



## Memorandum

<b>To:</b>	SBCCP Public Advisory Committee Members
<b>CC:</b>	Arielle Goodspeed, County of San Benito SBCCP Planning Team
<b>From:</b>	Bernadette Clueit, Project Manager Chris Howington, Senior Conservation Planner
<b>Date:</b>	May 16, 2023
<b>Re:</b>	<b>San Benito County Conservation Plan: Identifying Proposed Covered Activities</b>

The County of San Benito (County) has experienced significant growth in the past several years, with increases in population, annexation, and development activities that will also likely lead to the need for the construction, maintenance, and operation of new public infrastructure such as roads and landfills. The proximity of future development activities to the presence of sensitive species and their habitats increases the likelihood of new liabilities under the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA). To address the potential need for regulatory compliance, the County is developing a multi-species Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP), referred to as the San Benito County Conservation Plan (SBCCP or Plan), compliant with the ESA and the California Natural Community Conservation Planning Act (NCCP Act) of 2002 (as amended) to address and mitigate potential impacts to threatened and endangered species associated with growth and development in the County.

One of the first steps in developing an HCP/NCCP is selecting a list of projects and activities that will be “covered” by the HCP. This is the list of *covered activities* for which *take*<sup>1</sup> authorization will be provided by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for the species addressed in the HCP/NCCP (called *covered species*). To be eligible for incidental take authorization, and therefore covered by the SBCCP, activities must be consistent with applicable requirements in both the ESA and the NCCP Act, such as but not limited to the

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<sup>1</sup>As defined by the ESA. Under ESA, take is defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Harm is defined as “any act that kills or injures the species, including significant habitat modification.” Under CESA, take is defined more narrowly as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Note that take is not the same as an adverse impact.

following: otherwise lawful; would not result in jeopardizing the continued existence of covered species; not funded, authorized, or carried out by a federal agency; and must be under the direct control or authority of the permittee through jurisdictional authority, employment, contracts, leases, or land ownership. This latter requirement ensures that USFWS and CDFW can enforce the provisions of their respective species permits.

ICF is providing this memorandum (memo) to inform the development of a list of covered activities for the SBCCP. The covered activities will be described in detail in the SBCCP in Chapter 2, *Land Use and Covered Activities*, based in part on this memo. Specifically, the objectives of this memo are to:

- Define the criteria to screen and select covered activities;
- Explain the process to develop a covered activities list; and
- Solicit feedback on potential covered activities from the Public Advisory Committee (PAC).

The list of covered activities will be developed by the County (as the permit applicant) with support and guidance from ICF, the Public Advisory Committee, and the Planning Team. The selection of covered activities should be guided by specific criteria to provide a transparent, systematic, and repeatable process. Criteria for inclusion in the SBCCP, as well as a description of the process and a list of potential activities for consideration, are described below.

## Process for Identifying the Covered Activities

The SBCCP must identify the activities that could result in take of covered species and that will be covered by the Plan. The activities described in the SBCCP will be those for which incidental take authorization will be requested. These activities must avoid or minimize impacts on covered species where possible and compensate for impacts when avoidance is not feasible. As such, the covered activities list and descriptions will be the foundation for the impacts analysis which is an important component in the development of the Plan.

To identify the covered activities, ICF uses a three-step process, each step of which is described in detail in the following sections.

- Step 1. Identify potential covered activities;
- Step 2. Apply covered activities screening criteria; and
- Step 3. Draft, review, and finalize the proposed covered activities and associated descriptions.

Applying a systematic process has numerous benefits. The process enables HCP/NCCP preparers to respond to feedback objectively and to identify covered activities that are consistent with the SBCCP goals as well as any specific needs of the anticipated permittees and end-users of the SBCCP (e.g., private developers).

### Step 1: Identify Potential Covered Activities

Covered activities include both specific projects and on-going activities. *Projects* are well-defined actions that occur once in a discrete location (e.g., construction of a new facility). *Activities* are

actions that occur repeatedly in one area or over a wide area (e.g., facility operation, maintenance). For the purposes of this memo and the SBCCP, the more general term “covered activities” refers to both specific projects and ongoing activities. Covered activities could include any actions under the applicant’s control or jurisdiction that could result in impacts on covered species and thus require take authorization.

