

CHAPTER 9. IMPLEMENTATION STRUCTURE

This chapter describes the organizational structure that will be established to implement the Butte Regional Conservation Plan (BRCP) and the roles, functions, and responsibilities of the entities that will participate in its implementation. BRCP implementation commences with execution of the BRCP Implementing Agreement with the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW); issuance of section 10(a)(1)(B) incidental take permits (USFWS, NMFS) and Natural Community Conservation Planning Act (NCCPA) section 2035 permit; and passage of local authorizing ordinances.

9.1 OVERVIEW OF IMPLEMENTATION STRUCTURE

The structure of the BRCP Implementing Entity and the organizational structure for BRCP implementation are presented in Figure 9–1, *Organizational Structure for the BRCP Implementing Entity* and Figure 9–2, *Implementation Structure for Coordination and Consultation* (see separate files). The structure includes a newly created Joint Powers Authority (JPA) developed specifically for implementation of the BRCP and the existing Butte County Association of Governments' (BCAG) Executive Director who will serve as the Executive Director for BRCP implementation with responsibility for the direct day-to-day BRCP administration. A BRCP Stakeholder Committee will be established composed of representatives of interest groups and the public to provide input to BRCP implementation. Coordination by the Executive Director and BCAG staff with the permitting issuing agencies (USFWS, CDFW, NMFS, U.S. Army Corps of Engineers [USACE], and others), the Permittees, the BRCP Stakeholder Committee, and science advisors will be a regular component of implementation.

9.2 BRCP IMPLEMENTING ENTITY

BRCP implementation will be directed by the BRCP JPA, an Implementing Entity that will be created as a new JPA among the County of Butte, City of Chico, City of Oroville, City of Gridley, and City of Biggs specifically for implementation of the BRCP. The BRCP JPA will be led by a Board of Directors derived from elected officials of the member local agencies (see Section 9.2.1, *BRCP JPA Board of Directors*) and will oversee implementation of the BRCP through the Executive Director of BCAG who will serve as the Executive Director of the BRCP (hereafter referred to as “Executive Director”). The Executive Director will expand BCAG staff, as needed, to meet the expanded BCAG mission in implementing the BRCP (see Section 9.2.2, *Executive Director*). For the purpose of cost estimation and funding analyses, the BRCP has estimated that 4.5 full-time equivalent (FTE) BCAG staff persons will be required to manage and implement the BCRP between Year 10 and Year 50, with a slightly lower staff requirement of 4.0 FTEs in the first 10 years of implementation (see Section 9.2.2 and Appendix F, *Implementation Cost Supporting Materials*).

Based on a comparative review of other HCP/NCCPs throughout Northern California, JPAs are the most common type of arrangement for implementation among entities developing and implementing habitat conservation plans/national community conservation plans (HCP/NCCPs). Seven out of eight Northern California HCP/NCCPs currently use, or expect to use, a JPA for HCP/NCCP implementation. Use of a JPA governance body provides the Implementing Entity with the land use authority that will be necessary to effectively implement the BRCP Conservation Strategy. The use of the BCAG Executive Director to serve as the BRCP Executive Director takes advantage of an existing entity with regional expertise and experience in the Plan Area. BCAG is currently responsible for development of federal and state transportation plans and programs and is also the administrative and policymaking agency for the region's public transit service. In addition to these responsibilities, BCAG has served as the lead agency in directing the development of the BRCP, the environmental review of the BRCP under the California Environmental Quality Act (CEQA), and additional permit processes related to the BRCP (e.g., Clean Water Act [CWA] section 404 permitting and section 401 certification).

