

24 EVALUATION OF PROPOSED MODIFICATION TO THE DRAFT HCP/NCCP AND COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT HCP/NCCP AND DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT

24.1 INTRODUCTION

This chapter first provides an analysis of the potential environmental effects (or lack thereof) of changes to the Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) proposed by the Yolo Habitat Conservancy (Conservancy). The proposed changes are identified, and then an evaluation is provided determining whether any of these changes would alter the impact conclusions provided in the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR). This analysis is followed by the comments received on the Draft HCP/NCCP and Draft EIS/EIR, and responses to these comments.

24.2 EVALUATION OF PROPOSED MODIFICATION TO THE DRAFT HCP/NCCP

As described in Chapter 2, *Proposed Action and Alternatives*, the Conservancy has proposed a number of changes to the HCP/NCCP since the release of the Draft on June 1, 2017. These changes are described and Characterized in Section 2.3.2, *Alternative B – Proposed Action Alternative (Permit Issuance/Plan Implementation)*, of Chapter 2.

These proposed changes fall into several categories:

- ▲ copy edits such as correction of spelling errors;
- ▲ minor text clarifications and corrections such as providing or correcting cross references to other parts of the document;
- ▲ minor numeric corrections, such as small adjustments to acreages of particular land cover types;
- ▲ providing updated information since publication of the Draft HCP/NCCP such as including information from the City of Woodland General Plan Update 2035, which was adopted after the Draft HCP/NCCP was published;
- ▲ clarifications or enhancements to particular plan elements such as new or updated Avoidance and Minimization Measures (AMMs);
- ▲ increased details on plan implementation such as providing additional information on the content of the Implementation Handbook; and
- ▲ updated cost and funding information.

These proposed changes are analyzed below to determine whether they would result in any changes to the impact analysis or conclusions reached in the Draft EIS/EIR or otherwise trigger recirculation under NEPA and/or CEQA. In particular, the analysis examines whether the proposed changes to the HCP/NCCP would constitute substantial changes to the project that would result in new significant environmental effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR (see State CEQA Guidelines Section 15162).

Changes to the HCP/NCCP in the categories of copy edits and minor text clarifications and corrections have no potential environmental effects and are not considered further in this analysis.

24.2.1 Biological Resources

Some of the proposed changes to the Yolo HCP/NCCP would have no effect on biological resources, such as inclusion of updated policies from the most recent City of West Sacramento and City of Woodland General Plans and further specifying content to be included on the public website for the Yolo HCP/NCCP (see the description of HCP/NCCP changes provided in Section 2.3.2, *Alternative B – Proposed Action Alternative (Permit Issuance/Plan Implementation)*). All other measures either clarify the intent of the HCP/NCCP, such as the clarification on the application of buffers for bank swallow provided in AMM20, or result in the HCP/NCCP being more protective of biological resources, such as adding AMM14 for western pond turtle. The Draft EIS/EIR identifies all impacts to biological resources to be less than significant or beneficial or both NEPA and CEQA. The proposed changes to the HCP/NCCP would not alter these impact conclusions. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant biological resources effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.2 Land Use

The land use impact analysis in the Draft EIS/EIR evaluates whether the proposed project would physically divide an established community (Effect LAND-1), conflict with an applicable land use plan, policy, or regulation adopted with the purpose of avoiding or mitigating an environmental affect (Effect LAND-2), or conflict with any applicable habitat conservation plan or natural community conservation plan (Effect LAND-3). The Draft EIS/EIR concludes that effects LAND-1 and LAND-2 are less than significant for both NEPA and CEQA, and Effect LAND-3 is less than significant after mitigation for both NEPA and CEQA. The proposed changes to the HCP/NCCP would result in only minor alterations to the footprint of any covered activity or conservation activity. The potential to divide an established community would remain less than significant. Similarly, the proposed changes to the HCP/NCCP would not alter the plan's consistency with local land use plans, policies, and regulations, and the inclusion of goals and policies from the updated City of West Sacramento and City of Woodland General Plans could be argued to maintain or improve consistency with local land use plans. Because the proposed changes to the HCP/NCCP have little effect on the footprint of any covered activity or conservation activity, the potential for the Yolo HCP/NCCP to conflict with the Solano Multi-Species HCP is not changed, and Mitigation Measure LAND-1 remains equally as effective at reducing this impact to a less than significant level. In addition, proposed text has been added to the Final HCP/NCCP to coordinate with the County of Solano prior to the Conservancy initiating any easement acquisition in Solano County. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant land use effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.3 Agriculture and Forestry Resources

The agriculture and forestry resources analysis in the Draft EIS/EIR evaluates whether the proposed project would convert farmland to a non-agricultural use (Effect AG-1), conflict with existing zoning for agricultural use or conflict with a Williamson Act contract (Effect AG-2), or conflict with existing zoning, cause rezoning, or result in conversion of forest land to a non-forest use (Effect AG-3). The Draft EIS/EIR concludes that effect AG-1 is less than significant under NEPA, but significant and unavoidable under CEQA due to the potential conversion of over 900 acres of agricultural land to a non-agricultural use as a result of habitat restoration activities. Effect AG-2 is less than significant under both NEPA and CEQA, and Effect AG-3 is considered beneficial under both NEPA and CEQA. The proposed changes to the HCP/NCCP would result in only minor

alterations to the footprint of any covered activity or conservation activity. Therefore, there could only be very minor changes, if any, to effects on agricultural and forestry resources. Various changes to plan implementation elements related to reserve system management could alter slightly agricultural practices on reserve lands, but would not result in any more conversion of agricultural land or forest land or conflicts with zoning or Williamson Act contract. The addition of 200 acres of temporary effects would not result in the conversion of agricultural land to another use as any disturbance to agricultural land would be temporary and the land would be returned to its original use after the temporary effect is concluded. Because the proposed changes to the HCP/NCCP have little effect on the footprint of any covered activity or conservation activity or on the potential for conflicts with agricultural or forest lands, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant agricultural and forestry resources effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.4 Public Services and Utilities

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. None of the changes have any effect on demand for, or provision of public services and utilities. The Draft EIS/EIR concludes that effects on public services and utilities are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have no effect on demand for or provision of public services and utilities, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on public services and utilities not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.5 Recreation and Open Space

The recreation and open space impact analysis in the Draft EIS/EIR evaluates whether the proposed project would increase use of, or demand for, recreational opportunities such that substantial degradation of existing facilities would occur (Effect REC-1) and whether the proposed project would result in the construction or expansion of recreational facilities (Effect REC-2). The Draft EIS/EIR concludes that effects REC-1 and REC-2 are beneficial for both NEPA and CEQA, in part because the HCP/NCCP provides recreational opportunities. Although some of the proposed changes to the HCP/NCCP relate to recreational facilities, such as the describing measures to be implemented by the City of Woodland for the protection of palmate-braced bird's-beak in Woodland Regional Park, the HCP/NCCP changes overall would have little to no effect on demand for recreational opportunities or existing recreational facilities. Because the proposed changes to the HCP/NCCP have little to no effect on recreation and open space, Effects REC-1 and REC-2 would remain beneficial. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant recreation and open space effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.6 Hydrology and Water Quality

All hydrology and water quality effects evaluated in the Draft EIS/EIR are less than significant or beneficial for both NEPA and CEQA. Although some of the proposed changes to the HCP/NCCP relate to aquatic resources, such as providing additional criteria for locating ponds intended to be used by California tiger salamander, the HCP/NCCP changes overall would have little to no effect on hydrology and water quality. Some changes to the Draft HCP/NCCP would result in Plan implementation being more protective of

hydrology and water quality, such as clarifying limitations on the uses of pesticides. Because the proposed changes to the HCP/NCCP have little to no effect on hydrology and water quality, effects on these resources would remain less than significant or beneficial. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant hydrology and water quality effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.7 Population and Housing

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. None of the changes have any effect on population growth or housing. Although the removal of the Dunnigan Specific Plan in effect, removes planned housing and employment land uses from the County General Plan, the HCP/NCCP continues to retain the area as a potential covered activity as the area remains a possible location for future development. The Draft EIS/EIR concludes that effects on population and housing are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have no effect on population growth or housing, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on population and housing not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.8 Socioeconomics and Environmental Justice

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. None of the changes alter effects identified in the Draft EIS/EIR on socioeconomics and environmental justice. Although changes to the Draft HCP/NCCP include modifications to the HCP/NCCP cost and funding calculations, these relate purely to HCP/NCCP implementation and would not cause or contribute to substantial changes in economic activity within the Plan Area, substantial effects on property tax revenue, or disproportionate environmental effects on minority or low-income populations. The Draft EIS/EIR concludes that effects on socioeconomics and environmental justice are beneficial or less than significant under NEPA. These issues are only required to be analyzed under NEPA and no impact analysis under CEQA is considered. Because the proposed changes to the HCP/NCCP have little to no effect on socioeconomics and environmental justice, the potential for the Yolo HCP/NCCP to affect these resources are not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on socioeconomics and environmental justice not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.9 Cultural and Paleontological Resources

The cultural and paleontological impact analysis in the Draft EIS/EIR evaluates whether the proposed project would adversely affect known or newly discovered historic resources (Effect CUL-1), adversely affect known or newly discovered archeological resources or human remains (Effect CUL-2), or adversely affect known or newly discovered paleontological resources (Effect CUL-3). The Draft EIS/EIR concludes that all three of these effects are less than significant for both NEPA and CEQA. The potential for effects on these resources is based in large part on the location and extent of ground disturbance as earth moving and excavation has the potential to disturb or damage cultural and paleontological resources on and below the ground surface. The proposed changes to the HCP/NCCP would result in only minor alterations to the footprint of any covered activity or conservation activity, and therefore would have little to no potential to alter effects on surface and subsurface cultural and paleontological resources. Because the proposed changes to the

HCP/NCCP have little effect on the footprint of any covered activity or conservation activity, the potential for the Yolo HCP/NCCP to adversely affect cultural and paleontological resources remains less than significant. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant cultural or paleontological effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.10 Transportation

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. None of the changes have any effect on traffic generation, traffic patterns, or transportation infrastructure. The Draft EIS/EIR concludes that effects on transportation are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have no effect on traffic and transportation, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on transportation not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.11 Noise

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. These changes have little to no effect on the type, location, or intensity of noise generating or groundborne vibration generating activities resulting from implementation of the HCP/NCCP. The Draft EIS/EIR concludes that noise effects are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have little to no effect on the type, location, or intensity of noise generating and groundborne vibration generating activities, the potential for the Yolo HCP/NCCP to result in noise effects is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant noise effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.12 Air Quality

The air quality analysis in the Draft EIS/EIR evaluates whether the proposed project would result in pollutant or odor emissions that would exceed established thresholds. The Draft EIS/EIR concludes that all air quality effects are less than significant for both NEPA and CEQA. The potential for pollutant and odor emissions from HCP/NCCP implementation is based in large part on the location and extent of ground disturbance as earth moving and excavation has the potential to result in pollutant emissions from construction equipment and dust emissions from ground disturbance. The proposed changes to the HCP/NCCP would result in only minor alterations to the footprint of any covered activity or conservation activity, and therefore would have little to no potential to alter air quality effects. Because the proposed changes to the HCP/NCCP have little effect on the footprint of any covered activity or conservation activity, the potential for the Yolo HCP/NCCP to generate pollutant or odor emissions in excess of established thresholds remains less than significant. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant air quality effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.13 Climate Change

The climate change analysis in the Draft EIS/EIR evaluates whether the proposed project would result in greenhouse gas (GHG) emissions that exceed established thresholds (Effects CC-1 and CC-2), result in

inefficient and wasteful consumption of energy, or require now or expanded energy facilities (Effect CC-3), or be susceptible to adverse effects from climate change (Effect CC-4). The Draft EIS/EIR concludes that all climate change effects are less than significant for both NEPA and CEQA, with the exception of susceptibility to adverse effect from climate change, where the Proposed Action is considered to have a beneficial effect because the larger, more connected reserve system under the HCP/NCCP would be more resilient to adverse effects from climate change. The potential for GHG emissions and energy usage from HCP/NCCP implementation is based in large part on the location and extent of ground disturbance as the operation of earth moving equipment requires the burning of fossil fuels. The proximity of reserves and the management regime for the reserve system also influences vehicle miles travelled and consequently GHG emissions and energy usage. The proposed changes to the HCP/NCCP would result in only minor alterations to the footprint of any covered activity or conservation activity, and therefore would have little to no potential to alter GHG emissions from earth moving equipment or vehicle miles travelled for reserve system management. The reserve system would also remain equally resilient to potential adverse effects of climate change. Because the proposed changes to the HCP/NCCP have little effect on the footprint of any covered activity or conservation activity, the potential for the Yolo HCP/NCCP to result in adverse climate change effects remains less than significant. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant climate change effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.14 Geology, Soils, and Mineral Resources

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. None of the changes have an effect issues addressed in the analysis of geology, soils, and mineral resources: seismic risk, the potential for substantial erosion or loss of topsoil, risks to structures from unstable or expansive soils, and loss of availability of known mineral resources. The Draft EIS/EIR concludes that effects on geology, soils, and mineral resources are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have no effect on geology, soils, and mineral resources, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on geology, soils, and mineral resources not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.15 Visual Resources

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. The proposed changes have little to no effect on issues addressed in the analysis of visual resources: views of scenic vistas and other scenic resources, degradation of visual character and quality, and generation of substantial light and glare. The Draft EIS/EIR concludes that effects on visual resources are less than significant or beneficial for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have little to no effect on visual resources, the potential for the Yolo HCP/NCCP to affect these resources is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects on visual resources not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.16 Hazardous Materials

The proposed changes to the Draft HCP/NCCP focus on biological resources and HCP/NCCP implementation. The proposed changes have little to no effect on issues addressed in the analysis of

hazardous materials: use, transport, and disposal of hazardous materials; potential disturbance of sites with known or potential hazardous materials contamination; generate safety hazards due to proximity to public airports or private air strips; impair implementation of, or interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures to severe wildfire risk. The proposed changes to the HCP/NCCP have no effect on the potential for the use, transport, or disposal of hazardous materials, implementation of emergency response plans, or exposing people or structures to wildfire risk. The proposed changes to the HCP/NCCP would result in only minor alterations to the footprint of any covered activity or conservation activity, resulting in little to no change in the potential for disturbance of existing contaminated sites or hazards associated with airports or private air strips. The Draft EIS/EIR concludes that all hazardous materials effects are less than significant for both NEPA and CEQA. Because the proposed changes to the HCP/NCCP have little to no effect on hazardous materials and hazards, the potential for the Yolo HCP/NCCP to generate adverse effects related to these issues is not changed. The proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects related to hazardous materials not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.2.17 Conclusion

As described in the analyses above, for all environmental issue areas evaluated in the Draft EIS/EIR, the proposed changes to the HCP/NCCP would not constitute substantial changes to the project that would result in new significant effects not previously identified in the Draft EIS/EIR, or substantially increase the severity of significant effects previously identified in the Draft EIS/EIR.