For a long-term HCP/NCCP, a comprehensive set of relevant covered activities should be considered so long as there is a reasonable expectation that the covered activities would occur within the permit term of the Plan and that enough is known to adequately describe the activity and the effect it would have on covered species. This approach maximizes the long-term assurances and flexibility of the permits and reduces the chance that additional covered activities will need to be amended to the Plan at a later time. However, the benefits in HCP/NCCP implementation associated with a more expansive suite of covered activities must be balanced with added complexity (and therefore time) during HCP/NCCP development.

Given that the primary factors driving development of the SBCCP are the challenges surrounding urban expansion, rural residential, and commercial development, the first step in establishing an initial list of covered activities is to evaluate how development is expected to occur based on the current land use plans and future growth expectations of the County.

## Step 2. Apply Covered Activities Screening Criteria

Once a set of covered activities is identified through Step 1, each activity is assessed based on a set of criteria. Having a clear set of criteria is very helpful throughout the HCP/NCCP development process because stakeholders, new applicants, or agency staff frequently propose adding new covered activities. Using the criteria, these new activities can be easily evaluated for coverage at any time during Plan development.

ICF routinely utilizes the following six criteria to guide the selection process. To be covered, the project or activity must meet all the following criteria.

**Control or Authority.** The covered activity must be under the direct control of the permittee(s), or a permittee has the authority for direct control through their jurisdiction or regulation (e.g., a permit or authorization).

**Location.** The covered activity will occur within the permit area<sup>2</sup>.

**Timing.** The covered activity will occur during the permit term. For now, we assume that the SBCCP will have a permit term of 50 years<sup>3</sup> which is consistent with comparable plans.

**Impact.** The covered activity has a reasonable likelihood of resulting in take as defined by the ESA<sup>4</sup> of one or more covered species.

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<sup>2</sup> The permit area is currently defined as all lands where the County has land use authority within the geographic extent of the County of San Benito.

<sup>3</sup> ICF will develop a separate memo regarding the proposed permit term.

<sup>4</sup> The definition of take under CESA is narrower than the federal definition, which is why the federal definition is used for the criterion.

**Project Definition.** The location, footprint, and type of impacts resulting from the activity are reasonably well understood and can be evaluated in the Plan to the satisfaction of USFWS and CDFW. Specifically, the impacts resulting from the activity and associated mitigation must be technically and economically feasible and can be reasonably evaluated in the plan.

**Practicability.** The activity can be included in the SBCCP without substantially increasing the scope and cost of Plan development or implementation (e.g., adding new covered species, adding significant complexity to the analysis, or adding significant new controversy).

A common mistake in the development of HCP/NCCPs is covering all projects and activities under the control of a permittee, regardless of whether those projects or activities may result in take of the covered species. It is inadvisable to include covered activities that have no potential for take of the covered species because it creates an unnecessarily lengthy and complex document for the resource agencies and the public to review. An HCP/NCCP with unnecessary covered activities also makes the environmental review unnecessarily complex. The scope of the California Environmental Quality Act (CEQA) analysis and the National Environmental Policy Act (NEPA) analysis is determined largely by the nature and scope of the HCP/NCCP covered activities. Keeping covered activities focused only on what is needed will help streamline the CEQA and NEPA review of the Plan.

Activities can only be covered by the HCP/NCCP permits if the activities are under the direct control or authority of a permittee. The take authority provided by the permits may be used by a permittee for its own projects, for projects that it undertakes in partnership with one or more other agencies, or by a third party so long as the overseeing permittee has the authority to apply permit requirements to those projects. This requirement ensures that USFWS and CDFW can enforce the provisions of the permits.

Take coverage of covered activities may be extended to other agencies, special districts, or private parties if those other parties enter into an agreement with the permittee that binds the other agency to comply with the terms and conditions of the Plan. These third parties are often called *Participating Special Entities*.

Some activities will not meet the covered activity criteria. In certain cases, it is useful to provide a description of such a project or activity and the rationale for exclusion. This allows for transparency in the selection process and a clear framework for the County (and its Board and staff), regulatory agencies, and others to evaluate the rationale. ICF will work with the County, PAC, and Planning Team to discuss projects that do not or may not meet the criteria for inclusion in the SBCCP and whether these activities should be specifically identified in the Plan.

