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**Appendix G**  
**City/USFWS MOU**

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85-26

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF ROSEVILLE AND  
THE UNITED STATES FISH AND WILDLIFE SERVICE**

**1. BACKGROUND**

- 1.1. On May 25, 1999, the United States Fish and Wildlife Service ("Service") issued a biological opinion under a formal consultation with the Army Corps of Engineers ("Corps") regarding the effects of construction of the Pleasant Grove Wastewater Treatment Plant ("PGWTP") on the federally listed endangered vernal pool tadpole shrimp and the threatened vernal pool fairy shrimp ("vernal pool species") in accordance with section 7 of the federal Endangered Species Act ("ESA"), 16 U.S.C. section 1531 *et seq.*
- 1.2. The Incidental Take Statement ("ITS") attached to the opinion authorized incidental take associated with the direct and indirect effects of the construction of the PGWTP. The ITS, however, did not authorize incidental take resulting from operation of the PGWTP. The PGWTP will have an initial ("Phase I") operating capacity of 12 million gallons per day; and will expand to a maximum daily operating capacity of 21 million gallons per day during Phase II operations.
- 1.3. To minimize incidental take of vernal pool species resulting from the effects of the PGWTP's operation, the City of Roseville ("City"), as part of the proposed action reviewed in the biological opinion, committed to develop and implement an interim conservation strategy and a long term habitat conservation program.
- 1.4. Through this Memorandum of Understanding ("MOU"), the City and the Service (collectively "Parties") seek to accomplish the following objectives consistent with the proposed action as described in the biological opinion and with the reasonable and prudent measures to minimize take contained in the ITS:
  - 1.4.a. To set out a process to develop an interim conservation strategy to minimize the adverse effects on federally listed species of future development serviced by Phase I operations of the PGWTP and located on lands under the City's jurisdiction.

- 1.4.b. To work cooperatively to develop a long-term Habitat Conservation Plan ("HCP") or its equivalent to minimize the effects on federally listed species of future development serviced by Phase II of the PGWTP and located in the City or other participating jurisdictions who commit to participate in the HCP or its equivalent.
  - 1.5. The City is undertaking these efforts with the expectation that a number of environmental, economic and quality of life benefits will accrue to the Roseville community and surrounding areas. Accordingly, the City and the Service intend for this process to be guided by the following goals:
    - 1.5.a. Providing for the conservation of endangered and threatened species and open space while accommodating appropriate economic growth in the region.
    - 1.5.b. Establishing a process that addresses conservation issues on a comprehensive basis, rather than through piecemeal, project-by-project review.
    - 1.5.c. Achieving streamlined review and processing of state and federal permits for species and habitats through the integration of these requirements into local land use decision-making processes.
    - 1.5.d. Providing appropriate regulatory assurances to the City and other participating jurisdictions to foster certainty and predictability in the planning process.

## **2. DESCRIPTION OF THE PLANNING AREA**

- 2.1. The planning area for the interim conservation strategy and the HCP or its equivalent will encompass that portion of the PGWTP service area within the City's boundaries as of the date this MOU is signed. (See map attached as Exhibit 1.) The Parties recognize, however, that the City's boundaries may change in the foreseeable future to include lands annexed through agreement with Placer County ("County"), in which case those annexed areas of the County are intended to be incorporated into the planning area and receive coverage under the City's Incidental Take Permit ("ITP"). Where an ITP has already been issued to the City

that does not include the annexed areas, incidental take may be authorized in the annexed areas either through amendment of the City's ITP or through other authorization under the ESA.

- 2.2. The City further agrees to initiate discussions with other jurisdictions serviced by the PGWTP to encourage their participation in the development of a long-term conservation plan and concurrence in an interim conservation strategy. If surrounding jurisdictions to be serviced by the PGWTP commit to participate in the development of the HCP or its equivalent, the planning area will be modified and the additions to the planning area treated in accordance with section 2.1. Prior to any surrounding jurisdiction receiving wastewater treatment from PGWTP under Phase 2 operations, the Service shall confirm that such jurisdiction has addressed the indirect effects of wastewater treatment provided by the PGWTP within the jurisdiction through one of the following: (1) issuance of an ITP to the jurisdiction for the area to be served by Phase 2 operations; (2) participation by the jurisdiction in an approved regional HCP or its equivalent for areas to be served by Phase 2 operations; or (3) Service concurrence that the indirect effects of Phase 2 operations within the jurisdiction have otherwise been evaluated, minimized, and mitigated in accordance with the ESA.

### 3. COVERED ACTIVITIES

The City intends that future public works projects, private development and other activities identified in the HCP or its equivalent will be covered under the incidental take authorizations issued by the Service to the City and to any other participating jurisdictions.

