

COUNTY OF PLACER Community Development/Resource Agency

Michael J. Johnson, AICP Agency Director **ADMINISTRATION**

MEMORANDUM

TO:

Honorable Board of Supervisors

FROM:

Michael J. Johnson, AICP

Agency Director

DATE:

July 10, 2012

SUBJECT: Update on the Placer County Conservation Plan

SUMMARY

Staff is providing the Board with an update on the status of the PCCP Ad Hoc Committee deliberations and recent meetings with managers from a number of state and federal agencies. On January 23, 2007, the Board authorized an Ad Hoc Committee and approved a PCCP reserve map to initiate discussions with the Wildlife Agencies. Staff is now requesting that the Board authorize staff to submit the proposed PCCP Conservation Strategy consistent with the principles and objectives outlined in this report and the attached Reserve Map (Exhibit A) developed through the review and guidance of the Ad Hoc Committee. Staff is also recommending that staff proceed with elements of the work program that have been on hold pending concurrence on important aspects of the PCCP. These work program elements include preparation of an Environmental Impact Report (EIR), Environmental Impact Statement (EIS), and Finance Plan. A number of related recommendations are included in this report.

BACKGROUND

PCCP Overview

The PCCP is intended to provide 50 years of compliance for the following state and federal laws:

- 1. Federal Endangered Species Act administered by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service.
- 2. California Endangered Species Act and Natural Communities Conservation Act administered by the California Department of Fish and Game (DFG)
- 3. Federal Clean Water Act provisions related to wetlands and water quality administered by the U.S. Army Corps of Engineers (COE), the U.S. Environmental Protection Agency, and the Regional Water Quality Control Board (RWQCB)

4. Section 1600 Fish and Game Code, relating to stream protections, administered by DFG.

The regulatory coverage under these laws would apply to public sector infrastructure and transportation projects and a wide range of private sector activities typically associated with land development. The PCCP would also provide regulatory coverage for the construction of the Placer Parkway project, the indirect effects associated with the Sacramento River Diversion project sponsored by PCWA, and the direct impacts associated with the construction and operation of PCWA facilities. The PCCP would fulfill state and federal legal requirements for impacts on up to 31 sensitive plants and animals that are known to occur, or have the potential to occur, within the PCCP coverage area. A complete list of proposed covered species is included as Exhibit B.

Ad Hoc Committee

On January 23, 2007, the Board of Supervisors created an Ad Hoc Committee to provide guidance in the development of the PCCP. The Ad Hoc Committee is comprised of two members of the Board of Supervisors (Uhler/Weygandt) and two Council Members of the City of Lincoln (Cosgrove/Santini and with Mayor Short replacing Councilmember Santini). The Board also directed staff to prepare a draft PCCP Reserve Map and conservation strategy. The Ad Hoc Committee's discussions have played a key role in the development of the conservation strategy and reserve map. Based upon the original direction provided by the Board, the Ad Hoc Committee has fulfilled its mission.

Draft Ad Hoc Committee Reserve Map:

On April 18, 2012, a new draft Reserve Map was completed (Exhibit A). The new Reserve Map reflects the guidance of the Ad Hoc Committee and is intended to serve as the basis for the PCCP Conservation Strategy.

The Draft Reserve Map consists of three basic elements: 1) a Reserve Area, 2) a Stream Zone Area, and 3) a Potential Future Growth Area. A fourth area, depicted in gray, represents the boundaries of the non-participating Cities of Roseville, Rocklin, Auburn, and the Town of Loomis. The County is proposing to provide coverage under the PCCP within the spheres of influence for Roseville for the Sunset Industrial Area and Auburn for the North Auburn/Bowman Area.

Potential Future Growth Area

The Potential Future Growth area (PFG) is the region in which it is anticipated that growth will dominate the landscape during the permit term. The PFG will include existing and future urban, suburban, rural residential and some agricultural uses. The PFG includes all of the City of Lincoln's new General Plan and the General Plan and community plans for the unincorporated area. The PFG also includes the Placer Parkway alignment that was recently selected and incorporated into the Placer County General Plan.

Reserve Area

The "Reserve Area" (depicted as purple and green) consists of two elements: 1) The existing conserved area (green), which are lands already protected in perpetuity as a consequence of local, state, federal and private sector conservation activities. The existing reserves include lands acquired through the Placer Legacy program, which count toward the PCCP's reserve

system. The existing conserved area accounts for 16,153 acres of land. 2) The Reserve Acquisition Area (RAA) includes lands that would be permanently conserved during the term of the permit (50 years) through land acquisitions or conservation easements. The RAA consists of approximately 76,758 acres. Together the RAA and existing conservation areas accounts for 92,911 acres of the PCCP coverage area. The entire RAA would not be protected; only those lands necessary to meet the conservation objectives of the PCCP would be acquired.

Stream Zone

The Stream Zone represents those areas along major stream corridors that would be protected from future incompatible development (depicted as purple along the stream corridors). The Stream Zone contains a number of key resources including streams, riparian habitat, endangered species habitat, floodplains, and vernal pool grasslands. The Stream Zone is also an important habitat corridor that moves from the valley floor to the foothills and passes through areas where the landscape is dominated by urban, suburban, and rural residential development. The Stream Zone is approximately 9,029 acres in area and is the only portion of the Reserve System that extends into the upper watershed areas of Dry Creek (i.e., the Loomis Basin) and Auburn Ravine.

Non-Participating Cities

The non-participating cities are depicted in the map in two shades of gray, 1) dark gray for existing city limits and 2) light gray for sphere of influence areas not covered by the PCCP. In some instances, a city's sphere of influence is proposed for coverage by the PCCP, such as the Auburn/Bowman area where the City of Auburn has a sphere of influence. On September 13, 2011, the Board of Supervisors authorized the Chairman to send a letter formally inviting the City of Roseville to participate in the PCCP plan preparation and implementation. While staff has continued to coordinate with the City and periodic updates have been provided via the Border Committee and through direct communication with City staff, there has not been a formal response from the City regarding its interest in participating. The City has tentatively scheduled a public meeting with the Roseville City Council to discuss the PCCP on July 18, 2012. The Cities of Auburn, Rocklin and the Town of Loomis continue to be non-participants, and no formal outreach has been conducted to change that status.

Sutter County:

The Draft Reserve Map depicts approximately 1,700 acres of the Coon Creek floodplain in Sutter County in the draft Reserve Boundary. Protection in this area is recommended to insure foothill-valley floor connectivity along Coon Creek watershed. Contact has been made with Sutter County regarding the Ad Hoc recommendation and additional discussions will be necessary. The goal of the PCCP would be to insure that the joint conservation objectives of both Sutter County and Placer County could be met in this area (Sutter County is also preparing a NCCP in a joint venture with Yuba County).

