

HCP Team Meeting

May 26, 2015



Agenda

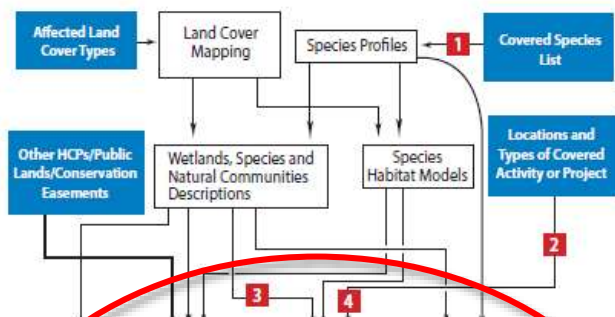
- ❑ Introductions and Overview

- ❑ Aquatic Resources Mitigation and Permitting

- ❑ Restoration and Conservation Actions
 - ❑ Prop 84 Restoration Grant Update
 - ❑ Other Conservation Actions

- ❑ Implementation Structure

1st Stage

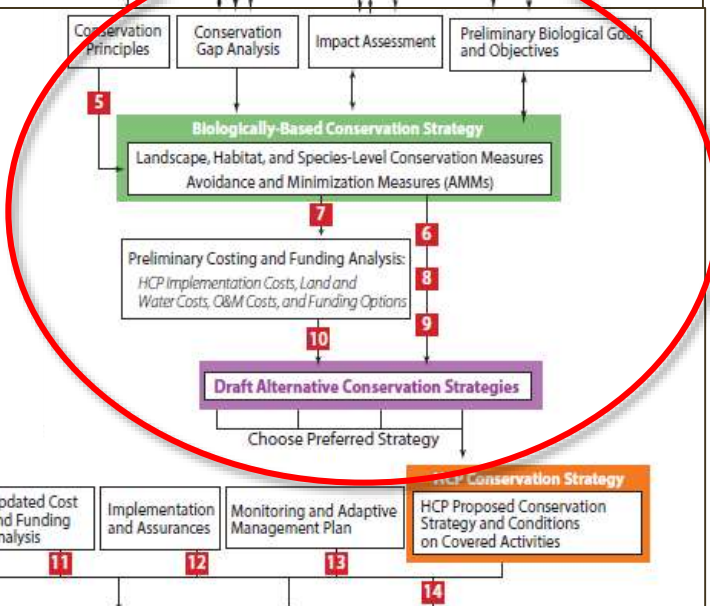


Upper SAR HCP Planning Process

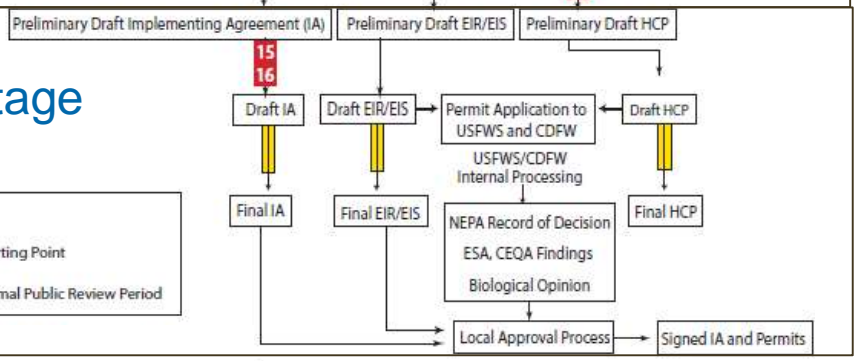
Where are we now?

- 1st Stage:
 - Planning the HCP, Key Issues, and Preparing the Data
- 2nd Stage: **You are here**
 - Preparing the HCP and Environmental Documents

