

SOLANO COUNTY WATER AGENCY



AGENDA HCP STEERING COMMITTEE

DATE: Thursday, June 18, 2009

TIME: 6:30 pm to 9:00 pm

PLACE: Solano Irrigation District
508 Elmira Road
Vacaville, CA 95687

MEETING CANCELLED

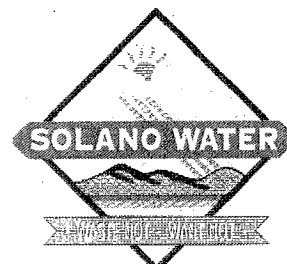
Recommendation: Next meeting: *August 20, 2009*

If you have any questions please contact Chris Lee at (707-455-1105) or email at clee@scwa2.com.

Note: HCP text, Steering Committee Agenda materials and Meeting Notes can be found on the Agency's Website at www.scwa2.com.


H12.HCP-Steering.Com-June.2009.agd

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MEMORANDUM

TO: Solano HCP Steering Committee

FROM: Chris Lee, Supervising Environmental Scientist 

DATE: June 11, 2009

SUBJECT: Solano HCP Final Administrative Draft

The Solano HCP Final Administrative Draft is complete and is being printed. Unfortunately, due to budget constraints, hard copies of the Admin Draft will only be provided to Steering Committee members and alternates. The Final Admin Draft will be mailed out on the week of June 15. The HCP, figures, tables, and appendices will be available on SCWA's website the same week it is mailed out:

http://www.scwa2.com/Conservation_Habitat_FinalAdminDraft.aspx.

There will not be a June 18th Steering Committee meeting. In order to give everyone enough time to review the Final Admin Draft, SCWA suggests we next meet on August 20th.

Changes from the last version:

Changes that affect the entire document:

The May 2009 Administrative Draft Solano HCP represents the results of the negotiations and discussions with the Regulatory Agencies and review of the public comments on Working Draft HCP Version 2.2. While many of the conservation measures and other sections have been revised to reflect comments and to provide additional clarity, the overall conservation has not changed substantially, except in a few instances. Major changes include:

The Covered Species list was reduced from 71 to 37 species based on the US Fish and Wildlife Services' (USFWS) concerns for extending No Surprises assurances to species whose population status and conservation requirements may not be fully known.

- One species, the longfin smelt, proposed for state and federal listing since the publication of Working Draft 2.2 and that was not previously included in the HCP was added to the Covered Species.
- There are 34 Special Management Species (19 plants and 15 animals) and one rare Natural Community (Native Grassland). These Special Management Species include species that are typically considered under CEQA Criteria 15380 to be threatened or endangered. However, the life history and/or habitat associations for such species may not be fully known. The intent of addressing these species and one natural community in the HCP is to avoid creating a two-tiered system where future CEQA documents would need to do greater study and analysis for these non-listed species than would be necessary for the listed, Covered Species. Addressing these species in the HCP allows future CEQA documents to tier off the findings of the Solano HCP EIR/EIS.
- Sharp-shinned Hawk and Cooper's hawk were dropped from both the Covered Species list and Special Management Species list because they were dropped from the State Species of Special Concern list for birds.
- The permit duration changed from 50 to 30 years.
- All maps have been updated to include more detail on road names and places.

Section 1-Introduction

- Inclusion of a discussion on Covered Species and Special Management Species (Section 1.4 and Tables 1-1 and 1-2).

Section 2-Land Use and Covered Activities

- Title Change from PROJECT DESCRIPTION/ACTIVITIES COVERED BY PERMIT to LAND USE AND COVERED ACTIVITIES.
- This section has been reformatted and edited to provide more clarity on land use and Covered Activities. Substantial portions of the general background information about the County was eliminated because it was not directly relevant to the Covered Activities.
- In this Section, the Working Draft 2.2 discussed the potential acreage impacts of development or loss of habitat based on the current general plan descriptions for the Plan Participants. Subsequent sections addressed the anticipated impacts or take of habitat based on the application of the HCP avoidance and conservation measures. This created confusion

with the Agencies. As such, the current section addresses only impacts/take based on the application of the avoidance and conservation measures. Acreage figures were also updated to address significant development projects approved since Working Draft 2.2 was completed.