RENEWED STAKEHOLDER OUTREACH

If, as recommended, development of the PCCP enters a new more intensive stage, it could be important and useful to increase stakeholder participation, emphasizing interactions between stakeholders, policy makers, and state and federal agency staff. Since 2001, stakeholder participation has been primarily through the Biological Stakeholder Working Group (BWG), which was created shortly after the PCCP work program was authorized. The BWG is comprised of eleven members (each with the ability to identify an alternate). There is a

pending request to add two additional members. The BWG is intended to provide a cross-section of interests on the work program and its implementation and includes:

- Agriculture farming and ranching
- Environmental
- Education
- Land Development
- Property Owner conservation and development

In addition to the BWG, a group of independent science advisors was convened when objective scientific review was required. There is also an interagency working group comprised of the state and federal agencies that are assisting with the preparation of the PCCP. Policy makers have participated primarily through the Ad Hoc Committee.

As the work program begins to focus on the preparation of the EIR/EIS and finance plan, communication among stakeholders and plan participants is likely to increase. It will be necessary to insure that there is an appropriate forum for stakeholder participation and for public officials to discuss plan implementation.

The following is a list of communication objectives that are being considered:

- 1. Increased BWG participation
- 2. Increased interaction between stakeholders and regulatory agencies
- 3. Increased interaction between stakeholders and policy makers
- 4. Increased outreach to key stakeholder communities in one-on-one settings (e.g., agricultural community, realtor association
- 5. Increase in the number of public workshops and presentations.
- 6. Policy maker (e.g., Council and Board members) deliberations will focus on updates, policy clarification, plan implementation, and stakeholder engagement.

The primary focus for change is on the decreased role of the Ad Hoc Committee. The original purpose for the Ad Hoc Committee has largely been achieved. New forums for communication may be needed as the work program initiates new tasks including an emphasis on PCCP implementation. Selecting an approach that provides efficient and effective communication is essential. Staff is seeking direction on this issue. The following options are proposed for the Board's consideration.

Proposed Outline for Stakeholder Outreach and Input

In general the amount of stakeholder input and input from policy makers is sufficient to continue to prepare the plan. The primary objective is to increase the levels of interaction between stakeholder interests and to focus on key stakeholder constituencies to insure that their issues are addressed and that they are fully informed. Staff is recommending the following in order to insure these objectives are addressed:

Schedule public meetings for stakeholder and public input - Meetings and agendas
would be posted 72 hours in advance of the meetings. The purpose for the meetings is
for stakeholders to discuss key issues with policy makers. Members of the BWG and
Ad Hoc Committee may be in attendance. The work program schedule will include

- meeting dates that will precede key milestones or decision-making points for the County and City of Lincoln.
- 2. Increase the interactions between the BWG and wildlife agencies In the past there was routine interaction between the BWG and wildlife agency staff primarily during regularly scheduled BWG meetings. With the inception of the Ad Hoc Committee, the focus has been on providing the necessary support for Ad Hoc Committee discussions. The need for routine interactions between the BWG and wildlife agencies will increase
- 3. Ad Hoc Committee Deliberations The Ad Hoc Committee will continue to meet on an as-needed basis. The focus will shift from development of a conservation strategy to discussion of implementation tasks such as the preparation of a finance plan and on governance options. The Ad Hoc Committee will also meet with wildlife agency managers on an as needed basis.
- 4. Focused Stakeholder Meetings For key stakeholder groups, including the development, agriculture, and environmental, focused or topical stakeholders meetings will held on an as needed basis.
- 5. Subcommittee(s) At least one subcommittee will be formed to participate in the preparation of the PCCP Finance Plan. A roster has been developed from BWG members who have stated their interest in participation. Additional subcommittees may be formed on an as needed basis.
- 6. Interagency Participation County staff will continue to coordinate with plan participants and other potentially affected agencies at the local level (e.g., City of Roseville). Staff will also continue to coordinate the development of the PCCP with state/federal agency staff.

DISCUSSION - PLAN PREPARATION

In February 2011, an agency-review draft PCCP Conservation Strategy and Reserve map was prepared consistent with the Ad Hoc guidance and concurrence from the Board. Comments were received from the wildlife agencies in the spring of 2012, and the Ad Hoc Committee has met periodically since that time to guide the development of the conservation strategy that would provide a foundation for the preparation of the public review draft PCCP, EIR/EIS and finance plan.

In May and June of this year, the Ad Hoc Committee met with management staff from the agencies participating in the preparation of the PCCP. At the conclusion of those meetings, it was the general consensus that the revised conservation strategy could serve as the foundation for a new agency-review draft document and as important, the initiation of the preparation of the finance plan and EIR/EIS. Given this general agreement on direction, Staff is prepared to present to the Board of Supervisors its recommendations on a revised PCCP conservation strategy and reserve map.

The following Discussion Section of this memorandum is intended to provide the Board with information about two important elements of the work program: 1) changes that are being considered for a revised Draft PCCP, including changes to the reserve map and biological goals and objectives, and 2) important outstanding issues that will need to be resolved before the PCCP is completed.

DISCUSSION TOPIC #1 - CHANGES TO THE PCCP MAP AND STRATEGY

In response to comments received from state and federal agencies about the first Agency-Review Draft PCCP, and based upon new circumstances and information that have arisen since the plan and map were prepared, the Staff and the Ad Hoc Committee reconsidered the various conservation and growth elements associated with the PCCP Reserve Map. The following summarizes the changes that have been recommended.

Changes to the Reserve System Map

The full Board considered a Reserve Map on January 25, 2011. This map accompanied the first Agency-Review Draft Conservation Strategy that was submitted for review in February 2011. The 2011 Reserve Map has been modified for a number of reasons over the past year and a half and includes the following changes (See Exhibit A). The current map is dated April 18 2012 and is expected to serve as the map around which the conservation strategy will be analyzed. The modifications made over the past year include the following:

- The Reason Farms area was incorporated into the City Limits of the City of Roseville and consequently that area and several other parcels adjoining Roseville were designated as Non-Participating City. This removed approximately 2,176 acres from the Planning Area.
- The potential for reserve acquisitions has been increased to include more than 50% of the federally-designated vernal pool Critical Habitat area in and around the City of Lincoln.
- Additional areas were incorporated into the Reserve Acquisition Area (RAA) within the City of Lincoln General Plan boundary where they meet size and location criteria.
- The Reserve System Map was updated to incorporate additional lands that have already been placed into conservation as a consequence of the activities of local land trusts, Placer County (via Placer Legacy), and other conservation actions.
- A 320-acre property previously designated as a Reserve Acquisition Area was designated Potential Future Growth Area.