2nd Stage



3rd Stage



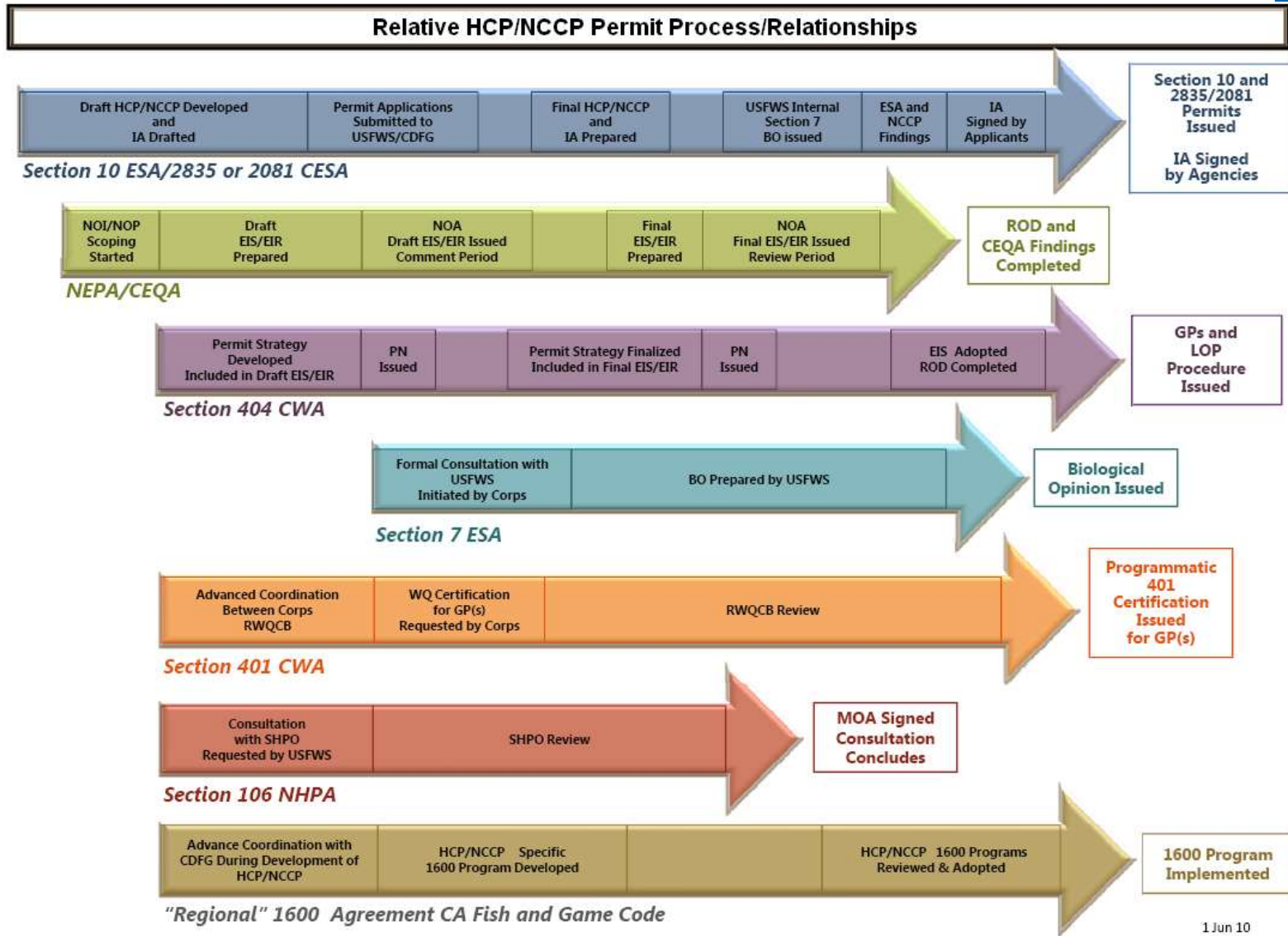
- 3rd Stage:
 - Application package and permits



Coordinated Programmatic Aquatic Resource Permitting



Parallel and Coordinated Regulatory Processes



1 Jun 10

Overview of Mitigation and Permitting Memo



- Aquatic Resources Permitting Requirement Options for 404, 401 and 1602 Permits
 - RGP: minimal impacts, O&M projects, small CIPs
 - Programmatic IP: more than minimal impacts, all other projects
 - Project timing, size, and partnerships determine best option
- Upper Santa Ana HCP Advanced Mitigation Mechanisms
 - Umbrella mitigation bank, Individual mit. bank, In lieu fee program
 - Umbrella mitigation bank is recommended approach
- Anticipated Rough Estimated Costs
 - Identification of new costs vs. HCP development/implementation costs

Permitting Options

Scale of Impact	Authorization/Permit Options (Programmatic Permit Options Italicized)
Impacts to Waters of the U.S. are <0.5 acre and <300 linear feet¹	<p>CDFW (1602):</p> <ul style="list-style-type: none"> • Standard Streambed Alteration Agreement • Routine Maintenance Agreement (Maintenance Projects) • Master Agreement (New Facilities) <p>USACE (404):</p> <ul style="list-style-type: none"> • Nationwide Permits² • Regional General Permit (RGP) <p>RWQCB (401):</p> <ul style="list-style-type: none"> • 401 Certification • 401 Programmatic Water Quality Certification
Impacts to Waters of the U.S. are >0.5 acre and >300 linear feet¹	<p>CDFW (1602):</p> <ul style="list-style-type: none"> • Standard Streambed Alteration Agreement • Routine Maintenance Agreement (Maintenance Projects) • Master Agreement (New Facilities) <p>USACE (404):</p> <ul style="list-style-type: none"> • Individual Permit (IP) • Programmatic Individual Permit with LOP procedures <p>RWQCB (401):</p> <ul style="list-style-type: none"> • 401 Certification • 401 Programmatic Water Quality Certification

Preliminary Exclusion of RGP

- Based on the small number of anticipated activities that have minimal effects on aquatic resources individually or cummulated, the RGP does not seem like good fit.

