



Yolo Habitat Conservancy

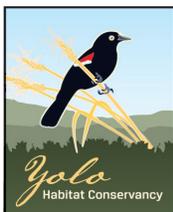
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Yolo Habitat Conservancy Policy Binder Part 4

January 2020 – June 2022

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34	Authorize signing authority for Executive Director	July 20, 2020 Item 9
35	Approve YHC Implementation Advisory Committee composition	November 16, 2020 Item 12
36	Approve updates to the stewardship donation policy	May 17, 2021 Item 10
37	Approve revised Valley Elderberry Longhorn Beetle roles, responsibility, and fee policy	September 20, 2021 Item 14
38	Approve framework for the YHC Implementation Advisory Committee	March 21, 2022 Item 12
39	Approve amendment to Special Participating Entity (SPE) Policy	May 16, 2022 Item 9
40	Authorize Executive Director to establish a second application fee for projects exempt from land cover fees but still subject to Avoidance and Minimization Measures (AMMs) and approve revisions to Yolo HPC/NCCP Small Urban Infill Project Guidance	May 16, 2022 Item 10



Yolo Habitat Conservancy

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To: Pierre Neu, Chair
Members of the Board

From: Dirk Brazil
Executive Director

Re: Approve amendment to Special Participating Entities policy

Date: January 27, 2020

REQUESTED ACTIONS:

1. Approve amendment to Special Participating Entities policy (Attachment A)

BACKGROUND:

On January 28, 2019, the Yolo Habitat Conservancy Board of Directors approved the Special Participating Entities (SPE) “contribution to recovery” policy. This policy sets the charge SPEs must pay to the Conservancy because SPEs did not pay for development of the Yolo HCP/NCCP. The Board approved an amendment to the SPE policy on September 16, 2019.

SPEs currently pay three separate sets of fees to the Conservancy: 1) reimbursement for staff costs associated with processing the permit; 2) the normal land cover and wetlands fees; 3) the contribution to recovery charge. Staff now propose amending the SPE policy to charge SPEs that request coverage for transplanting elderberry shrubs on non-wetlands land cover types the full cost of elderberry shrub mitigation, including planting of native associates. These costs are included in the Conservancy fees for wetlands land cover types (e.g. valley foothill riparian), but not fees on other land cover types (e.g. grasslands). Without this amendment, it will cost the Conservancy more to mitigate for the transplanting of elderberry shrubs than the Conservancy charges in fees for non-wetland land cover types. This amendment appears in the attached redline version of the policy.

SPEs include entities that, among other things, are not subject to the jurisdiction of the Yolo HCP/NCCP Permittees. SPEs may conduct or initiate projects or continue ongoing activities within the Permit area that may affect listed species and require take authorization from U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. (Permittees include the Conservancy, all four cities, and the County.) SPEs may include existing or future school districts, water districts, irrigation districts, transportation agencies, local park districts, other utility or special districts that own land or provide

public services, or individuals with activities that may result in take but that do not require a discretionary permit. SPEs can voluntarily request take authorization for their projects under the Yolo HCP/NCCP during implementation. Conservancy staff bring all SPE applications to the Board of Directors for approval and ensure that any recommendations take into consideration the availability of take coverage and the needs of the member agencies.

ATTACHMENT:

Attachment A. Amendment to Special Participating Entities contribution to recovery policy





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Implementation Policy of the Yolo Habitat Conservancy Regarding Supplemental Charges related to Special Participating Entities Seeking Take Authorization

Updated ~~September 16, 2019~~ **January 27, 2020**

The Yolo Habitat Conservancy (Conservancy) requires a Special Participating Entity (SPE) to pay a supplemental charge that is not included in the land cover or wetland fees to aid the Conservancy in covering costs associated with the implementation of the HCP/NCCP. In addition, the Conservancy charges the SPE for all staff time associated with processing the SPE application and requires a deposit prior to starting work on the SPE application. The Conservancy may use the revenue from the supplemental charges for any purpose, including the following:

Additional Conservation Actions: Under the California Natural Community Conservation Planning Act a Natural Community Conservation Plan (NCCP) provides a method for conserving species on a large geographic scale and must contribute to recovery of covered species. The Yolo HCP/NCCP requires the Conservancy to assemble a reserve system that not only mitigates impacts to covered activities (mitigation) but also provides for the conservation of the 12 species covered by the Yolo HCP/NCCP (conservation). The land cover and wetland mitigation fees are used to pay for the mitigation component, whereas the Conservancy uses other sources, such as public funds and supplemental fees from SPES, to pay for the conservation component.

Plan Preparation: The cost to prepare the Yolo HCP/NCCP, which provides a countywide framework to protect natural resources in Yolo County and improve and streamline the environmental permitting process for endangered species impacts, was over \$10 million dollars between 2002 and 2018. This cost was covered mainly by grants secured by the Yolo Habitat Conservancy, as well as General Fund contributions from the member agencies. SPES did not contribute to the plan preparation cost.

Guidelines for Calculating the Contribution to Recovery

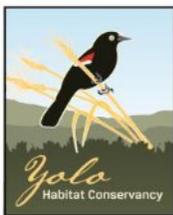
1. For projects with cumulative permanent land cover fees, temporary effect fees and wetland fees less than or equal to \$10,000 the Conservancy will require a minimum contribution to recovery charge of \$1,000-\$10,000.
2. For projects with cumulative permanent land cover fees, temporary effect fees and wetland fees greater than \$10,000 the SPE will pay a supplemental charge equal to the first \$10,000 (100%) plus one half of the remaining land cover and/or wetland fee total (50%).
 - a. **Example:** if the permanent land cover fee or temporary effects is \$20,000, the applicant

would be required to pay a total of \$15,000 for the SPE supplemental charge. This is calculated based on charging \$10,000 on the first \$10,000 (100%) and \$5,000 on the remaining \$10,000 (50%).

3. For projects with cumulative land cover and wetland fees greater than \$50,000 which are paying *permanent* land cover and/or wetland fees for *temporary* effects, the Conservancy will require a supplemental charge that is equal to the land cover and/or wetland fee up to \$10,000, plus one half of the remaining mitigation fee up to \$50,000, and an additional 10% charge on the remaining balance of the land cover and/or wetland fee for temporary effects.
 - a. **Example:** If the applicant's permanent land cover and/or wetland fee for temporary effects is \$80,000, the applicant would be required to pay a total of \$33,000 for the contribution to recovery charge. This is calculated based on charging \$10,000 on the first \$10,000 (100%), \$20,000 on the remainder up to \$50,000 (50% of \$40,000), and \$3,000 for the remaining \$30,000 (10%).
4. For projects that request coverage for the transplant of elderberry shrubs located on non-wetland land cover types (e.g. grassland), the Conservancy will require the SPE to pay an additional charge based on the cost of the required planting of native associates, which in turn is based on the stem count and exit holes. The Conservancy may charge the actual cost for planting of native associates or may estimate the cost based on previous bids for planting of native associates.
 - a. **Example:** If an applicant requests the Conservancy to permit the transplant of an elderberry shrub with two 4-inch stems on cultivated land with exit holes, the Conservancy will need to plant eight elderberry seedlings and four native associates. The Conservancy will charge the applicant the difference between the land cover fee and the actual cost of planting these seedlings and native associates, including irrigation, five years of monitoring and maintenance, and any other activities necessary to meet success criteria in the Yolo HCP/NCCP.
5. For projects that impose unique or challenging mitigation measures on the Conservancy, staff will recommend adjusting the supplemental charge to address the increased costs of fulfilling mitigation and species recovery obligations. Staff will recommend all supplemental charge adjustments to the Conservancy Board for approval.

Example: Additional supplemental charges may be required for projects with impacts to giant garter snakes, Swainson's hawk nest trees, or other species with unique mitigation requirements in the HCP/NCCP. Such actions may be more costly than standard habitat conservation and restoration measures.





Yolo Habitat Conservancy

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To: Don Saylor, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Approve updated mitigation receiving site credit in lieu of land cover fee policy and updated land/easement in lieu of land cover and wetlands fee policy

Date: July 20, 2020

REQUESTED ACTION:

1. Approve updated mitigation receiving site credit in lieu of land cover fee policy and updated land/easement in lieu of land cover and wetlands fee policy (Attachment A and Attachment B).

REASON FOR RECOMMENDED ACTION:

As part of development of the Conservancy's new financial system, Conservancy staff reviewed the funding model on which the Yolo HCP/NCCP is based. As a result of this review, staff identified the need to improve the accuracy of the model by shifting \$18 million in funding from "Other Local, State, and Federal Funding Sources" from the reserve acquisition category to the other categories in the funding model, such as management and monitoring, administration, and contingency. This shift affects the amount of money from the land cover fee allocated to the reserve system funding category and therefore affects the calculation of the discount for the mitigation receiving site credit in lieu of land cover fee policy and the land/easement in lieu of land cover fee policy. Staff made the necessary adjustments and are proposing the two updated policies for Board approval. The change in policy will decrease the discount to project proponents of using the mitigation receiving site program from 67 percent to 59 percent and increase the discount for providing land or easements in lieu of the fee from 51 percent to 59 percent. The decreased discount for the mitigation receiving site policy is related to an error in the original analysis.

BACKGROUND:

Per Section 7.5.8 of the Yolo Habitat Conservation Plan/Habitat Conservation Plan (Yolo HCP/NCCP), the Conservancy may allow permittees or private landowners to transfer fee title or place a conservation easement on all or a portion of property they own to satisfy mitigation requirements for

covered activities. Applicants may also purchase credits from an approved mitigation receiving site. If the Conservancy and wildlife agencies approve this transfer of land in fee title, easement dedication, or mitigation receiving site credit, it can reduce the HCP/NCCP fees required for development.

The Board adopted a policy on March 18, 2019 to provide land in lieu of fees. After discussing the adopted policy internally, staff realized the Conservancy needed to amend the policy to create separate policies for applicants who provide mitigation receiving site credits in lieu of the land cover fee and applicants who provide land or easements in lieu of land cover or wetland fees.

On July 19, 2019, the Board approved an update to the March 18, 2019 policy to be specific to mitigation receiving sites and approved a new policy specific to land or easements provided in lieu of the land cover and wetlands fees. The policies provide updated guidance to Conservancy staff and applicants regarding the process for establishing the fee credit and other elements of the land in lieu process.