The net effect is that the RAA area declined by approximately 1,100 acres. As one of the actions recommended in this memo, staff is seeking authorization from the Board to utilize the updated map as the foundation for the revised conservation strategy.

Updated Economic Forecast and Take Projections

In September of 2011, Placer County commissioned an updated economic forecast with an emphasis on the residential and non-residential growth that would occur in the PCCP coverage area between now and 2065. Based on the updated forecast (which identified a reduction in the anticipated residential build-out of the area) the Participating Agencies anticipate substantially fewer effects on the proposed covered species and natural communities over the 50-year term PCCP (as less development will be occurring). In general, the current outlook is for less regional growth than anticipated in 2005 when the regional scenario that served as the basis for the 2008 set of PCCP projections was prepared.

Table 1 below depicts the reduction in land conversion that results from the change in the economic forecast for the county. As noted below, the West Valley portion of the PCCP coverage area will see a reduction in the land conversion impact equal to approximately 26 percent when compared to the estimates contained in the February 2011 Draft Conservation Strategy. For the Foothill/I-80 portion of the coverage area, the amount of coverage area is

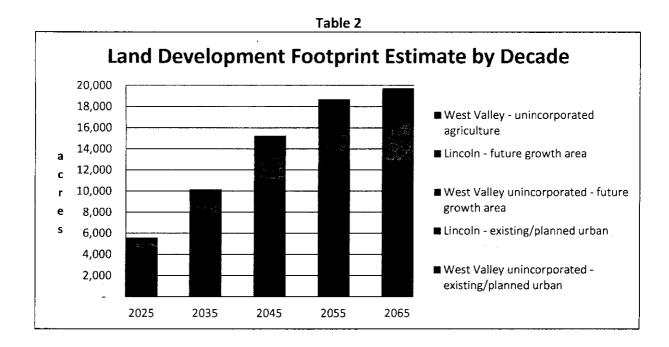
reduced even further with land conversions being 39 percent less when compared to the estimates contained in the February 2011 Draft Conservation Strategy. Table 2 depicts the areas in which growth is expected to occur. Of particular note are the future growth areas in the City of Lincoln and the unincorporated West Valley. Both of these are areas have very limited growth today but account for one third of all growth by 2065.

Because growth is reduced, impacts to sensitive species are lessened throughout the coverage area. Because there is more land available for the conservation actions of the plan due to the reduction in take, there is sufficient land for in-kind and in-County mitigation for all impacts, and there are residual lands that may be available for conservation actions in the post-permit time frame or for other conservation actions not associated with the PCCP.

Table 1
2008 Land Conversion Estimate compared to 2011 Revised Estimates (acres)

PCCP Analysis Zones	2008 Projection Feb 2011 PCCP	2011 Revised Estimates	Difference in Acres	2011 Revised as percent of 2008
West Valley Unincorporated— agriculture/conservation	200	200	0	100%
Lincoln-future growth area	8,809	2,933	(5,877)	33%
Unincorporated West Valley– future growth area	4,928	3,730	(1,197)	76%
Lincoln-existing/planned urban	3,392	3,392	0	100%
West Valley Unincorporated— existing/planned urban	9,489	9,489	0	100%
Valley subtotal	26,818	19,744	(7,074)	74%
Foothills—agriculture & conservation	1,200	1,000	(200)	83%
North Foothills-rural residential	17,927	8,593	(9,334)	48%
I-80 Corridor-existing/planned urban	5,080	5,080	0	100%
Foothills / I-80 Corridor subtotal	24,207	14,673	(9,534)	61%
Total PCCP (without Non Participating Cities)	51,025	34,417	(16,608)	67%
Non-Participating Cities	12,454	12,454	0	100%
Total Western Placer County	63,479	46,871	(16,608)	74%

SOURCE: Hausrath Economics Group 2011



Updated land cover and biological resources mapping

In addition to the updated growth projection that was completed last summer, staff worked last winter/spring of 2011 to update the landcover baseline data for the valley floor (i.e., areas below 200' in elevation). This is a key data set in that it identifies the numerous vegetation communities of western Placer County as well as the extent and location of developed lands. The conversion of this landscape by urban/suburban land uses causes the majority of the impacts that the PCCP seeks to address. On the valley floor, the most critical landcover community is the vernal pool grasslands and particular emphasis has been placed on insuring an accurate depiction of that habitat in the PCCP database.

Placer County recently acquired April 2011 aerial imagery and spring 2008 LiDAR data from the Department of Water Resources. LiDAR is an optical remote sensing technology that uses laser light to make extremely precise elevation maps. The spring 2011 photos and LiDAR data were used by Salix Inc. to update the landcover map and vernal pool complex density estimates and to develop an estimate of potential for wetland area restoration. The updated Land Cover Map for the Valley is shown as Exhibit C. In general, the landcover distribution did not change appreciably but it is a more accurate and current accounting of the county's resources.

Vernal Pool Conservation Strategy

One of the key elements of the conservation strategy is the protection of vernal pool resources due to the presence of a number of listed species and wetland regulatory requirements. The deliberations have focused primarily on how to develop a conservation strategy that can address the impacts to vernal pool grasslands between now and 2060. The February 2011 plan considered a higher rate and amount of growth, which resulted in a need for over 100 percent of the remaining vernal pools to be conserved. The lower rate of growth has resulted in approximately 7,000 acres of vernal pool grasslands remaining intact at the end of the permit term. Under the previous scenario, it would be necessary to mitigate out-of-county or

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out-of-kind in order to accommodate this level of growth. With a lower growth rate, there is more flexibility on meeting this requirement.

Because of the greater potential for land conservation of vernal pool grasslands resulting from the revised growth estimate, the Ad Hoc Committee has considered a number of changes to address impacts to vernal pool species. The recommended changes include a commitment to restoring vernal pool grasslands (utilizing grassland areas, not rice), the ability to mitigate impacts within the County and with in-kind habitat, an increase in the amount of vernal pool critical habitat committed to conservation, and an increase in the vernal pool conservation and preservation ratios. Table 3 depicts the proposed increase to the mitigation and conservation ratios associated with vernal pool grasslands.

