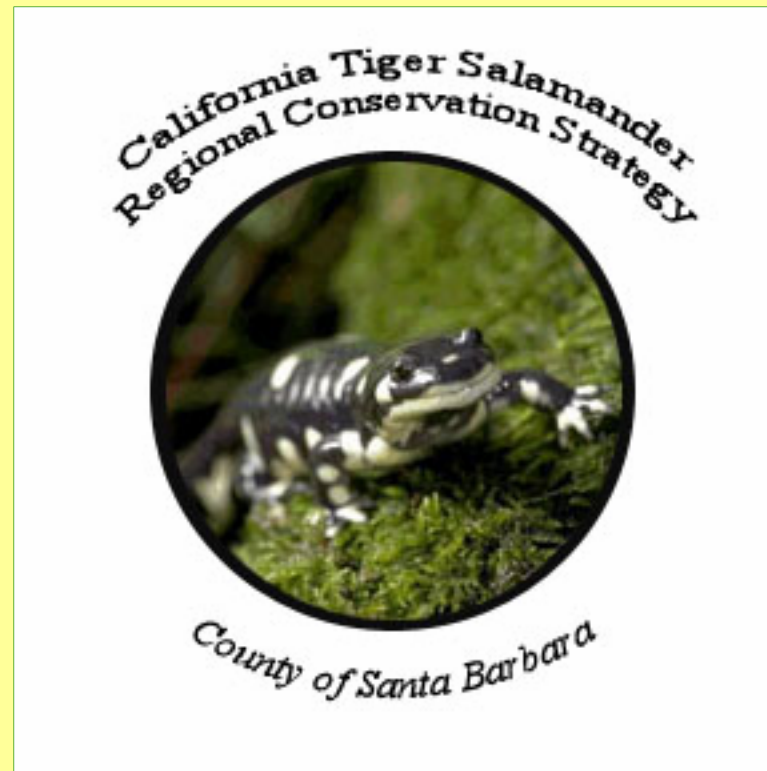


# Regional Habitat Conservation Plan Case Studies: An Examination of Covered Activities



October 24, 2007



# WHAT IS A COVERED ACTIVITY?

Covered Activity: Is a project or ongoing action that has incidental take authorization for a species.

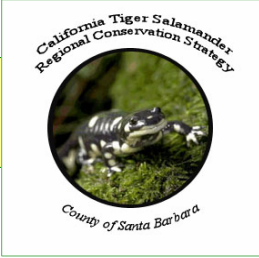
- All plans include actions and activities.
- Some plans specify specific projects to be covered under the plan.



# WHO HAS A REGIONAL HCP IN CA?



- San Diego County
- East Contra Costa County
- San Joaquin County
- Orange County
- Riverside County
- Kern County
- Metropolitan Bakersfield
- Coachella Valley
- Yolo County
- South Sacramento
- Yuba-Sutter County
- Placer County



# SELECTION OF FIVE CASE STUDIES

## SELECTION CRITERIA

- Similar geography and land area as the Santa Barbara RCS
- Regional County plans
- Agriculture is a consideration
- Similar habitat areas and covered species, especially the CA tiger salamander



# INTRODUCTION

- Review of Case Studies: background, purpose, covered species and covered activities
- Summary of major findings and conclusions from each case study
- Common themes from all case studies
- Possible approach for the Santa Barbara strategy based on case study examples



# THE FIVE CASE STUDIES

1. South Sacramento Habitat Conservation Plan
2. East Contra Costa County HCP/NCCP
3. San Joaquin Multiple Species Conservation Plan
4. San Diego Multiple Species Conservation Plan
5. Santa Rosa Plain Conservation Strategy (Sonoma County)



# SOUTH SACRAMENTO HCP

Background: Study area consists of 365,000 acres and is in the implementation planning process.

Purpose: Goals similar to Santa Barbara County.

- Predictable permitting process; predictable and reduced mitigation costs; protection and enhancement of ecosystems; voluntary opportunities for the Ag community to sell conservation easements.

Covered Species:

- 41 total species; 12 are federally or state listed
- Includes CA tiger salamander, spadefoot toad, and vernal pool fairy shrimp



# SOUTH SACRAMENTO HCP

- **COVERED ACTIVITIES:**

Activities were divided into 3 categories:

1. **INSIDE THE UDA:** Brief description of typical activities consistent with urban development such as residential, commercial and industrial construction pursuant to the general plan and infrastructure construction and maintenance.
2. **OUTSIDE THE UDA:** These projects and activities are described in detail and include an identified level of take and specific avoidance, minimization and mitigation measures.
  - **Transportation, Water, Wastewater, Flood Control, Public Facilities, Utilities, etc.**
3. **INSIDE PRESERVES:** Implementation activities associated with the management and monitoring of preserves.



