



**COUNTY OF PLACER**  
**Community Development Resource Agency**

John Marin, Agency Director

**PLANNING**

Michael J. Johnson  
Planning Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors  
**FROM:** Michael J. Johnson, Planning Director *PP for*  
**DATE:** July 10, 2007

**SUBJECT:** Placer Vineyards Specific Plan - Response to June 25, 2007 Sierra Club Letter

The purpose of this memo is to provide a response to the June 25, 2007 Sierra Club letter. This response is being provided to each of you for your use and reference during the July 16<sup>th</sup> hearing.

Response SC-1:

The Sierra Club's June 25, 2007, comment letter asserts that the biological mitigation measures set forth in the Environmental Impact Report (EIR) are "inadequate" and will put the County "in conflict with the federal agencies" that will consider the federal permits the Placer Vineyards project (the Project) requires under the Clean Water Act (CWA) and the Endangered Species Act (ESA). The County disagrees with the commenter, and believes that the Open Space and Biological Resource Mitigation and Management Strategy for the proposed project not only fully comports with CEQA but also represents a good faith attempt to identify the likely kinds of mitigation that will come out of the federal permitting process. Because the Placer County Conservation Plan (PCCP) is not yet complete, it is not possible to be certain that the CEQA mitigation strategy will perfectly dovetail with the PCCP in its final form; but even so, the County has done its best to try to predict the kinds of strategies that might come out of the PCCP process, and to be cognizant of the general mitigation requirements of both CWA and ESA.

***The Placer County PCCP***

As noted consistently throughout the EIR, the PCCP is still in the planning stages; and for that reason, final determinations regarding the overall conservation strategy, financing mechanism, monitoring program, and other critical elements of the PCCP are not yet known and cannot be determined at present. From a purely legal standpoint under CEQA, this makes the PCCP process irrelevant to the County's EIR for the Project. As explained by the Court of Appeal in *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134, 1145, "in the case of draft or proposed regional conservation plans, there is no express legislative or regulatory requirement under CEQA that a public agency speculate as to or rely on proposed or draft regional plans in evaluating a project." (See also CEQA Guidelines, § 15125, subd. (d) (an "EIR shall discuss any inconsistencies between the proposed project and *applicable* general plans and regional plans") (emphasis added); and CEQA Guidelines, appen. G, Sample Questions, IX, Land Use, question b (checklist question inquiring whether a proposed project would "[c]onflict with any *applicable* land use plan, policy, or regulation

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of an agency with jurisdiction over the project . . . adopted for the purpose of avoiding or mitigating an environmental effect”) (emphasis added)..) Because the PCCP is not yet an adopted or “applicable” regional plan, the County, as a matter of state law, is not required to speculate as to the future requirements of the PCCP.

Still, the County’s September 2001 Planning Agreement with the California Department of Fish and Game (CDFG), the U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NOAA Fisheries) requires the County, in processing projects during the time period during which the PCCP is being prepared, to do its best to ensure (i) that any approved projects are generally consistent with the principles and objectives of the conservation process (to the extent that they can be ascertained) and (ii) that such approved projects do not compromise the successful development or implementation of the PCCP. For these reasons, the County, in fashioning biological mitigation measures for Placer Vineyards, has been very cognizant of evolving PCCP conservation strategies, at least to the extent that any such strategies are well enough accepted to be reasonably certain to be included in the final PCCP. Because, at present, many proposed strategies remain objects of ongoing discussion, the County’s approach to mitigation for Placer Vineyards has involved a considerable degree of professional judgment.

