

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | February 12, 2008 | San Jose City Hall

IN ATTENDANCE:

Stakeholder Group Members:

Jack Bohan (representing General Public)
Kevin Bryant (California Native Plant Society)
David Collier (Sierra Club)
Craig Edgerton (Silicon Valley Land Conservancy)
Sequoia Hall (Santa Clara County Open Space Authority)
Jan Hintermeister (Santa Clara County Parks and Recreation Commission)
Virginia Holtz (League of Women Voters)
Rick Hopkins (Home Builders Association of Northern California)
Peter Mirassou (Agriculture/Land Owner)
Bob Power (Santa Clara Valley Audubon Society)
Kenn Reiller (Pajaro Watershed Council)
Robert Rohde (Natural Resources Conservation Service, San Benito & Santa Clara Counties)
Lloyd Wagstaff (The Nature Conservancy)

I. WELCOME, INTRODUCTIONS & OBJECTIVES

Joan thanked the group for accommodating the new schedule for this meeting to ensure that the group's input would be represented at the Liaison Group meeting. Group members introduced themselves.

II. UPDATE ON JANUARY AND FEBRUARY LIAISON GROUP MEETINGS

Ken noted that forwarding information to each of the Local Partner elected bodies was critical to getting elected officials be in the loop on the HCP progress. It was also important that the Liaison Group hear about potential issues of concern in the near future. A third purpose for the summary information is to expose the HCP to the public in a new way to get new feedback.

The plan needs to acknowledge that a permit term of 50 years can be a big number, so this should be laid out in such a way that the public and others will understand the rationale for this number. Some stakeholders noted that they are not yet sold on the number, regardless.

Virginia wondered about a study of the wildlife corridors and where that would appear in the plan. Has this gone anywhere? It should be called out in the plan.

David Collier noted that another plan goal is to meet the biological goals and objectives—this should be stated strongly in the evaluation section. Particularly, it should reference the adaptive management process.

David Zippin clarified that the concern was not to jeopardize the species. The wildlife agencies do also have the option to pull permits or otherwise intervene and take action against the local agencies for not fulfilling their obligations under the plan.

The implementing agency is key—this is the vehicle for implementation and for adaptive management. Highlight upfront that the plan is for a specific conservation purpose.

Stakeholders wondered about addressing concerns of the public about the 50-year term. Jan noted that once this number is out for the government agencies, it will be very difficult to change this number. Ken Schreiber observed that the wildlife agencies have not yet agreed to the 50-year term, and may not be willing to do so.

III. DISCUSSION OF KEY TOPICS TO BE PRESENTED TO LIAISON GROUP

One stakeholder noted that several of the names of species are misspelled. David Zippin suggested including the table directly from the HCP instead in order to correct this. A visitor asked whether the badger and mountain lion would be covered species. No, the plan will not issue permits for take for these species; however, they are planning species so their needs will be considered.

A stakeholder asked that the statement about the Water District be clarified--which plans are covered? This should be clarified.

David Collier asked for clarification around current plans and current buildout—he'd like this specified clearly, so that it's clear that future buildout lines or general plans are not covered.

A full list of covered and non-covered agricultural activities should be included to clarify what these are.

What about quarries—are these covered given their significant impacts? No, it's too difficult to predict impact for quarries. These will go through their own permitting processes to ensure that the impact is fully considered.

Some of the Water District processes (the major one being Stream Maintenance) are not covered because it's expected that they will renew their permits when they expire—they don't need coverage.

David Zippin clarified that much of the background information is in the plan itself; the government bodies are simply being asked to sign off on the general direction at this point. At a later date they will be able to review and approve or reject the final plan.

One stakeholder asked what would happen if, say, San Jose moves its green line. In that case, that development would not be covered and the city would need to decide whether to pursue an amendment process to have this area covered. Other changes, such as density of development in covered areas, are accounted for in the fee structures.

One stakeholder asked for clarification on “in perpetuity” to make it clear what this means.

Bob Rohde asked where the fifteen large-scale land linkages were on the map.

Some actions are very specific (e.g., towards covered fish), while others are very broad (e.g., general stream function).

Kenn Reiller asked whether “restore” was mitigation. No, not necessarily, though some of it may be.

Virginia wanted to be sure that under key concepts, the restoration and monitoring numbers were in addition to the other acreage listed.

David Collier was concerned that the Stakeholder Group had not been privy to the thinking that determined the preferred concept. Can Jones & Stokes summarize the broad-level thinking for this? David Zippin responded that this is just an outline—the preferred strategy hasn't been shared with the group because the Draft strategy is under development. This will be discussed in detail at future meetings.

David Zippin clarified that they would add “working draft” to the document to ensure that no one perceives this as the final plan.

On the first page of funding, David Zippin added that fees could only be offset by reserve lands provided if those lands met the biological goals as determined by the implementing agency.

Ken Schreiber noted that while the wording has been generalized on some issues, it will be refined later in the week (specifically around conditions of approval) before this goes to the elected bodies.

David Collier wants to clarify that the conditions of the plan maybe different for some cities, especially Gilroy—the plan should not apologize for this!

As much as possible, the process will use CEQA to simplify implementation—there's no need to reinvent the process.

In response to a question on clustering future development, Ken Schreiber noted that much of the unincorporated County land does not allow clustered development. This is a longstanding County policy linked to retention of Ranchlands as large parcels. Sequoia noted that agricultural buildings are exempt from this, however. These will need to be considered in the policies.

Stakeholders asked for clarification on what the 50 percent of valley floor agriculture referred to—what is this half of? Total protected land? Total ag land? This is very unclear. David Zippin responded that the intention was to give people a sense of how many conservation easements would be acquired, but this is apparently unclear so he will reword.

The approach to use of easements is consistent with the East Contra Costa Plan, which is already approved, so it seems realistic.

Staff and consultants have worked with each of the agencies to develop a conservative estimate of how much land would likely fall within the reserve system. David Zippin clarified the ratios with respect to restoration and preservation numbers and percentages. There could also be examples of clustered development where VTA would not build the road—but these would likely be small roads, not large highways.

One suggested addition was a criteria to describe the entity as being flexible and nimble in its ability to respond to change. It's not clear what the ideal implementing agency should be.

If stakeholders have any additional comments or ideas, they should email Joan immediately; she will pass these comments on to David Zippin.

David highlighted the two new handouts.

IV. PUBLIC COMMENT AND NEXT STEPS

Joan thanked the group for their productive work. The next meeting will be held at the usual time in the usual location.