

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN

Stakeholder Group Meeting | February 27, 2007 | Morgan Hill Community & Cultural Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (South Valley Streams for Tomorrow)
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)
Bob Loveland (Representative of general public)
Peter Mirassou (Agriculture/Landowner)
Bob Power (Santa Clara Valley Audubon Society)
Kenn Reiller (Pajaro River Watershed Council)
Brian Schmidt (Committee for Green Foothills)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Carolyn Tognetti (Save Open Space Gilroy)
Lloyd Wagstaff (The Nature Conservancy)

I. BUFFET LUNCH

II. WELCOME, INTRODUCTIONS & OBJECTIVES

Joan welcomed the group and thanked members for being willing to come to an extended meeting to address the biological goals and objectives (BGOs). She explained the general format for the meeting. The Jones & Stokes team would project the BGOs on to the screen to track specific edits for the group. They will be responsible for the specific edits to the BGOs. Diana Sherman from MIG would take notes on the general discussion and produce minutes consistent with the format for other meetings. The Jones & Stokes team would draw on both sources of comments to produce revised BGO's.

III. OVERVIEW OF BIOLOGICAL GOALS & OBJECTIVES (BGO) PROCESS, STATUS & STRUCTURE

The Jones & Stokes team introduced the biological goals and objectives (BGOs) by noting that, although the Liaison Group has asked that the advisory bodies review the BGOs for policy direction—top-level “ends” that they seek to achieve—the BGOs have not been reviewed as a whole by the any of the other groups yet, so the Stakeholder Group is among the first to review them in their entirety. The Management Team saw the BGOs for the first time on February 23.

Troy Rahmig noted that Jones & Stokes is halfway through Phase II of the project—they are working on impacts and conservation strategies in parallel. However, they are still early in the development of the conservation strategy (internal deadline: 4/30).

David Zippin reminded the group that what they're seeing is not the final version—there will be additional opportunities to comment in the future.

David Zippin presented an overview of how the conservation strategy is being developed, and noted that the goals are intended to be broad, qualitative statements. The objectives, in contrast, need to be measurable so

we can tell if the plan is effective. Finally, the actions represent activities on the ground. The conservation strategy combines all three levels. Eventually, there will also be landscape-level goals and objectives.

The organization of the BGOs is hierarchical: landscape-level, natural community-level, and finally species-level. Objectives and actions are also linked to monitoring—the plan will use a form of adaptive management.

Process for developing BGOs

To develop the BGOs, Jones & Stokes conducted a series of workshops that included local partner staff and biologists, wildlife agency staff including species experts, outside species experts, and consultants. Stakeholder Group member Kevin Bryant participated in the workshop that addressed many of the plant species. There were also follow-up conference calls to discuss revisions and new information.

David Zippin noted that some BGOs are still very much drafts. The landscape-level BGOs were just developed last week, so they will not be discussed until next time.

Goals for the stakeholder BGO review

- 1) Provide an overview of process to date;
- 2) Get familiar with the format and level of detail to be expected in the goals, objectives, and actions so that comments are focused;
- 3) Discuss comments and questions on draft goals and objectives;
- 4) Ensure that goals and objectives are on target conceptually;
- 5) Make a list of conservation actions that need to be addressed or better defined in the next draft;
- 6) Get through all five tables; and
- 7) Plan next steps.

Comments on the process

Keith noted that the elected bodies will see the BGOs in September/October, but wondered whether the group will have seen an analysis of impacts by then. Jones & Stokes responded that yes, that's the expectation. The impacts analysis is a little behind on the schedule, but it's moving forward. Keith expressed concern that the group doesn't have a clear idea of impacts yet, and this may change what the plan needs to do. David Zippin reminded him that the plan's charge is to contribute to recovery, which isn't necessarily directly related to mitigation. While the group may need to revisit the BGOs to ensure that they're mitigating for everything needed, the types of impact are already generally determined.