- Potential coverage for routine maintenance activities and pipeline installation. Others?

- Steps similar to developing a Programmatic IP (discussed next)
 - Complete Application
 - Public Notice
 - NEPA
 - » Public interest review
 - » Compliance with NHPA, ESA,
 - » Alternatives analysis – EPA 404(b)(1) to determine LEDPA
 - » Cumulative impacts analysis
 - » Presuming the Corps arrives at a Finding of No Significant
 - » Impact (FONSI), following conclusion of consultations
 - Corps then issues the RGP with Special Conditions
 - Also needs 401 Cert (including CEQA document), ESA compliance, etc...

Five Proposed Restoration Sites

- Initially developed to provide mitigation for species covered under HCP
 - Incidental Take Permits under Section 10 of Endangered Species Act

- Dual purpose to also provide mitigation for impacts to aquatic resources
 - Restoration will include both habitat and species benefits
 - Take advantage of on-going restoration studies and 30% design for regulatory permitting and mitigation approvals
 - To obtain credit for impacts to waters of the U.S. and State (habitat), an approved mechanism needs to be in place prior to implementation

Umbrella Mitigation Bank Phases

- Phase 1 – Program Development
 - Baseline Studies
 - Vegetation mapping and constraints analysis
 - Jurisdictional delineation and California Rapid Assessment Method
 - Umbrella Mitigation Bank Memorandum of Understanding
 - Umbrella Mitigation Bank Program Plan

- Phase 2 – Site Specific Approvals
 - Habitat Mitigation and Monitoring Plans (HMMPs) and Long-term Management Plans (similar to RMPs)
 - Banking and Enabling Instrument (BEIs)
 - Site-specific permitting (CEQA, NWP 27, 401 Cert, 1602)

Mitigation Plan Components

1. Objectives (Goals too!)
2. Site selection
3. Site protection instrument
4. Baseline information
5. Determination of credits
6. Mitigation work plan
7. Maintenance plan
8. Performance standards
9. Monitoring requirements
10. Long-term management plan
11. Adaptive management plan
12. Financial assurances

