



Butte Regional CONSERVATION PLAN

BALANCING GROWTH AND CONSERVATION

www.buttehcp.com

Winter 2012

New Look for Newsletter and Website

We've updated our logo to graphically convey the overarching goal of the BRCP — "balancing growth and conservation." We have also redesigned our newsletter and the website—www.buttehcp.com. Visit the website for updates on the BRCP. Try the new "comment" form to give us feedback.



Independent Science Panel Weighs in on Plan

Chapter 5 of the BRCP (Conservation Strategy) has undergone review by an independent Science Advisory Panel to ensure the scientific integrity of this key section of the BRCP. This multi-disciplinary team of nine scientists has expertise ranging from conservation biology to rangeland ecology and includes experts in plants, birds, reptiles, amphibians, and fish. This is the same science panel that provided recommendations on the approach to conservation at the onset of plan development.

The science panel's review of Chapter 5 included key BRCP conservation components including the proposed avoidance and minimization measures, conservation measures, monitoring plan, and adaptive management plan. The panel also provided recommendations based on their areas of expertise and familiarity with habitat conservation planning, including review of the conservation strategy for the critically endangered Butte County meadowfoam plant.

The science panel's recommendations were reviewed by the BRCP Stakeholder Committee and the BRCP team developed a table identifying each recommendation and its disposition in development of the second administrative draft.



Regional Conservation Plan Moving Forward

The Butte Regional Conservation Plan (BRCP) team is now revising the most recent version of the plan to reflect input received from community members, planning professionals, and public agencies — moving the plan toward the release of the second administrative draft in early 2012. The first administrative draft can be viewed on www.buttehcp.com.

Once released, the second administrative draft of the BRCP (a "working draft document") will be presented at two public workshops, one in Chico and one in Oroville, for further public comment. These workshops will focus on the types of development activities that will be covered by the plan as well as the proposed strategy to conserve species and habitat. Workshop dates will be publicized and the public will be encouraged to attend.

Numerous groups provided comment on the first administrative draft that was released in June 2011. These have included the BRCP Stakeholder Committee, city and county planning professionals, and state and federal wildlife agencies (CA Department of Fish and Game, U.S. Fish and Wildlife Service, and the National Marine Fisheries Services). Additionally, an Independent Science Advisory Panel (see accompanying article) has reviewed the most recent draft of the conservation strategy.



Workshops will focus on the types of development activities that will be covered by the plan.

Following the second administrative draft of the BRCP, the official "public draft" will be prepared for release in late 2012. At this time, the public draft of the state and federal environmental review (Environmental Impact Report/Statement) of the proposed plan and alternatives will be released for public review and comment. The final Environmental Impact Report/Statement and the approved and permitted Butte Regional Conservation Plan are expected to be completed in 2013.

WHAT IS THE BUTTE REGIONAL CONSERVATION PLAN?

The BRCP is a multi-agency regional habitat conservation plan and natural community conservation plan (HCP/NCCP), an increasingly popular voluntary resources protection and management tool that balances the needs of endangered and threatened species with the needs of landowners, land developers, and local and state public agencies. Such a comprehensive HCP/NCCP assures that species protection occurs on a regional level, versus

local or parcel level, and it assures participating entities that once the agencies have approved the HCP/NCCP, they will not be required to accept species restrictions or financial commitments beyond those agreed to in the HCP/NCCP.

Streamlined Environmental Permitting

What Problem Are We Solving?

Why the Butte Regional Conservation Plan and why now in Butte County? The short answer is that it's a win-win land use planning approach to protecting wildlife and allowing reasonable development activities.

Development activities, including housing, industrial parks, shopping centers, government buildings, schools, or infrastructure such as roads and highways, contribute to our community and our economy, but they also have the potential to negatively affect wildlife and wildlife habitat. When development has the potential to impact endangered or threatened species protected under the U.S. or the California Endangered Species Acts (ESA and CESA), the project proponent must obtain a permit from federal and state wildlife agencies.

