



Legislation Text

File #: 2022-0440, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Permit Sonoma
Staff Name and Phone Number: Richard Stabler, (707) 565-8352
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:

US Fish and Wildlife Service Section 6 Grant

Recommended Action:

- A) Adopt a resolution authorizing the Director of Permit Sonoma to execute an agreement accepting a \$755,000.00 subgrant from the California Department of Fish and Wildlife (CDFW) titled Non-Traditional Section 6 (FY 2021-22) Sonoma County Regional Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) (G2198086).
- B) Adopt a budget resolution that will allocate \$188,750.00 from the remaining \$250,503.75 of the original \$300,000 allocated for this project in the FY 2019-20 Budget Hearings, which will be used to meet the local cost share for this grant.

Executive Summary:

Staff recommends accepting the \$755,000 grant from the CDFW for a project titled, *Non-Traditional Section 6 (FY2021) Sonoma County Regional Habitat Conservation Plan/Natural Communities Conservation Plan*. The available grant will allow us to begin the first phases of HCP/NCCP, which would develop the scientific foundation for the plan, determine which species to include and who will participate, finally specify the plan boundaries (Santa Rosa Plains only, part of county, or county-wide). Overall the goal of the plan is to better achieve habitat conservation goals while streamlining environmental permitting. In 2019, the Board allocated Permit Sonoma \$300,000 to finance staff to begin work and to hire a consultant to assist in a preliminary study of the various HCP/NCCP options as well as to fund staff to pursue federal funding to prepare a plan. The preliminary study was completed and federal funding obtained. Therefore, this action also requests a budget adjustment to use the balance remaining from the initial FY2019-20 budget appropriation (of \$188,750 to be used as the 25% match requirements of the grant).

Discussion:

In February 2021, Permit Sonoma and the California Department of Fish and Wildlife (CDFW) applied for a federal financial assistance through the Section 6 Cooperative Endangered Species Conservation Fund (CESCF) to fund the first phases of the HCP/NCCP development process. This application was successful and on October 31, 2021, the U.S. Fish and Wildlife Service (USFWS) notified CDFW that it was awarded funding for the development of an HCP/NCCP for Sonoma County. The grant is titled the *Non-Traditional Section 6 (FY2021) Sonoma County Regional Habitat Conservation Plan* (Attachment 1). Subsequently, CDFW notified the County that it would award a subgrant to the County in the amount of \$755,000.00. The County's share of the project is \$188,750 (25%).

This grant award is for the initial planning and preparation of HCP/NCCP. Phase 1 will consist of initial establishment of Stakeholder Outreach and Science Advisory Program, for compiling and assessing baseline Information. Phase 2 will include developing an approach and assessing feasibility. In order to complete subsequent phases of the HCP/NCCP development process, Permit Sonoma will need to seek additional Section 6 Grants which are dependent on successfully completing the prior phases. Once USFWS and CDFW begins funding an HCP/NCCP process, funding for subsequent phases typically continues, dependent on the agencies obtaining necessary legislative budget appropriations.

Once developed and implemented, an HCP/NCCP provides a streamlined compliance pathway for projects that would otherwise be caught by the stringent, complicated, and time-consuming endangered species regulatory approval process. Basically, this is achieved by developing upfront mitigation and conservation standards that development projects can comply with, without time-intensive project by project review. Thus, the location and costs of mitigation and conservation are known early in the project development process providing economic predictability and regulatory efficiency. However, it is important to stress, the benefits of the HCP/NCCP process only apply within the boundaries of the plan, for the species covered by the plan, and for the permittees included in the plan. So, there will always be projects subject to individual review and compliance.

On June 25, 2019, the Board of Supervisors adopted a resolution to approve the 2019-2020 Budget that allocated \$300,000 to fund staff to begin work on developing an HCP/NCCP and to hire a consultant to assist in a preliminary study of the various HCP/NCCP options as well as to fund staff to pursue federal funding to prepare a plan. As of May 26, 2022, there is \$250,503.75 remaining from this allocation (County of Sonoma Adopted Budget Fiscal Year 2019-20, Budget Hearing Actions, p. 231, "Other Funds: approved funding to review CTS regulatory permitting and mitigation effort from Fed, state, regional, and local government to better achieve conservation goals while streamlining permitting").