- 3.1. The City will undertake a comprehensive conservation planning process that is intended to afford future public works projects, private development and other activities take authorizations under the state and federal endangered species laws for species and activities covered by the plan.
- 3.2. The plan developed by the City is intended to specify covered activities, which will include all development within the PGWTP service area that is under the jurisdiction of the City and/or other participating jurisdictions.
- 3.3. The plan developed by the City is also intended to provide a process by which future land use projects within the PGWTP's service area will be

afforded the use of this process to meet the requirements of federal endangered species laws.

#### **4. FUNDING**

- 4.1. The City recognizes that the development and implementation of the interim strategy and the HCP or its equivalent will be funded primarily through locally derived sources.
- 4.2. The Service agrees to cooperate with the City in identifying and securing, where appropriate, federal and state funds earmarked for such purposes. Potential federal funding sources may include: the Service's Cooperative Endangered Species Conservation Fund, "smart growth" initiatives, and land acquisition grants or loans through other federal agencies such as the U.S. Environmental Protection Agency, the Corps, or the Departments of Agriculture or Transportation.
- 4.3. The obligation of the Service to carry out its commitments under this MOU is subject to the availability of appropriated funds.

#### **5. PUBLIC INVOLVEMENT**

- 5.1. The City is committed to the development of a conservation strategy through an open and participatory process. The City anticipates that the final HCP or its equivalent will be informed and shaped by the input of the public. In devising an approach to these regulatory requirements, the concerns and interests of the Roseville community must be considered and, where appropriate, accommodated in the plan.
- 5.2. The City, therefore, intends to establish a process to ensure broad public participation in the development of the conservation plans.

#### **6. COMMITMENT OF RESOURCES**

- 6.1. The City acknowledges that, as a prospective applicant for incidental take authorizations under federal law, it has the primary responsibility for developing a plan that meets all applicable legal requirements.
- 6.2. Subject to funding and staffing constraints, the Service agrees to provide technical and scientific advice, assistance and information, to assist the City with the timely and efficient development of the HCP or its equivalent.

- 6.3. Subject to funding and staffing constraints, the City and the Service commit to periodic staff level and policy level meetings as appropriate during development of the HCP or its equivalent. The Parties intend that informal discussions will occur on a regular and frequent basis to ensure that progress is being made.
- 6.4. Among other things, these meetings should provide a forum for free and open discussion about issues and approaches to plan development so as to ensure quick resolution or agreement.
- 6.5. By agreeing to assume the lead planning role and commit its financial and staff resources to this effort, the City intends for the conservation program to yield a number of benefits in addition to resource conservation, including greater regulatory efficiency, streamlining and certainty.

## 7. PROCESS TO DEVELOP AN INTERIM STRATEGY

- 7.1. The Parties agree to work cooperatively to establish an interim strategy to provide a basis upon which the impacts of future development on threatened, endangered, and other species of concern during Phase I operations within the City's boundaries will be addressed in an efficient, comprehensive manner, provided that take of listed federal species resulting from such development shall be authorized under ITPs or equivalent take authorizations issued by the Service.
- 7.2. The following tenets shall be incorporated into an interim conservation strategy:
  - 7.2.a. Future development in areas adjacent to preserves shall take measures to protect and, where practicable, improve the integrity of the preserve. Such measures may include providing adequate buffers, enlarging the preserve area when resources are contiguous, providing protection to the preserve through the maintenance of watershed integrity or topographical isolation, or providing connectivity between fragmented preserves.
  - 7.2.b. Development projects going forward prior to establishment of the HCP or its equivalent shall not preclude options for establishing a viable long-term preserve system. Special attention should be given to areas of high conservation value.

Some of these areas, however, may be developed in the context of the HCP or its equivalent if warranted by the overall preserve design and management strategy developed through the HCP or its equivalent. This approach will allow the City and the Service to develop an acceptable conservation strategy without any single project foreclosing critical conservation opportunities.

7.2.c. As provided in the ITS attached to the biological opinion, the City agrees to preserve all vernal pools located in preserves established by prior agreement between the City and the Service, or the City and third parties, and to establish and implement individual Operations and Maintenance plans for the management of the preserves. (A list of all such current preserves is attached as Exhibit 2.) The City further agrees to require that all projects subject to its approval, including infrastructure, avoid to the maximum extent practicable, direct and indirect effects to the preserves unless the Parties agree otherwise.

7.3. To accomplish the foregoing objectives, the Parties intend for the interim conservation strategy to be developed in a timely manner, consistent with the following process and milestones:

7.3.a. Identification of future planned development and infrastructure activities within the City that will be serviced by Phase I of the PGWTP (to be completed 30 days from the signing of this MOU).

7.3.b. Identification and mapping of existing, including City permitted, vernal pool resources within the plan area (to be completed 30 days from the signing of this MOU).

7.3.c. Establishment of species and habitat conservation goals and objectives (to be completed by September 2000).

