

Handout #2

Meeting #34 Summary

Butte Regional Conservation Plan (BRCP)

Stakeholder Committee Meeting

December 1, 2010, 11:00 a.m. to 3:00 p.m.

BCAG Conference Room

Stakeholder Committee Attendees

Colleen Cecil (Butte Co. Farm Bureau)	Phil Johnson (Altacal Audubon Society)
Eric Pittman (Butte Co. Ag. Comm.)	Suellen Rowlison (CNPS)
Steve Troester (Butte Co. Res. Cons. Dist.)	

Resource Agencies Attendees

Nina Bicknese (USFWS)	Jenny Marr (DFG)
Eric Tattersall (USFWS)	

Steering Committee and Staff Attendees

Jon Clark (BCAG)	Juan Pablo Galván (SAIC)
Chris Devine (BCAG)	Pete Rawlings (SAIC)
Jane Dolan (BCAG/Supervisor)	

Interested Public Attendees

Riley Swift (Restoration Resources)	
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Associated Documents/Handouts

Agenda packet including:

1. Revised Admin. Draft Chapter 6 Plan Implementation – Review and Discuss (Handout #1)
2. Revised Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #2)
3. Section 5.6 Local Concern Species – Review and Discuss (Handout #3)
4. Meeting Notes from November 2010 Stakeholder Meeting (Handout #4)

Meeting Agenda

1. Introductions and Agenda Review
2. Draft BRCP Winter Newsletter
3. Revised Admin. Draft Chapter 6 – Plan Implementation - Review and Discuss (Handout #1)

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4. Revised Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #2)
5. Section 5.6 Local Concern Species – Review and Discuss (Handout #3)
6. Meeting Notes from November 2010 Stakeholder Meeting (Handout #4)
7. USFWS/DFG/NMFS Items for Discussion\
8. Jane comments
9. Action Items and Next Meeting Agenda

Introductions and Agenda Review

The agenda was distributed and the names of attendees were introduced.

Draft BRCP Winter Newsletter

It was announced that the draft BRCP winter newsletter had been received by BCAG, but that changes were necessary and therefore no handouts were available for distribution to the Stakeholder Committee. The main focus of this issue of the newsletter is the economic benefits of streamlining the permitting process through the BRCP. Several hundred copies of the newsletter are mailed and emailed, and it was discussed that email groups associated with other organizations involved with the Stakeholder Committee could receive the newsletter as well.

There was discussion on how there have been efforts to further involve the development and ranching communities in the Stakeholder Committee.

Revised Admin. Draft Chapter 6 – Plan Implementation - Review and Discuss (Handout #1)

Handout #1 was introduced and it was explained that this would be the second time this chapter has been revised by the Stakeholder Committee. It was explained that a number of comments had been addressed since the previous iteration and that certain sections were still not included in the chapter, but short descriptions of what those sections will address included. Approximately 70 percent of the chapter is written, and the remaining sections require further discussion with the wildlife agencies on various details. Changes made to the chapter since the last iteration were explained and discussed.

It was commented that with regard to changed circumstances due to flooding, text should be added to ensure that site inspections occur in addition to the initial site inspection after the flood to detect and assess changes to the site over time.

It was explained that a legal definition for a 50-year flood exists through FEMA, but the classification of such a flood has nothing to do with the actual timing of the flood event (i.e., a 50-year flood could occur in two consecutive years). It was explained that the intent of the text is to demarcate the size of events beyond which such ecological damage may be caused that that it cannot be effectively addressed by the resources available to BRCP. It was also explained that clarifying language with regard to the timing of implementation language after the flood event would be added. Adaptive management would be used to decide if larger flood events, such as a

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100-year flood event, is too large to be dealt with by BRCP and who would be involved in dealing with it. It was explained that funding is budgeted to deal with changed circumstances, but not unforeseen circumstances.

It was explained that there are some placeholders for addressing effects of drought. It was explained that the purchase of water supplies in case of drought refers to agricultural habitats and that there could be any number of mechanisms to purchase the water. Any suggestions on how to further characterize mechanisms to purchase water supplies would be welcome, but the language and details necessary to describe such actions are complex. It was commented that text dealing with what happens if water is not available for purchase would be useful. It was decided that text in this section would be modified. Water needs could also be an issue for the covered fish and other native aquatic species. Issues relating to ensuring habitats and species that require water have sufficient water would be discussed in several parts of the BRCP.