24.3 LIST OF COMMENTS

United States Fish and Wildlife Service (USFWS) and the Conservancy received 32 “letters” commenting on the Draft HCP/NCCP and/or the Draft EIS/EIR during the comment period (June 1, 2017 to August 30, 2017), including several that were received after the comment period. In this case the term “letters” includes hard copy letters, e-mails, comment cards provided at public meetings, and compilations of oral comments received at nine separate public meetings provided as meeting transcripts or meeting summaries. Eight members of the public provided oral comments on the Draft HCP/NCCP and/or Draft EIS/EIR during the public meetings held on June 6, 8, 12, 15, 19, 27, 28, 29, and August 1, 2017. In all, comments were provided by three federal agencies, four State agencies, nine local agencies (all oral comments provided during public meetings), two Native American Tribes, nine non-governmental organizations, and nine members of the public. The list of comments on the two documents is presented in Table 24-1. The list is provided in the order that comments were received.

During the public meetings on June 19, June 27, and June 29, a court reporter was present to prepare a transcript of the meeting and record comments received. At the remaining meetings, comments were recorded in meeting summaries prepared by Conservancy staff.

Table 24-1 List of Comments

Letter No.	Comment Type	Comment	Date Received
1	PM	Individuals that provided oral comment during the Woodland City Council Meeting (Agenda Item 13): Council Member Tom Stallard, Council Member Skip Davies, Mayor Angel Brajas	6/6/2017
2	F	Phil Hogan, Natural Resources Conservation Service, District Conservationist	6/7/2017
3	PM	Individuals that provided oral comment during the Yolo County Planning Commission Meeting (Agenda Item 13): Commissioner Jack Kasbergen, Commissioner Trini Campbell	6/8/2017
4	F	Doug Felix, Federal Aviation Administration	6/12/2017

Table 24-1 List of Comments

Letter No.	Comment Type	Comment	Date Received
5	PM	Individuals that provided oral comment during the West Sacramento Environment and Utilities Commission Meeting (Agenda Item 4): Commissioner Brendan Leonard, Commissioner Laura Sheridan, Commissioner Sam Bivins	6/12/2017
6	PM	Individuals that provided oral comment during the West Sacramento Planning Commission Meeting (Agenda Item 4): Commissioner Russell Liebig, Commissioner Andrea Lepore, Commissioner Franciso Castillo, Commissioner Bernadette Austin	6/15/2017
7	PM	Individuals that provided oral comment during the Conservancy Board Meeting (Agenda Item 7): Michael Perrone (Yolo Audubon Society), Chairman Jim Provenza	6/19/2017
8	O1a	Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria, Chairman (To USFWS)	6/21/2017
9	O1b	Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria, Chairman (To Conservancy)	6/22/2017
10	PM	Individuals that provided oral comment during the Yolo County Board of Supervisors Meeting (Agenda Item 37): Supervisor Oscar Villegas, Supervisor Jim Provenza, Erich Linse, Glen Holstein, Dr. Steven Greco	6/27/2017
11	PM	Individuals that provided oral comment during the West Sacramento City Council Meeting (Agenda Item 20): Mayor Cabaldon, Council Member Chris Ledesma, Council Member Mark Johannessen, Council Member Beverly Sandeen	6/28/2017
12	PM	Individuals that provided oral comment during the public meeting hosted by City of Davis staff: Glen Holstein, John Hopkins	6/29/2017
13	S	Stephanie Tadlock, Central Valley Regional Water Quality Control Board, Environmental Scientist	7/18/2017
14	S	Scott Morgan, Governor's Office of Planning and Research, Director	7/20/2017
15	O	Marilyn Delgado, Yocha Dehe, Cultural Resources Director	7/25/2017
16	PM	Individuals that provided oral comment during the Winters City Council Meeting (Agenda Item 4): Glen Holstein, Roberto Valdez, Mayor Pro-Tempore Bill Biasi, Council Member Pierre Neu, Council Member Jesse Loren, Council Member Harold Anderson, City Manager John Donlevy, Mayor Wade Cowan	8/1/17
17	I	Jesse Loren, Winters resident and city council member	8/2/2017
18	O	Putah Creek Council Board	8/8/2017
19	S	Cassandra Enos-Nobriga, Delta Stewardship Council, Deputy Executive Officer	8/29/2017
20	F	Kathleen Martyn Goforth, United States Environmental Protection Agency, Region 9, Environmental Review Section Manager	8/29/2017
21	I	Anonymous	8/29/2017
22	I	Rachel Silva, Folsom Resident	8/29/2017
23	O	John Hopkins, Institute for Ecological Health	8/30/2017
24	O	Judith Lamare and James Pacht, Friends of the Swainson's Hawk, Co-Chairs	8/30/2017
25	O	Michele Clark, Yolo Land Trust, Executive Director	8/30/2017
26	O	Nancy Lea, Yolo County Farm Bureau, President	8/30/2017
27	O	Chris Norem, North State Building Industry Association, Government Affairs Director	8/30/2017
28	O	Mark Young, Westervelt Ecological Services, Restoration Design Manager	8/30/2017
29	O	Kate Wheatley, Taylor & Wiley, representing Teichert Aggregates	8/30/2017
30	I	Bruce Guelden, Winters resident	8/30/2017
31	S	Erik Vink, Delta Protection Commission, Executive Director	8/31/2017
32	I	Steve Greco, Professor in the Dept. of Human Ecology, UC Davis and Conservancy Advisory Committee member	8/31/2017

24.4 COMMENTS AND RESPONSES

This section includes all written and oral comments received on the Draft HCP/NCCP and Draft EIS/EIR and responses to those comments. Below are all comment letters and public meeting transcripts and public meeting summaries prepared by the Conservancy, reproduced in their entirety. Each letter and comment has been assigned a number based on when the letter was received and a designation for cross-referencing purposes (for example, the first "letter" received [the June 6 public meeting input] is 1, and the first comment in the "letter" is 1-1).

Letter
1

Public Meeting #1: Woodland City Council Meeting, June 6, 6:00pm
Woodland City Council Chambers, 300 First Street, Woodland

Agenda Item 13: Public Comment Meeting for the Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and the Public Review Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (SCH # 2011102043)

Agenda item beginning at approximately 6:50pm

Petrea Marchand (Yolo Habitat Conservancy Executive Director) presented a series of PowerPoint slides summarizing the Public Review Draft Yolo HCP/NCCP. Gary Jakobs (Ascent Environmental) presented a series of PowerPoint slides summarizing the Draft EIS/EIR. Petrea Marchand completed the presentation with two PowerPoint slides summarizing the public comment process and schedule.

At the close of the presentations, Mayor Angel Brajas opened the public hearing. There were no public commenters so Mayor Brajas closed the public hearing and asked if there were any Council questions or comments.

Council Member Tom Stallard thanked former Council Member Sean Denny for his effort.

Council Member Stallard inquired regarding the change from 32 species to 12. He asked if this will mean that developers will still have to go through the current process if they run into other species. Executive Director Marchand replied that the reduced list of species only includes the most commonly impacted species that are currently listed or likely to be listed. Not all of the 32 species are listed and many are conserved indirectly because they share common habitat and conservation needs with the 12 covered species.

1-1

Council Member Skip Davies stated that this is the City's process just as much as the Conservancy's. The program will work well as long as it is well managed. The City will need to continue to monitor the program and implementation, including how the Conservancy is staffed and managed.

1-2

Mayor Angel Barajas made a statement of thanks to former Council Member Sean Denny regarding past efforts on this plan and to Petrea Marchand for moving the effort forward. He also noted his approval in seeing the overall reduction of Plan costs while still conserving habitat, wetlands, and agriculture. He stated that the Plan notes that general funding will not be used but we still need to discuss how to address potential funding needs.

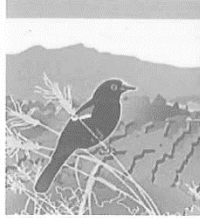
1-3

Mayor Barajas asked if there were any additional discussion or comments, hearing none, he stated that the staff recommendation was to receive the report and receive public comment. He concluded the item at approximately 7:20pm.

These notes were prepared by Chris Alford, Deputy Director for the Yolo Habitat Conservancy. These are summary notes of the proceedings prepared for use in the CEQA process, and are not official minutes of the agency.

1 **Woodland City Council Meeting**
Public Oral Comment
June 6, 2017

- 1-1 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 1) for the question and response. No additional response is necessary.
- 1-2 The comment was a statement about the City's role in the HCP/NCCP and is not a comment on the Draft HCP/NCCP or the Draft EIS/EIR. No response is necessary.
- 1-3 The comment includes statements of appreciation and identifies that general funding needs for the HCP/NCCP may be a topic for further discussion. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. No response is necessary.



YOLO
Habitat Conservation Plan/Natural Community Conservation Plan
Comment Card

Letter
2

Name: **PHIL HOGAN** Date: **6-7-2017**

Telephone: _____ Email: **phil.hogan@ca.usda.gov**

Organization (if applicable): _____ Title (if applicable): **District Conservationist**

Street Address: **221 West Court Street , Woodland, CA**

City: _____ State: _____ Zip: **95695**

The Yolo Habitat Conservancy and the U.S. Fish and Wildlife Service value your input. Please provide us with your comments regarding the Public Review Draft Yolo HCP/NCCP and Draft EIS/EIR below. Attach additional comments as needed.

For your convenience, feel free to take this card with you, fill it out at your opportunity, and mail it. You may also hand this comment card to a Yolo Habitat Conservancy representative or send comments by email to the Yolo Habitat Conservancy at info@yolohabitatconservancy.org.

All comments must be received by 5pm on Wednesday, August 30, 2017.

PUBLIC REVIEW DRAFT HCP/NCCP COMMENTS:

For projects sponsored by a Federal agency (financial and or technical assistance) that converts Important Farmlands (Prime, Statewide, Unique, etc), that agency needs to initiate and send to NRCS an AD-1006 Farmland Conversion Impact Rating form. This process is not too time-consuming. For more information, please contact Phil Hogan at (530) 207-6526. This is not a regulatory procedure so much as it simply

2-1

DRAFT EIS/EIR COMMENTS:

documents what Important Farmlands are converted as a result of a Federal activity.

2 **Natural Resources Conservation Service**
Phil Hogan, District Conservationist
June 7, 2017

- 2-1 Thank you for submitting comments. The comment describes Natural Resources Conservation Service (NRCS) procedure regarding the conversion of Important Farmland. The Conservancy will follow all applicable procedures and regulations and will coordinate with the NRCS prior to any conversion of Important Farmland undertaken by the Conservancy. The Conservancy will also convey this information to the member agencies. The comment does not address the content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.

Commissioner Kasbergen expressed concern over having a single entity overseeing permitting and stated that he does not like the idea of having mitigation ratios set in stone.

Executive Director Marchand responded to Commission Member Kasbergen’s concerns about single entity oversight by noting that the Conservancy is a joint powers agency that has representation from each of the member agencies on its board. She noted there is a rigorous oversight system put in place by the Conservancy Board. She also mentioned that the mitigation ratios were relevant only for setting costs – after the plan is adopted applicants will simply pay one fee and mitigation ratios will not apply.

3-7

Commission Member Reynolds followed up by stating his appreciation for the HCP/NCCP and noting that it will benefit the county by creating more local control and a coordinated approach.

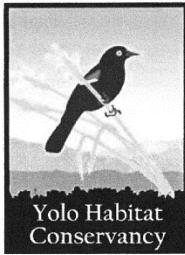
3-8

Council Member Amon Muller noted that no additional action is needed on this agenda item. He concluded the item at approximately 12:30pm.

These notes were prepared by Chris Alford, Deputy Director for the Yolo Habitat Conservancy. These are summary notes of the proceedings prepared for use in the CEQA process, and are not official minutes of the agency.

3 **Yolo County Planning Commission Meeting**
Public Oral Comment
June 8, 2017

- 3-1 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 3) for the question and response. No additional response is necessary.
- 3-2 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 3) for the question and response. No additional response is necessary.
- 3-3 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 3) for the question and response. No additional response is necessary.
- 3-4 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 3) for the question and response. No additional response is necessary.
- 3-5 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 3) for the question and response. No additional response is necessary.
- 3-6 The comment suggests adding language to the HCP/NCCP calling for use of plants of Sacramento Valley genetic origin for restoration efforts implemented as part of the HCP/NCCP. This language has been added in proposed Final HCP/NCCP Section 6.4.2.3.2, *Restoration Plans*.
- 3-7 A concern was expressed at the public meeting and responses to the input was provided at that time. Please see the meeting summary (i.e., Letter 3) for the comment and response. No additional response is necessary.
- 3-8 The comment consists of a statement of appreciation and noting benefits of the HCP/NCCP. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. No response is necessary.



Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento
City of Woodland • University of California, Davis

**CEQA NOTICE OF PUBLIC MEETINGS AND HEARINGS
and NOTICE OF AVAILABILITY (NOA) for the
DRAFT YOLO HABITAT CONSERVATION PLAN/NATURAL
COMMUNITY CONSERVATION PLAN (Yolo HCP/NCCP)
and related DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT (DRAFT EIS/R)**

DATE: June 1, 2017
TO: Interested Agencies and Individuals
FROM: Yolo Habitat Conservancy

The Public Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) and the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/R) (SCH #2011102043) are now available for review and comment. Public comment on these documents is invited for a 90-day period extending from June 1, 2017 through August 30, 2017. More information is provided below.

The Yolo HCP/NCCP is a comprehensive, county-wide plan to provide for the conservation of 12 sensitive species ("covered species") and the natural communities and agricultural land on which they depend. The Plan will provide a streamlined permitting process to address the effects of a range of future anticipated public and private activities ("covered activities") on these 12 species. The Plan area encompasses the entire area of Yolo County, approximately 653,549 acres, and includes conservation activities outside of Yolo County within an additional 1,174 acres along Putah Creek in Solano County.

The Yolo HCP/NCCP was prepared by the Yolo Habitat Conservancy (Conservancy), a joint powers agency created by Yolo County and the incorporated cities of Davis, West Sacramento, Winters, and Woodland. The Yolo HCP/NCCP will provide the basis for issuance of long-term (50-year) permits under the Federal Endangered Species Act (FESA) and California Natural Community Conservation Planning Act (NCCPA) for covered activities. The Yolo HCP/NCCP will provide the Permittees (Yolo County, the four incorporated cities, and the Conservancy) with incidental take permits from both the U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (CDFW) for the 12 covered species. This action is allowed under Section 10(a)(1)(B) of the FESA and Section 2835 of the NCCPA chapter of the California Fish and Game Code. The Yolo HCP/NCCP ensures compliance with the FESA, NCCPA, and the California Endangered Species Act (CESA) for covered activities that may affect the covered species. In addition to the Permittees, the Yolo HCP/NCCP permits may be used other entities through certificates of inclusion, as described further in Chapter 3, Covered Activities, and Chapter 7, Plan Implementation in the Yolo HCP/NCCP.

The Draft EIS component of the Draft EIS/R was prepared pursuant to the National Environmental Policy Act (NEPA) under the oversight of the Service serving as the NEPA Lead Agency. In accordance with NEPA, the Service is publishing a separate NEPA Notice of Availability (NOA) in the Federal Register. Information about the Federal Register Notice is available at the following Service website: <https://www.fws.gov/sacramento/>. The Draft EIR component of the Draft EIS/R was prepared pursuant to the California Environmental Quality Act (CEQA) under the oversight of the Conservancy serving as the CEQA Lead Agency and CDFW serving as a CEQA Responsible Agency. In accordance with CEQA, this CEQA NOA was filed with the California Governor's Office of Planning and Research State Clearinghouse. This NOA also serves to notify the public of meetings and hearings on the Draft Plan and Draft EIS/R.