9.2.1 BRCP JPA Board of Directors

BRCP implementation will be directed by a new BRCP JPA developed specifically for implementation of the BRCP. The BRCP JPA will identify a BRCP Board of Directors (Board) to be comprised of the Butte County Supervisors representing Districts 1 through 5 and a single city council member representative from each of the cities of Biggs, Chico, Gridley and Oroville. Because Caltrans District 3 and the participating water and irrigation districts do not hold land use authority and cannot approve fees, they would not be on the BRCP Board, but will provide recommendations to the board via the Permittees Committee (see Section 9.3.2, *Permittees and the Permittees Committee*).

The BRCP JPA will identify the BCAG as the entity responsible for management of BRCP implementation that will be carried out by the BCAG Executive Director (see Section 9.2.2), BRCP Program Manager, appointed staff, and consultants working at the direction of the Executive Director. The structure of the Implementing Entity is presented in Figure 9–1.

The roles and responsibilities of the BRCP JPA Board are as follows:

1. The Board will select the Executive Director for the BRCP.
2. The Board will establish and appoint members to a Stakeholder Committee to provide a venue for receiving input from public stakeholders with interest in BRCP implementation.
3. The Board will elect and approve the BRCP JPA Board Chair.
4. The Board will be responsible for the review and approval of annual plans and budgets (see Section 8.2, *Compliance and Progress Reporting Requirements*) prepared by the Executive Director.

5. The Board will act to resolve disputes between the Executive Director and the Stakeholder Committee, Permittees Committee, and Science Advisors where resolution cannot be reached in other forums within the BRCP implementation process.

Board meetings will follow the same public meeting rules as the current BCAG Board of Directors and will be available for public comment at their meetings. The Board will hold public meetings at least twice per year.

9.2.2 Executive Director

The BCAG Executive Director will serve as the BRCP Executive Director and will report to the BRCP JPA Board. The Executive Director is responsible for directing the activities of the Implementing Entity and the administration and management of BRCP implementation under the authority granted by the Board. The Executive Director's responsibilities include overseeing the successful implementation of the BRCP through staff and consultant management, budget development, and coordination with external advisors and agencies. The Executive Director will hire additional staff at BCAG with expertise, as needed, to assist in the implementation of the BRCP. The Executive Director will serve as a primary link between Implementing Entity staff, Permittees, Stakeholder Committee, regulatory agencies, other decision makers, and the general public.

By using the Executive Director and existing staff at BCAG for BRCP implementation, start-up costs will be significantly reduced compared with initiating an entirely new organization with separate office expenses. Increased costs required to establish a new implementation office would include separate office rent, utilities, copiers, fax machines, computers, printers, software licenses, plotters, office furniture, and other such operating expenses. Continued use of BCAG also ensures that the existing staff responsible for developing the BRCP can be carried forward into implementation, benefitting the Permittees by ensuring that those responsible for implementation are intimately familiar with the details of the BRCP, and have established positive working relationships with all Permittees, USFWS, CDFW, NMFS, USACE, and various diverse interest groups throughout the Plan Area.

The Executive Director will hire and manage a staff to support implementation of the BRCP (see Appendix F for a detailed discussion of staffing assumptions). These staff will include the following:

1. Program Manager (senior planner to assistant Executive Director),
2. Lead Biologist (senior biologist to lead biological staff and science coordination),
3. Real Estate Specialist (lead land acquisition program),
4. Geographic Information System (GIS)/Database Manager (lead data input, maintenance, and analysis),
5. Chief Financial Officer (manage all aspects of the budget), and

6. Administrative Assistant (administrative services).

The Executive Director will appoint a BRCP Program Manager/Assistant Director to be responsible for the majority of the day-to-day tasks associated with BRCP implementation, including managing staff; grant application completion and monitoring; compilation of annual reports to USFWS, NMFS, and CDFW; reporting to the BRCP JPA Board; coordinating activities with the Permittees and BRCP participants that may be charged with implementing conservation measures (e.g., nonprofit conservancies and similar organizations); and oversight of implementation of BRCP adaptive management and monitoring programs.

