

**Meeting Summary**

Butte Regional HCP/NCCP

Stakeholder Committee Meeting

August 5, 2009, 11:00 a.m. to 3:00 p.m.

BCAG Conference Room

Stakeholder Committee Attendees

Jeff Mott (CSU Chico)	Pat Kelly (Sierra Club)
Richard Price (Butte Co. Ag. Comm.)	Colleen Cecil (BC Farm Bureau)
Suellen Rowlison (CNPS)	Virginia Getz (Ducks Unlimited)
Pia Sevelius (Butte Co. Res. Cons. District)	

**Resource Agencies Attendees**

Nina Bicknese (USFWS)

Jennifer Marr (DFG)

**Steering Committee and Staff Attendees**

Jane Dolan (BCAG/ Supervisor)

Pete Rawlings (SAIC)

Jon Clark (BCAG)

Monica Hood (SAIC)

Chris Devine (BCAG)

**Interested Public Attendees**

Riley Swift (Restoration Resources)

Carol Perkins (Butte Environmental Council)

Greg McKenzie (Dove Ridge)

Trish Ladd (Gallaway Consulting)

Jamison Watts (No. Cal. Regional Land Trust)

**Associated Documents/Handouts**

Agenda packet including:

1. In-Progress Draft Butte Regional HCP/NCCP Impact Assessment
2. Impact Assessment – Capital Improvement Project Example
3. Indirect Effects Analysis Example
4. Acronyms/Glossary
5. Covered Activities – Admin. Draft Chapter
6. Revised Meeting Notes from June 2009 Stakeholder Meeting and Meeting Notes from July 2009 Stakeholder Meeting

**Meeting Agenda:**

1. Introductions
2. Impact Assessment – Admin. Draft Chapter
3. Impact Assessment – Capital Improvement Project Example
4. Indirect Effects Analysis Example

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5. Acronyms/Glossary
6. Covered Activities – Admin. Draft Chapter
7. Revised Meeting Notes from June 2009 Stakeholder Meeting and Meeting Notes from July 2009 Stakeholder Meeting
8. Action Items and Next Meetings

### **Handout 1a, In-Progress Draft Butte Regional HCP/NCCP Impact Assessment**

It was identified that Handout 1a is to be taken in the context of the document as a whole which is under development. The chapter has been updated to include some of the comments received and the additions and updates that have been included were identified.

The overall approach to impact assessment was discussed including the use of the weighted averages in the assessment of impacts for which specific locations are not identified (page 3 of handout).

The origin and definition of the term Impact Mechanisms was explained; includes the pieces of a particular action that may have an impact, e.g., during construction, the operation of the construction equipment would be the impact mechanism while the impact would be noise, ground disturbance, etc. There was also a discussion of the process of ‘deconstructing actions’ into separate ‘elements’ to conduct an ESA impact analysis in a Biological Opinion. Exposure analysis was also discussed. It was suggested that general terminology issues could be addressed in the document glossary. It was also suggested that the terminology used in the Plan be consistent with the terminology that will be used by the Service in their ESA species impact analysis and in the ITP.

An example from the impact assessment chapter was discussed (tricolored blackbird). General organization and approach of the section was described within this example. Discussion included how the assessment is structured and what is anticipated to be included in the completed chapter. It was suggested to try to avoid overall repetition in the text where possible.

A concern was raised that permanent disturbance may constitute a permanent impact for some species – such as disturbance for breeding birds – and it was asked whether this impact would be teased out. Within the UPAs these effects would be considered permanent. Outside the UPAs, they would be temporary for non-development activities (e.g., pipeline construction).

Foraging habitat impacts were discussed and the expected level of impact for temporary disturbance areas during construction. Discussed the anticipation of requiring avoidance and minimization measures.

An example of impacts on a species for which there is no habitat species model was discussed.

The issue of direct mortality was raised. It was indicated that it should be called out as a potential impact, then identify the minimization measures, then indicate it will not occur.

Avoidance and minimization measures would deal with issues such as finding a bird colony when a project is planned to begin and requiring the postponement of the project to avoid/minimize impacts.

There was discussion of suggestions to revise the organization of the chapter structure with new headers and to reflect that there are three types of projects and three phases to each – construction, operations and maintenance.

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The difference between federal and state protection of fully protected species was discussed. Differences in federal and state definitions of take were also discussed.

