

Meeting #33 Summary

Butte Regional Conservation Plan (BRCP)

Stakeholder Committee Meeting

November 3, 2010, 11:00 a.m. to 3:00 p.m.

BCAG Conference Room

Stakeholder Committee Attendees

Colleen Cecil (Butte Co. Farm Bureau)

Suellen Rowlinson (CNPS)

Richard Price (Butte Co. Ag. Comm.)

Jeff Swindle (CALTRANS)

Resource Agencies Attendees

Nina Bicknese (USFWS)

Eric Tatterstall (USFWS)

Jenny Marr (DFG)

Steering Committee and Staff Attendees

Jon Clark (BCAG)

Chris Devine (BCAG)

Jane Dolan (BCAG/Supervisor)

Jim Estep (Estep Environmental Consulting)

Juan Pablo Galván (SAIC)

Pete Rawlings (SAIC)

Interested Public Attendees

Robert Capriola (Westvelt Ecological)

Riley Swift (Restoration Resources)

Kamie Loeser (Gallaway Consulting)

Associated Documents/Handouts

Agenda packet including:

1. Admin. Draft Chapter 5 Conservation Strategy – Review of Comments Received (Handout #1)
2. Admin. Draft Chapter 6 Plan Implementation – Review and Discuss (Handout #2)
3. Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #3)
4. Admin. Draft Section 5.5 Approach to Conservation of Covered Species – Review and Discuss (Handout #4)
5. Meeting Notes from October 2010 Stakeholder Meeting (Handout #5)

Meeting Agenda

1. Introductions and Agenda Review
2. Admin. Draft Chapter 5 – Conservation Strategy - Review of Comments Received (Handout #1)
3. Admin. Draft Chapter 6 Plan Implementation – Review and Discuss (Handout #2)

HANDOUT #4

4. Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #3)
5. Admin. Draft Section 5.5 Approach to Conservation of Covered Species – Review and Discuss (Handout #4)
6. Meeting Notes from October 2010 Stakeholder Meeting (Handout #5)
7. USFWS/DFG/NMFS Items for Discussion
8. Action Items and Next Meeting Agenda

Introductions and Agenda Review

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

Admin. Draft Chapter 5 – Conservation Strategy - Review of Comments Received (Handout #1)

Handout #1 was introduced and it was explained how comments on the chapter would be addressed in the future and that more comments would be welcomed. It was commented that editorial review would proceed later as the plan progresses and that comments on substantive issues in the chapter would be helpful. It was announced that all handouts (including comments) would be available on the BRCP website.

Admin. Draft Chapter 6 Plan Implementation – Review and Discuss (Handout #2)

It was asked why Chapters 6 and 7 are separated. It was explained that Chapter 7 focuses on implementing structure and Chapter 6 focuses more on issues like changed circumstances and how the BRCP will actually be implemented. It was commented that the chapters could be combined if so desired.

Handout #2 was introduced and discussed. Each section was reviewed and explained to the Stakeholder Committee.

It was commented that the section on monitoring and reporting could perhaps be merged since they both describe reporting requirements. The importance of data collection and consistency with contemporary technical and quality standards was discussed. It was explained that guidance on data analysis was included in the monitoring section of Ch. 5.

The need to make reporting and data requirements clear in the BRCP and when information needs to be reported was emphasized. It was asked whether such guidelines should be written in the document or if coordination with agencies and other parties at a later date would be more effective at ensuring reporting is properly coordinated. It was commented that having reporting needs and the dates at which reports are due clearly stated in the document seemed advantageous in terms of clear instructions for the Implementing Entity (IE) to follow. It was agreed that identifying what kinds of monitoring are needed and ensuring that it is completed is key, but who specifically does it and when may change as time goes on. It was commented that defining the details of the monitoring that can be defined now would be helpful. It was agreed that the IE would be responsible for ensuring that the necessary kinds of monitoring are conducted and

HANDOUT #4

reported, but that some details would be left for the IE to fill in when monitoring is actually conducted and information is reported.

It was asked whether there would be a requirement in the BRCP for the agencies to respond and approve what is reported to them within a certain timeframe. It was agreed that communication would need to occur within a certain period of time and that it should be agreed upon when communication, receipt of annual reports and work plans, and sign-off by agencies should occur.

A question on the drought section was raised as to how to appropriately define drought and if measures used in the text were appropriate. It was explained that if there is an agreed-to process to define when a drought occurs, then that could be used. A concern may be if certain trigger points for an agricultural community can be used to define the same occurrence in a natural community, that is, if a definition of drought in an agricultural system can carry over to a natural habitat. It was agreed that there would be further discussion on the subject.

It was commented in the fire section that structures placed on conservation lands used to enhance habitat, such as bat boxes, should be included in the discussion. Such infrastructure should also be included to ensure that it is rebuilt after the fire. It was also commented that fire retardant may also contain invasive species and that spreading such retardant after a fire may help spread invasives. It was commented that the issue of invasive plant seeds in fire retardant seemed outside the realm of the BRCP.

It was asked if large infestations such as those described in the invasive species section were considered an unforeseen circumstance and it was explained that such large infestations that cannot be controlled within the Implementing Entity authority or budgets and thus were considered an unforeseen circumstance. Such an occurrence would need to be addressed in a larger venue by other entities with a larger mandate. It was decided that the boundary between a changed circumstance and an unforeseen circumstance should be identified in each section dealing with changed circumstances.

It was asked if phenomena such as extremely hard cold freezes should be included in the changed circumstances section. It was suggested that in terms of new restoration plantings hard freezes could affect them and such occurrences should be mentioned in the BRCP.

It was explained that “expanding the range of environmental gradients” could be a way to adapt for the effects of climate change. It was commented that defining what exactly is meant would be helpful for the IE to act appropriately if confronted with serious impacts of climate change.