Table 3
Vernal Pool Ratio Updates

Vernal Pool Resource	February 2011	April 2012
Vernal pool wetland preservation	1:1	1.25:1
Vernal pool wetland restoration overall	1.25:1	1.5:1
Minimum restoration as in- kind vernal pool	0.75:1	1:1
Vernal Pool - Grassland	1.35:1	1.5:1

The change in wetland ratios will increase the amount of vernal pool preservation and will ensure a minimum of 1:1 restoration for vernal pool wetlands, which helps to establish that there will be no net loss of vernal pool wetlands, as required by the Corps. The grassland area increase is needed to support the wetland restoration (i.e., there is a need for more land for restoration activities). Based on these ratios, to mitigate the loss of 16,000 acres of grassland/vernal pool grasslands, the PCCP will require roughly 24,000 acres of grasslands/vernal pool grasslands to be set aside in the Reserve System by 2065.

Applying the ratios described above, vernal pool impacts would be mitigated as follows:

Table 4
Comparison of Vernal Pool Wetland Mitigation: February 2011 to April 2012

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Habitat Type	February 2011 Higher Growth, lower ratios	April 2012 Lower growth, higher ratios
Vernal pool wetlands preserved	342	325
Wetlands created Vernal pool (minimum) Other wetlands	256 171	260 130
Vernal pool complex grasslands preserved	21,299	18,957
Total Mitigation Contribution to Reserve System	34,399	28,148

July 3, 2012

In addition to the PCCP's proposal to preserve and compensate for vernal pool habitat losses, the PCCP is also proposing to restore vernal pool grasslands (See Exhibit D). These restorable properties have the potential to contribute to the total acres that we need to protect to meet our preservation requirement. This is important because of the relative scarcity of the vernal pool landscape in Placer County and the need to identify a reserve acquisition area that insures connectivity, minimizes urban edge effects, and contributes to species recovery.

In order to identify restorable vernal pool grasslands, staff has used a number of criteria: 1) The property is not in laser-leveled rice production today. Laser leveled rice lands have had all of their natural hydrology removed and significant recontouring of the landscape would be required to bring back the historical hydrology. Within the regulatory and environmental community, there is also some controversy around using rice lands for re-establishing vernal pool habitat. 2) The site has the appropriate vernal pool soils. 3) The site is located outside of the 100-year floodplain. 4) Hydrologic conditions can be enhanced or replaced to match those typically present on a natural vernal pool landscape. 5) There is evidence on 1937 aerial photography that the site was a vernal pool grassland in the past.

DISCUSSION TOPIC #2 – OUTSTANDING ISSUES

If direction is provided to staff to proceed with the preparation of the proposed PCCP and the balance of the work program, it will be necessary to address a number of issues related to permit processing that are not directly related to the reserve map boundaries.

Species Occurrence and Occupancy Assurance

During the summer of 2011, County staff and consultants conducted a series of meetings with the wildlife agencies to review the PCCP Conservation Strategy. Because there is minimal occurrence data for some covered species (because of lack of surveys on private property, or because some species are rare in the Plan area), the wildlife agencies are concerned that there is too much risk to some of the covered species in assuming that lands within the Reserve System will be occupied at the same level as those impacted in the Potential Future Growth area where impacts will occur. What limited data we have for the Potential Future Growth area is largely the result of site surveys in areas where development is being proposed. Without robust occurrence data, computer modeling must be used to predict the presence/absence of the relevant species, and it may be necessary to conduct surveys of project sites as project proposals are made and on reserve lands at the time they are added to the Reserve System.

The wildlife agencies have asked for additional assurances that the species are likely to be present on or near the land that will be acquired for the Reserve System before impacts to currently occupied habitat are authorized under the PCCP (e.g., would receive "conditional coverage"). For some of these species, pre-project surveys may be necessary in potentially suitable habitat to assess presence and potential for take of these species. In general, if species are not found during a pre-project survey, then modeled habitat is suitable mitigation.

Conversely, the mitigation for impacts to occupied habitat must be equivalent to the impacts, i.e., land acquired for the Reserve System must be occupied by those species to be credited for mitigation.

Some Next Steps/Issues to Resolve include:

- Identify alternatives to pre-project surveys.
- · Determine how we will measure occupancy.
- Develop the Stay-Ahead criteria to provide occupancy assurances.
- Determine whether, and if so, how, pre-project surveys could be suspended during the permit term if new data indicates that pre-project surveys are no longer necessary.
- · Evaluate the potential to use mitigation and conservation banks
- · Determine specific survey requirements.

The overall objective is to provide the necessary assurances to the wildlife agencies so that permits can be issued to implement the PCCP while at the same time developing a program that does not create new regulatory burdens and obstacles for covered activities.

Federal Clean Water Act - Programmatic Compliance

The following information is a summary from a co-signed letter from the County of Placer and the U.S. Army Corps of Engineers regarding the preparation of documents that will provide Federal Clean Water Act compliance in the PCCP. A copy of the letter is attached as Exhibit F.

The County/City of Lincoln and the U.S. Army Corps of Engineers, Sacramento District ("Corps") have been working together to coordinate environmental review and permitting for certain activities that will be covered under the PCCP. The PCCP will include a County Aquatic Resources Program ("CARP") designed to protect all waters in the County, including but not limited to, "waters of the United States" protected under Section 404 of the Clean Water Act ("CWA 404"). The proposal is to integrate the environmental review and permitting processes to the maximum extent possible under the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), CWA 404, and the CARP for PCCP covered activities. This integration involves establishing a joint strategy that will fulfill both Federal and local requirements for the protection of wetlands and other aquatic resources. The County/City of Lincoln and the Corps are striving to make the joint processes efficient, transparent, and predictable, meet no net loss policies and ensure consistency with avoidance, minimization, and compensatory mitigation requirements under the CARP and CWA 404. The NEPA, CEQA, CWA 404, and CARP integration will have three components:

- A joint environmental impact statement (NEPA) and environmental impact report (CEQA) for the PCCP Program, which will include the CWA 404 permitting strategy for PCCP covered activities in waters of the U.S.;
- A local wetland permitting program and a programmatic general permit under the CWA for PCCP covered activities that will have a minimal effect on aquatic resources; and
- A memorandum of understanding between the Corps and the County that will establish coordinated procedures for NEPA and CEQA compliance and CWA 404 permitting for PCCP covered activities.