611 North Street, Woodland, CA 95695 • Phone: 530-723-5504 • www.yolohabitatconservancy.org

The Draft EIS/R analyzes and discloses the potential for significant adverse environmental impacts associated with the Yolo HCP/NCCP as proposed, and three project alternatives. The Draft EIS/R identifies the potential for significant effects under CEQA in the impact areas of Land Use and Agriculture and Forestry Resources. Other areas of potential impact under CEQA are identified as less-than-significant.

A Final EIS/R will be prepared following public review and comment on the Draft EIS/R. Responses to comments on the Draft EIS/R will be provided in the Final EIS/R. The Service, CDFW, Conservancy, and Conservancy member agencies will consider this information during their deliberations on Plan approval and related permitting actions described above. Following certification of the Final EIS/EIR, the Conservancy and member agencies may adopt the Yolo HCP/NCCP and the state and federal agencies may issue incidental take permits.

The Yolo HCP/NCCP and the Draft EIS/R (including all documents referenced in the EIS/R pursuant to CEQA Guidelines Section 15087(c)(5)) are now available for public review online at the web link provided below. Interested parties may review and/or purchase printed copies and electronic copies (USB flash drive) from the Conservancy by inquiring at the contact information provided below. The documents are also available for public review at the Woodland Public Library, 250 First Street, Woodland, the Mary L. Stephens Davis Library, 315 E 14th Street, Davis, the Arthur F. Turner Community Library, 1212 Merkley Ave., West Sacramento, the Winters Community Library, 708 Railroad Ave., Winters, and the Yolo Branch Library, 37750 Sacramento Street, Yolo.

<http://www.yolohabitatconservancy.org/documents>

You may submit comments on the Yolo HCP/NCCP and/or the Draft EIS/R during the 90-day review period, which begins June 1, 2017 and ends August 30, 2017. All comments received by 5:00 pm on August 30, 2017 will be accepted as timely. Please clearly distinguish between comments on the Yolo HCP/NCCP and comments on the Draft EIS/R. Please include "Yolo HCP/NCCP comments" and/or "Draft EIS/R comments" in the subject heading when submitting comments.

Please direct written comments to:

Shawna Stevens, Assistant to the Director
Yolo Habitat Conservancy
611 North Street, Woodland, CA 95695
info@yolohabitatconservancy.org

The Yolo Habitat Conservancy and United States Fish and Wildlife Service will provide a presentation and the public will be given the opportunity to provide both written and oral comments on the Yolo HCP/NCCP and Draft EIS/R during the following public meetings:

June 27, 2017 – The Yolo County Board of Supervisors meeting in the Board of Supervisors Chambers (Room 206, 625 Court Street, Woodland) at 1:00pm.

June 29, 2017 – The City of Davis Public Meeting in the Davis Senior Center (646 A Street, Davis) at 6:30pm.

Oral comments provided during the two meetings listed above will be recorded by a court reporter. Additional public meetings and hearings will be announced as they are scheduled and will be listed on the Yolo Habitat Conservancy's website: <http://www.yolohabitatconservancy.org>. Members of the public may also contact the Conservancy at (530) 723-5504 to request the meeting schedule. It is anticipated that the member agencies of the Conservancy will each schedule a minimum of one local meeting/hearing on the Draft Yolo HCP/NCCP and Draft EIS/R.

The following statement is required to be included in this notice: Pursuant to CEQA Guidelines Section 15087(c)(6), Yolo County contains hazardous waste sites as enumerated under California Government Code Section 65962.5.



4 **Federal Aviation Administration**
Doug Felix
June 12, 2017

- 4-1 Thank you for submitting comments. The comment describes the federal procedure for projects that would affect navigable airspace. Neither the Service, the Conservancy, nor the member agencies anticipate that implementation of the HCP/NCCP would affect navigable airspace; however, the Conservancy will follow all applicable procedures and regulations and coordinate with the Federal Aviation Administration (FAA) prior to any actions which could fall under FAA authority. The comment does not address the content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.

Letter
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Public Meeting #3: West Sacramento Environment and Utilities Commission, June 12, 6:00pm

West Sacramento City Council Chambers, 1110 West Capitol Avenue, West Sacramento

Agenda Item 4: Public Workshop by Yolo Habitat Conservancy on the Public Review Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and Public Review Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Agenda item beginning at approximately 6:30pm

Petrea Marchand (Yolo Habitat Conservancy Executive Director) presented a series of PowerPoint slides summarizing the Public Review Draft Yolo HCP/NCCP.

Sean Bechta (Ascent Environmental) presented a series of PowerPoint slides summarizing the Draft EIS/EIR. At the end of Mr. Bechta’s presentation, Commissioner Brendan Leonard asked what areas were included in the 1,395 acres that are removed from coverage under the alternative reduced development scenario. Mr. Bechta replied that the reduced acres occurred in various areas around the county and that one parcel is identified in West Sacramento. Mr. Bechta later clarified that 286 acres along Gregory Avenue in West Sacramento is included in the reduced development scenario.

5-1

Commissioner Leonard asked why oaks are not included in the Plan. Mr. Bechta replied that the effort is species-based. While oak habitat is included as habitat in the plan for conservation and restoration since they provide nesting habitat for Swainson’s hawk and white-tailed kite, oaks are not a covered species so they are not explicitly listed. Director Hamilton further clarified that oaks are regulated locally through other City regulations.

5-2

Commissioner Sam Bivins asked about the land use significant impacts associated with Solano County and the status of any discussion regarding an agreement. Mr. Bechta stated that the potential for conflict is easily mitigated. He further explained that Appendix G of the CEQA guidelines asks if there is a potential for conflict with an existing HCP. While the Solano HCP is not currently approved, a conservative approach was taken as part of the analysis and identified the overlap with the Solano HCP as a potential significant impact. Solano County’s HCP includes as part of their covered activities, several irrigation and water infrastructure maintenance that would be located in Yolo County. There is a possibility that the Yolo HCP/NCCP conservation efforts and Solano HCP covered activities could conflict in limited locations. Coordination between representatives of the two HCPs is identified as mitigation to avoid potential future impacts.

5-3

Executive Director Marchand completed the presentation with two PowerPoint slides summarizing the public comment process and schedule. She then asked offered to answer any questions.

Commissioner Laura Sheridan asked if there is any language translation assistance available? Executive Director Marchand responded that the Conservancy will look into providing this service.

5-4

Commissioner Leonard asked about mitigation ratios for sites where there is habitat but no species presence. He asked if fees could be triggered on a project-by-project basis when an entity would have to pay for all species vs. just for Swainson’s hawk or tiger salamander or other species? Ms. Marchand responded that the way the plan works is a fee per acre basis. The Plan assumes presence and mitigation/conservation is accomplished through payment of a flat fee. There is no additional

5-5

fee if more than one species occurs. For wetlands, if a project impacts wetlands habitat, a separate wetlands fee is triggered. Commissioner Leonard asked about the preservation and creation component associated with wetlands habitat. Executive Director Marchand explained that the Conservancy is responsible for completing the wetlands conservation using the wetlands fee for funding.

5-5
cont.

Commissioner Sam Bivins mentioned that there is a reduction in species from 32 to 12 and asked if the habitat for the species that were dropped from the plan will be impacted? If impacts to non-covered species occur, will developers have to go through a separate effort to mitigate for them? Executive Director Marchand replied that none of the species that were dropped are listed species and it was determined that it was unlikely that they would be within the permit term. Applicants still have an ongoing obligation under CEQA to mitigate for non-covered species if a species is listed in the future. There is the potential for the Plan to be amended to include additional species although the Board decided that it was unlikely that any additional species would become listed.

5-6

Commissioner Leonard opened up the item for public comment and asked if there were any requests for public comment. No public comments were made. Commissioner Leonard closed the public hearing.

These notes were prepared by Chris Alford, Deputy Director for the Yolo Habitat Conservancy. These are summary notes of the proceedings prepared for use in the CEQA process, and are not official minutes of the agency.

5 **West Sacramento Environment and Utilities Commission Meeting**
Public Oral Comment
June 12, 2017

- 5-1 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 5) for the question and response. No additional response is necessary.
- 5-2 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 5) for the question and response. No additional response is necessary.
- 5-3 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 5) for the question and response. No additional response is necessary.
- 5-4 A comment was raised regarding language translation assistance. The Conservancy is open to providing language translation services if any are requested. To date, no requests have been received.
- 5-5 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 5) for the question and response. No additional response is necessary.
- 5-6 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 5) for the question and response. No additional response is necessary.

Letter
6

Public Meeting #4: West Sacramento Planning Commission, June 15, 6:00pm
West Sacramento City Council Chambers, 1110 West Capitol Avenue, West Sacramento

Agenda Item 4: Public Workshop by Yolo Habitat Conservancy on the Public Review Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and Public Review Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
Agenda item beginning at approximately 7:25pm

Petrea Marchand (Yolo Habitat Conservancy Executive Director) presented a series of PowerPoint slides summarizing the Public Review Draft Yolo HCP/NCCP. Sean Bechta (Ascent Environmental) presented a series of PowerPoint slides summarizing the Draft EIS/EIR. Petrea Marchand completed the presentation with two PowerPoint slides summarizing the public comment process and schedule.

Commissioner Russell Liebig stated his appreciation for the consideration of the value of agricultural lands in the Plan. Commissioner Liebig stated that he would have liked to see fish species included but realizes the difficulty of adding species as others were cut. He also commented West Sacramento has multiple aquatic species that could be impacted by work on projects along levees, the waterfront, and adjacent floodway areas.

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Commissioner Liebig asked if he is correct that the covered area for the HCP is less than 3% of the county? Ms. Marchand affirmed that Commissioners statement is correct. The Conservancy went through the process of working with each of the member agencies to identify where development would occur, including roads and other projects in the unincorporated area and development in the city and county general plans. The amount of plan development and impact is relatively small compared to other areas. Commissioner Liebig asked what would happen for areas not shown in orange on the map, such as if a project in the north end of West Sacramento was redeveloped. West Sacramento Development Community Development Director Charline Hamilton responded that in that case the site is considered existing developed land so if there isn't habitat present there wouldn't be an impact to species and there would be no mitigation requirement. Executive Director Marchand added that the Plan can cover activities that occur anywhere in the Plan area as long as the permit has remaining coverage for the impacted habitat type and/or natural community.

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Commissioner Liebig asked how the plan would impact the heritage oak tree fee. Director Hamilton responded that the oak fee would be separate because you are dealing with a different city ordinance.

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6-3
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Commissioner Thomas Vu asked how development projects that impact habitat for Swainson's hawk are considered by this process, such as the project that was presented during the consent agenda. Director Hamilton responded that for the last few years the City has been using the GIS land cover habitat model developed by the Conservancy to determine impacts to Swainson's hawk. The City coordinates with the Conservancy if there is any confusion about whether or not the project site qualifies as supporting habitat.

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6-4
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Commissioner Andrea Lepore asked how the decision was made between the draft plan and current plan to reduce the number of species from 32 down to 12 and which ones were chosen to be kept or removed. Ms. Marchand responded that the decision was made based on the member agency's need for take coverage. We evaluated the species and removed the ones that are unlikely to be listed, which reduced the conservation obligation and the cost of the Plan.

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Commissioner Francisco Castillo asked how the local funding component was identified and distributed. Ms. Marchand responded that the City of Davis, Yolo County, and Solano County Water Agency each have open space and conservation programs that are consistent with the HCP/NCCP and have agreed to partner to utilize their existing programs as matching programs for the HCP/NCCP and the HCP/NCCP to help provide additional funds to help them further their programs.

6-6

Commissioner Castillo asked if there is a limit on how much grant funding the conservancy can get? Executive Director Marchand responded that the amount of funding will be on a case-by-case basis because funding priorities may change over time in ways that we can't predict.

6-7

Commissioner Andrew Sturfels stated that while there is more of a focus on the habitat conservation side of things, he really appreciates the certainty and streamlining of the permit fees and process. He noted that this is effort really important for the future of West Sacramento.

6-8

Commissioner Bernadette Austin stated that she echoes commissioner Sturfel's comments on the benefits to both conservation and development. She noted the benefits of enabling infill development and conservation of surrounding areas. She asked about the potential for conservation around the West Sacramento area. Executive Director Marchand stated that there is currently a waitlist set up for landowners that are interested in placing conservation easements on their property. A few of those properties are just south of West Sacramento that provide a lot of habitat benefit. There are also a lot of opportunities for conservation in the Yolo Bypass.

6-9

Commissioner Austin stated on a personal note that she grew up in the Bay Area in what was a fairly rural area. Now adjacent lands are protected by conservation easements and she can see the benefits that a plan like this will provide.

6-10

Commissioner Austin asked if there were any additional comments or discussion. No additional comments or discussion. Commissioner Austin adjourned the meeting.

These notes were prepared by Chris Alford, Deputy Director for the Yolo Habitat Conservancy. These are summary notes of the proceedings prepared for use in the CEQA process, and are not official minutes of the agency.

**6 West Sacramento Planning Commission Meeting
Public Oral Comment
June 15, 2017**

- 6-1 The comment expresses a desire to have fish species covered and notes that West Sacramento has multiple aquatic species that could be impacted by work on projects along levees, the waterfront, and adjacent floodway areas. The HCP/NCCP provides state and federal Endangered Species Act permits for covered activities, but other permits may be necessary to implement projects (e.g. a 404 or 408 permit from the U.S. Army Corps of Engineers (USACE). The HCP/NCCP does not cover fish species because of the complexity of developing conservation strategies for these species. If agencies that compose the membership of the Conservancy desire, the Conservancy could seek to amend the HCP/NCCP in the future to include fish species, requiring authorization from the National Marine Fisheries Service for anadromous fish species, and pursue a regional 404 permit from the USACE. Such efforts would require a significant amount of additional time and local resources.
- 6-2 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-3 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-4 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-5 The comment asked how the decision was made between the draft plan and current plan to reduce the number of species from 32 to 12 and which ones were chosen to be kept or removed. As stated during the meeting (see the meeting summary [i.e., Letter 6]), the Yolo Habitat Conservancy reduced the number of species included in the HCP/NCCP from 32 to 12 based on the need of the member agencies for permit coverage and the likelihood the state and federal government would list the species under the state and federal Endangered Species Acts.
- 6-6 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-7 A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-8 The comment expressed appreciation for the certainty and streamlining benefits of the HCP/NCCP. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no additional response is necessary.
- 6-9 The comment echoes the input provided in comment 6-8. A question was asked at the public meeting and answered at that time. Please see the meeting summary (i.e., Letter 6) for the question and response. No additional response is necessary.
- 6-10 The comment makes a general observation on the Bay Area and how conservation easements were used to preserve lands. This public meeting statement is not a comment on the Draft HCP/NCCP or the Draft EIS/EIR. No additional response is necessary.

