



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider Approving Memorandum of Understanding for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan

MEETING DATE: October 5, 1994

PREPARED BY: Community Development Director

RECOMMENDED ACTION That the City Council authorize the signing of the Memorandum of Understanding for the San Joaquin County Multi-Species Habitat and Open Space Plan

BACKGROUND INFORMATION As San Joaquin County continues to grow in population, there is increased pressure on the habitat of various plants and wildlife. There is also a recognition of the need to provide for the protection, management, enhancement and continued existence of the County's diverse natural resources. With this purpose in mind, the local jurisdictions in San Joaquin County as well as various State and Federal agencies, have formed a coalition to attempt to deal with the problem in a coordinated manner. This group, known as the Habitat Policy Advisory Committee, is attempting to develop a county-wide habitat conservation and open space plan.

The MOU does not commit the City of Lodi to adopt or otherwise implement the habitat conservation plan, but only to participate in the process of preparing the plan. Once the MOU has been signed by all agencies, the Committee will proceed with the selection of a consultant and the preparation of the Habitat Conservation Plan. The plan will be brought before the City Council for its review and adoption when it has been drafted. The information packet which accompanied the Council Communication for the meeting of September 7, 1994 is on file in the City Clerk's office.

FUNDING: None required.

James B. Schroeder
James B. Schroeder
Community Development Director

JBS/DM/ck
Prepared by David Morimoto

APPROVED

Thomas A. Peterson

THOMAS A. PETERSON
City Manager



recycled paper

H-10

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October 6, 1994

San Joaquin County
Council of Governments
P. O. Box 1010
Stockton, California 95201-1010

Subject: MOU for San Joaquin County Multi-Species Habitat
and Open Space Plan

To Whom It May Concern:

Although the City of Lodi has authorized the execution of the above referenced memorandum of understanding, the purpose of this letter is to memorialize the City's concern with some of the language.

On page 3 of the MOU, one of the stated bases upon which this agreement is premised is that the "fragmented approach currently being used to mitigate impacts...is not biologically reliable, does not meet long terms species goals, nor is it an effective approach to planning new development..." My concern with this language is that it appears to be an admission by the signatory agencies of inadequate planning in the past. Obviously, while there may theoretically be more effective ways to accomplish our stated goals, the City of Lodi is not prepared to admit to culpability for past practices. The fact that better ways to do things may be conceived doesn't mean our previous efforts weren't the best we could do at that time.

With these comments, the City joins in the concerns shared by all signatories to the MOU for the protection of wildlife and the environment.

Sincerely,

JACK A. SIEGLOCK
Mayor

JAS:

SJCOMOU.HAB/TXTA.01V

CITY COUNCIL

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October 7, 1994

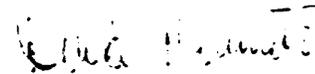
Ms. Amy Augustine
San Joaquin County
Council of Governments
P.O. Box 1010
Stockton, CA 95201-1010

Dear Ms. Augustine:

RE: San Joaquin County Multi-Species
Habitat Conservation & Open Space Plan MOU

Enclosed is the signed copy of the Multi-Species Habitat Conservation and Open Space Plan MOU for the City of Lodi. Please contact this office if you have any questions regarding this matter.

Sincerely,



DAVID MORIMOTO, AICP
Senior Planner



San Joaquin County Council of Governments
AUG 29 '94
City Manager's Office

Member Agencies: Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, Tracy, County of San Joaquin

August 25, 1994

Thomas A. Peterson, City Manager
City of Lodi
City Hall
221 W. Pine Street
Lodi, CA 95240

RE: San Joaquin County Multi-Species Habitat Conservation and Open Space Plan
Memorandum of Understanding

Dear Mr. Peterson:

The enclosed Memorandum of Understanding is an agreement to participate in the preparation of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. Please schedule this item for approval and signature on page 23 by yourself and Mr. McNatt on your next available agenda.

The document was drafted, as the enclosed list of participants indicates, by a wide range of interests and agencies. I serve as the Chairman of the Habitat Policy Advisory Committee which drafted the memorandum and David Morimoto has been our staff contact throughout the planning process. The Memorandum of Understanding has been endorsed by the Habitat Staff Working Group, the Habitat Policy Advisory Committee and was signed on August 23, 1994, by the San Joaquin County Council of Governments Board of Directors. Please notify COG when you have scheduled this document for a public hearing. COG will make available representatives to provide background and answer questions regarding the document at the public hearing.

Thank you for your consideration. Please call if you have any questions.

Sincerely,

Phillip Pennino, Chairman
Habitat Policy Advisory Committee

PP:aa

Enclosures

cc: David Morimoto

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MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CALIFORNIA DEPARTMENT OF FISH AND GAME
THE U.S. FISH AND WILDLIFE SERVICE
CALTRANS
THE SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS
THE COUNTY OF SAN JOAQUIN
THE CITY OF ESCALON
THE CITY OF LATHROP
THE CITY OF LODI
THE CITY OF MANTECA
THE CITY OF RIPON
THE CITY OF STOCKTON
AND
THE CITY OF TRACY

TO ESTABLISH A PROGRAM FOR MULTISPECIES HABITAT CONSERVATION IN SAN JOAQUIN COUNTY KNOWN AS THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (PLAN).

This Memorandum of Understanding (MOU) is made and entered into this day of _____ 1994, between the San Joaquin County Council of Governments (COG), the County of San Joaquin (COUNTY), and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy (CITIES), collectively "LOCAL PUBLIC AGENCIES;" and Caltrans - District 10 (CALTRANS), the California Department of Fish and Game (DEPARTMENT) and the U.S. Fish and Wildlife Service (SERVICE).

WITNESSETH:

WHEREAS, the COUNTY and CITIES have general land use authority or responsibility under State planning and zoning law, including the Subdivision Map Act; and

WHEREAS, local government in exercising their permit authority over development activities, is generally a "lead agency" under the California Environmental Quality Act (CEQA); and

WHEREAS, the general plans of several of the participating agencies recognize the need to protect vegetation, fish and wildlife resources and their habitats; and

WHEREAS, it is the legislative policy of CEQA to "prevent the elimination of fish or wildlife species due to man's activities;" and

WHEREAS, the DEPARTMENT is the trustee agency for fish and wildlife pursuant to CEQA and the California Fish and Game Code Section 1802; and

WHEREAS, fish and wildlife are held in trust by the people of the State of California by and through the DEPARTMENT, and the DEPARTMENT exercises regulatory authority over fish and wildlife through the California Endangered Species Act (CESA) and the California Fish and Game Code (Sections 2050 etc., 1580 etc., 1601 etc., and 1505 etc.); and

