



Agenda Date: 10/2/2007

Agenda Placement: 5C

## NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Board Agenda Letter

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**TO:** Board of Directors

**FROM:** Daisy Lee for Robert Peterson - District Engineer  
Napa County Flood Control District

**REPORT BY:** Richard Thomasser, Watershed and Flood Control Operations Manager, (707)259-8657

**SUBJECT:** Contract with WSP Environmental Strategies, Inc. for Field Surveys and Testing Associated with the Mason's *Lilaeopsis*

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### **RECOMMENDATION**

District Engineer requests approval of and authorization for the Chairperson or, in her absence, the Vice-Chairperson to sign an agreement with WSP Environmental Strategies, Inc., for services associated with field surveys and monitoring of Mason's *Lilaeopsis* for a maximum of \$95,200 for the term through June 30, 2009.

### **EXECUTIVE SUMMARY**

Annual monitoring of the occurrence of Mason's *Lilaeopsis* is required by the California Department of Fish and Game. The District's consultant has proposed a scope of services to be performed in parallel to the required monitoring scope this fiscal year to develop data to demonstrate that Mason's *Lilaeopsis* is not genetically different from Mason's *Occidentalis* and to apply to the State for delisting of the species. The District's requirements for Mason's *Lilaeopsis* monitoring would continue through 2011 unless the State delists the species and eliminates the monitoring requirements.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Napa County Flood Control District

Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The field monitoring portion of the scope of services is an activity required by the California Department of Fish and Game. Mason's <i>Lilaeopsis</i> is a State rare plant species. The genetic testing of Mason's <i>Lilaeopsis</i> is a discretionary action that District staff feel, based on the recommendations of our consultant, would be valuable to demonstrate that Mason's <i>Lilaeopsis</i> is not a distinct species from a more common form of the plant. This finding would result in the ability to request delisting of Mason's <i>Lilaeopsis</i> by the State and a reduction in the District's monitoring requirements.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	The proposed work of genetic testing would not be performed. However, the annual monitoring work is a mandatory activity. If the discretionary genetic testing services are not performed, the District would not benefit from the potential data to indicate that Mason's <i>Lilaeopsis</i> is not a distinct species and, therefore, would have no ability to request delisting by the State. The District will continue to be subject to permit-required monitoring and take-avoidance activities in the future related to long term Flood Project O&M.

Additional Information:

## **ENVIRONMENTAL IMPACT**

The mitigation measures and the monitoring of the Mason's *Lilaeopsis* are addressed in the Napa River/Napa Creek Flood Protection Project Final Environmental Impact Report (FEIR). The FEIR was circulated twice for public comment, from December 19, 1997 to February 13, 1998, and again in October and November 1998 (although not required), then certified by the Board of Directors of the Napa County Flood Control and Water Conservation District on May 4, 1999. The U.S. Army Corps of Engineers certified the Final Supplemental Environmental Impact Statement (FSEIS) on June 9, 1999. These reports were prepared in compliance with CEQA and NEPA.

## **BACKGROUND AND DISCUSSION**

The Mason's *Lilaeopsis*, a federal species of concern and listed by the State of California as rare, exists within the construction areas of the Napa River/Napa Creek Flood Protection Project. The District has been monitoring the Mason's *Lilaeopsis* and other uncommon plant species, including the Suisun marsh aster and delta tulle peas, since 2001. The monitoring is required by the California Department of Fish and Game to mitigate potential impacts to these species. The District's consultant, WSP Environmental Strategies, has an expert botanist on staff who is a foremost authority regarding Mason's *Lilaeopsis*. Their research to date has suggested the possibility that Mason's *Lilaeopsis* is not a distinct taxon from the more common form of Mason's *Occidentalis*. The consultant has proposed a scope of services to be performed in parallel to the required monitoring scope this fiscal year to develop data to demonstrate that Mason's *Lilaeopsis* is not genetically different from Mason's *Occidentalis*. The genetic testing of Mason's *Lilaeopsis* is a discretionary action that District staff feel, based on the recommendations of our consultant, would be valuable to demonstrate that Mason's *Lilaeopsis* is not a distinct species from a more common form of the plant. This finding would result in the ability to request delisting of Mason's *Lilaeopsis* by the State and a reduction in the District's monitoring requirements. The District's monitoring requirements for Mason's *Lilaeopsis* would continue through 2011 unless the State delists the species and

eliminates the monitoring requirements. Furthermore, although monitoring may end in 2011, if Mason's *Lilaeopsis* continues to be listed, the District's O&M activities will continue to be subject to take-avoidance procedures associated with this plant.

**SUPPORTING DOCUMENTS**

None

District Engineer Recommendation: Approve

Reviewed By: Richard Thomasser