A group member wondered whether, in the final adopted plan, there would be a final alternative, or an array of alternatives to choose from. Jones & Stokes responded that there will be one recommended strategy that will be developed after review of alternative strategies.

The group wanted to know if this meant that there would be an identified preferred alternative by the fall, when the elected bodies will review the plan. Yes and no—the group will send a recommendation by then, but the elected bodies ultimately get to decide which alternative to use.

Virginia wondered about the construction of the reserve system. David Zippin noted that we want to come up with a reserve system that efficiently satisfies all our goals and objectives. We need to optimize our solution to meet all the goals and objectives—lowest cost, fewest number of acres, etc.

David Collier asked if the group could really review the landscape-level BGOs last—they seem necessary to review the others. David Zippin responded that that was the order in which the BGOs had been developed, since it's hard to think at the landscape level—it's easier to know what else is going on first. We can revisit these if needed, though, after reviewing the landscape-level BGOs.

IV. DISCUSS BGOS

Grassland and Serpentine BGOs (Table 3)

Lloyd observed that there's a difference between 6,000 one-acre plots and one 6,000 acre plot....fragmentation is an issue. David Zippin replied that there are conservation principles, which outline key tenets of conservation biology that apply to design and acquisition of system, including concentrating land when possible.

Keith asked for clarification of whether “enhance” means improve—it does.

Craig wondered about references to native biodiversity—does this refer to any, whether it's covered or not? Yes. This might even include lands that protect native biodiversity but don't include any covered species. For instance, for Ponderosa Pines, we may have a goal to protect this natural community to meet NCCP requirements, even though it doesn't cover any of our species. One goal of the workshop process was to put together a biological wish list and determine how much it will cost....we may need to scale back.

Members wondered if there might be examples of where this might happen at a future meeting.

Ann Draper noted that this is a very early draft and it's the first review for everyone, include partner agencies so it may not be completely reviewed yet.

David Collier asked if connectivity was an important goal to have for grassland communities, and if so, if this would need to be stated. He noted that his question would likely apply to all of the categories. David Zippin replied that, while connectivity is important, it does not need to be explicitly stated, as it applies to all the natural communities. We should only mention it at the landscape level, since there's a whole set of objectives at the landscape level that deal with this.

One member asked, if it's important to have management in perpetuity for this community, whether we should state that goal at the community level or the landscape level. David Zippin responded that this might be a policy-level decision, so it would not even be at the landscape level. You don't want temporary conservation for permanent impact, however, so it would be an important element of the policy goals.

Jack asked how many acres of serpentine grassland existed; it would be good to have a sheet on it. David Zippin noted that the model will change as we consider other habitat models, etc., but roughly 15-20 percent is already protected, and the target percentage is about the same.

One member asked about the difference between objectives 4.1 and 10.1. Objective 4.1 mirrors objective 10.1, but is different because there is more grassland in the study area than is suitable for checkerspot butterfly. Serpentine has prevented some invasion of the exotics—there's a lot of value in that resource. The soil type is very rare to begin with, so it may have either grassland or chaparral on it.

Craig asked about the definitional difference between enhance and restore. David Zippin replied that the definitions are in Chapter Three and the glossary. Restore means reestablish a community where it's absent or severely degraded (*e.g.*, a barren stream corridor that historically had cottonwoods, etc.—you can replant these and irrigate them to get them started to help restore the community). Enhance means you're better managing an area to enhance various parameters. Craig asked why you wouldn't just use restore exclusively. Restoration is more expensive. For serpentine grassland, the only option may be enhancement, for instance—you can't create soil or plant plants. There's also a third category—creation (*e.g.*, ponds—you might establish a pond where it didn't exist before. Maybe it doesn't matter that it wasn't there historically). We may need to mention these gradients at the species level.

Sequoia noted that we may want to talk about grazing at this point—*e.g.*, livestock or elk.

