Chapter 8 **Plan Implementation**

8.1 Overview

Implementation of the Placer County Conservation Plan begins when the Section 10(a)(1)(B) incidental take permits, NCCP permit, Clean Water Act Permits (401 and 404), and programmatic master streambed alteration agreement are issued, and the local ordinances take effect. Primary responsibility for Plan implementation rests with the Permittees. However, as described in this chapter, other entities are responsible for implementing some aspects of the Plan. The successful execution of the conservation strategy, monitoring program, covered activity approvals, and reporting that are part of the Plan require coordinated actions among the Permittees, Wildlife Agencies (U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game), public land managers, and the private sector.

This chapter describes the overall implementation policies of the Plan, including institutional arrangements, organizational structure, approval processes, land acquisition, and roles and responsibilities of signatories to the Implementing Agreement and other stakeholders.

8.2 Participant Authority and Obligations

8.2.1 Permittors

The Permittors are also referred to as the Resource Agencies and are responsible for issuing permits under the PCCP to the Permittees (Placer County, City of Lincoln, Placer County Water Agency and South Placer Transportation Regional Transportation Authority). The responsibilities of the Permittors are outlined in this section.

U.S. Fish and Wildlife Service

The USFWS will be responsible for enforcing the provisions of the USFWS-issued incidental take permit. The USFWS will also participate fully in the Inter-Agency Working Group (IAWG), which will require among other things, reviewing annual status reports, responding to requests for amendments, and providing technical assistance with regard to acquisition and management of reserve lands and implementation of avoidance and minimization measures. The USFWS will also provide funds or lands to contribute to the recovery of covered species and to help achieve the goals of the PCCP.

NOAA Fisheries

NOAA Fisheries will be responsible for enforcing the provisions of the NMFS-issued incidental take permit, which will cover only the anadromous fish species (Central Valley steelhead – DSU and Central Valley fall/late fall-run Chinook salmon – ESU) that are found in the streams and rivers of Placer County. These responsibilities are the same as those that USFWS has for the USFWS-issued incidental take permit.

California Department of Fish and Game

CDFG will be responsible for enforcing the provisions of CESA and the NCCP Act. CDFG will participate fully in the IAWG, which will require, among other things, assisting in design of restoration projects, reviewing annual status reports, responding to requests for amendments, and providing technical assistance with regard to acquisition and management of reserve lands and implementation of avoidance and minimization measures. CDFG will also contribute funds or lands to help achieve the goals and objectives of the PCCP in accordance with the NCCP Act.

CDFG will also be responsible for enforcing the provisions of the programmatic master streambed alteration agreement under the CARP. As part of the CARP process, CDFG will be responsible for reviewing applications and finalizing permits in a timely manner.

U. S. Army Corps of Engineers

The USACE will be responsible for enforcing the Programmatic Section 404 permit under the Clean Water Act. USACE will verify wetland delineations within 60 days and provide final application determination within 30 days for certain categories of projects as indicated in the CARP (Appendix M). This review and approval will allow the County and City to issue permits according to the CARP requirements. The USACE will also be responsible for permitting projects that the County will not be able to permit under the programmatic agreement. For example, projects that will have impacts to the Waters of Placer County greater than XX acres

will be permit by USACE. It is anticipated that the PCCP and CARP will provide a framework that will streamline the USACE permit process. CARP streamlining objectives include:

- Simplifying the evaluation process for both the regulatory agencies and the applicant (that is, to provide "one-stop" shopping for environmental permits for aquatic resources);
- Providing equal or better environmental protection and mitigation for aquatic resources as compared to existing permitting processes;
- 3) Reducing unnecessary duplicative project evaluation; and
- 4) Promoting more effective and efficient use of agency resources, including the Corps and other resource agencies.

Central Valley Regional Water Quality Control Board

The CVRWQCB will be responsible for enforcing the Section 401 certification for the Section 404 permit under the Clean Water Act. The CVRWQCB will provide review of applications and certification of permits issued under the CARP program within the timelines specified. It is anticipated that the CARP program will contain all requirements necessary for a 401 certification to occur in a streamlined manner.

8.2.2 Permittees

County of Placer

The County of Placer will require the proponents of all covered activities within the County's Plan area to avoid, minimize, and mitigate project impacts in accordance with the PCCP. Compliance will include meeting the requirements for land dedication and/or payment of a fee, as described in this Plan, as well as implementing all applicable measures described in Chapter 6 to avoid, minimize, and mitigate the take of Covered Species, natural communities, and wetlands. The County is seeking coverage for approximately XX acres of take resulting from potential development and other covered activities under the PCCP.

In addition to review and approval of private development proposals, the County of Placer will construct public capital improvement projects and conduct maintenance activities that will be covered by, and mitigated for, in accordance with the PCCP. The public projects and maintenance activities are analyzed and addressed as part of the overall rural residential, suburban, and urban growth covered activities within the County's Plan area. See Chapter 2 for a more detailed explanation of the activities covered in the PCCP.

City of Lincoln

The City of Lincoln is also a Permittee under the Plan and will require the proponents of all covered activities within the City's Plan area to avoid, minimize, and mitigate project impacts in accordance with the PCCP. Compliance will include meeting the requirements for land dedication and/or payment of a fee, as described in this Plan, as well as implementing all applicable measures listed in Section 6.5 to avoid, minimize, and mitigate the take of covered species, natural communities and wetlands. The City is seeking coverage for approximately 12,000 to 16,000 acres of take resulting from potential development and other covered activities under the PCCP. The covered activities include private development, and associated public or private infrastructure capital improvement projects as well as ongoing maintenance related to build-out of the Lincoln General Plan.

In addition, the City will assure that it contributes funds and/or assists in land acquisition and restoration programs of the PCCP and that habitat reserves established within City limits meet the standards set forth by the PCCP.

Placer County Water Agency

Placer County Water Agency (PCWA) is an independent special district created under the California Water Code and will be a Permittee under the PCCP. The PCWA is seeking coverage for all construction and untreated water canal maintenance activities. PCWA's infrastructure projects necessary to accommodate projected population growth are covered under the PCCP including the Sacramento River water diversion project discussed in Chapter 4. PCWA will comply with the requirements for riparian and stream restoration, and/or fee payment as described within this document It will implement any of the measures described in Chapter 6 that are necessary to avoid, minimize, and mitigate the take of covered species and meet the standards set forth in the NCCP and Clean Water Act. PCWA will contribute funds and/or assist in land acquisition and restoration programs of the PCCP as described in Chapter 9.

South Placer Regional Transportation Authority

The South Placer Regional Transportation Authority (SPRTA) is a joint exercise of powers agency consisting of the County, the City of Lincoln, the City of Rocklin and the City of Roseville and is a Permittee solely for purposes of the Placer County Transportation Planning Agency sponsored Placer Parkway project and I-80/SR 65 Interchange Improvements. SPRTA's covered activities will be subject to the requirements of the PCCP. SPRTA will contribute funds for implementation of the PCCP.

8.2.3 Permittee Obligations under ESA and NCCPA

It is expected that the County, the City, PCWA and SPRTA will be Permittees on separate ESA Section 10(a)(1)(B) incidental take permits and NCCP Act permits, each of which will provide authorization for take that occurs from each Permittee's covered activities within the Plan area. Each Permittee will also sign the Plan's Implementing Agreement. The Permittees will vest the responsibility for implementing the Plan to the Placer Conservation Authority (PCA), as described below. The PCA will oversee implementation of the Plan on behalf of the Permittees. However, the Permittees will ultimately be responsible for compliance with all the terms and conditions of the State and Federal Permits. The County and the City will designate staff to support and advise the PCA on implementation of the PCCP's conservation strategy and provide a point of contact for the PCA. Covered Activities for each of the Permittees are described in Chapter 4.0.

The Permittees will ensure that their covered activities adhere to the Plan and avoid, minimize, and mitigate impacts to covered species as described in the Plan. Compliance with the PCCP will typically be accomplished through the payment of compensatory fees. For some projects, dedication of conservation land or a combination of dedication of conservation land and payment of compensatory fees may be deemed appropriate. In all cases a payment of endowment funds will be required to manage lands in perpetuity. The Permittees will keep track of all authorized covered activities to ensure that they have adhered to the Plan, which fees have been paid, and that required take avoidance, minimization, and mitigation measures have been implemented.

8.2.4 Permittee Obligations under the CWA Sections 404 and 401 and CDFG 1602 Permits

The Placer County Aquatic Resource Program (CARP) is a multidisciplinary approach for identifying, classifying, ranking, and protecting the aquatic resources of western Placer County. Broadly defined, aquatic resources are those now regulated by the U.S. Army Corps of Engineers, the Central Valley Regional Water Quality Control Board, the California Department of Fish and Game, and the City of Lincoln and Placer County General Plans. The CARP provides a process through which the PCCP conservation strategy for aquatic resources is implemented.

Currently, one federal and two state agencies regulate activities in waters of the County (see definitions in Section 2.0). The U.S. Army Corps of Engineers (the Corps) regulates activities in waters of the United States pursuant to Section 404 of the federal Clean Water Act. The Regional Water Quality Control Boards (RWQCBs) provide Water Quality

Certifications pursuant to Section 401 of the Clean Water Act, and they also regulate activities that impact waters of the State, which includes wetlands and waters not regulated by the Corps, pursuant to the Porter-Cologne Water Quality Act. The California Department of Fish and Game (CDFG) regulate activities that impact streams, rivers, lakes, and ponds through Section 1602 of the California Fish and Game Code. The CARP is intended to combine these overlapping permit processes into one process that can be implemented by Placer County, Placer County Water Agency and the City of Lincoln.

Under the PCCP and CARP, the Permittees will ensure that activities that impact water quality and the integrity and function of aquatic resources is appropriately mitigated. If a project is in the coverage area of the PCCP, and there are resources subject to regulation pursuant to the CARP, a permit from the Permittee will need to be obtained.

For impacts to waters of the County of XX acres or less the project applicant may apply for a permit through the CARP program through the permittee jurisdiction that is evaluating the project. For impacts greater than XX acres, the project applicant will need to apply directly to the Corps of Engineers for a Letter of Permission after the permit is processed through the permittee jurisdiction consistent with procedures that will be developed with the COE and EPA prior to adoption of the PCCP...

For water quality impacts, the Corps of Engineers with apply for and received a programmatic 401 certification for project with impacts less than XX acres in area. For projects with more than XX acres in area it will be necessary to obtain a 401 certification from the RWQCB after the permit is processed through the permittee jurisdiction consistent with procedures that will be developed with the COE, EPA and RWQCB.

For Section 1602 of the California Fish and Game Code (streambed alteration agreements), the permittees will process the agreement and apply mitigation measures consistent with the PCCP conservation strategy. The streambed alteration agreement will be issued by the Department of Fish and Game

8.3 Implementation Structure

Successful implementation of the PCCP will require a local administrative structure, effective coordination with local, state and federal partners, and significant interaction with various private sector stakeholders. In order to manage a complex program such as the PCCP, careful consideration must be given to the governance or implementation structure in order to meet PCCP objectives and comply with regulatory obligations.

8.3.1 General

The Placer Conservation Authority (see Chapter 8.3.2, below) will be primarily responsible for ensuring proper Plan implementation. Day-to-day implementation of the PCCP will be managed by PCA staff. The PCA may delegate some of its responsibilities to existing entities, including agencies and nongovernmental organizations, but the PCA will remain responsible for ensuring implementation of the PCCP on behalf of the Permittees. Many existing organizations and agencies in Placer County already have significant expertise and experience in performing the necessary functions of the PCA. The PCA may be able to implement the PCCP more effectively and efficiently by partnering with these existing institutions. The PCA may rely on such partnerships for the following:

- Staffing to support the PCA;
- Administrative support functions for the PCA;
- Specialized support on a case-by-case basis through contracts with various partners that have relevant experience and expertise, such as experience with land management or monitoring (e.g., County Parks, State Parks, Placer Land Trust).

Other organizations with important roles in Plan implementation include the Wildlife Agencies, other public and private land management organizations, science advisors, and the public. The roles, responsibilities, and relationships of each group are described below. Unless otherwise stated, all obligations and responsibilities described here-in rest ultimately with the Permittees.

8.3.2 Placer Conservation Authority

Overview

The PCA will be responsible for the creation and long-term stewardship of the PCCP Reserve System. The PCA will be a joint exercise of powers agency formed by the County of Placer and the City of Lincoln. PCWA and SPRTA will provide input through advisory roles.

Board of Directors Composition

The PCA Board of Directors will consist of two members of the Placer County Board of Supervisors and one Councilmember from the City of Lincoln. PCWA will appoint one of its board members to a non-voting ex officio role on the PCA Board of Directors.