ATTACHMENTS:

Attachment A. Updated mitigation receiving site credit in lieu of land cover fee policy

Attachment B. Updated land/easement in lieu of land cover and wetlands fee policy

Attachment C. Tables A: Allocation of Yolo HCP/NCCP Funding (amount) & Table B: Allocation of Yolo HCP/NCCP Funding (percentage)





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Yolo HCP/NCCP

Mitigation Receiving Site Credit In Lieu of Land Cover Fee Policy

Adopted by the Yolo Habitat Conservancy Board: March 18, 2019

Updated by the Yolo Habitat Conservancy Board: July 19, 2019

Updated by the Yolo Habitat Conservancy Board: July 20, 2020

1. PURPOSE:

This policy outlines the process through which the Yolo Habitat Conservancy (“Conservancy”) will provide public and private applicants a credit in lieu of the land cover fee for mitigation receiving site credits purchased by applicants. Per Section 7.5.8.2 of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (“Yolo HCP/NCCP”), the Conservancy may allow applicants to purchase credits from mitigation receiving sites approved by the Conservancy and provide those credits in lieu of fees. If the Conservancy approves a mitigation receiving site credit purchase, it can reduce and, only under special circumstances, eliminate the HCP/NCCP fees required for development. Section 7.5.8.1 of the Yolo HCP/NCCP describes the criteria for providing credits in lieu of Yolo HCP/NCCP fees.

2. SCOPE

This policy applies to all public and private applicants who wish to purchase credits from a mitigation receiving site approved by the Conservancy.

3. POLICY

Applicants who propose to purchase credits from a mitigation receiving site reduce the cost to the Conservancy for mitigation of covered activities, justifying a discount in the land cover fee or other mitigation fees. In such an instance, the Conservancy will avoid the cost of pre-acquisition surveys, land acquisition costs, transaction costs, and associated one-time costs for oversight and management. Applicants are currently eligible for a maximum credit (in dollars) of 59 percent of the per acre land cover fee for every acre of mitigation receiving site credit because 41 percent of the total fee is allocated to costs unrelated to acquisition of land, such as the post-permit endowment, administration, management, and monitoring and research.¹ Applicants with mitigation receiving site credits for wetlands are currently eligible for a maximum credit (in dollars) of 86 percent for the fresh emergent wetland fee, 87 percent for the valley foothill riparian wetland fee, and 83 percent for the lacustrine and riverine wetland fee per acre of credit for every acre of impact.² The credit will change due to annual and periodic adjustments to the fee for

¹ See Tables A and B, Allocation of Yolo HCP/NCCP Funding, attached to this policy, for the percentage allocation of land cover fee revenue to “establish reserve system” costs, which is the portion of the fee dedicated to easement acquisition. Mitigation ratio of 1:1 (one acre of mitigation receiving site credit for every acre of impact) based on Table 1 of Appendix I, Funding Plan, of the HCP/NCCP.

² See Tables A and B, Allocation of Yolo HCP/NCCP Funding, attached to this policy, for the combined percentage allocation of the applicable wetland fee revenue to “establish reserve system” and “other restored/created wetland” capital and operating costs, which is the portion of fee dedicated to land acquisition and restoration/creation capital and ongoing costs.

inflation and other updates to the funding plan per Section 8.4.1.6 of the Yolo HCP/NCCP.

The Conservancy requires a deposit of \$1,000 to fund costs associated with approval of the mitigation credits and calculation of the fee credit. The Conservancy may request additional funding if needed to cover costs. The Conservancy will return any unused funds remaining with the Conservancy to the applicant after the fee credit process is complete.

Attachment A. Table A - Allocation of Yolo HCP/NCCP Funding (amount by funding source)

Attachment B. Table B - Allocation of Yolo HCP/NCCP Funding (percentage by funding source)

Mitigation ratio of 1:1 (one acre of mitigation receiving site credit for every acre of impact) based on Table 6-1(b) the HCP/NCCP.





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Yolo HCP/NCCP

Land/Easement In Lieu of Land Cover and Wetlands Fee Policy

Adopted by the Yolo Habitat Conservancy Board: July 15, 2019

Updated by the Yolo Habitat Conservancy Board: July 20, 2020

1. PURPOSE

This policy outlines the process through which the Yolo Habitat Conservancy (“Conservancy”) will provide public and private applicants a credit for land or easements in lieu of the Yolo HCP/NCCP land cover and wetlands fees. Per Section 7.5.8 of the Yolo Habitat Conservation Plan/Habitat Conservation Plan (Yolo HCP/NCCP), the Conservancy may allow permittees or private landowners to transfer fee title or place a conservation easement on all or a portion of property they own to satisfy mitigation requirements for covered activities. Also per Section 7.5.8.2, the Conservancy may allow applicants to purchase credits from mitigation receiving sites and provide those credits in lieu of fees. If the Conservancy and wildlife agencies approve a transfer of land in fee title, an easement dedication, or a mitigation receiving site credit purchase, it can reduce but only under special circumstances completely eliminate the HCP/NCCP fees required for development. Section 7.5.8.1 of the Yolo HCP/NCCP describes the criteria for providing land in lieu of Yolo HCP/NCCP fees.

2. SCOPE

This policy applies to all public and private applicants who would like to provide land or easements in lieu of a portion of the Yolo Habitat Conservancy’s land cover fee and wetland fees. See the Mitigation Receiving Site Credit In Lieu of Fees Policy for applicants would like fee credit from a mitigation receiving site.

3. POLICY

Any public or private applicant subject to the land cover fee may propose dedication of land or an easement in lieu of payment of a portion of the land cover fee and wetlands fees. To dedicate land or an easement, the applicant must sign a land dedication agreement with the Conservancy. The Conservancy and the applicant must execute the agreement before commencement of covered activities to which the Conservancy will apply credit against a portion of the fees.

The land dedication agreement will specify the following terms:

1. Approval of land proposed in lieu of the land cover fee and wetlands fees: The Yolo Habitat Conservancy and the wildlife agencies must approve any fee title transfer or easement proposed in lieu of the Yolo HCP/NCCP fee because the Conservancy will manage the land as part of the reserve system in perpetuity. The landowner must therefore allow the Conservancy and its representatives

access to the land to evaluate the conservation value of the property, as well as determine whether the property sufficiently contributes to the biological goals and objectives of the Yolo HCP/NCCP. The landowner must pay all costs, including staff time and due diligence costs (e.g. appraisal, Phase 1 or 2 environmental assessments), associated with this process. The Conservancy requires a deposit of between \$5,000 and \$10,000 to fund these costs and may request additional funding if needed to cover costs. The Conservancy will return any unused funds remaining with the Conservancy to the applicant after the fee credit process is complete.

2. Amount of credits expressed in acres: The Conservancy will determine the number of potential credits to grant, one for each acre of land the Conservancy determines is suitable for inclusion in the reserve system. The Conservancy may not grant credits for all acres proposed in lieu of a portion of the fee if the species impacts from the project are significantly different than the species habitat on land proposed for conservation because the Yolo HCP/NCCP permits require the Conservancy to conserve habitat for an individual species before allowing impacts to that species' habitat.
3. Conversion of credits to a dollar amount: The Conservancy will convert the credits expressed in acres to a dollar amount based on the appraised value of the land or the easement only at the time the applicant transfers the land or easement to Conservancy ownership. (A qualified appraiser approved by the Conservancy will determine the fair market value of the land or easement.) This dollar amount is the total amount the applicant may deduct from the land cover and wetlands fees owed to the Conservancy. The applicant may determine the timing of dedication in consultation with the Conservancy.
4. Activation of approved credits: The agreement will specify the covered activities eligible to activate approved credits in lieu of the Yolo HCP/NCCP fee obligation, the maximum dollar amount of the credit for which the applicant is eligible, and the timing of eligibility. Applicants are currently eligible for a maximum credit (in dollars) of 59 percent of the land cover fee because 41 percent of the total fee is allocated to costs unrelated to acquisition of land, such as the post-permit endowment, administration, management, and monitoring and research.¹ Assuming that applicants restore/create wetlands acceptable to the Conservancy, applicants are eligible for a maximum credit of 81 percent for the fresh emergent wetland fee, 85 percent for the valley foothill riparian wetland fee, and 76 percent for the lacustrine and riverine wetland fee.² This share may change during plan implementation, so the agreement will specify the full amount of the credit. The Conservancy may, at its discretion, provide a credit higher than 59 percent if the project is eligible for a land dedication incentive (see Land Dedication Incentive Policy). Applicants will determine

¹ See Tables A and B, Allocation of Yolo HCP/NCCP Funding, attached to this policy, for the percentage allocation of land cover fee revenue to "establish reserve system" costs, which is the portion of the fee dedicated to land acquisition.

² See Tables A and B, Allocation of Yolo HCP/NCCP Funding, attached to this policy, for the combined percentage allocation of the applicable wetland fee revenue to "establish reserve system" and "other restored/created wetland capital" costs, which is the portion of fee dedicated to land acquisition and restoration/creation capital costs.



whether the dollar amount of the credits is greater or less than the maximum potential fee credit available to the proposed project in consultation with the Conservancy.³

5. Transfer of credits: The applicant may only use the dollar value of credits for covered activities specified in the agreement and may not transfer the credits to other covered activities.
6. Remaining credit value: The Conservancy will base the dollar value of credits remaining after use for an approved covered activity on the value per acre used to establish the original dollar value of the credits and adjust the credit based on any annual or periodic adjustments to the fee schedule.
7. Agreement term: The agreement will include an expiration date that will apply to any potential land dedication credits and any approved land dedication credits that are not activated.

Land dedication incentive policy

If the applicant proposes land for dedication of unique and significant conservation value to the reserve system, the Conservancy may offer an incentive to the applicant for the land dedication. The Conservancy shall determine the conservation value of lands proposed for dedication based on the Conservancy's analysis of current reserve requirements and the role the proposed lands will play in meeting those requirements. The land dedication incentive allows the Conservancy to provide a maximum credit higher than the amount listed in no. 4 above because of the unique and significant conservation value. The Conservancy has sole discretion to determine whether the conservation value is unique and significant and the amount of the increased credit. The ability of the Conservancy to grant incentives for land dedication will depend on several factors, including: 1) The Conservancy's ability to fund its obligations under the Yolo HCP/NCCP based on its current and projected cash flow; 2) the maximum amount of land acquisition to be funded by the land cover and wetlands fees.

Attachment A. Table A - Allocation of Yolo HCP/NCCP Funding (amount by funding source)

Attachment B. Table B - Allocation of Yolo HCP/NCCP Funding (percentage by funding source)

³ For example, if the applicant's proposed project is 100 acres and the land cover fee is \$10,000/acre, then the maximum available credit would be \$590,000 (100 x \$10,000 x 59%). The Conservancy would not accept land dedicated to the reserve for an appraised value in excess of this amount without applying the Land Dedication Incentive Policy.