### Step 3. Draft, Review, and Finalize Covered Activities

A description of potential covered activity categories, including examples of types of projects and activities that may be covered in the SBCCP is provided below. Where known, specific projects that have been proposed for coverage in the plan are also identified. During Plan development, the proposed covered activities list will be described in more detail in the SBCCP in Chapter 2: *Land Use and Covered Activities* and will undergo additional scrutiny by the PAC and other stakeholders. As such, the process of developing a final list is an iterative one, and one that demands a high level of input and feedback from County staff and others familiar with these activities. Subsequently, County

staff and others must provide information on all covered activities so that ICF can conduct an impact analysis to quantify effects on covered species and/or their habitats. As more detail is provided about the covered activities, and as other actions that accompany covered activities are considered, the covered and non-covered activities lists will be refined. Any proposed changes would be assessed according to the criteria described previously in this memo.

## Potential HCP/NCCP Covered Activities

An initial working list of covered activities based on the County's input and covered activity descriptions used in other development-focused regional HCP/NCCPs in northern California is presented below. This initial working list of covered activities will be refined through discussion with the County and other local entities. The potential covered activities are grouped into general categories which broadly define the different types of activities that may be covered in the Plan. Some examples are provided to illustrate the general category. The specific projects or activities listed here should not be considered a comprehensive list of covered activities at this time.

These covered activities could be implemented by the County, or by other agencies or private landowners who join the SBCCP as a co-permittee or enter into an agreement as a Participating Special Entity. Outreach to County agencies and other entities is ongoing and will result in additions and deletions of covered activities as further information is obtained. These discussions will also help to determine whether other entities will join the plan as co-permittees<sup>5</sup>.

## Urban Projects in Rural Areas

Urban development is a general term that refers to development that will typically result in nearly 100 percent loss of natural habitats with the exception of urban streams. Urban development occurs within city limits; however, development of a similar intensity that may occur in unincorporated areas of the County is captured in this category of Urban Projects in Rural Areas. Covered activities in this category will have an assumption of take with less emphasis on avoiding or minimizing impacts on site.

Urban projects occur within the unincorporated County in areas around cities where infrastructure and public services are available, within existing unincorporated communities (e.g., Aromas, Ridgemark, Tres Pinos, Panoche, and Paicines), and within a limited number of new communities. Areas designated in the County General Plan as Residential Mixed, Commercial Neighborhood, Commercial Thoroughfare, Commercial Regional, and Industrial are areas where these projects could occur. The urban projects area contains some areas of high biological value that have been identified for avoidance (e.g., San Benito River near Ridgemark and Aromas, burrowing owl colony in the Fairview Road/Santa Ana Road area near Hollister). Urban projects are also prohibited on hillsides greater than 30 percent slope.

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<sup>5</sup> Since the NCCP Planning Agreement currently identifies the County as the sole permittee, the addition of co-permittees to the Plan in the future would require an amendment to the Planning Agreement.

This category is intended to be as inclusive as possible to accommodate urban growth and all ground-disturbing activities within the designated urban projects area. It includes the construction and maintenance of typical urban facilities, public and private, consistent with local general plans and local, state, and federal laws. Urban projects that may be covered by the Plan will include the growth anticipated by approved or drafted general plans at the time of permit issuance. Identifying the extent of expected urbanization within the plan area, or the “planning limit of urban growth,” informs the impact analysis and identifies the extent of take coverage for urban projects needed under the Plan. One important factor in identifying the planning limit of urban growth is defining where road projects enter and exit the urbanized area. Road projects outside urban areas are expected to have greater impacts on some covered species than road projects within urban areas, so they may be treated differently by the Plan.

Based on data provided by the County and other entities, ICF will develop an estimate of the total amount of development that may take place as a result of these activities. In addition to the amount of take, the location of the projects and the types of habitats they have the potential to impact will be described.

Examples of urban projects include the following.

- Commercial Neighborhood nodes near Gavilan Community College, at the intersection of Fallon Rd and Fairview Rd., and south of Paicines.
- Commercial Thoroughfare nodes along State Route (SR) 25 and SR 156 around the Hollister city limits.
- Commercial Regional nodes along Hwy 101 in northwest San Benito County.
- Industrial Light development areas near San Justo Reservoir, south of 4<sup>th</sup> Street near Hollister, west of SR 25, and on the east side of San Felipe Rd.
- Industrial Heavy development near Aromas, east of Hwy 101, and south of 4<sup>th</sup> Street near Hollister.
- Construction or expansion of waste-management facilities including sewage-treatment plants, recycling centers, transfer stations, and other landfills.
- Construction or expansion of public facilities such as schools, fire stations, sheriff stations/substations, jails, and libraries.
- Quarrying and mining operations (e.g., Nash Rd. Quarry).