An example of the impact assessment for a plant species was provided. Discussed permanent degradation and disturbance. The need for clarification on the definition of degradation and disturbance as being used in the chapter was discussed. Increased foot traffic may cause decreased function of the habitat for some plant species, for example. The issue of permanent degradation or disturbance being equated to permanent loss was discussed. It was indicated that a plant species may still persist on the site but there will be ongoing disturbance (such as ongoing foot traffic) as opposed to physical degradation of the habitat (such as a change in hydrology). It was indicated that it could be a permanent loss if the species does not come back. The possibility of the species coming back but in reduced abundance was also discussed.

It was asked if there will there be a requirement for preconstruction surveys – yes part of avoidance and minimization measures.

The plant example included a discussion of “no-take” species under the Plan and the discussion included the concept that covered activities will avoid all impacts to known occurrences and newly discovered occurrences until the total number of occurrences protected reached a certain level, i.e., when you reach that level then an amount of take would be allowed to occur. This concept was used in the East Contra Costa HCP/NCCP as well.

More clarification on vernal pool species approach to impact assessment was discussed. Also, Butte County Meadowfoam will be looked at more closely as we go forward (omitted in this set of handouts in terms of impacts).

### **Handouts 2a and 2b (Impact Examples)**

An example of the impact assessment for a capital improvement project was provided and discussed. Graphics show location of project (Handouts 2a and 2b).

A concern regarding staging areas and borrow areas was voiced, i.e., that they are often significant and not adequately addressed in the impact assessment. Long corridors also may result in relocation of utilities and impacts should be considered as well. Could say that staging and borrow areas need to be in areas where there will be no impact. Overall assumptions for the impact analysis will be reviewed and clarified.

The question of how to quantify how many acres, etc. the capital projects will entail was asked. The approach thus far of obtaining the covered activities information was described and overall assumptions for the impact analysis will be reviewed and clarified. It was also asked what happens if a project not identified now is proposed later. It was explained that because there will be a take limit set for the Plan, new projects would have to potentially displace another project's take or not be covered by the Plan.

The need to clarify the definition of a direct and indirect impact and to distinguish between them was discussed.

### **Handouts 3a and 3b (Indirect Effects Analysis Example)**

These handouts demonstrate the permanent disturbance area due to a higher level of human activity and how the indirect impacts would be calculated. The question of how it was determined to use the area of 1,300 feet for the disturbance area was asked. It was explained that

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these areas would be developed based on DFG guidelines and would be included in the species accounts and model descriptions.

### **Glossary and Acronyms Section**

An updated Glossary and Acronyms section was provided. The need to clarify terms unique to the HCP (such as “baseline”) vs. CEQA was discussed.

The question of whether acronyms will be used in any instances for the covered species at any point in the text was asked – not likely with the exception of possibly for conservation measure nomenclature for certain species.

The definition of various terms was discussed and more clarification requested, e.g., take, no-take, harm, etc. It was noted that because the various agencies vary in their definitions of terms such as take more clarification is needed. Additionally, it was suggested that for no-take species it may be valuable where you have a fully protected species that is also a no-take species to indicate this and distinguish. It was requested to add fully protected species to the glossary. New handout was provided which includes definitions of take, etc. and will be incorporated into the glossary (see attached).

It was requested to add operations and maintenance (O&M) to the glossary.

It was requested to check the Code of Federal Regulations (CFR) citations in the glossary for accuracy.

### **Covered Activities Administrative Draft Chapter**

An overview of updates to the chapter was provided including new information on Caltrans activities, Western Canal Water District (WCWD) activities (it was indicated that it is likely WCWD will be a permittee), and additional detail on various other activities.

It was requested to add additional detail such as for maintenance activities. It was also discussed how to handle lack of specificity about various activities such as pipeline maintenance and vegetation management - may need to make assumptions about activities or obtain more detail. An exercise of determining what information is needed and list of assumptions will be completed going forward.

The Neal Road Recycling and Waste Facility UPA and facility were discussed.

### **General Discussion**

A request from the group was made to obtain meeting handouts earlier for future meetings. A request from the group was also made to get a timeline on the project at the next meeting.

The group was asked to provide any additional comments in the next week or so to incorporate into the next iteration of chapters.

There was a request to have others participate in the next steering committee meeting scheduled in September.

### **Meeting Notes from June 3, 2009 (revised) and July 1, 2009**

- Meetings notes from June 3, 2009 (revised) and July 1, 2009 were approved.

### **Upcoming Workshops/Meetings**

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- The next Stakeholder meeting will be held on September 2, 2009 from 11:00 to 3:00 pm, at BCAG.