Table A: Allocation of Yolo HCP/NCCP Funding (amount)

Funding Source	Yolo Habitat Agency Activities						Partner Activities		Other Costs		Total Funding
	Establish Reserve System	Manage & Enhance / Monitoring & Research	Other Restored/ Created Wetland		Plan Administration	Contingency	Cache Creek	Lower Putah Creek	Endowment	Plan Preparation	
Development Fees											
Land Cover Fee ¹	127,954,703	26,586,287	-	-	26,483,316	24,534,910	-	-	5,391,155	4,930,236	215,880,607
Fresh Emergent Wetland Fee	1,055,223	743,236	4,065,783	320,198	92,191	-	-	-	14,985	13,704	6,305,320
Valley Foothill Riparian Fee	7,256,974	5,111,375	32,601,663	858,220	634,016	-	-	-	103,055	94,243	46,659,546
Lacustrine and Riverine Fee	2,873,453	2,023,889	7,463,142	871,926	251,043	-	-	-	40,805	37,317	13,561,576
Temporary Effect Fee ²	-	-	-	-	-	-	-	-	-	-	-
Subtotal	139,140,354	34,464,787	44,130,588	2,050,343	27,460,566	24,534,910	-	-	5,550,000	5,075,500	282,407,048
Conservation Funding Sources											
Davis Open Space Program	5,146,000	-	-	-	-	-	-	-	-	-	5,146,000
Cache Creek Area Plan											
Conservation Activities	-	-	-	-	-	-	11,083,000	-	-	-	11,083,000
Net Gains Lands	2,815,000	-	-	-	-	-	-	-	-	-	2,815,000
Reclaimed Agricultural Lands	2,768,000	-	-	-	-	-	-	-	-	-	2,768,000
Lower Putah Creek	-	-	-	-	-	-	-	10,437,000	-	-	10,437,000
Foundations & Non-profit Orgs.	10,000,000	-	-	-	-	-	-	-	-	-	10,000,000
State & Federal Sources	70,230,928	352,838	1,867,864	117,862	-	-	-	-	-	-	72,569,492
Other Local, State & Federal Sources ^{1,3}	-	6,264,886	-	-	6,240,622	5,781,492	-	-	-	-	18,287,000
Subtotal	90,959,928	6,617,724	1,867,864	117,862	6,240,622	5,781,492	11,083,000	10,437,000	-	-	133,105,492
Other Funding Sources											
Endowment Investment Income	-	-	-	-	-	-	-	-	8,149,000	-	8,149,000
Other Interest Income ^{1,3}	-	445,363	-	-	443,638	410,999	-	-	-	-	1,300,000
Subtotal	-	445,363	-	-	443,638	410,999	-	-	8,149,000	-	9,449,000
Total Costs	230,100,282	41,527,874	45,998,452	2,168,205	34,144,826	30,727,401	11,083,000	10,437,000	13,699,000	5,075,500	424,961,540

¹ Unrestricted funding that could be used for any purpose.

² No revenue projected for temporary effect fee. Revenue could be used for any use allocated to the land cover fee.

³ Allocated to costs similar to land cover fee allocation to management/monitoring, plan administration, and contingency.

Sources: Yolo HCP/NCCP, Appendix I - Funding Model.

Table B: Allocation of Yolo HCP/NCCP Funding (percentage)

Funding Source	Yolo Habitat Agency Activities						Partner Activities		Other Costs		Total Funding
	Establish Reserve System	Manage & Enhance / Monitoring & Research	Other Restored/ Created Wetland		Plan Administration	Contingency	Cache Creek	Lower Putah Creek	Endowment	Plan Preparation	
Development Fees											
Land Cover Fee ¹	59.3%	12.3%	0.0%	0.0%	12.3%	11.4%	0.0%	0.0%	2.5%	2.3%	100%
Fresh Emergent Wetland Fee	16.7%	11.8%	64.5%	5.1%	1.5%	0.0%	0.0%	0.0%	0.2%	0.2%	100%
Valley Foothill Riparian Fee	15.6%	11.0%	69.9%	1.8%	1.4%	0.0%	0.0%	0.0%	0.2%	0.2%	100%
Lacustrine and Riverine Fee	21.2%	14.9%	55.0%	6.4%	1.9%	0.0%	0.0%	0.0%	0.3%	0.3%	100%
Temporary Effect Fee ²	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>0.0%</u>
Subtotal	49.3%	12.2%	15.6%	0.7%	9.7%	8.7%	0.0%	0.0%	2.0%	1.8%	100.0%
Conservation Funding Sources											
Davis Open Space Program	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Cache Creek Area Plan											
Conservation Activities	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%
Net Gains Lands	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Reclaimed Agricultural Lands	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Lower Putah Creek	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	100.0%
Foundations & Non-profit Orgs.	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
State & Federal Sources	96.8%	0.5%	2.6%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Other Local, State & Federal Sources ^{1,3}	<u>0.0%</u>	<u>34.3%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>34.1%</u>	<u>31.6%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>100.0%</u>
Subtotal	68.3%	5.0%	1.4%	0.1%	4.7%	4.3%	8.3%	7.8%	0.0%	0.0%	100.0%
Other Funding Sources											
Endowment Investment Income	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	100.0%
Other Interest Income ^{1,3}	<u>0.0%</u>	<u>34.3%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>34.1%</u>	<u>31.6%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>100.0%</u>
Subtotal	<u>0.0%</u>	<u>4.7%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>4.7%</u>	<u>4.3%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>86.2%</u>	<u>0.0%</u>	<u>100.0%</u>
Total Costs	54.1%	9.8%	10.8%	0.5%	8.0%	7.2%	2.6%	2.5%	3.2%	1.2%	100.0%

¹ Unrestricted funding that could be used for any purpose.

² No revenue projected for temporary effect fee. Revenue could be used for any use allocated to the land cover fee.

³ Allocated to costs similar to land cover fee allocation to management/monitoring, plan administration, and contingency.

Sources: Yolo HCP/NCCP, Appendix I - Funding Model.

Special Districts and Other Agencies Authorization Form - FY 20-21

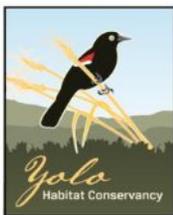
COUNTY OF YOLO
 DEPARTMENT OF FINANCIAL SERVICES
 P.O. BOX 1268
 WOODLAND, CA 95776
 (530) 666-8190

Fund:
District Name:
Address:
Phone number:
Contact:

1	3	5	7	8	9					AUTHORIZED SIGNATURE OF EMPLOYEE	
PICK UP GENERAL CHECKS	GENERAL CLAIMS APPRVL	DEPOSIT APPRVL.	JE/TSF DOC. APPRVL	BUDGET MOD. APPRVL							
											Signature:
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The persons listed above are authorized to perform the above duties on behalf of our governing board as approved in our Minutes recorded at a regular district meeting.

Board Chairman Signature _____	Date _____	Board Member Signature _____	Date _____
Print Name: _____		Print Name: _____	
Board Member Signature: _____	Date _____	Board Member Signature: _____	Date _____
Print Name: _____		Print Name: _____	
Board Member Signature: _____	Date _____	Board Member Signature: _____	Date _____
Print Name: _____		Print Name: _____	
Board Member Signature: _____	Date _____	Board Member Signature: _____	Date _____
Print Name: _____		Print Name: _____	



Yolo Habitat Conservancy

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

To: Don Saylor, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Authorize signing authority for the Executive Director

Date: July 20, 2020

REQUESTED ACTION:

1. Authorize signing authority for the Executive Director

BACKGROUND:

Pursuant to Yolo County Department of Financial Services (DFS) policy, the governing bodies of special districts and affiliate agencies utilizing DFS services must authorize a staff member's signing authority prior to DFS processing transactions requested by that staff member. With the change in the administrative model of Conservancy, staff recommends the Board authorize the current Executive Director to have all category signing authority per the attached authorization form (Attachment A).

ATTACHMENTS:

Attachment A. Authorization Form



Yolo Habitat Conservancy

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

To: Don Saylor, Chair
Members of the Board

From: Charlie Tschudin
Associate Planner

Re: Approve revised Advisory Committee composition

Date: November 16, 2020

REQUESTED ACTIONS:

1. Approve revised Advisory Committee composition and recruiting process

BACKGROUND:

At the September 2020 Board of Directors meeting, staff recommended that the Board reduce the total number of Implementation Advisory Committee members from 17 to 15, without making any changes to the Advisory Committee role or recruitment process. The purpose of this staff report is to provide clarity on the exact composition of the 15-member committee and incorporate feedback received at the September meeting related to the members' recruitment process, voting status, and term length. The Committee's focus is only to advise the Conservancy on development and management of the reserve system of properties and that charge will not change.

Staff recommends that the Board of Directors approve all appointments to the advisory committee with the exception of seats allocated to the member agencies and the Yocha Dehe Wintun Nation. The six members of the advisory body representing the Yocha Dehe Wintun Nation and the five member-agency jurisdictions may be filled directly without subsequent ratification or other action by the Board of Directors. Each of the five municipal jurisdictions must comply with requirements of the Maddy Act (Government Code section 54974) for unscheduled vacancies by posting a vacancy notice in the office of its clerk prior to any appointment. Likewise, the Conservancy must similarly comply with Maddy Act requirements for unscheduled vacancies of all other seats.

Below is a table summarizing the proposed recruitment process and voting status for the revised composition of the Advisory Committee:

Composition	Recruitment Process	Voting Status
One representative from each member agency jurisdiction (County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland)	Each of the five member-agency jurisdictions shall directly appoint representatives in compliance with the Maddy Act (Government Code section 54974)	Yes
One representative from the Yocha Dehe Wintun Nation	The Yocha Dehe Wintun Nation shall directly appoint a representative. As a sovereign tribal nation, the Maddy Act does not apply.	Yes
Three representatives from agricultural and wildlife conservation organizations	The Conservancy will comply with Maddy Act to recruit representatives from the appropriate organizations with a recommendation from the YHC Executive Director for approval by the Board of Directors.	Yes
One non-voting staff liaison from each of the member agency jurisdictions and one from the University of California, Davis	These non-voting participants are staff from the planning and sustainability departments. There is no need to comply with the Maddy Act for these liaison roles.	No
		Voting: 9 Non-voting: 6

The proposed term length for each of the 15-member advisory body is unchanged, members will serve for two—year terms with opportunities for renewal or replacement. The Conservancy will stagger the terms to ensure all terms do not expire in the same year. For the initial Implementation Advisory Committee composition, 8 members will serve for one year and 7 for two years. After the first year, the Conservancy will make all appointments for two-year terms.