David Zippin also noted that there is some flexibility within the BGOs. For instance, if there were a willing landowner and the land happened to have stands of trees, we might prioritize this over other properties without willing sellers.

Can we make some of these objectives more measurable/numeric as we get more info? Yes, definitely. We can also add ranges if we don't have enough information to be specific.

Jan asked if we must stop at the reserve boundaries. No.

There will be a chapter that outlines what the conditions for covered activities will be—for instance, we may ask some agencies to do specific things to minimize their impacts. As far as educational campaigns, some species might benefit from focused outreach to private landowners (*e.g.*, kit fox—limited occurrence within study area, but we might educate landowners who are interested and willing to manage their land differently to protect kit fox). Are there other actions like this that we can take? David Zippin would like any feedback or thoughts on this.

Craige asked whether non-covered species (American badger, elk, etc.) would be noted specifically if they are affected by an action. No, unless they are a management tool (*e.g.*, livestock). However, while objectives and actions won't mention specific species that aren't covered, the text that accompanies may discuss the implications of some conservation actions/objectives for other non-covered species.

David Zippin noted again that we just have the bones right now—it's not fleshed out yet. The text will fill many of the gaps that are being identified.

The group noted that Grass 6 and 7 should mention levies and dams in addition to stock ponds. David Zippin noted that the actions refer to specific outcomes—but it needs to be clear what they cover and what they don't so that it's not left to interpretation. Right now, though, they just apply to lands within the reserve system. Ann noted that protected structures like dams and levies might eventually be within the reserve system.

Justin asked whether there were situations where a non-native species like wild hogs would need to be eliminated to protect other species or habitat. Yes—bullfrogs, hogs, and predatory fish might be in this category. It depends on how pervasive they are—this may be addressed at the landscape level.

Goal 11 relies on a different model. This goal protects populations instead of habitats. In some cases, this includes population creation/establishment to adequately protect the species. This doesn't apply to all plants, however.

David Zippin noted that they were moving away from the term “experimentally” to rely more on things that have been tested.

Ken Schreiber noted that there are some options to take additional comments on this section. We could schedule another meeting like this, identify sub-committees to work on specific areas, and add some additional meetings. The group will discuss and decide upon a plan of action at the end of this meeting.

“Valley-Floor” Species BGOs (Table 4)

Ann noted that public safety is key and should be kept in mind (*e.g.*, ground squirrels and levees). For the golden eagle, the best we can do may be to maintain the current population.

Virginia asked about the use of rodenticides. Troy responded that it eliminates ground squirrels, which affects all other species that rely on ground squirrels. Also, the effect can move up the ecosystem—squirrels pass poison onto golden eagle or other birds of prey. David Zippin noted that, historically, rodenticides were used to eliminate squirrels because it was thought that their burrows injured cattle. One simple technique is to stop using these chemicals. In limited instances, squirrels may damage structures and rodenticide is necessary.

Craige brought up the slope percent discussion regarding the burrowing owl. Are we just looking below the five percent slope line? Where does that come in? Troy noted that five percent is a placeholder right now. These sites might be ranked higher than a site at a lower elevation though. Platforms, for instance, are a strategy that owls love. Craige noted that there are documented instances of owls in many places above five percent.

Carolyn asked if there were placeholders for breeding sites. Yes, these will be filled in as this information crystallizes. Do we know where the existing habitat is? Is it all private property/airport? No, some of it is in reserve areas.

Keith noted that 17.1 refers to the valley floor and seems to exclude areas like Castro Valley Ranch that are documented to include the burrowing owl. Are we intentionally excluding these areas? No, so maybe we should broaden the objective.

Carolyn observed that throughout the BGOs it says “protect” in the objective and “acquire” in the acreage, so is this a typo? Yes, it will be made consistent.

David Collier wondered, if land is acquired to satisfy two objectives, whether it will get counted towards both. If one land satisfies two objectives, we should be sure objectives don’t conflict. How will we do that? We will review the BGOs for conflicts and inconsistencies.