Letter
7

YOLO HABITAT CONSERVANCY

PUBLIC MEETING

ITEM 7

**RECEIVE PRESENTATION AND PUBLIC COMMENT ON THE
PUBLIC REVIEW DRAFT YOLO HABITAT CONSERVATION
PLAN/NATURAL COMMUNITY CONSERVATION PLAN
(HCP/NCCP) AND RELATED PUBLIC REVIEW DRAFT
ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL
IMPACT REPORT (EIS/EIR) .**

MONDAY, JUNE 19, 2017

**BOARD OF SUPERVISORS CHAMBERS
625 COURT STREET
WOODLAND, CALIFORNIA**

REPORTED BY:

**ESTHER F. SCHWARTZ
CSR 1564**

CAPITOL REPORTERS (916) 923-5447

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ATTENDEES

BOARD MEMBERS :

- JIM PROVENZA, CHAIR
- DON SAYLOR
- LUCAS FRERICHS
- CHRIS LEDESMA
- PIERRE NEU
- SKIP DAVIES
- MARJORIE DICKINSON

STAFF :

- PETREA MARCHAND, EXECUTIVE DIRECTOR
- SHAWNA STEVENS
- CHRIS ALFORD
- SUSAN GARBINI

COUNSEL :

- PHILIP POGLEDICH

ASCENT ENVIRONMENTAL :

- SEAN BECHTA

PUBLIC PARTICIPATION :

- MICHAEL PERRONE

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WOODLAND, CALIFORNIA

MONDAY, JUNE 19, 2017, 5:39 P.M.

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CHAIR PROVENZA: Back on the regular agenda. This takes us to No. 8 -- sorry, Item 7, public comment on the most important thing on the agenda, the public comments on the Public Review Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan.

(PowerPoint presentation by Petrea Marchand and Sean Bechta.)

CHAIR PROVENZA: Thank you very much. Are there any questions from Board Members? No questions from Board Members.

I think we should take public comment at this time.

Is there any public comment?

MR. PERRONE: Michael Perrone, P-E-R-R-O-N-E, Yolo Audubon Society. Our society has about 800 members, mostly in Woodland and Davis.

We've followed the process of developing the plan since pretty early on. Two of our members, Chad Roberts and Glen Holstein, are on the Advisory Committee. They have been there since the beginning. And I have personally followed, attended

7-1

1 the meetings for the last four years, so I think
 2 between and among the three of us we understand the
 3 plan pretty well - how it's put together, why you
 4 did it that way, what you're expecting from it.

5 So what I really wanted to say is that we're
 6 totally in favor of it. We are glad you did it.
 7 And as we move along here, if there is a way that
 8 Yolo Audubon can help you put conservation on the
 9 ground, species and habitat projects on the ground,
 10 we would like to join you in that in any way that we
 11 can. I would say two others things.

12 One is we appreciate that the Conservancy and
 13 its staff have taken the time to work with farmers
 14 and ranchers to be sure that their interests and
 15 their concerns are understood and incorporated into
 16 the plan. Because, I think, like you, we realize
 17 that we are going to need the support of agriculture
 18 and even their cooperation to make the plan work on
 19 the ground.

20 The other thing is that, frankly, we are happy
 21 that you did this, that you took it on, stayed with
 22 it and brought it this far because you didn't have
 23 to. We understand that this is one of those
 24 optional, voluntarily Section 10 things. You could
 25 have done it the standard way. We think this is

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cont.

1 better, and we appreciate it.

2 And one more thing. I just want to say that
3 in these four years that I have spent a lot of time,
4 got a lot of help from your staff - from Petrea and
5 Chris. I just want to say I think they have done a
6 good job.

7 So that's really it. Thank you.

8 CHAIR PROVENZA: Thank you very much.

9 Is there other public comments at this time?

10 I think I want to thank the staff and the
11 Advisory Committee and everybody else, the
12 consultants, who worked on this. It was a
13 tremendous effort, and thank you.

14 Somewhere in 2012 we started out on a great
15 effort and made progress that many people didn't
16 think was possible; and getting the implementation
17 of the review draft, that's an achievement.

18 Also wanted to thank state and federal
19 agencies for helping us get published in the Federal
20 Register so quickly. Made it easier, easy, and very
21 much appreciate it.

22 Are there other comments from the Board
23 Members at this time?

24 Thank you.

25 And you don't need anything from us now?

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MS. MARCHAND: No.
CHAIR PROVENZA: Okay.
(Hearing on Item 7 concluded at 6:22 p.m.)
(Board continued on with the agenda.)

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4 REPORTER'S CERTIFICATE

5 STATE OF CALIFORNIA)

6 COUNTY OF SACRAMENTO) ss.

7

8 I, ESTHER F. SCHWARTZ, certify that I was the

9 official Court Reporter for the proceedings named

10 herein, and that as such reporter, I reported in

11 verbatim shorthand writing those proceedings;

12 That I thereafter caused my shorthand writing

13 to be reduced to printed format, and the pages

14 numbered 4 through 6 herein constitute a complete,

15 true and correct record of the proceedings.

16

17 IN WITNESS WHEREOF, I have subscribed this

18 certificate at Sacramento, California, on this 20th

19 day of June, 2017.

20

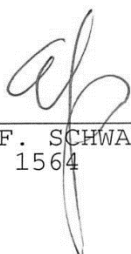
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ESTHER F. SCHWARTZ
CSR NO. 1564

7 **Public Meeting at the Conservancy Board Meeting**
Woodland, CA
June 19, 2017

- 7-1 This comment from Michael Perrone (Yolo Audubon Society) expresses his support for the project. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 7-2 This comment from Conservancy Board Chair Jim Provenza expresses gratitude to those who contributed to preparation of the HCP/NCCP and EIS/EIR and closes the meeting agenda item. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.



Letter
8

MIWOK United Auburn Indian Community
MAIDU of the Auburn Rancheria

Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Calvin Moman
Secretary

Jason Camp
Treasurer

Gabe Cayton
Council Member

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SACRAMENTO FISH
& WILDLIFE OFFICE

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JUN 21 2017

SACRAMENTO FISH
& WILDLIFE OFFICE

June 8, 2017

Mike Thomas
United States Department of the Interior- Fish and Wildlife Service
2800 Cottage way, Suite W-2606
Sacramento CA 95825

Subject: Habitat Conservation Plan Proposed for Yolo & Solano Counties

Dear Mike Thomas,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects. The UAIC would like to consult on this project.

8-1

In order to ascertain whether the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any archaeological reports that are completed for the project. We also request copies of environmental documents for the proposed project so that we have the opportunity to comment on appropriate identification, assessment and mitigation related to cultural resources. We recommend UAIC tribal representatives observe and participate in all cultural resource surveys. If you are interested, the UAIC's preservation department offers a mapping, records and literature search services program that has been shown to assist project proponents in complying with the necessary resource laws and choosing the appropriate mitigation measures or form of environmental documentation during the planning process.

8-2

The UAIC's preservation committee would like to set up a meeting or site visit, and begin consulting on the proposed project. Based on the preservation committee's identification of cultural resources in and around your project area, UAIC recommends that a tribal monitor be present during any ground disturbing activities. Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or by email at mguerrero@auburnrancheria.com if you have any questions.

8-3

Sincerely,

Gene Whitehouse,
Chairman

CC: Marcos Guerrero, CRM

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

8 **United Auburn Indian Community**
Gene Whitehouse, Chairman
June 21, 2017

- 8-1 Thank you for submitting comments. This comment letter represents one of two letters with comments from the United Auburn Indian Community (UAIC); Letter 8 was submitted to the USFWS pursuant to NEPA. This comment indicates that the UAIC area of interest is El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The comment goes on to express interest in the geographic area of the HCP/NCCP and a request to consult. Please see response to Comment 8-3 below.
- 8-2 The comment request copies of archeological reports and recommends that UAIC representatives observe and participate in cultural resource surveys. No specific archeological reports or cultural resource surveys have been prepared at this time because individual project locations are not yet defined (beyond the definition of the Plan and Permit Area). The proposed action under consideration by the USFWS pursuant to NEPA includes issuance of a section 10(a)(1)(B) incidental take permit (ITP) based on implementation of the proposed Yolo HCP/NCCP. Implementation of the HCP/NCCP would be carried out by the individual permittees over a proposed 50 year permit term, which is a programmatic action affecting an area of over 650,000 acres.. Issuance of the proposed ITP by the USFWS would allow for planned development and specified conservation actions to occur over the next 50 years. Details about each individual development activity and/or conservation action, such as precise location and site conditions, are not known at the time of this programmatic action. Future development activity and conservation actions assumed within the HCP/NCCP will be subject to CEQA and each local lead agency must comply with the requirements of Assembly Bill 52 (AB 52, Tribal Cultural Resources, 2014) which will ensure that the coordination requested by the comment will occur at the time projects are proposed and site-specific details are known.
- 8-3 This comment requests a meeting with the USFWS and requests to begin consulting. These requests were communicated to the USFWS Tribal Liaison and the Service has undertaken appropriate coordination and communication. As stated above in response to Comment 8-2, future development activity and conservation actions assumed within the HCP/NCCP will be subject to CEQA and each local lead agency must comply with the requirements of AB 52. AB 52 establishes a consultation process with recognized California Native American tribes to coordinate regarding cultural resources and interests, consider tribal cultural values, determine project impacts in these areas, and establish appropriate mitigation. Eligible tribes that request notice are provided the opportunity to coordinate with CEQA lead agencies on issues such as survey methodologies, monitoring, and treatment of known and newly discovered Tribal Cultural Resources, and other related aspects of meaningful consultation. Compliance with AB 52 will ensure that the coordination described by the commenter will occur at the time projects are proposed and site-specific details are known.



Letter 9

MIWOK United Auburn Indian Community
MAIDU of the Auburn Rancheria

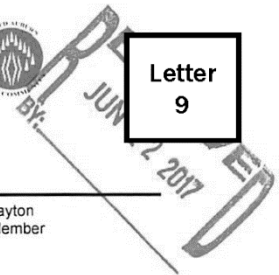
Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Calvin Moman
Secretary

Jason Camp
Treasurer

Gabe Cayton
Council Member



June 8, 2017

Shawna Stevens
Yolo Habitat Conservancy
611 North Street
Woodland, CA 95695

Subject: Availability of Public Draft Yolo Habitat Conservation Plan/ Natural Community Conservation Plan and the Draft Environmental Impact Statement/ Environmental Impact Report (SCH #2011102043)

Dear Shawna Stevens,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects. The UAIC would like to consult on this project.

9-1

In order to ascertain whether the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any archaeological reports that are completed for the project. We also request copies of environmental documents for the proposed project so that we have the opportunity to comment on appropriate identification, assessment and mitigation related to cultural resources. We recommend UAIC tribal representatives observe and participate in all cultural resource surveys. If you are interested, the UAIC's preservation department offers a mapping, records and literature search services program that has been shown to assist project proponents in complying with the necessary resource laws and choosing the appropriate mitigation measures or form of environmental documentation during the planning process.

9-2

The UAIC's preservation committee would like to set up a meeting or site visit, and begin consulting on the proposed project. Based on the preservation committee's identification of cultural resources in and around your project area, UAIC recommends that a tribal monitor be present during any ground disturbing activities. Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or by email at mguerrero@auburnrancheria.com if you have any questions.

9-3

Sincerely,

Gene Whitehouse,
Chairman

CC: Marcos Guerrero, CRM

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

- 9 United Auburn Indian Community
Gene Whitehouse, Chairman
June 22, 2017
- 9-1 Thank you for submitting comments. This comment letter represents one of two letters with comments from the United Auburn Indian Community (UAIC); Letter 9 was submitted to the Conservancy pursuant to CEQA. This comment indicates that the UAIC area of interest is El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The comment goes on to express interest in the geographic area of the HCP/NCCP and a request to consult. Please see response to Comment 9-3 below.
- 9-2 The comment request copies of archeological reports and recommends that UAIC representatives observe and participate in cultural resource surveys. As noted in May 22, 2016 correspondence from the Conservancy to UAIC responding to an earlier letter, no archeological reports have been prepared because project locations are not yet defined. Please see responses to Comments 8-2 and 8-3. As stated in response to Comment 8-3, future development activity and conservation actions assumed within the HCP/NCCP will be subject to CEQA and each local lead agency must comply with the requirements of AB 52. Eligible tribes that request notice are provided the opportunity to coordinate with CEQA lead agencies on issues such as survey methodologies, monitoring, and treatment of known and newly discovered Tribal Cultural Resources, and other related aspects of meaningful consultation. Compliance with AB 52 will ensure that the coordination described by the commenter will occur at the time projects are proposed and site-specific details are known.
- 9-3 This comment requests a meeting with the Conservancy and requests to begin consulting on the proposed project. The CEQA Notice of Preparation (NOP) and NEPA Notice of Intent (NOI) for the HCP/NCCP were circulated October 21 through December 2, 2011, therefore this project precedes and is not subject to the AB 52 (2015, Tribal Cultural Resources) consultation requirements. Nor is the HCP/NCCP subject to SB 18 (2004, Local Government General Plan Consultation) for either the Conservancy or member agency actions as no general plan amendments are involved. However, future development activity will be subject to the requirements of AB 52. Please refer to responses to comments 8-2, 8-3, and 9-2.

Letter
10

YOLO COUNTY BOARD OF SUPERVISORS

PUBLIC MEETING

ITEM 37

**PUBLIC PRESENTATION BY THE YOLO HABITAT
CONSERVANCY AND THE UNITED STATES FISH &
WILDLIFE SERVICE ON THE PUBLIC REVIEW DRAFT
YOLO HABITAT CONSERVATION PLAN/NATURAL
COMMUNITY CONSERVATION PLAN AND RELATED PUBLIC
REVIEW DRAFT ENVIRONMENTAL IMPACT
STATEMENT/ENVIRONMENTAL IMPACT REPORT.**

TUESDAY, JUNE 27, 2017

**BOARD OF SUPERVISORS CHAMBERS
625 COURT STREET
WOODLAND, CALIFORNIA**

REPORTED BY:

**ESTHER F. SCHWARTZ
CSR 1564**

CAPITOL REPORTERS (916) 923-5447

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ATTENDEES

BOARD OF SUPERVISORS:

- DUANE CHAMBERLAIN, CHAIR
- OSCAR VILLEGAS
- DON SAYLOR
- MATT REXROAD
- JIM PROVENZA

COUNTY COUNSEL:

- PHILIP POGLEDICH

YOLO HABITAT CONSERVANCY:

- PETREA MARCHAND, EXECUTIVE DIRECTOR
- SHAWNA STEVENS

ASCENT ENVIRONMENTAL:

- SEAN BECHTA

UNITED STATES FISH & WILDLIFE SERVICE:

- ERIC TATTERSAL
- MICHAEL THOMAS

PUBLIC PARTICIPATION:

- ERICH LINSE
- GLEN HOLSTEIN
- STEVEN GRECO

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WOODLAND, CALIFORNIA

TUESDAY, JUNE 27, 2017, 1:40 P.M.

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CHAIR CHAMBERLAIN: Moving on. Yolo Habitat Conservancy public presentation.

MR. POGLEDICH: Thank you, Chair. I want to introduce this item.

This a public presentation by the Yolo Habitat Conservancy and the U.S. Fish & Wildlife Service regarding the recently released Public Review Draft of the HCP/NCCP, which is the habitat plan and its environmental review document, EIR/EIS, prepared under the state and federal environmental review statutes.

