

1 *Note to Reviewers: This handout is the first in-progress draft of Chapter 7, Implementation*
2 *Structure, and reflects BRCP governance-related discussions of the Stakeholder Committee.*
3 *This handout briefly describes the proposed structure of the Implementing Entity and its*
4 *responsibilities and relationships to other organizations. This Chapter will be refined and*
5 *expanded to include additional detail of the functions and responsibilities of the Implementing*
6 *Entity as BRCP planning progresses.*

9 Chapter 7. Implementation Structure

10
11 This Chapter describes the organizational structure that will be established to implement the
12 BRCP and the roles, functions, and responsibilities of the entities that will participate in its
13 implementation. BRCP implementation commences with execution of the BRCP Implementing
14 Agreement with USFWS, NMFS, and DFG, issuance of Section 10(a)(1)(B) incidental take
15 permits and NCCP permit, and local authorizing ordinances.

17 7.1 BRCP Implementing Entity

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19 BRCP implementation will be directed by the Implementing Entity, which will be created from a
20 new Joint Powers Authority (JPA) developed specifically for implementation of the BRCP. The
21 new JPA will identify a BRCP Board of Directors to be comprised the Butte County Supervisors
22 representing Districts 1 through 5 and a single city council member representative from the
23 Cities of Biggs, Chico, Gridley and Oroville. Because the participating water and irrigation
24 districts do not hold land use authority and cannot approve fees, they would not hold seat on
25 BRCP Board, but will provide recommendations to the board via a Water District Technical
26 Committee or similar role.

27
28 The JPA will identify the Butte County Association of Governments as the entity responsible for
29 management of implementation that will be carried out by the BCAG Executive Director,
30 Program Manager, appointed staff and consultants working at the direction of the Executive
31 Director. The structure of the Implementing Entity is presented in Figure 7-1.

32
33 The Implementing Entity will hold title to lands or easements it acquires to implement the BRCP
34 and will oversee any cooperative agreements that may be entered into with other entities that
35 own and/or manage conservation lands in fulfillment of BRCP commitments.

37 7.2 Permittees

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39 The following entities are anticipated to be Permittees on the ESA Section 10(a)(1)(B) incidental
40 take permit and the NCCPA permit providing authorization for take that occurs from covered
41 activities within their respective jurisdictions (see Chapter 2, *Covered Activities*):

- 42 • Butte County Association of Governments,
- 43 • City of Chico,

- 1 • City of Oroville,
- 2 • City of Gridley,
- 3 • City of Biggs,
- 4 • Western Canal Water District,
- 5 • Butte Water District,
- 6 • Biggs West Gridley Water District,
- 7 • Richvale Irrigation District,
- 8 • California Department of Transportation District 3, and
- 9 • The Implementing Entity for the BRCP HCP/NCCP.

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

14
15 The local jurisdictions receiving permits will be responsible for determining the completeness of
16 applications for coverage of projects received from private developers. Each local jurisdiction
17 will grant take authorization under the BRCP HCP/NCCP as part of its normal project review
18 process if it has made a determination that the application is complete and the applicant has
19 complied with all the requirements of the BRCP HCP/NCCP. As described in Chapter 6, *Plan*
20 *Implementation*, each of the local jurisdictions will also be responsible for reporting the relevant
21 details of approved projects to the Implementing Entity, for monitoring the applicant's
22 compliance with the applicable avoidance and minimization measures described in Section 5.4.4,
23 *Avoidance and Minimization Measures*, and for collecting any fees that may be required under
24 the BRCP.

25 26 **7.3 Land Trusts and Land Management Agencies**

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28 Coordination of BRCP implementation with federal, state, and local land management entities is
29 an important consideration for successful BRCP implementation. In conformance with the
30 conservation land assembly principles, BRCP conservation lands will often be located adjacent
31 to protected lands managed by other entities (e.g., lands managed by local park districts, local
32 land trusts, DFG, DWR). The Implementing Entity will need to coordinate with these land
33 management entities to ensure that habitat enhancement and land management practices are
34 compatible, that benefits for covered species are fully provided for, and to seek opportunities to
35 reduce implementation costs through cooperative implementation of management actions.

36 37 **7.4 Technical Advisory Committee(s)**

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39 The Implementing Entity may establish one or more technical advisory committees to better
40 inform implementation of conservation measures and coordinate habitat enhancement and land

1 management activities with other entities. For example, if the Implementing Entity enters into
2 agreements with other land management entities to implement management actions on its behalf,
3 then it may be desirable to establish a technical advisory committee comprised of land
4 management staff from the entities and Implementing Entity staff, with USFWS, NMFS, and
5 DFG representatives participating as advisors, to ensure that relevant BRCP actions are
6 appropriately implemented.