The joint EIS/EIR to be prepared for the PCCP will include a description of the Corps' permitting strategy for PCCP covered activities including the use of general permits and a letter of permission procedure to cover the vast majority of actions. The EIS/EIR will assess, at a regional scale using a watershed approach, the direct, indirect, and cumulative effects that PCCP Program covered activities will have on aquatic resources, taking into consideration the

PCCP Program's regional strategy of identifying areas within which effects on aquatic resources will be permitted and other areas where effects on aquatic resources will generally be avoided. The EIS/EIR will also evaluate alternative regional approaches for permitting and avoiding effects on aquatic resources and imperiled species. Based on this analysis and following adoption of the EIS, the Corps will determine whether the PCCP Program reflects the "least environmentally damaging practicable alternative" at a regional level in a Record of Decision.

The County/City of Lincoln and the Corps will "tier" from the EIS/EIR for environmental review and permitting for individual PCCP covered activities, helping to ensure consistency and integration of project-specific environmental review. Project-specific environmental documents will be able to rely on the programmatic environmental analyses in the EIS/EIR and focus only on any environmental effects that require additional analysis for the project specific environmental reviews. In most cases, an environmental assessment, rather than a project-specific environmental impact statement, should be sufficient to meet NEPA requirements for purposes of the Corps issuance of CWA 404 permits for PCCP covered activities.

Additionally, the Corps and the County/City of Lincoln expect to enter into an MOU that sets forth and explains the integrated procedures that will be used for environmental review and permitting for all PCCP and CARP covered activities. The MOU will explain three key aspects of this integration:

- 1. The MOU will explain the integrated CWA 404 and CARP permitting procedures for all PCCP covered activities.
- 2. The MOU will explain how the County/City of Lincoln and the Corps will coordinate CEQA and NEPA environmental review to ensure that it occurs concurrently and how they will tier project-specific environmental review for PCCP covered activities from the EIS/EIR to minimize the need for project specific environmental impact statements. CEQA and NEPA coordination will include specific timeframes that the County/City of Lincoln and the Corps will use as targets by which to complete keys steps in the environmental review process.
- 3. The MOU will explain how the County/City of Lincoln and the Corps will meet and confer as needed to ensure decision-making for the environmental review and permitting of PCCP covered activities is coordinated and consistent. The MOU will also outline reporting and monitoring protocol to ensure only activities with minimal impacts to waters of the U.S. are being authorized under the CARP/PGP and no net loss policies are being met.

GOVERNANCE

PCCP implementation requires the interaction of the Board of Supervisors, the City of Lincoln, a management entity, the Wildlife Agencies, coordinating with partner agencies (PCWA and SPRTA), the regulated public, and the public at large. There is also the need to insure that there is scientific input from the academic community to address issues as they arise over time.

Staff believes that a joint powers authority comprised of 2 elected officials from the Board of Supervisors and a City Councilmember from the City of Lincoln could serve as the

management entity. This joint powers authority, known as the Placer Conservation Authority, would have the following duties:

- Negotiate land acquisitions
- Collect and manage PCCP mitigation funds
- · Coordinate with Wildlife Agencies
- Coordinate with the Permittees
- Conduct public meetings
- Manage PCA Staff
- · Apply for and manage grants
- Implement all conservation actions of the PCCP
- Monitor and report
- · Develop and implement reserve management plans
- Develop and implement restoration plans
- Maintaining GIS data
- · Insure public involvement

The City and County would still retain significant responsibilities, mostly in the form of permit processing for individual applications. In essence, the management structure has two functions: 1) Placer Conservation Authority: Manage the funds, implement the conservation strategy and manage reserve area in perpetuity and 2) City and County: Insure that the PCCP mitigation and conservation requirements (including land dedications and fee requirements) are met on individual projects. The governance structure will be developed further in the next draft of the PCCP.

WORK PROGRAM OVERVIEW AND NEXT STEPS

The Ad Hoc Committee has been involved in these discussions since February of 2007. Prior to this involvement, staff had completed a number of tasks including: preparation of the baseline data, execution of the NCCP Planning Agreement, preparation of the draft County Aquatic Resources Plan and ordinance, development of a model for cost assessments, and preparation of the first Agency-Review Draft conservation strategy. Additionally, a Notice of Preparation of Notice of Intent had been previously posted to initiate the preparation of an EIR/EIS.

To complete the Conservation Plan, the following work program tasks will be completed:

- Revise and update the February 2011 Agency-Review Draft Conservation Plan consistent with the recommendations and discussions with the wildlife agencies
- Prepare the Draft and Final EIR/EIS utilizing the Conservation Plan as the project description
- Prepare a public review draft and final Finance Plan
- Prepare the public review draft County Aquatic Resource Program and implementing ordinance
- Prepare the public review draft and final Implementation Agreement
- Prepare implementing ordinances

The timeline for completion of the PCCP will depend to a large extent upon the responses received back from the Wildlife Agencies. At this time we do not know how long each agency

will take to review the new draft of the PCCP and other documents. If past trends in other jurisdictions are an indication of what to expect, substantive comments will need to be addressed before a public review draft can be released. Sufficient revenues are available in the Planning Department's budget to continue to work on the PCCP throughout this fiscal year. General Fund support in subsequent fiscal years will be required to complete the plan. Exhibit E contains a comprehensive work program and timeline to complete the PCCP.

Cost of Plan Preparation

To date, the cost to develop the PCCP has been \$7,235,729 (Total amount spent thru March 2012). This amount includes contract costs and staff time. Of this amount, the County has received \$768,422 in outside funding (\$6,467,307 net county cost) primarily through "Section 6" Planning Grants from the FWS. To complete the plan, it will be necessary to fund the preparation of the revised conservation strategy, the EIR/EIS and finance plan. Contracts for all of this work are already in place. Table 5 provides a summary of the status of those contracts and fund balances. At this time there is sufficient funding to prepare the above documents and support the overall work program through FY 12/13. For the EIR/EIS and finance plan, the funding should be sufficient to complete those documents. However, it needs to be noted that for projects of this scale it is not uncommon to have to prepare additional documentation beyond the original scope of work and/or prepare additional environmental documents after the public has had an opportunity to comment on the draft EIR/EIS. Therefore it is not possible to accurately predict whether or not the current funding levels are sufficient to complete the plan in its entirety.

Table 5
PCCP Contracts and Balances

Contractor	Contract Amount	Balance	Primary Task
TRA Environmental Sciences, Inc.	\$734,000	\$262,550	Preparation of the conservation strategy
Salix Consulting, Inc	\$125,325	\$39,927	Vegetative mapping and preparation of CARP documents
Hausrath Economics Group	\$643,962	\$260,661	Finance Plan and fiscal impacts
Sierra Business Counsel	\$87,785	\$20,458	Science Advisors
ICF International	\$695,977	\$563,316	EIR/EIS

In addition to the contracts managed by CDRA referenced in Table 5, County Counsel's office manages a contract with Resources Law Group for outside counsel support. As the work program moves forward, Resources Law Group will have a key role in the preparation of the implementation agreement.