Fortunately, certain methodologies associated with regional conservation planning are already generally accepted and can serve, and have served, as bases by which to formulate the mitigation measures proposed in the Placer Vineyards EIR. Using these methodologies, the County has developed biological mitigation for Placer Vineyards intended to ensure compliance with all applicable and controlling resource regulations, including the CWA, ESA, and the PCCP to the extent the PCCP is adopted prior to Specific Plan implementation (see Mitigation Measure 4.4-1). It is not possible for the County to require compliance with mitigation contained in an incomplete and unadopted PCCP. Revised Draft EIR Mitigation Measure 4.4-1, though, does the next best thing: it requires compliance with the PCCP to the extent it is adopted prior to project implementation. Therefore, by the EIR’s express terms, compliance with the PCCP, if adopted, must ultimately be achieved. The Open Space/Biological Resources Mitigation and Management Strategy presented in the Revised Draft EIR is intended to anticipate the possible requirements of the draft PCCP. The Revised Draft EIR acknowledges, however, that the PCCP has not yet been officially adopted. Still, the comprehensive mitigation strategy will allow the Placer Vineyards Specific Plan to move forward without the PCCP program in place, and also provides the opportunity for the PCCP program, if adopted in the future, to be followed.

The agency review draft of the PCCP (February 2005), as reiterated and reflected in the June 4, 2007, Working Draft “Placer County Conservation Plan Working Principles Prepared by the PCCP Ad Hoc Committee” (Attachment 1), states that the goals and key elements for the PCCP include, but are not limited to, the following: (1) sustain all present natural communities in the Western Placer County landscape; (2) partially restore or enhance certain natural communities and ecosystem processes and functions; (3) ensure population stability and sustainability of covered species and contribute to the species’ recovery; (4) maintain landscape connectivity; and (5) address cumulative impacts of intensive land use and urbanization in Placer County. The County believes that the applicant initiated mitigation proposal (see Revised Draft EIR pp. 4.4-96 to 4.4-100) fits the general goals of the PCCP, as set forth above.

In order to mitigate project impacts to open space, agricultural land, and biological resources, including regulated wetlands and other water, and other significant natural habitat areas (as required by Mitigation Measure 4.4-1), the Placer Vineyards property owners have committed to preserve, create, restore, and/or enhance appropriate mitigation resources at levels required to mitigate project impacts to less than significant levels where possible and to mitigate impacts consistent with state and

federal requirements. The Placer Vineyards property owners have identified potential mitigation sites (shown in Table 4.4-8 of the Revised Draft EIR), which are subject to further review by the resource agencies through the state and federal permitting process, and are available for the achievement of the mitigation requirements contemplated by the Revised Draft EIR.

Placer Vineyards property owners have begun to acquire lands to satisfy mitigation requirements set forth in the EIR and Specific Plan and with the intent of satisfying compensatory mitigation requirements for future federal permits. Those lands are located throughout western Placer County. Four of the proposed areas contain highly valuable existing wetland and riparian habitat; and all mitigation lands occur in areas the County has designated for open space/agricultural land uses. Some of the mitigation lands (e.g., Antonio Mountain Ranch, Redwing and the more recently added Grey property) are included in a band of property already committed to preserves. In the case of Antonio Mountain Ranch, the preserve acreage would total about 1,700 acres; Redwing and the Grey property would bring the total contiguous preserve area to about 6,200 acres. The Lincoln Ranch property contains a riparian corridor and is in rice production, which provides for waterfowl forage and cover, and can also serve as a wetland restoration site.

The Placer Vineyards property owners either may acquire the mitigation sites identified in Table 4.4-8 or alternative mitigation sites that would achieve comparable mitigation ratios in accordance with Mitigation Measure 4.4-1. A combination of one or more mitigation sites would establish a core preserve area of approximately one thousand acres. Replacement of agricultural lands will also be achieved under the Applicant-Initiated Mitigation Proposal. One thousand acres would be set aside and protected by permanent conservation easement in accordance with the mitigation phasing requirements set forth in Mitigation Measure 4.4-1(g), in order to facilitate the development of a County-wide preserve system and to meet the Initial Core Preserve criterion. This form of mitigation satisfies many of the generally accepted conservation principles being considered by the federal agencies and the County as part of the PCCP. For example, mitigation acquisition will occur in advance of development.