9.2.2.1 Responsibilities of the Executive Director

The Executive Director is responsible for ensuring implementation of all conservation measures, monitoring, and other measures described in the BRCP. As noted above, many of these tasks will be delegated to an appointed Program Manager/Assistant Director. These responsibilities include the following:

- Developing budgets and work plans;
- Securing grant funding and collecting, receiving, and expending funds;
- Identifying land acquisition opportunities and acquiring lands;
- Monitoring landowner compliance with terms of conservation easements;
- Coordination with and among and training of Permittees to ensure covered activities are implemented in compliance with provisions of the Plan;
- Monitoring implementation progress to assure that mitigation and conservation measures are being implemented roughly proportional in time and extent to the impact on habitat or covered species authorized under the Plan;
- Implementing the adaptive management and monitoring plans;
- Conducting public outreach and education;
- Maintaining implementation tracking databases and GIS (e.g., conservation agreements, fee-title acquisitions, management actions, monitoring data, expenditures, and mitigation);
- Coordinating implementation with agencies, NGOs, and private entities;
- Implementing and overseeing implementation of habitat restoration and enhancement conservation measures;
- Managing BRCP conservation lands;
- Coordinating Plan amendments; and

- Regular reporting of Plan implementation status to the Permitting Agencies (see Chapter 8, *Plan Implementation*).

As indicated in Figure 9–1, the Executive Director will be responsible for eight categories of functions necessary to effectively implement the BRCP.

9.2.2.1.1 Financial Management

The Executive Director will be responsible for ensuring the successful management of BRCP finances and, to do so, will establish and maintain internal accounting procedures for monitoring expenditures and cash flow. Financial management responsibilities include developing and monitoring budgets, processing invoices, managing financial reserves, identifying cost savings, and managing administrative contracts (e.g., liability insurance).

9.2.2.1.2 Real Estate Activities

The Implementing Entity will hold title or easements to lands it acquires to implement the BRCP. The Executive Director will ensure the successful conduct of relevant financial and legal analyses to guide selection and acquisition of conservation lands. These functions may be fulfilled by a staff specialist retained by the Executive Director for this purpose, partnering with local jurisdictions to provide this service, or through consultant services.

As described in Section 5.4.1.1, *CMI: Acquire Lands*, the Implementing Entity will need to acquire lands that support the ecological characteristics that will, through habitat protection, enhancement, restoration, and management actions, achieve the biological goals and objectives (see Section 5.3, *Biological Goals and Objectives*). Lands may be acquired through conservation easements or in fee title. The Executive Director will ensure the establishment of a process for prioritizing land acquisition opportunities, and the completion of all pre-acquisition surveys, title searches, and review of existing encumbrances to ensure there are no restrictions that conflict with BRCP implementation; and will conduct other tasks that may be necessary to confirm that lands considered for acquisition support the ecological characteristics necessary to fulfill one or more of the biological goals and objectives.

9.2.2.1.3 Grant Development and Administration

The Executive Director will be responsible ensuring the successful management of all grants, contracts, and other funding sources during BRCP implementation. The Executive Director will be responsible for establishing and executing procedures that meet the accounting and reporting requirements of entities providing grant funds. The Executive Director will be responsible for identifying and pursuing grant funds available for implementing the BRCP and preparing grant applications necessary to secure these funds. These functions may be fulfilled by a staff specialist retained by the Executive Director for this purpose, partnering with agencies and organizations that provide this service, or through consultant services.

9.2.2.1.4 Scientific Oversight

The Executive Director is responsible for ensuring scientific oversight of key technical aspects of BRCP implementation, including biological evaluations for selection of conservation lands, implementation of conservation measures, and the monitoring and adaptive management program. This oversight will be conducted by a senior staff biologist or qualified consultant retained for this purpose. The Executive Director will also be responsible for being informed of new relevant scientific information and conservation approaches as they become available over the term of the BRCP and for seeking external science advice and assembling science advisor panels as needed to better inform implementation.