A portion of these costs will be reimbursable under the terms of the current MOU with the City of Lincoln. Additional reimbursement may be possible if the City of Roseville elects to participate and through PCWA who is already a plan participant.

Staff will return to the Board in the next couple of months in order to provide information on the finance plan and initial findings on the cost of the PCCP.

RECOMMENDATIONS

Staff recommends that the Board of Supervisors take the following actions:

- 1. Direct County staff to prepare the PCCP consistent with the changes discussed herein.
- 2. Authorize staff to proceed with the preparation of the EIR/EIS.
- 3. Authorize staff to proceed with the preparation of the Finance Plan.

The following exhibits are provided for the Board's consideration:

Exhibit A: Revised Ad Hoc Committee Reserve Map – April 2012

Exhibit B: Covered Species List
Exhibit C: Valley Landcover Mapping
Exhibit D: Vernal Pool Restoration Areas
Exhibit E: Work Program Schedule

Exhibit F: Placer County/U.S. Army Corps of Engineers Letter on Programmatic CWA 404

compliance

cc: Rod Campbell, City of Lincoln

Einar Maisch, PCWA

Celia McAdam, PCTPA/SPRTA Mark Morse, City of Roseville

Resource Agencies

Biological Stakeholder Working Group

Conservation Strategy Group

Resources Law Group

Fish and Game Commission

Agricultural Commission

Exhibit A
Ad Hoc Recommended Reserve Map

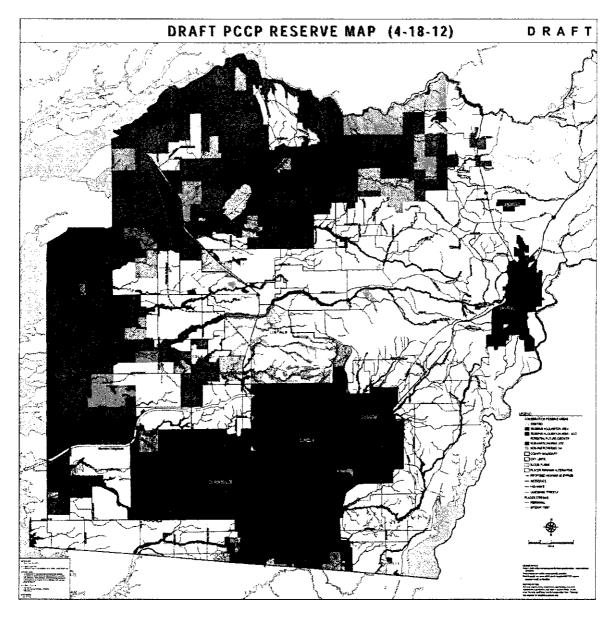


Exhibit B PCCP Covered Species List

Species Proposed for Coverage in the Placer County Conservation Plan

		Status ^a	
Common Name	Scientific Name	Federal	State and CNPS List
Birds			(for plants)
Bald eagle	Haliaeetus leucocephalus	D	SE & FP
Swainson's hawk	Buteo swainsoni	<u> </u>	ST
American peregrine falcon	Falco peregrinus	D	SE ^b & FP
California black rail	Laterallus jamaicensis coturniculus	всс	ST & FP
Bank swallow	Riparia riparia		ST
Western burrowing owl	Athene cunicularia hypugea	BCC	SSC
Cooper's hawk	Accipiter cooperii		WL
Loggerhead shrike	Lanius Iudovicianus	BCC	SSC
Northern harrier	Circus cyaneus	500	SSC
Ferruginous hawk	Buteo regalis	BCC	WL
Yellow warbler	Dendroica petechia (brewsteri)	ВСС	SSC
Yellow-breasted chat	Icteria virens		SSC
Modesto song sparrow	Melospiza melodia mailliardi	_	SSC
Grasshopper sparrow	Ammodramus savannarum	BCC	SSC
Tricolored blackbird	Agelaius tricolor		SSC
Reptiles Giant garter snake	Thamnophis gigas	FT	CT
•		ГІ	ST SSC
Northwestern pond turtle Amphibians	Actinemys marmorata marmorata		33U
Western spadefoot	Spea hammondii (formerly		SSC
·	Scaphiopus hammondii)	***************************************	
Foothill yellow-legged	Rana boylii		SSC
frog California red-legged frog	Rana aurora draytonii	FT	SSC
Fish		inica 9 s 1.38 i Klari 39	
Central Valley steelhead - Distinct Population Segment	Oncorhynchus mykiss irideus	FT	
Central Valley fall/late	Oncorhynchus tshawytscha		SSC
fall-run Chinook salmon	chican, non us to have to the control of the contro		333
Evolutionary Significant			
Unit			
Invertebrates			
Valley elderberry	Desmocerus californicus dimorphus	FT	<u></u>
longhorn beetle	·		
Conservancy fairy shrimp	Branchinecta conservatio	FE	
Vernal pool fairy shrimp	Branchinecta lynchi	FT	
Vernal pool tadpole	Lepidurus packardi	FE	
shrimp		- -	

Species Proposed for Coverage in the Placer County Conservation Plan

	•	Status*	
Common Name	Scientific Name	Federal	State and CNPS List
			(for plants)

Plants *		
Bogg's Lake hedge-	Gratiola heterosepala	 SE; 1B.2
hyssop		
Dwarf downingia	Downingia pusilla	 2.2
Legenere	Legenere limosa	 1B.1
Ahart's dwarf rush	Juncus leiospermus var. ahartii	 1B.2
Red Bluff dwarf rush	Juncus leiospermus var. leiospermus	 1B.1

a Status

Federal

- FE Federally Endangered
- FT Federally Threatened
- BCC U.S. Fish and Wildlife Birds of Conservation Concern
- D Delisted

State

- SE State Listed as Endangered
- ST State Listed as Threatened
- FP Fully Protected
- WL California Department of Fish and Game Watch List
- SSC California Department of Fish and Game Species of Special Concern

California Native Plant Society's (CNPS) List Criteria

- 1A. Presumed extinct in California
- 1B. Rare or Endangered in California and elsewhere
- 2. Rare or Endangered in California, more common elsewhere
- 3. Plants for which we need more information Review list
- 4. Plants of limited distribution Watch list

Threat Code extensions and their meanings:

- .1 Seriously endangered in California
- .2 Fairly endangered in California
- .3 Not very endangered in California

b On Aug 6, 2009, The California Fish and Game Commission voted to remove the American peregrine falcon from California's endangered species list. The Commission's decision must be reviewed by the Office of Administrative Law before the species can be officially removed from the Endangered Species list. The American peregrine falcon is currently designated as a Fully Protected Species under the Fish and Game Code; that will not change as a result of the delisting.

