

MEMORANDUM

TO: Chair Kimball and Commissioners
Yolo County Planning Commission

FROM: Maria Wong
Executive Director

DATE: April 9, 2009

SUBJECT: Status update on the Yolo Natural Heritage Program, including information related to processing development projects in advance of the adopted conservation plan.

The Habitat JPA (comprised of Yolo County, the cities of Davis, Woodland, Winters and West Sacramento, and UC Davis) is in the process of completing a county-wide multi-species conservation plan known as the Yolo Natural Heritage Program (“YNHP”). The YNHP will address the conservation needs of over 65 special status and at risk species and two guilds (pollinators and large mammals that move over large areas). These species depend on five habitat types found in Yolo County: wetland, riparian, oak woodland, grassland and agriculture. As currently envisioned the YNHP will not address the needs of fish species. That work is being undertaken on a Delta-wide basis by the Bay Delta Conservation Plan (BDCP). Adoption of the YNHP is expected in spring 2010.

In 2005 the JPA entered into a Planning Agreement with the California Department of Fish and Game (CDFG) and the US Fish and Wildlife Service (USFWS). The Planning Agreement outlines the commitments that each entity agrees to comply with during the planning phase of the conservation plan, including how pipeline projects will be addressed prior to approval of the conservation plan.

Attachment A contains general information about the YNHP, including “frequently asked questions”. In addition to reviewing this attachment, I recommend that commissioners visit the JPA website at www.yoloconservationplan.org. The site contains additional information about the YNHP, especially several technical studies and work products that may be of interest.

Attachment B is a copy of the reporting form that accompanies in lieu fee payments to mitigate the loss of Swainson’s hawk foraging habitat. The fee is required whenever a project results in the loss of foraging habit for Swainson’s hawk. Page 2 of the reporting form contains the list of actions that are exempt from payment of the fee.

In addition to these 2 handouts I will deliver a PowerPoint presentation that will go into more detail about the conservation plan, including how interim projects are processed. At the request of county staff I will also address potential species conflicts for wind energy and transmission tower projects.

Attachment A: YNHP Outreach Fact Sheet

Attachment B: *PROCEDURES FOR HABITAT FEE PAYMENT* Form

ATTACHMENT A

Yolo Habitat/Natural Community Conservation Plan Joint Powers Agency

YOLO NATURAL HERITAGE PROGRAM

~ Partnering for Conservation ~

About The Yolo Natural Heritage Program



The Yolo Natural Heritage Program is a county-wide Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) covering a 653,820 acre planning area. The Yolo Natural Heritage Program will conserve the natural open space and agricultural landscapes that provide habitat for many special status and at-risk species found within the habitats and natural communities in the County. The Yolo Natural Heritage Program will describe the measures that will be undertaken to conserve important biological resources, obtain permits for urban growth and public infrastructure projects, and continue Yolo County's rich agricultural heritage.

Recent Accomplishments

Several major milestones have been completed including establishment of a Steering Advisory Committee and a Technical Advisory Committee, preparation of a draft Ecological Baseline Report, development of a GIS data base and completion of the Independent Science Advisors process. The current major phase (funded in part by a 2005 and 2007 federal Section 6 planning assistance grants) is underway and focuses on development of conservation strategies and preserve design alternatives.

Cooperative Partnerships



Many conservation efforts contribute to the preservation and enhancement of Yolo County's rich natural heritage. These conservation efforts cover a wide range of activities and organizations that protect and preserve farmland, creeks, watershed areas, riparian corridors, water quality, flood control, and habitat for various plant and animal species. Because these efforts are integral to the County's unique quality of life, the JPA is committed to working in cooperative partnerships with local conservation groups.

How the Process Works

The Program weaves together the most current *biological data* about species and habitat types with city and County *land use planning information* that indicates projected future development compatible with Yolo County values. It uses *economic analysis* to identify conservation opportunities and potential incentives to create effective *regulatory compliance*. Plan goals and methods are also defined through open processes of *stakeholder and public involvement*. The plan must include mechanisms and agreements to provide funding for *implementation*, effective management capabilities for the protected areas, and long-term monitoring to measure results and allow adaptation of conservation strategies.

The key steps in this process are to:

- Review the best biological data to develop a list of **covered species**
- Review land use and economic development plans to define a list of **covered activities**
- Determine the **impacts** of those activities on the species and their habitat
- Define clear **conservation goals and strategies** to protect covered species from the impacts of covered activities
- Select a final **preserve design and conservation strategy**
- Develop the funding and management mechanisms for the **implementation plan**
- Consider **stakeholder and public input** at key decision points
- Achieve **adoption** by the local participating agencies and **approval** by the federal and state regulatory agencies



Want to know more?