7.3.d. Development of a framework under which take resulting from projects proposed prior to issuance of ITPs or their equivalent by the Service may be authorized in a streamlined and efficient manner consistent with the goals and objectives of the conservation strategy and with federal law, including the ESA and NEPA. Projects going forward prior to establishment of an HCP or its equivalent shall not preclude options for establishing

a viable long-term preserve system. Among the options to be considered by the Parties is the use of a programmatic section 7 consultation between the Service and the Corps (to be completed by September 2000). During development of the above interim framework, the Parties commit to ongoing discussions regarding projects proposed within the City.

7.3.e. Development of individual operations and maintenance plans for each vernal pool preserve established through the interim conservation strategy and for each existing vernal pool preserve established by prior agreement between the City and the Service, or the City and any third party, that is not currently subject to a management plan (intended to be completed by September 2000 subject to review and approval by the Corps).

7.3.f. Initiation of discussions by the Service and the City with other jurisdictions served by the PGWTP to ascertain opportunities for collaboration to jointly develop both an interim conservation strategy and an HCP or its equivalent. The City has already entered into discussions with Placer County to explore the feasibility of coordinating the Placer Legacy Program with the City's planning efforts.

## **8. PROCESS TO DEVELOP AN HCP OR ITS EQUIVALENT**

8.1. The City agrees to develop an HCP or its equivalent to address the indirect effects of the operation of the PGWTP on federally listed species.

8.2. The Parties intend for this HCP or its equivalent to satisfy the requirements of the ESA, NEPA and other applicable federal laws. To the extent allowed under law, the parties intend that the mitigation and minimization measures required under the approved HCP and ITP be adopted by the Service and made consistent with and incorporated into future section 7 consultations between the Service and the Corps regarding impacts to species covered by the HCP or its equivalent.

8.3. The City intends to develop an HCP or its equivalent that addresses the needs of vernal pool species and other species listed under federal endangered species law, as well as proposed, candidate, sensitive or other species of concern occupying habitats within the plan area.

- 8.4. The City further intends that this HCP or its equivalent will satisfy requirements under the California Endangered Species Act (CESA), Fish and Game Code section 2050 et seq., the Natural Community Conservation Planning Act (NCCP Act), Fish and Game Code section 2800 et seq., the California Native Plant Protection Act, Fish and Game Code section 1900 et seq., and California Fish and Game Code section 1600 et seq.
- 8.5. The City will continue to explore the feasibility of developing its HCP, or its equivalent, in coordination and collaboration with the Placer County Legacy Program, which may produce a plan consistent with both the ESA and the NCCP Act. Should the City and County deem such relationship to be mutually beneficial, the City may seek to obtain NCCP authorizations from the Department of Fish and Game as well.
- 8.6. The Parties further intend to work with the Corps and the U.S. Environmental Protection Agency to optimize opportunities to streamline the process for issuance of permits under section 404 of the Clean Water Act for those projects that are in conformance with an approved HCP or its equivalent and the incidental take authorizations issued by the Service.
- 8.7. To accomplish the foregoing objectives, the Parties commit to establish a schedule and process to complete development of the HCP or its equivalent. The Parties intend for the schedule to be developed in a timely manner, with milestones established at the outset of the process.

9. **REGULATORY ASSURANCES**

The Parties intend that the Service will provide regulatory assurances consistent with its statutory authorities upon issuance of an ITP by the Service. For example, if the City develops an HCP that meets the criteria for issuance of an ITP under Section 10 of the ESA, the City will receive those assurances identified in the "no surprises" regulations of the U.S. Department of the Interior at 50 C.F.R. 17.22(b)(5) and 17.32(b)(5) for all species adequately covered under the HCP upon approval of the plan and issuance of an ITP by the Service.

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IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding effective as of the last date set forth below.

UNITED STATES FISH AND WILDLIFE SERVICE, an agency of the Department of the Interior of the United States of America

By: Craig C. Mond

Title: Asst. Field Supervisor

Date: Aug 18, 2000

CITY OF ROSEVILLE, a political subdivision of the State of California

By: [Signature]

Title: City Manager

Date: May 17, 2000



RESOLUTION NO. 00-197

APPROVING A MEMORANDUM OF UNDERSTANDING  
BETWEEN CITY OF ROSEVILLE AND UNITED STATES FISH AND WILDLIFE  
SERVICE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF  
OF THE CITY OF ROSEVILLE

WHEREAS, a memorandum of understanding relating to the preparation of a habitat conservation plan, between the City of Roseville and U.S. Fish and Wildlife Service, has been reviewed by the City Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roseville that said memorandum of understanding is approved and that the City Manager is authorized to execute it on behalf of the City of Roseville.

