Board of Supervisors
County of Sutter
County of Yuba

City Councils
City of Live Oak
City of Wheatland
City of Yuba City

AGENDA SUMMARY

February 12, 2013

3:00 P.M.-Special Joint Study Session
Yuba County Board Chambers
915 8th Street
Marysville, CA 95901

RON SULLENGER, DISTRICT 1
STAN CLEVELAND, DISTRICT 2
LARRY MUNGER, DISTRICT 3
JIM WHITEAKER, DISTRICT 4
JAMES GALLAGHER, DISTRICT 5

ANDREW VASQUEZ, DISTRICT 1
JOHN NICOLETTI, DISTRICT 2
MARY JANE GRIEGO, DISTRICT 3
ROGER ABE, DISTRICT 4
HAL STOCKER, DISTRICT 5

STEVE ALVARADO
RAY ROGERS
DIANE HODGES
GARY BALAND
LAKHVIR GHAG

RICK WEST
JAMES PENDERGRAPH
DAVID COE
LISA MCINTOSH
JOSEPH HENDERSON

JOHN BUCKLAND
KASH GILL
JOHN DUKES
TEJ MAAN
CRAIG STARKEY

PROCEDURE FOR PUBLIC PARTICIPATION

Members of the Public will be allowed to address the Board with respect to the items listed on the Agenda only. The law requires that business not appearing on the Agenda may not be discussed at a special meeting. If you wish to speak on any item appearing on the Agenda, please fill out a Speaker Card, noting the number of the Agenda item about which you wish to speak, and present it to the Board Clerk. If you wish to speak about more than one Agenda item, please fill out a separate card for each item. If you wish to speak under Public Participation, please note that on the Speaker Card. When the matter is announced, please approach the speakers' rostrum and wait to be recognized by the Chairman. Testimony should always begin with the speaker giving his or her name and place of residence. The times listed on the Agenda are approximate and items may be brought up for discussion within a reasonable length of time before or after the time scheduled.

3:00 P.M. SPECIAL JOINT STUDY SESSION

1. Call to order
   Roll Call

2. Pledge of Allegiance to the Flag

3. Introductions

4. Presentation of Status Report on the Yuba Sutter Regional Conservation Plan (YSRCP)
   - History
   - Plan
   - Next steps

5. Questions

6. Public comment

7. Adjournment

Memorandum

To: Elected Officials from Yuba County, Sutter County, City of Wheatland, City of Yuba City, City of Live Oak

From: Yuba Sutter Regional Conservation Plan (YSRCP) Staff

Date: February 12, 2013

Re: February 12, 2013 Joint Workshop/Study Session

Purpose of the Study Session

The last study session was held for the Yuba and Sutter County Boards of Supervisors in 2005. Since that study session many changes have occurred, including the addition of the Cities of Yuba City, Live Oak, and Wheatland as plan participants and changes to elected officials, staff, and consultants. This study session is intended to provide information regarding plan content, next steps, receive direction, and to answer questions regarding the plan.

What is a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).

A **Habitat Conservation Plan (HCP)** is a federal plan under section 10 of the Federal Endangered Species Act (FESA) that allows for the incidental take of federally listed species and habitat that results from growth and development.

A **Natural Community Conservation Plan (NCCP)** is a state plan provided for under the state Natural Community Conservation Planning Act and California Endangered Species Act (CESA) that allows for the incidental take of state listed species and habitat.

The Yuba Sutter Regional Conservation Plan (YSRCP) is a joint HCP/NCCP that will establish a coordinated process for permitting and mitigating the incidental take of threatened and endangered species in the Plan Area. This process creates an alternative to the current project-by-project approach. (see figures below).

Plan History

Early in 2001, Caltrans was pursuing improvements to State Highways 99 and 70 in Sutter and Yuba counties under a program partially funded by the Federal Highway Administration (FHWA). The proposed improvements entailed potential impacts to federally listed species, and FHWA initiated a consultation with U.S. Fish and Wildlife Service (USFWS) as required by Federal Endangered Species Act (FESA) section 7. In reviewing the environmental documentation for the proposed improvements, USFWS found the project would produce indirect impacts by opening the way for additional development adjacent to the highways. USFWS also indicated the proper mitigation for those effects would be the creation of a habitat conservation plan (HCP) for the affected area and species. The affected area was delineated by Caltrans, the two counties, and wildlife agencies in 2001 and is cited in various documents as the "cumulative effects area."