This permit acknowledges and allows the harm to, or removal of, threatened and endangered species and their habitat in the project location. In exchange for the permit, the project proponent agrees to avoid and minimize impacts and to mitigate (replace the value) for the damage by preserving existing habitat and sometimes restoring new habitat for the species at the project site or in another area. They do this through a somewhat unpredictable and often time-consuming process of negotiation with the wildlife agencies.

"Undertaken on a project-by-project basis over a long period of time, uncoordinated mitigation efforts can result in fragmented and disconnected preserve areas," says Mark Wolfe, Planning Services Director for the City of Chico.

The BRCP provides an alternative approach through development of a federal habitat conservation plan (HCP) and a state natural community conservation plan (NCCP). Butte County, Chico, Oroville, Gridley, Biggs, Western Canal Water District, Biggs West

Gridley Water District, Butte Water District, Richvale Irrigation District, and Caltrans have elected to prepare the BRCP which serves as a joint HCP/NCCP. The plan is being developed by the Butte County Association of Governments (BCAG) under the guidance of local citizens (the Stakeholder Committee) and government officials.



The BRCP is a win-win land use planning approach to protecting wildlife and allowing development.

Once approved, the BRCP will allow project proponents to simply follow guidelines in the BRCP, pay a fee, receive approval and permits for endangered species and certain wetland and water quality impacts, and proceed with their project.

As the BRCP's "implementing entity," BCAG will take on the role of implementing all BRCP mitigation, conservation, monitoring, and administrative requirements.

The benefits to project proponents are multi-fold:

- Certainty of Process: knowing up-front what will be required to obtain project permits,
- Certainty of Cost: knowing fees required based on project impacts, and
- Certainty of Timing: working directly with local agencies and not having to coordinate numerous meetings with state and federal regulatory agencies to negotiate mitigation requirements.

"Being a comprehensive approach, the BRCP will have a greater likelihood of success at balancing development and wildlife protection. And, it will improve interagency coordination and efficiency," added Mark Wolfe from the City of Chico.

2012

Second Administrative "Working" BRCP Draft.
Public workshops in Chico and Oroville

Public Draft BRCP released for formal review

Public Draft EIS/EIR

Additional public workshops

2013

Final EIS/EIR



Improvement in Permitting Process

Figure 1. Existing Permitting Process

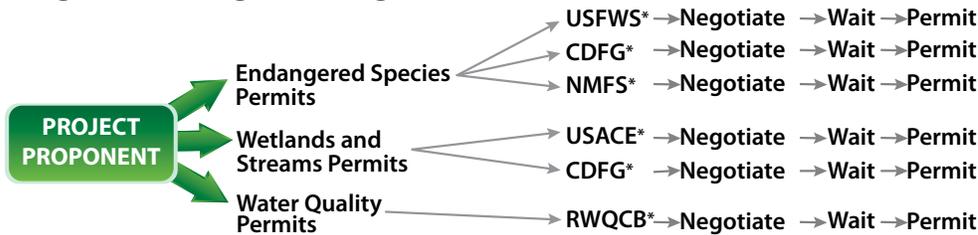
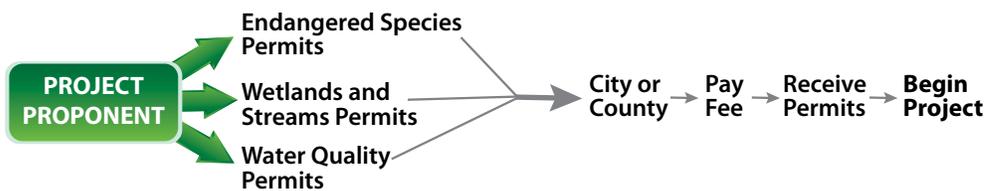


Figure 2. Permitting Process Under the BRCP



Under the current endangered species and clean water act processes (Figure 1), project proponents must coordinate and negotiate on their own with the state and federal regulatory agencies to determine what mitigation requirements will be needed in order to receive environmental permits. If a project proponent needs to purchase mitigation lands, or construct wetlands as part of their mitigation, state and federal agencies must also review and approve that work. These processes are unpredictable as to the time to complete and final cost to the project proponents.

