

# AGENDA

**Stakeholder Committee Meeting  
Butte Regional HCP/NCCP  
Wednesday, March 5, 2008  
11:00am- 3:00pm  
BCAG Conference Room**

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## **Agenda:**

1. Introductions
2. January/February 2008 Updates - Chris
  - Winter 2008 HCP/NCCP Newsletter
  - Snow Goose Festival
  - Butte Co. General Plan Citizens Advisory Committee Meeting
  - Chico Building Industry Association Meeting
3. Update on General Plan Processes – Chris/Paul
4. Overview of Biological Constraints Analysis – Paul
5. Butte County Meadowfoam Evaluation - Paul
6. Proposed Additional Species of Local Concern and Covered Species  
(Handout #1)- Paul
7. Approach to Addressing Red Legged Frog and California Tiger Salamander (Attachment #1)- Paul
8. Meeting Notes from December 12, 2007 (Attachment #2) - Letty
9. Action Items and Next Meetings

To: Stakeholder Committee, Butte Regional Conservation Plan  
From: Paul Cylinder, SAIC  
Date: February 29, 2008  
**Re: Coverage of California Red-Legged Frog and California Tiger Salamander under the HCP/NCCP**

A primary purpose of habitat conservation plans (HCP) and natural community conservation plans (NCCP) is the issuance of incidental take permits by US Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS) and California Department of Fish and Game (DFG) for species covered by the HCP/NCCP. These “Covered Species” include all species for which the applicants and the permitting agencies believe that covered activities could result in take of species protected under the Federal and California Endangered Species Acts (ESA). Determining what species should be included on the Covered Species list for the Butte Regional Conservation Plan has been based on meeting all of the four criteria:

1. Species is known to occur or is likely to occur in the Planning Area
2. Species is listed or is likely to become listed over the term of the permit
3. Species could be affected by covered activities
4. Species’ ecology is sufficiently understood to assess impacts and develop conservation measures

Two species that are currently identified as Covered Species under the Butte Regional Conservation Plan need reconsideration by the Steering Committee: California Red-Legged Frog (*Rana aurora draytoni*) and California Tiger Salamander (*Ambystoma californiense*). Both species are listed as “threatened” and legally protected from take under the Federal ESA.

### **California Red-Legged Frog**

The historical range of California red-legged frog included the Planning Area, but presently red-legged frog is not known to occur in the Planning Area. There are two records of red-legged frog in Butte County; both are outside of the Planning Area located about 11 miles east of Paradise (CNDDDB 2006). Critical habitat has been designated for red-legged frog around these two occurrences. A substantial amount of habitat that could be suitable for red-legged frog breeding is found in the planning area including streams, ponds, and stock ponds.

FWS requires, under the ESA Section 7 process, that project proponents in Butte County survey for red-legged frog where suitable habitat is present (Rick Kuyper pers. comm.), however, no red-legged frog have been found to date and therefore no mitigation requirements have been imposed.

Should the Butte Regional Conservation Plan include red-legged frog as a Covered Species? The answer to this question involves an assessment of risk by the permit applicants, i.e., what is the likelihood that a red-legged frog will be found and a take permit needed at some time during build-out under the various general plans?

**Recommended Approach to Red-Legged Frog.** We recommend identifying California red-legged frog as a **“Provisionally Covered Species.”** Mitigation is not required for removal of potentially suitable habitat outside of the known range of red-legged frog and, as such, we do not recommend including mitigation measures for covered activities under the HCP/NCCP. We do recommend including conservation measures that address red-legged frog habitat within the Planning Area and could contribute to species recovery. Such habitat will already be the focus of conservation for other Covered Species under the HCP/NCCP (e.g., pond turtle, yellow-legged frog, steelhead, and black rail). Under the designation of Provisionally Covered Species, the applicants would not ask to include red-legged frog on the permit, but would include a process for adding the frog to the permit should it become necessary at some future time. For example, the HCP/NCCP could identify a process by which mitigation measures would be developed should a red-legged frog population be found within the Planning Area.

### **California Tiger Salamander**

One historical record of California tiger salamander is known from Butte County at Gray Lodge Waterfowl Management Area. This occurrence was recorded in 1965 and is considered to be extirpated (CNDDDB 2006). Although a substantial amount of habitat that could be suitable for tiger salamander breeding is found in the Planning Area, including vernal pools and stock ponds, Butte County is north of the known range of the species.

FWS does not require project proponents in Butte County to survey for California tiger salamander under the ESA Section 7 process (Rick Kuyper pers. comm.).

Should the Butte Regional Conservation Plan include California tiger salamander as a Covered Species? The answer to this question involves an assessment of risk by the permit applicants, i.e., what is the likelihood that a California tiger salamander will be found and a take permit needed at some time during build-out under the various general plans?

**Recommended Approach to California tiger salamander.** We recommend identifying California tiger salamander as a **“Provisionally Covered Species.”** Mitigation is not required for removal of potentially suitable habitat outside of the known range of tiger salamander and, as such, we do not recommend including mitigation measures for covered activities under the HCP/NCCP. We do recommend including conservation measures that address tiger salamander habitat within the Planning Area and could contribute to species recovery. Such habitat will already be the focus of conservation for other Covered Species under the HCP/NCCP (e.g., pond turtle, western spadefoot, and various vernal pool plant and invertebrate species). Under the designation of

Provisionally Covered Species, the applicants would not ask to include California tiger salamander on the permit, but would include a process for adding the salamander to the permit should it become necessary at some future time. For example, the HCP/NCCP could identify a process by which mitigation measures would be developed should a California tiger salamander population be found within the Planning Area.