Discussions that included the two counties, Caltrans, USFWS, and California Department of Fish and Game (DFG) resulted in a letter being sent from each county to the USFWS committing to participation in the development of the HCP in conjunction with Caltrans. In the letters, the counties agreed to: 1) not issue any land use entitlements, other than for agricultural uses, within the cumulative effects area without proof of compliance with the FESA; and 2) implement interim conservation measures to protect federally and state listed species and their habitats. USFWS then prepared and issued a Biological Opinion (BO) on the effects of the highway improvements. The BO describes the status of affected species, provides an environmental baseline, provides an incidental take statement for Caltrans' activities, and outlines the terms and conditions on which the incidental take statement is based. The most recent BO issued by USFWS for the Highway 99/70 upgrade is dated May 15, 2003 and is based on the BO issued on June 15, 2001, as amended March 18, 2002.

Pursuant to the provisions of the BO, a Working Group was formed with representatives from both counties, USFWS, DFG, and Caltrans. National Oceanic and Atmospheric Administration (NOAA) Fisheries also was invited to participate and did so beginning in 2004. The Working Group met to discuss approaches to conservation planning and to identify funding for the planning process. As part of that effort, DFG suggested that the counties address CESA as well as FESA issues by preparing a combined HCP/NCCP. The counties agreed to the combined approach, and with the support of Caltrans and the Sacramento Area Council of Governments, applied for federal conservation planning funds available through the FESA section 6 program and "smart growth" planning funds available through FHWA/Caltrans. The grant applications were approved. The Working Group then developed a scope of work for the planning process. Consistent with the terms and conditions of the BO and the commitment letters from the counties to the USFWS, the Working Group agreed that the "cumulative effects area" would be the initial Planning Area for the HCP/NCCP. The Working Group also understood that as the planning went forward, the Planning Area may need to be expanded based on information (i.e. biological, economic, etc.) derived as part of the planning process. Caltrans is a participant in the HCP/NCCP planning process but is not requesting take authorization through the Plan.

During 2006, the Counties received guidance from their Citizen's Advisory Group and the Science Advisory Group to reevaluate the Plan Area boundary. The initial plan area boundary was primary based upon growth projections and not on species conservation requirements. It was determined that efficient and cost- effective species conservation requires a broader habitat level perspective across large landscapes, necessitating a much larger plan area.

The Counties pursued a Conservation Plan Area boundary through guidance from the public, the Science Advisors and agency experts, and in December 2006, adopted a new Plan Area

boundary that would look at species conservation in a broader context; extend the usefulness of the planning effort and resultant permit streamlining to address both state and federally listed species; and address the requirements of the State NCCP Act as well as the federal Endangered Species Act. The resultant Plan Area more than doubled the initial plan area and is approximately 468,552 acres encompassing the valley floor for both counties excluding cities and their spheres of influence.

In 2008, the City of Yuba City, City of Live Oak and the City of Wheatland committed in joining the planning effort. In 2010, the cities formalized their participation in the planning effort and the Plan Area boundary was expanded to include the spheres of influence and city limits of the City of Yuba City, City of Live Oak and the City of Wheatland.