WHEREAS, CESA and Section 2053 of the Fish and Game Code establishes State policy that State agencies shall not approve projects that would jeopardize the continued existence of any threatened or endangered species and Sections 2081 and 2090 of the Fish and Game Code authorize the incidental taking of State listed species only under an approved 2081 Management Authorization issued by the DEPARTMENT for actions where LOCAL PUBLIC AGENCIES have jurisdiction, and only under an approved CESA Biological Opinion issued by the DEPARTMENT for actions where CALTRANS has jurisdiction; and

WHEREAS, the SERVICE exercises regulatory authority over fish and wildlife under many federal statutes, including the U.S. Endangered Species Act (ESA) [16 U.S.C. Sections 1531-1543] and the Migratory Bird Treaty Act (16 USC 703-711); and

WHEREAS, it is a primary purpose of ESA to insure the continued existence of species listed as threatened or endangered under ESA [16 U.S.C. Section 1531 (b)] and, through Section 10(a)(1)(B) of ESA, the SERVICE may authorize the incidental taking of a federally listed species subject to preparation of an acceptable Habitat Conservation Plan; and

WHEREAS, the DEPARTMENT may oppose new development proposals which adversely affect special status species on the basis of noncompliance with CESA and CEQA; and

WHEREAS, the fragmented approach currently being used to mitigate impacts to threatened and endangered species and their habitats on a case-by-case basis is not biologically reliable, does not meet long-term species goals, nor is it an effective approach to planning new development; and

WHEREAS, the LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT and the SERVICE desire that their respective concerns and responsibilities with regard to conservation of special status species be integrated and coordinated in such a manner as to ensure effective, timely and mutually beneficial resolution of such issues within San Joaquin County; and

WHEREAS, CEQA, CESA, the Fish and Game Code, ESA, the National Environmental Policy Act (NEPA), the Migratory Bird Treaty Act, the Fish and Wildlife Act of 1956, the Fish and Wildlife Coordination Act and other Federal and State laws and policies provide for the protection, management, enhancement and continued existence of California's special status species; and

WHEREAS, through preparation of a county-wide multi-species Habitat Conservation Plan, wildlife mitigation and compensation can occur in a timely and assured manner; and

WHEREAS, there is considerable value in providing for timely processing of necessary development projects; and

WHEREAS, cost savings to the local jurisdictions and private development interests may be afforded by the preparation of a multi-species plan, by eliminating redundancy in data compilation and analysis, and potentially designating single parcels of land to serve as mitigation sites for more than one species; and

WHEREAS, the preparation of a multi-species plan and identification of mitigation sites for wildlife will result in preservation of open spaces which can be integrated with and provide the basis for a County-wide multi-use open space plan essential to the quality of life for the residents of San Joaquin County; and

WHEREAS, the LOCAL PUBLIC AGENCIES have voluntarily and mutually established a multi-agency policy group, known as the Habitat Policy Advisory Committee (Policy Committee) for the purpose of developing a program to conserve wildlife resources in the County; and

WHEREAS, San Joaquin County and the Cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy desire that their local land use regulations and development decisions comply with Federal and State environmental and endangered species statutes and regulations, and recognize that a multi-species Habitat Conservation Plan will provide consistent and predictable treatment of development proposals throughout the County and that consistency reduces costs and uncertainty, ensuring a healthy economic environment for

citizens and industries; and

WHEREAS adoption of a Habitat Conservation Plan will preclude the need for further studies or mitigation for activities addressed in the PLAN subject to the requirements of the CESA Management Authorization and Federal 10 (a)(1)(B) permit and subject to exceptions provided in the Implementation Agreement;

NOW THEREFORE, it is mutually agreed and understood that:

1.0 PURPOSE OF MOU

The LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT and the SERVICE have entered into this MOU to define relationships among Federal, State and local jurisdictions with permit or regulatory authority over wildlife including special status species and to develop a cooperative program called the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (PLAN). This program, which will ensure that the activities of private and public parties will comply with applicable laws and regulations, will provide for the long-term protection of plant and animal species and will identify necessary mitigation in a timely manner.

This MOU does not commit any of the participating LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT or the SERVICE to adopt or otherwise implement the PLAN, but only to participate in the planning process. Adoption of the PLAN shall be as prescribed below in Section 3.2.

2.0 PURPOSES OF THE PLAN

The purposes of the San Joaquin County Multi-Species Habitat Conservation Plan, hereinafter called the "PLAN," are as follows:

2.1 Prepare the Habitat Conservation Plan To prepare a Habitat Conservation Plan which identifies impacts resulting from activities covered by the PLAN and appropriate mitigation measures to protect special status species, and meets the goal of conserving those species. The PLAN will establish long-term mitigation/management funding mechanism(s) which will be used to fund the implementation of planning, mitigation and management measures to meet this goal. An important objective is to meet the requirements of State and Federal applicable laws, rules and regulations for the conservation of special status species.

2.2 Implementation Program To establish an administrative process to implement the long-range management and protection measures which are adopted as part of the PLAN. To establish long-term strategies for implementing the PLAN, including multiple funding mechanisms.

2.3 Protection of Special Status Species To conserve, protect and maintain viable

populations of native special status species within the County as provided by State and Federal law. This objective will be accomplished by allowing activities addressed in the PLAN to proceed if suitable mitigation is implemented as identified in the PLAN, so as to achieve the goal of the conservation of special status species.

2.4 Mitigation for Impacts to Multiple Wildlife Species To mitigate impacts to wildlife from activities identified in the PLAN and to preserve representative populations of plant and animal communities for future generations. Mitigation duties required under NEPA, CEQA and the Fish and Game Code 1600 etc. shall, where biologically feasible, be combined with habitat replacement activities required to protect special species.

2.5 Assurances to Public and Private Sectors To provide a means to standardize and integrate mitigation/management measures for multiple wildlife species so that public and private development actions together with mitigation/management measures established by the PLAN will satisfy without duplication or unnecessary delay applicable provisions of State and Federal laws and applicable local ordinances and regulations.

2.6 Preservation of Open Space To develop policy guidelines and/or identify open space corridors to preserve natural and undeveloped buffer areas between future and present urban areas.

2.7 Consistency with Local Plans, State and Federal Laws To identify measures for the protection and management of vegetation, fish and wildlife resources and their habitats consistent with local general plans and long-term conservation of species consistent with state and federal laws.

2.8 Cumulative Effects To identify and specify those mitigation measures required by CEQA and NEPA needed to lessen or avoid the cumulative effects of activities identified in the PLAN on wildlife and eliminate, where possible, the requirement for case-by-case review of all such effects caused by those activities.

2.9 Secure Applicable Permits To secure both a State Management Authorization Permit (Section 2081), CESA Biological Opinion (Section 2090) and a Federal Endangered Species Act Federal Section 10 (a)(1)(B) Permit.

The foregoing shall be accomplished through the PLAN components, as described below, including, but not limited to (a) a multiple-species Habitat Conservation Plan to direct special status species preservation efforts in the County, and (b) an implementing agreement among the LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT and the SERVICE to administer a consolidated Federal, State and local permit process to accomplish the PLAN.