PASSED AND ADOPTED by the Council of the City of Roseville this 17th day of May, 2000, by the following vote on roll call:

AYES COUNCILMEMBERS: Earl Rush, Dan Goodhall, Claudia Gamar, Randolph Graham, Harry Crabb

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None

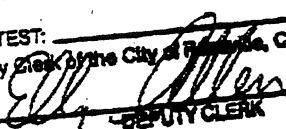
  
MAYOR

ATTEST:

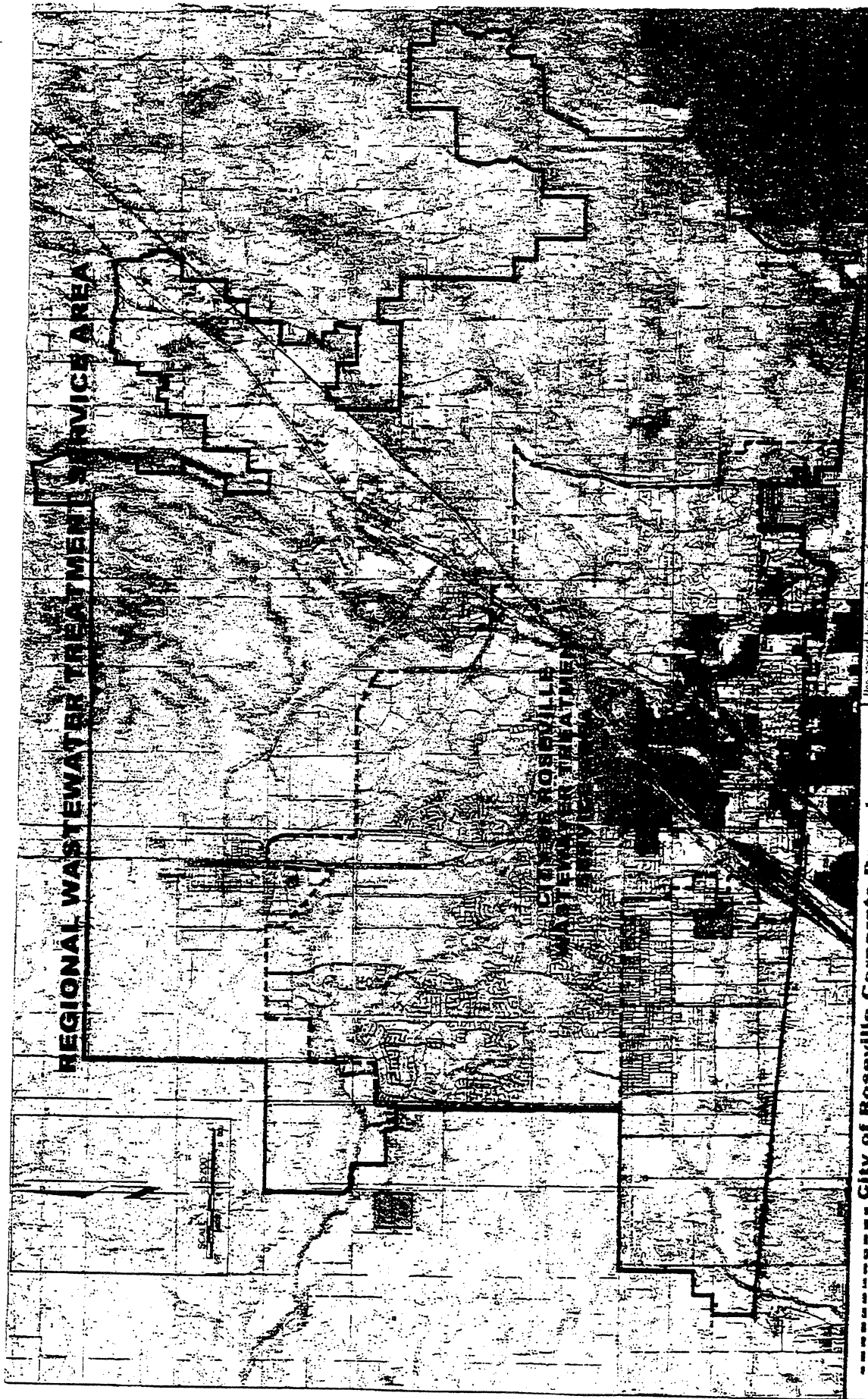
  
City Clerk

The foregoing instrument is a correct copy of the original on file in the City Clerk's Department.

ATTEST:  
City Clerk of the City of Roseville, California.

  
DEPUTY CLERK





Map prepared by City of Roseville, Roseville, Illinois, 2000.  
 Based on City of Roseville Planning Department, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020.

----- City of Roseville Corporate Boundary

APRIL 2000 EXHIBIT 1









# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846

IN REPLY REFER TO:  
1-1-01-TA-2224

June 28, 2001

Mr. Mark Morse  
Environmental Coordinator  
City of Roseville  
313 Vernon Street  
Roseville, CA 95678

Subject: Pleasant Grove Regional Wastewater Treatment Plant - MOU Deliverables

Dear Mr. Morse:

The U.S. Fish and Wildlife Service (Service) has received your letter dated May 10, 2001, and attached maps and documents required from the City of Roseville (City) pursuant to the August 18, 2000 memorandum of understanding between the City and the Service (MOU). As you have requested, the Service herein outlines points of agreement and provides comments on the draft interim strategy and sample operations and maintenance plan (O&M plan).