Visit www.yoloconservationplan.org or contact Maria Wong at 530-406-4885

Photographs courtesy of and copy righted to Michal Venera

Frequently Asked Questions (FAQs)

What are the goals of the Yolo Natural Heritage Program?

The Yolo Natural Heritage Program goals are to conserve Yolo County's natural heritage with its broad array of native species and habitats; to support the long-term viability of the County's agricultural economy; to promote smart, sensible economic growth and development; to protect natural areas and features that help define the character of Yolo County; and to preserve key open space areas and enhance opportunities for recreation.

Why is the Yolo Natural Heritage Program Important?

California supports the richest diversity of plants and animals in the country and the growing California population and expanding economy are rapidly changing the landscape. These changes require balancing the needs of our natural heritage with the needs of our residents. Local governments in Northern California are responding with conservation plans to ensure protection of biodiversity for generations to come. The Yolo Natural Heritage Program will be the conservation plan to protect the natural wealth of Yolo County for future generations.

What Will the Plan Achieve?

The plan will provide a comprehensive, scientifically-sound plan to ensure long-term conservation of Yolo County's rare and sensitive plants and animals. It will provide predictability, streamlining, and efficiency to state and federal regulatory programs that protect endangered species, and will demonstrate compatibility between good agricultural and rangeland practices and species/habitat conservation objectives. The plan will complement other Yolo County efforts that protect and manage biodiversity, natural resources, and open space, and will leverage local, state, and federal funding to help achieve the goals of the planning process.

What Are the Conservation Benefits?

The planning process determines species needs in a strategic, comprehensive process informed by science. The plan then provides the tools to enable large, connected preserves that contribute to the conservation of species to be assembled over time. Unlike project-by-project mitigation, the plan provides a way to get ahead of the curve and do meaningful conservation by allowing us to plan for the needs of native species today before they are at risk.

What Are the Regulatory Benefits?

The Yolo Natural Heritage Program will provide a means for maintaining compliance with state and federal endangered species laws for public and private activities throughout Yolo County. The plan will provide comprehensive regulatory coverage for currently listed species and those that may be in the future, and will provide regulatory assurances that guarantee landowners and others predictability, reliability, and certainty regarding endangered species regulation now and in the future.

ATTACHMENT B

PROCEDURES FOR HABITAT FEE PAYMENT
YOLO COUNTY PLANNING AND PUBLIC WORKS DEPARTMENT
292 WEST BEAMER STREET
WOODLAND, CA 95695
(530) 666-8775

The County and the Cities currently impose a standard condition requiring participation in the Habitat Conservation Plan Process. Recent changes in administration of the Swainson's Hawk Interim Mitigation Fee program limit the collection of mitigation fees to projects under 40 acres in size. Fees resulting from a division of land shall be paid prior to the recording of the Final Map, and entitlements for development shall require fees to be paid prior to the issuance of the Building Permit.

The following items must be submitted at the time of payment of fees. No partial submittals will be accepted.

(At least one copy of each map shall be submitted on 8 ½ x 11 size paper) Larger maps may also be required.

1. TPM/PARCEL MAP (if applicable)
2. ASSESSOR'S PARCEL NUMBER PAGE with the subject parcel outlined.
3. VICINITY MAP with site location shown.
4. FORM BELOW must be filled out by the project planner prior to paying the fees (no copies will be accepted). If payment is only for a portion of a parcel or portion of subdivision/parcel map, then this must be clearly be indicated. ***Please contact the project planner prior to attempting to pay fees.
5. COST of mitigation fee is \$8,660.00 per disturbed acre.
6. CHECK made out to Yolo Habitat Joint Powers Agency.
7. ADDRESS where fees are paid is:
Yolo County Parks and Resources Department
120 W. Main Street, Suite C, Woodland, CA 95695

THE BOX BELOW MUST BE COMPLETED BY PROJECT PLANNER PRIOR TO PAYMENT OF FEES.