This is, as I said, a public presentation. For that reason at times the presenters may face the audience because they are presenting to the public primarily and also to the Board as a convenience for you at the Board meeting.

Comments from the public that are made today could be directed, we expect, to the Yolo Habitat Conservancy and to the U.S. Fish & Wildlife Service in their capacity as the lead agency on the environmental review document and to the Conservancy, of course, on the HCP/NCCP.

3

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1 Members of the public are also certainly
 2 entitled to address the Board of Supervisors to
 3 share issues that they want you to consider in your
 4 deliberations down the road on the countywide
 5 habitat plan and actions that this Board will
 6 eventually take regarding that plan. Those will be
 7 identified in the presentation.

8 I think with that I'm going to turn it over
 9 to, I believe it's, the U.S. Fish & Wildlife Service
 10 that's going to make some introductory remarks and
 11 handle the first part of the presentation. Then it
 12 will transition to the Petera Marchand and the
 13 Conservancy.

14 Thank you.

15 CHAIR CHAMBERLAIN: Thank you.
 16 (PowerPoint presentation by Eric Tattersal,
 17 Petera Marchand, Sean Bechta
 18 and Michael Thomas.)

19 CHAIR CHAMBERLAIN: Questions.

20 MR. VILLEGAS: This is not a question. A
 21 comment.

22 First of all, thank you very much for the
 23 presentation. A lot of work, and I can speak to
 24 that personally because I know that prior to your
 25 historical background. I was part of it. I was on

10-1

1 City Council when we moved from an HCP to HCP/NCCP.
 2 Now 20 years later we're talking about progress that
 3 we've made, and we have. We've made a tremendous
 4 amount of progress.

5 The work that's gone into it is really a
 6 culmination of a tremendous amount of energy and
 7 effort to be good stewards for our environment. I
 8 think it's hearings like this that are helpful for
 9 certain circles to be able to comment on what
 10 happened. That is sort of marketing, advertising,
 11 so that folks could hear and see what we're talking
 12 about and the value to the environment. I do think
 13 that in some cases maybe simplifying or breaking it
 14 down to the average person who doesn't understand
 15 the requirement for this or the complexity of it, I
 16 say this in part because we are really kind of on an
 17 informational overload. For the average person who
 18 buys a home in Yolo County doesn't fully appreciate
 19 or understand their connection to this larger plan
 20 and preservation effort. There is a connection. I
 21 think the fees that are associated with the 64
 22 percent part of the pie in part comes from folks,
 23 every day people, who really don't understand what's
 24 happening with this plan, but have purchased a home,
 25 which is party to this plan. This footprint that we

10-1
cont.

10-2

1 preserve through the efforts discussed today.

2 Most people really don't make that connection.
3 They don't understand. They hear about it, but they
4 don't -- it's somewhat foreign to them. But, I
5 think, to the extent that you can break it down and
6 make it a simple form for most people who aren't
7 part of the circles that work in this environment,
8 it would make a lot of sense, it would make more
9 sense for them. Often that's hard because it's hard
10 to get people to comment on a plan that is difficult
11 to make a connection with what you're doing. Trying
12 get to work on time. It's soccer, and making it to
13 work on time, making the mortgage. But there is a
14 connection, a larger connection, essential in making
15 the plan work.

16 Of course, over my many years working on it,
17 different forms, most people when you talk to them
18 about it, asking how they connect to the plan.

19 So just good work. Thank you.

20 MR. PROVENZA: Thank you for the
21 presentation. I think that the figure that you
22 pointed out that was up there, the 17,000 acres of
23 ag land that are permanently protected as part of
24 the habitat. The ag and habitat going forward
25 together I think are a key element to this plan and

10-2
cont.

10-3

1 will make the plan a model for others for years to
2 come.

10-3
cont.

3 Also, the element of local control and
4 decision making in terms of how to protect habitat.
5 Whether you agree or disagree with what we're doing,
6 it's something we have to do.

7 The question is: Are those decisions going to
8 be made at the federal or state level or are they
9 going to be made at the local level? Most people
10 prefer the local level. That's what we'll
11 accomplish with this.

10-4

12 The third point I want to emphasize, which is
13 how we got here. It's really a partnership between
14 federal, state and local government. All of us
15 working together. That doesn't always happen. It
16 happened in this case, and I wanted to thank
17 everybody for making it happen because we got
18 through the recent process of listing the plan in
19 the Federal Register and getting into this public
20 comment in record time. That's everybody working
21 together to make it happen.

10-5

22 CHAIR CHAMBERLAIN: Thank you.

23 I don't have any cards. Does anybody want to
24 make any comment, public comment?

25 Yes.

1 MR. POGLEDICH: This is an opportunity for
 2 comment to both the Fish & Wildlife Service and the
 3 Yolo Habitat Conservancy in connection with their
 4 responsibility for the plan and the environmental
 5 document and also an opportunity to provide comments
 6 to the Board with regard to its responsibility as an
 7 agency to adopt a plan down the road and take some
 8 of the other actions.

9 Just want to clarify the opportunity is to
 10 address all the agencies here today.

11 MR. LINSE: Thank you. My name is Erich
 12 Linse. I live in Dunnigan, 2281 County Road 88.

13 I think there is something that needs to be
 14 brought up-to-date and that was about the covered
 15 areas. And it shows this large footprint to
 16 Dunnigan which was really pulled, I think, around
 17 October time frame.

18 Further comment. That row crops have
 19 advantages to some of these species over vineyards
 20 and orchards. I would like to see more review of
 21 different kinds of crops and which kinds of species
 22 that maybe they're more friendly to. To my
 23 observation, the hawks really benefit from areas
 24 that are in wheat that's been harvested recently and
 25 are very busy over the mature crops because the

10-6

10-7

1 seeds are there, the rodents are there. But I
 2 really think maybe an early stage of study, I think
 3 that really needs to be examined. Just how much
 4 different species are affected by different land
 5 use.

10-7
 cont.

6 Connectivity was one of the other ideas. And
 7 it may be real appropriate for some of the
 8 terrestrial creatures, but as far as the birds I'm
 9 not sure that is really important. I think one of
 10 the other early phases would be just some kind of
 11 survey that would look at the county pretty much as
 12 it is now and say when species are likely to be in
 13 these regions. Make that public so people that live
 14 there can comment.

10-8

15 And I know I have read about the salamanders
 16 being around Dunnigan. And I'm a pretty avid
 17 gardener, have been out there for over 32 years. I
 18 have never seen what are talked about, but when I've
 19 talked to some of the people who were looking for
 20 them. Require some study.

10-9

21 Thanks for the opportunity.

22 CHAIR CHAMBERLAIN: Thanks, Erich.

23 Anyone else want to say something?

24 MR. HOLSTEIN: Good afternoon, Supervisors.
 25 I am Glen Holstein. I'm a member of the Advisory

10-10

1 Committee. I actually have been on that for
2 approximately ten years.

3 And in that ten years I have seen some downs,
4 but in the last few years I've seen pretty much just
5 ups. I have to give you Supervisors a lot of credit
6 because I think you have a lot to do with bringing
7 on the present management team that we have here.
8 You certainly know Petera. You know Heidi Tschudin,
9 Phil Pogledich, Chris Alford, Ellen Berryman who is
10 not here today, and as well as my colleagues that
11 are here today - Jeanette Wrysinski and Steve Greco
12 from the Advisory Committee. They have all done a
13 great job in making this happen. And I think it's
14 -- we now have a plan that fulfills its goals.

15 I'm very happy with the conservation that it
16 will provide, but it will also make it possible for
17 cooperation between local government and state and
18 federal agencies to get infrastructure projects
19 done. And if this plan has the same kind of
20 experience that other completed plans have, now that
21 we have a completed plan, these plans act as a
22 magnet to bring in grant money from all sorts of
23 agencies now that we have a completed plan. And
24 these grants only come to completed plans. Now that
25 we have one, we really have a jewel here.

10-10
cont.

10

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1 I really want to thank everybody involved,
 2 Supervisors and all the other people that worked on
 3 it. Great job.

10-10
 cont.

4 CHAIR CHAMBERLAIN: Thanks for your
 5 comments.

6 Anyone else? Anybody else here?

7 DR. GRECO: Steve Greco, member of the
 8 Advisory Committee of the HCP/NCCP.

9 I want to support what Glen was just saying
 10 about our progress. I have been on this panel since
 11 2009 and really saw a lot of improvement from
 12 previous management to current management.

13 Just want to reiterate some of the things
 14 that would be beneficial as a planner. The fact
 15 that it avoids this piecemeal mitigation. It gets
 16 upfront negotiation between agencies and the
 17 proposed plan. It qualifies us for a lot of grants,
 18 as Glen was just pointing out, that wouldn't be
 19 there otherwise.

10-11

20 Another thing about the NCCP portion, which
 21 hasn't been talked about today, is the fact that
 22 this is a HCP and NCCP and includes not only
 23 endangered species, but species of special concern.
 24 Those are the species that are in the batter's box,
 25 if you will, on endangered species for the

1 Endangered Species Act, the federal act. So this
 2 is, you know, the cutting edge way of preventing
 3 listings. It's in everyone's interest that we
 4 prevent future listings. This is one of those plans
 5 that will help do that.

6 I also want to mention that HCPs are not the
 7 end-all conservation planning practice. It's not
 8 comprehensive. It's an emergency room Band-Aid
 9 approach to conservation. And coupled with this
 10 plan we have devised something of what I think is a
 11 national model as Glen was referring, and that is
 12 linking to it a local conservation plan, which has
 13 also been augmented by a state law recently passed
 14 on Regional Conservation Incentive --

15 MR. POGLEDICH: RCIS, Regional Conservation
 16 Investment Strategy.

17 DR. GRECO: A mouthful there.

18 But what this local conservation plan intends
 19 to do is cover all species which is comprehensive.
 20 And the RCIS will bolster that and allow us to get
 21 some additional funds, hopefully, to implement it.
 22 The local conservation plan is entirely voluntarily.
 23 Entirely voluntarily. And what it does is it gives
 24 us a comprehensive approach. It gives us the whole
 25 county's picture. And the whole county's picture is

10-11
cont.

10-12

1 not covered by the general plan conservation
2 element.

3 In fact, the conservation element, if you read
4 it carefully, several times says you should adopt,
5 the Board of Supervisors should adopt, the Yolo
6 Natural Heritage Program. That's what this program
7 was previously called.

8 I am out of time. I just want to say that
9 please give some thought to this local conservation
10 plan in addition to the HCP/NCCP because it really
11 gives us the additional coverage that the County
12 needs to have and the general plan indicates we
13 should do so. And I also just want to reiterate
14 that local decision-making is much better than it
15 would be otherwise.

16 Thank you.

17 CHAIR CHAMBERLAIN: Thank you. Any other
18 comments? Otherwise we'll move on.

19 MR. PROVENZA: One last thing. I want to
20 also thank the Advisory Committee. Really
21 instrumental for making this happen. Working at it,
22 I think, for decades, over a decade. We're talking
23 about people with a high level of expertise who
24 really understand it, who really -- the plan, a lot
25 of this is very technical. They helped us along

10-12
cont.

1 with the Scientific Advisory Committee. So thank
2 you for your years of contributing to this effort.

3 CHAIR CHAMBERLAIN: Thank you all.

4 (Item 37 concluded at 2:30 p.m.)

5 (Board continued on with the agenda.)

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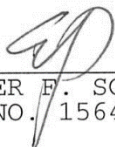
REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I, ESTHER F. SCHWARTZ, certify that I was the official Court Reporter for the proceedings named herein, and that as such reporter, I reported in verbatim shorthand writing those proceedings;

That I thereafter caused my shorthand writing to be reduced to printed format, and the pages numbered 3 through 14 herein constitute a complete, true and correct record of the proceedings.

IN WITNESS WHEREOF, I have subscribed this certificate at Sacramento, California, on this 28th day of June, 2017.



ESTHER F. SCHWARTZ
CSR NO. 1564

10 **Yolo County Board of Supervisors Meeting**
Public Oral Comment
June 27, 2017

- 10-1 The comment discusses the average Yolo County resident's connection to the HCP/NCCP and expressed appreciation for the team's work. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-2 This comment is an extension of Comment 10-1. See above. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-3 The comment identifies that implementation of the HCP/NCCP would permanently protect 17,000 acres of farmland and identifies the agricultural land and habitat preservation elements of the HCP/NCCP as key elements. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-4 The comment discusses the element of local control provided by the HCP/NCCP. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-5 The comment identifies the partnerships among local, State, and federal partners during the HCP/NCCP process and expresses appreciation for the collaboration. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-6 This comment notes that the Yolo County Board of Supervisors has removed the Dunnigan Specific Plan from the Yolo County General Plan. The Draft HCP/NCCP included development of the Dunnigan Specific Plan area as a covered activity, and addressed impacts from development of the Dunnigan Specific Plan in the analysis of effects on covered species. In February of 2017, the Yolo County Board of Supervisors approved removal of the Dunnigan Specific Plan from the Yolo County General Plan but, it was too late at that point to rerun the effects analysis and make modifications to the HCP/NCCP. As a result of the Yolo County's action, Conservancy staff propose to remove references to the Dunnigan Specific Plan as a part of the covered activities; however, the analyzed acreage will remain in the HCP/NCCP since it remains a possible location for future development within the next 50 years, which is the term for the requested permits.
- 10-7 The comment requests review of the different crop types used by different species. This information is provided in Appendix A of the HCP/NCCP which describes the crop types that provide habitat value for covered species, including Swainson's hawk, white-tailed kite, tricolored blackbird, and giant garter snake, among others.
- 10-8 The comment is a continuation of Comment 10-7 regarding the need for information of crop types used by species. Please refer to response to Comment 10-7.
- 10-9 The comment states that the commenter has never seen California tiger salamanders in the Dunnigan area, and suggests that further study of California tiger salamander in the Dunnigan area is needed. Page A-18 of Appendix A, Species Accounts, provides records of California tiger salamander in Yolo County, including the Dunnigan area. Draft HCP/NCCP Section 6.5.6.3.3, California Tiger Salamander, describes surveys the Conservancy will conduct on reserve system lands during HCP/NCCP implementation.

- 10-10 The comment consists of a statement of expressed appreciation and noting benefits of the HCP/NCCP. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-11 The comment lists benefits of the HCP/NCCP. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 10-12 This comment is on the Local Conservation Plan (LCP), which is not a part of the HCP/NCCP. The comment is expressing support for this effort. The Conservancy is preparing a voluntary conservation strategy called a Local Conservation Plan/Regional Conservation Investment Strategy (Yolo LCP/RCIS), which identifies the conservation needs of special-status species and natural communities throughout Yolo County. The LCP component is currently under development by the Conservancy Advisory Committee. The RCIS component is a document developed by a public agency and approved by CDFW for the purpose of informing science-based nonbinding and voluntary conservation actions and habitat enhancement actions that would advance the conservation of focal species and provide voluntary nonbinding guidance for conservation activities as authorized by Assembly Bill 2087 (2016). The combined LCP and RCIS is intended to provide a comprehensive Yolo County-wide conservation strategy that goes beyond the 12 species covered by the HCP/NCCP. The LCP/RCIS is voluntary and non-regulatory. The LCP/RCIS and HCP/NCCP are intended to complement one another and collectively provide a comprehensive habitat conservation strategy for Yolo County. Both the LCP/RCIS and the HCP/NCCP have benefitted from extensive public involvement and comment from a variety of stakeholders including the developers, conservation organizations, landowners, and farmers.