8.3.3 Resource Agencies

It is important for the Resource Agencies to actively participate in the implementation of the PCCP. The Resource Agencies will monitor Plan implementation and provide regular advice and guidance to the PCA. Resource Agency staff will review and comment on draft implementation plans such as reserve management plans, system-wide management plans (e.g., invasive plant control plan, recreation plan), and monitoring plans.

The Inter-Agency Working Group (IAWG) will consist of the Resource Agencies and will assist in the implementation of the PCCP by providing coordinated advice, recommendations, and proposals regarding the following:

- Acquisition, restoration and stewardship of the PCCP Reserve System;
- Application of the PCCP mitigation strategy to specific covered activities;
- Adaptive management under the PCCP;
- Coordination of local, state and federal funding sources;
- Review of monitoring reports and other data that describe measurements of success and provide for remedial actions where necessary; and
- Compliance with the NCCP Act, ESA, CESA, the Federal Clean Water Act and other state and federal regulations

The IAWG will convene as needed to assist in the implementation of the PCCP, but may convene at any time at the discretion of the Wildlife Agencies. The Independent Science Advisory Group (IAG) will also convene at the request of the Permittees to resolve or clarify the Wildlife Agencies' direction regarding issues affecting implementation of the PCCP within 30 days of such request. To the greatest extent practicable within the context and timeframe of the matter, the IAG will provide its advice, recommendations or proposals in writing to the PCA, or Permittees, as applicable.

8.3.4 Scientific Review

The adaptive management process described in Chapter 7 requires that the PCA consult outside scientists to advise on issues related to habitat management and monitoring. Scientists with expertise in conservation biology, management of local natural communities and agricultural lands, and the ecology of covered species will be contacted by the PCA when needed to provide input. The scientific advisors' primary function, upon request, is to provide technical advice and help assemble the best

available scientific data on reserve assembly, monitoring, and adaptive management.

An Independent Science Advisory Group with appropriate expertise will be convened periodically as necessary to address scientific questions pivotal to the implementation of the PCCP. Members of the Independent Science Advisory Group will be appointed by the PCA. The PCA will compensate members of the Independent Science Advisory Group, but such compensation will not be provided or conditioned in such a way as to restrain the independent judgment of the scientists. Independent Science Advisory Group members should, depending on the scientific questions at issue, have expertise in:

- Conservation biology;
- Geography;
- Geographic Information Systems;
- Aquatic communities of Placer County;
- Terrestrial communities of Placer County; and
- Covered species.

The IAG will meet, when deemed necessary or appropriate by the PCA or the IAG itself. Meetings of the Independent Science Advisory Group will be to address scientific issues pertaining to, but not limited to:

- Reserve design;
- Consistency between implementation of the Plan and the overall Conservation Strategy;
- Long-term stewardship;
- Restoration design;
- Monitoring;
- Adaptive management; and
- Application of remedial measures.

8.3.5 Public Input

Public input is fundamental to ensuring the success of and continuing support for the Plan throughout implementation. The NCCP Act requires that the Implementing Agreement provide for periodic reporting to the public on the progress of NCCP implementation. Meetings of the Governing Board of the PCA will be open to the public, and public comments will be solicited and heard at each meeting¹. In addition, the public can contact the staff of the PCA to comment on various aspects of Plan implementation. With the exception of cultural resource information,

¹ The Governing Board may need to hold periodic closed-door sessions in accordance with the Brown Act to discuss confidential items such as land transaction negotiations or legal matters.

all data and reports associated with the monitoring program for this Plan will be available to the public. If it is determined that the public availability of data and reports associated with the monitoring program would result in the potential take of an animal or plant, the release of that information will be coordinated with the IAG and legal counsel.

Annual Public Meeting

At least once annually, the PCA will convene a meeting to report on the progress of implementation directly to the public. The public meeting will generally coincide with the issuance of the annual report (see Chapter 8.12). All public meetings of the PCA will adhere to the open meeting laws in California, including the Ralph M. Brown Act (Government Code Sections 54953(a), 54953(c), 54960.1(d)). The PCA will summarize habitat losses and gains, acquisition of land into the Reserve System, habitat restoration and creation, and management and monitoring accomplishments for the previous year. The meeting(s) will provide an informal forum for the public to pose questions and provide comments directly to the PCA on the overall progress of Plan implementation. The public meeting(s) may coincide with one of the regular PCA Governing Board meetings. The PCA may also conduct periodic formal reviews of Plan progress in a public forum, which may coincide with the 5-year conservation audits by the Independent Science Advisory Group.

Public Advisory Committee

The PCA Governing Board will establish and appoint a public advisory committee to solicit input from stakeholders with interest in Plan implementation. The committee will report directly to the PCA Governing Board. Committee members will be drawn from a variety of interest groups, including conservation advocacy organizations, landowner groups, and development interests. Staff from local jurisdictions and the regulatory agencies should participate in advisory committee meetings to help assure broad coordination among those parties interested in and responsible for implementing the Plan. Meeting frequency will be determined by the Implementing Entity and the committee; quarterly meetings are recommended to start. Meetings will be open to the public. The committee may sunset at the end of the permit term.

The public advisory committee will provide input to the PCA Governing Board and staff on all aspects of Plan implementation, with an emphasis on the following topics.

- Expenditure of funds for habitat conservation measures.
- The general permit issuance process (but not project-by-project input on permits).
- Operation of preserves and adaptive management.
- Adherence to plan commitments (e.g., no surprises, neighboring landowner protections).

The criteria listed below will guide establishment and operation of the public advisory committee.

- The committee will include representation of organizations and individuals with direct interest in Plan implementation, and will be composed of the following members appointed by the Governing Board:
 - three private permit seekers, (e.g., private developers or their representatives);
 - three conservation advocates, (e.g., established organizations that represent members in the inventory area);
 - three private landowners and/or agriculturalists, or their representatives;
 - three people representing suburban and rural residents of the Plan area; and
 - public agency staff, who shall also attend and participate in committee meetings.
- Despite formal membership, committee meetings will be open to the public, and members of the public will be encouraged to participate in discussions and be part of committee recommendations.
- The committee shall attempt to operate by consensus. When consensus is not possible, the conflicting positions should be communicated to the Governing Board.
- The committee shall strive in their recommendations to be objective, balanced, and constructive to help the Plan succeed biologically, financially, and within the social context of Placer County.

8.4 Responsibilities of the PCA

The PCA is principally responsible for overall implementation of the Plan. As described above, the PCA will be receiving advice on Plan compliance and implementation from a variety of sources, including the Resource Agencies, science advisors, and the public. However, the ultimate responsibility and decision-making authority for Plan implementation rests with the PCA.

Although the PCA is responsible for all of these tasks, it may contract with a Permittee, other local organizations, or consultants to perform one or more of these tasks. The powers of the PCA include, but are not limited to, the following:

Administration

Developing and maintaining annual budgets and work plans;

- Obtaining grants and other outside funding sources, including tracking and reporting grant compliance;
- Collecting PCCP fees from Permittees or from private project proponents as directed by local jurisdictions and specified in their local implementing ordinances (see Section 8.6) and as described in Chapter 9;
- Receiving, managing, tracking, reporting, and expending funds, including fee revenues collected or paid by the Permittees to implement the Plan;
- Training staff of local jurisdictions to review applications for take authorization under the Plan. Assisting local jurisdictions to ensure that project proponents comply with the conditions on covered activities described in Chapter 6;
- Providing tools to the Permittees to support the application review process;
- Creating and maintaining databases, on a real time basis, to track all impacts of covered activities and progress towards the biological goals and objectives;
- Creating and maintaining databases and models to support the evaluation of land acquisition opportunities and other conservation actions to meet the requirements of the Plan;
- Ensuring that conservation actions are being implemented proportional in time and amount to the impacts on land-cover types authorized under the Plan (e.g., see Section 8.8), and forecasting land acquisition needs in order to comply with the Stay-Ahead provision;
- Notifying the Permittees of the requirement to make the land in lieu of fee provision compulsory when the Plan is out of compliance or in jeopardy of being out of compliance with the Stay-Ahead provision, as well as notifying them when this requirement may be lifted (see Section 8.8). Land acquired must always meet the requirements of the Plan as described in Chapter 5;
- Calculating and publicizing the amounts of annual fee increase adjustments and distributing these calculations to the Permittees, in accordance with Chapter 9;
- Performing the periodic fee audits described in Chapter 9; and
- Preparing the Annual Report (see Section 8.12 below).

Conservation Implementation

- Implementing all conservation actions described in Chapter 5 or coordinating with partners to implement conservation actions, and ensuring compliance with all Plan requirements;
- Researching land and water acquisition opportunities (fee title or conservation easement) to meet the requirements of the Plan;

- Negotiating and securing land and water acquisition or conservation easements with private landowners;
- Negotiating land and water acquisition or conservation easements in partnership with other organizations;
- Coordinating the Permittees to ensure that the Plan is implemented consistently and effectively;
- Reviewing offers of land in lieu of the development fee that may be made by project proponents (see Section 8.8.7) and making determinations on other implementation matters that require approval of the PCA, as specified in this Plan or the Implementing Agreement (see summary in Section 8.10);
- Monitoring and enforcing landowner compliance with conservation easement terms²:
- Developing enforcement procedures for the Reserve System and individual reserves (e.g., public and pet access controls) that will be incorporated into the system-wide recreation plan and reserve management plans;
- Developing four Reserve System-wide implementation plans: 1)
 Recreation Plan, 2) Fire Management Plan, 3) Invasive Plant Control Plan Program, and 4) a Monitoring Plan.
- Developing site-specific management plans for individual reserves and reserve units (collections of reserve parcels that share common land-cover types and habitats);
- Designing and implementing plans for habitat enhancement, restoration, and creation and managing the affected areas in an adaptive management framework (see additional detail below);
- Obtaining additional permits for site-specific projects in the Reserve System (e.g., wetlands permits and cultural resources compliance for restoration projects), as needed;
- Constructing and maintaining recreational facilities on the reserves that are compatible with the conservation goals of the Plan or coordinating such efforts with the Permittees;
- Conducting outreach to landowners, local community groups and agencies, and the general public regarding the Plan and its goals.
 Developing a volunteer program to provide an opportunity for the public to contribute to the successful implementation of the Plan;
- Periodic mapping of the Plan area to update the land cover map and calculations;
- Coordinating and communicating with local, state, and federal land management agencies;

_

² Enforcement actions on private land under conservation easement for the Reserve System would be conducted by the PCA with assistance from the appropriate local jurisdiction. Enforcement actions on land in the Reserve System owned by a public agency would be conducted by that agency with assistance from the PCA.

- Designing a scientifically valid monitoring program and monitoring habitat and species on reserves (see Chapter 7), including site inventories, targeted studies, compliance monitoring, effectiveness monitoring, and status and trend monitoring;
- Monitoring changed circumstances identified in Chapter 10 that might arise and if they do, following the remedial measures and procedures outlined in Chapter 10;
- Developing partnerships with local and regional academic institutions and organizations (including non-profit research and academic institutions) to help direct research towards management and monitoring needs of the Plan;
- Conducting or overseeing land and water management activities that are part of the conservation strategy;
- Monitoring and tracking land acquisition and other conservation actions within and adjacent to the Plan area performed by others to ensure coordination and compatibility with Plan actions;
- Developing and conducting educational programs for landowners and the public consistent with the conservation strategy;
- Ensuring involvement of the public, science advisors, interested agencies, and others in Plan implementation.

The PCA will utilize specialists as needed to ensure proper implementation of these tasks. Key functions and roles are described below and illustrated in Figure 8-2. The PCA will establish its organizational structure based on specific staffing needs and arrangements with Permittees to fill all or some of those needs. However, the PCA will have certain core staff members that are dedicated to Plan implementation, as described below.

8.4.1 Administrative Director

The Administrative Director will be a staff person dedicated to the implementation of the PCCP who reports to the Governing Board and directs the activities of the PCA under the authority granted by the Governing Board. The Administrative Director is responsible for implementing all of the tasks listed in Section 8.4 above, on behalf of the Governing Board, and will report to the Governing Board on a regular basis. The Administrative Director will also oversee periodic reviews of the Permittees to assist with compliance with the terms of the Plan on behalf of all Permittees. Finally, the Administrative Director will serve as the primary link between PCA staff, local jurisdictions, Resource Agencies, other decision makers, and the general public.

8.4.2 Scientific Oversight

Scientific expertise and oversight is needed within the PCA to help direct all technical aspects of Plan implementation, including the monitoring and

adaptive management program. PCA staff or designees will collect and analyze data as required by the Plan, keep abreast of current scientific methods and concepts, and provide continuous oversight of the monitoring and adaptive management program (e.g., monitoring methods, study designs) to ensure that the Reserve System incorporates the most appropriate strategies. The PCA will be responsible for communication with external scientists, including agency scientists, scientific advisors, and the larger conservation science community. Moreover, staff will formally seek input from the IAG as pertains to conservation biology and planning issues. The PCA will also encourage relationships with agency and academic scientists to facilitate collaborations that will contribute to the Plan's conservation goals.

