

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | March 25, 2008 | Morgan Hill Community & Cultural Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (General Public)
Jack Bohan (representing General Public)
Kevin Bryant (California Native Plant Society)
David Collier (Sierra Club)
Craig Edgerton (Silicon Valley Land Conservancy)
Justin Fields (Santa Clara County Cattlemen's Association)
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)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Carolyn Tognetti (Save Open Space Gilroy)
Lloyd Wagstaff (The Nature Conservancy)

I. WELCOME, INTRODUCTIONS & OBJECTIVES

Joan Chaplick welcomed the group to the meeting and noted that Troy Rahmig would be presenting from Jones & Stokes in place of David Zippin.

II. UPDATE ON LIAISON GROUP MEETING AND DISCUSSION OF SCHEDULE FOR MEETINGS WITH LOCAL ELECTED OFFICIALS

Ken Schreiber outlined the upcoming schedule for meetings at various elected body meetings. He would very much like to have members of the stakeholder group at these meetings, as they are key process representatives who have been involved for many years.

Craige asked if the point of the meetings was informational or whether a decision would emerge. The desired outcome is somewhere in the middle—the Liaison Group would like review, comments, and direction.

Kenn noted that the implementing agreement seems like a summary document. Ken Schreiber affirmed that there will be an implementing agreement like a contract, but this document and the presentation stays at a higher level of information. Elected bodies are being asked for review and direction but can not yet make any decisions.

One stakeholder asked when and where the San Martin presentation might be. Ken noted that some concerns around this are whether or not the annexation will be on the ballot, and if so, what does this mean for the HCP, since, if the election is successful, the San Martin council would then be seated in early 2009, after the plan is through public review. The Management Team concluded that the plan should be structured not assuming that San Martin will be a participant, but establishing a way for them to easily join the plan.

Craige noted that sometimes the information in these presentations comes across differently than at the stakeholder meetings. He used the discussion of fees as an example, where in the public presentation it appears to be more succinct. He requested clarification of the proposed fees.

The 100 percent fee is natural land and is \$15,000 to \$20,000 per acre [most of this is in unincorporated Santa Clara County]

- The 50 percent fee is agricultural/valley floor and \$7,500 to \$10,000 per acre [San Jose, Gilroy, Morgan Hill and unincorporated Santa Clara County]
- The 25 percent fee land is smaller vacant sites and \$3,750 to \$5,000 per acre [San Jose]

The intensification fee has been removed; it may not apply to parcels of less than an acre, since it's not intended to target, for instance, a single-family lot on the urban edge. One stakeholder asked about a scenario in which a single-family lot might be replaced with, say, an apartment building, which would increase intensity of the use of land. Ken noted that the HCP was not a watershed protection plan, for instance, even though this does have an effect on land. Some agencies like VTA do not have many covered activities, since most of their work is in urban developed areas; in contrast, the water district tends to be out in the undeveloped area.

Would the riparian fee utilize these three zones? No, riparian restoration fees are based on amount of impacted land.

Craige noted that development inside a city can impact areas outside the city, so this might be a concern for the wildlife agencies. Ken reminded the group that the plan deals with both mitigation and enhancement.

There was some discussion of the next meeting date and whether to move it to April 29th. A majority could make it, although not everyone will be available.

III. DISCUSSION OF CHAPTER 7 (MONITORING AND ADAPTIVE MANAGEMENT PROGRAM)

Troy Rahmig, Jones & Stokes, introduced the first section, dealing with some of the adaptive monitoring and management concerns. He discussed compliance monitoring, some of the pilot projects, and other strategies for monitoring. Jan suggested looking at historical past trends when embarking on the data collection. He also described the detail as overwhelming on everything that would be underway and where and when—it might be good to present this in a clear, comprehensive manner.

David Collier wondered how landscape would be assessed in the urban interface area.

Some of this monitoring may happen at the natural community level or using surrogate species if it's difficult to access land or to track species. Ken reminded the group that some of the land is also County park land, so this can be monitored more easily very early on in the planning period.

Bob Power asked what happens if a species declines. The idea is to catch it early through monitoring and change management to better support it. The main concern would be if the problem was that the reserve system just wasn't adequate to support the species. Then there would need to be an alternate solution.

One stakeholder suggested having a state surcharge that might contribute across the state's HCPs to a staff position or management at the state level. Ken noted that one concern around that is that state surcharges have a tendency to disappear into the state coffers without funds being directed to the targeted program.

Ken noted that the document does need to be flexible, but several stakeholders felt that the current language is burdensome and difficult to understand. At the end of the day, the HCP should be a straightforward exchange of permits for biological goals and objectives. The objectives shouldn't be changed after the document is signed for either permits or biological activities. David Collier also felt that the success criteria ought to be adjusted to track to the biological goals and objectives—if the activity achieves goals and objectives, it's adequate. If it far exceeds them, it can be curtailed; if it's not adequate, then it needs to be enhanced.

Kenn Reiller is concerned that there should be higher mitigation ratios or more front-end work so that uncertainty can be reduced—otherwise, there's not much room for course correction if problems arise.

Troy clarified that the plan would monitor the areas that were enhanced as well as those that were mitigated, though it may be difficult to tease apart whether objectives or goals were met through mitigation or enhancement. The reserve system will be a single entity. Should the distinctions between enhanced lands and mitigated lands be reflected explicitly? The difference between the two will be clarified. If there is a different standard, we need to understand what success for enhancement means. For something like historical wetlands, it's very clear, but for other types of lands it's fuzzier. This will also be crucial for the wildlife agencies to understand.

Kenn Reiller noted that urban environments such as parts of Santa Clara County may need special treatment with respect to species monitoring.

Can contingency funding be spent on adaptive management? Yes. It could potentially be spent on any budget category to address unexpected needed adjustments with respect to cost and revenue.

There's a phrasing concern regarding when parcels are brought in. Stakeholders suggested other wording changes as well. Joan noted each of these changes. Stakeholders should get any additional changes to Joan within the next two weeks.

IV. DISCUSSION OF CHAPTER 8 (IMPLEMENTATION)

Chapter Eight is still a conceptual document for what the team thinks it should look like. This tracks at all levels, down to which management actions are taking place on which properties. There are some models to watch, such as East Contra Costa County.

One stakeholder suggested using just one term consistently for each concept in the document.

The estimate for take is based conservatively on the activities that are covered by the plan. Troy acknowledged that there needs to be clarification around mitigation for a given project matching impact for that project.

The primary concern is that all of the major components are in place. There are also concerns about the pacing of the permits and how quickly things are authorized. This information should also be shared.

VI. PUBLIC COMMENT AND NEXT STEPS

The next meeting will be held one week later than usual, from 4 pm to 6:30 pm, on April 29, 2008 at the usual location.