On January 6, 2020, Permit Sonoma entered into a contract with ICF Jones and Stokes to conduct preliminary strategic planning for a potential HCP/NCCP in Sonoma County (*Sonoma County Habitat Conservation Plan: Preliminary Phase Strategic Planning* [Preliminary Report]). Specifically, the Preliminary Report provided an overview of the overall plan development process and costs and also discussed the four main determinations that need to be made during the first phase of plan development:

1. The geography covered by such a plan (Santa Rosa Plains Only, partial County, County-wide);
2. The potential governmental entities ("permittees") who could utilize the plan in their permitting activities (e.g., County, special districts, cities, etc.);
3. Which regulated activities would the plan be able to permit; and
4. Which species would the plan would include.

Although no final conclusions were made in the Preliminary Report, and all of these determinations will eventually be made as part of the actual public HCP/NCCP process, the Preliminary Report suggested that there may be advantages to pursuing a County-wide plan (excluding coastal zone and Bay salt marshes) with a list of covered species that is expanded beyond just the four federally listed species in the Santa Rosa Plains critical habitat area.

In summary, an HCP/NCCP will have the following benefits:

- A. Provide a comprehensive means for coordinating and standardizing the mitigation and compensation requirements of the Federal Endangered Species Act (FESA), Natural Communities Conservation Plan Act (NCCPA), California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other applicable laws and regulations related to covered species and associated natural communities in Sonoma County.
- B. Provide a scientifically sound and consistent basis for issuing permits and authorizations necessary for lawful incidental take of covered species that have been listed as threatened or endangered pursuant to the terms of the FESA and/or CESA.
- C. Reinforce the role of local government in overseeing local land use planning and decision-making by streamlining existing permit processes that affect covered species by replacing a project by project, species by species review with comprehensive mitigation and conservation approach.
- D. Encourage and support sustainable and conservation-based agricultural practices, recognizing that agriculture in Sonoma County plays an important role in both the local economy, the preservation of open space, and habitat for a variety of species.
- E. Provide clear expectations and regulatory predictability for land users and conservation efforts by identifying up-front relevant conservation requirements.
- F. And Finally, provide for effective, landscape scale, conservation of the species and natural communities covered by the plan.

Prior Board Actions:

June 14, 2019: Adopted Resolution 19-0698, that approved the fiscal year 2019-20 Budget. The FY 2019-2020 Permit Sonoma Budget included a \$300,000.00 (of which \$250,503.75 remains) for this project (County of Sonoma Adopted Budget Fiscal Year 2019-20, Budget Hearing Actions, p. 231, "Other Funds: approved funding to review CTS regulatory permitting and mitigation effort from Fed, state, regional, and local government to better achieve conservation goals while streamlining permitting").

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses		\$755,000	
Additional Appropriation Requested			
Total Expenditures		\$755,000	
Funding Sources			
General Fund/WA			
State/Federal		\$566,250	
Fees/Other			

Use of Fund Balance:		\$188, 750	
Contingencies			
Total Sources		\$755,000	

Narrative Explanation of Fiscal Impacts:

There are no expected fiscal impacts requiring additional funding. The total project cost is \$755,250 comprised of \$566,250 from a CDFW subgrant and the County's 25% match of \$188,750. This match is proposed to be allocated from the remaining funds (\$250,503.75) from the \$300,000 included in the FY 2019-2020 Permit Sonoma Budget (County of Sonoma Adopted Budget Fiscal Year 2019-20, Budget Hearing Actions, p. 231, "Other Funds: approved funding to review CTS regulatory permitting and mitigation effort from Fed, state, regional, and local government to better achieve conservation goals while streamlining permitting").

Narrative Explanation of Staffing Impacts (If Required):

None. Existing staff will manage the grant with no negative impact.

Attachments:

Att 1 Draft Board of Supervisors Resolution
Att 2 Preliminary HCP Tech Report
Att 3 Match Commitment Letter
Att 4 Final Project Narrative for CDFW Subaward
Att 5 Budget Adjustment Resolution

Related Items "On File" with the Clerk of the Board:

N/A