



Legislation Text

File #: 07-1212, **Version:** 1

Development Services Department, Planning Services Division, recommending the Board receive the proposed Scope of Work for Pine Hill Preserve Memorandum of Understanding and Rare Plant Conservation Plan, and provide direction to staff to conclude negotiations with Science Applications International Corporation and return to Board with a contract for same.

RECOMMENDED ACTION: Development Services recommending the Board review and approve the proposed scope of work and direct staff to conclude contract negotiations with Science Applications International Corporation (SAIC) and bring the contract to your Board for consideration at the earliest opportunity.

Background:

As directed by your Board, a scope of services, budget, and schedule has been prepared by SAIC to resolve rare plant conservation and mitigation issues through preparation of a Rare Plant Conservation Plan/MOU. The rare plants involved are the eight plant species endemic to gabbro soils within the Pine Hill Preserve area (see attached summary of the history of rare plant mitigation issues for further background information).

The scope of services envisions that the County would develop a conservation plan and implementation strategy that would address baseline conditions, process between agencies, obligations and outcomes, and achieve consensus on a conservation and mitigation strategy. The end process would result in an MOU between the County, U.S. Fish and Wildlife Service (FWS), and the State Department of Fish and Game as originally envisioned by the County when it adopted ordinances implementing the Ecological Preserve and related mitigation fee program. The MOU would be subject to Section 7 consultation with the FWS. Through the Section 7 consultation process, FWS would prepare a biological opinion on the conservation plan resulting in an incidental take authorization for any rare plants within the project area that may be affected by future development.

The work schedule projects 18 months to complete the scope of services at an estimated cost of \$255,604. The cost of completing this scope of work can be recovered through the rare plant mitigation fee update if the Board so directs, subject to compliance with statutory mitigation fee requirements. This work effort would proceed in parallel with preparation of the Integrated Natural Resource Management Plan (INRMP). The terms of the MOU could then be incorporated into the overall conservation strategy for the INRMP.

The scope of work includes coordination with state and federal resource agencies, development of a conservation plan, and technical support for preparation of an MOU with these agencies to coordinate conservation planning and mitigation approaches. Outside counsel will be tasked with preparation of the actual MOU document with technical support from SAIC. Compliance with state and federal environmental review requirements is not included in this scope of work and will be addressed separately depending on the type of regulatory actions that FWS and the State

Department of Fish and Game agree will be covered under through the MOU process.

As your Board may recall, the MOU process was developed, per your Board's direction, as an alternative to preparing a Habitat Conservation Plan (HCP). A comparison of the HCP and MOU approaches was presented to your Board at prior workshops on this issue. Outside counsel will be available at your Board meeting to review and compare the two approaches if any questions arise. Representatives from SAIC and Development Services will present the proposed scope, schedule, and budget to the Board and respond to any questions.

cc: Paul Cylinder, SAIC
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ATTACHMENTS:

Background Paper on Rare Plant Conservation/Mitigation Issues
Proposal to Prepare a Rare Plant Conservation Plan MOU, SAIC

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