

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | January 23, 2007 | Morgan Hill Community & Cultural Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (South Valley Streams for Tomorrow)
Nancy Bernardi (Guadalupe-Coyote Resource Conservation District)
Jack Bohan (Representative of general public)
Beverley Bryant (Home Builders Association of Northern California)
Kevin Bryant (California Native Plant Society)
David Collier (Sierra Club)
Craig Edgerton (Silicon Valley Land Conservancy)
Jan Hintermeister (Santa Clara County Parks and Recreation Commission)
Virginia Holtz (Representative of general public)
Peter Mirassou (Agriculture/Landowner)
Bob Power (Santa Clara Valley Audubon Society)
Kenn Reiller (Pajaro River Watershed Council)
Robert Rohde (Natural Resources Conservation Service, San Benito and Santa Clara Counties)
Brian Schmidt (Committee for Green Foothills)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Carolyn Tognetti (Save Open Space Gilroy)
Lloyd Wagstaff (The Nature Conservancy)
Kerry Williams (Coyote Housing Group)

I. WELCOME AND INTRODUCTIONS

Joan introduced the meeting agenda and gave the group an overview. She noted that Craig Edgerton, who had previously represented the Santa Clara County Open Space Authority had resigned from the board. However, we will continue to participate as a member of the stakeholder group and will represent the Silicon Valley Land Conservancy. Ken Schreiber has contacted the Authority to identify a new representative.

II. DISCUSSION PUBLIC INVOLVEMENT ACTIVITIES.

This item was tabled because Karen Molinari was unavailable due to illness.

III. PRESENTATION ON FISHERIES AND STREAMS

Matthew Jones, a fisheries biologist with Jones and Stokes, gave a PowerPoint presentation about how fisheries and streams issues were being addressed in the planning process. A copy of his presentation was distributed to the participants. The main points covered included:

- Background and Natural History
- Listing Status
- Species Range
- Conservation Concerns

- Conservation Options
- Technical Challenges

Stakeholders were encouraged to ask questions throughout the presentation. Craige asked about the definition of critical habitat. Matthew explained that it is habitat that is essential for a species to survive. Even if a species is not regularly found in that location (for instance, a portion of a stream that is used briefly during migration), if the habitat is essential it is listed as critical habitat. For fish, stream areas below the “ordinary high water mark” are eligible.

Kenn Reiller observed that the whole riparian corridor is important, not just the water. He explained how land use practices can contribute to sedimentation, which can destroy fish habitat. Keith and Matthew responded that technically, terrestrial riparian corridors are not critical habitat according to the legal definition, but the HCP is not limited to considering critical habitat.

Ken Schreiber observed that the HCP is unusual in that it combines terrestrial and aquatic issues. He reminded everyone that understanding aquatic issues requires a change in mindset from many of the planning concepts used for terrestrial species.

The group also wondered how distinct populations are defined. Matthew explained they are defined by small watersheds (not “gross” or very large watershed). Keith commented that lamprey extend their range beyond that of other fish, and gave the example of lamprey using their sucker mouths to get up a dam.

There was some confusion about the map showing the occurrence of Steelhead. Matt reviewed that on the maps the green lines mark known habitats, the red lines correspond to areas where the fish do not occur, and the yellow lines show streams that have not been fully investigated. (The presentation containing the maps discussed in this section have been posted on the project website.)

There was also some confusion about the habitat model. Some barriers (represented by green dots) are passable in most conditions. Yellow dots represent barriers that come and go. Red dots represent barriers that exist at all times and in all climatic conditions. Craige commented that red dots signify that upstream habitat is not accessible. Jack asked about a specific red dot on the middle of the reservoir that appears to be out of place. Matthew explained that the model is being refined.

David Collier asked if the model could be used to identify historical habitat that can be reclaimed. Matthew explained that this is a first version, but this will be possible with later iterations of the model. The model will eventually be used to map conservation options.

Lloyd asked if the point was to tie the goals together, since he felt everyone was looking for an end result of improved habitat.