This MOU does not commit any of the participating LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT or the SERVICE to adopt or otherwise implement the

components of the PLAN, but only to participate in the planning process. Adoption of the PLAN components shall be as prescribed below in Section 3.2.

3.0 COMPONENTS OF THE PLAN

3.1 Habitat Conservation and Open Space Plan The PLAN will:

- (a) Evaluate the status and distribution of native special status species throughout San Joaquin County as listed in EXHIBIT A;
- (b) Determine the potential impacts on multiple species including special status species which may result from activities addressed by the PLAN occurring within the CITIES and COUNTY;
- (c) Identify appropriate and feasible habitat and foraging areas to be managed, preserved, protected and enhanced for multiple wildlife species including special status species;
- (d) Identify strategies and management actions for achieving the goals of the PLAN as set forth in the MOU;
- (e) Develop a coordinated, consistent, and biologically sound approach to evaluating impacts and mitigating losses from activities addressed in the PLAN which will meet the goal of conservation of multiple species including special status species;
- (f) In addition to, and in conjunction with, identifying areas for the protection and management of wildlife, develop policy guidelines and/or identify corridors and buffers between future urban areas to be preserved as open space consistent with the wildlife objectives of the PLAN;
- (g) Provide a funding mechanism(s) to carry out the PLAN;
- (h) Gain broad-based public support for the program from affected public sector, environmental, business, agricultural, development, and property ownership interests; and,
- (i) Identify the long-range implementation program to carry out the mitigation measures which are adopted as part of the PLAN.

3.1.1 Species of Concern. Species to be specifically addressed in the PLAN are Federal and State endangered, threatened, rare, candidate and special concern species listed under EXHIBIT A and occurring within the boundaries of San Joaquin County. EXHIBIT A may be amended from time to time by mutual agreement of the parties to this MOU through

meetings held and noticed in accordance with the provisions of the Brown Act.

3.1.2 Areawide Biological Assessment It is intended that the review and approval of the PLAN by the participating LOCAL PUBLIC AGENCIES, CALTRANS, the DEPARTMENT and the SERVICE, will establish the Federal, State and local environmental policies to be applied to activities addressed in the PLAN in the study area. The PLAN will be designed to accomplish both State and Federal protection goals for special status species consistent with the requirements of the CESA Management Authorization (Section 2081), CESA Biological Opinion (Section 2090) and Federal 10 (a)(1)(B) Permit guidelines.

3.1.3 Uniform Permit Process It is the intent of the signatory agencies to eliminate, to the extent authorized by law, duplicate review of the impacts of activities addressed in the PLAN on special species listed in EXHIBIT A. The Federal, State and Local governments wish to apply uniform mitigation and management measures to those classes of activities which are resulting in the degradation of the status of special status species. These measures will be applied to activities addressed in the PLAN which have an adverse effect on special status species. Permit conditions authorized and/or required under all applicable Federal and State laws over which the SERVICE and DEPARTMENT have jurisdiction will be administered to achieve protection of special status species listed under EXHIBIT A.

3.1.4 Key Milestones/Participating Agencies For a listing of the key milestones and the agencies participating in completing each milestone, see EXHIBIT B. EXHIBIT B may be amended from time to time by mutual agreement of the parties to this MOU through meetings held and noticed in accordance with the provisions of the Brown Act. A milestone need not necessarily be completed before proceeding with the subsequent milestone.

3.2 Adoption and Implementation of the PLAN Each participating local agency may independently adopt the final PLAN by action of their respective City Councils or Board of Supervisors. CALTRANS may adopt the PLAN by signature of its District Director. The DEPARTMENT may adopt the PLAN by signature of the Director. Final acceptance of the PLAN by the SERVICE shall be evidenced by the signing of the Implementation Agreement and issuance of a 10(a) permit by the Deputy Regional Director, Region 1.

Adoption of all mitigation measures necessary to assure PLAN is implemented by the anticipated Permit Holders (LOCAL PUBLIC AGENCIES adopting the PLAN and CALTRANS) shall occur prior to issuance of applicable permits and agreements from the DEPARTMENT and SERVICE.

3.3 Implementation Agreement The PLAN shall be implemented through the permit actions of the individual participating LOCAL PUBLIC AGENCIES. The administration of uniform permit actions shall be identified and assured in an enforceable Implementation Agreement which shall specify the duties of each agency.

This MOU does not commit any of the participating LOCAL PUBLIC AGENCIES,

CALTRANS, the DEPARTMENT or the SERVICE to adopt or otherwise implement the components of the PLAN, but only to participate in the planning process. Adoption of the PLAN components shall be as prescribed above in Section 3.2.

3.4 DEPARTMENT Cooperation The DEPARTMENT agrees to provide legal, technical, and biological assistance in analyzing existing habitat needs for those species listed in EXHIBIT A which are found within the County in a manner that can be coordinated with the wildlife management efforts of other jurisdictions.

The DEPARTMENT further agrees to provide COG with Natural Diversity Database text and maps, and other pertinent information related to special status species in its possession, at no cost to COG. Copies of all special status species information collected in conjunction with the PLAN shall be provided to the DEPARTMENT at no cost. Data from other sources may be used as appropriate.

3.5 SERVICE Cooperation The SERVICE agrees to provide technical and biological assistance in analyzing existing habitat needs for those species listed in EXHIBIT A which are found within the County. The SERVICE will also provide legal assistance through the Regional Solicitor's Office of the Department of the Interior.

The SERVICE further agrees to provide COG with all pertinent information related to special status species in its possession, at no cost to COG. Copies of all special status species information collected in conjunction with the PLAN shall be provided to the SERVICE at no cost. Data from other sources may be used as appropriate.

3.6 CALTRANS Cooperation Caltrans agrees to:

- Provide the COG Consultant with access to all available aerial photos of its jurisdiction within its possession at no cost.
- Provide the COG Consultant with access to all environmental documents within its possession.
- Provide a staff contact to the COG Consultant.
- Assist the project consultant in gaining access to lands within its control.

3.7 CITIES AND COUNTY Cooperation The CITIES and COUNTY agree to:

- Provide the COG Consultant with access to all aerial photos of its jurisdiction within its possession at no cost.
- Provide the COG Consultant access to all environmental review documents in its possession which contain information related to special status species.
- Provide a staff contact to the COG Consultant.
- Assist project consultants in gaining access to private and public lands within their jurisdiction.

3.8 Interim Mitigation of Projects An Optional Interim Program shall be formulated per EXHIBIT B. The goal of the Optional Interim Program shall be to provide mitigation for activities addressed in the Interim Plan perhaps through a funding mechanism to acquire habitat. The Optional Interim Program shall be subject to review by the Policy Committee, the Working Group, the DEPARTMENT and the SERVICE. Participation in the Interim Program shall be optional. Each CITY, the COUNTY, and CALTRANS may decide to participate or not participate upon review of the Optional Interim Program components. The Optional Interim Program will not include provisions for incidental take of federally listed species.