9.2.2.1.5 Preserve Management and Monitoring

The Executive Director has primary responsibility for ensuring the day-to-day management of the BRCP acquired conservation lands in accordance with the provisions of Chapter 5, *Conservation Strategy*. In addition to directing the management of BRCP conservation lands, the Executive Director will ensure that activities are coordinated with managers of other conserved lands (e.g., land trusts, mitigation banks, CDFW, DWR) to synergistically improve the collective ecological benefits provided by all conserved lands within the Plan Area. These activities include periodic patrols to evaluate the status and function of infrastructure (e.g., fences, roads, and fuel breaks) and any necessary repair and maintenance activities. The Executive Director will also be responsible for implementing the management plans prepared for specific or groups of BRCP conservation land parcels (see Section 5.4.2.2, *CM6: Enhance Protected Natural Communities for Covered Species*) and conducting the applicable monitoring activities described in Section 7.1, *Monitoring Program*.

9.2.2.1.6 Public Outreach

The Executive Director will be responsible for ensuring the preparation of informational materials, preparing for and conducting public informational meetings/workshops and presentations in public venues, posting information related to implementation on the BRCP website, preparing informational materials for public distribution, and other such functions that serve to keep the general public aware of BRCP implementation activities and to promote public interest and participation.

9.2.2.1.7 GIS/Database Maintenance and Analysis

The Executive Director will ensure the existing or modified BRCP website is maintained and will ensure GIS and other database systems to collect, store, and use spatial and other data necessary for BRCP implementation and document implementation progress are maintained and kept up-to-date (see Section 8.2). The Executive Director will ensure that the Implementing Entity will use GIS to guide preserve design and monitoring programs and continue to build from the existing GIS database used to develop the BRCP.

The Executive Director will ensure the coordination of database systems, procedures, and formats with systems used by the Permittees for activities reporting and with USFWS, NMFS, and CDFW procedures to streamline database management activities to the extent practicable.

The Executive Director will be responsible for ensuring the analysis of data collected through the monitoring program and coordination with science advisors to implement the adaptive management program.

9.2.2.1.8 Administrative Services

The Executive Director will be responsible for maintaining administrative services in support of all Implementing Entity functions, including procurement of office supplies, equipment, software, computers, and other materials; hiring and training of staff; payroll services; and any other activities necessary to conduct the business of the Implementing Entity. These services may be staffed by the Executive Director or provided externally through cooperative agreements with partner agencies or through consultant services.

9.2.2.2 Retaining Consultants, Contractors, Financial and Legal Services

To effectively discharge all responsibilities, the Executive Director may retain the services of qualified consultants to address any technical or scientific needs that cannot be effectively addressed through other resources available to the Executive Director. The use of consultants is expected to be greater early in BRCP implementation and to lessen as the Implementing Entity's implementation experience increases. Contractors will be retained as needed to undertake tasks related to biological monitoring, preparation of compliance documents and permit applications, maintaining and improving conservation land infrastructure (e.g., grading roads and maintaining fences), implementing habitat restoration and enhancement actions, and similar types of physical activities necessary for BRCP implementation.

The Implementing Entity may retain financial and legal services on an as-needed basis. It is anticipated that financial analysis assistance will be periodically required to review the program's cost/revenue balance and ensure that sources of implementation funding are adjusted with changing land costs and inflation.

It is anticipated that legal counsel may also be periodically required to provide services related to drafting and reviewing conservation easements, reviewing of land purchases, assisting with land transaction negotiations, and assisting with easement violations should they occur.

9.2.2.3 Environmental Compliance and Permitting

The Executive Director will have the authority and responsibility to serve as the lead agency for CEQA compliance and environmental and other necessary permitting for the implementation of conservation projects under the BRCP.

9.2.2.4 Relationship with Permittees and other Entities Involved in Implementation

The Executive Director is responsible for training and review of Permittees in their processing of applications for coverage under the federal and state permits and will conduct periodic audits of the Permittees to ensure compliance with the terms of the Plan.