Jack asked what type of developments triggers the HCP. David Zippin explained that a wide range of activities will be covered. The group has not defined the exact activities, but will. David Zippin continued that the HCP might impose some restrictions on new development, like permeability or erosion rules. He said the key question regarding new restrictions is achieving the most conservation benefit for the dollar.

Ken Schreiber commented that the Water District once implemented some policies that appeared to regulate development by the water’s edge and it was very controversial. The issue was resolved by giving local jurisdictions more direction, not by enacting large-scale new regulations. It is important to keep the history of previous proposals in mind and learn from these issues.

Kenn Reiller commented that the group should know that many of the streams in the county were engineered/designed 20 years ago, when the flows were much smaller. Twenty years ago the channels

were adequate for 100-year floods, but now they handle a much higher volume of water and flood more often. The Water District responds by cleaning channels, which impacts habitat. Developments that are a distance from the creek are connected because their storm water drains quickly into streams.

David Collier pointed out that the HCP process is about smoothing the way for development and ensuring habitat is protected. He agreed with Ken Schreiber's comment about avoiding controversy, but thinks there needs to be more discussion. If the group cannot ensure a species survival, than what is the point of their work?

Brian said he has looked for conservation opportunities in Santa Clara, and the Water District wants to maintain mitigation credits. He asked if the ideas being talked about in the HCP are consistent with the Water District's plan. David Zippin said the Water District is a willing participant and is willing to compromise. It is thinking holistically. He continued, past problems may have been due to the previous piecemeal approach. The consultants are starting to discuss details with the District and the conversations are substantive.

Brian asked if the District will give up its credits. David Zippin said the HCP is moving away from talking about credits and looking for mitigation that all agencies can buy in to.

Kenn Reiller commented that figuring out the best way to engage the Water District is important, and there is lots of room for negotiation.

Keith felt that Santa Clara Valley Water District had made some decisions in the past that are having serious consequences. Keith shared a current situation where there is very little water stored in Uvas Reservoir and due to current limited rainfall there is not enough to release to the Uvas Creek to support Steelhead. Joan noted that Ann Draper and Pat Showalter from the District (who usually attend the meetings) were not available to comment on this topic with the group.

Craige asked whether the completed HCP would contain specific recommendations about specific barriers. David Zippin responded that in some cases it would and in some it would not. For some barriers, it will list recommendations. This is more likely to be the case if the barriers are already under the control of the local partners. On the other hand, he continued, some times it is important to stay general because the HCP team does not know the options or does not have control.

IV. DISCUSS CONTENTS ON CONSERVATION STRATEGY AND PROVIDE UPDATE ON PROCESS FOR DEVELOPING BIOLOGICAL GOALS

David Zippin presented a PowerPoint about the conservation strategy and biological goals. The presentation covered what the conservation strategy will look like and what will be included in it. It will also describe a process.

Craige commented that there will always be conservation strategies that overlap. David Zippin agreed. Craige also asked about financing, and David Zippin explained that is a separate section.

Jack asked about the advantages of including more maps versus fewer maps. David Zippin explained that the consultants will use a hybrid approach. The maps will not have parcel lines or specific details since this information can be sensitive.

Virginia asked where the process of developing the conservation strategies starts and where the Stakeholder Group comes in. David Zippin explained that they are still working out the sequence of

the different components and when to come to the group. The group will see different components of the plan before seeing the whole document.

Kenn Reiller asked about the difference between what is technically feasible and fiscally realistic. David Zippin commented that there is a legal definition of feasible. Brian asked about mix-and-match versus distinguishable strategies. Both are options.

Craige asked if it would be realistic to have some parcels that are already preserved that are not in the reserve system. Issues like this will come back to the Stakeholder Group after decisions are made. This will affect management and monitoring.

Brian asked about the rationale for including existing parks. David Zippin explained it has to do with the interest of the organization that owns the park in being included and their ability to make changes in their management plans to address habitat restoration and/or maintenance issues. The advantage of including existing parks is that the HCP would be able to provide money to the parks.