4.0 COORDINATING AGENCY

The San Joaquin County Council of Governments (COG) shall act as Coordinating Agency for preparation of the PLAN, and shall consult with the Habitat Policy Advisory Committee and Habitat Staff Working Group on a regular basis during performance of their responsibilities as the Coordinating Agency. The DEPARTMENT and SERVICE will assist and cooperate in the development and preparation of the PLAN. COG, as Coordinating Agency, shall have primary responsibility for:

- (a) Drafting the Memorandum of Understanding for preparation of the PLAN;
- (b) Circulating the Request for Proposals (RFPs) to consultants for the preparation of the PLAN;
- (c) Receiving and evaluating all proposals prepared by the consultant(s);
- (d) Selecting the Consultant(s)*;
- (e) Negotiating a contract with the selected consultant(s);
- (f) Contracting with the consultant(s) to prepare the PLAN;
- (g) Drafting the Optional Interim Program;
- (h) Managing the consultant during preparation of the PLAN;
- (i) Overseeing preparation of CEQA/NEPA environmental documents*;
- (j) Reviewing and commenting on work products submitted by the consultant(s);
- (k) Acting as treasurer and dispersing funds collected by the LOCAL PUBLIC AGENCIES for services performed by the consultant(s);
- (l) Conducting workshops, hearings, and other meetings during preparation and

adoption of the PLAN;

- (m) Informing the Habitat Policy Advisory Committee and Habitat Staff Working Group, signatories, local decision-making bodies, and other interested parties of the progress of the planning process;
- (n) Preparing grant applications to secure funding for PLAN preparation; and
- (o) Initiating, overseeing and/or coordinating all milestone tasks listed in EXHIBIT B.

* The SERVICE, as lead NEPA agency, shall approve the selection of the NEPA consultant, supervise the scope and content of the NEPA document and insure that all federal conflict of interest guidelines are followed.

5.0 HABITAT POLICY ADVISORY COMMITTEE

The Habitat Policy Advisory Committee shall be responsible for providing policy recommendations to COG, the CITIES and COUNTY related to the PLAN. The Policy Committee shall represent a balance of development, business, environmental, agricultural, local agency, public agency and other stakeholder interests. Each representative, as appointed by the Chair of the COG Board of Directors, shall continue to serve on the Policy Committee until such time as they are replaced or removed by the Chair of the COG Board of Directors. Members may be added with the approval of the Chair of the COG Board of Directors as deemed necessary to represent the interests of stakeholders in the PLAN while maintaining a balance between the numerous interests. The committee members shall meet on a regular basis, shall actively participate in the preparation of the PLAN, and shall provide input and support to COG. The committee members shall be delegated certain responsibilities by COG to assist in the completion of the PLAN, and shall be represented at all workshops, hearings, and meetings which are held regarding the PLAN.

It is recognized that representatives of LOCAL PUBLIC AGENCIES, CALTRANS, and the DEPARTMENT shall participate on, and the SERVICE shall advise and assist, the Habitat Policy Advisory Committee in an advisory capacity and representatives will keep their agencies apprised of the status of the project and seek and provide input from their agencies, however, participation, or in the case of the SERVICE, advice and assistance, does not guarantee approval or adoption of the PLAN, Implementation Agreement, or applicable permits by their respective agencies.

6.0 HABITAT STAFF WORKING GROUP

It is appropriate and necessary that certain other agencies and private groups be directly involved in the preparation of the PLAN and program implementation, either through public input and comment, sharing of data resources and information, staff expertise, and/or participation in funding. This group shall be referred to as the Habitat Staff Working Group

and shall consist of representatives of various interested individuals, groups and organizations. Members may be added by the Chair of the COG Board of Directors as deemed necessary to assist in preparation of the PLAN. The Habitat Staff Working Group shall be advisory to the Habitat Policy Advisory Committee. The Working Group members shall meet on a regular basis, shall actively participate in the preparation of the PLAN, and shall provide input and support to the Policy Committee and/or COG. The Working Group members shall be delegated certain responsibilities by the Policy Committee and/or COG to assist in the completion of the PLAN, and shall be represented at all workshops, hearings, and meetings which are held regarding the PLAN.

It is recognized that representatives of LOCAL PUBLIC AGENCIES, CALTRANS, and the DEPARTMENT shall participate on, and the SERVICE shall advise and assist, the Habitat Staff Working Group in an advisory capacity and representatives will keep their agencies apprised of the status of the project and seek and provide input from their agencies, however, participation, or in the case of the SERVICE, advice and assistance, does not guarantee approval or adoption of the PLAN, Implementation Agreement, or applicable permits by their respective agencies.

7.0 PUBLIC PARTICIPATION

It is the intent of the parties to this agreement that the public will be afforded sufficient opportunity to provide input to the PLAN during the scoping, planning, and adoption process. Therefore, all meetings of the Habitat Policy Advisory Committee and Habitat Staff Working Group shall be open to the public. Input from the public shall be solicited at those meetings. In addition, public education, including public workshops, shall be stressed both during the planning process and as part of a successful implementation program.

8.0 CONSULTANT SERVICES

One or more qualified experts shall be selected to provide consulting services for the actual preparation of the PLAN and related documents. The consultant(s) will work with COG's coordinating consultant in performing these duties. It is anticipated that the consultant's primary duties will include data gathering, technical analysis, economic analysis and working with COG's coordinating consultant to draft the PLAN, Implementation Agreement and to secure applicable permits. The scope of the contracted work shall be reviewed by the Habitat Policy Advisory Committee and Habitat Staff Working Group prior to circulation of a Request for Proposals (RFP). The COG shall circulate the RFP. The consultant shall be selected through a competitive process managed by the COG. The consultant(s) shall work with COG's coordinating consultant to perform the following duties:

- (a) Reporting regularly to the Habitat Policy Advisory Committee;
- (b) Consulting and meeting directly with the local public agencies, CALTRANS, the DEPARTMENT, the SERVICE and the general public;

- (c) Coordinating and conducting species and habitat surveys; reviewing existing land use, agricultural and biological data; establishing quantitative goals for species and habitat management for the PLAN consistent with requirements of the CESA Management Authorization (Section 2081), CESA Biological Opinion (Section 2090) and Federal 10 (a)(1)(B) permit and; providing recommendations for preserve design, and management;
- (d) Preparing supporting documents as requested, which may include the Implementation Agreement, CEQA/NEPA documents* and applications for the CESA Management Authorization (Section 2081), CESA Biological Opinion (Section 2090) and Federal 10 (a)(1)(B) permit; and
- (e) Designing a long-term implementation funding mechanism and program which may include a review of the nexus between any proposed fees and the permit process and complete a nexus study consistent with AB 1600 (Government Code Section 66000 et seq.).
- (f) Providing technical support to the Policy Committee and Working Group upon request.