The County recognizes that, in considering in the future whether the preservation, creation, restoration and/or enhancement of such lands would constitute appropriate mitigation for particular subsequent Specific Plan projects, it might be anomalous to reject such properties in favor of others that, despite being contiguous with the core preserve or surrounded on all sides by lands designated for Agriculture, had lower overall habitat, open space, or agricultural values, and thus would be less effective in serving the overall purposes of the mitigation strategy reflected in Mitigation Measure 4.4-1. The County further recognizes that, in considering proposed mitigation lands, it should look favorably upon sites identified for conservation or mitigation in the PCCP as ultimately adopted.

The County's goal, in devising this global mitigation strategy, as described in Mitigation Measure 4.4-1, has been to formulate a biological mitigation program that can simultaneously satisfy the requirements of CEQA, the *Placer County General Plan*, the California Endangered Species Act, the Clean Water Act, ESA, Fish and Game Code provisions dealing with Streambed Alteration Agreements, and the federal Endangered Species Act. It remains possible that any one of the state and federal regulatory agencies with jurisdiction over some of the natural resources within the Specific Plan area, will determine, based on the laws and/or policies governing their actions, that the global mitigation measure does not include sufficient on-site avoidance and instead relies too heavily on off-site preservation, creation, restoration, and enhancement. The ultimate balance struck will be a function of the outcome of all of the regulatory approvals, at all levels of government, required for development within the Specific Plan area. Notably, the mitigation as proposed in Mitigation Measure 4.4-1 sets as a basis the ultimate acreage needed for habitat compensation. If additional mitigation is

required for impacts to aquatic resources, and that additional mitigation does not fit within the areas preserved off-site as “open space” mitigation, additional land beyond that will be required.

In short, the global mitigation measure represents the County’s efforts to establish a feasible mitigation program to satisfy the myriad federal, state, and local statutes, regulations, and policies affecting open space, agricultural lands, and biological resources. County staff strongly believes that the mitigation measure more than satisfies the requirements of CEQA.

Response SC-2:

***Vernal Pool Recovery Plan***

Commenter incorrectly implies that compliance with the Final Recovery Plan for the Vernal Pool Ecosystems of California and Southern Oregon (“Recovery Plan”), approved by the US Fish and Wildlife Service (USFWS) on December 15, 2005, is *mandatory*. It is not.

Western Placer County, including the Specific Plan area, is identified as a core area within the Southeastern Sacramento Vernal Pool Region. Vernal pool species characterizing this core area include vernal pool fairy shrimp, vernal pool tadpole shrimp, California fairy shrimp, western spadefoot toad, Bogg’s Lake hedge-hyssop, Ahart’s dwarf rush, and legener. The Recovery Plan designates the western Placer County core area as a “Priority 2” recovery priority area. Although the Recovery Plan does not establish regulatory limits or requirements, Priority 2 recommends the protection of 85% of the suitable vernal pool habitat within the core area. (Recovery Plan, p. III-118.)

“Recovery plans” are not enforceable regulatory documents binding on local planning agencies. (See *The Fund for Animals v. Rice*, 1995 U.S. Dist. LEXIS 22389, \*11-\*12 (M.D. Fla. 1995) (“[t]he Florida Panther Recovery Plan . . . presents merely guidelines and not requirements vested with the force of law”); *Oregon Natural Resource Council v. Turner*, 863 F. Supp. 1277, 1284 (D. Or. 1994) (“the development and publication of a recovery plan in and of itself would not have afforded the endangered species any additional protection”; “[t]he recovery plan presents a guideline for future goals but does not mandate any actions, at any particular time, to obtain those goals”; see also *National Wildlife Federation v. National Park Service*, 669 F. Supp. 384, 388-89 (D. Wy. 1987) (noting that the language of the statute does not support the plaintiff’s assertion that ESA section 4(f) obligates the Secretary of Interior to develop and implement a recovery plan, and that once the plan is developed, all concerned agencies must adhere to it).)