Streams and Riparian BGOs (Table 1)/Pond and Wetland BGOs (Table 2)

It’s important to know the cost for restoration or creation—how much will it cost to maintain? What will be the impact on the water source? Some objectives are related to recovery, so we want to pursue a minimum amount of restoration regardless. We want to be able to provide a net benefit for the species that occur within them.

East Contra Costa used a similar wetland strategy with their plan, and it seemed to work well—the BGOs clearly separate mitigation from contributions to recovery. We’re uncertain about the level of wetland impact. In addition, we might scale the conservation to impacts because we might want to connect this to fees, etc.

David Collier asked if there is a minimum level of connectivity that’s needed to meet biological goals. Maybe restore is better than enhance to ensure this. David Zippin responded that the best we can do might be to ensure physical connectivity since we may not have enough information on how much connectivity is needed for the survival of the species (*e.g.*, Bay checkerspot may move around and colonize different habitat patches).

There was a question about how much land you need to maintain connectivity. This really varies by species (*e.g.*, mountain lions—you have low numbers of animals and must maintain connectivity). For other species, we have no idea if they need connectivity or not.

Keith noted that for ponds and wetlands, two species of concern with respect to connectivity are turtle and frog. If the actions are contained to the reserve system, what about the impact outside of the reserve system?

David Zippin noted that the reserve system with respect to streams may mean lands owned already by the Water District or County Parks, so there may be some control over this. This may involve management changes, etc., to these lands. Restoration or creation of habitat requires guarantees that habitat will be maintained in perpetuity.

David Zippin observed that easements may be problematic since it’s difficult to generate a lot of revenue from ranching practices, etc. –but it’s important to stay flexible, and to convey that the HCP reserve system isn’t a land grab.

Lloyd asked, on 8.4/pond 17, how we would deal with impact outside of the preserve. David Zippin replied that Alameda County has a program that leverages Farm Bill funding for preservation through voluntary

cooperation, but this may not be the best thing since it's voluntary. This should be viewed just as augmentation, not as the crux of the protection.

David Collier asked, when we say we're protecting a stream, how far out do we mean. We should also be talking about protecting corridors. David Zippin replied that he was not sure, but probably the protection extends to the high water mark. Brian wondered how this would be defined. David Zippin noted that the ordinary high water mark is defined. There needs to be a better definition that clarifies this, however.

Goal 9 only talks about establishing habitat—would you transfer the species in to help establish a population? Troy responded that this is also a concern because you can protect habitat forever and never have the birds show up—does this constitute a failure?

Sequoia noted that issues like sediment in ponds need to be accounted for in the maintenance plan.

Kenn Reiller wondered if there should there be additional guidance on these goals.

David Collier wondered if we should define what the minimum is to preserve the goals, so we know when the plan isn't working—in addition to setting goals to achieve if funding is as we think it will be, and goals for what might happen if a windfall of funding comes in. One reason the funds/reality gap is created is because models for cost aren't accurate—we will work to prevent this!

David Zippin observed that we should also acknowledge that the plan is a magnet for additional funding, so we may want to facilitate that—and maybe it will include lands in adjacent counties/cities, etc. , that the plan won't cover.

The group observed that Objective 6.7 seems to be mitigation for an impact. Residential construction is a covered activity—this will create sediment that will need to be mitigated. Brian didn't think the C3 provisions that exist are sufficiently strong.

Virginia wondered about terminology that's not clearly defined and/or unfamiliar—we should add these to the glossary. It's also important to define words so that future readers will know what this document means.

Under Stream 7, beneficial sediments get swept out with other sediments because water flow upstream isn't generating these naturally. How should we deal with this? Nancy has a document on natural stream design and function that she will leave extra copies for those interested. A properly designed stream will take care of itself. Some small streams have tributaries that are contributing sediment.