# SOUTH SACRAMENTO HCP

## FINDINGS AND CONCLUSIONS:

- Categorizes covered activities based on whether they are inside or outside the urban area and preserve system.
- This plan provides broad take coverage for development and infrastructure related projects within the urban boundary and contains more specific restrictions for those outside of the urban boundary.
- Does not cover ongoing routine agriculture activities at the request of the agricultural community or rural residential development.



# EAST CONTRA COSTA HCP/NCCP

Background: Completed in 2006; Study area consists of 174,000 acres

Purpose: Goals similar to Santa Barbara County

- The purpose of this plan is to streamline permitting for infrastructure, as well as to guide commercial, residential and industrial development and urban infrastructure.
- The water district's involvement came as a result of needing to gain take coverage and other permits for the construction of a large multi-use pipeline.

Covered Species:

- 28 total species; 9 federally listed, 12 state listed, 10 CNDDDB listed and 2 unlisted (some have more than one listing status)
- Includes CA tiger salamander, CA red-legged frog, burrowing owl, and vernal pool fairy shrimp.



# EAST CONTRA COSTA HCP/NCCP

- **COVERED ACTIVITIES:**

- Activities were divided into 3 categories:

1. **INSIDE THE UDA:** All ground or habitat disturbing projects and activities; Includes construction and maintenance of:
  - Development, Transportation, Water, Wastewater, Flood Control, Sanitation, Public Facilities, Recreation Facilities, Utilities, etc.
2. **OUTSIDE THE UDA:** Projects that provide infrastructure for urban development. Projects that were defined before the completion of the HCP were included. Projects include transportation, flood protection, utility, and park and recreation facility projects.
3. **INSIDE PRESERVES:** Activities associated with the management and monitoring of preserves. Neighboring landowners can gain take authorization.



# EAST CONTRA COSTA HCP/NCCP

## FINDINGS AND CONCLUSIONS:

- Categorizes covered activities based on whether they are inside or outside the urban area and preserve system.
- Outside the UDA, covered activities are limited to activities within HCP/NCCP preserves and at specific project sites.
- Routine and ongoing agricultural activities on existing irrigated agricultural and rangeland are not covered at the request of the agricultural community. Routine and ongoing agricultural activities on lands neighboring HCP/NCCP preserves are covered by this HCP/NCCP.
- Construction of rural infrastructure not listed in the HCP, rural residential development and urban development outside the UDA are NOT covered.



# SAN JOAQUIN MSCP

**Background:** Completed in 2000; Study area consists of 900,000 acres

**Purpose:** Developed to provide guidelines for the process of converting open space land uses to non-open space land uses, preserve its agriculture industry and provide protection for species.

## **Covered Species:**

- 97 total species
- Includes CA tiger salamander, CA red-legged frog, burrowing owl, spadefoot toad and vernal pool fairy shrimp.



# SAN JOAQUIN MSCP

## COVERED ACTIVITIES:

- **INSIDE URBAN BOUNDARY:** Development and Ag uses requiring a discretionary permit; aggregate mining, public/private agency activities and projects affecting wetlands.
- **OUTSIDE URBAN BOUNDARY:** Non-agricultural activities, including residences on certain kinds of Ag zoning requiring discretionary permits are evaluated on a case-by-case basis.
- **INSIDE PRESERVE:** Managing, enhancing, and monitoring preserves.
- Relocation of species.
- Approximately 5,000 acres is set aside for future projects that may result from general plan amendments.



# SAN JOAQUIN MSCP

## FINDINGS AND CONCLUSIONS:

- Covered Activities outside of urban boundaries are evaluated on a case-by-case basis.

### Agriculture:

- Ongoing agriculture, except as specified below, is NOT covered by the plan.
- Ag activities that trigger requirements for a Clean Water Act Section 404 Permit are eligible for take coverage for conversion of vernal pool grasslands to orchards and vineyards (up to 5,000 acres).



# SAN DIEGO MSCP

**Background:** Completed in 1997, the study area consists of 582,000 acres. The SDMSCP is supplemented by 15 subarea plans including the three segments of the County Subarea Plan. These subarea plans consist of more detailed regulations on covered activities.

**Purpose:** Although the plan's organization and structure are complex, this plan was examined because it includes covered agricultural activities.