In short, the Recovery Plan is a discretionary document – a set of nonbinding guidelines – by which scientists determine the methods needed to promote recovery of the species: it is not mandatory that agencies implement the suggestions found therein on a project-by-project basis. Thus, the Commenter’s suggestion that the USFWS’s goal of preserving 85% of existing vernal pool resources within Vernal Pool Recovery Plan Core Areas is a mandatory requirement on the County is simply inaccurate. The Recovery Plan sets goals for the *entire* core area, not just the Specific Plan area. Under a recent Ninth Circuit case law interpreting ESA (*National Wildlife Federation et al. v. National Marine Fisheries Service et al.* (9th Cir. 2007) 481 F.3d 1224, 1236), the federal ESA reviewing agency must analyze the effect of a proposed action on recovery prospects; however, recovery planning is not based on a project-by-project or a parcel-by-parcel analysis. Rather, proper recovery planning involves a comprehensive assessment of the extent of total species and habitat. Only in exceptional circumstances could it be concluded that injury to recovery prospects *alone* would result in a “jeopardy” finding under ESA. And no court has held in a reported case that a CEQA document must conclude that such prospects by themselves translate into a “significant effect on the environment” separate and apart from other identified biological effects.

In furtherance of the objectives of the Recovery Plan, the Placer Vineyards Specific Plan Conceptual Mitigation Program provides for the preservation of mitigation lands and opportunities for management and monitoring to ensure the protected habitat is functioning properly and contributing to the recovery of the listed species and long-term conservation. This strategy is consistent with the Recovery Plan action priorities and objectives (see e.g., Recovery Plan Action 2 and pp. III-90 and 91, and III-114). Contrary to the Sierra Club's suggestion, an 85 percent on-site avoidance strategy is not an absolutely necessary component of efforts to contribute to recovery.

Response SC-3:

***Mitigation and Vernal Pool "Complexes"***

The Commenter correctly notes that an Environmental Impact Statement (EIS) is currently being prepared for the Placer Vineyards Specific Plan. The determination to prepare an individual EIR and EIS, rather than a joint document, is properly within the discretion of the lead agencies. Here, the Placer Vineyards EIR has been in process since 1999, many years before the Corps of Engineers urged the County to consider a joint document. As stated above, moreover, Placer County's intent in devising the global mitigation strategy described in Mitigation Measure 4.4-1 is to satisfy both state and federal requirements, to the extent that the latter can be ascertained in advance of completion of the formal CWA permitting and ESA consultation processes. The County is confident it has achieved its intent to the greatest extent possible under the circumstances, and does not believe the mitigation strategy set forth in the EIR needs to be amended.

Under the requirements of the Clean Water Act (and as set forth in EIR mitigation measures requiring compliance with federal/state resource laws [e.g., Mitigation Measure 4-4.1]), the project applicants are preparing a "Conceptual Conservation Strategy" (Strategy) to provide for wetland mitigation, including avoidance, minimization, and compensation to assure no net loss of wetland functions. This Strategy includes two primary components: (i) an Avoidance and Open Space Plan; and (ii) a Conceptual Mitigation Program. The Avoidance and Open Space Plan contains principles and standards to avoid and minimize impacts to wetlands and other waters of the U.S., and incorporates over 700 acres of open space within the Plan Area, including significant wetland/swale corridors. The Conceptual Mitigation Program focuses on the preservation and restoration of aquatic resources, including the acquisition and preservation of vernal pool-dominated grasslands, enhancement of existing wetlands, restoration of previously existing wetlands, and the establishment of new wetlands. In an attempt to assure the Conceptual Conservation Strategy's compliance with the avoidance and minimization requirements of Section 404(b)(1) Guidelines, the project applicants are proposing the implementation of certain avoidance, minimization and Low Impact Development Strategies (LIDS) to implement the Conceptual Mitigation Program and to satisfy Clean Water Act requirements. These criteria include:

1. *Preserve contiguous core drainage course/wetland corridors in each drainage basin.* Each primary corridor should have an average setback (buffer) of 100 feet extending laterally from the edge of preserved waters of the U.S. Minimize proposed actions that would interrupt or truncate primary drainage course/wetland corridors and minimize modifications of these corridors except for those modifications that are designed to maintain or improve wetland or watershed function over existing conditions. Reaches of these primary corridors that have been channelized into excavated ditches, will not be subject to these preservation measures because their wetland and watershed maintenance functions have been severely compromised. Likewise, artificial impoundments created through excavation or berming and whose hydrology is dominated by irrigation water or irrigation return flows will not be subject to these preservation measures. Their remaining watershed function (i.e. conveyance of runoff)

will be maintained through measures designed to assure conveyance of flows to downstream waters.