Section 3-Environmental Setting, Biological Resources and Covered Species

This section was not significantly modified. Primary changes included:

- Addition of the long fin smelt as a Covered Species
- A section describing the Special Management Species has been added.

Section 4-Conservation Analysis

This section is similar to the previous version and addresses the conservation needs of the species and natural communities in order to achieve recovery. Changes in this section were primarily editorial in nature.

- Added Figure for the known and potential range of California tiger salamanders

Section 5-Pre-Application Survey Requirements and Avoidance and Minimization Measures

The previous Section 5 (Conservation Strategy) was divided into two sections at the request of USFWS: Section 5.0 Avoidance and Minimization Measures and Section 6.0 Conservation Strategy. The new Section 5.0 addresses the avoidance and minimization measure required under the Federal ESA incidental take standards and Section 2081 of the California Fish and Game Code (including both project design standards [avoidance standards] as well as preconstruction and construction –related protection measures. Other changes/additions include:

- Section 5.2 was added to more clearly define the specific pre-application survey requirements for each Natural Community or Covered Species.
- Conservation Measures associated with ‘Contribution to Recovery’ in the previous version were either dropped or included as requirements.
- Sections 5.3.10 was added to address avoidance and minimization requirements for Special Management Species.

Section 6-Conservation Strategy

The new Section 6.0 addresses the direct compensation measures required to mitigate projects/take after the Avoidance and Minimization Measures in Section 5.0 have been implemented. The following describes the major changes for the covered Natural Communities and Covered Species.

Valley Floor Grassland and Vernal Pool Natural Community

- Mitigation for Indirect Impacts for avoided wetlands, whether preserved or not, was set at 250 feet.
- Under Conservation Measure VPG 4: Habitat Mitigation Similarity, seasonal wetlands preserved under Conservation Measure VPG 3 shall be similar in character to those impacted. Because this new measure was added there is also a new pre-application requirement (in Section 5.2.1) to categorize all wetlands on a project site into distinct community associations.

Contra Costa Goldfields

- In High Value Contra Costa goldfield subareas, no more than 10 percent of suitable wetland habitat for Contra Costa goldfields shall be directly impacted per project. This has changed from the Working Draft 2.2, in that the impact was previously limited to no more than 10 percent of occupied habitat. For the purposes of the HCP implementation, the HCP makes a rebuttable presumption that all seasonal wetlands in these high value areas are suitable habitat since we do not have a clear definition of suitable habitat for this species. A process for addressing this and other issues has been added in Section 10.4.2 for applicants to work with SCWA, USFWS, and CDFG to arrive at the extent of suitable habitat. This process requires additional field surveys for species occurrences, habitat characterizations, and hydrological analysis of all wetlands on the subject site.
- A new criterion was added to Conservation Measure VPG 5 that individual projects shall not directly impact more than 50 percent of the current or historically occupied habitat on the site.
- Additional requirements were established to determine success of reestablished populations (Conservation Measure VPG 6).

California Tiger Salamander (Conservation Measure VPG 8)

- The overall requirement was reworded to base upland habitat mitigation requirements on subarea designations, including a portion of the Inner Coast Range within the potential range of the species (Figure 4-8).
- Habitat mitigation requirements were modified to include a requirement to construct new breeding habitat at a rate of 0.01 acres per acre of upland habitat impact.