Maps: The Service has received maps identifying planned development and vernal pool habitat in the plan area. The City has revised these maps based on previous Service comments. We commend the City for these mapping efforts, which provide valuable information for identifying conservation needs in Roseville. We request that you send the Service your electronic (preferably GIS) data identifying vernal pool locations, vernal pool preserve boundaries, and undeveloped land with potential vernal pool impacts.

Interim Strategy: The document titled "Draft Interim Strategy Goals and Objectives" describes a process of identifying, reviewing, and mitigating impacts for projects to be approved during an interim period prior to finalization of a long-term regional plan. This document also describes the process for developing the long-term regional plan. To avoid confusion, components of the long-term conservation plan should be clearly differentiated from components of the interim strategy. Resource data and conservation goals and objectives are ultimately for the purpose of preparing the long-term plan, although they should be considered during the interim planning period to ensure that interim projects do not foreclose long-term planning options. The Service recommends that this document be titled "City of Roseville Vernal Pool Conservation Plan Preparation and Interim Strategy." One section of the document should describe preparation of

the long-term plan, including but not limited to collection and use of data, conservation goals, and preserve monitoring and management, while a separate section should describe how projects will be reviewed prior to finalization of the long-term plan.

The section describing the early consultation process during the interim period needs to specify that early consultation will occur for projects *directly or indirectly* affecting pools. Interim review will apply to projects within City limits, as outlined in your letter, and to potential annexation projects. The City should directly contact, by telephone, the Service lead for the Roseville conservation strategy, to alert staff as to comment periods for these interim projects. All CEQA documents should be sent directly to the Service lead.

The draft strategy states that mitigation for impacts to pools within existing City limits primarily will involve use of Service approved regional mitigation banks, and that compensation ratios will generally be consistent with the Service's February 28, 1996 *Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustacean Within the Jurisdiction of the Sacramento Field Office, California* (Vernal Pool Programmatic Biological Opinion). Because of the extensive cumulative loss of vernal pools in the Roseville area, projects will be evaluated by the Service on a case-by-case basis, and compensation ratios may be different than ratios used for the Vernal Pool Programmatic Biological Opinion. Avoidance of impacts to pools will be the Service's first priority in areas adjacent to vernal pool preserves, or other areas where on-site preservation would contribute to a viable preserve design. If areas supporting vernal pools on the Mehrten geologic formation are discovered in proposed development areas, impact avoidance will be the first priority, and unavoidable impacts will need to be compensated through preservation and restoration of vernal pools on the Mehrten geologic formation. The Service recommends that the interim strategy language be changed to indicate that the Service will evaluate interim projects within city limits on a case-by-case basis, in the context of regional conservation needs for listed vernal pool species.

The following language should be added to the interim strategy:

"The Service may provide maps, as data and time permits, that identify areas with high long-term conservation value that are potentially crucial elements of a regional preserve system to adequately conserve vernal pool habitat. These maps are intended to assist the City in making land use decisions that avoid land use conflicts which could arise if projects potentially jeopardize the long-term survival and recovery of listed vernal pool species. The City will identify projects potentially impacting habitat with high long-term conservation value as identified on these maps, and will meet and confer with the Service early in the project review process to identify ways to avoid or minimize such impacts."

Long-term Plan: As stated in your May 10 letter, the Service concurs that nearly all the projects within City limits with vernal pools have received Clean Water Act 404 permits, therefore preparation of a Habitat Conservation Plan to address the few remaining projects is not necessary. However, the vernal pool preserve system within current city limits should be included in the long-term conservation plan, such that standards and methods for preservation, monitoring and adaptive management are consistent throughout the City's preserve system. While the strategy within city limits should focus on preserving, monitoring, and adaptively managing in perpetuity the existing preserve system, the strategy for potential annexation areas should focus on building an ecologically viable preserve system compatible with the larger-scale regional conservation strategy for Placer County, as well as the long-term preservation, monitoring and adaptive management of this preserve system.

The Service recognizes that, as stated in the MOU, the long-term conservation plan will not necessarily be a habitat conservation plan (HCP) pursuant to section 10(a)(2)(A) of the Endangered Species Act, but must be the equivalent of a regional HCP. That is, a regional ecosystem-level conservation strategy must be developed and approved by the Service, although implementation could occur at the project level through the section 7 consultation process in the context of wetland permitting pursuant to section 404 of the Clean Water Act. The Service will not require, but strongly encourages, preparation of a multiple species HCP, as described below under "Participation in Larger Planning Efforts."

The paragraph titled "Resource Mapping" states, "Development plans shall consider the preservation needs of habitats that contain rare, threatened, or endangered species under the federal ESA." This language should be modified to reflect the need for protecting habitat important to the long-term conservation of sensitive species, potentially including habitat that is not currently occupied by the species, including both core habitat areas and habitat linkages.