The listing or delisting of species with regard to changed circumstances was discussed. It was explained that if a species covered under the BRCP is delisted, the conservation actions and targets relating to the species must still be fulfilled under the BRCP. It was commented that the section on the listing of species should also include a discussion about new additions of critical habitat and how that would be dealt with under the BRCP. If a species is delisted and removed as a covered species before the BRCP is permitted, then no conservation activities associated with the ex-covered species would occur if it has been removed as a covered species and associated species-specific activities have been eliminated.

HANDOUT #4

It was commented that the agencies should review the unforeseen circumstances section with special care to ensure that it does not include circumstances that can be foreseen. It was explained that FWS and NMFS define unforeseen circumstances and DFG does not due to the differences in the “no surprises” clause and federal and state regulations.

It was commented that the use of the terms “USFWS” vs. “FWS” vs. “CDFG” vs. “DFG” should be made consistent and that when these different agencies are mentioned should be made consistent and appropriate to reflect which section the reference is being made in.

It was suggested that the definition of unforeseen circumstances should be moved to where changed circumstances is defined and that a discussion of what component of each event may be an unforeseen circumstance should be included. It was also suggested that the threshold between “unforeseen” and “changed” circumstances should be clearly identified and it was emphasized that this would be helpful to the agencies. In other words, describing when each event goes from a foreseen to unforeseen circumstance would be helpful.

The word “modification” used in the section dealing with modification and amendments to the BRCP may be problematic. It was explained that it simply referred to minor clerical adjustments to documents, not major changes. It was decided that the language in the title and section would be clarified.

Admin. Draft Chapter 7 Implementation Structure – Review and Discuss (Handout #3)

Handout #3 was introduced as a potential structure of how BCAG would serve as the IE for the BRCP. It was explained that previously the Stakeholder Committee had looked favorably on BCAG likely serving as the IE. The list of permittees for the BRCP was reviewed and discussed, as well as other permittees not yet included in the partial list. BCAG will technically be separate from the IE, but the IE will be staffed by BCAG.

It was commented that perhaps the official name of the IE should be decided on soon.

It was discussed whether mitigation banks should be included in the section discussing land trusts and land management agencies since they have a significant function and manage a significant amount of land in the county. It was commented that it was not necessary to coordinate with mitigation banks for the fundamental planning purposes of the BRCP. The term “land trusts” may be modified to be less generic to better specify the kinds of organizations that would participate in the implementation structure of the BRCP. It was decided that entities acquiring and managing land for conservation purposes should be coordinating with each other to not compete over the same parcels of land.

A comment was made that it may be better to lead into the fact that BCAG is the best choice to serve as the IE rather than stating it as fact, as it is presently stated. It was commented that an Executive Summary could provide sufficient background and lead in to explain why BCAG (or whatever final name is decided on for the IE) is the best choice to serve as the IE.

HANDOUT #4

It was decided to change the language in the first few paragraphs of the chapter to make it clear that BCAG will be separate from the IE and that BCAG will only staff the IE. It was commented that choosing an actual name for the IE will help make this distinction. It was also commented that the classification of the IE as a governmental organization should be described and explained in the first paragraphs of the chapter as well.

It was commented that the second figure in the chapter should make clear the functions of each entity in the figure as well as identify the organizations involved.

It was commented that language describing the staff of the IE, especially what biological staff will participate in the implementation and oversight of the BRCP, might also be helpful in the beginning of the chapter.

It was commented that including process charts could be helpful in this chapter to better show what organizations will fulfill what functions and what the steps for implementing the plan are. Such charts would include graphic depictions of the decision making process regarding the BRCP.

Admin. Draft Section 5.5 Approach to Conservation of Covered Species – Review and Discuss (Handout #4)

Handout #4 was introduced and it was explained that this draft does not include a discussion of conservation provided for covered fish and vernal pool species because the conservation measures for those species are still under development.

It was commented that Stakeholder Committee designated Local Concern Species will also be discussed given that implementation of the Conservation Strategy will also contribute to their conservation, despite the fact that they are not included as covered species under the BRCP. This section would be added later.

It was commented that sections relevant to water availability and supply were important and language regarding whether water be transported via ditches or pipes could be important to the conservation of certain species. Even descriptions of how water conveyance infrastructure is repaired could have an effect on certain species, such as black rail. Conveyance failures, leaks, repairing infrastructure, or even reductions in water availability could have an effect.

It was asked if the term “protect” is ever defined in the document. It was explained that a glossary would be included in the document.

It was commented that some parcels of land could have road easements and other instruments that may impact the conservation value of lands. Even mineral rights could play a role in the conservation value of land. It was commented that the issue would be raised with the BRCP economic consultant. The wildlife agencies explained that if lands are not subordinated then lands are not considered to be conserved. It was explained that for mitigation banks, many of them must acquire mineral rights over the land for the land to be conserved. It was explained that

HANDOUT #4

different land use rights were often the primary realm of legal teams and that lawyers involved in the BRCP would be involved in addressing such issues.

It was commented that large scale state energy plans may be able to condemn HCP/NCCP lands and have to mitigate for those lands. It was asked how issues like this could be addressed in plans. It was commented that such occurrences would be unforeseen circumstances and therefore the plan would have to work with wildlife agencies to determine what would be workable and what would have to change.

Meeting Notes from October 2010 Stakeholder Meeting (Handout #5)

The meeting notes from October 2010 were approved.

USFWS/DFG/NMFS Items for Discussion

None.

Action Items and Next Meeting Agenda

The next Stakeholder meeting will be held on December 1, 2010 from 11:00 to 3:00 pm at BCAG.

It was announced that the December meeting would be the last meeting Jane Dolan would serve in an official capacity.