7 8 **7.5 Regulatory Agencies**

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10 USFWS, NMFS, and CDFG are the regulatory agencies that issue the federal and state permits
11 for incidental take and regulate implementation of the BRCP. As described in Chapter 6, Plan
12 Implementation, The Implementing Entity will submit annual reports to these agencies
13 describing each year's implementation activities, and they will provide guidance to the BCAG
14 JPA Board to ensure that the BRCP remains in compliance with terms and conditions of the
15 permits.

16
17 Representatives of these agencies will serve as advisory members to the BCAG JPA Board and
18 any technical advisory committees that may be established by the Board. USFWS, NMFS, and
19 DFG will also assist the Implementing Entity in attempting to secure state and federal funding
20 for HCP/NCCP implementation (see Chapter 8, *Implementation Costs and Funding Sources*). If
21 other regional permits are sought under the BRCP (e.g., regional wetland permits), state and/or
22 federal agencies administering those permits would also serve as advisory members to the Board
23 and any technical advisory committees that may be established.

24 25 **7.6 Science Advisors**

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27 Science advisors, comprised of technical specialists with expertise in conservation biology,
28 management of local natural communities and agricultural lands, habitat enhancement and
29 restoration design, and the ecology of covered species will be assembled as needed by the
30 Implementing Entity to provide to guidance for BRCP implementation. The primary purpose of
31 periodic consultation with the science advisors is to provide technical advice and help gather the
32 best available scientific data for assembling the conservation lands, interpreting monitoring
33 results, and providing advice through the adaptive management decision making process (see
34 Section 5.8, *Adaptive Management Plan*).

35 36 **7.7 Stakeholder Committee**

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38 The BCAG JPA Board will establish and appoint members to a Stakeholder Committee to
39 provide a venue for receiving input from public stakeholders with interest in Plan
40 implementation. The Committee will be charged with providing input to the Board and its staff
41 regarding all aspects of BRCP implementation and will be comprised of representatives from the
42 same interests that comprised the Stakeholder Committee that developed the BRCP. Committee
43 members will be appointed by the Board to represent the following interests:

- 44 • Developers seeking permits under the BRCP,

- 1 • conservation advocacy groups,
- 2 • agricultural interests, and
- 3 • rural and suburban residents.

4 Staff from participating local jurisdictions and USFWS, NMFS, and DFG will also participate in
5 Committee meetings to ensure Committee deliberations are coordinated with those responsible
6 for BRCP implementation and serve as a source of information regarding the relationship of
7 BRCP implementation to other relevant ongoing or planned activities in the Plan Area. The
8 frequency of Committee meetings will be determined by the Implementing Entity and the
9 Committee. Committee meetings will be open to the public and public participation in
10 Committee discussions will be encouraged.

11 12 **7.8 Responsibilities of the Implementing Entity**

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14 The Implementing Entity is responsible for implementing all conservation measures, monitoring,
15 and other measures described in the BRCP. These responsibilities include, but are not limited, to
16 the following:

- 17 • Developing budgets and work plans,
- 18 • Securing grant funding and collecting, receiving, and expending funds,
- 19 • Identifying land acquisition opportunities and acquiring lands,
- 20 • Monitoring landowner compliance with terms of conservation easements,
- 21 • Coordination with and among and training of Permittees to ensure covered activities are
22 implemented in compliance with provisions of the Plan,
- 23 • Monitoring implementation progress to assure that that mitigation and conservation
24 measures are being implemented roughly proportional in time and extent to the impact on
25 habitat or covered
- 26 • species authorized under the Plan
- 27 • Implementing the adaptive management and monitoring plans,
- 28 • Public outreach and education,
- 29 • Maintain implementation tracking databases and GIS (e.g., conservation agreements, fee-
30 title acquisitions, management actions, monitoring data, expenditures, mitigation),
- 31 • Coordinating implementation with agencies and NGOs,
- 32 • Implementing and overseeing implementation of habitat restoration and enhancement
33 conservation measures,
- 34 • Managing BRCP conservation lands,
- 35 • Coordinating plan amendments,

- 1 • Regular reporting of Plan implementation status to the Permitting Agencies (see Chapter
2 6, *Plan Implementation*).