The paragraph titled "Resource Preservation" states that a threatened and endangered species protection plan will be developed based on the resource inventory mapping. The plan should be developed based on the best available scientific information, and data used to develop the plan should not be exclusively limited to the resource inventory maps. Habitat evaluations and analyses developed in the context of the Placer County Habitat Conservation Plan (Placer County HCP) will need to be considered, as well as any other available scientific information pertinent to long-term regional conservation needs of vernal pools in the planning area. This document should state that the plan must be compatible with habitat conservation planning efforts on adjacent lands. The following sentence should be added to this paragraph: "This plan will be reviewed by the Service to determine whether it adequately protects vernal pools in the planning area, and the plan will be subject to Service approval."

The Service recommends that the conservation plan goals be modified as follows:

1. The conservation plan shall compliment, and be compatible with, other regional conservation planning efforts for Placer County that provide for the long-term survival and recovery of listed vernal pool species.
2. The conservation plan shall adequately conserve vernal pools at a landscape level, including habitat linkages and other habitat types within associated watersheds.
3. See "Basic Tenets of Conservation Biology," below.
4. The conservation strategy shall result in no net loss of vernal pool habitat quality and acreage within the planning area and/or within a larger area as defined by regional conservation planning efforts such as Placer County HCP.
5. All existing vernal pool preserves in the City, and the entirety of the preserve system developed under the City's conservation plan, shall be preserved and managed in perpetuity to provide for the long-term viability of vernal pool species. (No vernal pool creation may occur in existing preserves, although restoration may occur where appropriate.)

The Service believes these general conservation goals are appropriate to guide initial development of the long-term conservation strategy. However, additional conservation goals and measurable objectives should be developed early in the planning process, relating specifically to the conservation needs of listed vernal pool species. The Service also encourages the City to develop conservation goals and objectives for other sensitive species within the plan area. Biological objectives should be measurable, and should include the following: species or habitat indicator, location, action, quantity/state, and time frame needed to meet the objective. The objectives can be described as a condition to be met or as a change to be achieved relative to the existing condition. Conservation goals and objectives should be identified for preserves, including vernal pool preserves previously established within city limits.

Goal (c) in the document addresses the need to focus conservation efforts on large habitat patches rather than small isolated habitat fragments. Additional preserve design concepts should also be considered in preparation of the conservation plan. The plan should incorporate, as applicable, the following basic tenets of conservation biology identified by the National Academy of Sciences:

1. Species well distributed across their range are less susceptible to extinction than species confined to small portions of their range.
2. Large blocks of habitat containing large populations of a target species are superior to small blocks of habitat containing small populations.
3. Blocks of habitat that are close together are better than blocks far apart.
4. Habitat that occurs in blocks that are less fragmented internally is preferable to habitat that is internally fragmented.
5. Interconnected blocks of habitat serve conservation purposes better than isolated blocks, and habitat corridors or linkages function better when the habitat within them resembles habitat that is preferred by target species.

6. Blocks of habitat that are roadless or otherwise inaccessible to humans are better than roads and accessible habitat blocks.

While the plan should strive to maximize conservation of the largest remaining habitat blocks and connectivity between habitat blocks, as described in the above tenets, smaller preserves previously established within city limits may also be valuable for protection of vernal pool species throughout their range. Given the extensive historic cumulative loss of vernal pools in the Roseville area, and the need to preserve vernal pools species throughout their ranges, remaining pools should be preserved to the extent possible. Smaller preserves will need to be managed intensively to retain habitat value. These small preserves provide excellent opportunities for public outreach and education, which should be a key component of the long-term plan. The Service believes a limited amount of trails in the preserve system are appropriate for the purpose of public outreach and education, provided such trails avoid impacts to pools and are well marked, monitored, and controlled to prevent off-trail public use.

For vernal pools, the preserve design needs to focus on retaining healthy hydrologic functioning. A large preserve that does not maintain hydrologic integrity may not be as viable as a small preserve that maintains hydrologic integrity. For vernal pool plants, seed dispersal and plant pollination needs should also be considered in the preserve design.

Preserve Operation and Maintenance: The Service has reviewed the November 3, 1999, Highland Reserve South Open Space Preserve Operations and Maintenance Plan, which is intended to serve as a template for other operations and maintenance plans (O&M Plans) in the City. The Service has a number of concerns and suggested modifications to this plan. We understand, however, that the existing plans have been approved by the City and the Corps, that they are currently being implemented, and that the financing districts to fund these plans have already been established. Therefore, modifications to the existing plans would be difficult, especially if O&M costs are increased. The Service urges the City to incorporate the following suggested modifications to O&M for preserves with previously approved plans, to the extent possible within the framework of the existing plans. The City should coordinate with the Service to develop a sample O&M Plan, addressing the following comments, for all the remaining preserves that currently have no plans. The long-term conservation plan should provide an O&M framework that applies to all preserves, including those with previously approved O&M Plans, addressing regional vernal pool conservation needs. These regional conservation needs may call for O&M beyond what has been provided through previously approved O&M Plans. The long-term plan may include funding mechanisms in addition to financing districts to provide for the costs of this additional O&M.