Yolo Habitat Conservancy

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

To: Will Arnold, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Approve updates to the stewardship donation policy

Date: May 17, 2021

REQUESTED ACTIONS:

1. Approve updates to the stewardship donation policy (Attachment A)

BACKGROUND:

On November 13, 2018, the Board directed staff to develop a stewardship donation policy help guide efforts to raise \$18.2 million that must come from “new” sources of local, state, and federal funding. This amount constitutes estimated costs for conservation easement acquisition and reserve system development and management associated with conservation above mitigation that is not covered by state and federal grant funding. The Board approved a stewardship donation policy on January 28, 2019 that requests that all landowners interested in establishing a conservation easement on their property provide a \$10,000 upfront contribution to help pay a portion of due diligence costs and contribute a stewardship donation equal to 6% of the value of the easement upon close of escrow. The Board also directed staff to review the policy and return with any recommended changes to the Board of Directors. Conservancy staff propose updates to the stewardship donation policy that modify the upfront contribution request amount based on the size and character of proposed conservation easement sites and eliminate the need to establish separate accounting codes within the Conservancy’s financial accounting structure to track upfront contribution expenditures for each individual site (Attachment A).

ATTACHMENTS:

Attachment A. Yolo HCP/NCCP stewardship donation policy



Yolo Habitat Conservancy

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

Yolo HCP/NCCP

Stewardship Donation Policy

Adopted by the Yolo Habitat Conservancy Board: January 28, 2019

Proposed changes shown with underline and strikethrough presented to the
Yolo Habitat Conservancy Board: May 17, 2021

1. PURPOSE:

This policy outlines the process through which the Yolo Habitat Conservancy ("Conservancy") request stewardship donations or contributions from landowners as part of an easement transaction. Stewardship donations help cover costs for conservation easement acquisition and reserve system development and management associated with conservation above mitigation that is not covered by state and federal grant funding.

2. SCOPE

This policy applies to all Yolo HCP/NCCP reserve system sites.

3. POLICY

- Request that landowners provide an upfront payment at the time they sign a letter of intent to demonstrate their intention to establish a conservation easement on their property and to pay for a portion of the due diligence costs, which includes the survey, the appraisal, and other items. The amount of the payment request will be based on the size and character of the proposed easement site according to the following three categories:
 - Standard land cover sites over 40 acres: ~~Staff recommend a~~ A standard contribution of \$10,000 due when the Conservancy and the landowner sign a letter of intent at the start of the process. The Conservancy will pay for the remainder of the due diligence costs.
 - Standard land cover sites equal to or less than 40 acres: Landowner to commit in the letter of intent to pay the cost of the appraisal and mineral assessment report (if mineral rights have been severed) or contribute \$10,000 towards these costs, whichever is less.
 - Sites that are predominantly riparian land cover and/or other wetlands land cover: A good faith deposit of \$1,000 due when the Conservancy and the landowner sign a letter of intent at the start of the process. The Conservancy will pay for due diligence costs and will reimburse the deposit at the close of escrow.

The Executive Director may reduce or waive the upfront payment for easements that will be donated to the Yolo HCP/NCCP. The Conservancy's Board of Directors may reduce or waive this upfront payment fee for member agencies, landowners who demonstrate economic hardship, or for properties that are critical to meeting species conservation goals in the reserve system.

- The Conservancy will pay for all other staff, consultant, and legal costs associated with the transaction, including development of the easement and management plan;
- If the Conservancy terminates the transaction because: 1) the conservation values are not as anticipated, or 2) if expected funding needed to purchase the conservation easement does not materialize, or 3) the due diligence process reveals unacceptable conditions, the Conservancy will reimburse landowners for the portion of the \$10,000 contribution amount minus any appraisal costs expended prior to the termination remaining on the date of the withdrawal;
- Upon close of escrow, landowners will contribute a stewardship donation equal to 6% of the value of the easement. The Conservancy may revisit this amount at any time if the donation is not sufficient to fund management and post-permit endowment costs.





Yolo Habitat Conservancy

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

To: Will Arnold, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Receive presentation and approve revised Yolo Habitat Conservancy roles, responsibilities and fees associated with Valley Elderberry Longhorn Beetle mitigation and hold a public hearing and adopt a resolution reducing the per acre valley foothill riparian fee and creating a per acre maintenance fee for elderberry bushes transplanted from non-riparian habitat

Date: September 20, 2021

REQUESTED ACTIONS:

1. Receive presentation on proposed policy for Yolo HCP/NCCP implementation as it relates to activities associated with mitigation for the Valley Elderberry Longhorn Beetle;
2. Approve revised roles, responsibilities, and fees associated with Valley Elderberry Longhorn Beetle mitigation (Attachment A).
3. Adopt a resolution reducing the 2021 per acre valley foothill riparian fee to \$63,681 on all applications for Yolo HCP/NCCP take coverage and creating a per acre maintenance fee of \$18,281 for 2021 for elderberries transplanted from non-riparian habitat (Attachment D).

BACKGROUND:

Projects that occur within 100 feet of a Valley Elderberry shrub must comply with AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle. To mitigate impacts on the valley elderberry longhorn beetle, the Yolo HCP/NCCP requires project proponents to transplant to a riparian restoration site elderberry shrub that cannot be avoided directly within a project footprint and within a 100-foot buffer distance.

Elderberry shrub occurs in the valley foothill riparian habitat and not in the other two habitats subject to the wetland fee (fresh emergent wetland and lacustrine & riverine habitats). Under the current policy the project proponent is responsible for elderberry shrub transplantation; the current wetland fee rate funds the following three additional costs:

1. Identifying and developing plans and specifications for restoration sites
2. Planting specific amounts of elderberry shrub native associates
3. Five years of post-construction irrigation, maintenance, and monitoring

Under the new policy, the responsibility for planting elderberry shrub native associates, the second cost component, is shifted to project proponents, thereby removing this cost from the wetland fee. The updated per acre valley foothill riparian wetland fee is \$63,681, a 26% percent reduction from the current fee. The Conservancy will remain responsible for the two other cost components.

By shifting the responsibility of planting elderberry shrub native associates to the project proponent, the Conservancy is able to achieve two objectives: reducing the per acre fee for projects and reducing the administrative burden related to coordinating roles and responsibilities for planting the elderberry bush and its native associates by reducing the number of parties involved two to one.

The following summary statements are explained in greater detail in the Attachment A:

- Whereas the project proponent was previously responsible for transplanting elderberry shrubs and the YHC was responsible for associated native riparian plantings, the responsibility of associated native plantings is now transferred to the project proponent.
- The 2021 valley foothill riparian fee is reduced to \$63,681 to account for this shift in responsibility.
- For project proponents transplanting elderberry shrubs from non-riparian habitat, a per acre maintenance fee of \$18,281 for 2021 is assessed and would be subject to annual increase pursuant to existing methodology. Previously there was no established fee for this activity type.

Additional information related to how the valley foothill riparian fee was calculated is included in Attachment B and information related to the elderberry transplant site maintenance fee is included in Attachment C. The resolution reducing the per acre valley foothill riparian fee and creating a per acre maintenance fee for elderberries transplanted from non-riparian habitat is included in Attachment D.

ATTACHMENTS:

- Attachment A. Yolo Habitat Conservancy Policy: Roles, Responsibilities, and Fees Associated with Valley Elderberry Longhorn Beetle Mitigation
- Attachment B. Revised Valley Foothill Riparian Wetland Fee memo
- Attachment C. Elderberry Transplant Site Maintenance Fee memo
- Attachment D. Resolution



Memorandum

Date:	July 14, 2021
To:	Yolo Habitat Conservancy File
From:	Alexander Tengolics, Executive Director, Yolo Habitat Conservancy
Subject:	Yolo Habitat Conservancy Policy: Roles, Responsibilities, and Fees Associated with Valley Elderberry Longhorn Beetle Mitigation

This memo describes new Yolo Habitat Conservancy (YHC) policy for implementation of the Yolo Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) as it relates to activities associated with mitigation for the valley elderberry longhorn beetle (VELB). The following summary statements are explained further in this memo:

- Whereas the project proponent was previously responsible for transplanting elderberry shrubs and the YHC was responsible for associated native riparian plantings, the responsibility of associated native plantings is now transferred to the project proponent.
- The valley foothill riparian fee is reduced to \$63,681 to account for this shift in responsibility.
- For project proponents transplanting elderberry shrubs from nonriparian habitat, a maintenance fee of \$18,281 is assessed.

Mitigation Responsibilities

To mitigate impacts on the valley elderberry longhorn beetle, the Yolo HCP/NCCP requires project proponents to transplant elderberry shrubs to a riparian restoration site. While the project proponent is responsible for elderberry shrub transplantation, the Yolo Habitat Conservancy has been responsible, to date, for site preparation and planting native riparian associates at the transplantation sites. Under the policy described herein, the responsibility of site preparation and planting native riparian associates will be transferred to the project proponent. **Table 1** summarizes the delegation of responsibilities associated with VELB mitigation and associated riparian restoration. **Attachment A, Guidance for Elderberry Transplants and Associated Riparian Plantings**, provides guidance for each of the tasks described in Table 1.

Table 1. Valley Elderberry Longhorn Beetle Mitigation Responsibilities

Task	Responsible Party
Identify riparian restoration site	YHC, with input from STAC
Evaluate elderberry shrubs affected to determine number of associated plantings needed	Project proponent
Prepare restoration plan	YHC

Prepare site	Project proponent
Transplant elderberry shrub(s)	Project proponent
Plant associated riparian species	Project proponent
Verify that planting is consistent with plan	YHC
Monitor and maintain site	YHC

Fees

Riparian Fee Reduction

The Yolo HCP/NCCP valley foothill riparian fee will heretofore be reduced to account for the YHC's transfer of the cost of planting elderberry shrub native associates to the project proponent. The revised valley foothill riparian fee is \$63,681. **Attachment 2, Revised Valley Foothill Riparian Wetland Fee**, provides the calculations for this revision.

Transplant Maintenance Fee for Shrubs in Nonriparian Habitat

The cost of maintaining transplanted elderberry shrubs was previously included in the valley foothill riparian fee, but there have been project proponents who impact isolated elderberry shrubs that do not occur in riparian habitat, therefore the project proponents did not pay the valley foothill riparian fee to cover this cost. As such, the YHC will assess a fee of \$18,281 per nonriparian elderberry shrub transplanted, to provide for five years of monitoring and maintenance of the shrub. **Attachment 3, Elderberry Transplant Site Maintenance Fee**, provides the calculations for this fee.