Members noted that there is a clear differentiation between northern and southern watersheds in the county. In the Llagas watershed, it rains less so there is less water; Llagas Creek is much more degraded. More work is needed to restore this system than to enhance Uvas Creek. Also, there isn't a lot of ability to do protection in some areas because of jurisdictional limitations (*e.g.*, Pescadero Creek). North County and South County are at different stages in the process.

Members wondered why the Pajaro River wasn't included in this section. The Pajaro itself does not provide breeding habitat—just passage. That's why it's not on the list. It's warm slow water so it's not suitable for rearing and limited for spawning. (Members did note that data on spawning are 30+ years old.) The dams and reservoirs are also constraints throughout the county because smolts can't get out, so you have to address population on either side of the dam.

Ann wondered if there were data or discussions on southern watersheds and how to avoid impact there. David Zippin replied that they are working out a methodology to see how much rural development might occur in the county. Castro Valley Ranch may be a test case or pilot to see how this applies.

David Collier asked for clarification of what stream acquisition is. California water is owned collectively, but access/land under can be owned privately. This depends on the stream.

Lloyd asked about plans that are happening simultaneously. These efforts are briefly open and will close before the HCP/NCCP is done. The Water District and others need to pay attention to what's in the HCP/NCCP as they craft their plans.

Non-Serpentine Plant BGOs (Table 5)

What does Land 2 mean? Santa Cruz Parks and Rec would know whether this program was successful or not. David Collier asked what functional adds to Goal 1. We're trying to get not just at the community but at the processes the community supports. There is a lot of good information from SFEP's Coyote Stream Historic Ecology Study and other indications of what landscape might have looked like in the past.

What about objective 3.2—is this on private land? If so, then other natural elements like chaparral that might burn need to be addressed. This objective could also work on things like not using wood pickets, but perhaps steel posts, etc. In addition, there is the question of whether to bring back natural fire areas.

Brian asked whether seed storage (for native plants) make sense. David Zippin replied that it probably does not for the County—it makes more sense for the feds or state to do this. The agency needs to be certified for long-term seed storage.

David Zippin asked whether the group wanted to limit importing into the study area for species with little or no population right now. David Collier asked for clarification on how are we using the term population. David Zippin replied that it will have to be defined in implementation. Operationally, it has to be defined in a customized way.

Measuring success

How will we measure success? David Zippin suggested the following question: did we protect the population as we defined it? David Collier felt that the objectives are not measurable because there is no population definition. David Zippin assured him that they will be measurable when the data are all in and the plan is complete.

Who makes decisions regarding measurement? Probably a senior scientist—not all of this will be part of HCP. The HCP gives guidelines and defines a process to get there, but to finish there will need to be a program of adaptive management that will react to conditions, etc. We want to be able to define this in a biological sense later.

IV. NEXT STEPS, NEXT MEETING & CLOSING REMARKS

David Zippin asked if the general process had been helpful.

Lloyd noted that the Nature Conservancy likes to work at this scale—for example, how do you get connectivity? Nature Conservancy scientists were pretty impressed with the objectives drafted to date.

Virginia observed that it was good to have so many details.

Craige added that this process seems to forestall future problems of not having information in appropriate place—it's not guesswork and there is no hidden agenda. That's extremely valuable! Communication is also really valuable.

David Collier noted that he was pleased with the direction and thoroughness of what's happening. Sequoia was also impressed with the depth of workshops—in the past, he's often seen processes where there is little or no hard data.

Ken Schreiber offered kudos to Jones & Stokes for all of their work thus far. The wildlife agencies have also been extremely helpful, including bringing experience from other habitat plans.

Bob noted that the Santa Clara Audubon March meeting is on burrowing owls. The meeting is on March 21 in Palo Alto at the Palo Alto Community Center. Details will be shared with the group.

The Silicon Valley Land Conservancy is leading hikes on Coyote Ridge—Joan will distribute information via email for anyone who is interested.

The next meeting will be from **3 pm to 6:30 pm** on March 27, 2007, one hour longer than usual.