The Service has the following comments on the O&M Plan:

Preserve Manager: Based on this O&M Plan, the City Attorney is the Preserve Manager and is responsible for overseeing implementation of the O&M Plan. The City Attorney would ensure that qualified personnel are hired to conduct activities that cannot be carried out by City personnel. The Service questions whether the City Attorney has sufficient background in preserve management to determine whether or not personnel are qualified for particular

implementation tasks. A Service approved individual familiar with vernal pool management should be responsible for ensuring that the O&M Plan is properly implemented by qualified people. As you indicated in a conversation with Ellen Berryman of the Service Staff on May 16, 2001, you (City Environmental Coordinator) have taken over the responsibilities from the City Attorney as Preserve Manager. The Service would approve of the Environmental Coordinator taking on Preserve Manager responsibilities. O&M Plans should state that the Environmental Coordinator or other Service-approved individual will be the Preserve Manager. This applies to management during the interim period prior to finalization of a long-term plan: the long-term plan may have different requirements in terms of O&M responsibilities.

Periodic Inspections: The document states that the City will conduct bimonthly inspections along the preserve boundary to evaluate various factors such as fire hazard reduction, fencing integrity, condition of signage, trash accumulation, and evidence of use by any vehicles. Inspections should include the interior of the preserve, and not be limited to the preserve boundary. Plant species composition and vernal pool hydrology should be inspected within the preserve and, where possible, in adjacent areas. Yearly dipnetting for vernal pool invertebrates should be conducted on an annual basis in perpetuity, not at a level as intensive as the 5-year monitoring program but to provide a general assessment of species presence and status .

Hydrology, Erosion and Sedimentation: This section states that initial construction will not result in untreated drainage into the preserves because the City grading ordinance requires that all lots drain to the street. The Service is concerned that the grading ordinance may not be sufficient: streets potentially drain into preserves. Construction activities should be monitored to ensure against drainage into adjacent preserves. Any problems related to altered hydrologic conditions on the preserve must be remedied immediately, and documented in the annual letter reports.

Vegetation Removal: As stated in the O&M Plan, the City requires minimum forty foot wide fire breaks around perimeters of open space preserves. In the future, preserves should be established such that the forty foot fire break is located in open space outside the habitat preserve. For previously established vernal pool preserves, perimeters should be mowed and not disced, and mowing should be timed such that impacts to vernal pool plants are minimized.

The document stipulates that vegetation removal from vernal pools will not be allowed without prior approval by the Service and Army Corps of Engineers (Corps). The document states that removal of thatch may occur with Service and Corps approval if thatch build-up is determined to be a problem.. In the absence of grazing on preserve lands, the City should assume that thatch build-up will be a problem and thatch removal will be needed on a regular basis as standard O&M practice.

Roads and Trails: The O&M Plan states that no roads or trails will be allowed on the preserve except for approved crossings, utility easements, and bike trail alignments. The Service believes trails and other forms of controlled public access may be appropriate on some vernal pool

preserves. Public access may be more compatible with some preserves than others, and should be approved by the Service on a case-by-case basis. O&M Plans should include maps of existing and proposed roads and trails for Service approval.

Construction: This section of the plan states that outfall may be constructed adjacent to the open space preserve if (a) no part of the outfall infrastructure occurs within preserve boundaries and (b) the point of discharge is situated such that there will be no sheet flow into vernal pool or other isolated wetland habitats. The document states that discharge points must sheet flow across uplands or through natural swale systems, and water discharged into the preserve system must be treated. The Service maintains that the natural hydrology of preserves should not be altered. The City should coordinate with the Service to (a) establish specific conservation objectives related to maintenance of vernal pool hydrology on preserves, and (b) develop standard methods, to be incorporated into O&M Plans, for minimizing impacts to vernal pools from urban run-off.

Preserve Access: The document states that access to the preserve will be prohibited except as required by the City for implementation of the O&M Plan or when necessary to preserve public health and safety. As explained above, the Service believes controlled public access of some preserves may be beneficial to provide for public education and outreach. Such access may be approved by the Service for appropriate preserves.

Adaptive Management: The O&M Plan states that any changes in the management strategy can only occur with mutual agreement of the City, the Corps, and the Service. However, the language in the plan provides enough flexibility to allow management changes which would not require modifications to the plan itself and should not require mutual agreement by the City, the Corps, and the Service. For example, the plan allows for several alternative thatch control methods (controlled burns, mowing, or grazing). The long-term conservation plan should include specific measurable objectives for the preserve system related to maintenance of habitat and target species populations, and allow for modifications to preserve management strategies to meet these objectives. The range of acceptable modifications can be written into management plans so that each modification will not require mutual agreement by all parties on a case-by-case basis.