## Meeting Summary

### Butte Regional HCP/NCCP Stakeholder Committee Meeting

December 12, 2007, 11:00 a.m. to 2:00 p.m.

BCAG Conference Room

#### Stakeholder Committee Attendees

Richard Price (Butte County Ag. Commission)    Phil Johnson (Altacal Audubon)  
Scott McNall (Chico State)    Scott Huber (Altacal Audubon)  
Pia Sevelius (RCD)  
Suellen Rowlison (CNPS)  
Richard Reiner (TNC)

#### Resource Agencies Attendees

Rick Kuyper (USFWS)    Jason Hanni (USFWS)  
Jenny Marr (DFG)

#### Steering Committee and Staff Attendees

Jane Dolan (BCAG/ Supervisor)    Paul Cylinder (SAIC)  
Jon Clark (BCAG)    Letty Brown (SAIC)  
Chris Devine (BCAG)    Jim Estep (SAIC)

#### Interested Public Attendees

Doug Alexander (CSU Chico, Professor Emeritus)    Josephine Guardino (CNPS)

#### Associated Documents/Handouts:

1. Agenda including Meeting Notes from November 7, 2007
2. Packet of Species Habitat Suitability Models
3. Independent Science Advisor's Report- Table 1 Species

#### Action Items and Key Recommendations:

- The Planning Agreement has appeared before the Board and the councils and has been unanimously approved.

- BCAG will investigate hosting an information booth for the Butte Regional HCP/NCCP at February's Snow Goose Festival.
- The Independent Science Advisory Panel's Guidelines Report (with Executive Summary) has been posted to the website (buttehcp.com).
- Thirteen new and two revised habitat suitability models were reviewed by the Stakeholder Committee and feedback was solicited. These are posted on the website (buttehcp.com).
- Additional species are being considered for inclusion on the Covered Species list and the Species of Local Concern list, based on recommendations from the Independent Science Advisory Panel. SAIC will work with the resource agencies to develop more information regarding each of these species. Findings will be brought to the next Stakeholder Committee meeting.
- The Vernal Pool/Vernal Swale GIS coverage has been integrated into the Butte Regional HCP/NCCP land cover type database. SAIC/BCAG will make this data available to city and county planners for use in the General Plan Update process.
- The Vernal Pool/Vernal Swale Mapping Workshop will be held this afternoon, 2pm-5pm. This will serve as an opportunity for Stakeholders and Interested Parties to hear a presentation on the mapping procedures, and to review the new vernal pool GIS coverage.

#### **Meeting Purpose:**

- Planning Agreement Status
- Revised Species Habitat Models
- New Species Habitat Models
- Butte County Meadowfoam Distribution Map and Habitat Model
- Independent Science Advisor's Report- Table 1 Species
- Meeting Notes from November 7, 2007
- Action Items and Next Meeting

#### **Planning Agreement Status:**

- Chris Devine discussed the status of the Planning Agreement. It has gone before the councils and the Board and has been unanimously approved.

#### **Revised Species Habitat Models:**

- Letty Brown presented the two revised species habitat models, the giant garter snake and the western spadefoot toad models. The Committee discussed the models and offered feedback. Dr. Brown will check on the availability of additional movement ecology data for the western spadefoot toad.

#### **New Species Habitat Models:**

- Paul Cylinder and Letty Brown presented the thirteen new models, which included conservancy fairy shrimp, vernal pool tadpole shrimp, vernal pool fairy shrimp, Ferris' milkvetch, lesser saltscale, Butte County checkerbloom, Butte County golden clover, Ahart's dwarf rush, hairy Orcutt grass, Hoover's spurge,

Greene's tuctoria, and bank swallow. The Committee discussed each model individually, and offered feedback.

- The suggestion was made to request a review of the bank swallow model with Joe Silveira (FWS) and Greg Golet (TNC), two biologists with expertise in bank swallow biology and local knowledge of bank swallow populations. SAIC will do this.

**Butte County Meadowfoam Distribution Map and Habitat Model:**

- Paul Cylinder presented the Butte County meadowfoam distribution map and habitat model. The Committee discussed the model and offered feedback.
- DFG recommended that Elizabeth Warne (USFWS) should be consulted to determine if any new genetics information is available for the species. SAIC will do this.

**Independent Science Advisor's Report, Table 1 Species:**

- Additional species are being considered for inclusion on the Covered Species list and the Species of Local Concern list, based on recommendations from the Independent Science Advisory Panel.
- SAIC will work with the resource agencies to develop more information regarding each of these species. Findings will be brought to the next Stakeholder Committee meeting.
- The suggestion was made that white-stemmed clarkia be re-considered for inclusion on the Covered Species list. SAIC will discuss this with the resource agencies and bring the findings to the next Stakeholder Committee.

**Meeting Notes from November 7, 2007**

- Meeting notes from November 7, 2007 were accepted.

**Upcoming Workshops/Meetings:**

- The next Stakeholder meeting will be held on Wednesday, March 5, 2008, 11:00 am- 3:00 pm, at BCAG. Agenda items will include review of the Proposed Additional Species of Local Concern and Covered Species, and the Winter 2008 HCP/NCCP newsletter.