8.4.3 Real Estate Activities

The PCA will conduct relevant financial and legal analyses to guide selection of parcels for the Reserve System, and will conduct or manage appraisals and transactions. The PCA will retain one or more specialists with expertise in real estate law, zoning, and local regulations, as needed to acquire reserve lands. The PCA may also work with other agencies and organizations to acquire land to fulfill requirements of the Plan. Such agencies and organizations may already have staff with relevant expertise, which the PCA could utilize.

8.4.4 Grant Administration

The PCA is responsible for managing all grants, contracts, and other funding sources during Plan implementation. The PCA will establish clear accounting procedures and methods for disbursing funds and will actively pursue additional funding for Plan implementation by submitting grant applications and other means. The PCA may also work with other agencies and organizations to seek grants to fulfill Plan requirements. Existing agencies and organizations may have staff with relevant expertise, which the PCA could utilize. For any grants received, the PCA or its partner agency or organization will also monitor, track, and report to the granting agency according to the grant requirements.

8.4.5 Budget Analysis

The PCA is responsible for developing and monitoring budgets, processing invoices, managing financial reserves, identifying cost savings, and managing administrative contracts (e.g., liability insurance). The PCA will also track expenditures and cash flow and establish and maintain an internal accounting system and procedures.

8.4.6 GIS/Database Maintenance

The PCA will use GIS or other equivalent spatially-explicit database systems to collect, store, and utilize relevant spatial data necessary for Plan implementation and maintain them to track compliance and to guide reserve design and monitoring and adaptive management programs. For example, the PCA must be able to query the database to summarize take and conservation by year (by land-cover types and plant occurrences) and cumulatively. The PCA will track all data related to the progress of meeting Plan goals and objectives. The PCA will also ensure development and management of a public web site for the PCCP.

8.4.7 Reserve Management and Monitoring

The PCA will direct the management of land acquired for the Reserve System and coordinate with managers of other protected areas to form a biologically cohesive network of protected lands in the Plan area. These activities will include regular patrol, trash removal, fence/gate installation and repair, road maintenance, and other necessary activities.

Some conservation actions that occur either in or outside the Reserve System must be performed by the City and County as Permittees. For example, Placer County Parks Department would be responsible for maintaining all County parks, including Hidden Falls. The PCA will coordinate with these Permittees and other local agencies to conduct some conservation actions that it cannot perform itself or would perform less efficiently.

The PCA is responsible for developing overall management plans for the Reserve System, as well as Reserve Management Plans for all units of the Reserve System to guide site-specific management (see Chapter 5). The PCA will develop habitat restoration designs and construction drawings, or will oversee contractors conducting these tasks. The PCA will also be responsible for interim management of acquired lands prior to completion of these Reserve Management Plans.

The PCA is responsible for designing and implementing the monitoring and adaptive management program described in Chapter 7.

Management Conducted by Third Parties

The PCA may contract with a third party agency or organization to conduct management activities within the Reserve System on the PCA's behalf. Some of these management activities may result in take of covered species, as described in Chapter 4. To ensure that the third party manager adheres to the terms of the PCCP, the permits, and the implementing agreement, the PCA will include in its contract with the third

party all applicable terms of the PCCP and permits, and will describe the take authorization that is extended to the third party, if applicable.

If a third party conducts land management on behalf of the PCA, a separate entity must conduct the monitoring and/or peer review those management activities to ensure independent assessment of the effectiveness of those actions.

8.4.8 Public Outreach and Education

The PCA will conduct outreach to local private and public landowners and residents that will include education on management goals and objectives as well as implementation techniques. The focus of public education and outreach activities will be to raise landowner and public awareness of reserve management goals, actions and methods, and how the public can support them. Where appropriate, the PCA will develop and publish guidelines for local landowners and provide education programs to assist in the implementation of such guidelines. Public education and outreach will be coordinated with other local agencies and organizations providing similar services in the Plan area (e.g., County Parks, University of California Cooperative Extension, Resource Conservation District, Placer Land Trust, Dry Creek Conservancy and Sierra College).

8.4.9 Legal and Financial Services

Legal counsel will provide guidance during Plan implementation on an asneeded basis for drafting and reviewing conservation easements, reviewing purchase and sale agreements, assisting with land transaction negotiations, assisting with legal interpretations of case law and state/federal laws affecting the PCCP, assisting with legal challenges, and easement violations if they occur. To the extent possible, in-house attorneys for the Permittees may provide legal counsel to the PCA. However, certain circumstances may require specialized outside counsel legal assistance.

Financial analysis assistance will be required periodically to review the program's cost/revenue balance and ensure that PCCP fees are adjusted with changing land costs and inflation.

8.4.10 Consultants and Contractors

Consultants will be retained to meet any technical or scientific needs that cannot be effectively or efficiently addressed through in-house staff due to insufficient expertise or availability. It is expected that consultants will be significantly involved during the early stages of Plan implementation, becoming less necessary as the PCA develops and PCA staff become more familiar with the Reserve System. Contractors will be needed for restoration monitoring and for construction tasks within the Reserve

System that require specialized skills or the use of heavy equipment, such as road grading, restoration grading, plant propagation, restoration planting, building recreational facilities, irrigation, erosion control, and water-well construction and maintenance.

8.4.11 Responsibilities of the County and the City

The County and the City have a special responsibility to assist with implementation because of their local government and land use authorities. The County and the City will support Plan implementation by:

- Receiving, reviewing, and approving applications for take authorization under the Plan from private project proponents according to the procedures and requirements described in Chapter 6;
- Requiring private and public project proponents to pay PCCP in lieu fees to the PCA as specified in their local implementing ordinances (see Section 8.10) and as described in Chapter 9;
- Requiring private and public project proponents to provide land dedications in addition to, or to replace, the payment of in lieu fees;
- Periodically transferring the PCCP fees to the PCA to support Plan implementation;
- Reporting to the PCA on a regular basis the applications and approvals for take authorization under the Plan;
- Monitoring the implementation of conditions on covered activities on project sites;
- Assisting the PCA with enforcement of conservation easement terms on private lands that may be part of the Reserve System;
- Coordinating closely with the PCA regarding Plan implementation; and
- Assisting the PCA with local government grant applications.

8.4.12 Responsibilities of PCWA and SPRTA

PCWA and SPRTA are required to ensure they are in compliance with the PCCP. As permittees, they will implement avoidance, minimization, and mitigation measures according to Chapter 6 and are required to adhere to the species and natural community goals and objectives outlined in Chapter 5, *Conservation Strategy*.

8.5 Participating Special Entities

Special districts not subject to the jurisdiction of the Permittees may conduct or initiate projects or ongoing activities within the Plan area that could affect listed species and that may require take authorization from

USFWS, NMFS, or CDFG. Such organizations may include existing or future school districts, water districts, irrigation districts, transportation agencies, local park districts, geologic hazard abatement districts, or other utilities or special districts that own land or provide public services. These agencies, known as Participating Special Entities, can request coverage under the Plan during Plan implementation; such coverage would provide take authorization for their projects. Municipalities that are not a Permittee are not eligible to participate using this status³. The following is a partial list of special districts that occur in the Plan area and that could be eligible as a Participating Special Entity provided they meet the criteria described below.

- Sierra College;
- K-12 School Districts;
- Independent Special Districts Sanitary and Water;
- Fire Protection Districts:
- Placer County Resource Conservation District;
- Placer County Flood Control & Water Conservation District;
- South Sutter Water District:
- San Juan Water District;
- Nevada Irrigation District; and
- Placer County Mosquito and Vector Control District.

The Participating Special Entity will submit a complete application for the proposed activity directly to the PCA with copies to the local jurisdiction(s) in which the project occurs, and the Wildlife Agencies. This application will contain the following components.

- A detailed description of and rationale for the activity proposed for coverage under the PCCP;
- Proposed avoidance and minimization measures to be applied to the covered activity (see Chapter 6);
- A map of the proposed activity area;
- An analysis of the potential impacts of the proposed activity on covered species and their habitats; and
- All components of the PCCP application package (described in Chapter 6).

At this point the public will be allowed to comment on the merit of the Participating Special Entity's application for inclusion in the PCCP. In order to grant take authorization to these local agencies, the PCA will need a legally enforceable contractual relationship with the Participating

³ To join the Plan, a city or county would need to amend the Plan using the process described in Chapter 10.

Special Entity. The PCA will, after public input and at its discretion, issue a Certificate of Inclusion to the Participating Special Entity that will allow the proposed activity to be covered under the PCCP if they find that the conditions listed below are met.

- The PCA signs a contract with the Participating Special Entity binding it to the relevant terms of the PCCP⁴;
- The proposed activity is consistent with all terms and requirements of the Plan, the permits, and the Implementing Agreement, and the Wildlife Agencies concur;
- The impacts of the proposed activity fall within those analyzed in the PCCP, the federal ESA Section 7 biological opinions, and the EIR/EIS in general type, location, magnitude, and effects;
- The impacts of the proposed activity do not deplete the amount of take coverage to such an extent that not enough is available for pending covered activities; and
- The proposed activity does not conflict with the conservation strategy or the ability of the PCA to meet the Plan goals and objectives.

As described above, the Wildlife Agencies must approve the inclusion of the Participating Special Entity for the specified covered activities.

The Certificate of Inclusion will be issued to the Participating Special Entity by the PCA upon payment of the fee specified in the contract and completion of any other steps required by contract to occur prior to issuance of the Certificate of Inclusion. The PCA may require Participating Special Entities to pay PCCP fees over and above those specified in the Chapter 9 to cover indirect costs of extending permit coverage under the PCCP, including the costs of PCA staff time to assist with permit coverage, a portion of the costs of the initial preparation of the Plan, and a portion of the costs of conservation actions designed to contribute to species recovery. The Certificate of Inclusion will include an attached map depicting the parcel number, acreage, and owner of lands to which the take authorization(s) would apply. A template of the Certificate of Inclusion is included as an exhibit in the Implementing Agreement (Appendix B). Also see the Implementing Agreement for additional details and procedures that apply to Participating Special Entities.

As described in Chapter 4, some management and monitoring activities will result in take of the covered species, even if the net result of the actions are beneficial (e.g., prescribed burning, handling species to identify or mark them). Any special district or other agency that carries out such activities on behalf of the PCA will require take authorization. If

⁴ In the event of failure to uphold the terms of the PCCP, the contract gives the PCA the ability to force action by the Participating Special Entity through legal means.

the special district or agency is either a Permittee itself, or carries out management and monitoring activities on Plan reserves as a contractor to the PCA, it will receive take authorization under the PCCP permits. Management or monitoring agencies that are not a Permittee or a contractor of the PCA can secure this take authorization as a Participating Special Entity.

8.6 Local Implementing Ordinances

To implement the PCCP on the local level, each Permittee must adopt one or more ordinance(s) that will reference the PCCP and the jurisdiction's obligations under the Plan. The ordinance(s) will establish the mandatory fees on applicable sites, as described in Chapter 9. Ordinances will be finalized and adopted by each jurisdiction not later than one year after permit issuance by the Resource Agencies. A draft template for a PCCP implementing ordinance is provided in Appendix F.

8.7 Land Acquisition

The PCA is responsible for ensuring acquisition of land for the Reserve System in accordance with the requirements in Chapter 5. To be incorporated into the Reserve System and count toward the land acquisition requirements of the Plan, acquired lands must meet the following criteria.

- Contribute to meeting the goals and objectives of the Plan as described in Chapter 5;
- Have a location, configuration, and quality consistent with the reserve design and assembly principles in Chapter 5, Section 5.3;
- Permanently protect the biological functions that contribute to the Plan. For lands owned by the PCA or a Permittee, permanent protection must be ensured through conservation easements, or fee title recorded in favor of the Wildlife Agencies. For lands owned by other entities, permanent protection must be ensured by a conservation easement consistent with the requirements of Section 8.8.3 or by some other permanent dedication of land to the Reserve System; and
- Be managed in perpetuity according to a Reserve Management Plan as described in Chapter 5. Acquisitions may be counted toward meeting the obligations of the Plan before the Reserve Management Plan has been completed if the PCA owns the land or if the property owner is bound by a conservation easement or other agreement that requires preparation of a management plan consistent with the requirements in Chapter 5. Management in perpetuity will be ensured through the conservation easement or fee title transfer to the PCA.

The land acquisition process will follow the steps listed below for land acquired in fee title or through conservation easements: Steps 1 through

17 apply if the PCA initiates contact with potential landowners and Steps 3 through 17 apply if a landowner contacts the PCA. These steps are also illustrated in Figure 8-3. The PCA could perform these steps on its own or with acquisition partners.