David Collier asked about the idea of an endowment so there are always funds. David Zippin responded funding is another question altogether.

Brian commented that the goal is to mitigate to make up for impacts. David Zippin said developers will need to mitigate no matter what. The part where there is more flexibility is recovery (beyond mitigation).

David Collier said that there may be active forces that contribute to species not doing well. In some cases, the species are not listed per the endangered species act. Is there a word for steps that are taken to prevent species from being listed, he asked. David Zippin noted that the group can call that *recovery* for the purposes of the HCP. David Collier wanted the record to be clear that *recovery* can mean preventing species from becoming threatened or endangered.

Craige asked how an objective can be measurable and quantified. David Zippin said there might not be a number goal, say preserve 1000 acres, but it still must be measurable.

V. PROVIDE UPDATE ON MANAGEMENT TEAM ACTIVITIES

Ken provided an update from the Management Team

Science Advisers Report

The Science Advisers Report is now available and copies were distributed to the group. The report will be formally presented at the March meeting and Stakeholders will have time to provide feedback about this in March. The management team will provide formal comments on the report to the Science Advisers.

Pajaro report

The Water District hired the San Francisco Estuary Institute to do a watershed report on the historic ecology of the Pajaro watershed. A highlights/major findings version of the report will also be available and distributed to the group shortly.

Wildlife corridors

Among scientists, there is lots of interest in the topic of wildlife corridors.. The Elkhorn Slough National Estuarine Research Reserve is conducting workshops for wildlife professionals and the broader conservation community. A meeting will occur on Monday, January 29th for technical professionals. A follow up meeting will be for the general public and Stakeholder Group members will receive invitations. Lloyd commented that the Coyote Valley plan is the hole in the doughnut. The Elkhorn Slough folks are working on this. This is a very important issue. Craige noted that the Silicon Valley Land Conservancy is cosponsoring the event. Joan Chaplick will send the notification directly to the Stakeholders.

The Management Team is working on goals and objectives, a cost model for implementation, funding sources, and an initial cost estimate. All of this will come in the next few months. Stakeholders will be getting a lot of information soon.

VI. PUBLIC COMMENT AND NEXT STEPS

The science advisory report will be discussed at the March meeting. Joan explained that the next step, biological goals, would best be accomplished during a longer meeting. Two options were discussed with the group including a Saturday meeting in early March or an extra long stakeholder meeting.

Several stakeholders were keen to get the biological goals as early as possible so they have enough time to review them and possibly share them with their constituents. Jack asked when the document will be ready, but David Zippin was not sure, and explained that it depends on the last workshop. He said that it will be ready a week ahead of the meeting, but might be delivered in two parts.

Jack asked why not wait till the end of March. David Zippin responded to suggestions to delay the meeting until March since it is important to get feedback as soon as possible so the process does not get slowed down. Ken explained that we want to bring the biological goals to the Liaison Group in April. By meeting in February, there is time to have a follow up discussion. It is important to keep on schedule so we are not late with the final package.

David Collier asked if the agency workshops are open to stakeholders. Ken responded that the answer is, not really. The workshops provide regulatory officials the opportunity to actively participate in a working group based on their technical expertise. It is important to keep the groups small to preserve this feeling and allow for candid discussion among technical experts. David Zippin added that the team is trying to balance the role of experts and the advisory group. When there are blanks, the advisory group will need to fill them in.

Bob suggested starting early on February 27th, perhaps at 1 pm. Another option discussed was March 3rd from 9 am to 2 pm. Bev commented that it is important to have material early so committee members can get feedback from key contacts. Jack seconded that comment.

The group held a vote to indicate when members would be available. Seventeen people said they could come if the meeting started early on February 27th, eleven said they could come if they meeting went late on February 27th, and nine said they could come if it were held on Saturday, March 3rd. Consequently, the next stakeholder meeting will be from 1 to 6 pm on February 27th. Meals and refreshments will be provided. It will be held at the normal location.

NEXT MEETING: FEBRUARY 27 FROM 1 PM TO 6 PM. Lunch served at 12:30.