## **City Sphere of Influence Expansion**

The “city fringe area” is generally defined as the area outside of the city limits of either Hollister or San Juan Bautista, but within their adopted spheres of influence. This area is unincorporated and under County jurisdiction until such time properties are annexed into either city. The SBCCP permit area could contract as a result of local land use decisions made independently of the HCP/NCCP through annexation of County lands within the spheres of influence of the City of Hollister and City of San Juan Bautista. Determinations on annexations and sphere of influence boundaries are made by the Local Agency Formation Commission (LAFCO), which is an independent multi-agency

governing body. While the County is a member of LAFCO, the County does not make decisions on future annexations or sphere of influence boundaries. According to the County's General Plan 2035 Goal LU-9.2:

*The County will support spheres of influence expansion proposals only when the Cities sufficiently demonstrate the need for additional land to accommodate planned growth and document a good faith effort to implement an infill development program(s) to minimize the conversion of productive agricultural land and reduce impacts on environmental resources.*

The County coordinates planning efforts with the cities under the assumption that eventually land within the city fringe areas may be annexed. The cities have primary responsibility for determining the type, intensity, and timing of future development in these areas. If the County's area of land use jurisdiction shrinks as a result of annexation, the permit area for the SBCCP would automatically shrink to reflect the land use policy change. The SBCCP will be designed to accommodate reasonable and expected growth of the County based on the current General Plan.

## General Rural Development

General rural development includes development that will occur outside the urban service area and outside established designated urban areas in unincorporated San Benito County in accordance with the County's existing general plan at the time of permit issuance. This includes activities that are subject to ministerial or discretionary approval by the County. Most of this type of development is expected to be residential development in areas outside the planning limits of urban growth but where infrastructure and public services are available. Some of this development may occur within the city fringe area. Rural development activities can occur in the city fringe area when developments receive input from city planning staff and are approved by the County. Based on current approved General Plans, San Juan Bautista has the most potential for this type of development as there are areas within the southeast section of the city's sphere of influence slated for rural and residential rural development at a density of 0.2 to 0.5 dwellings per acre. Hollister also has areas within its sphere of influence designated for Residential Rural development which allows for large-lot rural residential homes at a maximum of 2 dwelling units per acre. Rural development is anticipated to be minimized in productive agricultural land use areas such as those designated as Prime Farmlands, but agriculture is identified as a land use likely to be converted to rural residential development to meet the regional housing needs allocation.

Projects outside of urban areas have a greater chance of affecting habitat for covered species and are more likely to require avoidance and minimization measures. As such, a greater amount of detail is required for rural development activities than for activities in urban areas. The local jurisdictions will need to provide a brief description of these activities that includes the location, the footprint, the intensity (e.g., permanent or temporary impact), and the seasonal timing of the projects and on-going activities.

Examples of rural development include the following.

- Rural residential development (e.g., ranchettes, small subdivisions) in census designated places, including Aromas, Ridgemark, and Tres Pinos.

- Regional trail system expansion in rural areas to connect San Benito County to Monterey and Santa Clara Counties.
- Agricultural economic development activities that occur outside of approved growth boundaries for unincorporated communities/places in the rural planning units.
- New intensive agriculture that requires a conditional/minor use permit consistent with local general plans, such as commercial equestrian facilities, dairy and swine operations, equestrian event facilities, and wineries.
- Development of regional parks (e.g., Riverview Regional Park), including multi-use trail construction (hiking/bicycling/equestrian), parking areas, paved and unpaved multi-use trails, restrooms, staging areas for equestrian, picnic areas along trails, bike park/pump track, disc golf facility, education signs, par golf, and habitat protection and enhancement activities.
- Renewable energy facility projects (including siting and operation) consistent with San Benito County General Plan Goal NCR-6, such as solar, wind, and biomass production to increase local renewable energy supply in the County. The siting of energy facilities will be compatible with surrounding land uses and protect scenic and agricultural resources. Solar and wind generation facilities will prioritize rangeland land uses for compatible development.