California Red-legged Frogs

- Working Draft 2.2 employed a fee based system that would direct funds for conservation actions on existing protected open space lands or that could be used to purchase additional lands. The current HCP requires direct land purchase or purchase of credits from an established mitigation bank as a first priority. The fee based system is still incorporated, but only if commercial or institutional mitigation banks or individual project mitigation lands are not practicably available.
- Conservation Measure RLF 8 is designed to establish populations in constructed breeding habitat through relocation

Callippe Silverspot Butterfly

Mitigation for impacts to upland habitat no longer employs a fee based system as a primary conservation strategy, but requires habitat preservation up front through direct establishment of preserves or purchase of credits from a mitigation bank. As with the red-legged frog conservation measures, a fee-based system may be employed if other alternatives are not available.

Riparian, Stream, and Freshwater Marsh

Conservation Measure RSM 2: Permanent Impacts to Riparian, Stream and Freshwater Marsh Habitat. In the previous version, impacts to all first order and second order streams lacking a defined woody riparian community was set at a 2:1 ratio (based on acreage impacted) if existing streams or marsh habitats are enhanced through additional restoration and protection measures or 1:1 if new in-kind habitats are constructed, regardless of which watershed.

Now, all riparian, stream and freshwater marsh habitat within priority drainages and watershed are set at a ratio of 4:1 ratio (based on acreage impacted) through additional riparian plantings and protection measures or create/restore new in-kind habitats at a ratio of 3:1 (this was 2:1 in

previous version for higher order streams) within the same drainage. Fill of intermittent to perennial streams and their immediate tributaries (generally third, fourth, or higher order streams, but may include second order streams supporting riparian vegetation) shall require construction of a relocated stream segment to maintain hydrologic and biological connections between downstream and upstream areas.

Mitigation for permanent impacts to ephemeral to intermittent first order and second order streams lacking a defined woody riparian community within non-priority watershed and drainages is set at 2:1 ratio (based on acreage impacted) if existing streams or marsh habitats are enhanced through additional restoration and protection measures or 1:1 if new in-kind habitats are constructed. Mitigation for permanent impacts to third and higher order streams and second order streams with riparian vegetation shall include the following: 1) maintain the hydrologic and biological connection between downstream and upstream areas by constructing a by-pass or rerouted channel and 2) enhance existing stream or marsh habitats at a 3:1 ratio (based on acreage impacted) through additional riparian plantings and protection measures or create/restore new in-kind habitats at a ratio of 1.5:1.

Species Specific Measures

- **Valley Elderberry Longhorn Beetle.** Mitigation requirement was modified to Plant 2 elderberry seedlings and 2 native, associated woody riparian plant seedlings for every 10 elderberry stems one-inch or greater in diameter trimmed/removed.
- **Tricolored Blackbird.** Conservation Measure RSM 14 (Tricolored Blackbird Habitat Establishment) was added, which establishes a requirement to provide 28 acres of new, suitable nesting cover within agricultural reserves established for Swainson's hawk foraging and nesting habitat mitigation.

Giant Garter Snake

- Conservation Measure GGS 2 (Agricultural Runoff Water Quality Improvements and Invasive Species Control) was added to the Giant Garter Snake Conservation Strategy. This is an expansion of the invasive species control measure in the Riparian, Stream, and Freshwater Marsh and Coastal Marsh Conservation Strategies (Conservation Measures RSM 10 and CM 4), to include funding for programs that improve water quality from agricultural runoff.
- Habitat mitigation requirement includes a ratio for uplands associated with restored aquatic habitat.

Coastal Marsh

The Coastal Marsh conservation measures were not substantially altered. Conservation Measure CM 4 was added to expand the water quality improvement measures to include improvements for agricultural runoff water quality as well as address control of invasive species.

