



The Bay Delta Conservation Plan and the Natural Community Conservation Planning Act



Delta Independent Science Board

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1

Presentation Overview

- Basic background on the Bay Delta Conservation Plan (BDCP) project
- Background on the Natural Community Conservation Planning Act (NCCPA)

2

Basic BDCP Facts

- Seeking permits under NCCPA and federal Endangered Species Act; 50-year permit term
- Water conveyance infrastructure
- Habitat restoration and reserve assembly
- Ongoing reserve management requirements

3

Basic BDCP Facts

- Covered Activities:
 - Conveyance facilities
 - Natural communities restoration
 - Natural communities preservation
- 57 Covered Species

<http://www.baydeltaconservationplan.com>

4

BDCP Terminology

- Biological Goals and Objectives
- Conservation Measures
- Conservation Measure 1 (CM1)
- Take Authorization

5

Delta Independent Science Board Charge

- Delta Reform Act (Water Code § 85320(c) requires:
 - CDFW to consult with Board during development of BDCP
 - Board to review draft environmental impact report and submit comments to CDFW and the Delta Stewardship Council

6

DISB Charge

- BDCP is incorporated into Delta Plan; eligible for public funding only if it meets standards in Water Code section 85320
- Environmental impact report (EIR) standards incorporated into your charge
- Note “alternatives” analysis in EIR, versus those in BDCP

7

Natural Community Conservation Planning Act Background

- First enacted in 1991
- Fish and Game Code sections 2800-2835
- <http://www.dfg.ca.gov/habcon/nccp/>
- Additional background in California Research Bureau, Natural Community Conservation Planning (2001) at <http://www.library.ca.gov/crb/01/02/01-002.pdf>

8

NCCPA Background

Came out of conflicts over and efforts to protect Coastal California gnatcatcher, and coastal sage scrub ecosystem in southern California.



9

NCCPA, Federal Habitat Conservation Plans and California Endangered Species Act

Issue	HCPs- Federal ESA 10(a) Permits	CESA - Fish and Game Code section 2081 permits	NCCPA - Fish and Game Code section 2835 permits
Permit Issuance Standard	Minimize impacts and mitigate to maximum extent practicable	Minimize and fully mitigate impacts	Provide for the conservation of the species; extensive legal findings

10

Other Key Aspects of the NCCPA

- Comprehensive (effectiveness and compliance) monitoring and adaptive management program
- Maintain rough proportionality between mitigation and conservation measures and impacts to covered species/habitats

11

Other Key Aspects of the NCCPA

- Funding:
 - Plan must contain provisions that ensure adequate funding to carry out conservation actions
 - Suspension/revocation if plan participant fails to provide adequate funding
 - Assurances based on mechanisms for long-term funding

12

Other Key Aspects of the NCCPA

- Assurances
 - No additional land, water, or financial compensation or restrictions on use without consent of plan participants, in event of unforeseen circumstances
 - Commensurate with long-term conservation assurances in the approved plan

13

Summary

- NCCPA requires that BDCP provide for the conservation of the covered species within the Plan Area
- DISB charge is to review EIR under California Environmental Quality Act

14

Questions ♦ **Thank You**



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15