- 1. Identify sites that have the potential to meet acquisition requirements for particular land-cover types, plant populations, landscape linkages, or to support suitable and occupied habitat for covered wildlife.
- 2. Approach property owner with proposal to acquire land through conservation easement or fee title.
- 3. If property owner is willing, secure concurrence from owner for preacquisition assessment of site.
- 4. Conduct necessary pre-acquisition assessment of land-cover types (including jurisdictional wetlands and waters), habitat for covered species, and covered species. PCA will develop standard protocols and a report template for pre-acquisition assessment prior to the first acquisition during implementation.
- 5. Through the use of a Rapid Assessment Protocol (RAP), the PCA will determine if site meets Plan acquisition requirements. Through the due diligence process, ensure that property encumbrances (e.g., existing utility easements, deeds of trust, property title, resource extraction rights, presence of hazardous materials or archaeological or cultural sites that conflict with management goals) do not conflict with Plan goals and objectives. For conservation easements, reach agreement on easement terms and any necessary management objectives prior to purchase.
- Discuss proposals to acquire property with Wildlife Agencies and if necessary the IAG. The PCA is encouraged to discuss land acquisition proposals with the Wildlife Agencies early in the process.
- 7. Conduct appraisal of property value (easement or fee) and water rights or obtain appraisal conducted by property owner. Appraisals conducted by the property owner must be reviewed by an independent real estate specialist or appraiser.
- 8. The RAP process will rank available sites on the basis of cost versus ability to meet Plan requirements and biological goals and objectives. Sites that meet specific requirements, goals, and objectives that are generally difficult to fulfill should be assigned a high priority.
- 9. Obtain concurrence from CDFG and USFWS for all land acquisition. Obtain concurrence from NMFS for land acquisition that supports habitat for covered salmonids. Wildlife Agencies have 30 days to respond to requests for approval once all relevant and available information has been provided to them. If within 30 days there has been no response from an agency, the PCA will assume approval from that agency.
- 10. For high-ranking sites, make offers to property owner and develop conservation easement conditions when fee title is not acquired. .

- 11. Negotiate fair-market price and conservation easement management conditions with owners.
- 12. If a site is purchased in fee title, the PCA will prepare a Reserve Management Plan for the site based on site conditions. If a conservation easement is purchased, the PCA will prepare a management plan with the landowner prior to completion of the acquisition (although easement language may resolve some management issues). Management plans will be consistent with the PCCP's conservation strategy and the framework for adaptive management.
- 13. Examine all leases that apply to the property for consistency with Plan goals and objectives. Inconsistent leases will be terminated or modified to conform to the Plan. All other rights that are entitled to the parcel should be subordinate to the conservation easement.
- 14. Examine all water rights that apply to the property to insure that waterdependent Plan objectives for conservation and/or restoration can be managed in perpetuity.
- 15. If acquired in fee title, assess structures and facilities on the property for hazards, covered species, and other values such as potential educational applications, land management facilitation, or cultural or historic significance. Repair or demolish structures or facilities, as appropriate, to reduce public hazards, reduce maintenance costs or stabilize functions (e.g., repair of gates and fencing).
- 16. Initiate reserve management and monitoring.
- 17. Conduct habitat restoration, if applicable.

8.8 Conservation Land Accounting

The timing and sequence of reserve assembly relative to impacts of covered activities is critical to the success of the PCCP. Progress towards assembling the Reserve System must stay ahead of total impacts allowed under the permit. This sequence ensures that reserve assembly is keeping pace with impacts and that the PCA is making steady progress towards the full Reserve System. To meet this Stay-Ahead provision at the beginning of PCCP implementation, some land should be acquired prior to any permits being issued under the PCCP to start up the Reserve System. The NCCP Act requires that implementation of mitigation and conservation measures be "roughly proportional in time and extent to the impact on habitat or covered species authorized under the plan" (California Fish and Game Code Section 2820[b][9]). To meet the requirements of this section, CDFG requires that NCCPs make progress towards the final conservation goals (i.e., the ultimate size and configuration of the Preserve System) in proportion to the impacts of covered activities. The Stay-Ahead provision in this Plan addresses this requirement.

The ESA requires that HCPs minimize and mitigate the impacts of the taking to the maximum extent practicable (ESA Section 10(a)(2)(B)(ii)). When conducting their jeopardy analyses, both USFWS and NMFS will consider whether the mitigation proposed is scientifically and rationally related to the impact of the taking. In order to make findings that the proposed impacts are mitigated to the maximum extent practicable, USFWS and NMFS will consider temporal losses (if any) resulting from the time of impact relative to the time of mitigation. The Stay-Ahead provision will minimize or eliminate temporal losses.

8.8.1 Stay-Ahead Provision

The Stay-Ahead provision requires that the amount of each land-cover type acquired, restored, or created by the PCA as a proportion of the total requirement for each land-cover type (Table 5-2) must be equal to or greater than the impact on that land-cover type as a proportion of the total impact expected by all covered activities (Table 5-3). For example, if 25 percent of the expected impacts on vernal pool grasslands have occurred, then at least 25 percent of the required land acquisition for vernal pool grasslands must also have occurred. Consideration of pending acquisitions will be taken into account when evaluating the status of the Stay-Ahead provision (i.e., whether or not a purchase and sale agreement has been executed or if outstanding grants have been awarded but no contracts have been approved).

To provide flexibility during implementation, the PCA may fall behind by a maximum of 10 percent of its conservation strategy requirements for limited periods of time and still remain in compliance with the Stay-Ahead provision. The PCA may not fall behind by more than 10 percent of such requirements. The allowance for up to a 10 percent deficit from the stay ahead requirement for limited periods of time accounts for the likely pattern of relatively infrequent land acquisition of parcels that provide mitigation for more than one covered activity. In this circumstance, the PCA will accumulate fee revenues from several covered activities, as well as other funding, and will in some cases temporarily fall behind its acreage target for purposes of meeting the stay ahead requirement. It will also likely jump ahead of the stay ahead requirement once such acquisitions are completed. To ensure that there is not a continuing shortfall in terms of land acquisitions, the PCA may not fall behind the stay ahead requirement for more than three consecutive calendar years. In other words, if at the end of three consecutive calendar years the PCA has a deficit of any kind in land acquisitions needed to meet the stay ahead requirement it will be in violation of the stay ahead requirement beginning January 1 of the following year and until it has made up the deficit.

Once the permits end (i.e., through expiration, suspension, revocation), the Permittees will be held responsible for any outstanding requirements in the permits, Implementing Agreement, and PCCP. In other words, if the

PCA falls behind the stay ahead requirement, it must "catch up" if the permits expire or are suspended or revoked (see the Implementing Agreement for a detailed discussion).

Land acquired in full or in part by state or federal agencies to assist species recovery under the PCCP may be counted towards compliance with the Stay-Ahead provision. A portion of the Plan assumes funding by the state and federal governments. The PCA recognizes, however, that funds from public agencies will be available on budget cycles that may or may not correspond to the timing of covered activities. Therefore, the PCA cannot rely on the timely availability of state or federal funds to implement these actions.

Rough Proportionality

The Stay-Ahead provision will also be evaluated on an annual basis (beginning at the end of year two) by CDFG to determine if the "rough proportionality" standard of NCCP Act is being met. If the proportion of total acquisition lags behind the proportion of total impacts by more than a 10 percent deviation, or lags behind by any amount for three consecutive years, then CDFG will determine whether the Plan has maintained rough proportionality. If CDFG issues a notification to the PCA that rough proportionality has not been met, then CDFG and USFWS and the PCA will meet and, within forty-five days, develop a plan to remedy the situation. If the federal and state commitment to the Plan cannot be provided in order to acquire lands to meet the rough proportionality requirement, the Plan will be reevaluated in light of these limitations, with possible adjustments made to the permit coverage and assurances or adjustments to the conservation obligations.

Land Acquisition and Restoration/Creation Credit

Land may be counted toward Plan requirements and the Stay-Ahead provision once it is acquired. Compliance with the stay-ahead provision for appropriate land-cover types for which restoration or creation are required will be measured at the point of initiation of construction, rather than completion. However, if the project fails to meet success criteria, the compliance credit will be reduced to match the degree to which success criteria have been met. If no success criteria have been met, the compliance credit will be revoked.

The PCA will receive credit for existing wetland land-cover types that are part of the Reserve System except where wetland functions are degraded by their proximity to urban development. The thresholds for wetland preservation credit are described in Section 5.6.5

A key requirement of the land acquisition strategy is landscape connectivity and connections to existing open space. Land acquired early in the permit term may be isolated from existing open space until future

acquisitions can connect it. Such acquisitions are eligible for credit under the Plan and for the Stay-Ahead provision.

Any rights-of-way or utility easements that are maintained or used regularly cannot be credited towards land acquisition requirements because of the disturbance that occurs within these areas. It is the responsibility of the PCA to document the frequency and type of use in these rights-of-way or easements to justify whether land acquisition credit should be applied in these areas.

Land-cover that is created can only receive credit for creation, not preservation. If the creation project occurs after recording the conservation easement (i.e., after preservation credit is assigned), the acreage of the creation project will be subtracted from the preserved land-cover types that the project replaces. For example, a site that supports 100 acres of annual grassland is preserved by the PCA. When the conservation easement is recorded, the PCA receives 100 acres of annual grassland credit towards the preservation requirements of the Plan. Five years later, a 10-acre vernal complex is created on the site. When the vernal pool creation project is completed (i.e., when construction is complete), 10 acres are subtracted from the annual grassland preservation credit for the site, for a total of 90 acres preserved.

Notwithstanding the above, vernal pool restoration projects that are directed at improving or enhancing lost functions may qualify for vernal pool preservation credits as described in Chapter 5. Preservation credit may only apply when the site that is being restored has existing functions that contribute to the overall conservation objectives for vernal pool grasslands (e.g., intact hydrology and connectivity).

For non-vernal pool wetland restoration, the PCA must document the conditions of the restoration site prior to initiating restoration in order to determine whether the project is enhancing or restoring the wetland according to the definitions in the Plan. If the site is being enhanced, then only preservation credit can be applied. If the site meets the definition of restoration, then restoration credit can be applied.

Credit for wetland features can be apportioned according to the functions of different parts of the wetland. For example, a feature may consistently function as a seasonal wetland or perennial wetland on its margins and function as a pond in the center. If these distinctions are consistent and predictable, credit for wetland land-cover types can be apportioned within a single wetland feature for preservation or restoration. Wetland restoration credit may change if the wetland type changes (e.g., a pond becoming a perennial wetland if cattails colonize and dominate the site) before success criteria are met. Final restoration credit will be established when the success criteria of the restoration project are met.

The Plan makes sharp distinctions between some land-cover types when, in reality in the field, there are often gradual gradients between land-cover types. In cases where it is difficult to draw a boundary between land-cover types, the PCA will have discretion to identify each land-cover type based on field conditions and professional judgment.

Stay-Ahead Reporting and Process for Addressing Deficits in Land Conservation

The PCA will report the status of the Stay-Ahead provision in each annual report, beginning with the second annual report. In addition, the PCA will provide quarterly updates regarding land acquisitions and compliance with the stay ahead provision on the PCCP webpage.

If the Stay-Ahead provision is not met because the PCA has fallen behind the stay ahead requirement by more than 10%, the PCA and the Wildlife Agencies will meet and confer within 30 days. If the stay ahead provision is not met because the PCA has ended three consecutive calendar years behind the stay ahead requirement, the PCA will include in its annual report an audit of PCA land acquisition funds and an analysis of why the funds have not been spent on land acquisitions at a pace sufficient to meet the stay ahead requirement. Within 30 days of the PCA's release of the annual report, the PCA and the Wildlife Agencies will meet and confer.

In either case, the purpose of the conference will be to assess the situation and, within forty-five days, to develop and begin implementation of a mutually agreeable plan of action as described in the land acquisition actions (see Section 5.5.1 in Chapter 5) and the Implementing Agreement with the goal of remedying the situation and achieving compliance with the Stay-Ahead provision within one year. The mutually agreeable plan of action may include a range of potential solutions, including those listed below.