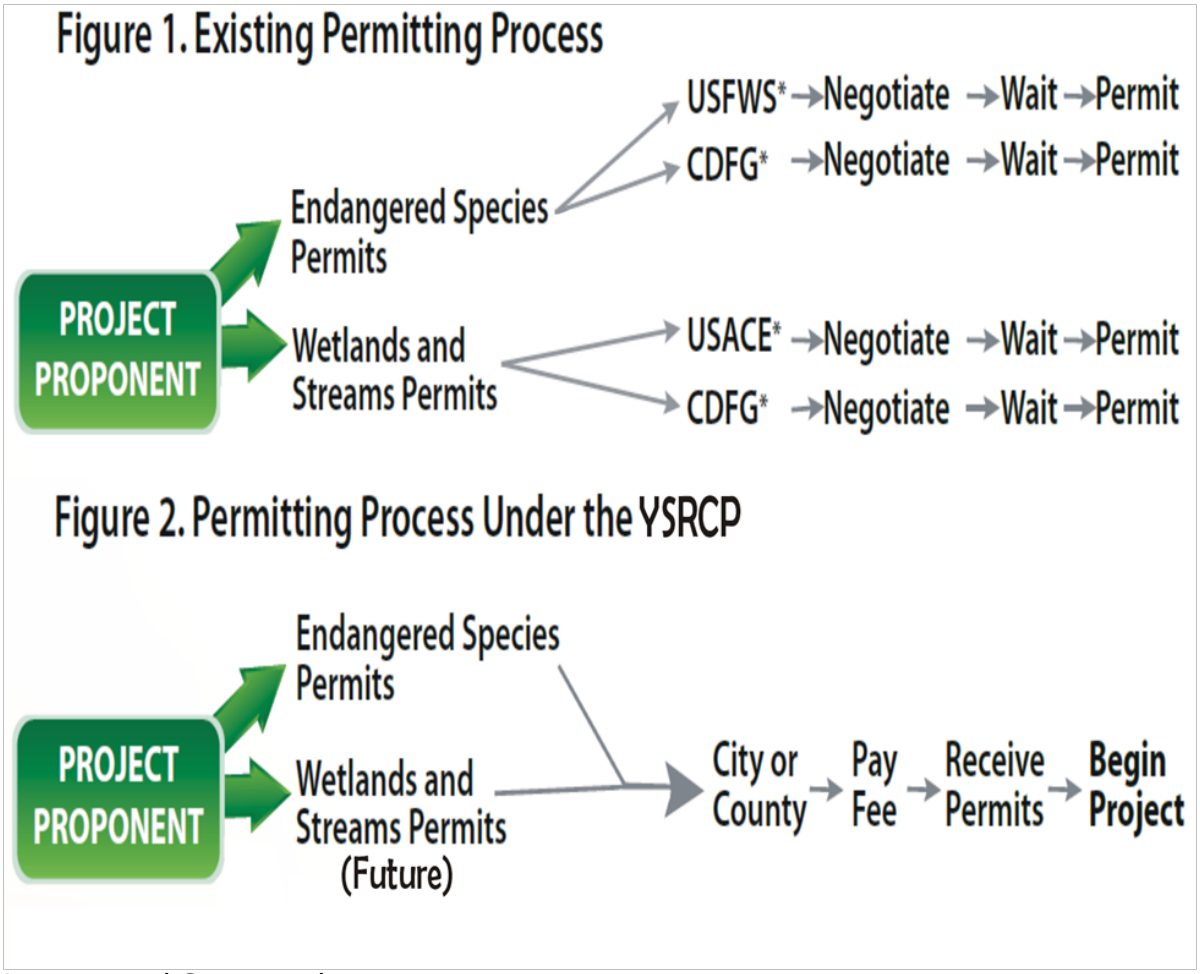
Additionally, in 2010 through 2011, the Citizens Advisory Committee, made up of citizens of Yuba and Sutter Counties and representatives of entities, such as, Ducks Unlimited, mitigation banks, environmental groups, and developers, was re-established to provide input on the HCP/NCCP document itself.

The California Department of Water Resources (DWR) will participate in the YSRCP, to include flood control projects in the activities covered by the plan to the extent possible. Also, discussions are occurring with the Natomas Basin Conservancy (TNBC) for TNBC to operate the plan when it is adopted, saving the plan the initial costs of staff and equipment to manage lands in the plan.

Key Aspects

The YSRCP will replace the existing environmental permitting process that is unpredictable, inconsistent, time consuming, costly, and results in ineffective conservation. The Yuba-Sutter RCP will:

- Reduce the cost and increase the consistency of the state and federal permitting process
- Provide certainty of regulatory costs and requirements
- Provide local control by consolidating and streamlining environmental permitting under one locally controlled plan
- Provide improved habitat preserves for species
- Protect the right of private property owners — conservation land acquisition will be through willing sellers only



Impacts and Conservation

The conservation plan is being drafted, it assumes approximately 20,000 acres of impacts, based on General Plan development. Staff is proposing an overall 1:1 mitigation ratio to the wildlife agencies as part of the conservation strategy; however, it has not yet been vetted and accepted by the wildlife agencies.