Exhibit C
PCCP- Updated Vegetated Landcover – Valley

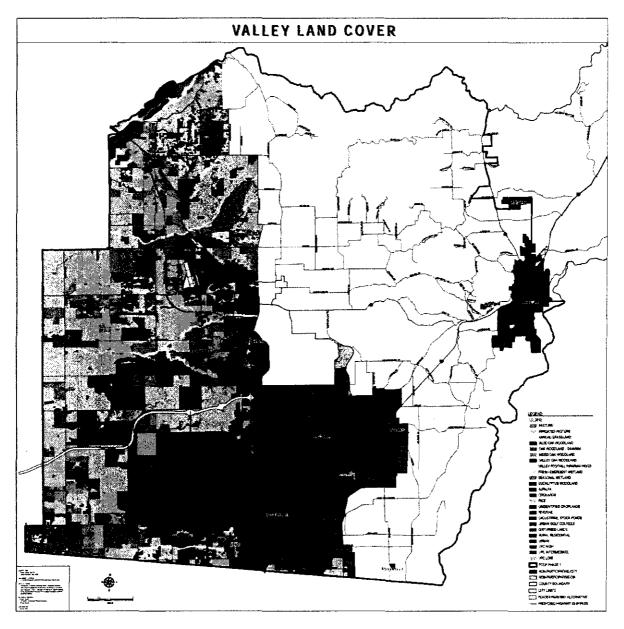


Exhibit D
Vernal Pool Restoration Potential – April 2012

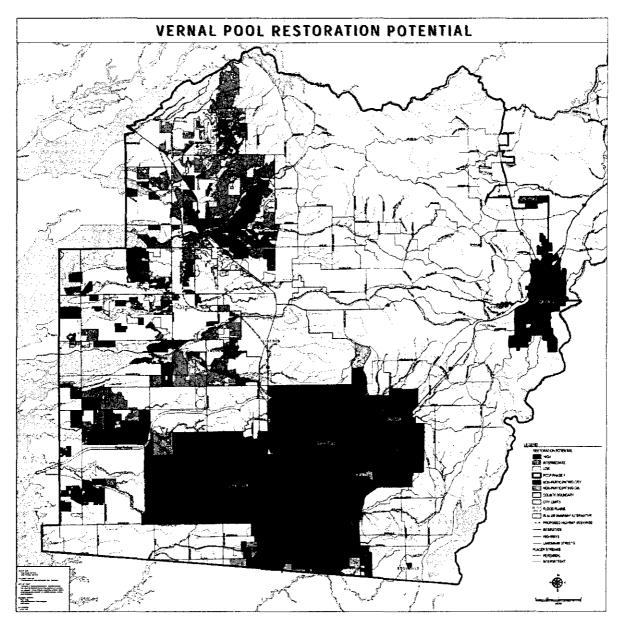
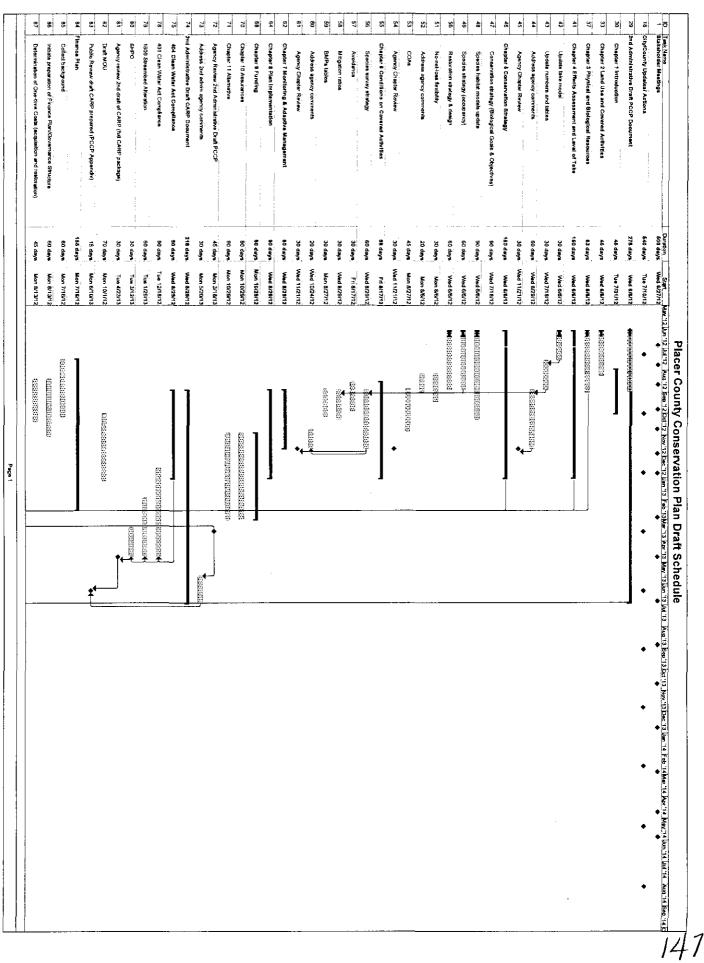