Monitoring Requirements for Wetlands: The plan provides for 5 years of intensive vernal pool monitoring. As described above, under "periodic inspections," less intensive annual monitoring should continue in perpetuity to determine whether target species populations are being maintained on the preserves.

Funding Mechanism: Funding for the Highland Reserve South preserve will be provided by the existing Lighting and Landscape District. It is the Service's understanding that O&M for all preserves established prior to finalization of the long-term plan will be funded through similar financing districts. Future plans are expected to address the Service's concerns described in this letter, and financing districts are expected to be established to fully fund these plans. However, the Service understands that additional financing for previously approved plans, with previously established financing districts, is not practicable. The long-term plan is expected to include additional funding mechanisms, so that enhanced O&M can be funded for previously existing

preserves. For further discussion on funding, see "Participation in Larger Planning Efforts," below.

Page 4 of your May 10 letter, states that O&M plans will be prepared for each individual preserve rather than preparing a single overarching plan that addresses all preserves. The Service previously requested a framework management plan to provide for consistent monitoring and management across the preserve system, so that meaningful data pertaining to the entire preserve system can be gathered and analyzed, and effective adaptive management can be implemented. The Service maintains that a framework management plan should be developed for the long-term conservation plan. In the meantime, O&M Plans can be developed for each project based on a sample plan deemed adequate by the Service.

#### Initiation of Discussions with Pleasant Grove Wastewater Treatment Plant (PGWTP) Member Agencies

Section 7.3.f of the MOU calls for initiation of discussions by the Service and the City with other jurisdictions served by PGWTP to identify opportunities for collaboration to develop the long-term conservation plan and interim strategy. As stated in your May 10 letter, a discussion of the MOU is scheduled for the South Placer Wastewater Authority Joint Powers Authority meeting on June 11, 2001. The Service concurs that this is an appropriate forum to initiate discussions as called for in the MOU, and we intend to participate in these discussions.

Participation in Larger Planning Efforts: In a letter from California Department of Fish and Game (CDFG) to the City, dated May 17, 2000, CDFG strongly encouraged the City to fully participate with Placer County in their effort to develop a county-wide conservation plan that would include the Pleasant Grove Wastewater Treatment Plant Service Area (Service Area). As stated in CDFG's letter, the Service Area provides habitat for State-listed plant and animal species and Species of Special Concern. The Service concurs with CDFG that a cooperative undertaking with Placer County, to conserve a diversity of habitat types and sensitive species, is likely to result in a more efficient and effective conservation planning strategy than could be accomplished by the City alone, focusing primarily on vernal pool habitat and federally listed species. We encourage the City to develop a multiple species Habitat Conservation Plan, or to participate in the development of a subarea plan under the Placer County HCP/Natural Communities Conservation Plan (NCCP). NCCPs provide a variety of funding sources and implementation mechanisms developed through collaborative efforts with multiple entities. The Service is willing to meet with you and CDFG to discuss what participation in an NCCP would likely entail.

Summary: In summary, the Service has received and reviewed the MOU deliverables provided with your May 10, 2001 letter, and we have the following comments:

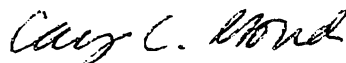
1. The maps required pursuant to sections 7.3.a and 7.3.b of the MOU have been prepared to the Service's satisfaction. We now request the data in GIS or AutoCAD format.
2. The general conservation goals provided by the City, with modifications described above, are appropriate to guide initial development of the long-term conservation strategy.

However, species and habitat-specific conservation goals and measurable objectives still need to be developed for the preserve design and long-term management to adequately fulfill the purpose of section 7.3.c of the MOU.

3. The Service will deem the Interim Strategy Framework acceptable, consistent with section 7.3.d of the MOU, if modifications are made as described above. A long-term conservation plan subject to Service approval should be prepared, incorporating the potential annexation area and preserves within existing City limits.
4. Existing O&M Plans should incorporate the above Service comments to the extent possible, and future O&M Plans prepared prior to finalization of the long-term plan should be based on a sample plan acceptable to the Service. The long-term plan should include a framework management plan, applicable to all preserves city-wide, addressing long-term regional vernal pool conservation needs.
5. The Service agrees to participate in discussions with South Placer Wastewater Authority JPA regarding participation by other jurisdictions, consistent with section 7.3.f of the MOU.
6. The Service encourages the City to prepare a multiple species Habitat Conservation Plan, or to participate in the development of a subarea plan under the Placer County HCP/Natural Communities Conservation Plan (NCCP).

The Service commends the City for its progress toward developing a long-term vernal pool conservation plan and interim planning strategy. We look forward to continued coordination with you to implement measures outlined in the MOU. Please contact Chris Nagano, Vicki Campbell, or Jan Knight of my staff at (916) 414-6600.

Sincerely,



Cay C. Goude  
Acting Field Supervisor

cc:  
Tom Cavanaugh, Army Corps of Engineers  
Larry Eng, California Department of Fish and Game  
Loren Clark, Placer County