3 The proposed organizational structure and functions of the Implementing Entity are depicted in
4 Figure 7.2.

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6 [**Note to Reviewers:** *additional subsequent Chapter sections will be included in the next version*
7 *of Chapter 7 that describes each of the functions of the Implementing Entity shown in Figure*
8 *7.2.*]

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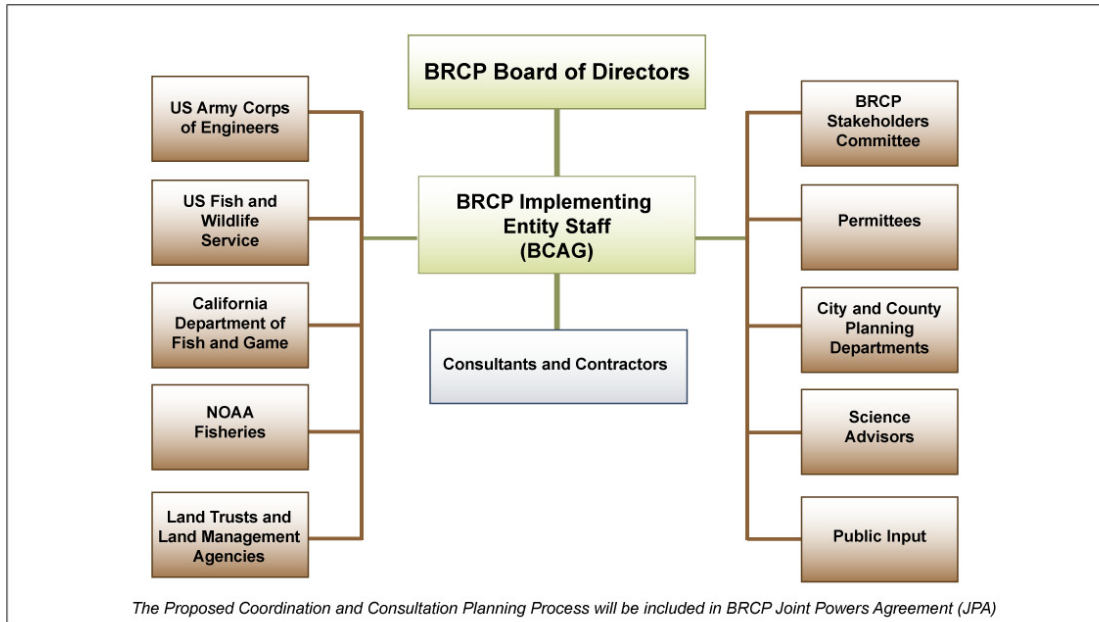


Figure 7.1 Proposed Implementing Entity Coordination and Consultation Planning Process 10/28/10
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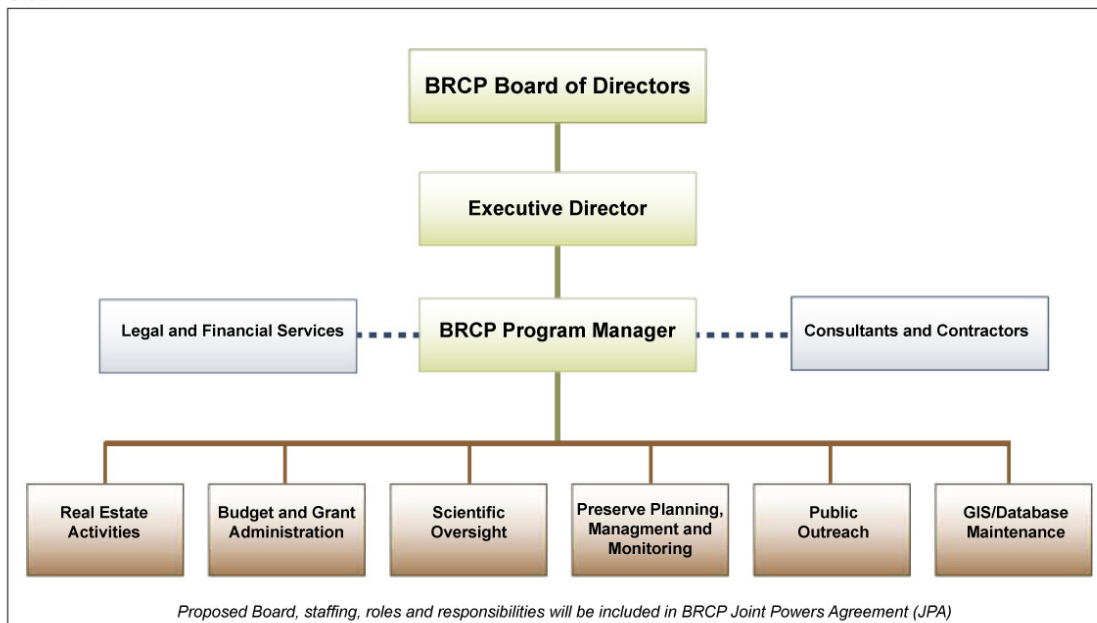


Figure 7.2 Proposed Organizational Structure for BRCP Implementing Entity 10/28/10
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