## Rural Infrastructure Projects

This category addresses public infrastructure projects outside the cities' planning limits of urban growth. The operation and maintenance of these projects, as well as existing facilities, are described in *Rural Operations and Maintenance*. Transportation projects taking place outside of the planning limits of urban growth may be included as covered activities in this Plan. Rural transportation projects provide and enhance infrastructure that supports existing development and new development planned under current general plans.

Examples of rural infrastructure projects include the following.

- Construction and expansion of County roads.
- New bridge construction.
- New culvert installation.
- Expansion of recycled water systems, major infrastructure improvements to water distribution systems, and wastewater collection systems.
- Pipeline construction projects.
- Development of private airstrips and agricultural landing fields.

The following specific rural infrastructure projects have been identified for potential inclusion in the SBCCP.

- Hollister Municipal Airport expansion, including extension of taxiway, construction of connecting taxiway, acquisition of 2 acres adjacent to existing runway, runway upgrades, fuel farm construction, construction of a terminal/conference center and parking, easement acquisition for servicing runway, facilities relocation. While the airport lies entirely within the



city limits of Hollister, unincorporated lands of San Benito County adjoin the airport property immediately north, west, and east of the airport. These areas are included in the City of Hollister's sphere of influence and planning area and have been identified for annexation. Until such time, they remain under the County's jurisdiction.

- Santa Clara Valley Transportation Authority SR 152 New Trade Corridor: construction of a new major roadway north of Hollister to accommodate the long-term travel needs of commercial, commuter, and recreational traffic by enhancing travel safety and improving traffic operations. Major project components within San Benito County include: 1) New SR 152 Alignment—Construct a new four- to six-lane freeway between the Hwy 101/Monterey Road Interchange in Santa Clara County and just east of the SR 152/SR 156 interchange in San Benito County, a distance of approximately 12 miles. 2) Reconstruct a full interchange at the intersection of Hwy 101 and SR 25, including an extension to Santa Teresa Boulevard and improvements on SR 25 from the new SR 25/Hwy 101 interchange to the Santa Clara County line. Coverage is anticipated to be extended as a Participating Special Entity.
- Santa Clara Valley Transportation Authority Hwy 101 Widening Project: extension of Hwy 101 as a six-lane facility to SR 129 in Santa Clara and San Benito Counties to meet future traffic demands and provide access control. The project also entails widening and replacing bridge structures, correcting existing horizontal curves, constructing a new interchange at the intersection of Hwy 101 and SR 25, and adding additional ramp lanes at SR 129. The extent of the project is approximately 2.6 miles in San Benito County. The portion of SR 101 from Monterey Road to SR 25 would overlap with the planned work for the SR 152 Trade Corridor project. Coverage is anticipated to be extended as a Participating Special Entity.

## Rural Operations and Maintenance

In addition to the projects described above, the SBCCP will provide take authorization where needed for operations and maintenance or other ongoing activities that take place outside urban areas. Operation is defined as activities which require continual use and management in order to work properly while maintenance is defined as activities which are preventive, corrective, or scheduled in order to fix a project or keep it working effectively. Like rural projects, these activities may have a greater effect on covered species and habitats than the same activities in urban areas. The County and other entities will need to provide a description of the activity that includes the general location, the general footprint, the intensity (e.g., permanent or temporary impact), and the seasonal timing of the activity.

Examples of rural operations and maintenance activities that may be covered under the SBCCP include the following.

- Water utility/water supply operations.
- Water utility/water supply maintenance.
- Road repair and street resurfacing (including full depth reclamation projects).
- Maintenance of bikeway facilities.
- Culvert repair and replacement.

- Improvement and maintenance of federal and state highways and County roads.
- Bridge repair and replacement.
- Operation of County Parks & Recreation Department facilities.
- Maintenance of County Parks & Recreation Department facilities and landscape maintenance.
- Utility line or facility operation and maintenance.
- Operation and maintenance of groundwater wells, treatment sites, and distribution systems to rural water users.

The following specific rural operations and maintenance activities have been identified for potential inclusion in the SBCCP.

- Santa Clara Valley Water District Pipeline Maintenance Program: operation and maintenance activities on a 3.63-mile section of the Santa Clara Conduit in northern San Benito County, east of Lovers Lane and south of SR 152. Proposed activities include pipeline inspections; rehabilitation and/or replacement of pipeline components, appurtenances, and equipment; vault maintenance and repairs; installation of new pipeline appurtenances and vaults; and access road and culvert repairs and replacements. Coverage is anticipated to be extended as a Participating Special Entity.