Plan Costs

Plan cost estimates are complex financial models based upon numerous assumptions, such as, the duration of the plan; amount of acreage impacted; mitigation ratios; whether mitigation land is purchased in fee title or encumbered by easement; and implementing entity organization, to name a few. Economic and Planning Systems (EPS) has been hired to prepare the financial model. Staff anticipated bringing the plan cost to elected officials at another workshop.

Next Steps

As the next steps in plan preparation the following will occur:

- Develop plan cost
- Future study session with elected officials
- Create a policy advisory committee?

Attachments

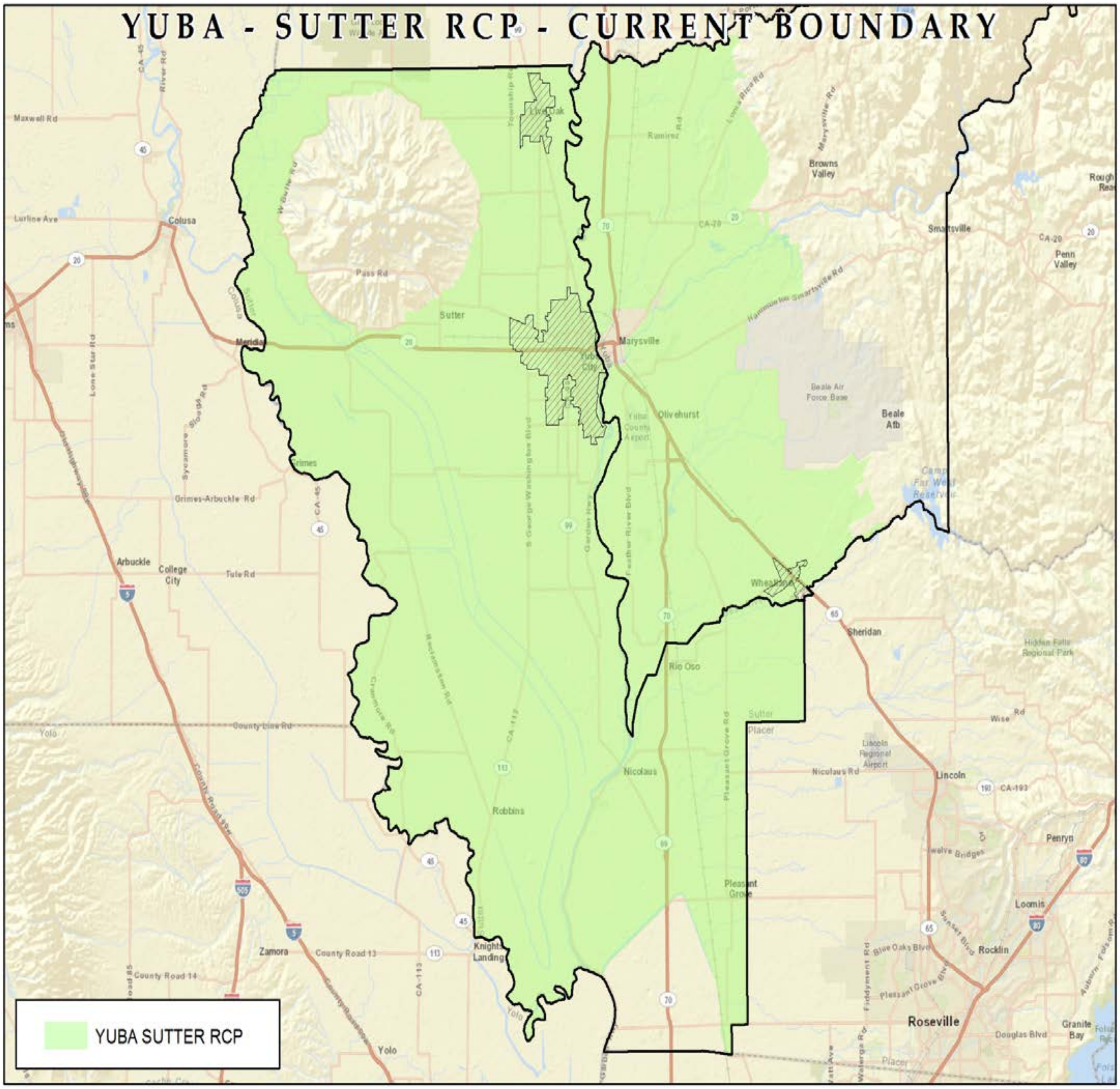
Acronyms and abbreviations
Current YSRCP map