* The SERVICE, as lead NEPA agency, shall approve the selection of the NEPA consultant, supervise the scope and content of the NEPA document and insure that all federal conflict of interest guidelines are followed.

9.0 FUNDING/MITIGATION

It is anticipated that PLAN preparation will cost approximately \$480,000. Potential funding sources for the PLAN include state subvention grants, COG Planning Funds, Swainson's Hawk Mitigation Fees and the San Joaquin Valley Endangered Species Recovery Planning Program.

A long-term mitigation/management funding structure shall be included to implement the habitat acquisition management objectives of the PLAN. The PLAN will identify diverse mechanisms for equitably distributing the cost of implementing the PLAN. Mitigation measures must be reviewed and approved by the DEPARTMENT and SERVICE in consultation with the Policy Committee and mitigation measures are subject to adoption by the County Board of Supervisors and the individual Councils of each City. Adoption of mitigation measures by the anticipated Permit Holders shall occur prior to issuance of applicable permits from the DEPARTMENT and SERVICE.

10.0 DEFINITIONS

- (a) Audubon Blue List - List published by the Audubon Society indicating birds of special concern to the Audubon Society.

- (b) California-Native Plant Society (CNPS) Inventory List - A listing of special status plants published by the California Native Plant Society. Listings are defined as follows:
- List 1A = Presumed Extinct
 - List 1B = Plants rare in California and elsewhere
 - List 2 = Plants rare in California but more common elsewhere
 - List 3 = Plants about which more information is needed - a review list
 - List 4 = Plants with limited distributions - a watch list
- (c) Candidate Species (ESA) - A species being considered by the Secretary of the Interior for listing as threatened or endangered but not yet the subject of a proposed rule. The SERVICE classifies candidate species into three categories: Category 1 species are those for which sufficient information exists to warrant listing but which are not yet listed because of time or other constraints within the Department of the Interior; Category 2 species are those for which additional information is required before a determination can be made as to whether listing is warranted; Category 3a, 3b and 3c species are those which have become extinct or for which taxonomic, distribution or threat information indicates that listing is not presently warranted but the status of which should be monitored.
- (d) Candidate Species (CESA) - Species or subspecies formally noticed by the Fish and Game Commission as being under review by the DEPARTMENT to determine whether listing as threatened or endangered is warranted, or the subject of a proposed rule-making by the Commission to list as threatened or endangered. (Fish and Game code Section 2068.)
- (e) Council of Governments Coordinating Consultant - The consultant hired by the San Joaquin County Council of Governments, prior to execution of the Memorandum of Understanding, to oversee and coordinate PLAN preparation.
- (f) Development and Projects (State) - are as defined in Government Code Sections 65927 and 65928.
- (g) Development and Projects (Federal) - are defined as any action or activity with a potential to take a PLAN species over which local public agencies exercise jurisdiction or control.
- (h) Endangered Species (ESA) - Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the class Insecta determined by the Secretary to constitute a pest whose protection under the provision of the Endangered Species Act would prevent an overwhelming and overriding risk to man. [ESA-Section 3(6).]

- (i) Endangered Species (CESA) - Species or subspecies that is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes as specified in the Fish and Game Code Section 2062.
- (j) Fully Protected Species - A species identified in Fish and Game Code Sections 3511, 4700, 5050, or 5515.
- (k) Habitat Conservation Plan (HCP) - Required plan, submitted by an application for a Section 10(a) permit allowing incidental taking of a species, which includes: (i) the impact which will likely result from such taking; (ii) what steps the applicant will take to monitor, minimize and mitigate such impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; (iv) responses to unforeseen circumstances, and; (v) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan. [ESA-Section 10(a)(2)(A).]
- (l) Plant - any member of the plant kingdom including seeds, roots and other parts thereof [ESA-Section 3, subparagraph 13]
- (m) Rare Species (CESA) - A native California plant (species or subspecies), that is although not presently threatened with extinction, in such small numbers throughout its range that it may become endangered if its present environment worsens. (Fish and Game Code Section 1901.)
- (n) Special Animal - Species included in California's Natural Diversity Database which fall into one or more of the following categories:
 - Taxa that are biologically rare, very restricted in distribution or declining throughout their range
 - Population(s) in California that may be peripheral to the major portion of a taxon's range, but which are threatened with extirpation in California
 - Taxa closely associated with habitat that is declining in California (e.g. wetlands, riparian, old growth forest, desert aquatic systems, native grasslands.)
- (o) Species of Special Concern - For the purposes of this PLAN, a species of special concern is one designated the California Department of Fish and Game as such because of declining population levels, limited ranges, or rarity which has made the species vulnerable to extinction. The goal of the designation is to prevent these species from becoming endangered by addressing the issues of concern early enough to secure long term viability for the species.
- (p) Special Status Species - State and federally listed endangered, threatened, rare, candidate and special concern animals and plant species as listed under EXHIBIT

- "A" attached to this MOU and as may be amended from time to time by mutual agreement of the parties to this MOU through meetings held and noticed in accordance with the provisions of the Brown Act.
- (q) Threatened Species (ESA) - Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. [ESA-Section 3(20).]
- (r) Threatened Species (CESA) - A species or subspecies, although not presently threatened with extinction, that is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts. (Fish and Game Code Section 2067.)
- (s) Wildlife (CESA) - shall be as defined in Fish and Game Code Section 711.2(a)
- (t) Wildlife (ESA) - shall be as defined in Section 3, subparagraph 8, of the Federal Endangered Species Act of 1973.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By _____ Date _____
Boyd Gibbons, Director
California Department of Fish and Game

Approved as to form:

By: _____ Date _____
Craig Manson, General Counsel
California Department of Fish and Game

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Joel A. Medlin, Field Supervisor
U.S. Fish and Wildlife Service

Approved as to form:

By: _____ Date _____
Lynn Cox, Assistant Regional Solicitor
U.S. Department of the Interior

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Gordon Marts, District Director
Caltrans

Approved as to form:

By: _____ Date _____
Joe Easley, Counsel
Caltrans

IN WITNESS WHEREOF, THE PARTIES HERE TO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Bob Cabral, Vice Chair of the Board of Directors
San Joaquin County Council of Governments

Attest:

By: _____ Date _____
Steve Dial, Manager of Finance and Administration
San Joaquin County Council of Governments

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Douglass W. Wilhoit, Chairman
San Joaquin County Board of Supervisors

Approved as to form:

By: _____ Date _____
John Cheadle, County Counsel
San Joaquin County

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Lynn Gentry, Mayor
City of Escalon

Approved as to form:

By: _____ Date _____
James Fonda, City Attorney
City of Escalon

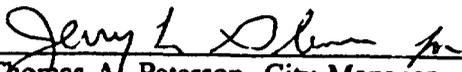
IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By _____ Date _____
Darlene Hill, Mayor
City of Lathrop

Approved as to form:

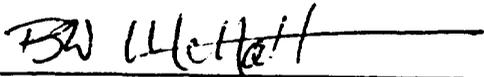
By: _____ Date _____
Carl Waggoner, City Attorney
City of Lathrop

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: 
Thomas A. Peterson, City Manager
City of Lodi

Date 10-7-94

Approved as to form:

By: 
Bob W. McNatt, City Attorney
City of Lodi

Date 10-7-94

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Franklin J. Warren, Mayor
City of Manteca

Approved as to form:

By: _____ Date _____
John D. Brinton, City Attorney
City of Manteca

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Marvin Pater, Mayor
City of Ripon

Approved as to form:

By: _____ Date _____
Tom Terpstra, City Attorney
City of Ripon

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Dwane Milnes, City Manager
City of Stockton

Approved as to form:

By: _____ Date _____
R. Thomas Harris, City Attorney
City of Stockton

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By: _____ Date _____
Clyde Bland, Mayor
City of Tracy

Approved as to form:

By: _____ Date _____
Debra Corbett, City Attorney
City of Tracy

EXHIBIT "A"

TENTATIVE** LIST OF STATE AND FEDERAL ENDANGERED, THREATENED AND
 CANDIDATE ANIMAL AND PLANT SPECIES
 TO BE CONSIDERED*** IN THE PREPARATION OF THE SAN JOAQUIN COUNTY
 MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN

** Subject to revisions (additions and deletions) pending review of data from Audubon, California Native Plant Society, US Fish and Wildlife Service, Delta Protection Commission, California Department of Fish and Game, Ducks Unlimited etc.

*** While emphasis for the PLAN shall be on species currently listed and/or with a high potential for future listing, consideration shall be given to animal and plant species of concern not currently listed, where feasible, to facilitate amendments to applicable permits obtained in conjunction with the Plan should these species be listed over the life of the Plan.

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
MAMMALS	
San Joaquin Kit Fox - 1992 (<u>Vulpes macrotis mutica</u>)	Endangered/Threatened/--
Riparian Brush Rabbit - 1988 (<u>Sylvilagus bachmani riparius</u>)	Candidate for Category 1/Candidate for Endangered/CA Species of Special Concern
Riparian Woodrat (San Joaquin Valley Woodrat)- 1955 (<u>Neotoma fuscipes riparia</u>)	Category 1 Candidate for Listing /--/CA Species of Special Concern
Greater Western Mastiff Bat (California Mastiff Bat) (<u>Eumops perotis californicus</u>)	Category 2 Candidate for Listing/--/CA Species of Special Concern
Townsend's Western Big-eared Bat (Pacific Western Big-eared Bat) (<u>Plecotus townsendii townsendii</u>)	Category 2/--/CA Species of Special Concern
Townsend's Big-eared Bat (Pale Big-eared Bat) (<u>Plecotus townsendii pallescens</u>)	--/--/CA Species of Special Concern
American Badger (<u>Taxidea taxus</u>)	--/--/CA Species of Special Concern
Ringtail (Ringtail Cat) (<u>Bassariscus astutus</u>)	--/--/CA Fully Protected Species

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
San Joaquin Pocket Mouse - 1987 (<u>Perognathus inornatus inornatus</u>)	--/--/*
Berkeley Kangaroo Rat (<u>Dipodomys heermanni berkeleyensis</u>)	--/--/*
BIRDS	
American Peregrine Falcon (<u>Falco peregrinus anatum</u>)	Endangered/Endangered/California Fully Protected Species
Bald Eagle (<u>Haliaeetus leucocephalus</u>)	Endangered/Endangered/-- (nesting and wintering)
Western Yellow-Billed Cuckoo - 1973 (<u>Coccyzus americanus occidentalis</u>)	--/Endangered/Audubon Blue List (nesting)
Aleutian Canada Goose (<u>Branta canadensis leucoparica</u>)	Threatened/--/-- (wintering)
California Black Rail - 1992 (<u>Laterallus jamaicensis coturniculus</u>)	Category 2 Candidate for Listing/Threatened/California Fully Protected Species
Swainson's Hawk (<u>Buteo swainsoni</u>)	--/Threatened/CA Species of Special Concern (nesting)
Greater Sandhill Crane (<u>Grus canadensis tabida</u>)	--/Threatened/CA Fully Protected Species (breeding and wintering)
Bank Swallow (<u>Riparia riparia</u>)	--/Threatened/--(nesting colony)
California Horned Lark (<u>Eremophila alpestris actia</u>)	Category 2 Candidate for Listing/--/CA Species of Special Concern
Tricolored Blackbird - 1992 (<u>Agelaius tricolor</u>)	Category 2 Candidate for Listing/--/CA Species of Special Concern
Loggerhead Shrike (<u>Lanius ludovicianus</u>)	Category 2 Candidate for listing/--/CA Species of Special Concern
White-faced ibis (<u>Plegadis chihi</u>)	Category 2 Candidate for Listing/--/CA Species of Special Concern (rookery)
Western Snowy Plover (<u>Charadrius alexandrius nivosus</u>)	Proposed Threatened/--/CA Species of Special Concern (breeding)

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Mountain Plover (<i>Charadrius montanus</i>)	Category 2 Candidate for Listing/--/CA Species of Special Concern (wintering)
Ferruginous Hawk (<i>Buteo regalis</i>)	Category 2 Candidate for Listing/--/CA Species of Special Concern (wintering)
Long-billed curlew (<i>Numenius americanus</i>)	--/--/CA Species of Special Concern (breeding)
Burrowing Owl - 1993 (<i>Athene cucularia</i>)	--/--/CA Species of Special Concern, Audubon Blue List (burrow sites)
Black-shouldered kite (<i>Elanus caeruleus</i>)	/--/--/*, CA Fully Protected Species (nesting)
Osprey (<i>Pandion haliaetus</i>)	--/--/CA Species of Special Concern (nesting)
Sharp-shinned hawk (<i>Accipiter striatus</i>)	--/--/CA Species of Special Concern (nesting)
Merlin (<i>Falco columbarius</i>)	--/--/CA Species of Special Concern
Yellow-breasted chat (<i>Icteria virens</i>)	--/--/CA Species of Special Concern (nesting)
Yellow warbler (<i>Dendroica petechia brewsteri</i>)	--/--/CA Species of Special Concern (nesting)
Northern Harrier (<i>Circus cyaneus</i>)	--/--/CA Species of Special Concern (nesting)
American white pelican (<i>Pelecanus erythrorhynchos</i>)	--/--/CA Species of Special Concern (nesting colony)
Double-crested cormorant (<i>Phalacrocorax auritus</i>)	--/--/CA Species of Special Concern (rookery)
Short-eared owl (<i>Asio flammens</i>)	--/--/CA Species of Special Concern (nesting)
Prairie Falcon (<i>Falco mexicanus</i>)	--/--/CA Species of Special Concern (nesting)
Cooper's Hawk (<i>Accipiter cooperi</i>)	--/--/CA Species of Special Concern (nesting)