With the BRCP, the process will be greatly simplified (Figure 2). Specific biological surveys will be required to be completed by project proponents. Results of these surveys will be used to determine project impacts on sensitive habitats and any required species and habitat avoidance measures. Based on the type of habitat and number of acres impacted a fee will be calculated. Once this fee is paid, the project proponent will receive the permits from the local city or county planning department at the same time local approvals are provided. Coordination with the federal and state resource agencies will have already been completed through the prior development of the BRCP. This simpler, more predictable process will save time and money for project proponents and better protect the region's natural resources and sensitive species and habitats.

* USFWS: United States Fish and Wildlife Service
CDFG: California Department of Fish and Game
NMFS: National Marine Fisheries Service
USACE: United States Army Corps of Engineers
RWQCB: Regional Water Quality Control Board



The BRCP will protect riparian and stream habitats in the plan area.

Clean Water Act Permit Streamlining Moving Forward

A streamlined permitting approach is being developed by the BRCP team that aims to simplify and improve the Clean Water Act permitting process implemented by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA).



The BRCP will protect wetlands in the plan area.

The BRCP team has hosted numerous meetings with the USACE and the EPA, which share implementation and enforcement responsibilities for parts of the Clean Water Act related to protecting streams and wetlands from being filled. The purpose of the collaboration is to create a streamlined permitting program for Clean Water Act section 404 (protecting waters and wetlands) and section 401 (protecting water quality).

The streamlining will come in the form of a "Programmatic General Permit" from USACE that would be implemented through city and county ordinances establishing local management and control of permitting for impacts on wetlands and streams. The local program under the ordinances must protect wetlands and streams in the plan area as well or better than the Clean Water Act. A comprehensive wetlands and aquatic resources conservation plan is in development.

For the Programmatic General Permit to be approved, the local wetlands program must also satisfy water quality standards under section 401 of the Clean Water Act as determined by the Central Valley Regional Water Quality Control Board.

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Agriculture to Benefit From BRCP

Endangered and threatened species are not the only beneficiaries of the Butte Regional Conservation Plan. Butte County farmers and ranchers will benefit from the plan over the long term. Farmers and ranchers who elect to voluntarily participate in the BRCP can continue to own and work their land and earn additional income by selling conservation easements which will also lower their tax bills going



The BRCP will help protect agricultural lands.

forward. Conservation easements serve to protect agriculture land use from urban development pressure and hence to preserve the landscape of working farms and ranches in Butte County for future generations.

The BRCP will assure funding for the proper management of habitat preserves, especially those adjacent to working farms, and thus remedy a common problem of poor management of habitat lands due to limited funding. The BRCP requires funding to be secured for the management of weeds and pests, construction and maintenance of fencing, access control, and monitoring of preserve lands. This good neighbor policy will benefit surrounding landowners.

Additionally, a program of landowner assurance provisions is under development for inclusion in the BRCP that will legally protect neighbors should endangered species migrate across property lines from conservation lands.

BRCP – Looking Ahead

The development of the BRCP is a multi-stage process. The second administrative draft BRCP (a “working draft”) is now undergoing internal review and revision by BCAG staff and the consultant team. It will be reviewed by the Stakeholder Committee and be on the project website in early 2012. New chapters will include an estimate of implementation costs and identification of funding sources for the BRCP including an impact fee program.

In early- to mid-2012, additional public workshops will be held in Chico and Oroville to receive input on the proposed covered activities under the permits and the proposed conservation strategy.

After further revisions the Steering Committee will issue what is called the “public draft” version of the BRCP by the end of 2012.

Also in 2012 a joint Environmental Impact Statement (federal) and Environmental Impact Report (State), known as an EIS/EIR, will be prepared per the National Environmental



The BRCP will include implementation costs.

Policy Act and California Environmental Quality Act. The public will be invited to comment on these environmental review documents. The U.S. Army Corps of Engineers’ permitting process for wetlands and streams will also be coordinated with the permitting provisions of the BRCP in 2012. The final version of the BRCP is expected to be issued in 2013.

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ADDRESS CORRECTION REQUESTED