

Meeting #44 Summary

Butte Regional Conservation Plan (BRCP)

Stakeholder Committee Meeting

February 6, 2013, 11:00 a.m. to 2:00 p.m.

BCAG Conference Room

Stakeholder Committee Attendees

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| Robyn DiFalco (BEC) | Richard Price (Butte Co. Ag. Comm.) |
| Woody Elliott (CNPS) | Suellen Rowilson (CNPS) |
| Virginia Getz (Ducks Unlimited) | Anjanette Shadley Martin (WCWD) |
| Phil Johnson (Altacal Audubon Society) | |

Resource Agencies Attendees

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| Mike Thomas (USFWS; on phone) | Jenny Marr (DFW) |
| Krystal Bell (USACE; on phone) | |

Steering Committee and Staff Attendees

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| Jon Clark (BCAG) | Paul Cylinder (SAIC) |
| Chris Devine (BCAG) | Juan Pablo Galván (SAIC) |
| | Pete Rawlings (SAIC) |

Interested Public Attendees

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| Carl Hoff (Butte County Rice Growers Assoc.) | Riley Swift (Restoration Resources) |
| Rodney Lacey (Eco-analysts) | Barbara Vlamis (Aqua Alliance; on phone) |

Associated Documents/Handouts

Agenda packet including:

1. Meeting Notes from December 5, 2012 Stakeholder Committee Meeting (Handout #1)

Meeting Agenda

1. Introductions and Agenda Review
2. Overview of January BRCP Public Workshops
3. Preliminary Public Draft BRCP – Overview of Comments Received
4. Schedule for Public Draft BRCPEIS/EIR
5. Meeting Notes from December 5, 2012 Stakeholder Committee Meeting (Handout #1)
6. Additional Items
7. Action Items and Next Meeting Agenda

Introductions and Agenda Review

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

Overview of January BRCP Public Workshops

It was announced that the public workshops in Oroville, Gridley, and Chico had similar turnouts as the 2008 BRCP workshops. The public was notified about the workshops through email lists, mailing lists, the BRCP website, the BRCP newsletter, and press releases to print and radio media. Several members of the Stakeholder Committee and consultants presented information on the BRCP. Some general comments that were made at the meetings included a desire for more collaboration with mitigation banks, questions on the timing of building fees, and questions on the effect of conservation easements on rangelands.

The level of involvement of the development community was discussed and it was explained that meetings have occurred with several developers, and several organizations with close relationships to developers have been regular Stakeholder Committee meeting attendees. Two driving forces behind outreach have been the desire that everyone has the ability to comment on the BRCP and that the correct information is being disseminated to others. It was explained that it is important that readers review the current iteration of the BRCP because changes have been made to previous versions based on comments received.

Preliminary Public Draft BRCP – Overview of Comments Received

It was announced that the main purpose of today's meeting is to review the comments received on the BRCP by the Stakeholder Committee. The table of comments and dispositions to the comments were reviewed and discussed. A question was raised about paying fees related to upland habitat credits in mitigation banks and it was explained that continuing discussions will occur to clarify specific concerns regarding specific land development and fee situations. It was explained that the Implementing Entity determines whether a given action fulfills the terms of the BRCP, and if a developer believes that it is purchasing equivalent habitat credits, the Implementing Entity should be consulted beforehand. BRCP Figure 6.1 presents the process for developing land and paying fees through the BRCP.

A question was raised if the terms of conservation easements are uniform for the BRCP and it was explained that Appendix M describes the minimum requirements that must be met, but terms can vary based on the particular situation. The minimum requirements include biological monitoring of the property under easement. Once an easement contract is signed, that easement stands in perpetuity. A question was raised if legal costs associated with easements are covered and it was explained that these costs are built into the administrative costs category. It was explained that the entire process is meant to be open and fair. It was commented that in Northern California, mitigation banks generally hold only a small amount of credits relative to overall biological objectives for HCP/NCCPs, therefore market competition does not arise.

The issue of hunting on conservation easement lands was discussed, and it was explained that it is expected that most hunting should not conflict with the biological objectives of the protected land to begin with, but if it is found that hunting would negatively affect covered species, such

activities could be restricted. USFWS explained that hunting is not typically allowed on mitigation lands and that there should generally be one easement template used for an HCP, but easements can be tweaked for particular cases. It was explained that the Implementing Entity should be able to have some oversight on hunting that ensures covered species are conserved. Property management plans may detail how hunting on easement lands must be carried out. DFG explained that there have been cases that riceland has been converted to marsh for giant garter snake and that in these cases commercial hunting has not been allowed, but family hunting for pheasants has. The Natomas Conservancy could not legally oversee hunting on riceland, so riceland was purchased by fee title because the Implementing Entity has no legal enforcement outside of an easement agreement. If the easement states there should be no hunting, then that rule can be enforced by the Implementing Entity. In many cases farmers do sell easements despite the fact that hunting is not allowed, and there are other ways to address hunting, which is a common issue that has been resolved for many plans. Hunting as a management tool is a difficult way to manage invasive species and there is a conservation measure to address invasives. Most times there will not be a conflict between hunting and conserving covered species.

The removal of Butte County meadowfoam occurrence #32 was discussed. It was stated this occurrence may have genetic value of due to its location. It was explained that the occurrence exists as a small isolated population surrounded by highways and agriculture, and there are other larger populations of Butte County meadowfoam that will be protected. The occurrence cannot be protected given the land uses immediately adjacent, and the occurrence is not important to preserving the species on into the future.

The issues of allowing one year post-acquisition to conduct initial surveys was discussed. It was explained that one year allows for all seasons to occur during which the species may or may not be active, and therefore allows surveyors to detect the species. It was decided that text related to protecting “25 or fewer occurrences” of plants was related to a USFWS Recovery Plan. More context to this statement could be added.

Schedule for Public Draft BRCP EIS/EIR

The schedule for the Public Draft of the BRCP EIS/EIR was reviewed and discussed. The formal Public Draft is expected to be released in May.

Meeting Notes from December 5, 2012 Stakeholder Committee Meeting (Handout #1)

The BRCP Stakeholder Committee Meeting Summary from December 5, 2012 was reviewed and approved.

Additional Items

Outreach and participation to the development and agriculture community and their concerns were briefly reviewed again. Williamson Act legislation was briefly discussed, currently allowing nine year contracts with current landowners.

USFWS announced that they can send a link to BCAG about agricultural comments to the Santa Clara County HCP.

Action Items and Next Meeting Agenda

The date of the next Stakeholder Committee meeting is May 1, 2013.