

From: Leslie, Douglas Douglas.Leslie@icfi.com
Subject: Re: Course of action based on today's conversations
Date: July 19, 2016 at 1:25 PM

To: Roberts John R. jroberts@natomasbasin.org

Cc: Leslie, Douglas Douglas.Leslie@icfi.com, Davin Norene rdnorene@gmail.com, Steven Willey swilley@syix.com, Bill Edgar bedgar@edgarandassociates.com, Burns Kimberli kburns@natomasbasin.org, Quinn Edward edward.quinn@bbklaw.com

LD

John:

I think you have outlined the best possible course of action for the Conservancy. The new draft revised Habitat Conservation Planning Handbook contains significant guidance on monitoring plan development which should definitely be taken into account when revising the BEMP, as it reflects the combined experience gleaned from many experts attempting to evaluate the success of many, many monitoring programs and also because it is likely to be indicative of the views of the USFWS when they review proposed changes to the monitoring plan. I believe the new guidance allows for greater flexibility in monitoring plan development than previous guidance (contained in the USFWS 5 point policy), and certainly more flexibility than what is contained in the NBHCP. I am excited about the new guidance because in my view, it confirms the general direction I would recommend the Conservancy take toward monitoring to both improve the conservation program while also reducing costs.

Thanks,

Doug

On Jul 14, 2016, at 16:30, John Roberts <jroberts@natomasbasin.org> wrote:

MEMO

TO: Doug Leslie, ICF International

FROM: John Roberts

RE: Biological Effectiveness Monitoring Program Document ("BEMP Program Document")

CC:

Davin Norene, Board Chair

Steve Willey, Board Vice Chair

Bill Edgar, Chair, Finance Committee

Kim Burns, Manager, Accounting and Finance

Ed Quinn, legal counsel

Doug:

Because the recently-released proposed revised USFWS/NMFS HCP Handbook de-emphasizes covered species population tracking and emphasizes directed research at management action, we worry about spending more money recommending a revised BEMP Program Document to the Board and NBHCP TAC that may run contrary to this new direction. Based on our discussions, I believe we need to step back and assess what the impact will be on the Conservancy's biological monitoring efforts. If we don't, I believe we risk spending substantial sums of money that could be lost and/or wasted.

In a sense, I recommend we stop and catch our breath, so to speak. Let's do the following:

- 1.) put a "hold" on all work on the one-year contract you are working on to revise the BEMP Program Document,
- 2.) explain to the Board of Directors at its Wednesday, August 3, 2016 Board meeting that we will not be recommending a revised BEMP Program Document that the Board for its acceptance (and then obtain NBHCP TAC approval for), and
- 3.) that means the Board will not be able to approve a new and revised RFP to solicit proposals from biological monitoring contractors for our typical five-year contract period, because that RFP was going to be based on revisions you and I had anticipated we could produce that would lead to reduced biological monitoring costs and improved results, and
- 4.) we need to reach out to legal counsel and the NBHCP TAC and ask what, if any, impact the proposed revised HCP Planning Handbook will have on the Conservancy's implementation of the NBHCP and MAPHCP with their prescriptions for biological monitoring, and
- 5.) based on those discussions, return to the Conservancy's Board of Directors with recommendations on what this means for future biological monitoring, and do so hopefully by late this year or at the latest, early next year, and
- 6.) in the meantime, request that the biological monitoring agreement between ICF International and the Conservancy be extended by one additional year so that we make certain the Conservancy is in compliance for 2017, and,
- 7.) we should target late spring/early summer next year to have a final recommendation to the Board as to steps the Conservancy should take in order to comply the new HCP Handbook, and finally,
- 8.) this will require that ICF International re-start the work on the BEMP Program Document once we have completed steps #1 through #6 above.

Could you please review this and see if you could add anything to it?

Thanks for advising me today about the recent developments with regard to the proposed revised HCP Handbook. This is important information, and we appreciate ICF International looking out for the Conservancy's interests in this regard.

From: Leslie, Douglas Douglas.Leslie@icfi.com
Subject: Revise Draft habitat Conservation Planning Handbook
Date: July 14, 2016 at 3:56 PM
To: Roberts John R. jroberts@natomasbasin.org



Hi John,

Below is the link to the Draft Revised Habitat Conservation Planning Handbook. The Handbook is the guidance issued by the Services to help those that would like to apply for a section 10 take permit under the ESA, and thus would need to develop a Habitat Conservation Plan. The Handbook contains a chapter (chapter 10) on monitoring that provides a great deal of guidance. The emphasis in the new Handbook de-emphasizes monitoring the state of populations (i.e. monitoring populations trends) and places new emphasis on monitoring specifically to address key uncertainties regarding what we know about these species that could have implication for how we manage them, and addressing what the effects of various management actions might be. Management actions includes everything (in our case) from creating managed marsh habitat or creating more uplands adjacent to rice canals to the timing of water delivery and the height at which we mow grasslands.

It has implications for how the Service might view any proposed changes to the Biological Effectiveness Monitoring program. In the end, I actually think it gives us more flexibility to be creative about how we might revise the program, which hopefully will allow us to set a fixed funding schedule for monitoring in the future, presumably at a lower level than we currently spend doing the monitoring the way we currently do.

The Draft Revised Habitat Conservation Planning Handbook was issued on June 28, 2016 and is open for public comment for 60 days.

Please call with any questions you might have.

https://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook-Draft.pdf

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