The Executive Director will coordinate communications and the flow of information between the Implementing Entity, Permittees, regulatory agencies, the Stakeholder Committee, and the general public.

9.3 OTHER ENTITIES INVOLVED IN BRCP IMPLEMENTATION

As indicated in Figure 9–2, the Executive Director and staff will coordinate with various federal, state, local, and private entities to effectively implement the BRCP.

9.3.1 BRCP Stakeholder Committee

The BRCP JPA Board will establish and appoint members to a BRCP Stakeholder Committee to provide a venue for receiving input from public stakeholders with interest in Plan implementation. A Chair will be selected by the Stakeholder Committee members and approved by the Board. The Stakeholder Committee will be charged with providing input to the Board and the Executive Director regarding all aspects of BRCP implementation. It will be comprised of representatives from the same interests that comprised the Stakeholder Committee that developed the BRCP, as well as other groups that have an interest in implementation actions. Committee members will be appointed by the Board to represent the following interests:

- Developers seeking permits under the BRCP;
- Landowners with resources relevant to BRCP success;
- Conservation advocacy groups;
- Agricultural interests; and
- Private residents, both rural and urban;

The size of the Stakeholder Committee will be determined by the Board, but will be not less than 10 and not more than 24 individuals. Should more than 24 individuals desire to be members of the Stakeholder Committee, the Board will insure that the 24 members selected are representative of all major interests in the Plan Area.

Staff from participating local jurisdictions and USFWS, NMFS, and CDFW may also participate in Stakeholder Committee meetings to ensure Stakeholder Committee deliberations are coordinated with those responsible for BRCP implementation. They will also serve as a source

of information regarding the relationship of BRCP implementation to other relevant ongoing planning activities in the Plan Area.

The Chair of the Stakeholder Committee will prepare meeting agendas with input from the Executive Director, will facilitate the meetings, and will ensure that meeting outcomes are transmitted to the Executive Director and the Board.

The frequency of Stakeholder Committee meetings will be determined by the Stakeholder Committee, but at least one meeting must be held each year of BRCP implementation. Committee meetings will be open to the public and public participation in Committee discussions will be encouraged. The Executive Director or an Implementing Entity representative designated by the Executive Director will attend all Stakeholder Committee meetings.

9.3.1.1 Technical Advisory Committees

The Stakeholder Committee and the Executive Director may establish one or more technical advisory committees to better inform implementation of conservation measures and coordinate habitat enhancement and land management activities with other entities. For example, if the Executive Director enters into agreements with other land management entities to implement management actions on behalf of the Implementing Entity (see Section 9.3.5, *Delegated Implementation*), then it may be desirable to establish a technical advisory committee comprised of land management staff from the entities and Implementing Entity staff, with USFWS, NMFS, and CDFW representatives participating as advisors, to ensure that relevant BRCP actions are appropriately implemented. Additional committees may be established to inform the BRCP staff and Board of key issues effecting BRCP implementation.

9.3.2 Permittees and the Permittees Committee

The following entities are anticipated to be Permittees on the Endangered Species Act (ESA) section 10(a)(1)(B) incidental take permit and the NCCPA section 2835 permit providing authorization for take that results from covered activities within their respective jurisdictions (see Chapter 2, *Covered Activities*):

- Butte County,
- City of Chico,
- City of Oroville,
- City of Gridley,
- City of Biggs,
- BCAG (as a lead agency and as the BRCP Implementing Entity),
- Western Canal Water District,

- Butte Water District,
- Biggs West Gridley Water District,
- Richvale Irrigation District, and
- California Department of Transportation District 3.

The Implementing Entity will be responsible for implementing the BRCP on behalf of the Permittees. The Permittees, however, will ultimately be responsible for compliance with all the terms and conditions of the BRCP permits and the Implementing Entity's performance in implementing the BRCP in conformance with the terms and conditions.