Letter
11

Public Meeting #7: West Sacramento City Council, June 28, 7:00 pm

West Sacramento City Council Chambers (1110 West Capitol Avenue, West Sacramento)

Agenda Item 20: Public Workshop by Yolo Habitat Conservancy on the Public Review Draft Yolo Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) and Public Review Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS)

Agenda item beginning at approximately 7:50pm

Petrea Marchand (Yolo Habitat Conservancy Executive Director) presented a series of PowerPoint slides summarizing the Public Draft Yolo HCP/NCCP.

Sean Bechta (Ascent Environmental) presented a series of slides summarizing the Public Draft EIS/EIR on the HCP/NCCP.

Mayor Cabaldon asked for clarification regarding the acreage south of the City. West Sacramento Community Development Director Charline Hamilton replied this it was likely acreage related to the flood control project.

11-1

Council Member Ledesma commented that this represents a major milestone to have reached this point in the process; the plan is pragmatic and groundbreaking; it leverages the relationship between agriculture and habitat; the plan was completed on a tight budget with a tight timeline; the Conservancy the was very efficient and persevered through the recession; thanks to the state and federal partners; the plan is worth the investment, time, and effort.

11-2

Council Member Johannessen thanked the Conservancy and Board for their good work; since funding and the regulatory environment comes from federal sources is there any concern regarding the viability of the program? Executive Director Marchand replied that there is always a risk with state and federal funding because it is appropriated annually, but the state is very invested and there is significant state Proposition 1 money currently available. Also, there has been support on both sides politically because of the combined economic and environmental focus. Council Member Ledesma also noted that the Conservancy Board has a Finance Subcommittee that oversees the plan preparation process and helps answer these questions and ensure funding.

11-3

Council Member Sandeen expressed appreciation for the conservative approach in the EIS/EIR to reflect multi-agency concerns; why did different member agencies take a different approach with the public comment process? Executive Director Marchand replied that the Conservancy worked with each member agency to follow the process they preferred.

11-4

Mayor Cabaldon asked about the underlying framework of the Endangered Species Act; since the White House is doing a regulatory review, is the plan flexible or does it lock in the agreement; the federal government might decide to modify the regulations, procedures, or policies. Executive Director Marchand indicated she would like to research the question before responding. She noted that the plan can be amended, but she would like to look closer at this issue and respond.

11-5

Mayor Cabaldon thanked everyone and noted that he worked on the plan in 1997; there have been many lessons learned regarding interagency collaboration and tradeoffs; thanks to Conservancy Board for rescuing the plan.

11-6

At the close of the Council comments, the Mayor noted there were no requests to comment and no further actions to take, and concluded the item at approximately 8:30pm.

These notes were prepared by Heidi Tschudin, Project Manager for the Yolo Habitat Conservancy. These are summary notes of the proceedings prepared for use in the CEQA process, and are not official minutes of the agency.

**11 West Sacramento City Council Meeting
Public Oral Comment
June 28, 2017**

- 11-1 Mayor Cabaldon asked for clarification regarding covered activity acreage south of the City. West Sacramento Community Development Director Charline Hamilton replied this it was likely acreage related to the flood control project. Please see the meeting summary (i.e., Letter 11) for the comment and response. No additional response is necessary.
- 11-2 The comment consists of a statement of expressed appreciation and noting benefits of the HCP/NCCP. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary.
- 11-3 The comment consists of a statement of expressed appreciation and a concern regarding the viability of the program. The response to that concern was provided at the time. Please see the meeting summary (i.e., Letter 11) for the comment and response. No additional response is necessary.
- 11-4 The comment consists of a statement of expressed appreciation and a question regarding the public comment process. The question was answered during the public meeting. Please see the meeting summary (i.e., Letter 11) for the comment and response. No additional response is necessary.
- 11-5 This comment asks about potential future federal actions which might modify the Endangered Species Act and implications for the HCP/NCCP. Congress has amended the Act in the past (including allowing the USFWS to issue incidental take permits associated with HCPs in 1982) and could amend it again in the future at any time. It is also possible that the USFWS could promulgate revised or new regulations that implement the Endangered Species Act. However, whether or not an amendment to the Act or changes in regulations or policies would impact the Permittees ability to implement the HCP/NCCP would depend on the specific nature of the change. Should a change occur that causes the Conservancy and its member agencies to conclude the permit no longer provides overall benefit to the region, the Conservancy and member agencies would have at least two options: 1) pursue amendment of the HCP/NCCP and accompanying permits, or 2) surrender the federal permit altogether, as long as the HCP/NCCP mitigation obligations are up to date. However, at this time, the Conservancy remains of the belief that the HCP/NCCP is in alignment with long held local values regarding habitat conservation and agricultural preservation, and recommends completion and adoption of the HCP/NCCP to secure the interim take permits from the state and federal governments.
- 11-6 The comment includes statements of appreciation. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. No additional response is necessary.

Letter
12

CITY OF DAVIS

and

YOLO HABITAT CONSERVANCY

PUBLIC MEETING

RECEIVE PRESENTATION AND PUBLIC COMMENT ON THE
PUBLIC REVIEW DRAFT YOLO HABITAT CONSERVATION
PLAN/NATURAL COMMUNITY CONSERVATION PLAN
(HCP/NCCP) AND RELATED PUBLIC REVIEW DRAFT
ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL
IMPACT REPORT (EIS/EIR)

THURSDAY, JUNE 29, 2017

DAVIS SENIOR CENTER
646 A STREET
DAVIS, CALIFORNIA

REPORTED BY:

ESTHER F. SCHWARTZ
CSR 1564

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ATTENDEES

YOLO HABITAT CONSERVANCY BOARD MEMBERS:

JIM PROVENZA, CHAIR

LUCAS FRERICHS

STAFF:

PETREA MARCHAND, EXECUTIVE DIRECTOR

SHAWNA STEVENS

CHRIS ALFORD

HEIDI TSCHUDIN

SUSAN GARBINI

COUNSEL:

PHILIP POGLEDICH

ASCENT ENVIRONMENTAL:

SEAN BECHTA

UNITED STATES FISH & WILDLIFE SERVICE:

ERIC TATTERSAL

MICHAEL THOMAS

PUBLIC PARTICIPATION:

GLEN HOLSTEIN

JOHN HOPKINS

---oOo---

1 **DAVIS, CALIFORNIA**

2 **THURSDAY, JUNE 29, 2017, 6:35 P.M.**

3 **---oOo---**

4 MR. FRERICHS: Good evening, everyone.

5 Welcome to the Yolo Habitat Conservancy's public
6 comment meeting on the Public Review Draft of the
7 Yolo HCP/NCCP and EIS/EIR. It is my pleasure to
8 introduce this presentation this evening.

9 I am Lucas Frerichs. I'm with the Davis City
10 Council, but also Vice Chair of the Yolo Habitat
11 Conservancy. I would also be remiss if I did not
12 introduce the Yolo Habitat Conservancy's Chair,
13 Supervisor Jim Provenza as well joining us this
14 evening.

15 We've both been on the Board now for five
16 years of the Yolo Habitat Conservancy and its Vice
17 Chair for the Board for the past year. The Board
18 has been working extremely diligently over the five
19 years and also, of course, over the past year to
20 finalize the Public Review Draft with staff. A
21 major, major milestone for conservation here in Yolo
22 County.

23 The Yolo Habitat Conservancy Board has worked
24 diligently, of course, in collaboration with our
25 partners both at the state and federal levels and

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1 agencies and, of course, Yolo Habitat Conservancy
2 staff and consultants to both negotiate language of
3 this draft. And we also believe we have reached an
4 agreement that supports the City's goals of
5 preserving ag land and open space while coordinating
6 mitigation in an approved way.

7 You know, I think many folks in this room are
8 well aware of the City's commitment to open space.
9 And we have, I think, built a partnership with the
10 Conservancy to develop projects that are consistent
11 with the City's Open Space Program. I just want to
12 remind those folks that are here that the City's
13 partnership with the Yolo Habitat Conservancy does
14 not change the priorities or administration of their
15 Open Space Program. Instead, the partnership will
16 help bring additional revenue for shared priorities
17 and help elevate both programs in the future. So we
18 think that is a really good accomplishment as well.

19 We are also very proud of the Public Review
20 Draft HCP/NCCP and are looking forward to sharing
21 the details of the plan with you here this evening.

22 Jim, I don't know if the Chair would want to
23 say anything at all. You want to come up or you
24 don't have to, but just give you the opportunity and
25 then we'll introduce Eric Tattersal with the U.S.

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1 Fish & Wildlife Service who will provide some
2 comments and then also get us into the rest of the
3 evening. So, Jim, come on up.

4 MR. PROVENZA: Thank you. Thank you very
5 much. Thanks for coming tonight. Very happy to be
6 here at this stage.

7 It took a while, but I think it's going to be
8 worthwhile. We have a JPA, a habitat JPA, that is
9 instituting a plan that I think will be a model for
10 other counties in this state, and may perhaps be a
11 model across the nation because we are integrating
12 open space and agricultural land with habitat. And
13 in doing that, we're actually able to protect 17,000
14 additional acres of farmland. And it's always been
15 our feeling at the County that we can protect
16 farmland and promote agricultural at the same time
17 we're protecting habitat.

18 The idea is that we will have local control of
19 decision making rather than kind of the hopscotch
20 habitat projects. We locally will decide where they
21 should go and how the system should be set up. So
22 that's better locally, not only for habitat but for
23 the people who have projects. It's going to be an
24 expedited process for developers, and it's going to
25 be a process that works better for everyone. We

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1 also will go beyond the protection of the species
2 that are just pure mitigation and provide additional
3 acres of habitat protection.

4 I think in doing all this we're more than
5 likely to have a program to protect species in the
6 future and a program that will work in the long-term
7 and at the same time supporting our agricultural
8 economy.

9 I want to thank state and federal agencies for
10 working so closely with us to get this thing through
11 the process. Particularly at the end where we had
12 to get this published with the Federal Register so
13 that we could go forward. We're ready to go and
14 happy to hear your comments, any suggestions, advice
15 you have for us. We will do our best to answer
16 questions and to follow those suggestions.

17 Thank you very much for coming tonight, and we
18 look forward for the next phase.

19 MR. FRERICHS: Eric, come on up. Thank you
20 so much for your partnership.

21 MR. TATTERSAL: Welcome, everybody. Thanks
22 for coming tonight. My name is Eric Tattersal. I'm
23 the Assistant Field Supervisor with the Sacramento
24 Fish & Wildlife office of the United States Fish &
25 Wildlife Service. With me tonight I have Mike

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1 Thomas in the back there who is the Chief for our
2 Conservation Planning Division and Veronica Davison
3 who is Chief of our External Affairs Division.

4 The Fish & Wildlife Service is here tonight as
5 the lead agency under NEPA, the National
6 Environmental Policy Act. You are going to hear a
7 brief presentation of the HCP and the NCCP, a joint
8 document. You're also going to hear a brief
9 presentation about the environmental document, the
10 Environmental Impact Statement and the Environmental
11 Impact Report. And you're going to have an
12 opportunity to provide some comments.

13 So without further ado, Petrea Marchand.

14 MS. MARCHAND: Thank you. I'm Petrea
15 Marchand, Executive Director of the Yolo Habitat
16 Conservancy. I would like to take a moment before I
17 start to recognize some of the other members of the
18 Conservancy team here tonight. We have Heidi
19 Tschudin who is our Project Manager, Shawna Stevens
20 is our Assistant to the Director, Phil Pogledich is
21 our Conservancy counsel, and one more, Susan
22 Garbini, right here, is our research associate, and
23 Chris Alford is our Deputy Director. Without this
24 team we wouldn't be where we are today. Thanks to
25 them.

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1 My presentation tonight is on the Habitat
2 Conservancy Plan and the Natural Community
3 Conservation Plan. And Sean Bechta with Ascent
4 Environmental is going to be presenting on the
5 EIS/EIR. As the Chair and Vice Chair mentioned,
6 this is the middle of the 90-day public comment
7 period. It started June 1st, 2017, and will end
8 August 30th, 2017. And we'll provide some more
9 details about how members of the public can comment
10 at the end of the presentation.

11 Today, as I mentioned, we're going to go over
12 the two draft documents, explain the public comment
13 process, and we'll also have an opportunity at the
14 end to receive public comments. So you will have an
15 opportunity to either verbally or in writing provide
16 comments at the end of the meeting. I also want to
17 make sure you know that we do have a court reporter
18 here as well who will be recording all the comments
19 that are provided.

20 So the first and most important element of
21 this presentation is what is a Habitat Conservation
22 Plan and Natural Community Conservation Plan and why
23 do it. It replaces the existing approach to
24 mitigation, both at the federal and state level,
25 from a project-by-project approach to a regional

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1 approach.

2 A Habitat Conservation Plan is the planning
3 document that is required for issuance of incidental
4 take permits at the federal level. Those incidental
5 take permits cover all the elements in the general
6 plans for all four cities in Yolo County and the
7 County of Yolo. Yolo Habitat Conservancy consists
8 of -- is a Joint Powers Agency that consists of all
9 four cities in the county.

10 The Natural Community Conservation Plan is the
11 county document that is required for issuance of the
12 incidental take permit at the state level. It is
13 the state counterpart to that plan.

14 So as Chair Provenza has said in the beginning
15 of the meeting, the primary benefits of this plan
16 are local control, improved and increased species
17 conservation and a streamlined project permitting
18 process. All three of those will be gone into in a
19 little more detail during the presentation.

20 Our planning area is the entire County of Yolo
21 in addition to 1,200 acres in Solano County because
22 we share Putah Creek as a border between Yolo and
23 Solano County. The plan will cover 19,000 acres of
24 activities that are in the General Plan. So that
25 includes housing, infrastructure, bridges, roads,

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1 agricultural, economic development. Any activity
2 that is currently either in the cities' or County's
3 General Plan is a part of the 19,000 acres that are
4 covered by this plan.

5 As you can see from this map, the majority of
6 that is in the incorporated cities, and it is
7 distributed in very compact areas.

8 The conservation that we will be doing in
9 return for these incidental take permits is 33,000
10 acres and will be concentrated in the areas shown by
11 the green arrows. Those primarily are the Yolo
12 Bypass, Cache Creek, Putah Creek and some of the
13 areas that are just along the habitat between the
14 cities. I want to emphasize the majority of this
15 conservation will be acquisition as easements from
16 willing landowners on farmland where we will be
17 working with farmers and landowners to purchase
18 these areas for land conversion and also to
19 implement wildlife friendly farming practices like
20 hedgerows.

21 The planning covers 12 species as a result of
22 both planning to the Habitat Conservation Plan and
23 the Natural Community Conservation Plan where we
24 will be providing for the conservation of these 12
25 species in Yolo County. The ones that will drive

1 most of the conservation are the Swainson's Hawk,
2 the California Tiger Salamander, the Giant Garter
3 Snake, the Burrowing Owl, and the Valley Elderberry
4 Longhorn Beetle.