Acronyms and Abbreviations

AG	Agricultural District
ASBWG	American and Sutter Basins Working Group
ATV	all-terrain vehicles
BA	biological assessment
BCRCD	Butte County Resource Conservation District
BLM	U.S. Department of the Interior Bureau of Land Management
BMP	best management practice
BO	biological opinion
CABY IRWMP	Integrated Regional Water Management Plan
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CASCADE	Computational Assessments of Scenarios of Change in the Delta Ecosystem
Central Valley Water Board	Central Valley Regional Water Quality Control Board
CEQA	California Environmental Quality Act of 1970
CESA	California Endangered Species Act
CFR	Code of Federal Regulations [
City	City of Yuba City, City of Live Oak, City of Wheatland
CLUP	Comprehensive Land Use Plan
CMP	Corridor Management Plan
CNDDB	California Natural Diversity Database
CPI	Consumer Price Index
CPU	Conservation Planning Unit
CVJV	Central Valley Joint Venture
CWA	Clean Water Act of 1972
DFG	California Department of Fish and Game
DWR	California Department of Water Resources
EA	environmental assessment
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
ESA	federal Endangered Species Act
FHWA	Federal Highway Administration
FMMP	Farmland Mapping and Monitoring Program
FRAP	California Department of Forestry and Fire Protection's Fire and Resource Assessment Program
ft_2	square feet
GIS	geographic information system
HCP	habitat conservation plan
HPI	Home Price Index
IRWMP	Integrated Regional Water Management Plan
ISC	impervious surface coefficients

JPA	Joint Powers Authority
m_2	square meters
MBTA	Migratory Bird Treaty Act
MMU	minimum mapping unit
MSOCP	Multi-Species Openspace and Conservation Plan
NAWMP	North American Waterfowl Management Plan
NCCP/HCP or Plan	Yuba-Sutter County Natural Community Conservation Plan/Habitat Conservation Plan
NCCPA	Natural Community Conservation Planning Act
NEPA	National Environmental Policy Act of 1969
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NRCS	Natural Resource Conservation Service
NWI	National Wetlands Inventory
NWP	nationwide permit
NWR	National Wildlife Refuge
PAH	Polycyclic aromatic hydrocarbon
PAR	Property Analysis Report
PCB	polychlorinated biphenyl
PDA	Personal Digital Assistant
PG&E	Pacific Gas & Electric Company
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
RCD	Sutter County Resource Conservation District
RWQCB	Regional Water Quality Control Board
SACOG	Sacramento Area Council of Governments
SCMHMP	Sutter County Multi-Hazard Mitigation Plan
SCRCD	Sutter County Resource Conservation District
SOC	synthetic organic compound
SR	State Route
SSID	South Sutter Irrigation District
State Water Board	State Water Resources Control Board
Sutter County RCD	Sutter County Resource Conservation District
SYMVCD	Sutter-Yuba Mosquito and Vector Control District
the Permittees	Yuba and Sutter Counties; the Cities of Wheatland, Yuba City, Marysville, and Live Oak; and the Plan Implementing Entity
TIA	total impervious area
TMDL	Total Maximum Daily Load
TMDL	Total Maximum Daily Load
UGA	Urban Growth Area
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
YSRCP	Yuba Sutter Regional Conservation Plan

WA	Wildlife Area
WDR	Waste Discharge Requirement
WMA	Wildlife Management Area
YCMHMP	Yuba County Multi-Hazard Mitigation Plan
YCRCD	Yuba County Resource Conservation District


YUBA - SUTTER RCP - CURRENT BOUNDARY
YUBA SUTTER RCP
Live Oak
Browns Valley
Colusa
Smartsville
Penn Valley
Sutter
Marysville
Yuba City
Olivehurst
Beale Air Force Base
Beale Afb
Grimes
Arbuckle
College City
Wheatland
Sheridan
Rio Oso
Nicolaus
Robbins
Lincoln
Pleasant Grove
Knights Landing
Zamora
Loomis
Rocklin
Roseville
Yolo