Attachment A: Guidance for Elderberry Transplants and Associated Riparian Plantings

Purpose

The purpose of this document is to provide guidance to project proponents under the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (Yolo HCP/NCCP) for elderberry shrub (*Sambucus mexicana*) transplanting and associated plantings, and guidance for Yolo Habitat Conservancy (YHC) staff in overseeing and documenting this process. The goals of this guidance are to help ensure mitigation success and to demonstrate compliance with the Yolo HCP/NCCP, consistent with *AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle*, and valley foothill riparian restoration requirements.

Some measures described in this document may be subject to variation as needed, upon YHC approval. If the variation deviates from *AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle* in the Yolo HCP/NCCP, the YHC will need approval from USFWS and CDFW before they can approve the project proponent's variation.

Evaluate Affected Shrubs and Number of Associated Plantings Needed (Project Proponent)

The Yolo HCP/NCCP requires mature elderberry shrubs that cannot be avoided during implementation of a permitted activity be transplanted to an appropriate offsite location. For each transplanted shrub, 5 elderberry seedlings and 5 associated native riparian seedlings must also be planted. The associated plantings are intended to serve as dispersal habitat for valley elderberry longhorn beetles (*Desmocerus californicus dimorphus*) (VELB) that are brought to the site as larvae in transplanted shrubs. The elderberry shrubs and associated plantings also fulfil Yolo HCP/NCCP requirements for valley foothill riparian natural community restoration.

The project proponent will be responsible for evaluating affected elderberry shrubs and determining the number of elderberry seedlings and associated native plant seedlings necessary to meet the mitigation requirement, as shown on Table 1. The project proponent will be responsible for submitting this table to YHC for the purpose of choosing an appropriate restoration site and developing a restoration plan.

Table 1. Valley Elderberry Longhorn Beetle Habitat Planting Ratios

Location of Affected Plants	Stems (maximum diameter at ground level)	Exit Holes on Shrub (Yes/No) ^a	Elderberry Seedling Ratio ^b	Associated Native Plant Ratio ^c
Non-riparian	Greater than or equal to one inch, less than three inches	No	1:1	1:1
		Yes	2:1	2:1
	From three to five inches	No	2:1	1:1
		Yes	4:1	2:1
	Greater than or equal to five inches	No	3:1	1:1
		Yes	6:1	2:1
Riparian	Greater than or equal to one inch, less than three inches	No	2:1	1:1
		Yes	4:1	2:1
	From three to five inches	No	3:1	1:1
		Yes	6:1	2:1
	Greater than or equal to five inches	No	4:1	1:1
		Yes	8:1	2:1

Notes:

- a. Presence or absence of exit holes indicating presence of valley elderberry longhorn beetle. All stems measuring one inch or greater in diameter at ground level on a single shrub are considered occupied when exit holes are present *anywhere* on the shrub.
- b. Ratios in this column correspond to the number of cuttings or seedlings to be planted per elderberry stem (one inch or greater in diameter at ground level) affected by a covered activity.
- c. Ratios in this column correspond to the number of associated native species to be planted per elderberry seedling or cutting planted.

Identify VELB Mitigation Site (YHC and STAC)

The YHC will be responsible for identifying a site to receive the transplanted shrub(s) and associated plantings. The YHC will coordinate with the Science and Technical Advisory Committee (STAC) to identify an appropriate site that meets the Yolo HCP/NCCP conservation requirements, including the biological goals and objectives for VELB and the valley foothill riparian natural community.

The YHC will choose a site of appropriate size to accommodate the plantings, based on information provided by the project proponent regarding number of plantings needed. Each transplanted shrub needs an 1,800 square foot area (or 'unit') where it will be relocated within the Yolo HCP/NCCP reserve system, with associated plantings. For each acre of reserve land, up to 22 transplants and 220 associated seedlings can be planted. Larger shrubs may require multiple 1,800 square foot units as mitigation because the quantity is based on the number and diameter of stems on the transplant shrub, as well as whether VELB exit holes are present (Table 1).

Prepare Restoration Plan Preparation (YHC)

For each restoration site, the YHC will prepare a restoration plan consistent with Yolo HCP/NCCP requirements prior to the acceptance of any elderberry transplants. This restoration plan may accommodate multiple elderberry transplant projects. The restoration plan should be provided to project proponents to inform them on the methods and standards they will need to comply with during the elderberry transplant and associated planting process. This restoration plan should be consistent with the Yolo HCP/NCCP Section 6.4.2.3.2, *Restoration Plans*, Section 6.4.2.4, *Valley Foothill Riparian Natural Community*, and Section 6.4.2.4.1, *Valley Elderberry Longhorn Beetle*. It should also include the following information:

- Location and access route to the reserve lands
- Elderberry transplant locations within the reserve lands, including approximate spacing for seedlings
- Water source and irrigation method (ie, truck watering or drip irrigation)
- Visual details showing transplant and seedling installation information for use by the transplant contractor

Prepare Site, Transplant Elderberries, and Plant Associated Plantings (Project Proponent)

Mature elderberry plants that have been identified for relocation (plants with one or more stem measuring 1 inch or greater in diameter at ground level) should be moved according to the following guidance.

- The project proponent shall use a contractor that has previous experience in relocating mature elderberry plants.
- Transplantation should only take place during the plant's dormant period, which is approximately November through the first two weeks of February.
- Prior to arrival of the transplant shrub, the mitigation site will be prepared by clearing any existing vegetation from the surface and preparing the site for planting, including and necessary recontouring and soil preparation. A hole will be excavated large enough to receive the transplant. If the soil at the transplant site is not moist, it should be pre-irrigated one or two days before the transplant is to arrive. Additionally, any irrigation system (if present) improvements that are needed to service the transplant and associated plantings need to be installed and functioning prior to transplant arrival.
- The transplant shrub should be cut back 3 to 6 feet from the ground or to 50% of its height (whichever is taller) by removing branches and stems above this height. The trunk and all stems measuring 1 inch or greater in diameter at ground level should be replanted. Once the shrub has been cut back, it should be excavated using heavy equipment such as an excavator

or backhoe to keep as much of the root ball intact as possible. The root ball should be wrapped in burlap and secured. If the root ball and surrounding soil are not moist, the burlap should be dampened prior to transport to the reserve lands.

- Elderberry seedlings and associated native riparian plants should be inspected prior to installation at the reserve lands. The plants should be healthy and vigorous and free of defects and disease. The plants should be well rooted in their container, with a minimum container size of at least one gallon. Any plants not meeting these criteria should be rejected.
- Plantings should be installed in a hole that is twice the diameter of the container diameter and the top of the planting should sit approximately 2" above the surrounding ground to accommodate settling after installation. Figure 1 provides guidance on container plant installation.
- Once installed, a three-foot diameter water basing will be installed around the transplant and each associated planting and irrigated. Any branches that were pruned from the transplant prior to relocation should be placed around the transplant in the event they contain VELB larvae.

In order to document that the elderberry mitigation process was done correctly, the applicant should collect and record the following information for each mitigation project:

- Date transplant occurred and that the transplant arrived to the site with the root ball intact and wrapped in burlap and that the root ball was moist.
- Transplant site at the reserve lands was cleared of existing vegetation and that a adequately sized hole was excavated and that soil moisture was present
- Elderberry and associated native seedlings were healthy and free of obvious defects and disease and were planted appropriately
- Irrigation system was in place and operable at the time of transplant and seedling installation and that an irrigation event occurred immediately after planting operations were complete

The YHC will visit the site after the plantings are complete and verify that they have occurred consistent with the restoration plan prior to deeming the transplant and planting process complete. The YHC will include all transplant documentation in annual reports to the wildlife agencies.

Maintain, Monitor, and Adaptively Manage Site until Restoration Success Criteria are Met (YHC)

Maintenance

Maintenance of the VELB mitigation sites will focus on supporting the long-term viability and growth, survival, and natural regeneration of the elderberry shrubs and associated native plantings.

More intensive monitoring and adaptive management will occur during the first 3 years after planting, or longer if remedial measures are necessary to ensure the plantings are established.

Invasive plants must be removed at least once a year. Mechanical means such as mowing, line trimming or hand removal should be used; herbicides are prohibited. Livestock grazing may also be utilized but the elderberry plants and native associates must be adequately protected from browsing by livestock.

Measures must be taken to ensure that no pesticides, herbicides, fertilizers, or other chemical agents enter the reserve lands. No spraying of these agents must be done within one 100 feet of the reserve lands boundary, or if they have the potential to drift, flow, or be washed into the area in the opinion of a qualified biologist.

All transplants and seedlings should be irrigated for a minimum of 3 years post-installation. The irrigation season is typically between April and November but could extend beyond this range depending on climatic conditions. Irrigation methods can consist of hand watering or via drip system. Overhead spray systems should be avoided because such systems can encourage non-native plant growth. Irrigation events should occur at least once per week.

Monitoring and Adaptive Management

A qualitative assessment of the riparian habitat will take place every year for the first 3 years after planting, or until success criteria stipulated in the restoration plan are met, and should provide enough detail to demonstrate that the plantings are developing on a self-sustaining trajectory and developing into diverse riparian habitat found within Yolo County and representative of the broader goals of the Yolo HCP/NCCP. Information collected during each monitoring site visit will consist of the following:

- General health and diversity of the habitat, including the dominant species present.
- Evidence of natural recruitment of native plants.
- Visual estimate of cover of potential or observed noxious weeds (defined as such by the California Invasive Plant Council (Cal-IPC, cal-ipc.org), California Department of Food and Agriculture list of noxious weeds that are subject to regulation or quarantine by county agriculture departments, the California Department of Food and Agriculture's Integrated Pest Control Branch, and the University of California State Integrated Pest Management Program list of "Exotic and invasive pests and diseases that threaten California's agricultural, urban, or natural areas").
- Evidence of natural geomorphic processes, such as erosion or sediment accretion, where appropriate

During each assessment of the habitat, photographs should be taken from permanent photo points identified during the plant establishment phase.

Adaptive management is the process of adjusting management actions at a restoration site based on what is learned from observation and conclusions from collected data. The management and

maintenance strategy should be adjusted as needed to meet the success criteria stipulated in the restoration plan.

Conduct Long-term Monitoring and Management (YHC)

Once the restoration site has met the criteria defined in the restoration plan, the YHC should continue to monitor and adaptively manage the site in accordance with a long-term management plan developed by the YHC consistent with the Yolo HCP/NCCP Section 6.4.3.3, *Management Plans* and Section 6.4.3.5.3, *Valley Foothill Riparian Natural Community*.