5 The 19,000 acres of covered activities that I
6 mentioned are broken down into a number of different
7 categories. We have the urban category which is
8 infrastructure and development within the cities.
9 Rural is development in the unincorporated
10 communities, like Clarksburg, Capay and Dunnigan.
11 There is public infrastructure which includes
12 bridges and roads. And we also have agricultural
13 economic development and aggregate mining on Cache
14 Creek, as well as the open space. Any work that
15 we're doing under the program for conservation will
16 be covered by this plan as well.

17 We are also covering some operation as
18 maintenance, such as canals and levees. We are
19 expecting there will be some need for incidental
20 take coverage for that type of activity, as well as
21 wetlands restoration and our neighboring landowner
22 program.

23 The current system of mitigation in Yolo
24 County requires the project mitigation on a
25 project-by-project basis. Right now it is on a

1 project-by-project basis. So, for example, if you
2 have a development project, you will have to pay a
3 Swainson's Hawk habitat standard fee. If your
4 project will impact habitat for the Giant Garter
5 Snake and Swainson's Hawk, you have to separately
6 pay the standard fee for Swainson's Hawk mitigation
7 and Giant Garter Snake mitigation. That existing
8 process will be replaced by our regional permitting
9 process and a regional fee. So we will replace that
10 species-by-species fee with one fee that covers all
11 12 species.

12 So the standard fee right now for land covered
13 is \$11,231 an acre, and that will cover all of the
14 mitigation that is being set for the 12 species that
15 was on the previous slide. If a project impacts
16 wetlands, there is an additional fee that is
17 charged. That fee ranges from \$49,000 to \$69,000 an
18 acre. And that fee is higher because the
19 Conservancy will be required to actually restore
20 wetlands habitat as a result of impact to wetlands
21 from the project.

22 If the project has a temporary effect, we also
23 have a separate temporary effect fee that will be
24 used. As an example, those types of fees are for
25 utilities or other installations that will

1 temporarily affect habitat, but not permanently.

2 As I mentioned earlier, this process does
3 replace the piecemeal approach to permitting. This
4 is a conceptual model showing what the process looks
5 like. It starts with the development application to
6 a local planning department. Then you need to get
7 sign-off from both the state government and the
8 federal government on both the location and the type
9 of mitigation. That could result in a lot of
10 discussion that can take a lot of time and resources
11 before you can actually agree on mitigation and
12 receive your permit.

13 So we are going to replace that with a
14 regional approach. The development application will
15 still go to the local planning departments, but
16 instead of the planning departments coordinating
17 with the other agencies as well as the project
18 applicant, the planning department will review for
19 consistency with the HCP/NCCP. Developer pays a fee
20 and will be able to go forward with the project.

21 This approach is also beneficial for species.
22 Right now if mitigation occurs they need to purchase
23 mitigation simply for that one project. In the case
24 of the HCP/NCCP we will be collecting fees. We can
25 combine those fees and purchase bigger parcels. We

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1 can choose where those parcels will be located. We
2 can connect them. So you can see that where our
3 eventual reserves system will have a more
4 consolidated approach to species conservation and
5 provide additional benefits to the species.

6 The 33,000 acres that I mentioned is divided
7 into three categories. The first is existing
8 protected lands. The Wildlife agency recognizes
9 that Yolo County does its job along with the cities
10 of preserving lands for habitat already without the
11 Yolo Habitat Conservancy and the HCP/NCCP. So they
12 are allowing member agencies to count 8,000 acres of
13 habitat that has already been protected towards our
14 permit requirements. In addition, we're going to
15 conserve about 24,000 acres of newly protected
16 lands; 16,000 of that is for mitigation and 8,000 is
17 for conservation above mitigation and is a
18 requirement of the Natural Community Conservation
19 Plan Act. We'll also be conserving about a thousand
20 acres through restoration.

21 The cost of the plan again replaces the cost
22 that would be borne by a project-by-project approach
23 to mitigation. So the cost of the plan is \$371
24 million over 50 years. The primary source of
25 expenses is establishment of the reserve system

1 which is easements on agricultural land that I
2 mentioned in the beginning. There is also funding,
3 if necessary, for restoration, for species
4 monitoring, for endowment that will allow the
5 Conservancy or a succession agency to manage the
6 land in perpetuity for management enhancement and
7 for local partner activities.

8 One of the findings of the HCC/NCCP permit is
9 that we have funding to pay for all of the costs of
10 developing this reserve system. So this slide shows
11 where that money is coming from. The majority of
12 the funding, about 64 percent, is coming from the
13 fees that are collected, based on the slides that I
14 showed you earlier. We are also going to be
15 aggressively going after state and federal grant
16 funds for a total of \$78 million over 50 years. And
17 there is a small amount of money from interest
18 income.

19 And I think probably most unique and what I
20 find most inspiring about this particular program is
21 the local match. We have reached partnership
22 agreements. One of them Vice Chair Frerichs
23 mentioned at the beginning, which is the City of
24 Davis Open Space Program. We also have a
25 partnership agreement with Yolo County Cache Creek

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1 Resources Management Program, and the Solano County
2 Water Agency's Lower Putah Creek Coordinating
3 Committee rounds out with a third source of local
4 match. We also will be soliciting funding from
5 foundations that have contributed to habitat
6 conservation in the past.

7 Each of the cities in the county is a permittee
8 under this plan, so they will be taking action after
9 the Final Draft has been completed to consider the
10 EIS/EIR, to make CEQA findings, to approve the plan,
11 adopt an implementing ordinance, and to approve and
12 execute a planning agreement as well as a Notice of
13 Determination.

14 So it is really important for the public to
15 know that this is not just a Conservancy plan, but
16 this is actually a shared responsibility of all four
17 cities and the County of Yolo, as well as the
18 Conservancy, and they will be taking action that
19 reflects that responsibility in the fall.

20 In terms of a timeline, we are almost there.
21 As most people in this room know, we have been under
22 way for a very long time. When I took over in 2012,
23 the plan was about 20 percent done. And the team
24 that is gathered here today has brought it to about
25 95 percent done. We are about a year away from

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1 completion. We are in the public comment period.
2 That ends August 30th when we incorporate all the
3 comments this fall. We'll come back to the member
4 agencies for action and then submit the final draft
5 to the Wildlife agencies, and then we'll be waiting
6 for the Wildlife agencies to take action issuing the
7 permits in the summer or fall of 2018.

8 So with that, I'm going to turn it over to
9 Sean Bechta with Ascent Environmental to discuss the
10 EIS/EIR.

11 MR. BECHTA: Thank you, Petrea.

12 My name is Sean Bechta. Ascent Environmental
13 was selected to prepare the EIS/EIR on the HCP/NCCP
14 - so it's a lot of acronyms - through a three-party
15 agreement where we serve both the Conservancy and
16 the U.S. Fish & Wildlife Service. So when an action
17 is undertaken, CEQA in California and NEPA, the
18 National Environmental Policy Act, on the federal
19 level is triggered to prepare an objective
20 environmental analysis to determine the effects of
21 the projects. That is what Ascent was contracted to
22 do.

23 The purpose of the meeting tonight is part of
24 the public review process under NEPA and CEQA. I'm
25 going to provide an overview of the Draft EIS/EIR,

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1 the document we prepared. And we are here tonight
2 to receive public comments. As far as the context
3 of the NEPA/CEQA comment process, what we're really
4 looking for is comments on the EIS/EIR itself - the
5 content of that document, the conclusions, the
6 methods that were used, the adequacy of the
7 document. So that an objective analysis of the
8 environmental effects is really what we are
9 interested in most, as far as the comments. There
10 is space to comment on the merits of the project or
11 opinions on the plan, but for my perspective,
12 through the NEPA/CEQA process, those are the primary
13 issue areas I am interested in.

14 A quick primer on NEPA and CEQA since for most
15 people it is not part of our everyday lives. NEPA
16 triggers the preparation of an EIS, Environmental
17 Impact Statement. Primary components of that are to
18 evaluate the impacts of the project, to inform the
19 public and the decision makers of the environmental
20 effects of the project, to analyze alternatives to
21 the proposed action or proposed project, and to
22 provide a venue to engage the public and seek
23 comments. That is what we are here for.

24 CEQA is very similar. The laws were written
25 about the same time by some of the same people. A

1 little bit differences in the language, but the same
2 primary components, except for CEQA has a direct
3 requirement to identify mitigation measures and
4 their significant effects.

5 So I'm going to turn it over to Mike Thomas
6 from Fish & Wildlife Service who will speak on the
7 Endangered Species Act and its interaction with
8 NEPA.

9 MR. THOMAS: Thank you, Sean. I only have
10 two slides, so I'm going to try not to interfere
11 with Sean's presentation too much.

12 What I wanted to do is give a little bit of a
13 bridge between Petrea's presentation and the one
14 that Sean did, his presentation. That's the
15 connection between the federal Endangered Species
16 Act and the National Environmental Policy Act. So
17 those are two federal laws that come into play when
18 someone applies to Fish & Wildlife Service for a
19 particular take permit.

20 Usually a permit is issued under the ESA, but
21 because the Fish and Wildlife Service is a federal
22 agency and their action of issuing a permit is
23 considered a federal action, NEPA applies, as Sean
24 said. NEPA and ESA do have some similarity, but
25 there are also some differences.

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1 So ESA, the federal Endangered Species Act,
2 only deals with a take of a federally listed animal
3 or plant. NEPA is a broader environmental law than
4 that. It talks very similar to CEQA here in
5 California about things like cultural resources, air
6 quality, traffic, hydrology. So there is some
7 overlap in the analysis within the NEPA document to
8 environmental/biological resources, endangered
9 species, but the bulk of the NEPA document is
10 actually on the whole draft impacts that might
11 happen as a result of Fish & Wildlife Service
12 issuing a permit.

13 We issued a joint Notice of Intent, the NOI,
14 with a Notice of Preparation with the Conservancy
15 and member agencies way back in 2012 that we were
16 going to be doing a Joint Environmental Impact
17 Statement and Joint Environmental Impact Report.
18 When the Service does an Environmental Impact
19 Statement, there are three points in time where we
20 can engage the public officially. There is the time
21 when we have a Notice of Intent. That is the one
22 that we have already done. There is a Notice of
23 Availability for a Draft HCP and a Draft EIS/EIR for
24 a portion of this process that we are in right now.
25 And then there is a second Notice of Availability

20

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1 for the final documents. And so we are not able to
2 make a decision until after the end of that third
3 public comment period.

4 So we have three. So this is not your last
5 chance to make comments. If you have more, there is
6 still a third option. And as always, because this
7 is also a local government process, there is a
8 number of points where the public can engage and
9 comment.

10 I'm going to give it back over to Sean to give
11 the rest of the presentation on the EIS/EIR.

12 MR. BECHTA: Thank you, Mike.

13 So an overview of the contents of the EIR/EIS.
14 Starts out with the introduction and executive
15 summary of the conclusions of the documents. There
16 is a description of the proposed action, which is
17 the HCP itself, and then alternatives that are
18 evaluated. There is an analysis of that proposed
19 action and alternatives, identifying, disclosing, of
20 what the environmental effects are.

21 And there are some other required sections.
22 For example, CEQA requires an evaluation of growth
23 inducing impacts, and NEPA requires an evaluation of
24 the actions, consistency with executive orders, a
25 broad overview of the document.

1 So as far as the analysis of the environmental
2 effects, one alternative that we look at is the no
3 action alternative. What if nothing is done. Often
4 in a project that no action alternative involves a
5 continuation of existing conditions on the lands.
6 So we do an environmental analysis often, and say a
7 building or a housing development, and our no action
8 is the existing conditions continue.

9 In this case our action is a different
10 regulatory program. So instead of implementing the
11 California and federal Endangered Species Act, the
12 way that we're doing it now, we're going to do it a
13 different way through the HCP and NCCP. So our no
14 action is a continuation of the same permitting
15 process as a primary element of it.

16 When we look at the proposed action, what the
17 difference is is kind of what Petrea talked about,
18 is how the HCP is implemented in that conservation
19 strategy. So much of our impact analysis is looking
20 at the effects of those differences. So the
21 establishment of the reserve system rather than
22 project-by-project reserves. The management of that
23 system, public access and recreation and habitat
24 restoration. So that the elements of the plan, the
25 elements of conservation strategy, is a large focus

1 of the impact analysis for this particular EIS/EIR.

2 So this slide got changed.

3 But the slide that was supposed to be is a
4 complete list of all the issue areas of the EIS/EIR.
5 If you've seen a CEQA and NEPA document before, the
6 list of issue areas is pretty typical. So we look
7 at the broad range of issue areas that Mike talked
8 about. Biology, water quality, recreation, traffic.
9 Things that don't necessarily have to do with
10 biological resources. And in the case of NEPA there
11 is a requirement to evaluate socioeconomic and
12 environmental justice.

13 Crossing my fingers in the next slide, the
14 important elements are there. As far as those issue
15 areas, there are two areas where we found
16 significant environmental impacts. Land use and
17 agricultural and forestry resources.

18 So in the land use impact we found a
19 potentially significant impact under both NEPA and
20 CEQA. It relates to the Solano HCP. We asked the
21 question: Does this HCP conflict with any other
22 adopted HCP? Solano HCP isn't adopted, but we took
23 a very conservative approach and looked at it like
24 it was. Parts of the Solano HCP covered activities
25 in Yolo County. There is water delivery

23

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1 infrastructure elements in Yolo County that are
2 getting covered. There is activities like
3 maintaining that those facilities, clearing out
4 culverts, things like that. We wanted to -- we
5 asked the question: Does this HCP conflict?
6 Although the possibility is very minimal, given the
7 aspects of the two plans where they overlap, we did
8 call that a potentially significant impact. And the
9 solution is very simple. This conflict can be
10 mitigated simply by having the two agencies
11 collaborate and develop an agreement to make sure
12 there is not a conflict. So that reduced the impact
13 to less than significant level.

14 The second is agricultural. So Petrea talked
15 about 900 acres roughly of restoration. About 702
16 acres of that will be on agricultural land. So
17 converting ag land to a wetland habitat to a
18 nonagricultural use. About 200 acres in grasslands,
19 again, can serve as an approach and assume that much
20 or all of that could be grazing land. So turning
21 grazing land into something else. Under CEQA we
22 call that a significant impact, that loss of ag
23 land, especially in Yolo County, is considered an
24 important issue and call that a significant impact.

25 Under NEPA, the balance is a little bit

24

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1 different. Looking at the overall preservation of
2 ag land, 17,000 acres under the plan. Other issues
3 under NEPA we call it an impact less than
4 significant. But it is still under CEQA a
5 significant even with the preservation of the 17,000
6 acres. The issue is once you convert ag land to
7 something else it is very difficult to impossible to
8 create new ag land somewhere else. So we call that
9 a significant and unavoidable impact.

10 Like Mike said, we look at the no action
11 alternative and then we look at two other, what I
12 call, action alternatives.

13 What we looked at is a reduced take
14 alternative was a scenario of what if you had less
15 effects on the covered species, but you maintained
16 the same habitat conservation scenario? So we took
17 about 1,300 acres of different spots that were
18 beneficial to multiple covered species, said you
19 could do things on those lands, that you couldn't do
20 anything that resulted in take, but had the same
21 conservation strategy. The least impact
22 environmental alternative was a scenario where we
23 took two areas totaling, again, about 1,300, 1,400
24 acres and said: What if you didn't cover those
25 under the HCP so the Endangered Species Act

25

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1 permitting process in those lands would continue
2 under the existing conditions?