TABLE OF CONTENTS	
Section	Page No.
1.0 INTRODUCTION.....	ERROR! BOOKMARK NOT DEFINED.
1.1 Responsible Parties.....	Error! Bookmark not defined.
1.2 Compliance with U.S. Army Corps of Engineers Mitigation Plan Preparation Guidelines.....	Error! Bookmark not defined.
1.3 Regulatory Requirements.....	Error! Bookmark not defined.
2.0 SPECIFIC PLAN AREA PROJECT DESCRIPTION.....	ERROR! BOOKMARK NOT DEFINED.
2.1 Specific Plan.....	
2.2 Channel/Flood.....	
2.3 SR-78 Hydra.....	
2.4 Roadway and.....	
2.5 Project Phase.....	
3.0 MITIGATION PLAN.....	
3.1 Specific Plan.....	
4.0 CHARACTERISTICS.....	
4.1 Soil Series.....	
4.2 Existing Hydrology.....	
4.2.1 Baseline.....	
4.2.2 Baseline.....	
4.2.3 Baseline.....	
4.2.4 Baseline.....	
4.2.5 Baseline.....	
4.3 Existing Vegetation.....	
4.3.1 Jurisdiction.....	
4.3.2 Non-jurisdictional.....	
4.3.3 Non-jurisdictional.....	
4.4 Rare, Endemic, and Sensitive Species.....	
4.4.1 San Mateo County.....	
4.5 Wildlife.....	
4.5.1 San Mateo County.....	
5.0 JURISDICTIONAL.....	
5.1 Wetlands Delimitation.....	
5.2 Wetlands Delineation.....	
6.0 WETLANDS MITIGATION.....	
6.1 Impact Avoidance.....	
6.2 Proposed Wetland Mitigation.....	
6.3 Goal of Mitigation.....	
6.4 Proposed Mitigation.....	
6.4.1 Present and Proposed Mitigation Areas.....	Error! Bookmark not defined.
6.4.2 Water Quality.....	Error! Bookmark not defined.
6.4.3 DME Design Features.....	Error! Bookmark not defined.
7.0 EXISTING FUNCTIONS AND SERVICES.....	ERROR! BOOKMARK NOT DEFINED.
7.1 Target Functions and Services of Mitigation Areas.....	Error! Bookmark not defined.
7.1.1 Wetlands Establishment Areas.....	Error! Bookmark not defined.
7.1.2 Wetlands Enhancement Areas.....	Error! Bookmark not defined.
7.1.3 Wetlands Restoration/Rehabilitation Areas.....	Error! Bookmark not defined.
7.2 Target Hydrological Regime.....	Error! Bookmark not defined.
8.0 WETLANDS MITIGATION METHODS.....	ERROR! BOOKMARK NOT DEFINED.
8.1 Recommended Plant Palettes.....	Error! Bookmark not defined.
8.2 Site Preparation.....	Error! Bookmark not defined.
8.3 Temporary Irrigation.....	Error! Bookmark not defined.
9.0 TIME LAPSE.....	ERROR! BOOKMARK NOT DEFINED.
10.0 COST ESTIMATE.....	ERROR! BOOKMARK NOT DEFINED.
11.0 IMPLEMENTATION PLAN.....	ERROR! BOOKMARK NOT DEFINED.
11.1 Rationale for Expediting Implementation Process.....	Error! Bookmark not defined.
11.2 Preliminary Schedule.....	Error! Bookmark not defined.
11.3 Field Landscaping Mitigation Construction Plans.....	Error! Bookmark not defined.
11.4 As-Built Conditions.....	Error! Bookmark not defined.
12.0 MAINTENANCE DURING MONITORING PERIOD.....	ERROR! BOOKMARK NOT DEFINED.
12.1 Maintenance Activities.....	Error! Bookmark not defined.
12.2 General Habitat Maintenance Guidelines.....	Error! Bookmark not defined.
12.2.1 Irrigation.....	Error! Bookmark not defined.
12.2.2 Dead Plant Replacement.....	Error! Bookmark not defined.
12.2.3 Weed Control.....	Error! Bookmark not defined.
12.2.4 Clearing and Trash Removal.....	Error! Bookmark not defined.
12.2.5 Maintenance of Access Path.....	Error! Bookmark not defined.
12.3 Schedule of Maintenance/Monitoring Inspections.....	Error! Bookmark not defined.
13.0 SUCCESS CRITERIA.....	ERROR! BOOKMARK NOT DEFINED.
13.1 General Site Requirements.....	Error! Bookmark not defined.
13.1.1 Percent Survival and Cover.....	Error! Bookmark not defined.
13.1.2 Functional Assessment "CBAM" Success Criteria.....	Error! Bookmark not defined.
13.1.3 SWAMP/IBD/UMI Success Criteria.....	Error! Bookmark not defined.
13.1.4 Certification of Success.....	Error! Bookmark not defined.

Rough Estimate of Anticipated Costs for Aquatic Resource Mitigation and Permitting



Task	HCP Development Cost	HCP Implementation Cost	Programmatic Mitigation & Permitting Cost	Total
Phase I				
1: Project Management	\$30,000	\$20,000	\$20,000	\$70,000
Water Agency Meeting and Coordination	\$10,000		\$15,000	\$25,000
Agency Coordination/ Negotiation	\$10,000		\$22,000	\$32,000
2: Vegetation Mapping, Jurisdictional Delineation and CRAM Assessment		\$155,000		\$155,000
3: Umbrella Bank MOU			\$20,000	\$20,000
4: Umbrella Bank Plan			\$76,000	\$76,000
Phase II				
5: Site Specific HMMPs & LTMPs		\$175,000	\$75,000	\$250,000
6: BEI			\$70,000	\$70,000
7: Preparation of CEQA Documents		\$40,000		\$40,000
8: Permitting for Restoration Construction		\$250,000		\$250,000
Total Costs	\$50,000	\$640,000	\$298,000	\$988,000

Restoration Projects and Conservation Actions



Restoration and Conservation Actions

- Prop 84 Restoration Project Grant Application Update

- Other Conservation Actions
 - Other species and aquatic resources
 - E.g., SBKR
 - Sucker translocation

HCP Implementation Structure



HCP Implementation Structure

1. One Implementing Entity (preferred)

- Centralized coordination of covered activity implementation, conservation measures, tracking take, reporting
- Single entity holds permit
- Take conveyed to other permittees through Certificate of Inclusion or similar device

2. Multiple Implementing Entities (i.e., each water agency)

- More responsibility for each water agency
- More difficult to track and coordinate take and conservation
- Each water agency holds their own permit



HCP Implementation Structure (cont.)

- HCP Implementation
 - Umbrella to coordinate conservation and mitigation for HCP permittees AND non-permittees
 - Coordinated conservation actions to help improve baseline status for Santa Ana Sucker as soon as possible
 - Coordinated actions allow economy of scale cost savings and increased conservation success
 - Potential non-permittee partners
 - Orange County Water District
 - US Army Corps