- Wait for key pending land acquisition negotiations to close that will bring the Plan into compliance with the Stay-Ahead provision;
- Speed delivery of funding sources or partnerships that will enable more land acquisition to bring the Plan into compliance with the Stay-Ahead provision;
- More aggressively solicit interest from key landowners who may be willing to sell land to the PCA that would enable compliance with the Stay-Ahead provision;
- Change the manner in which the Plan is implemented to increase direct acquisition of land by the PCA rather than relying on partnerships, or shifting the PCA'S budget allocations to place a higher priority on land acquisition;
- Utilize creditable lands purchased during the Plan development phase as credits towards the Stay-Ahead provision;

- Accelerate the process for being able to count land already acquired against Stay-Ahead requirements by, for example, recording easements more quickly;
- Modify and update in lieu fee ordinances to insure that sufficient funding is available to match fair market value conditions or predicted trends:
- Encourage project proponents to provide land in lieu of PCCP fees (see below);
- Temporarily or permanently adjust certain Plan provisions through an amendment or other process (e.g., the method for measuring compliance with the Stay-Ahead provision), with the approval of the Wildlife Agencies;
- Initiate the land in lieu of fee requirement; and
- Slow or stop permit issuance until land acquisition catches up with impacts.

Requirements for Providing Land Instead of Paying a Fee When Stay-Ahead Provision Is Not Being Met

If the PCA determines there is a reasonable likelihood that it will fall out of compliance with the Stay-Ahead provision within one year, the PCA will so notify the Permittees. The PCA may determine that it is necessary to encourage project proponents (including Permittees) to provide land (or perform equivalent conservation actions in Chapter 5) instead of paying in-lieu fees. However, if the PCA in fact fall out of compliance with the Stay-Ahead provision based on the criteria discussed above, the PCA must notify the other Permittees that it is necessary to encourage project proponents to provide land instead of paying a fee, unless the Wildlife Agencies agree, after conferring with the PCA, that a different plan of action developed in concert with the PCA will remedy the situation.

Land will be provided to the PCA according to the guidelines and criteria in Section 8.7. Project proponents will always have the option of providing land in lieu of the PCCP fee as long as the land offered meets the criteria in Section 8.8.7. The PCA may strongly encourage land dedications if the PCA determines that the Plan may be at risk of noncompliance. The need for dedications will be lifted (i.e., it will revert back to an option) as soon as the PCA determines that it is no longer at risk of noncompliance with the Stay-Ahead provision. If the PCA determines that dedications are to be encouraged because of potential noncompliance with the Stay-Ahead provision, the decision to encourage dedications will be lifted as soon as the PCA demonstrates in writing, to the reasonable satisfaction of the Wildlife Agencies, that the Plan is in compliance with the Stay-Ahead provision.

Jump Start

To improve the chances of success at the beginning of implementation, the PCA has acquired land prior to permit issuance to "jump start" the Reserve System. Such acquisitions are considered "interim conservation actions". Interim land acquisition to date is estimated to be XX acres, or approximately XX percent of the target size of the Reserve System (see Land Acquisition during Plan Development (Interim Conservation) below).

8.8.2 Land Acquired by Other Organizations or through Partnerships

Land acquired by Permittees that meets the terms of the Plan would be credited towards land acquisition requirements in Chapter 5. Agencies and organizations who are not Permittees, such as the Central Valley Joint Venture member organizations, Ducks Unlimited, Placer Land Trust, and mitigation/conservation banks are expected to acquire land in the Plan area during the permit term. Because many of their acquisitions will help meet the goals and objectives of the PCCP, it may be appropriate that the PCA receive credit toward Plan requirements if the acquisitions are made in a funding partnership with the PCA and they are consistent with Plan goals. It is expected that the PCA will be involved in many of the land acquisitions in the Plan area during the permit term. If the PCA partners with other groups and provides matching funds, larger land acquisitions will be possible than if the PCA were to purchase the land on its own. Land acquired through partnerships with non-Permittees can be counted toward the PCCP conservation goals (i.e., contribution to recovery) only if the acquisition meets the following criteria, as applicable.

- Contributes to the biological goals, objectives, and overall success of the PCCP, consistent with the land acquisition priorities described in Section 5.5;
- Is consistent with the reserve design and assembly principles in Section 5.5;
- Is not mitigation for a project or activity that is not covered by the Plan;
- For land owned by a non-Permittee, contains a permanent conservation easement according to the requirements described in Section 8.8.3 below or other permanent dedication of land to the Reserve System, with CDFG and/or USFWS named as third-party beneficiaries or subject to CDFG and/or USFWS approval.
- Lands owned and managed by State Parks as part of Lake Folsom State Park do not require a permanent conservation easement or deed restriction because of the legal status of that park;
- Land owned and managed by the Placer County Parks Department that provides conservation values consistent with the biological goals

objectives and principles of this Plan, do not require a permanent conservation easement or deed restriction because of the legal status of the land:

- The land will be managed in perpetuity pursuant to a Reserve Management Plan (see Section 5.5.3. in Chapter 5);
- The land will be monitored according to the requirements and guidelines in Chapter 7; and
- Is approved by the PCA.

Credit will be determined based on the purpose and location of the acquisition, the management of the land acquired, the proportional fair share acreage and function of the property acquired through PCA funding, and consistency with the goals and objectives of the PCCP. The Plan budget assumes that the PCA will always fund management and monitoring on land in the Reserve System; actual funding will be determined on a case-by-case basis. Land acquired through partnerships could be managed and monitored by the PCA or by other groups or agencies as long as a contract or other binding agreement is in place to ensure the management and monitoring occurs according to the terms of the Plan. Land acquired with state or federal money will be credited toward the state/federal contribution discussed in Section 9.3.3 (Chapter 9). All acquisitions credited toward the land acquisition requirements of the Plan can be credited toward the Stay-Ahead provision as discussed in Section 8.8.1 above, regardless of who owns or manages the property and regardless of the source of funding for acquisition or management.

Land Acquisition during Plan Development (Interim Conservation)

Open Space agencies and organizations in the Plan area have been acquiring land during PCCP development. Consistent with the NCCP Act Section 2810(b)(8) and the Planning Agreement, parcels or portions of parcels acquired after approval of the Planning Agreement in 2001 can be counted toward meeting Plan requirements according to the procedures and criteria described above for lands acquired by other organizations or through partnerships. In addition, lands acquired during Plan development can only be credited against Plan requirements to the extent the land has not been acquired for mitigation purposes. If an acquisition is completed using mitigation funds, only that portion of the acquisition funded by non-mitigation funds can be credited towards the Plan. The PCA may expend funds to augment management of these interim purchases if the augmentation is necessary to provide credit toward Plan land acquisition requirements. Lands acquired during Plan development that may be counted toward Plan requirements must meet the criteria outlined in Section 8.7 above.

Private Mitigation Banks

A conservation or mitigation bank is privately or publicly owned land that is managed for its natural resource values. A conservation bank emphasizes the conservation and management of existing habitat functions. For a conservation bank, existing habitat is assigned a credit value that can be subsequently sold to satisfy a regulatory requirement to preserve land for a covered species or habitat. A mitigation bank establishes new habitat and the net increases in value are assigned a credit that can be subsequently sold. The bank developer sells credits to private or public project proponents to offset their impacts, and a portion of the monies received is used to improve and maintain the resources in perpetuity. Mitigation and conservation banks must be approved by USFWS and CDFG. In exchange for permanently protecting the land, the bank operator is allowed by the Wildlife Agencies to sell habitat credits to project proponents who need to satisfy legal requirements by compensating for the impacts of projects that affect listed species or their habitat⁵. A conservation or mitigation bank typically is a free-market enterprise that performs the following functions.

- Offers landowners economic incentives to protect and improve natural resources;
- Saves project proponents' time and money by providing them with the certainty of preapproved compensation lands; and
- Provides for long-term protection, monitoring and management of habitat.

The goals of private mitigation banks are similar to those of regional HCPs or NCCPs and conform to USACE Rules for compensatory mitigation. Private mitigation banks may be most appropriate for specific high-value resources such as vernal pools or other types of wetlands.

Credits sold by existing or future private mitigation banks within the Plan area can count toward the PCCP mitigation and conservation obligations if they are consistent with the conservation, monitoring, adaptive management, and other relevant provisions of the Plan. For the bank to be eligible to sell credits to project proponents (public or private) with activities covered by the PCCP, the bank must meet all of the relevant standards of habitat enhancement, adaptive management, and monitoring outlined in Chapters 5 and 7

Existing or future mitigation bankers wishing to establish a bank whose credits can count toward PCCP requirements must notify the PCA and appropriate regulatory agencies to allow consideration of such provisions during bank development. There are currently several approved conservation or mitigation banks in the PCCP area. There are also

⁵ For additional information on banking see: <u>www.dfg.ca.gov/hcpb/conplan/mitbank/mitbank.shtml</u>

several banks in adjacent counties whose service area extends into the Plan area.

Mitigation for Activities Not Covered by the PCCP

By creating a framework for habitat conservation, the PCCP could attract additional mitigation to the Plan area by projects located in or around the Plan area but not covered by the PCCP. Land acquired, preserved in perpetuity, and managed for natural resource purposes to mitigate the impacts of activities not covered by the PCCP may complement and augment conservation achieved by the Plan if the location and management of the land is consistent with the goals of the PCCP. For example, mitigation from non-participating cities (Roseville, Rocklin, and Auburn) may preserve land in the Plan area that would not have been preserved under the PCCP. Alternatively, mitigation for non-participant activities may accomplish conservation objectives of the Plan, enabling conservation under the Plan to be redirected to other areas or other conservation purposes.

Project proponents with projects in or near the Plan area that are not covered by the Plan but that affect covered species may be interested in using the PCCP as a vehicle to mitigate impacts of their projects. These non-covered projects may be required to conduct mitigation or conservation actions under a variety of state and federal regulations, including ESA, CESA, CWA, Porter-Cologne Water Quality Control Act, NEPA, or CEQA. If these actions are compatible with the PCCP, there are advantages to using the conservation strategy of the Plan as a guide to mitigating the impacts of non-covered projects because of potentially lower costs and greater conservation benefits. Costs to mitigate non-covered projects through the PCCP are expected to be lower than the project-by-project approach because of the economies of scale realized by the PCCP in conducting land acquisition, habitat restoration, land management, and monitoring. Some non-covered project proponents may be interested in contributing land to the PCCP as their mitigation.

If land acquisition or habitat restoration intended to mitigate the impacts of non-covered projects occurs in areas that are a priority for conservation in the PCCP and contributes to a PCCP conservation objective, the PCA and the Wildlife Agencies will confer and determine how to redirect PCCP resources allocated for that objective to other conservation objectives. If the land acquisition or restoration to mitigate the impacts of a non-covered project substantially accomplishes a PCCP conservation objective for a habitat type, PCCP resources may be redirected to other high priority conservation objectives, including other habitat types. For example, if vernal pool grasslands are acquired within the PCCP Area to mitigate impacts to vernal pool grasslands from non-covered projects and/or by non-participating cities, and the acquisition contributes to PCCP land acquisition objectives for vernal pool grasslands, the PCA may, with the Wildlife Agencies' concurrence, redirect a commensurate portion of PCCP resources allocated for the acquisition of vernal pool grasslands to

the acquisition of riparian habitat, seasonal wetlands, or other appropriate PCCP habitat types. Provided all PCCP conservation objectives for a habitat type are accomplished through ordinary PCCP implementation, land acquisitions to mitigate the impacts of non-covered projects, or other means, PCCP resources allocated for that habitat type can be redirected to the conservation of other similar or related PCCP habitat types instead of simply acquiring additional lands containing the habitat type for which PCCP conservation objectives have been accomplished.

Mitigation for impacts on covered species by non-covered projects cannot be counted toward either the mitigation requirements or the Stay-Ahead provision of the PCCP and must result in a redirection of PCCP resources toward other conservation purposes as described above. To evaluate non-covered activities, the PCA could use the criteria in Section 8.5 for Participating Special Entities.

8.8.3 Conservation Easements

Conservation easements will be used as an important tool in Plan implementation in four ways:

- Conservation easement placed on land or stream system acquired in fee title by the PCA or one of its land acquisition partners to secure credit under the Plan (see Section 8.7);
- Conservation easement purchased from a private party and placed on the land or stream system still owned by the landowner (i.e., as an alternative to fee title acquisition); and
- Conservation easement placed on land or stream system in public ownership at the time of permit issuance.
- A conservation easement on land or stream system may be dedicated by a private landowner to the PCA for mitigation purposes.

This section describes the process for developing acceptable conservation easements in all three cases. These guidelines and rules will be used by the PCA or by its partners acquiring conservation easements on behalf of the PCA with PCCP funding.

All conservation easements acquired to meet the goals of the PCCP will be in perpetuity and in accordance with California Civil Code sections 815 et seq⁶. All conservation easements will be voluntarily offered by the holder of the underlying fee. The conservation easements will be dedicated to the PCA. One party dedication of all easements will contribute to consistency in enforcement, monitoring, and maintenance. In addition, it will allow for a systematic and efficient approach for required conservation and monitoring actions. However, the PCA may allow dedication of an easement to another conservation organization, if that

⁶ This section of California law allows placement of restrictions on the use of land for conservation purposes that is binding on all successive owners of that land.

organization is approved by the PCA and the landowner and a binding agreement exists between the PCA and the easement holder to ensure compliance with the Plan and the terms of this section. Conservation easements on land owned by the PCA must be held by another conservation organization.