## **Covered Species:**

- 85 total species; 20 federally listed, 14 state listed, 40 proposed and candidate species and 11 others.



# SAN DIEGO MSCP

## COVERED ACTIVITIES:

The main MSCP plan provides generalized guidelines for covered activities, but allows cities, special districts, and different areas of the county to decide how they wish to implement their own specifically crafted regulations in their respective subarea plans.

### General MSCP Guidelines:

- Public Use: Active recreational uses such as camping and athletic fields would not be compatible.
- Agriculture: Compatible with adjacent preserves, and may serve as a transition area between the preserve and intensive development.
- Development: Handled on a project-by-project basis.
- Preserve Management for private lands: Landowners can gain take authorization by abiding by specified management practices or can transfer management of their land.



# SAN DIEGO MSCP- CONCLUSIONS

## FINDINGS AND CONCLUSIONS:

- One of the three county subarea plans addresses agricultural activities. The Metro-Lakeside-Jamul Segment of the County subarea plan allows grading of habitat with certain conditions. If this grading reaches a 3,000 acre threshold, it becomes subject to the terms of the Biological Mitigation Ordinance.
- San Diego's plan incorporates Pre-Approved Mitigation Areas (PAMA) as designated high quality habitat areas. These PAMA have different grading regulations and higher mitigation ratios when compared to areas outside of them; both areas can be preserved or developed.



# SONOMA CONSERVATION STRATEGY

**Background:** Completed in 2005, the plan seeks to preserve 4,000 acres as part of an agreement with USFWS that avoided the designation of critical habitat within the plan area. The Sonoma Plan, actually called the Santa Rosa Plain Conservation Strategy, is the only regional plan reviewed that uses the Section 7 process.

**Purpose:** Like Santa Barbara, the Sonoma plan is a result of regulatory and land use uncertainty that resulted from the listing of the distinct population segment of the CTS in Sonoma County. It is a priority to accommodate and regulate viticulture in a manner that will sustain both sensitive habitat and the viticulture industry.

**Covered Species:** Includes the Sonoma distinct population of CTS and four other plant species.



# SONOMA CONSERVATION STRATEGY

## COVERED ACTIVITIES:

- Plan identifies no specific covered activities.
- A mitigation proposal for viticultural activities was developed for the conservation plan, but was not sufficiently analyzed and was left to be reviewed by the Implementation Committee.
- Mitigation and best management practices for other agricultural activities will be addressed in the implementation planning process.
- The Implementation Committee will also work to develop a mechanism for applying the conservation strategy to ministerial and discretionary projects .



# SONOMA- CONCLUSIONS

## FINDINGS AND CONCLUSIONS:

- Sonoma is still crafting mitigation requirements to develop an implementable conservation plan.
- The Implementation Committee has been working on the development of an implementation agreement since 2005; without it they cannot gain take authorization.
- A draft of Best Management Practices has been created; uniform mitigation ratios, legal defensibility of their MOU and CTS survey options in lieu of mitigation are still being discussed.



# LESSONS FROM THE CASE STUDIES

## TRENDS & CONCLUSIONS:

- Many plans sought incidental take coverage for development, agriculture, and infrastructure projects **INSIDE THE URBAN BOUNDARY**.
- Activities covered outside the urban boundary were usually limited to infrastructure operation and maintenance or projects that were defined before the plan was implemented.
- Ag activities are usually not included at the request of the Ag community.