Swainson's Hawk

The Swainson's hawk and burrowing owl conservation strategy has undergone significant changes since Working Draft 2.2. The basic mitigation 1:1 mitigation to impact ratio remains unchanged; however, the current draft requires more direct management for Swainson's hawks and burrowing owl. The traditional approach for Swainson's hawk foraging habitat mitigation relied on establishing conservation easements to preserve agricultural lands. The primary management for the hawks was fairly passive and involved restrictions that precludes crops such as orchards, vineyard, rice, and cotton which do not provide good foraging habitat. California Department of Fish and Game (CDGF) and USFWS are requesting more directed management, such that 50 percent of the reserves must be planted in alfalfa or other irrigated hay crops with similar management requirements. Other changes in the conservation strategy include:

- Five percent of the reserve system shall be set aside and established in permanent, naturalized herbaceous and woody/shrub cover. These areas may be used for preserving/planting nest trees (Conservation Measure SH 6, new); establishing burrowing owl artificial nest burrows (Conservation Measure BO 3), tricolored blackbird nesting habitat (Conservation Measure RSM 14), nesting habitat for other Special Management Species (Section 6.11); and providing vegetated filter strips for water quality enhancement.
- Conservation Measure SH 7 was added to require preservation of known nest trees as mitigation for removal of known trees. Under this measure, the removal of a known nest trees shall be mitigated through protection/preservation of other known nest sites at a 1:1 ratio. Protection shall be provided through a defined term easement program (generally 5 to 10 years) or future nest tree planting program to be implemented by SCWA.

Burrowing Owl

- Similar changes to the Swainson's hawk conservation program were implemented for the burrowing owl with respect to more intensive management of agricultural preserves.

- The set aside area on agricultural preserves increased from 1 acre to 2 acres of habitat per 80 acres of reserve land and more detailed requirements for grassland reserve management were also specified.
- Similar to the Swainson's hawk known nest easement program, new Conservation BO 4 requires protection of known nests site through a defined term easement program (generally 5 to 10 years) or future nest burrow installation to be implemented by SCWA fro loss of occupied/known nest sites.

Special Management Species

Section 6.11 for Special Management Species was added. This section identifies the additional or additional management that is necessary to maximize conservation efforts for these species. Species requiring additional or special management include northern harrier, short-eared owl, loggerhead shrike, grasshopper sparrow, and native perennial grassland.

Section 7-Monitoring and Adaptive Management

This section was almost entirely reformatted and substantial changes were made to the monitoring requirements. First, the section was reorganized to better clarify the monitoring requirements for individual reserves and the additional monitoring to be administered by SCWA (Sections 7.3 and 7.4). Additional monitoring requirements were added to show effectiveness of Avoidance and Minimization Measures, particularly associated with the success of buffer areas. Additional detail has been provided to clarify roles, responsibilities and requirements for management of preserves.

Section 8-Impact Assessment

Impacts/take assessments for Covered Species were updated based on ongoing development and changes in conservation measure requirements. Impact discussions for Special Management Species were deleted.

Section 9-Alternatives Analysis

Impacts/take assessments for Covered Species for each alternative were updated. Impact discussions for Special Management Species were deleted.

Section 10-Plan Implementation

Additional detail has been provided to clarify roles, responsibilities and requirements for management of preserves. Additional regulatory oversight and cooperation was added by establishing a specific Regulatory Committee. An appeals process (Section 10.4.2) to address issues was also added. Additional changes include:

- Reserve selection, review, and management requirements were modified to include additional requirements and provide greater specificity.
- Additional standards/specificity was provided for review and approval of habitat restoration and enhancement plans.
- Changed and unforeseen circumstances were modified to follow the criteria in the East Contra Costa HCP/NCCP at the request of the USFWS.

Section 11-Funding

Funding was removed from Plan Implementation and placed into its own Section.

- Cost analysis was updated using a 30-year permit duration (instead of 50 years).
- Costs were updated to 2009 dollars.

Appendix A-Routine Operational and Maintenance Activities

No changes were made to this section.

Appendix B-Natural Community and Species Accounts

Species accounts were updated including occurrence information and information on their habitat requirements and ecology.

Appendix C-Special Management Species Accounts

New appendix that contains species accounts for the 34 Special Management Species and one rare Natural Community (Native Grassland).

Appendix D-Operations and Maintenance Manual

This section remains unchanged and contains the O&M Manual previously approved by the USFWS.