The local jurisdictions receiving permits will be responsible for determining the completeness of applications for coverage of projects received from private developers and departments within the local jurisdiction. Each local jurisdiction will grant use of the take authorization under the ESA and NCCPA take permits as part of its normal project review process, once it has made a determination that the application is complete and the applicant has complied with all the requirements of the BRCP HCP/NCCP. As described in Chapter 8, *Plan Implementation*, each of the local jurisdictions will also be responsible for reporting the relevant details of approved projects to the Executive Director, for monitoring the applicant's compliance with the applicable avoidance and minimization measures described in Chapter 6, *Conditions on Covered Activities*, and for collecting any fees required under the BRCP.

The Permittees may elect to meet as a Permittee Committee and confer with and receive reports from the Executive Director. The Executive Director will attend all meetings of the Permittee Committee for which the Executive Director's presence is requested. The Permittees will determine the individual membership of and need for meetings of the Permittee Committee.

9.3.3 Science Advisors

Science advisors, comprised of technical specialists with expertise in conservation biology, management of local natural communities and agricultural lands, habitat enhancement and restoration design, and the ecology of covered species will be consulted, as needed, by the Executive Director, with input from USFWS, NMFS, and CDFW, to provide guidance for BRCP implementation. The primary purpose of periodic consultation with the science advisors is to provide technical advice and help gather the best available scientific data for assembling the conservation lands, interpreting monitoring results and the analysis of data, and providing advice through the adaptive management decision-making process (see Section 7.2, *Adaptive Management Plan*).

9.3.4 Planning Directors Committee

The Executive Director will meet regularly with the City/County Planning Directors Committee to ensure continued coordination with local city and county planning department staff

responsible for certain implementation tasks. This committee will include both planning directors and staff from the cities of Biggs, Gridley, Oroville and Chico and the County of Butte.

9.3.5 Delegated Implementation

Certain implementation tasks may be delegated to other entities by the Executive Director through mechanisms such as agreements with local, state, and federal agencies and with the private nonprofit (e.g., land trusts and conservancies) and for-profit (e.g., mitigation banks and farming and ranching operations) entities. Such delegation may include, but is not limited to, conservation lands management, habitat enhancement and restoration, and monitoring activities. The Executive Director will oversee any cooperative agreements that may be entered into with other entities that own and/or manage conservation lands in fulfillment of BRCP commitments.

9.3.5.1 Private Land Trusts, Agricultural Operations, and Mitigation Banks

Coordination of BRCP implementation with land trusts, local land management entities and mitigation banks is an important consideration for successful BRCP implementation. In conformance with the conservation land assembly principles, BRCP conservation lands will often be located adjacent to protected lands managed by local and private entities (e.g., lands managed by local park districts, local land trusts, and private mitigation banks). The Executive Director will coordinate with these land management entities to seek potential partnerships that are mutually beneficial where possible.

The Executive Director may choose to contract with land trusts to assist with aspects of BRCP implementation, including preserve management and monitoring activities on lands owned by the Implementing Entity.

The Executive Director may enter into agreements with farm and ranch owners and operators to implement BRCP conservation actions on private agricultural lands. Such agreements must meet the biological goals and objectives and be related to specific conservation measures in the BRCP (see Chapter 5, *Conservation Strategy*).

The Executive Director may purchase credits from existing mitigation banks, provided their lands are managed in a manner that is compatible with, meets the biological goals and objectives of, and complies with specific conservation measures and monitoring requirements of the BRCP (see Chapter 5, *Conservation Strategy*).