2. *Preserve non-contiguous, non-linear wetlands (e.g. vernal pools, depressional seasonal wetlands, etc.) where they can be included within corridors contiguous with other preserves established to meet the LIDS or where they are large enough and/or concentrated enough to assure long-term maintenance of wetland function and value.* Ideally, this LIDS would be based on a minimum wetland:upland ratio and/or a minimum preserve size. Preserved non-contiguous wetlands should have an average setback (buffer) of 100 feet extending laterally from the edge of preserved wetlands.

The purpose of the minimum wetland concentration and/or preserve size is to define and identify those situations where preserving isolated and/or non-contiguous wetlands would not result in less impact to the aquatic ecosystem. Various factors such as the need to preserve watersheds, minimum viable preserve size, the need to provide adequate buffers and avoiding isolation of wetlands by development all influence the ecological viability of preserving wetland and watershed functions of various wetlands. Other factors considered in the avoidance and minimization of non-contiguous, non-linear wetlands present within the Plan area include: (1) the high quality of the wetlands (e.g., degree of disturbance); (2) internal fragmentation; (3) type of land/land uses between the aquatic resource and similar aquatic resources within the Plan area; and (4) degree of incompatibility with adjacent land uses.

3. *Design urban interface to minimize impacts to preserve areas and manage preserves to maintain aquatic resource functions.* Conservation design elements will be incorporated into project area roadways and landscaping where development abuts preserve areas in order to direct drainage toward urban features and away from the preserve boundaries. Compatible land uses, such as parks, hiking trails, athletic fields, and other forms of open space should be located next to preserves. Cut and fill activities adjacent to the preserve boundaries should be minimized.
4. *Ensure on-site preserves are protected in perpetuity.* Buffers will be established and lot lines will be located outside of proposed on-site preserve areas. Preserves would be protected in perpetuity through conservation easements that are adequately funded for maintenance and managed.

The overall intent of these LIDS is to provide a framework of hierarchical avoidance goals that, if met, would preserve watershed and wetland functions to the maximum extent feasible. The intended implication is that additional preservation would not result in less adverse impacts to the aquatic ecosystem.

The Commenter also bases a number of conclusions regarding off-site vernal pool mitigation on a misinterpretation of the basic mitigation requirements under the EIR and estimates of wetland habitat within the Plan Area. First, the EIR makes no attempt to estimate the extent of vernal pool "complexes," as that term is described by the Commenter. At this planning level, the term is difficult to use in any repeatable and specific manner, and may be defined in different ways by different parties, especially where "complexes" are defined from aerial photograph interpretation with little or no groundtruthing. It is difficult to apply this "definition" to the landscape, particularly in the context of aerial photo interpretation exercise because of the subjectivity of both the definition of "vernal pool" (vs. isolated seasonal wetland) and the amount of surrounding upland habitat included.

The EIR simply uses wetland delineations determined by specific field analysis (many as verified by the Corps) to determine the extent in wetted acreage of wetlands and other "waters."

Further analysis and interpretation based on field observation was used to estimate acreage of listed invertebrate habitat, inclusive of vernal pools as well as seasonal depressional wetlands and "swales" capable of supporting invertebrates. The term "complex" in the EIR was meant to refer to the assemblage of wetlands making up potential invertebrate habitat in terms of wetted acreages and not to reflect "complexes" as that term is used by the Commenter. Additionally, contrary to the Commenter's suggestion, the EIR does not estimate that 69 acres of vernal pool "complexes" are avoided on-site. The EIR does estimate that approximately 69 acres of wetted invertebrate habitat within the Specific Plan area is proposed as impacted under the plan proposed. The EIR then uses this acreage as the basis for required mitigation at accepted invertebrate habitat mitigation ratios. By its very nature, mitigation proposed in this manner ultimately will result in preserving a significant upland component associated with the "wetted" acreages being preserved and/or created and restored. Additionally, the EIR estimates that 162 acres of wetted invertebrate habitat exists at the Antonio Mountain Ranch and Redwing sites, not 190 acres of vernal pool "complex" habitat. The fact that 162 wetted acres of invertebrate habitat exists at those sites necessarily implies a much larger associated upland component than the 190 acres suggested by the Commenter. Total acreage of the Redwing and Antonio Mountain Ranch preserve sites is over 1,600 acres.