It is the responsibility of participating landowners to abide by the terms of conservation easements. The terms and prices of conservation easements will be negotiated on a case-by-case basis between the landowner and the PCA. The specific terms of the conservation easement will be developed depending on site conditions, landowner preferences and operations, and species and habitat needs. Some landowners may wish to reserve a portion of their property for uses that are incompatible with the PCCP, such as a home site or a recreational facility with high intensity use. In these cases, the conservation easement may either exclude the incompatible site or apply to the entire property but define the portion of the site in which the incompatible uses are allowed. The PCCP will only receive credit for the portion of the property that is compatible with Plan goals and objectives.

Each conservation easement for the property or portion of the property that will be incorporated into the Reserve System will be drafted to:

- Ensure that the property will be kept in its natural or existing condition (all or portions of the site may also be enhanced or restored);
- Protect the existing, enhanced and/or restored conservation values of the property forever;
- Ensure that the easement cannot be extinguished without the prior written consent of the PCA and any third party beneficiary;
- Confine the allowable uses of the property to those activities that do not interfere with the preservation or enhancement of those conservation values consistent with the Plan; and
- Prevent any use of the property that would impair or interfere with the conservation values of the property.

A template conservation easement that incorporates these provisions and the list below is found in Appendix X (*in progress*). The conservation values will be specifically described in terms of covered species and their habitat, as well as other land-cover types and natural communities on the property. Conservation values will be, at a minimum, described using the land-cover types and covered species habitat described in Chapter 3 and the Species Accounts (Appendix D). A legal description and map must be included in the easement.

⁷ There may be advantages to having the conservation easement apply to the entire site, for example, to avoid costly boundary surveys needed to define the conservation easement more narrowly than the property boundary.

Each conservation easement will prohibit the activities listed below⁸, except as necessary to maintain or enhance conservation values and for necessary conservation actions described in Chapter 5 and in the Reserve Management Plan that will be developed for the site by the PCA, or in the portions of the property designated for incompatible activities.

- Unseasonal watering; incompatible use of fertilizers, pesticides, biocides, herbicides or other chemicals; and other activities and uses that may adversely affect the purposes of the conservation easement;
- Use of off-road and other motorized vehicles except on existing roadways (allowances will be made for off-road vehicle use for management purposes including agreed upon agricultural activities);
- Commercial or industrial uses outside of small, clearly defined footprints of allowable intensive uses surrounding existing structures;
- Any legal or de facto subdivision, or partitioning of the property;
- Modification or improvements (unless approved for restoration or creation) that does not directly support any allowable existing agricultural operation (allowances will be made for construction and maintenance of structures that support management activities). Allowable existing agricultural operations are ones consistent with the biological goals and objectives of the Plan and the conservation, restoration, and enhancement objectives of the easement. Agricultural operations could include cropland, pasture, light to moderate livestock grazing, and others. Intensive agricultural uses such as vineyards, nurseries, or intensive livestock use (e.g., dairy, feedlot) would generally be incompatible with the habitat conservation objectives of the Plan, but may be allowed when such uses are mitigating impacts to similar agricultural operations impacted by land conversion activities (see Chapter 6). Allowable agricultural uses will be determined on a case-by-case basis by the PCA, with prior approval by the Wildlife Agencies;
- Depositing or accumulation of soil, trash, ashes, refuse, waste, biosolids or any other pollutants;
- Planting, introduction, or dispersal of nonnative plant or animal species unless specifically authorized by the conservation easement;
- Filling, dumping, excavating, draining, dredging, mining, blasting, drilling, removing, or exploring for or extraction of minerals, loam, soil, sands, gravel, rocks, or other material on or below the surface of the property;
- Altering the surface or general topography of the property, including building of roads, except as needed to support creation, restoration or enhancement projects associated with the Plan. Road construction for agricultural operations may be allowed on a case-by-case basis, subject to PCA approval, particularly for agricultural operations that

⁸ The source of most of these conditions is the standard template used by CDFG for conservation easements throughout California.

- are replacing similar intensively farmed operations that are mitigated through the land conversion requirements.
- Removing, destroying, or cutting of trees, shrubs, or other vegetation, except for allowable agricultural and management uses and as required by law for fire breaks, maintenance of existing foot trails or roads, prevention or treatment of disease, or control of invasive plants. If vegetation removal is allowed, limitations should be put on the location, amount, and type of vegetation removed in order to minimize erosion and sedimentation, particularly if the site is near or adjacent to a stream, vernal pool(s) or perennial wetland; and
- Manipulating, impounding, or altering any natural water course, body of water, or water circulation on the property, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or subsurface waters (allowances will be made for enhancement, restoration, or creation of aquatic habitat features consistent with Chapter 5).

If any of the prohibited uses listed above are necessary to maintain existing agricultural uses, and would not impair or interfere with the preservation of the conservation values of the property, the PCA may identify it as an allowable use of the property and shall describe such allowable uses in any conservation easement.

In addition, all recorded conservation easements must include or incorporate by reference the items listed below.

- The baseline inventory of covered species and natural communities present.
- A detailed list of the allowable uses and use restrictions on the parcel, consistent with the minimum requirements stated above.
- Any mandatory terms and conditions to maintain or enhance the habitat pursuant to Sections 5.6 and 5.7 of this Plan.
- Provisions for access by the PCA or its designee to monitor compliance with the terms of the conservation easement and to carry out all applicable management and monitoring requirements described in Chapter 5 and Chapter 7, respectively.
- The allowances or restrictions on public access and recreation on the site, compatible with the conservation goals of the Plan. In general, it is anticipated that there will be limited public access on properties encumbered by conservation easements, although some large properties may be identified as future passive recreational areas to promote public involvement and support for the PCCP.
- Conservation easements on grazing lands will describe the general nature of the grazing to be allowed. The easement will specify the desired vegetation and other habitat conditions and impose limits on the timing, stocking density, residual dry matter, and duration of permitted grazing to meet those conditions. These desired conditions

and grazing limitations will be allowed to fluctuate according to the findings of monitoring and the adaptive management process. Details of vegetation management and grazing will be contained in the reserve management plan (described in Chapter 5) that will be prepared after the conservation easement is recorded. The conservation easement may accomplish this requirement by reference to the separate reserve management plan prepared for the lands covered by the easement.

- Conservation easements on cultivated agricultural land will describe the agricultural practices that will be undertaken to ensure the land's suitability as foraging and breeding habitat for applicable covered species (e.g., western burrowing owl) and as landscape linkages for native species, if applicable. If the site contains aquatic or riparian habitat that supports or could support tricolored blackbird, California black rail, yellow warbler, Central Valley Steelhead, Chinook salmon or other riparian or wetland dependent species, the conservation easement will also generally describe measures to maintain or enhance these species. Details of enhancement measures will be contained in the reserve management plan. The conservation easement may accomplish this requirement by reference to the separate reserve management plan prepared for the lands covered by the easement.
- Conservation easements on cultivated agricultural land will ensure that the land meets one or more biological goals and objectives of the Plan; that the site allows connectivity for wildlife including covered species that may use the site; and that land uses do not preclude the site from meeting additional biological goals and objectives later in the permit term through habitat restoration.
- Conservation easements acquired on cultivated agricultural lands that are used to serve as mitigation for land conversion do not need to meet specific biological goals and objectives of the Plan. These lands may be acquired to replace lost open space and agricultural conservation values, to serve as buffers, and to meet other conservation objectives not specifically linked to covered species.
- Conservation easements will take into account issues of water use efficiency and runoff into adjacent or nearby streams and their potential effects on covered salmonids, if applicable.
- The conservation easement shall contain provisions for enforcement and available remedies for the PCA or appropriate other party in the event that the title holder or third party violates the terms of the conservation easement.
- If the conservation easement boundaries are different from the parcel boundaries, a legal description and plat map will accompany the easement. The legal description and plat map will be prepared by a licensed surveyor.
- When a Reserve Management Plan is prepared for private property according to Section 5.5.3, the PCA will record simultaneously with

the conservation easement a Memorandum of Unrecorded Reserve Management Plan, indicating where that Reserve Management Plan may be found and that the terms of such Reserve Management Plan will be followed. Such a title record ensures that the Reserve Management Plan will be tied to the conservation easement in the event property ownership changes. The title record also ensures management of the site in perpetuity.

To approve and accept a conservation easement, the PCA must have the following documentation:

- A pre-acquisition assessment of the property documenting the baseline biological conditions, including the presence and condition of and natural communities and the presence and condition of covered species, if known (see Section 8.7);
- A preliminary title report and legal description of the property;
- Assurance that the conservation easement will be superior to any liens of record or existing interests in the property, or that any superior liens or interests will not substantially conflict with the property's conservation values. A subordination agreement may be required to insure that the conservation easement is superior to any liens of record;
- Evidence of all other easements, covenants, restrictions, reserved rights, and other property interests (including water rights);
- As appropriate, based on site conditions and history of use, a Phase I environmental analysis for hazardous materials may be required. If deemed necessary by the Phase I assessment, a Phase II environmental assessment will be required prior to an acquisition being completed;
- A map of the parcel in relation to other components of the Reserve System, or other properties subject to other permanent protections for conservation purposes, including lands acquired through other conservation programs e.g., land trust acquisitions, NRCS Wetland Reserve easements, Placer Legacy, etc.; and
- A Property Analysis Report (PAR) or comparable assessment of the initial capital costs (e.g., acquisition and restoration) and ongoing management funds required to manage and monitor the lands (e.g., applicable components of PCCP cost estimate).

Easements on Land Acquired by or for the PCA

As described in Section 8.7, the PCA must secure permanent protection of a property in order to receive credit under the Plan. If the land is owned by the PCA or a Permittee, a conservation easement could be placed on the site to ensure permanent protection (other mechanisms are also available). For lands acquired for the Reserve System but owned by other public entities, or private non-profit land conservation organizations, permanent protection must be ensured by a conservation easement

consistent with the requirements of Section 8.8.3. In either case, conservation easement terms will be consistent with those described in this section.

Easements on Existing Public Lands

The PCCP will provide additional funds or staff to these agencies to perform specific management and monitoring actions in selected public lands and parks that will substantially benefit the covered species and natural communities. These sites will be enhanced to support the PCCP and will be incorporated into the Reserve System.

Easements on Private Land

This Plan assumes that the PCA will purchase 15 percent of the land for the Reserve System in conservation easements rather than fee title, with an initial focus on this approach to attain the "Jump Start" and "Stay-Ahead" provision of five (5) percent prior to issuance of the permit. Conservation easements are appropriate where landowners wish to remain on the property and the Plan's conservation goals can still be met with an easement. Conservation easements have been used throughout California to preserve farms, ranches, and the working landscapes that they support. The conservation easements purchased by the PCA are intended to preserve the natural features of a property. However, these easements are also expected to protect working landscapes of all kinds throughout the Plan area and provide economic incentives for farms and ranches to thrive.

On cultivated agricultural lands targeted for conservation by the Plan, most or all acquisitions will be through conservation easements. The primary purpose of easements on cultivated agricultural lands is not necessarily to preserve or reestablish natural conditions (although some properties may have portions of their site in a natural state) but to preserve the open space on these sites (e.g., as landscape linkages).

When not solely acquired for their open space and agricultural conservation value (e.g., certain biological goals and objectives are to be achieved), another purpose is to provide restoration opportunities that are compatible with the economic viability of the agricultural operation (e.g., riparian restoration at the edge of row crops or the establishment of nest and perch sites for raptors such as Swainson's hawk). Acquisition of conservation easements on agricultural land is not part of the mission of County Parks, so other land agents would be part of such acquisitions. Placer Land Trust is an example of a local non-profit organization that has purchased conservation easements on cultivated agricultural lands in and near the Plan area.

Some ranchers may prefer selling a conservation easement rather than selling their land in fee title so they can remain on their land and continue

to conduct livestock operations. Livestock grazing will be an important management tool in the Reserve System (see Chapter 5), so this use is likely to be compatible with the conservation goals of Plan and therefore suitable for conservation easements.

8.8.4 Grazing Leases or Licenses within the Reserve System

Livestock grazing is an important management tool that benefits some covered species. As a result, moderate livestock grazing where appropriate is expected to be used in the PCCP Reserve System. Existing grazing leases or licenses⁹ on a newly established reserve acquired in fee title will continue until a Reserve Management Plan is prepared and approved by the PCA. After the management plan is approved, all grazing leases or licenses on the reserve will be reviewed by the PCA for consistency with the management plan and with the terms of the PCCP. If necessary, leases or licenses will be revised and brought into compliance with the Plan's conservation strategy and the framework for adaptive management.