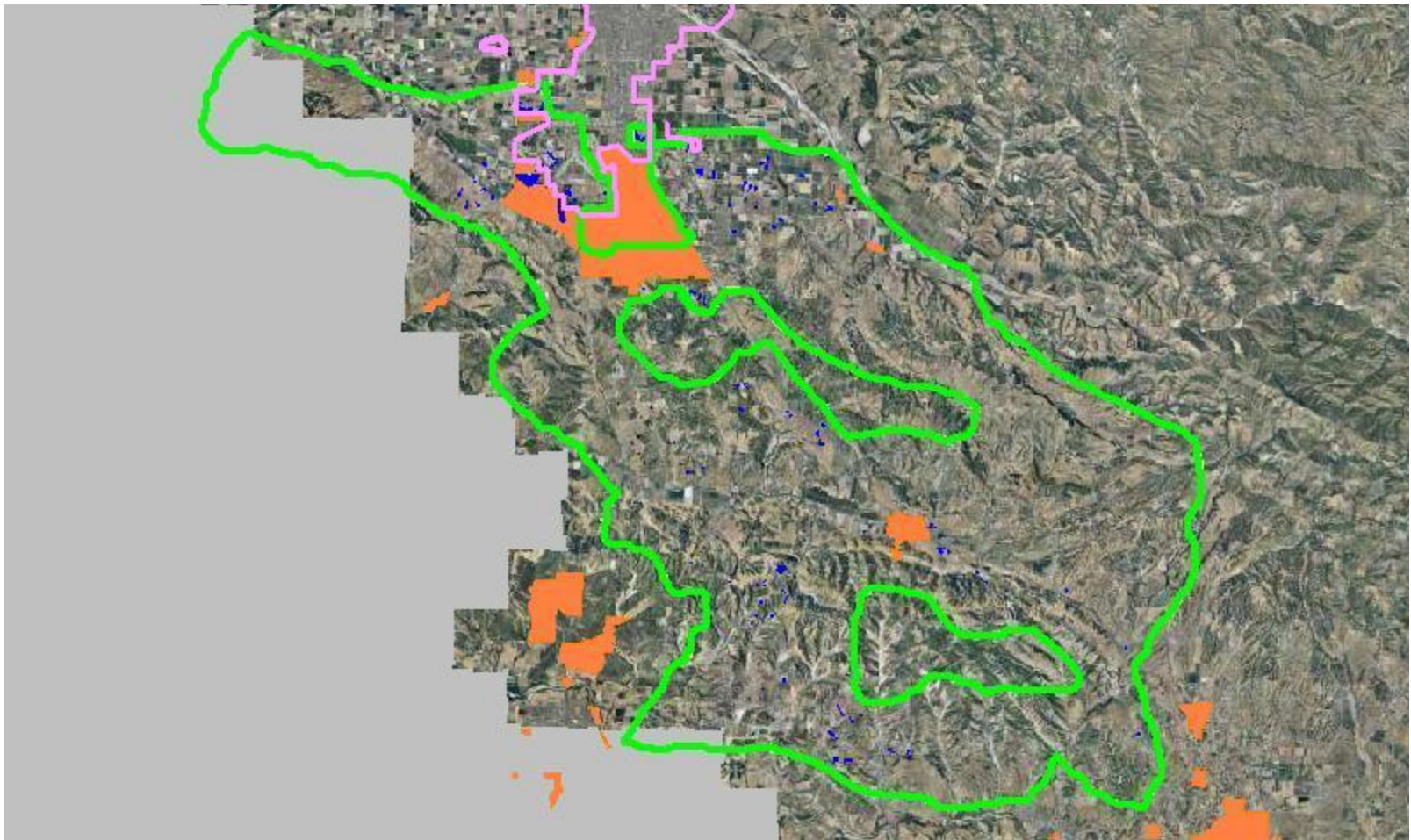
# LESSONS FROM THE CASE STUDIES

## POSSIBLE APPROACH FOR THE SANTA BARBARA RCS:

- Coverage for all ground disturbing activities inside the Urban Limit Line in the County (ULL) including Ag, development, infrastructure, etc.
- Coverage for construction and maintenance of infrastructure and specifically identified projects outside the ULL. All other projects outside the ULL would be evaluated on a case-by-case basis.
- ULL expansion through annexation would automatically expand the urban area designated in the conservation plan.



# URBAN AREAS WITHIN THE CTS RANGE



Orange= Urban areas, Blue= ponds Pink= Incorporated City Boundary



# LESSONS FROM THE 5 CASE STUDIES

## POSSIBLE APPROACH FOR THE SANTA BARBARA RCS:

- Mitigation for habitat lost would be offset by specific mitigation ratios and set aside in perpetuity in preserves that contain ponds and appropriate upland habitat areas.
- Preserves would be assembled from willing landowners who voluntarily agree to comply with specific management practices or turn over management to a third party.
- Good Neighbor Policy: Landowners who are located adjacent to preserves would be offered take coverage should covered species disperse on to their property that were not there before. This would be voluntary.



# LESSONS FROM THE 5 CASE STUDIES

## POSSIBLE APPROACH FOR THE SANTA BARBARA RCS:

### Possible Agriculture Options:

- Voluntary participation in a preserve with lands managed subject to specified practices by the landowner or third party manager.
- Provide take coverage for XX number of acres for conversion from grazing or open lands for Ag intensification (similar to San Diego).



# LESSONS FROM THE 5 CASE STUDIES

## POSSIBLE APPROACH FOR THE SANTA BARBARA RCS:

### Possible Agriculture Options:

- Do not include agriculture as a covered activity.
  - Not needed for routine ongoing agricultural operations
  - Intensification and certain activities continue to be reviewed on a case-by-case basis