9.3.5.2 Federal, State, and Local Land Management Agencies

Coordination of BRCP implementation with federal, state, and local land management entities is an important consideration for successful BRCP implementation. In conformance with the conservation land assembly principles, BRCP conservation lands will often be located adjacent to protected lands managed by federal, state, and local land management entities (e.g., city-owned parks such as Bidwell Park, USFWS Refuges, CDFW Refuges, and DWR lands

associated with Oroville Reservoir and Dam and other facilities along the Feather River). The Executive Director will coordinate with and may enter into agreements (e.g., Memoranda of Agreement, Memoranda of Understanding, Cooperative Management Agreements) with federal, state, and local land management entities to ensure that land and habitat management practices and species and habitat protection on these lands is compatible with, meets the biological goals and objectives of, and complies with specific conservation measures and monitoring requirements of the BRCP (see Chapter 5, *Conservation Strategy*).

9.4 REGULATORY AGENCIES INVOLVED IN BRCP IMPLEMENTATION

9.4.1 USFWS, NMFS, and CDFW

USFWS, NMFS, and CDFW are the regulatory agencies that will issue the federal and state permits for incidental take of protected species and regulate implementation of the BRCP. As described in Chapter 8, *Plan Implementation*, the Executive Director will submit annual reports to these agencies describing each year's implementation activities. The USFWS, NMFS, and CDFW will provide guidance to the Executive Director, the Board, and the Permittees to ensure that the BRCP remains in compliance with terms and conditions of the permits. Representatives of these agencies will serve in an advisory role to the BCAG JPA Board and any technical advisory committees that may be established by the Board and Stakeholder Committee. USFWS, NMFS, and CDFW will also assist the Executive Director in efforts to secure state and federal funding (e.g., funding under ESA section 6) for BRCP implementation (see Chapter 10, *Implementation Costs and Funding Sources*).

CDFW will serve in an advisory role to the Executive Director, the Board, and the Permittees regarding the Master Streambed Agreement under California Fish and Game Code section 1602.

9.4.2 U.S. Army Corps of Engineers (USACE)

The USACE will serve in an advisory role to the Executive Director, the Board, and the Permittees regarding the regional general permit (RGP) under section 404 of the CWA.

9.4.3 Central Valley Regional Water Quality Control Board (CVRWQCB)

The CVRWQCB will serve in an advisory role to the Executive Director, the Board, and the Permittees regarding the regional certification under section 401 of the CWA and compliance with the Porter-Cologne Act and the Basin Plan. More detail on CWA authorizations and certifications and the relationship between BCAG and CVRWQCB is provided in separate documents that establish the Aquatic Resources Program (ARP). The ARP will be implemented in parallel with the BRCP.

9.5 PUBLIC INPUT

Public input will be provided through various means under BRCP implementation. The BRCP Executive Director will be responsible for continuing public outreach efforts that were initiated as part of the development of the BRCP. This includes maintaining a publicly accessible website, producing and distributing newsletters, brochures and press releases, and holding periodic public workshops to present BRCP implementation findings and results to the general public. All Stakeholder Committee meetings will be open to the public. Board meetings will be open to the public following the public meeting rules that govern the existing BCAG JPA Board.

9.6 PARTICIPATING SPECIAL ENTITIES

Certain entities that desire to implement projects or ongoing activities that could affect ESA or CESA listed species in the Plan Area may request coverage under the BRCP during the term of the Permits. These entities are referred to as “Participating Special Entities,” and could include State and local agencies, special districts, and other entities not subject to the jurisdiction of the Permittees, or whose project is not specifically identified and not precluded as a covered activity (Chapter 2, *Covered Activities*). The process by which Participating Special Entities may receive coverage under the BRCP is described in Section 8.10, *Participating Special Entities*.

To grant use of the take authorization under the Permits to a Participating Special Entity, the Implementing Entity must enter into a legally enforceable contractual relationship with the Participating Special Entity. The Implementing Entity may issue, at its discretion, a Certificate of Inclusion to the Participating Special Entity that would allow the proposed activity to be covered under the BRCP. Detail on requirements for this process is provided in Section 8.10.

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