If livestock grazing is introduced to a reserve that is acquired in fee title or if the preexisting grazing lease or license expires, the PCA or other Permittee agency (e.g., County Parks) will enter into a lease agreement or license with the livestock operator. The lease agreement or license will specify the desired vegetation and other habitat conditions and impose limits on the timing, stocking density, residual dry matter, and duration of permitted grazing to meet those conditions. The lease agreement will also outline the responsibilities of each party for maintaining reserve infrastructure (e.g., fences, watering facilities). Grazing leases or licenses will be reviewed annually with the lessee to adjust grazing practices to best meet habitat goals. At the expiration of the lease or license, the PCA will review monitoring data to determine whether the lease or license should be reissued with no changes in grazing management, reissued with changes in the grazing regime, or not reissued. All new and renewed leases or licenses will include the following conditions of agricultural use and covenants to protect resources.

- Grazing capacity and stocking rates;
- Evaluation of fencing of riparian areas;
- Residual dry matter guidelines:
- Conditions under which the desired stocking rate can be changed or exceeded (e.g., seasonal adjustments to maintain habitat quality);
- Grazing and livestock practices;

⁹ A lease is a short- or long-term contract for use of a property, whereas a license is a short-term permit allowing use under an established program. Both leases and licenses may be applicable to livestock grazing in the Plan area.

- Pest control restrictions; and
- Reporting requirements.

8.8.5 Willing Sellers

A key principle of the PCCP is that land will only be acquired by the PCA for the conservation strategy from willing sellers. Given the many land acquisition requirements in Chapter 5 (see Section 5.5.1), it is possible that one or several landowners who own key resources of interest to the PCA will not wish to sell, or that negotiations to sell will fail. It is impossible to predict at this time where this might occur or in what context it might occur (e.g., how much of the Reserve System has been acquired. the extent of resources remaining to protect). This situation, if it occurs, is only expected to occur between 2015 and 2040 when the majority of vernal pool impacts are predicted and the demands for mitigation and conservation lands will be highest. Post 2040, most impacts are predicted to be associated with fragmentation of oak woodlands. In general, vernal pool resources are expected to be scarcer than oak woodlands and the rate and type of growth is significantly different with vernal pool impacts occurring within an urban landscape and oak woodland impacts occurring in a rural residential landscape. By 2040, most or all of the development impacts will likely have occurred or will have been permitted and consequently, any delays in land acquisition associated with a lack of willing sellers will affect few covered activities. This situation can be avoided if the PCA begins negotiations with key landowners early in the permit term. A review of progress toward land acquisition goals will take place at least annually with each annual report submitted to the Wildlife Agencies. This situation can be further abated by encouraging the use of mitigation banks, conservation banks and land dedications.

If key landowners are not willing to sell, the PCA, in coordination with the Wildlife Agencies, will reconfigure the land acquisition strategy to ensure that the biological goals and objectives will be achieved and that the total extent and type of lands to be preserved under the PCCP will be acquired. If such a reconfiguration is not possible, the options below will be considered.

- Requiring applicants to provide land instead of fees to obtain coverage under the Plan (see Section 8.8.7 below).
- Slowing or stopping local permit issuance under the PCCP until key land acquisitions can be made.

8.8.6 Gifts of Land

The PCA may accept land (or other conservation actions) as a gift or charitable donation. The PCA will evaluate the conservation benefit of the lands donated relative to the goals, objectives, and requirements of

the PCCP. The cost associated with the maintenance and monitoring of the land versus the benefits associated with its conservation will be closely evaluated. Donated land that does not meet these goals, objectives, and requirements may be sold or exchanged to enable acquisition of land that meets these goals, objectives, and requirements.

8.8.7 Land Dedication In Lieu of Development Fee

Some private project proponents may own land that can help meet the conservation goals of the Plan. Applicants that own land within the reserve acquisition area or other areas suitable for conservation (e.g., within or adjacent to the CARP buffer) may wish to donate or place a conservation easement on all or a portion of their property to reduce or eliminate their fee for development of the remaining portion of their property. Some applicants who wish to develop parcels may own other parcels within an area considered for conservation; dedicating or placing a conservation easement on the site within the higher priority conservation areas could eliminate or substantially reduce their fee to develop their other property. Project proponents may prefer to acquire their own mitigation lands within the reserve acquisition area and donate these lands or easements on them to the PCA instead of paying all or a portion of the fee. Finally, a Permittee may wish to dedicate land to the PCA or establish conservation easements on their land in lieu of paying all or a portion of the fees (see Chapter 9 for details of these fees) for their own covered projects.

Criteria for Providing Land In Lieu of Fees

Land may be provided in lieu of all or a part of the PCCP fees under the conditions listed below.

- The land supports biological resources that meet Plan requirements and contributes to Plan biological goals and objectives.
- The land mitigates the projected take of covered species impacted by the project for which the dedication is offered.
- The land is consistent with the reserve design and assembly principles listed in Chapter 5, Section 5.5.
- The land has no property encumbrances that conflict with PCCP goals and objectives.
- The PCA has its own funding or funding commitments from mitigation fees and/or grants for the PCA to manage and monitor the dedicated land according to the requirements of the Plan.
- The transaction is approved by the PCA.

The PCA will consider requests for a fee reduction or waiver in exchange for land dedication (transfer or conservation easement) on a case-by-case basis. The amount of the fee reduction will also be determined case-by-case according to the following rules and guidelines.

- The amount of land and functional quality dedicated per project must be equivalent to or greater than what would have been the project's proportional contribution to PCCP fee revenue.
- The amount of land required to fully offset the development fee for each project can be increased or decreased depending on the conservation value of the land and its importance to the assembly of the Reserve System.

Private project proponents will be required to provide baseline data on properties offered for dedication that: 1) documents their biological value to the Plan, 2) describe how the land mitigates impacts to covered species, and 3) explains how the site meets land acquisition requirements and biological goals and objectives of the PCCP. However, the property owner must provide access to the proposed site to allow PCA staff or their designees to survey the site and verify its biological value for the Reserve System (at no cost to the applicant). The PCA should also consult local land managers when evaluating land in lieu proposals to help determine long-term management and monitoring issues, feasibility, and costs. The applicant will pay the cost of other due diligence such as Phase 1 or 2 (if necessary) environmental assessments, appraisal, and title search.

Stream Setbacks

As described in Section 6.7, covered projects that occur adjacent to streams and riparian areas are required to establish setbacks from these resources. Landowners will not pay PCCP fees on the portion of their parcels that are dedicated as stream setbacks in the form of conservation easements, common area lots, or lands held by the PCA (see Chapter 9 for details on required fees or fee waivers). In some cases, stream setback dedications may be suitable for inclusion in the Reserve System and therefore may be able to offset all or a portion of the PCCP fee outside of the setback. To qualify for inclusion in the Reserve System, stream setbacks must be placed in a conservation easement according to the requirements in Section 8.8.3 above. In addition, lands must meet the criteria described above for land in lieu of PCCP fees.

8.8.8 Williamson Act Parcels

The California Land Conservation Act, more popularly known as the Williamson Act, was created in 1965. Under the Williamson Act, an owner of agricultural land may enter into a contract with the County if the landowner agrees to restrict use of the land to the production of commercial crops for a term of not less than 10 years (20 years in the case of a Farmland Security Zone contract). The term of the contract is automatically extended each year unless notice of cancellation or nonrenewal is given. Certain compatible uses are allowed on the property. In return, the landowner is taxed on the capitalization of the income from the land, and not on the Proposition 13 value. There are

currently more than 43,500 acres, including 12,000 acres in non-renewal status, enrolled in the Williamson Act in Placer County.

A significant change was made in August 1998 when the law was amended to provide for the establishment of Farmland Security Zones (FSZ). Under this California Farm Bureau-sponsored Williamson Act amendment, landowners can receive an additional 35 percent tax reduction in the land's value for property tax purposes. This additional tax reduction can be earned only if farmers and ranchers keep their property in the conservation program for at least 20 years. FSZ contracts are comparable to the Williamson Act contracts in that each year another year is added to the agreement unless the landowner or county non-renews the contract. Placer County is one of 19 counties to adopt the FSZ program. As of June 2010 six FSZ contracts have been processed.

Enrollment in Williamson Act contracts is encouraged as part of the PCCP implementation strategy because they help stabilize the agricultural landscape. However, Williamson Act contracts cannot be used to qualify lands for protection in the Reserve System since the landowner has the unilateral right to terminate the contract.

8.9 Roles and Responsibilities in Reviewing Applications for Take Authorization

8.9.1 Permittee Responsibilities

Upon approval of the Plan by the Resource Agencies, the Permittees will be issued permits for take of covered species. For projects conducted by a Permittee, the Permittee will be responsible for assuring that the project conforms to the requirements of the Plan, following the process for utilizing take authorization described in Chapter 6, Section 6.3.1.

The County and the City will also be capable of extending Plan coverage to private landowners and other private applicants within their Plan areas, provided that the projects or activities are covered by the Plan and are in accordance with the terms and conditions of the PCCP, the permits, and the Implementing Agreement. Landowners and other private applicants who receive this coverage are referred to as Third Party Participants.

To receive take authorization under the state and federal permits, private project proponents must apply to the City or the County for take authorization following the process described in Chapter 6, Section 6.3.2.

The City and the County will be the agencies with primary authority and responsibility for reviewing private development applications and authorizing take.

For project proponents within the Plan area that are not subject to the land use authority of a Permittee (i.e., special districts), the project proponent must apply to the PCA as a Participating Special Entity (see Section 8.5).

8.9.2 PCA Responsibilities

The PCA will have limited responsibility and authority in reviewing and approving take authorization. Its primary role will be to support the Permittee's decision-making process rather than to serve as a final authority to the Permittees. Accordingly, the PCA will provide tools for Permittees to use in their application review and project assessment process (e.g., checklists, template planning survey report, and fee calculator). In addition, the PCA will provide advice, upon request, to the City and the County as they process applications for take permits and will promote coordination among Permittees to ensure that the Plan is implemented consistently and effectively.

The PCA has specific authority related to reviewing and approving take authorization, as listed below.

- Reviewing applications from Participating Special Entities (Section 8.4) and authorizing take as appropriate;
- Approving offers of land in lieu of fees (Section 8.8.7) and of restoration or creation of jurisdictional wetlands or riparian habitat in lieu of wetland/riparian fees (see Chapter 9). Local jurisdictions must forward such applications to the PCA for review, approval, and calculation of the required fees, if any, on a case-by-case basis. Once the proposal is approved, the terms of the land offer, habitat restoration/creation, and any remaining fees will be forwarded to the local jurisdiction for incorporation into the project conditions of approval.
- Verifying that proposals to defer fee payment through ongoing assessments or other mechanisms conform to the requirements (see Chapter 9). The PCA must approve these proposals prior to adoption by the local jurisdiction.
- Approving fee waivers within stream setbacks when dedications of land within stream setbacks are offered (see Chapter 6, Section 6.7). The PCA must approve these proposals prior to adoption by the local jurisdiction.
- Suspending the option for early payment of fees and authorization of take under certain circumstances. Upon suspension, the PCA will notify all Permittees (see Chapter 9).
- Recalculating the fees annually or periodically and providing the new fees to the Permittees. The PCA will notify each Permittee of the new fees.

8.9.3 Wildlife Agency Responsibilities

The Wildlife Agencies will not be involved in approving take authorization for the Permittees' projects or for private development projects within the jurisdiction of the Permittees on a project-by-project basis, except in limited circumstances (e.g., where Section 7 consultations are still required [see Section 10.2.3, Federal Section 7 Consultations]). The Wildlife Agencies will instead focus primarily on ensuring that the Plan is in overall compliance with the state and federal permits.

Reviewing and commenting on annual reports and monitoring reports (see Sections 8.11 and 8.12) will be a key means for the Wildlife Agencies to monitor compliance with the permits. The Wildlife Agencies may also monitor the Permittees as they grant take to individual projects. The Permittees are not required to transmit copies of application materials to the Wildlife Agencies each time an application is approved. Permittees are, however, required to provide such information to the Wildlife Agencies upon request. The Wildlife Agencies may offer comments to Permittees, but the granting of take authorization to individual covered activities will remain the purview of the Permittees. The purpose of Wildlife Agency monitoring issuance of take authorization to covered activities is to facilitate communication so that errors or differences of opinion can be addressed before they become serious problems.

A subset of the covered activities (Chapter 2) will require additional review and approval by the Wildlife Agencies to ensure that the covered activity is adequately defined, consistent with the PCCP, and incorporates appropriate conditions of approval in Chapter 6:

■ [Note to Reader: More projects to be added along with a table showing the limitations of Wildlife Agency review for each project in implementation.]