It was commented that in all sections language related to the Implementing Entity (IE) demarcating a changed circumstance with wildlife agencies is present because it simply ensures that both the IE and wildlife agencies are on the same page in terms of declaring a state of changed circumstances. Annual reports would still reflect any changed circumstances that occur. A question arose if a need to establish a threshold, as this version of the document seems to be doing, is necessary. It was commented that monitoring plans should ensure that events that could cause changed circumstances are detected and communicated to agencies. It was explained that this language was added simply as a notification tool. It was commented that a Technical Committee in the Natomas Plan rather than formal written notification provided the agencies with notification of the events covered in this chapter. It was decided that this language would be changed to describe a less formal process. One option could be the establishment of a Technical Committee could be created and, among other things, address issues related to unexpected occurrences that affect species and habitats.

Revised Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #2)

It was explained that the first iteration of this chapter was reviewed by the Stakeholder Committee last month. Issues related to why BCAG staffing the IE would be the best option, additional staff being hired to carry out the BRCP, and other issues, were discussed last month.

It was explained that up to this point activities related to land acquisition have usually been contracted out by BCAG.

The task descriptions for different staff positions is not yet complete. The BRCP Board would be separate from the BCAG Board and have a different composition. BCAG would also be a permittee under the BRCP. In cases where BCAG is involved in, for example, a transportation project, BCAG would operate within the structure of the BRCP in the same way as other permittees. BCAG would be operating just like Caltrans is serving as the lead on a transportation project. It was decided that any overlap between the Boards should be minimized. For example, BRCP bylaws could state that board members for BCAG could not act as board members for the BRCP. It was decided that language emphasizing how the BCAG and BRCP boards are different

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would be added to the chapter. It was emphasized that the BRCP Board would deal with issues surrounding Plan Implementation that are already spelled out in the BRCP agreement, and that the stage at which details of an Implementing Agreement would be decided had not yet been reached and it would be at this stage that composition of the Board and other details relating to the BRCP implementation structure would be fully fleshed out. It was commented that the Planning Agreement would have to be amended to add BCAG and the other entities that have since requested to become BRCP permittees.

With regard to land acquisition and requirements, certain criteria must be met that are tied to specific goals and objectives. This serves to reduce the number of “judgment calls” that have to be made and ensure that the purpose of the BRCP is fulfilled. There must also be concurrence by wildlife agencies that as the IE moves through the acquisition process, properties meet certain standards and the wildlife agencies are kept informed and have input about which properties may be better to acquire. The applicants and agencies have the duty and responsibility to acquire the sites that best fulfill the purpose of the BRCP. Different land acquisition scenarios and how the IE can function were discussed.

It was commented that the Joint Powers Authority (JPA), which governs the IE, should perhaps consist solely of elected officials to have a process in place should a contentious issue arise. It was commented that the text already describes the JPA as being composed of elected officials. It was commented that it does not make sense to have entities that lack land use authority on the JPA board.

A Technical Advisory Committee (TAC) would be where entities that are not on the BRCP board can serve a role, including some permittees not on the board. Board meetings can also be open to the public or members of the TAC, though they would not have a vote.

Section 5.6 Local Concern Species – Review and Discuss (Handout #3)

Section 5.6 was introduced and discussed. Local concern species are species that the Stakeholder Committee have identified as species that are in need of conservation, but that are not likely to be listed over the term of the BRCP. There are no goals or objectives, impact analyses, or species accounts for these species. This section describes the conservation the BRCP will provide for these species in terms of habitat protection, enhancement, and restoration.

It was explained that the potential for an area to benefit these species could be a criterion for selection of conservation lands. This section can also serve as a starting point if the chances that any of these species will be listed increase, such that making an amendment to include these species is easier. Comments to this section included:

- reference the date of the recent golden eagle observation in the Plan Area;
- add that short-eared owls used to nest in the Vina Plains area in purple needlegrass clumps before the area became overgrazed and that several individuals occur around Thermalito Afterbay;
- a nesting northern harrier was observed in vernal pool wetlands within the Plan Area.
- cliff protection could be a measure that helps prairie falcon.

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- the yellow-billed magpie population may be recovering somewhat based on Christmas Bird Count observations; and
- the purple martin is believed to have been extirpated from the Plan Area.

It was commented that the entire current version of Ch. 5 would be uploaded to the BRCP website.

Meeting Notes from November 2010 Stakeholder Meeting (Handout #4)

The meeting notes from November 2010 were approved.

USFWS/DFG/NMFS Items for Discussion

None.

Jane Comments

A recommendation was made that Richard Price serve as Stakeholder Committee facilitator. It Jane Dolan may attend Stakeholder Committee sometime in the future as a private citizen, but not right away. Jane indicated her gratification at having had the opportunity to have facilitated the Stakeholder Committee and encouraged the further involvement of existing and newer members. Jane thanked all participants for all their hard work.

It was commented that all members of the BCAG board support the BRCP process.

Action Items and Next Meeting Agenda

The date of the next Stakeholder Committee meeting is TBD.