3 So comparing alternatives, those three action
4 alternatives, all of them ended up with better
5 results than the existing condition, having no HCP.
6 So there is benefits to biological resources that
7 Petrea talked about. Many issue areas. Things like
8 recreation, schools. This is really neutral. So
9 from a biological focus, the action alternatives had
10 better results than no action in our current
11 analysis.

12 Amongst those action alternatives there was no
13 change in the numbers of significant impacts. They
14 all had the same significant impacts. The gradient
15 may have changed a bit. You would -- as you might
16 expect, the no take alternative, that had less
17 effects on listed species, but the same conservation
18 scenario ended up having the least environmental
19 effects.

20 So Mike talked about the process. So
21 reiterating again where we are in the review
22 process. The scoping process has gone on. We are
23 in the part now of the Draft EIS/EIR. We are in
24 that NEPA/CEQA perspective has been released. We
25 are in the public review period, taking comments

26

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1 until the end of August. There will be a Final
2 EIS/EIR prepared that will have responses to all
3 those comments. And then the final decision point
4 on the NEPA side, and it's considered a Record of
5 Decision, or a ROD, and on the CEQA side the
6 certification of the EIR, consideration of project
7 approval. The steps that Petrea talked about.

8 So I will give it back to Petrea to wrap
9 things up.

10 MS. MARCHAND: Thank you.

11 Before I give you details on how you provide
12 comments, I did want to mention that this
13 presentation is the same exact presentation that was
14 given to the Yolo County Board of Supervisors and
15 also to the Yolo Habitat Conservancy Board of
16 Directors. That is on audio. So if you are
17 interested in a video presentation, you can also
18 access it through those venues.

19 As we have mentioned a couple times, we are
20 accepting comments through August 30th, and
21 tonight's comments are being recorded by the court
22 reporter. You can submit your comments orally or in
23 writing. Shawna likes to get comments in her
24 office. You can either do it directly in the mail
25 or email or to info@yolohabitatconservancy.org.

27

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1 You will have one more public meeting after
 2 this one on August 1st in Winters. So if you want
 3 to come to that meeting, you will have one more
 4 opportunity. And you can also provide comments to
 5 the U.S. Fish & Wildlife Service as well by fax or
 6 by sending them a letter.

7 So there are also comment cards in the back.
 8 Thank you, Chis, for reminding me.

9 So all feedback, informally or formally, we
 10 would love to hear from you. So with that, this is
 11 the schedule of all the meetings we've had so far.
 12 This is the eighth of nine meetings. We are happy
 13 to hear from you now and listen to any comments you
 14 might have.

15 MR. HOLSTEIN: I am Glen Holstein. I have
 16 been working on this plan for a little over ten
 17 years now. It's been an interesting period. And I
 18 want to really thank the City of Davis. Of course,
 19 Steve Souza. And now we're seeing this through this
 20 whole period, and Supervisor Jim Provenza there for
 21 the same period.

22 My colleague, Chad Roberts over there who is
 23 on the Advisory Committee, Bob Schneider. We've had
 24 a lot of friends for this process. It hasn't always
 25 been easy. We've had some downs, but, you know, in

12-1

1 the last few years we have had pretty much nothing
 2 but ups. I happen to give a lot of credit to that
 3 Joint Powers Authority. Lucas is on it. Jim
 4 Provenza is on it.

5 It all changed when we brought in the
 6 management team that we have now with Petrea, Heidi
 7 Tschudin, Phil Pogledich, Chris Alford. I hope I'm
 8 not forgetting anybody. They've done a great job.
 9 They have turned this around and made it a success,
 10 and it is a real success. Because when I got on
 11 this because I'm interested in conservation. Not
 12 just the plants. You know I represent the
 13 Sacramento Valley chapter of the California Native
 14 Plant Society. I'm interested in the full range of
 15 the diversity here. We have a plan that does a
 16 great job in conserving that biodiversity, but it
 17 also does a lot of other things.

18 It brings federal agencies, state agencies,
 19 local governments together to cooperate in not only
 20 conservation, but also producing the needed
 21 infrastructure projects that will be facilitated by
 22 this. It also acts as a magnet. And we have seen
 23 this from the history of other plans that have been
 24 finally approved for a funding from state, federal
 25 and nonprofit sources. The plan down in Contra

12-1
 cont.

1 Costa, once it was fulfilled, brought in millions of
2 dollars. And the same thing can happen now.

3 This has been a tremendous and will be a
4 tremendous boost to not only conservation, but the
5 economy of our county here. And we have something
6 really special. It's the first one, the first plan
7 that really incorporates agriculture as part of the
8 necessary mix of preserving species. We have
9 species here that thrive in agriculture. We also
10 have species that thrive in wildlands. And this is
11 a good mix that brings them altogether.

12 I'm glad to see that this was finally done.
13 Everybody that's involved deserves a lot of credit
14 in great job and a great job well done. We are
15 finally in the final stretch. Thanks a lot.

16 MS. MARCHAND: Anyone else? No pressure.

17 MR. HOPKINS: Thank you. I am John
18 Hopkins, a Davis resident.

19 I have been on the Conservancy Advisory
20 Committee. I am probably the last person standing
21 who has been involved in this process since the word
22 go. I mainly want to say a huge thank you to
23 everybody involved in this. The Conservancy, the
24 officials, the stakeholders and staff, federal and
25 state, wildlife agencies and others. It's been a

12-1
cont.

12-2

1 huge job. And folks really appreciate finishing
2 this up that works.

3 One brief comment about this, these documents,
4 and that is to the public: It is very, very
5 important to remember that this plan includes in
6 perpetuity monitoring of an adopted management of
7 lands that are preserved. And we are finding lands
8 around the state that have been in place for a
9 long-term success.

10 The incidental take permits are 50 years, but
11 the conservation is forever. And it will not work
12 without effective monitoring and management by
13 looking at all the land together, not just each
14 little piece. We have a very good overall approach.

15 The second item is that while today we are
16 focused on the HCP/NCCP, there is another
17 environmental document called the Local Conservation
18 Plan which is voluntary. It is not part of the
19 permits, but we do want the County Board of
20 Supervisors to approve it when it is finished, which
21 addresses many more species, maybe 80 or so other
22 habitat types that will not be in the HCP/NCCP. It
23 is going to be fantastic.

24 No other county in the state has a forward
25 approach as the Yolo Local Conservation Plan. And

12-2
cont.

12-3

1 we will be seeing this document down the road. And
2 it is immensely important and a companion to the
3 NCPP and HCP.

12-3
cont.

4 Thank you.

5 MS. MARCHAND: Anyone else?

6 I guess I will end. Obviously, anyone who has
7 additional comments can come up, especially if you
8 have questions. We are all here, available to you
9 to ask any questions or answer any questions. I
10 also want to mention that we do have flash drives
11 with copies of the plan. I know it is a lengthy
12 document, but there is an executive summary. So
13 people who want to go into the details. To make it
14 is easier than downloading from our website. Chris
15 has some and I have some as well, flash drive copies
16 of the plan, the EIS/EIR.

17 I close by saying that the YHC couldn't have
18 gotten to this point without its partners, the
19 cities and County, but also all the nonprofit
20 organizations and individuals in Yolo County working
21 to conserve habitat. A lot of dedicated individuals
22 participating in the planning process. This plan
23 would not be a successful implementation without
24 them as well.

25 We appreciate everyone coming out tonight. I

1 know you have other things to do. We look forward
2 to continuing to partner with all you in the future.

3 Thank you.

4 (Public Meeting concluded at 7:18 p.m.)

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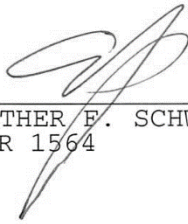
REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I, ESTHER F. SCHWARTZ, certify that I was the official Court Reporter for the proceedings named herein, and that as such reporter, I reported in verbatim shorthand writing those proceedings;

That I thereafter caused my shorthand writing to be reduced to printed format, and the pages numbered 3 through 33 herein constitute a complete, true and correct record of the proceedings.

IN WITNESS WHEREOF, I have subscribed this certificate at Sacramento, California, on this 5th day of July, 2017.



ESTHER F. SCHWARTZ
CSR 1564

12 **City of Davis Staff-Hosted Public Meeting**
Public Oral Comment
June 29, 2017

- 12-1 The comment includes statements of appreciation. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. No additional response is necessary.
- 12-2 The comment includes statements of appreciation and statements about the importance of long-term monitoring and management. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. No additional response is necessary.
- 12-3 The comment describes the importance of the LCP. These public meeting statements are not comments on the Draft HCP/NCCP or the Draft EIS/EIR. However, see response to Comment 10-12 for further information on the LCP. No additional response is necessary.



Letter 13

Central Valley Regional Water Quality Control Board

Received By Yolo Habitat Conservancy July 18, 2017

12 July 2017

Petrea Marchand
Yolo Habitat Conservancy and
United States Fish and Wildlife Services
611 North Street
Woodland, CA 95695

CERTIFIED MAIL
91 7199 9991 7036 7027 1991

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, YOLO HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN PROJECT, SCH# 2011102043, YOLO COUNTY

Pursuant to the State Clearinghouse's 1 June 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Environment Impact Report for the Yolo Habitat Conservation Plan/Natural Community Conservation Plan Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

13-1

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



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Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

13-1
cont.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

13-2

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit

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requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

13-3
cont.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

13-3
cont.

Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

Local Agency Oversight

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

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cont.

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action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

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NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

13-3
cont.

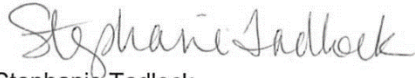
Yolo Habitat Conservation Plan/Natural
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Yolo County

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12 July 2017

If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.

13-3
cont.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

13 **Central Valley Regional Water Quality Control Board**
Stephanie Tadlock, Environmental Scientist
July 18, 2017

13-1 Thank you for submitting comments. The comment provides background information on Basin Plans pursuant to Section 13240 of the Porter-Cologne Water Quality Control Act and provides a website address where more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins* can be found. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary. However, please note that The Porter-Cologne Water Quality Control Act and the Basin Plan are both described on pages 9-9 and 9-10 of the Draft EIS/EIR and the EIS/EIR concludes that implementation of the HCP/NCCP would not result in any significant adverse water quality impacts.

13-2 The comment provides background information on State Water Resources Control Board (SWRCB) Antidegradation Policy and provides a website address where more information on the Antidegradation Policy can be found. The comment identifies the need for water quality analysis, identifies the nexus between the antidegradation analysis and the National Pollutant Discharge Elimination System (NPDES) permitting process and implementation of land discharge Waste Discharge Requirements (WDRs), and concludes with a statement that “The environmental review document should evaluate potential impacts to both surface and groundwater quality.”

Section 9.2.2, Regulatory Setting, in the Hydrology and Water Quality chapter of the Draft EIS/EIR describes the Antidegradation Policy, the NPDES permit program, and WDRs. Potential impacts to surface water and groundwater quality are both evaluated in this chapter and implementation of the HCP/NCCP was found to result no significant adverse effects on water quality. Water quality is also considered in Chapter 19, Hazardous Materials, and implementation of the HCP/NCCP was found to result no significant adverse effects on water quality via the impact mechanisms considered in this chapter.

13-3 The comment provides a summary of various permitting programs administered by the SWRCB and the Central Valley Regional Water Quality Control Board (RWQCB) and locations where more information on these permit programs can be found. The comment does not address any specific content, analysis, or conclusions of the Draft HCP/NCCP or the Draft EIS/EIR and no further response is necessary. However, the Conservancy and its member agencies will obtain all necessary permits from the SWRCB and RWQCB when implementing actions as part of the HCP/NCCP.



EDMUND G. BROWN JR.
GOVERNOR

July 18, 2017

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

RECEIVED
JUL 20 2017
BY: _____



KEN ALEX
DIRECTOR

Petrea Marchand
Yolo County
611 North St
Woodland, CA 95695

Subject: Yolo Habitat Conservation Plan/Natural Community Conservation Plan Draft EIS/EIR
SCH#: 2011102043

Dear Petrea Marchand:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 17, 2017, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

14-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2011102043
Project Title Yolo Habitat Conservation Plan/Natural Community Conservation Plan Draft EIS/EIR
Lead Agency Yolo County

Type EIR Draft EIR
Description The Yolo County Habitat Conservation Plan/Natural Community Conservation Plan Joint Powers Agency (JPA) and the U.S. Fish and Wildlife Service plan to prepare an environmental impact statement/EIR on the Yolo County Natural Heritage Program Habitat Conservation Plan/NCCP for Yolo County. This is a comprehensive, county-wide plan designed to provide long-term conservation and management of natural communities, sensitive species, and the habitats upon which those species depend, while accommodating other important uses of the land. The Plan area encompasses the entire area of Yolo County - approximately 653,549 acres plus additional conservation on up to 1,174 acres along Putah Creek in Solano County.

Lead Agency Contact

Name Petrea Marchand
Agency Yolo County
Phone 530-723-5504 **Fax**
email
Address 611 North St
City Woodland **State** CA **Zip** 95695

Project Location

County Yolo
City
Region
Lat / Long
Cross Streets
Parcel No.

Township	Range	Section	Base

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use The project area is county-wide and includes various land use designations.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 2; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 3 S; Native American Heritage Commission; Delta Protection Commission; Delta Stewardship Council; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 06/01/2017 **Start of Review** 06/01/2017 **End of Review** 07/17/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.



CLEAR
7-17-17
E



EDMUND G. BRUNN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

12 July 2017

Governors Office of Planning & Research

JUL 13 2017

Petrea Marchand
Yolo Habitat Conservancy and
United States Fish and Wildlife Services
611 North Street
Woodland, CA 95695

CERTIFIED MAIL

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STATE CLEARINGHOUSE

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, YOLO HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN PROJECT, SCH# 2011102043, YOLO COUNTY

Pursuant to the State Clearinghouse's 1 June 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Yolo Habitat Conservation Plan/Natural Community Conservation Plan Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Yolo Habitat Conservation Plan/Natural
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Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit

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requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements (WDRs)

Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Land Disposal of Dredge Material

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

Local Agency Oversight

Pursuant to the State Water Board's Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency's management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board's website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf

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For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other

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action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

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If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
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NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

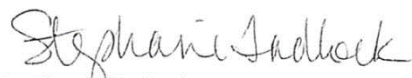
For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

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If you have questions regarding these comments, please contact me at (916) 464-4644 or
Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

14 **Governor's Office of Planning and Research**
Scott Morgan, Director
July 20, 2017

- 14-1 Thank you for submitting comments. This comment is a cover letter which references comments received by the State Clearinghouse from State agencies in regards to the Draft EIS/EIR. The comment "acknowledges that [the Conservancy has] complied with the State Clearinghouse review requirements for draft environmental documents". This is not a comment on the Draft HCP/NCCP or the Draft EIS/EIR. No additional response is necessary. The State Clearinghouse did transmit the comment letter from the RWQCB with their cover letter, and the RWQCB letter is responded to above as Letter 13. The RWQCB transmitted this comment letter both through direct mailing to the Conservancy and through the State Clearinghouse review and comment process.