EXHIBIT E



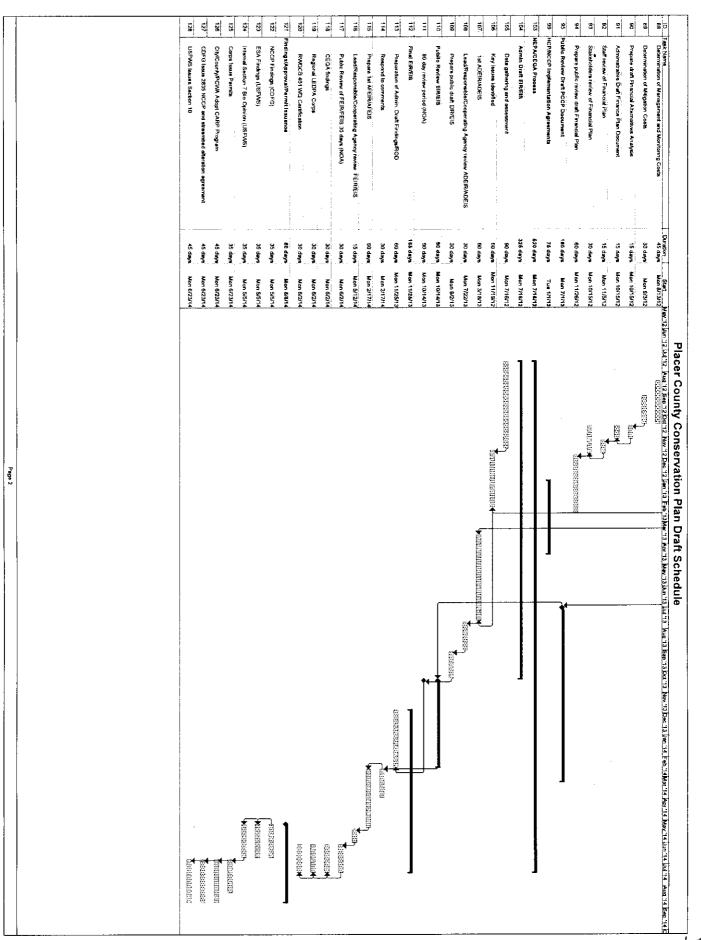


Exhibit E Work Program Schedule

EXHIBIT F



Integrated Environmental Review and Permitting for the Placer County Conservation Plan Whitepaper

April 27, 2012

The County of Placer ("County") and the U.S. Army Corps of Engineers, Sacramento District ("Corps") are working together to coordinate environmental review and permitting for certain activities that will be covered under the Placer County Conservation Plan program ("PCCP Program"). The PCCP Program will include a County Aquatic Resources Program ("CARP") designed to protect all waters in the County, including but not limited to, "waters of the United States" protected under Section 404 of the Clean Water Act ("CWA 404"). The County and the Corps propose to integrate the environmental review and permitting processes to the maximum extent possible under the National Environmental Policy Act ("NEPA"), the California Environmental Quality Act ("CEQA"), CWA 404, and the CARP for PCCP Program covered activities. This integration involves establishing a joint strategy that will fulfill both Federal and local requirements for the protection of wetlands and other aquatic resources. The County and the Corps will strive to make the joint processes efficient, transparent, and predictable, meet no net loss policies and ensure consistency with avoidance, minimization and compensatory mitigation requirements under the CARP and CWA 404.

NEPA, CEQA, CWA 404 and CARP integration will have three components:

- A joint environmental impact statement (NEPA) and environmental impact report (CEQA) for the PCCP Program, which will include the CWA 404 permitting strategy for PCCP covered activities in waters of the U.S.;
- A local wetland permitting program and a programmatic general permit under the CWA for PCCP covered activities that will have a minimal effect on aquatic resources; and

A memorandum of understanding between the Corps and the County that will establish coordinated procedures for NEPA and CEQA compliance and CWA 404 permitting for PCCP covered activities.

Joint Environmental Impact Statement and Environmental Impact Report (EIS/EIR)

A joint EIS/EIR is being prepared for the PCCP Program by the County and the USFWS. The Corps is a cooperating agency on the EIS. The EIS/EIR will include a description of the Corps' permitting strategy for PCCP covered activities including the use of general permits and a letter of permission procedure to cover the vast majority of actions. The EIS/EIR will assess, at a regional scale using a watershed approach, the direct, indirect, and cumulative effects that PCCP Program covered activities will have on aquatic resources, taking into consideration the PCCP Program's regional strategy of identifying areas within which effects on aquatic resources will be permitted and other areas where effects on aquatic resources will generally be avoided. The EIS/EIR will also evaluate alternative regional approaches for permitting and avoiding effects on aquatic resources and imperiled species. Based on this analysis and following adoption of the EIS, the Corps will determine whether the PCCP Program reflects the "least environmentally damaging practicable alternative" at a regional level in a Record of Decision.

April 27, 2012

The County and the Corps will "tier" from the EIS/EIR for environmental review and permitting for individual PCCP covered activities, helping to ensure consistency and integration of project-specific environmental review. Project-specific environmental documents will be able to rely on the programmatic environmental analyses in the EIS/EIR and focus only on any environmental effects that require additional analysis for the project specific environmental reviews. In most cases, an environmental assessment, rather than a project-specific environmental impact statement, should be sufficient to meet NEPA requirements for purposes of the Corps issuance of CWA 404 permits for PCCP covered activities.

Local wetland permitting program and programmatic general permit (PGP)

In consultation with the Corps and U.S. Environmental Protection Agency, the County will establish a local aquatic resource permitting program under the CARP for PCCP covered activities and certain other activities that will have a minimal effect on aquatic resources. The CARP permit program will be designed to meet the requirements of the CWA 404. The Corps is proposing to issue a PGP to the County that will provide coverage under the CWA 404 for activities that receive a CARP permit. For these activities, CARP compliance and CWA compliance will be integrated directly through the CARP permit program. The Corps intends to seek programmatic water quality certification under CWA 401 for the PGP from the Central Valley Regional Water Quality Control Board.

Memorandum of Understanding (MOU) between the Corps and the County

The Corps and the County expect to enter into an MOU that sets forth and explains the integrated procedures that the Corps and the County will use for environmental review and permitting for all PCCP and CARP covered activities. The MOU will explain three key aspects of this integration:

CWA 404 and CARP Permitting

The MOU will explain the integrated CWA 404 and CARP permitting procedures for all PCCP covered activities, including:

- joint procedures for activities with a minimal effect on aquatic resources that are covered under the PGP:
- joint procedures for activities with more than a minimal effect on aquatic resources;
- how the EIS/EIR analysis will be used to determine the "least environmentally damaging practicable alternative" for CWA 404 permitting;
- how the PCCP "in-lieu fee program" can be used to fulfill requirements for compensatory mitigation for impacts to aquatic resources.

NEPA and CEQA Environmental Review

The MOU will explain how the County and the Corps will coordinate CEQA and NEPA environmental review to ensure that it occurs concurrently and how they will tier project-specific environmental review for PCCP covered activities from the EIS/EIR to minimize the need for project specific environmental impact statements. CEQA and NEPA coordination will include specific timeframes that the County and the Corps will use as targets by which to complete keys steps in the environmental review process.

Collaboration and Reporting

The MOU will explain how the County and the Corps will meet and confer as needed to ensure decision-making for the environmental review and permitting of PCCP covered activities is coordinated and consistent. The MOU will also outline reporting and monitoring protocol to ensure only activities with minimal impacts to waters of the U.S are being authorized under the CARP/PGP and no net loss policies are being met.

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