environmental impact report/environmental impact statement

EIS environmental impact statement
ESA Environmental Site Assessment
FESA Federal Endangered Species Act
Fish & Game Code California Fish and Game Code
GIS geographic information system

HCP/NCCP Yolo Habitat Conservation Plan/Natural Communities Conservation Plan

ITP Incidental Take Permit

JPA Yolo County Habitat/Natural Community Conservation Plan Joint Powers

Agency

MBTA Migratory Bird Treaty Act

MCV Manual of California Vegetation

NAIP National Agriculture Imagery Program
National Register National Register of Historic Places

Natural Heritage Program Yolo Natural Heritage Program. Integrate the HCP/NCCP

NCCP natural community conservation plan

NCCP/HCP Natural Community Conservation Plan/Habitat Conservation Plan

NCCPA Natural Community Conservation Planning Act

NCVM Napa County Vegetation Map

NEPA National Environmental Policy Act

NFD not formally defined

NHP Yolo Natural Heritage Program

NMFS National Marine Fisheries Service

NPDES National Pollutant Discharge Elimination System

O&M operation and maintenance
OCMP Off-Channel Mining Plan

OS Open Space

Permits incidental take permits

Regional Board Regional Water Quality Control Board

RH Residential High

SOI Sphere of Influence

SPEs Special Participating Entities

SR State Route

STAC Science and Technical Advisory Committee

State Board State Water Resources Control Board

UC Davis University of California, Davis

ULL urban limit line

U.S. Army Corps of Engineers

USC United States Code

U.S. Fish and Wildlife Service

VMT vehicle miles of travel

WHR Wildlife Habitat Relationships Systems

WPCF Water Pollution Control Facility

#### **VOLUME 2: APPENDICES**

Appendix A Covered Species Accounts

Appendix B Common and Scientific Names of Species Mentioned in the Text

Appendix C Evaluation of Species Considered for Coverage

Appendix D Glossary of Terms

Appendix E Local Conservation Strategy

Appendix F Implementing Agreement

Appendix G Management Plan Template

Appendix H A Proposed Conservation Strategy for the Swainson's Hawk in Yolo County

Appendix I Yolo County Agricultural Practices

Appendix J Pollinator Conservation Strategy

Appendix K Conservation Easement Template

Appendix L Cost Supporting Materials