JURISDICTION: Yolo County Planning and Public Works Department	
ADDRESS: 292 W. Beamer Street	
CITY: Woodland, CA 95695	PHONE: 530.666.8775
PROJECT NAME:	
ADDRESS:	
CITY:	PHONE:
OWNER NAME:	
ADDRESS:	
CITY:	PHONE:

LOCATION:	
SUBDIVISION/PARCEL MAP NUMBER:	
ASSESSOR'S PARCEL NUMBERS:	
TOTAL GROSS ACREAGE: PAID:	TOTAL FEES TO BE PAID:
PROJECT PLANNER SIGNATURE:	

THE FOLLOWING TO BE COMPLETED BY YOLO COUNTY REPRESENTATIVE:

HMP NUMBER:	DATE PAID:	RECEIPT NUMBER:
YOLO COUNTY REPRESENTATIVE SIGNATURE:		AMOUNT PAID:

*****Failure to have a complete application at the time of payment will result in delay of your project.**

For purposes of the Agreement, “urban development” includes all discretionary changes in land use or land use designations from open land to any other land use, including but not limited to approval of General Plan amendments, zone changes, variances, use permits, planned unit development, specific plans, tentative maps and projects undertaken directly by the County or one of the Cities, except that for the purposes of this Agreement, “urban development” does **not** include the following:

- I. Projects, the primary purpose of which, as determined by the Habitat JPA, is to enhance habitat values of land, and in such cases the Habitat JPA shall consult with the Department prior to making a determination that a projects’ primary purpose is to enhance habitat values of land,
- II. Agricultural uses, defined as the cultivation of land for the production of food or fiber and construction of accessory structures incidental to such uses,
- III. Flood control activities requiring notification to the Department pursuant to fish and Game Code section 1600 et seq.,
- IV. Erection of a single family dwelling unit, including mobile homes, on an existing lot of record that is at least five (5) gross acres in size, provided such activity is not associated with a subdivision or lot split.
- V. Additions or remodels totaling not more than 50 percent of the original footprint, and replacement or reconstruction of structures in the same location, totaling not

more than the square footage of the footprint of preexisting structures, and which will not result in the disturbance of open agricultural land or grassland,

- VI. Urban development of any parcel of less than one (1) gross acre where at least half of the adjacent parcels were developed as of April 5, 1994,
- VII. Any subsequent discretionary approvals by the County or one of the Cities of a project or activity for which General Plan designations and all land use entitlements, including but not limited to Development Agreements and CEQA document approval, were approved prior to April 5, 1994, provided the project will not increase the total area of previously disturbed grassland.
- VIII. Any project or activity that the Department agrees in writing should be exempt from the requirements of this Agreement.

DEFINITIONS

Urban Development is defined as:

“a discretionary change in land use from open land to any other land use (except an enhancement of habitat values) for which an Urban Development Permit is required from the county or the Cities.

Participation in the HMP shall mean:

Participation in the HMP shall mean payment of appropriate mitigation fees (currently \$8,660 per acre of impacted foraging habitat) prior to recordation of a final map, or implementation of another project-specific mitigation plan which is deemed appropriate by the California Department of Fish and Game.”

MITIGATION FOR IMPACTS TO SWAINSON'S HAWK FORAGING HABITAT ACKNOWLEDGEMENT OF RECEIPT

To Applicant:

The Yolo County HCP/NCCP Joint Powers Agency acknowledges your participation in the interim Yolo County Habitat Conservation Plan pursuant to the Memorandum of Agreement between the Joint Powers Agency (dated August 7, 2002) entered into by and between the California Department of Fish and Game and the Yolo County HCP/NCCP Joint Powers Agency.

The members of the Habitat JPA have authority and responsibility under the California Environmental Quality Act ("CEQA") and general land use authority or responsibility under State planning and zoning law, including the Subdivision Map Act.

Fish and Game exercises regulatory authority over fish and wildlife resources through the California Endangered Species Act, Fish and Game Code sections 2050 et seq. ("CESA"), and other regulatory programs, and acts as trustee agency for fish, wildlife and native plants under Fish and Game Code section 1802 and the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA").

The Habitat JPA has required urban development permittees to pay an acreage based mitigation fee in an amount currently calculated at \$8,660 per disturbed acre. This fee is sufficient to fund the acquisition, enhancement and long-term management of one acre of Swainson's hawk foraging habitat for every one acre of foraging habitat that is lost to urban development. **As of January 9, 2006 projects that exceed 40 acres in area are no longer eligible to pay the fee, but are required to dedicate suitable conservation easements as determined by the Yolo HCP/NCCP Joint Powers Agency and the California Department of Fish and Game.**

Thank you for your participation in this plan. If we can be of any further assistance, please contact Maria Wong, Executive Director, at 530.406.4885.