MEMORANDUM

To: Alexander Tengolics
From: Robert Spencer
CC: Petrea Marchand (Consero Solution), Sally Nielsen (Hausrath Economics Group)
Date: March 24, 2021
Subject: Revised Valley Foothill Riparian Wetland Fee

The purpose of this memorandum is to update the wetland fee based on changes to mitigation responsibilities for projects that impact valley foothill riparian habitat.

To mitigate impacts on the valley elderberry longhorn beetle, the Yolo HCP/NCCP requires project proponents to transplant to a riparian restoration site elderberry shrub that cannot be avoided directly within a project footprint and within a 100-foot buffer distance.¹ Elderberry shrub occurs in the valley foothill riparian habitat and not in the other two habitats subject to the wetland fee (fresh emergent wetland and lacustrine & riverine habitats).²

While the project proponent is responsible for elderberry shrub transplantation, the current wetland fee funds the following three additional costs:

1. Identifying and development plans and specifications for restoration sites
2. Planting specific amounts of elderberry shrub native associates
3. Five years of post-construction irrigation, maintenance, and monitoring.

The Yolo Habitat Conservancy is transferring the second cost component, responsibility for native associates planting, to project proponents, thereby removing this cost from the wetland fee. The Conservancy will remain responsible for the two other cost components.

The revised valley foothill riparian wetland fee is shown in Table 1. The table shows the original restoration costs from the 2018 Yolo HCP/NCCP funding model used to calculate the initial fee. Cost reductions are shown for native associates planting including associated environmental compliance costs, all in 2017 dollars. The recalculated fee is then increased for the annual inflation adjustments that the Conservancy has adopted from 2019 through 2021. As shown in Table 1, The updated valley foothill riparian wetland fee is \$63,681, a 26 percent reduction from the current fee.

¹ See Yolo Final HCP/NCCP, April 2018, Section 4.3.4, AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle.

² Elderberry shrubs may occur in non-wetland habitats as well and therefore require transplant by project proponents. The Conservancy is adopting a separate “elderberry transplant site maintenance fee” to cover costs associated with the maintenance and monitoring of these transplant sites.

Table 1: Revised Valley Foothill Riparian Restoration Fee

			Source
Valley Foothill Riparian Restoration Costs (\$2017)		\$48,246,605	2018 HCP/NCCP Funding Model
Costs Reductions (\$2017)			
Restoration	\$12,155,607		Updated HCP/NCCP Cost Model
Environmental Compliance	233,387		Updated HCP/NCCP Cost Model
Subtotal		<u>12,388,994</u>	
Revised Restoration Costs		\$35,857,611	
Land Conversion During Permit Term (acres)		<u>608</u>	2018 HCP/NCCP Funding Model
Revised Valley Foothill Riparian Wetland Fee (\$2017)		\$ 58,976	
Inflation Adjustment			
Initial Fee (2018)	\$ 79,353		2018 HCP/NCCP Funding Model
Current Fee (2021)	<u>85,683</u>		Yolo Habitat Conservancy
Inflation (2018-2021)		<u>7.98%</u>	
Revised Valley Foothill Riparian Wetland Fee (\$2021)		\$ 63,681	
Reduction from Current Fee		25.68%	

Sources: *Yolo HCP/NCCP*, Appendix H (Cost Estimates and Assumptions), Table 10, and Appendix I (Funding Plan), Table 7, 2018; Hausrath Economics Group (updated restoration costs); Yolo Habitat Conservancy.



MEMORANDUM

Date: March 23, 2021

To: Alex Tengolics, Yolo Habitat Conservancy

cc: Petrea Marchand, Consero Solutions and Bob Spencer, Urban Economics

From: Sally Nielsen

Subject: **Elderberry Transplant Site Maintenance Fee**

The Yolo HCP/NCCP requires project applicants to transplant to a riparian restoration site elderberry shrubs that cannot be avoided directly within a project footprint and within a 100-foot buffer distance (Yolo Final HCP/NCCP, April 2018, Section 4.3.4, AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle). The cost for maintaining these transplant and restoration sites has been included in the Wetland Fee for impacts to valley foothill riparian habitat.

There have been cases of project applicants discovering elderberry shrubs on non-wetland land cover types, and these shrubs also require transplantation. Impacts on these land cover types are only subject to the Land Cover Fee, however. This fee does not cover the cost of the post-transplant maintenance and monitoring at transplant sites. The 2018 Yolo HCP/NCCP Cost Model provides cost factors that can be used to assess a new *Elderberry Transplant Site Maintenance Fee*. The table on the next page presents the estimate of this new fee.

The cost model has a cost factor for post-restoration site maintenance and monitoring for valley foothill riparian restoration: \$16,619 per restored acre. The cost model applies a 10 percent contingency factor to all restoration costs, so the total cost is \$18,281 per restored acre. The conservation strategy for elderberry shrub transplants specifies that “the restoration area will provide at least 1,800 square feet for each transplanted elderberry plant.”¹ At 1,800 square feet per transplant, a restored acre accommodates 24 transplant sites. Dividing the post-construction

¹ *Yolo HCP/NCCP*, April 2018, page 6-104.

restoration maintenance and monitoring cost per acre (\$18,281) by 24 transplant sites results in a cost of \$762 per transplant site.

Fee to cover the cost of maintenance and monitoring of elderberry transplants from non-riparian habitat (2021 dollars)

Post-construction restoration monitoring & maintenance costs¹		
Cost per restored acre	\$16,619	
Contingency at 10%	\$1,662	
Total cost per restored acre	\$18,281	A
Square feet per elderberry transplant at restoration site ²	1,800	
Transplant sites per acre [43,560 sq. ft. ÷ 1,800 sq. ft.]	24	B
Cost per elderberry transplant site	\$762	[A ÷ B]

Notes:

1. In addition to the inflation index, there are two adjustments to the restoration cost factors in the 2018 Cost Model. First, the cost for restoration construction activity is increased by 20% to account for prevailing wage rates in some occupations, Second, the years of post-construction monitoring and maintenance for valley foothill riparian restoration (and thus for these elderberry transplant sites) is reduced from 10 to five. This may occur as five monitoring events over a 10-year period.
2. *Yolo Final HCP/NCCP*, April 2018, Section 6.4.2.4.1 Valley Elderberry Longhorn Beetle, page 6-104

Source: Yolo Habitat Conservancy and Hausrath Economics Group.

Assessing a fee of this amount for every elderberry transplant from non-wetland land cover types would cover the cost of five years of post-transplant maintenance and monitoring on the restoration site that is not captured in the Land Cover Fee.

RESOLUTION NO. _____

Resolution of the Yolo Habitat Conservancy Board of Directors Reducing the Per Acre Valley Foothill Riparian Fee and Creating a Per Acre Maintenance Fee for Elderberry Bushes Transplanted from Non-Riparian Habitat

WHEREAS, projects that occur within 100 feet of a Valley Elderberry shrub must comply with AMM12, Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle; and

WHEREAS, to mitigate impacts on the valley elderberry longhorn beetle, the Yolo HCP/NCCP requires project proponents to transplant to a riparian restoration site elderberry shrub that cannot be avoided directly within a project footprint and within a 100-foot buffer distance; and

WHEREAS, to lessen the per acre fee for projects requiring and reduce the administrative burden related to coordinating roles and responsibilities for transplanting the elderberry bush, it is proposed that the project proponent also be responsible for the planting of native associates while the Yolo Habitat Conservancy remains responsible for identifying and developing plans and specifications for restoration sites and five years of post-construction irrigation, maintenance, and monitoring; and

WHEREAS, to ensure full cost recovery for the maintenance of transplanted elderberry bushes and native associates from non-riparian habitat, it is proposed to create a per acre maintenance fee for such transplanting.

NOW, THEREFORE, the Board of Directors of the YHC hereby resolves as follows:

1. The Board approves the revised roles and responsibilities associated with Valley Elderberry Longhorn Beetle mitigation.
2. The Board reduces the 2021 per acre valley foothill riparian fee to \$63,681.
3. The Board creates a per acre maintenance fee for elderberry bushes transplanted from non-riparian habitat in the amount of \$18,281 for 2021.
4. Fees adjusted or created by this resolution are subject to annual adjustment pursuant to existing policy.

PASSED AND ADOPTED by the Board of Directors of the Yolo Habitat Conservancy on September 20, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Will Arnold, Chair
Yolo Habitat Conservancy

Attest:
Julie Dachtler, Clerk of the Board

Approved As To Form:

By: _____
Julie Dachtler

By: 
Philip J. Pogledich, County Counsel
Counsel to the Yolo Habitat Conservancy



Yolo Habitat Conservancy

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

To: Gary Sandy, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Approve framework for the Yolo Habitat Conservancy Implementation Advisory Committee

Date: March 21, 2022

REQUESTED ACTION:

Approve framework for the Yolo Habitat Conservancy Implementation Advisory Committee

BACKGROUND:

The Yolo Habitat Conservancy Implementation Advisory Committee is intended to provide the public with a means of continued participation in Yolo HCP/NCCP-related matters during program implementation in recognition of the community interest during the formation of the Yolo HCP/NCCP. The group is charged with advising the Yolo Habitat Conservancy Board of Directors on the development and management of the reserve system of public and private lands consistent with the biological goals and objectives in Yolo HCP/NCCP Chapter 6, Conservation Strategy, Yolo Habitat Conservancy Board, Minute Order No. 20-36. The Conservancy Board approved a revised composition and recruitment process for the YHC Implementation Advisory Committee during the November 16, 2020 meeting. More information on the composition and recruitment process is included in Attachment B. The Implementation Advisory Committee is fully empaneled and held its first meeting on January 24, 2022.

Ahead of the January 24, 2022 meeting, Conservancy staff drafted a framework for future functions that the committee could fulfill to facilitate the Implementation Advisory Committee's role of advising the Conservancy Board of Directors on the development and management of the reserve system of public and private lands consistent with the biological goals and objectives (Attachment A). The framework was informed by a review of pertinent sections of the Yolo HCP/NCCP and other YHC documents related to the Implementation Advisory Committee (Yolo HCP/NCCP Chapter 7, Section 7.2.4.1), and a review of other groups with duties outlined in Yolo HCP/NCCP Chapter 7 to ensure the Advisory Committee would

not duplicate efforts of those other groups, including the YHC Science and Technical Advisory Committee and Yolo HCP/NCCP application for coverage review team.