# WORKING DRAFT

June 4, 2007

## Placer County Conservation Plan Working Principles Prepared by the PCCP Ad Hoc Committee

The following working principles are based on discussions among the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Game (collectively referred to as the Resource Agencies) and the County of Placer and the City of Lincoln (jointly referred to as the Applicants). The working principles are intended to reflect key goals and assumptions underlying discussions among the Resource Agencies and the Applicants and to identify what the Resource Agencies and the Applicants expect will be key elements of a successful conservation plan for western Placer County.

These general principles are intended to assist the Resource Agencies and the Applicants in the development of specific biological resources goals and objectives, a detailed conservation strategy, a conservation reserve map, and other elements of a complete habitat conservation plan and natural community conservation plan. The working principles are necessarily tentative and do not reflect final decisions or approvals. The Resource Agencies and the Applicants plan to seek advice regarding the principles from the Biological Working Group, as well as the public, and to follow applicable local, state and federal requirements for the review and approval of the Placer County Conservation Plan (PCCP) before the PCCP is finalized and before any permits are issued by the Resource Agencies.

### Working Principles:

#### 1. Regulatory Permitting Goals

- a. An incidental take permit for the proposed covered activities with a duration of 50 years issued under Section 10 of the Federal Endangered Species Act
- b. An incidental take permit for the proposed covered activities with a duration of 50 years issued under the Natural Community Conservation Planning Act
- c. A Programmatic General Permit for the proposed covered activities issued under Section 404 of the Federal Clean Water Act (CWA) and a 401 certification by the CVRWQCB
- d. State Master Streambed Alteration Agreement for the proposed covered activities
- e. Consistent, predictable and streamlined environmental review and permitting under the Federal Endangered Species Act, the California Endangered Species Act/Natural Community Conservation Planning Act, the Clean Water Act, and

Section 1602 of the Fish & Game Code (regarding streambed alteration agreements)

**2. Proposed Covered Activities**

- a. Urban development and related infrastructure, and conservation actions, within the unincorporated portions of the County through 2057, including:
  - Transportation Facilities
  - Residential, Commercial, Public Facility, and Industrial Construction
  - Infill land development
  - Pipeline Installation and Maintenance
  - Land Management Activities
  - Recreational Activities and Facilities, including multi-purpose trails
  - Stormwater Management Activities
  - Habitat/Land Restoration Activities
  - Waste Management Activities
  - Flood Control Activities
  - Placer Legacy Implementation Activities
  
- b. Urban development and related infrastructure, and conservation actions, within the City of Lincoln growth through 2057 including:
  - Transportation Facilities
  - Residential, Commercial, Public Facility, and Industrial Construction
  - Infill land development
  - Pipeline Installation and Maintenance
  - Land Management Activities
  - Recreational Activities and Facilities, including multi-purpose trails
  - Stormwater Management Activities
  - Habitat/Land Restoration Activities
  - Waste Management Activities
  - Flood Control Activities
  
- c. Indirect and cumulative impacts associated with the Sacramento River diversion for the Placer County Water Agency (PCWA)
- d. Direct impacts associated the construction of new water conveyance facilities and the operations and maintenance of existing and new facilities (PCWA)
- e. Direct, indirect, and cumulative impacts for corridor acquisition, construction, and maintenance of the Placer Parkway (SPRTA).

**3. Key Elements of the Conservation Strategy**

- a. Mitigation to occur in advance of take.
- b. The PCCP will sustain all present natural communities within the Western Placer County landscape.