## **In-Stream Operations and Maintenance**

Activities within streams are those activities or projects that occur in or immediately adjacent to streams and adjacent riparian vegetation that may result in impacts on a stream or canal. Operation is defined as activities which require continual use and management in order to work properly while maintenance is defined as activities which are preventive, corrective, or scheduled in order to fix a project or keep it working effectively. This may include activities at dams, reservoirs, and on-stream ponds. This category includes operations and maintenance activities in the stream channel, along the stream bank, and adjacent lands at top of-bank within the riparian corridor, including maintenance of access roads and trails.

Examples of in-stream operations and maintenance activities that may be covered under the SBCCP include the following.

- Facility maintenance such as trail repair; trash removal; installation of fences; accumulated sediment removal; trail, road, and culvert repair or replacement; and minor bridge repair.
- Storm system maintenance including clearing outlets to ensure unrestricted storm water flow. Work may entail trimming vegetation and/or clearing sediment around drain outlets.
- Storm damage repair and flood prevention projects including drainage improvements.
- Natural resource protection such as small bank stabilization projects (less than 100 feet), restoration to reduce erosion, and removal of debris deposited during flooding.
- Small-scale erosion control projects or storm damage prevention projects that do not create new permanent hardscape on the creek bank or channel, including temporary flood-fighting activities to prevent storm damage (e.g., sandbagging).

- Maintenance of flood protection facilities such as armored creeks, bypass channels, levees, access roads, and detention ponds (discussed below).
- Operation of flood protection facilities such as detention ponds, bypass channels, and levees.
- Fish screen installation and removal of fish barriers such as in-stream concrete low-flow crossings and culverts.
- Vegetation management for exotic species removal, such as removal of giant reed, and planting of native vegetation.
- Vegetation management for public safety hazards including fire management and mosquito control activities.
- Stream gauge station maintenance upstream of reservoirs.
- Stream maintenance for water supply and flood protection (including possible extension of existing regional wetlands permits for stream maintenance).
- Operation and maintenance of water utility/water supply facilities including flashboard or inflatable dams, diversion structures, groundwater recharge ponds, flow gauges, pipeline blowoffs, turnouts, drop structures, weirs, fish ladders, etc.
- Construction or reconstruction of flood protection projects and maintenance of associated access roads along Pacheco Creek, Pajaro River, and the San Benito River.
- Implementation of Groundwater Sustainability Agency projects and management actions to maintain groundwater sustainability.

## Conservation Strategy Implementation

The conservation strategy for the SBCCP will be designed to meet federal and state regulatory standards. For the federal HCP, the mitigation strategy will fully offset the impacts of the taking on each of the covered species. For the NCCP, the conservation strategy will comply with all requirements of the NCCP Act, including but not limited to the conservation<sup>6</sup> of covered species and the protection of habitat, natural communities, and species diversity on a landscape or ecosystem level. Implementing some of the mitigation and conservation actions may result in low levels of take of the covered species that therefore require take authorization and must also be named as covered activities. Activities related to implementation of the conservation strategy that may require take authorization include the following.

- Habitat enhancement and restoration actions.
- Vegetation management, including control of invasive plant species (e.g., livestock grazing, prescribed burns, mowing, hand clearing).
- Control of invasive wildlife.
- Relocation of covered species from impact sites (generally in cases where impacts are unavoidable and relocation has a high likelihood of success).

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<sup>6</sup> As defined in Fish and Game Code Section 2805(d).

- Monitoring activities associated with conditions on covered activities or mitigation sites.
- Covered species surveys.
- Research into key uncertainties that affect management or restoration for the covered species.

## Next Steps

This memo was prepared in advance of a PAC meeting scheduled for May 31, 2023. We request that the PAC review this memo in advance of the meeting and consider potential covered activities to discuss at the meeting. In particular, we request feedback from PAC members regarding types of projects that are known to their constituents to have challenging incidental take permitting issues. One question that is likely to arise during stakeholder discussions is whether on-going agricultural operations such as cultivation or livestock grazing should be included as covered activities. Such activities should be covered only if the affected landowners or representatives of these interest groups want coverage.