The two primary duties will be to assist Conservancy staff and Board of Directors with review of Special Participating Entity (SPE) requests, similar to a Planning Commission's review prior to either a City Council or Board of Supervisors review of a project, if the take coverage requested exceeds 0.25% of the maximum allowable loss of permanent or temporary acreages of natural communities and to assist with implementation of the voluntary stewardship-driven conservation efforts outlined in the Yolo Regional Conservation Investment Strategy/Local Conservation Plan (Yolo RCIS/LCP).

ATTACHMENTS:

- Attachment A. Proposed YHC Implementation Advisory Committee Framework
- Attachment B. November 16, 2020 Staff Report





Yolo Habitat Conservancy

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

Yolo Habitat Conservancy Implementation Advisory Committee Framework

Purpose/Role

In recognition of the need to have broad community participation during preparation of the Yolo HCP/NCCP, the Conservancy Board of Directors formed an Advisory Committee, with membership that is representative of the varied interests in Yolo County, including environmental interests, landowners, agricultural interests, member agency representatives, and the community at large. The Conservancy anticipated that these stakeholders may be interested in continuing to participate and provide input regarding HCP/NCCP implementation. As a result, the Yolo HCP/NCP included an Implementation Advisory Committee to ensure continuity between development of the Yolo HCP/NCCP and implementation of the Yolo HCP/NCCP. The Advisory Committee will continue to consist of a range of individuals and entities with an interest in HCP/NCCP-related matters. Members of the Committee may include, but will not be limited to:

- Land developers and others who are seeking use of the permits under the Yolo HCP/NCCP
- Conservation interests
- Agricultural interests
- Landowner representatives, and
- Other stakeholders whose assistance will further the success of HCP/NCCP implementation.

The Conservancy will convene the Advisory Committee at least twice a year. All Advisory Committee meetings will be public meetings.

Duties

The Yolo Habitat Conservancy Implementation Advisory Committee advises the Yolo Habitat Conservancy Board of Directors on the development and management of the reserve system of public and private lands consistent with the biological goals and objectives in Yolo HCP/NCCP Chapter 6, Conservation Strategy. Yolo Habitat Conservancy Board, Minute Order No. 20-36.

To accomplish the duties outlined in Yolo Habitat Conservancy Board, Minute Order No. 20-36, the Yolo Habitat Conservancy Implementation Advisory Committee will perform the following functions:

- Assist Conservancy staff with review of Special Participating Entities (SPEs) requests. SPEs are agencies or individuals that conduct projects that qualify as covered activities within the Yolo HCP/NCCP Plan Area that are not subject to the jurisdiction of the member agencies but may affect listed species that are covered under the Yolo HCP/NCCP and require take authorization from USFWS and/or CDFW. Such organizations may include state agencies and utilities or individuals or entities with activities that may result in take but do not require a discretionary permit from a member agency. Entities that fit this criterion may request coverage through the Yolo HCP/NCCP. The Implementation Advisory Committee will review the request if the take coverage requested exceeds 0.25% of the maximum allowable loss of permanent or temporary acreages of natural communities listed in Table 5-1 and make a recommendation to the YHC Board of Directors whether or not to allow the project to receive coverage as an SPE. The Implementation Advisory Committee will not review projects that request any of the following natural communities because there is no allowable permanent or temporary loss for those natural communities in Table 5-1: *Serpentine, Chamise Chaparral, Mixed Chaparral, Oak and Foothill Pine, Close-Cone Pine-Cypress, Montane Hardwood, Valley Oak Woodland, Vernal pool complex.*

Table 5-1. Maximum Allowable Loss, Natural Communities

Natural Community	Existing Acreage	Maximum Allowable Loss (Permanent Impact)	Maximum Allowable Loss (Temporary Impact)	Acreage thresholds for Committee Review – 0.25% of existing permanent and temporary acreages
Rice	35,724	87	0	- P: 0.22 - T: NA
Cultivated Lands (non-rice)	214,939	9,910	203	- P: 24.78 - T: 0.51
Grassland	80,911	1,734	28	- P: 4.34 - T: 0.07
Blue Oak Woodland	35,891	3	0	- P: 0.008 - T: NA
Alkali Prairie	312	4	0	- P: 0.01 - T: NA
Fresh Emergent Wetland	26,309	88	0	- P: 0.22 - T: NA
Valley Foothill Riparian	12,565	588	0	- P: 1.47 - T: NA
Lacustrine and Riverine	13,493	236	31	- P: 0.59 - T: 0.08

- Assist Conservancy staff, landowners, land trusts, nonprofit organizations, and municipalities with implementation of the voluntary stewardship-driven conservation efforts that support the protection and enhancement of focal species habitat across a



variety of natural communities and compatible agricultural lands, assist in obtaining grants for these efforts, and promote the protection of wildlife corridors outlined in the Yolo Regional Conservation Investment Strategy/Local Conservation Plan (Yolo RCIS/LCP)

Makeup of membership

9 voting members total

- One representative from each member agency jurisdiction (County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland).
- One representative from the Yocha Dehe Wintun Nation.
- Three representatives from agricultural and wildlife conservation organizations.

6 non-voting members total

- One representative from each member agency jurisdiction planning staff (County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland).
- One representative from the University of California, Davis

The six members of the advisory body representing the Yocha Dehe Wintun Nation and the five memberagency jurisdictions may be filled directly without subsequent action by the YHC Board of Directors.





Yolo Habitat Conservancy

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

To: Don Saylor, Chair
Members of the Board

From: Charlie Tschudin
Associate Planner

Re: Approve revised Advisory Committee composition

Date: November 16, 2020

REQUESTED ACTIONS:

1. Approve revised Advisory Committee composition and recruiting process

BACKGROUND:

At the September 2020 Board of Directors meeting, staff recommended that the Board reduce the total number of Implementation Advisory Committee members from 17 to 15, without making any changes to the Advisory Committee role or recruitment process. The purpose of this staff report is to provide clarity on the exact composition of the 15-member committee and incorporate feedback received at the September meeting related to the members' recruitment process, voting status, and term length. The Committee's focus is only to advise the Conservancy on development and management of the reserve system of properties and that charge will not change.

Staff recommends that the Board of Directors approve all appointments to the advisory committee with the exception of seats allocated to the member agencies and the Yocha Dehe Wintun Nation. The six members of the advisory body representing the Yocha Dehe Wintun Nation and the five member-agency jurisdictions may be filled directly without subsequent ratification or other action by the Board of Directors. Each of the five municipal jurisdictions must comply with requirements of the Maddy Act (Government Code section 54974) for unscheduled vacancies by posting a vacancy notice in the office of its clerk prior to any appointment. Likewise, the Conservancy must similarly comply with Maddy Act requirements for unscheduled vacancies of all other seats.

Below is a table summarizing the proposed recruitment process and voting status for the revised composition of the Advisory Committee:

Composition	Recruitment Process	Voting Status
One representative from each member agency jurisdiction (County of Yolo, City of Davis, City of West Sacramento, City of Winters, and City of Woodland)	Each of the five member-agency jurisdictions shall directly appoint representatives in compliance with the Maddy Act (Government Code section 54974)	Yes
One representative from the Yocha Dehe Wintun Nation	The Yocha Dehe Wintun Nation shall directly appoint a representative. As a sovereign tribal nation, the Maddy Act does not apply.	Yes
Three representatives from agricultural and wildlife conservation organizations	The Conservancy will comply with Maddy Act to recruit representatives from the appropriate organizations with a recommendation from the YHC Executive Director for approval by the Board of Directors.	Yes
One non-voting staff liaison from each of the member agency jurisdictions and one from the University of California, Davis	These non-voting participants are staff from the planning and sustainability departments. There is no need to comply with the Maddy Act for these liaison roles.	No
		Voting: 9 Non-voting: 6

The proposed term length for each of the 15-member advisory body is unchanged, members will serve for two—year terms with opportunities for renewal or replacement. The Conservancy will stagger the terms to ensure all terms do not expire in the same year. For the initial Implementation Advisory Committee composition, 8 members will serve for one year and 7 for two years. After the first year, the Conservancy will make all appointments for two-year terms.





Yolo Habitat Conservancy

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

To: Gary Sandy, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Approve amendment to Special Participating Entities policy

Date: May 16, 2022

REQUESTED ACTION:

Approve amendment to Special Participating Entities policy (Attachment A)

BACKGROUND:

Special Participating Entities (SPEs) include entities that, among other things, are not subject to the jurisdiction of the Yolo HCP/NCCP Permittees. SPEs may conduct or initiate projects or continue ongoing activities within the Permit area that may affect listed species and require take authorization from U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. SPE applications are brought to the Board of Directors for approval prior to receiving take authorization for their projects to ensure the availability of take coverage and that approving the take authorization would not preclude member agency projects from receiving coverage through the Yolo HCP/NCCP in the future.

The proposed amendment to the Special Participating Entity policy is included as Attachment A. The policy amendment distinguishes between local SPEs that have projects anticipated in the Yolo HCP/NCCP Chapter 5, Effects Analysis, and those non-local entity SPEs that were not contemplated in the effect analysis but could receive coverage if the Conservancy determines the project meets the criteria for coverage. It is YHC's policy to seek Board approval for all projects seeking SPE authorization. For those SPE projects specifically anticipated in the Yolo HCP/NCCP (i.e., levee improvements by Yolo County Flood Control and Water Conservation District and reclamation district operations and maintenance activities, as indicated in the HCP/NCCP Table 3-2; and conservation strategy implementation as described in the HCP Section 3.5.4), Board approval is required, but staff recommends such projects not be subject to the cost recovery charge.

The Conservancy has been approached by local entity SPEs and learned that the cost-burden of mitigation fees and the contribution to recovery charges are too costly for local entities to use the Yolo

HCP/NCCP as the vehicle for take authorization. By removing the cost recovery charges for SPEs with acreages contemplated in the effects analysis, the project requests would only need to pay any mitigation fees associated with the project, which will contribute to the YHC reserve system establishment, and allow for the projects to receive streamlined permitting in-line with the spirit of the Yolo HCP/NCCP.

Staff recommend that the Board of Directors approve the amendment to the Special Participating Entities policy so that a framework for evaluating SPE authorization requests can be formalized and to reduce the financial burden on local SPEs who provide a public service to the communities across the Plan area so those SPEs can utilize the streamlined permitting offered by the Yolo HCP/NCCP.

