



California Department of Fish and Wildlife Role in BDCP Process

December 10, 2013

*Carl Wilcox,
California Department of Fish and Wildlife*



Natural Community Conservation Planning Act

- Mechanism for CDFW to authorize “take” of “Covered Species” (state listed, fully protected, and unlisted species), resulting from “Covered Activities” by conserving Natural Communities at a landscape scale, within a defined “Plan Area.”



NCCPA Standard: Provide for the Conservation and Management of the Covered Species Within the Plan Area

- Plan must meet this standard through implementation of its Conservation Measures to achieve its Biological Goals and Objectives for take of Covered Species to be authorized.



Covered Activities

- New and existing water conveyance facilities
- Water operations
- Implementation of conservation measures



Biological Goals and Objectives

Specify desired biological outcomes
(larger populations, healthier
individuals)



Connect those outcomes to long-term
conservation of species



Monitor and measure progress toward
achieving outcomes





Conservation Strategy

- **Three levels of conservation measures**
 1. Landscape-level
 2. Community-level
 3. Species-level
- **Conservation measures based on:**
 1. Needs of covered species
 2. Regulatory standards
 3. Recovery plans and other studies
 4. Experts contacted



Science Based

- Active engagement of independent science in the initial formulation of the Plan as well as through its development and implementation.



Adaptive Management

- Plan must include and Adaptive Management strategies, and;
- Plan must include monitoring and research program to assess effectiveness of Conservation Measures and inform Adaptive Management process.



DFW Findings to Approve BDCP as an NCCP

- Plan integrates Adaptive Management into implementation, supported by a monitoring program;
- Provides protection of habitat, natural communities and species diversity at a landscape or ecosystem level;



Findings Continued

- Conservation measures provide for the conservation of species within the Plan Area by:
 - Conserving landscapes for ecological integrity, function, and diversity;
 - Reserves in Plan Area provide for habitat linkages internally and externally;
 - Protect areas large enough to support sustainable populations;
 - Environmental gradients;
 - Connectivity and species movement.



Findings Continued

- Specific CMs that meet biological needs of Covered Species, based on best available science;
- Timeframe for implementation and consequences if not meet;
- Provisions that ensure adequate funding.



Assurances

Assurances to plan participants, commensurate with long-term conservation assurances. Based on:

- Level of knowledge of status of covered species;
- Adequacy of analysis of impact of take;
- Use of best available science to make take assessments;
- Reliability of conservation strategies;



Assurances continued

- Appropriateness of monitoring techniques;
- Appropriateness of size and duration of the plan with respect to quality and amount of data;
- Sufficiency of mechanisms for long-term funding;



Assurances continued

- Availability of data for analysis and evaluation of plan effectiveness; and
- Degree to which foreseeable circumstances are considered and provided for through Adaptive management.



Sacramento-San Joaquin Delta Reform Act of 2009

- Delta Stewardship Council adopted its “Delta Plan” in May 2013.
- Act sets out specific issues that must be reviewed and analyzed in the BDCP EIR/EIS:
 - Range of flow, diversion and operational criteria, range of conveyance alternatives;
 - Effects of climate change, effects on migratory fish and aquatic resources, flood management, water quality and natural disaster.



Delta Reform Act continued

- If BDCP is :
 - Approved by CDFW as an NCCP,
 - Approved by federal fish and wildlife agencies as a Habitat Conservation Plan, and
 - CDFW finds that the EIR/EIS meets these requirements,
- Then the BDCP will be incorporated into the Delta Plan.



CDFW and CEQA

- CDFW is a “responsible agency” for the BDCP EIR/EIS.
- DWR is consulting with CDFW about the contents of the EIR.
- CDFW will review and consider the analysis in the EIR/EIS before it makes its decision of whether to approve BDCP as an NCCP.



Questions?



California Department of Fish and Wildlife Tribal Consultation

December 10, 2013

Steven Ingram
California Department of Fish and Wildlife



Background for Consultation

- Executive Order B-10-11: On September 19, 2011, Governor Brown ordered “that it is the policy of this Administration that every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes.”
- California Natural Resources Agency Tribal Consultation Policy: On November 20, 2012, the California Natural Resources Agency adopted its Tribal Consultation Policy to govern and ensure effective communication and government-to-government consultation between Tribes and the Natural Resources Agency and its constituent departments.



CDFW Consultation with Tribes

- In January 2014, CDFW will distribute to all California Tribes copies of its draft Tribal Communication and Consultation Policy for review and comment.
- CDFW is working on guidelines for co-management with California Tribes.
- CDFW is currently undertaking several multiple-agency, multiple-tribe consultation processes (e.g., BDCP, DRECP, SJRRP).



Contact Information

Steven M. Ingram

Senior Staff Counsel & Tribal Liaison

California Department of Fish and Wildlife

1416 Ninth Street, Sacramento, CA 95814

Office: 916-651-7401

Cell: 916-838-1053

steven.ingram@wildlife.ca.gov