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Golden Eagle (<u>Aquila chrysaetos</u>)	--/--/CA Species of Special Concern (nesting/wintering); CA Fully Protected Species
Great Blue Heron -1989 (<u>Ardea herodias</u>)	--/--/* (rookery)
Western Grebe (<u>Aechmophorus occidentalis</u>)	--/--/*
Great Egret (<u>Casmerodius albus</u>)	--/--/* (rookery)
Black-crowned Night Heron (<u>Nycticorax nycticorax</u>)	--/--/* (rookery)
Snowy Egret	--/--/* (rookery)
REPTILES	
Blunt-nosed leopard lizard (<u>Gambelia silus</u>)	Endangered/Endangered/--
Giant Garter Snake - 1987 (<u>Thamnophis gigas</u>)	Threatened/Threatened/--
Northwestern Pond Turtle (<u>Clemmys marmorata marmorata</u>)	Category 2 Candidate for Listing/--/CA Species of Special Concern
Southwestern Pond Turtle (<u>Clemmys marmorata pallida</u>)	Category 2 Candidate for Listing /--/CA Species of Special Concern
California (Coast) Horned Lizard - 1992 (<u>Phrynosoma coronatum frontale</u>)	--/--/CA Species of Special Concern
San Joaquin Whipsnake - 1991 (<u>Masticophis flagellum ruddocki</u>)	--/--/CA Species of Special Concern
AMPHIBIANS	
California Red-legged Frog-1992 (<u>Rana aurora draytoni</u>)	Proposed Endangered/--/CA Species of Special Concern
California Tiger Salamander-1992 (<u>Ambystoma californiense</u>)	Category 2 Candidate for Listing-listing petitioned/--/CA Species of Special Concern

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Foothill Yellow-legged Frog - 1958 (<i>Rana boylei</i>)	Category 2 Candidate for Listing/--/CA Species of Special Concern
Western Spadefoot Toad -1992 (<i>Scaphiopus hammondi</i>)	Recommended Category 2 Candidate for Listing/--/CA Species of Special Concern
FISH	
Winter-run Chinook Salmon (<i>Oncorhynchus tshawytscha</i>)	Threatened/Endangered/--
Delta Smelt (<i>Hypomesus transpacificus</i>)	Threatened/--/CA Species of Special Concern
Sacramento splittail (<i>Pogonichthys macrolepidotus</i>)	Proposed Threatened/--/CA Species of Special Concern
Green Sturgeon (<i>Acipenser medirostris</i>)	Recommended Category 2 Candidate for Listing/--/--
Longfin Smelt (<i>Spirinchus thaleichthys</i>)	Listing petitioned Category 2 Candidate for Listing/--/--
Chinook Salmon (Spring run) (<i>Oncorhynchus tshawytscha</i>)	--/--/CA Species of Special Concern
INSECTS	
Valley Elderberry Longhorn Beetle - 1989 (<i>Desmocerus californicus dimorphus</i>)	Threatened/--/--/
Moestan Blister Beetle (<i>Lytta moesta</i>)	Category 2 Candidate for Listing/--/--
OTHER INVERTEBRATES	
Vernal Pool Fairy Shrimp (<i>Branchinecta lynchi</i>)	Proposed Endangered/--/--
Vernal Pool Tadpole Shrimp (<i>Lepidurus packardii</i>)	Proposed Endangered/--/--
California Linderiella (<i>Linderiella occidentalis</i>)	Proposed Endangered/--/--
PLANTS	
Ferris' Palmate Bird's-Beak (Palmate- Bracted Bird's-Beak) (<i>Cordylanthus palmatus</i>)	Endangered/Endangered/CA Native Plant Society List 1B

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Contra Costa Wallflower (<i>Erysimum capitatum</i> var. <i>angustatum</i>)	Endangered/Endangered/CA Native Plant Society List 1B
Antioch Dunes Evening Primrose (<i>Oenothera deltoidea</i> var. <i>howellii</i>)	Endangered/Endangered/CA Native Plant Society List 1B
Large-flowered Fiddleneck - 1992 (<i>Amsinckia grandiflora</i>)	Endangered/Endangered/CA Native Plant Society List 1B
Greene's Tuctoria (Orchid Grass)-1936 (<i>Tuctoria greenei</i>)	Proposed Endangered/Rare/CA Native Plant Society List 1B
Colusa Grass (<i>Neostapfia colusana</i>)	Proposed Threatened/Endangered/CA Native Plant Society List 1B
Boggs Lake Hedge-Hyssop Plant (<i>Gratiola heterosepala</i>)	Category 3C/Endangered/CA Native Plant Society List 1B
Delta button-celery (Delta Coyote Thistle) - 1939 (<i>Eryngium racemosum</i>)	Category 2 Candidate for Listing/Endangered/CA Native Plant Society List 1B
Mason's Lilaeopsis - 1992 (<i>Lilaeopsis masonii</i>)	Category 2 Candidate for Listing/Rare/CA Native Plant Society List 1B
Caper-fruited Tropidocarpum -1937 (<i>Tropidocarpum capparideum</i>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1A (Possibly Extinct)
Mt. Diablo Buckwheat (<i>Eriogonum truncatum</i>)	Category 3A/--/CA Native Plant Society List 1A
Diamond-petaled Poppy (Diamond-petaled California Poppy) (<i>Eschscholzia Rhombipetala</i>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1A
Showy Indian Clover <i>Trifolium amoenum</i>	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Recurved Larkspur (<i>Delphinium recurvatum</i>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Suisun Marsh Aster - 1989 (<i>Aster lentus</i> also <i>A. chilensis</i> var. <i>lentus</i>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Sanford's Arrowhead (Sanford's Sagittaria) - 1940 (<i>Sagittaria sandfordii</i>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Delta Tule Pea - 1987 (<u>Lathyrus jepsonii</u> var <u>jepsonii</u>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Slough Thistle - 1974 (<u>Cirsium crassicaule</u>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
California Hibiscus - 1992 (<u>Hibiscus lasiocarpus</u>)	Category 3b/--/CA Native Plant Society List 2
Hospital Canyon Larkspur (<u>Delphinium californicum</u> spp. <u>interius</u>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Heartscale (Heart-leaved Saltbush) (<u>Atriplex cordulata</u>)	Category 2 Candidate for Listing/--/CA Native Plant Society List 1B
Alkali Milk-vetch - 1927 (<u>Astragalus tener</u> var. <u>tener</u>)	--/--/CA Native Plant Society List 1B
Showy Madia - 1938 (<u>Madia radiata</u>)	--/--/CA Native Plant Society List 1B
Wright's Trichocoronis - 1914 (<u>Trichocoronis wrightii</u> var. <u>wrightii</u>) also <u>trichocoronis</u> ?	--/--/CA Native Plant Society List 2
Delta mudwort (<u>Limosella subulata</u>) - 1986	--/--/CA Native Plant Society List 2
Valley Oak (<u>Quercus lobata</u>)	--/--/CA Native Plant Society List 4
Hoovers Cryptantha (<u>Cryptantha hooveri</u>)	--/--/CA Native Plant Society List 4
COMMUNITIES	
Northern Hardpan Vernal Pool	N/A
Northern Claypan Vernal Pool	N/A
Coastal and Valley Freshwater Marsh	N/A
Great Valley Cottonwood Riparian Forest	N/A
Great Valley Mixed Riparian Forest	N/A
Great Valley Oak Riparian Forest	N/A
Elderberry Savanna	N/A