8.10 Implementing Agreement

The NCCP Act requires an Implementing Agreement for all NCCPs, and specifies necessary provisions. Moreover, the HCP process recommends the Permittees complete an Implementing Agreement as a key component of a conservation plan. The purpose of an Implementing Agreement is to ensure that each party understands its obligations under the PCCP, and to provide remedies should any party fail to fulfill its obligations. Accordingly, an Implementing Agreement has been prepared for this Plan (Appendix B). This agreement specifies the responsibilities of each party; how minimization, mitigation, and conservation measures will be implemented; reporting and enforcement procedures; and various other provisions agreed to by the parties. The Implementing Agreement references material in the PCCP whenever possible. As a result, the intent is consistency between the two documents. In the unlikely event

that there are inconsistencies between the PCCP and the Implementing Agreement then the Implementing Agreement will prevail.

8.11 Data Tracking

8.11.1 Database Development and Maintenance

The PCA will develop and maintain a comprehensive data repository (e.g., HabiTrak or similar data management software) to track permit compliance and all other aspects of the PCCP, including land and stream management and monitoring. The initial data repository to track permit compliance will be operating within 12 months of local ordinances taking effect. Additional components of the data repository (e.g., monitoring) can be added later as these components of the Plan are developed.

The data repository will be structured to be "user friendly," such that a trained staff person (as opposed to a technician or programmer) can enter data. Additionally, the data repository will allow for future expansion and integration with external databases (e.g., linkage to agency or other GIS map libraries). The data repository will be structured to meet the following requirements:

- Data documentation such that future users can determine why, how, and where data were collected (documentation standards should be consistent for all types of monitoring and over time; adequate documentation will facilitate the future use of monitoring data):
- Quality assurance and quality control of the data;
- Access and use of the most current information in assessment and decision making (the database will allow repeated access to current and past information over time); and
- Storage of spatial information in a GIS-linked or similar database.

The primary types of information for which the data repository will be developed and maintained are listed below.

- Status of covered activities, including implementation and impacts on covered species and natural communities;
- Status of PCCP natural community preservation/enhancement/ creation and restoration measures;
- PCCP funding and expenditures
- Data from monitoring and directed studies;
- Adopted changes to the PCCP, including administrative changes, minor amendments, or major amendments (all defined in Chapter 10);
- All reports and documents generated by the PCA or the Permittees related to the PCCP.

The PCA may choose to develop a web-linked database to facilitate controlled transfer of information by others into and out of the database. Examples of benefits that could be associated with maintaining controlled web-linked access to selected elements of the comprehensive PCCP database include:

- Development of database entry forms or use of handheld devices that could allow direct input of information into the database by those charged with implementing covered activities, conservation measures, monitoring surveys, and directed studies;
- Access by agencies implementing the PCCP to digital monitoring, research, and other data for purposes of generating internal reports that may be needed to facilitate their participation in the PCCP; and
- Access by agencies implementing other ecosystem conservation and restoration programs, outside researchers, and other interested parties to PCCP reports and documents.

The PCA will comply with the data sharing requirements of the Implementing Agreement. If the PCA allows additional access to the project databases, such access will require strict controls and monitoring to ensure that the integrity of the databases are maintained (e.g., use of passwords to limit access of a particular entity to selected database functions, sampling data entry forms to ensure that entered information is complete, compatible, and accurate).

8.11.2 Compliance Tracking

The PCA will track all aspects of compliance with the terms and conditions of the PCCP and the permits. To track compliance, the PCA will maintain baseline data as specified below.

- The location, extent, and timing of land acquisition and PCCP reserve establishment within the Plan area according to the requirements in Chapter 5;
- The implementation of each conservation action listed in Chapter 5;
- Descriptions of conservation agreements, lands acquired in fee title, interagency memorandums of agreement, or any other agreements entered into for the purposes of protecting, enhancing, or restoring covered species habitat;
- The location, extent, and timing of impacts on land-cover types and jurisdictional wetlands and waters, by year and cumulative total, based on reports submitted by applicants and Permittees for take authority under the PCCP;
- The location, extent, and timing of restoration, enhancement, or creation of applicable land-cover types (Chapter 5);
- The location, extent, and timing of implementation of all other conservation actions described in Chapter 5 (e.g., preparation of

recreation plans, preparation of Reserve Management Plans, construction of artificial perches, conducting monitoring).

The purpose of monitoring this information will be to track the PCA's progress toward achieving PCCP biological goals and objectives for conservation of covered species and natural communities (see Chapter 5). This tracking of progress will help ensure that habitats for covered species and natural communities are conserved within the Reserve System at a rate commensurate with the timing and magnitude of impacts of the covered activities. The data repository for permit compliance tracking will be operating within 12 months after approval of the Implementing Agreement.

These data will also be linked to supporting information documenting PCCP compliance. These reports and other data will be stored and archived electronically whenever possible. Appropriate supporting information includes the following categories.

- Application material submitted for covered activities;
- Preconstruction survey reports;
- Reports and other documentation related to the screening, selection, and acquisition of reserve lands; and
- Designs for covered activities that demonstrate compliance with relevant conditions in Chapter 6 (e.g., urban-wildlands interface design elements).

HabiTrak is a standardized database developed by CDFG and others to track NCCP implementation. HabiTrak may be used to manage and store portions or all of this compliance tracking information. If HabiTrak is not used, the database developed for the Plan must be compatible with the HabiTrak system or its successor so that compliance tracking for this Plan can be compared with other NCCPs in California.

8.12 Reporting

The PCA will prepare annual reports over the term of the PCCP that document permit compliance (see Section 8.10), conservation actions, management actions, restoration/creation actions, and monitoring results. The annual reports will summarize the previous calendar year's implementation activities and be completed by March 1st following the reporting year. No annual report will be required for the first partial calendar year. Annual reports will require synthesis of data and reporting on important trends such as land acquisition, fee collection, and habitat restoration. A due date of March 1st will allow time for the data from the previous year to be assembled, analyzed, and presented in a clear and concise format.

Annual reports will be submitted to the PCA Governing Board, Permittees, designated representatives of the Resource Agencies, and other interested parties, and will be available to the public and posted on the PCCP web site. The PCA may also distribute these reports to the Independent Science Advisory Group, as appropriate, for their review. These advisory bodies will use results presented in the annual reports, as well as other available information and any additional monitoring reports produced through the Adaptive Management Program, to assess success of the PCCP in meeting the biological goals and objectives and to formulate recommendations to the PCA Governing Board for Plan implementation in subsequent years.

The goals of the annual report are listed below.

- Providing the information and data necessary for the Permittees to demonstrate to the Resource Agencies and the public that the Plan is being implemented properly and as anticipated;
- Disclosing any problems with Plan implementation so they can be corrected:
- Documenting issues with Plan implementation that may require consultation with the Resource Agencies; and
- Identifying administrative or minor changes to Plan components required to increase the success of conservation measures.

At a minimum, annual reports will include the following information.

- A description of all covered activities implemented during the reporting period categorized by major activity type (per Chapter 2) and acreage;
- A summary of impacts on land-cover types associated with implementation of covered activities and conservation measures throughout the Plan area. Impacts on riparian and wetland land-cover types will also be reported by watersheds;
- A cumulative summary of impacts and conservation for all land-cover types (i.e., from the start of the permit term);
- A summary accounting for all conditions on covered activities applied to these activities (see Chapter 6);
- A description of all natural community protection, enhancement, creation, and restoration measures implemented during the reporting period. Riparian and wetland restoration and creation will also be reported by watershed to facilitate regional coordination of wetland mitigation for the USACE, USEPA, and CVRWQCB consistent with state and federal compensatory standards;
- A year-to-date and cumulative summary of the extent of land-cover types protected, enhanced, restored, or created. If conservation easements were used, the report will describe who holds the easements;
- An assessment of the progress toward all acquisition requirements by local, state, and federal sources, including land-cover types, landscape linkages, covered plant populations, and wetland

- protection. This assessment will include evaluation of compliance with the reserve design and assembly principles in Chapter 5 (e.g., minimizing edge);
- An assessment of compliance with the Stay-Ahead provision (Section 8.8.1) and a forecast of expected take and land acquisition needs for the next two years;
- An accounting of all revenues received, by type (e.g., PCCP fees, grants) and an assessment of progress towards total revenue goals. Funding from local, state, and federal sources must be tracked separately. Any fee adjustments must also be reported;
- An evaluation of the economic assumptions on which the Plan was based (e.g., plan costs, revenue rates and grant funding projections);
- An assessment of progress toward a complete funding strategy for implementation after the permit term (see Chapter 9);
- A summary of all land and water management activities undertaken on and off the reserves and a discussion of the management issues facing the PCA;
- A presentation of the conceptual ecological models developed to date and any changes to them that have taken place;
- A description of the landscape-, natural community-, and specieslevel monitoring undertaken during the reporting period and a summary of monitoring results, including species status and trends;
- A description of the adaptive management process utilized during the reporting period (e.g., consultation with science advisors);
- A summary of the recommendations or advice provided by the Resource Agencies and science advisors, regarding adaptive management and monitoring;
- A summary of the monitoring program objectives, techniques, and protocols including monitoring locations, variables measured, sampling frequency, timing, and duration, analysis methods, and who performed the analyses;
- An assessment of the efficacy of the monitoring and research program and recommended changes to the program based on interpretation of monitoring results and research findings;
- An assessment of the efficacy of habitat restoration and creation methods in achieving performance objectives and recommended changes to improve the efficacy of the methods;
- A description of all PCCP directed studies undertaken during the reporting period, a summary of study results, and a description of integration with monitoring, assessment, and compliance elements;
- An assessment of the appropriateness of performance indicators and objectives based on the results of effectiveness monitoring, and recommended changes to performance indicators and objectives;

- A description of any actions taken or expected regarding changed circumstances, including remedial actions;
- A description of any unforeseen circumstances that arose and responses taken; and
- A summary of any administrative changes, minor modifications, or major amendments proposed or approved during the reporting year (see Chapter 10, Section 10.3).

Federal guidelines for the contents of monitoring reports also recommend inclusion of biological goals and objectives in these reports. However, Table 5-1 serves this purpose. Therefore, biological goals and objectives will not be reported annually.

Electronic copies of the following data will be provided to the Wildlife Agencies and, upon request, to the public¹⁰.

- Copies of all non-confidential, non-proprietary databases that track covered activities and land acquisition in the possession and control of the PCA in its current state.
- Copies of all relevant GIS data in possession and control of the PCA in its current state, including land cover, the location of covered activities, and the boundaries of the current PCCP Reserve System.
- Copies of all non-confidential, non-proprietary financial data, in its current state, regarding the PCA that is in the possession and control of the PCA.

8.13 Schedule

To ensure a successful Plan, the PCA will need to be making progress on a variety of tasks simultaneously. Tasks during the first several years of implementation will be particularly important to ensure positive momentum and early compliance with Plan terms and conditions. This schedule does not preclude the Permittees from initiating and accomplishing these milestones earlier than anticipated. The Implementing Agreement will establish more specific deadlines for certain tasks.

During the first six months of the permit term, emphasis will be placed on forming the PCA, hiring key administrative staff for the PCA (or contracting out their functions), establishing local ordinances required to fund and implement the Plan, and developing implementation tools (e.g., survey protocols and templates). Within the first six months of the permit term, the tasks of grant writing, land acquisition, and Plan implementation training will transfer from the Permittees to the PCA or its agent (e.g., a

_

¹⁰ Data provided to the public will be subject to any restrictions on proprietary or confidential data or services that may be utilized by the PCA such as proprietary aerial photos, parcel databases, confidential species locations, or pending land transactions.

local land management agency). During the permit term, the PCA will be responsible for these tasks. Both the local jurisdictions and the PCA will be responsible for collecting PCCP fees throughout the permit term. Within the first year, the PCA will secure necessary staff, identify science advisors, create a Plan implementation web site, establish the required databases, and investigate habitat restoration opportunities.

Over the following five years, additional Reserve System staff will be hired or contracted, and more specific management plans will be created and initiated to manage and monitor the expanding Reserve System. Environmental compliance and design for habitat restoration and creation will be initiated. The PCA will also begin to develop strategies for post-permit funding for monitoring and management. Throughout the permit term, fees will be updated and adjusted on a regular basis, and conservation assessments will be conducted. In addition, the hiring and contracting of staff will be completed to implement the Plan and manage the Reserve System in perpetuity. Habitat restoration and design will continue, as will the adaptive management and monitoring of biological resources.

Between years 6 and 50, the PCA will continue to implement the conservation strategy, implement monitoring and adaptive management, and refine these programs as monitoring and other data are collected. By year 20 or halfway through take authorization, whichever comes first, the post-permit funding sources and implementation structure will have been finalized. All land acquisition must be completed by year 50, and all restoration and creation actions must be initiated by year 50 of the permit term and completed by year 50.