ATTACHMENTS:

Attachment A. Special Participating Entity Policy Amendment



Implementation Policy of the Yolo Habitat Conservancy Regarding Supplemental Charges related to Special Participating Entities Seeking Take Authorization

Updated May 16, 2022

The Yolo Habitat Conservancy (Conservancy) will require a Special Participating Entity (SPE) to pay a supplemental charge that is not included in the land cover or wetland fees to aid the Conservancy in covering costs associated with the implementation of the HCP/NCCP. For those SPE activities specifically anticipated in the Yolo HCP/NCCP (i.e., local public agencies and district operation activities and maintenance, as indicated in Yolo HCP/NCCP Table 3-2) shall not be subject to the supplemental charge. In addition, the Conservancy will charge the SPE for all staff time associated with processing the SPE application and will require a deposit prior to starting work on the SPE application. The Conservancy may use the revenue from the supplemental charges for any purpose, including the following:

Additional Conservation Actions: Under the California Natural Community Conservation Planning Act a Natural Community Conservation Plan (NCCP) provides a method for conserving species on a large geographic scale and must contribute to recovery of covered species. The Yolo HCP/NCCP requires the Conservancy to assemble a reserve system that not only mitigates impacts to covered activities (mitigation) but also provides for the conservation of the 12 species covered by the Yolo HCP/NCCP (conservation). The land cover and wetland mitigation fees are used to pay for the mitigation component, whereas the Conservancy uses other sources, such as public funds and supplemental fees from SPES, to pay for the conservation component.

Plan Preparation: The cost to prepare the Yolo HCP/NCCP, which provides a countywide framework to protect natural resources in Yolo County and improve and streamline the environmental permitting process for endangered species impacts, was over \$10 million dollars between 2002 and 2018. This cost was covered mainly by grants secured by the Yolo Habitat Conservancy, as well as General Fund contributions from the member agencies. SPEs did not contribute to the plan preparation cost.

Guidelines for Calculating the Contribution to Recovery

1. For projects with cumulative permanent land cover fees, temporary effect fees and wetland fees less than or equal to \$1,000 the Conservancy will require a minimum contribution to recovery charge of \$1,000.
2. For projects with cumulative permanent land cover fees, temporary effect fees and wetland fees greater than \$1,000 and less than or equal to \$10,000, the Conservancy will require a supplemental charge equal to the land cover and/or wetland fee total (100%).

3. For projects with cumulative permanent land cover fees, temporary effect fees and wetland fees greater than \$10,000 the SPE will pay a supplemental charge equal to the first \$10,000 (100%) plus one half of the remaining land cover and/or wetland fee total (50%).

Example: if the permanent land cover fee or temporary effects is \$20,000, the applicant would be required to pay a total of \$15,000 for the SPE supplemental charge. This is calculated based on charging \$10,000 on the first \$10,000 (100%) and \$5,000 on the remaining \$10,000 (50%).

4. For projects with cumulative land cover and wetland fees greater than \$50,000 which are paying *permanent* land cover and/or wetland fees for *temporary* effects, the Conservancy will require a supplemental charge that is equal to the land cover and/or wetland fee up to \$10,000, plus one half of the remaining mitigation fee up to \$50,000, and an additional 10% charge on the remaining balance of the land cover and/or wetland fee for temporary effects.

Example: If the applicant's permanent land cover and/or wetland fee for temporary effects is \$80,000, the applicant would be required to pay a total of \$33,000 for the contribution to recovery charge. This is calculated based on charging \$10,000 on the first \$10,000 (100%), \$20,000 on the remainder up to \$50,000 (50% of \$40,000), and \$3,000 for the remaining \$30,000 (10%).

5. For projects that impose unique or challenging mitigation measures on the Conservancy, staff will recommend adjusting the supplemental charge to address the increased costs of fulfilling mitigation and species recovery obligations. Staff will recommend all supplemental charge adjustments to the Conservancy Board for approval.

Example: Additional supplemental charges may be required for projects with impacts to giant garter snakes, Swainson's hawk nest trees, or other species with unique mitigation requirements in the HCP/NCCP. Such actions may be more costly than standard habitat conservation and restoration measures.



Yolo Habitat Conservancy

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

To: Gary Sandy, Chair
Members of the Board

From: Alexander Tengolics
Executive Director

Re: Authorize Executive Director to establish a second application fee for projects exempt from land cover fees but still subject to Avoidance and Minimization Measures (AMMs) and approve revisions to Yolo HCP/NCCP Small Urban Infill Project Guidance

Date: May 16, 2022

REQUESTED ACTION:

- A. Authorize Executive Director to establish an application fee of \$990.50 for projects exempt from land cover fees but still subject to Avoidance and Minimization Measures (AMMs); and
- B. Approve revisions to Yolo HCP/NCCP Small Urban Infill Project Guidance (Attachment A)

BACKGROUND:

The Yolo Habitat Conservancy Board previously adopted the 'Small Urban Infill Project Guidance', which provides guidance for projects that likely exempt from landcover mitigation fees but still subject to Avoidance and Minimization Measure (AMM) implementation due to the project overlapping with a natural resources or species-specific resource protection buffers. The guidance currently allows for those projects to request an exemption from the application fee because of economic hardship. The guidance does not provide criteria to evaluate a project's economic hardship request, Conservancy staff propose replacing the economic hardship exemption with a reduced application fee (\$990.50). Project proponents would submit a Screening Form to determine if a project is exempt from mitigation fees and it's exempt from fees but subject to avoidance and minimization measures, fill out a Preliminary Application for coverage and pay the reduced application fee to cover the cost of the project review and preparation of a Certificate of Approval or Compliance.

The proposed revisions also include minor changes to assist member agency staff and consultants with determining when urban-ruderal land cover triggers payment of Yolo HCP/NCCP fees. Permanent and

temporary impacts to urban ruderal lands providing covered species habitat trigger payment of Yolo HCP/NCCP mitigation fees.

ATTACHMENTS:

Attachment A. Small Urban Infill Project Guidance May 16, 2022





Yolo Habitat Conservancy

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

Yolo HCP/NCCP Small Urban Infill Project Guidance May 16, 2022

The Conservancy strives to minimize the administrative and financial burden on small infill projects within the limits of the Yolo HCP/NCCP permits. The following guidance applies to small infill projects. Applicants will also find this information in the Yolo HCP/NCCP Permitting Guide.

- Most small infill projects (two acres in size or less and surrounded by development) are located on “developed” land and therefore are exempt from fees. Table 2-1 of the Permitting Guide lists the land cover types exempt from fees: urban, urban-ruderal, vegetated corridor, and barren-anthropogenic. Applicants should fill out the Screening Form to determine if a small infill project is exempt from fees.
- Determining the difference between the urban-ruderal land cover type and the grassland land cover types can be difficult, so the Conservancy prepared the following guidance in the section below titled “Distinguishing Urban-Ruderal from Other Land Cover Types,” also included in the Permitting Guide under instructions for Box C, Item 5 of the Screening Form. A qualified biologist must verify all land cover mapping and determine if habitat value is present on any urban-ruderal land.
- Small infill projects exempt from fees may still need to implement AMMs. AMMs for these projects are required if the project overlaps with any resource protection buffers for sensitive natural communities or covered species habitat as specified in Table 2-3 of the Permitting Guide, unless a qualified biologist determines the project will not affect sensitive natural communities or covered species (see page 42 of Permitting Guide for instructions on filling out the Screening Form, Box C, Item 7).
- The most common AMM applicable to infill projects is AMM16 for Swainson’s hawk and white-tailed kite because these species sometimes nest in urban areas. AMM16 requires a qualified biologist to determine whether trees onsite and within the resource protection buffer (1,320 feet for Swainson’s hawk/white-tailed kite) are potential nest trees. To facilitate

RVSD: 2022.05.16

this process for small urban infill projects, the Conservancy has defined “potential nest tree” within an urban setting as native and non-native trees (e.g., cottonwood, valley oak, walnut, sycamore, eucalyptus, redwood, ornamental pine) that are at least 40 feet tall. If potential nest trees do not occur onsite or within the resource protection buffer, no further surveys are required. If potential nest trees do occur, then surveys are required to determine presence/absence of active nests. Upon request and on a case-by-case basis, the Conservancy is available to assess the presence/absence of active Swainson’s hawk/white-tailed kite nests on and around urban infill project sites.

- Small infill projects exempt from land cover fees but still subject to Avoidance and Minimization Measures (AMMs) qualify for the reduced application fee of \$990.50. Conservancy staff will determine whether a covered activity qualifies for the reduced application fee after review of the project materials.
- Discretionary projects that are exempt from fees and AMMs do not need to fill out the HCP/NCCP Application, just the Screening Form.
- Projects exempt from fees but for which AMMs are required will need to complete the HCP/NCCP Application, but only need to fill out Boxes A-C, F, G, and I of the HCP/NCCP Application.

RVSD: 2022.05.16

Identifying the Urban-Ruderal Land Cover Type

The intent of the urban-ruderal designation is to characterize sites that have already been disturbed and have no covered species habitat value, such as small infill areas within the urban core. The plant composition would be primarily invasive weed species, but sometimes it is difficult to distinguish these urban-ruderal lands (non-fee paying land cover type) from grasslands or fallow agricultural lands that have weedy components (fee paying land cover types).

A couple of things are important when characterizing a site as urban ruderal and distinguishing it from grassland or agricultural land. The qualified biologist should follow these guidelines when uncertain whether or not an area should be mapped as urban-ruderal.

1. Review the recent history of land use on the site. An idle agricultural field at the edge of an urban area – or a recent infill resulting from new surrounding development – can potentially meet the definition in Table 2-1 for urban-ruderal, but may be more accurately classified as agricultural land. Idle fields are typically comprised of a variety of non-native weed species, often very dense associations of invasive species. If the surrounding agricultural land was recently developed and a small infill or edge remains, one might regard this as an urban-ruderal land cover. But instead, it could be part of an idle agricultural field. In one or two seasons, an active agricultural field can convert to a weedy, idle field, which may meet the vegetation definition of an urban-ruderal site, but may be more appropriately considered agricultural land cover. So, reviewing the recent land use history of the site is important in making this distinction.
2. Carefully assess the vegetation composition and determine the dominant species. Of the three types under grassland natural community, only the California annual grassland alliance is potentially problematic (see definition in Table 2-1, and note the potential overlap with the urban-ruderal definition). To distinguish urban-ruderal from California annual grassland alliance, it is important for the qualified biologist to clearly identify the dominant species and their relative cover. The land cover definitions refer to the *dominant* plant associations. A grassland may, and usually does, include a variety of invasive species, such as yellow star-thistle. If the dominant plants are grasses and forbs, but the site has an herbaceous overstory of yellow-star thistle (which might be more obvious through casual observation), then by definition, the site is a grassland. Biologists can make this distinction through a simple visual survey of the site. There is no expectation that a complete vegetation survey will be conducted. The result could be a simple table that describes the dominant species or species alliance and their relative cover or just sufficient text to

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