Species - date last seen (per NDDDB)	Status: Fed/CA/Other
Valley Oak Woodland	N/A

*-A Special Animal per the NDDDB or a Taxa considered endangered or rare under Section 15380(d) of CEQA guidelines

EXHIBIT B

**Overview
Scope of Work
San Joaquin County Multi-Species Habitat Conservation and Open Space Plan**

TASK DESCRIPTION/MILESTONES	PARTICIPATING PARTY/PARTIES
PHASE 0 IDENTIFY/MEET WITH INTERESTED PARTIES (Ongoing throughout process)	COG, HPAC, COG Consultant
PHASE 1 PROJECT INITIATION	--
1.1 Memorandum of Understanding (draft, review, adopt)	COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE, COG Consultant
1.2 Funding Plan Preparation (identify and secure) -- see also Interim Program Management	COG, HPAC, HSWG, COG Consultant
1.3a Request for Proposals (draft, review, circulate)	COG, HPAC, HSWG, DEPARTMENT, SERVICE, COG Consultant
1.3b Hire Consultant A for technical analysis (biological field surveys, mapping and preliminary recommendations for preserves and estimates of levels of take)	COG with recommendations from HPAC, HSWG, DEPARTMENT, SERVICE
1.4 Public/Agency Workshop(s) #1	COG Consultant coordinates w/ participation from HPAC, HSWG, DEPARTMENT, SERVICE
PHASE 2 INTERIM PROGRAM MANAGEMENT	
2.1 Optional Interim Program (Draft, Review, Adopt)	COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE, COG Consultant
2.2 Land Acquisition: Secure and administer grants as available	COG, COG Consultant w/ review and approval from HPAC, HSWG, DEPARTMENT, SERVICE
PHASE 3 TECHNICAL ANALYSIS	
3.1 Agricultural, Land Use, Biological Data collection (Existing information)	COG Consultant w/ assistance from LOCAL PUBLIC AGENCIES, CALTRANS, DEPARTMENT, SERVICE
3.2 Consultant A reviews existing land use, agricultural and biological data supplied by COG and performs new biological field surveys	Consultant A
3.3, 3.4 Consultant A analyzes and recommends quantified goals for Plan based on biological, land use and agricultural data; prepares base maps	Consultant A
3.5 NEPA/CEQA environmental review/assessment begins*	COG, COG Consultant, DEPARTMENT, SERVICE, LOCAL PUBLIC AGENCIES

TASK DESCRIPTION/MILESTONES	PARTICIPATING PARTY/PARTIES
4. PLAN DESIGN AND PREPARATION	
4.1 Concept Outline (Prepare working draft Plan)	COG Consultant - based on direction from COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE
4.2a Request for Proposals for Consultant B to perform economic analysis and present alternatives for financing the Plan based on Concept Outline: Hire Consultant B	COG Consultant - with recommendations /reviews from COG, HPAC, HSWG, DEPARTMENT, SERVICE
4.2b Consultant B performs economic analysis and presents financing alternatives	Consultant B
4.3 Consider and evaluate preserve and financing alternatives	COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE, COG Consultant
4.4 Have Consultants A and B analyze proposed preserve/financing alternatives proposed by Policy and Working Group	HPAC, HSWG, COG, CALTRANS, DEPARTMENT, SERVICE, COG Consultant, Consultant A, Consultant B
4.5 Draft Plan	COG Consultant based on direction from COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE
4.6 Prepare Draft Implementation Agreement	COG Consultant or Consultant C- based on direction from COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE, LOCAL PUBLIC AGENCIES, PUBLIC w/refinements reviewed by Consultants A/B, if necessary
4.7 Prepare Draft NEPA/CEQA Environmental Documents*	COG Consultant or Consultant C w/input from DEPARTMENT, SERVICE, LOCAL PUBLIC AGENCIES
4.8 Prepare 10(A)(1)(b) Permit, 2081 Management Authorization and 2090 Biological Opinion Applications	COG Consultant w/refinements reviewed by Consultants A/B, if necessary. Alternatively, in the interest of timesavings, a Consultant C could be hired to complete this task
4.9 Public/Agency Review of Draft Plan, Implementation Agreement, Draft Environmental Documents - Workshop(s) #2	COG Consultant coordinates w/ participation from HPAC, HSWG, DEPARTMENT, SERVICE
4.10 Prepare Final Plan based on public/agency input	COG Consultant - based on direction from COG, HPAC, HSWG, CALTRANS, DEPARTMENT, SERVICE, LOCAL PUBLIC AGENCIES, PUBLIC
4.11 Prepare Final Implementation Agreement based on public/agency input	

TASK DESCRIPTION/MILESTONES		PARTICIPATING PARTY/PARTIES
4.12	Prepare Final NEPA/CEQA Environmental Review Documents based on public/agency input	COG Consultant or Consultant C w/input from DEPARTMENT, SERVICE, LOCAL PUBLIC AGENCIES
4.13	Prepare final 10(A)(1)(b) Permit, 2081 Management Authorization and 2090 Biological Opinion Applications based on public/agency input	COG Consultant w/refinements reviewed by Consultants A/B, if necessary. Alternatively, in the interest of timesavings, a Consultant C could be hired to complete this task
5.	PLAN ADOPTION BY CITIES AND COUNTIES	COG Consultant coordinates for CALTRANS, LOCAL PUBLIC AGENCIES
5.1	Public/Agency Review/ Workshop(s) #3	COG Consultant coordinates w/ participation from HPAC, HSWG, DEPARTMENT, SERVICE
6.	PLAN PERMITTING/ADOPTION	
6.1	Submit 10(A)(1)(b) Permit, 2081 Management Authorization and 2090 Biological Opinion Applications	COG Consultant
6.2	State and Federal Review of applications/revision, if necessary	COG Consultant coordinates for DEPARTMENT, SERVICE
6.3	Review any changes to permit applications	COG, HPAC, HSWG, COG Consultant, LOCAL PUBLIC AGENCIES, CALTRANS, Public
6.4	Final Adoption of Agreements, Permits	LOCAL PUBLIC AGENCIES, CALTRANS, DEPARTMENT, SERVICE

* The SERVICE, as lead NEPA agency, shall approve the selection of the NEPA consultant, supervise the scope and content of the NEPA document and insure that all federal conflict of interest guidelines are followed.