- c. The PCCP will restore or enhance certain natural communities and ecosystem processes and functions.
- d. The PCCP will ensure population stability and sustainability of covered species and contribute to the species' recovery.
- e. The PCCP will insure/maintain landscape connectivity.
- f. The PCCP will address cumulative impacts of intensive land use and urbanization in Placer County.
- g. In order to meet conservation objectives, including no net loss of wetlands and contribution to recovery of species, the PCCP must show how Western Placer County will retain the same level of biological resource values that it has now, even though the extent or range of existing biological resources will be reduced.
- h. The PCCP conservation strategy will minimize take of species within the stream system by establishing stream and riparian setbacks. Setbacks are variable, but the primary objectives are to: prevent impacts within 300 feet from the edge of riparian vegetation, or the extent of the 100-year FEMA floodplain (whichever is greater) in developing areas, and to prevent impacts within 600 feet from edge of riparian, or the extent of the 100-year FEMA floodplain (whichever is greater) within areas with limited or no development (e.g., agricultural areas and PCCP reserve lands).
- i. For oak woodlands, development projects will be required to mitigate for woodland canopy loss and habitat fragmentation. Priority will be given to land conservation over onsite restoration activities unless onsite conditions clearly provide opportunities for compensatory replacement.
- j. For vernal pool grasslands, the emphasis is to preserve vernal pool complexes within an ecosystem context rather than preserving pools as isolated fragments in larger ecosystems. Protecting existing high value resources is a higher priority than restoring degraded habitats. In order to minimize irreversible impacts before the benefits of conservation are established, the PCCP places a cap on the amount of vernal pool conversion that can take place.
- k. For valley grasslands, development projects will be required to mitigate for the loss of grasslands if impacts are greater than 20 acres. Reasonably large (> 20 acres) grassland parcels have value for avoidance if they are near established reserve areas or if they have high restoration potential for vernal pool complex.
- l. For agriculture and other open space lands, development projects will be required to provide mitigation for impacts greater than 20 acres in size. A priority will be given to the preservation of cropland that has higher habitat value for covered species and to the restoration of some biologically lower-valued cropland to appropriate natural habitats. Best Management Practices (BMPs) will be incorporated to minimize the effects of development on adjacent agricultural croplands and rice fields.
- m. The PCCP conservation strategy will incorporate low impact development (LID) standards to mitigate impacts on water quality associated with stormwater runoff. The goals of PCCP LID program will be to preserve open space and minimize land disturbance to the extent necessary to protect water

quality; protect natural systems and processes (drainage ways, vegetation, soils, sensitive areas); reexamine the sizing of traditional site infrastructure (lots, streets, curbs, gutters, sidewalks); incorporate natural site elements (wetlands, stream corridors, mature forests) as design elements; and decentralize storm water at its source.

- n. The PCCP conservation reserve map and accompanying conservation strategy and aquatic resource program are collectively intended to be the least damaging practicable alternative (LEDPA) for CWA 404 permitting for the unincorporated area and the City of Lincoln in the PCCP Phase I boundary.

#### **4. Implementation Tools and Strategies**

- a. The PCCP will include a finance plan.
- b. The PCCP will include an efficient and effective monitoring program including both implementation (i.e., tracking changes in land use and assuring that fees or other conservation measures are fully executed) and biological monitoring.
- c. The PCCP will include an adaptive management strategy/plan. Adaptive management is to be part of the Applicants' ongoing responsibility to: 1) gauge the effectiveness of the PCCP's conservation measures and techniques, 2) to propose alternative or modified conservation measures as the need arises and 3) to address changed circumstances.
- d. An implementing entity will be created or identified to implement, oversee and administer the PCCP.

#### **5. Baseline Data**

- a. Existing vegetative mapping and land cover mapping is of a suitable level of resolution for decision-making.
- b. Existing background data collection for the PCCP is adequate for decision-making.
- c. The Science Advisors Report provides an adequate scientific foundation for the development of the conservation strategy.