

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | May 23, 2006 | Morgan Hill Community Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (South Valley Streams for Tomorrow)
Nancy Bernardi (proxy for Guadalupe-Coyote Resource Conservation District)
Jack Bohan (Representative of general public)
Kevin Bryant (California Native Plant Society)
David Collier (Sierra Club)
Jan Hintermeister (Santa Clara County Parks and Recreation Commission)
Virginia Holtz (League of Women Voters)
Lawrence Johmann (Guadalupe-Coyote Resource Conservation District)
Dennis Martin (proxy for Home Builders Association of Northern California)
Kenn Reiller (Pajaro Watershed Council)
Lloyd Wagstaff (The Nature Conservancy)

I. WELCOME AND UPDATES

Stakeholder group members and members of the public introduced themselves. Joan Chaplick noted several absences: Peter Mirassou, Bob Rohde, Carolyn Tognetti, and Tim Steele would not be attending. Justin Fields and Brian Schmidt had also called to let her know they would be absent from the meeting. Joan also passed along edits to the April minutes from Carolyn, who requested that a comment on the goals attributed to her be changed to read “permit” rather than “assist,” and that “to permit economic growth” be added to the end of the sentence to clarify her meaning. Virginia Holtz also mentioned that “Thursday” ought to be changed to “Tuesday” in reference to meeting dates.

Dennis Martin was the proxy for Bev Bryant, representing the Homebuilders’ Association; he requested that the April minutes be amended to note that he had attended that meeting on behalf of HBA, as well.

Nancy Bernardi will be taking Larry Johmann’s place while he’s away for the next two months, and sat in on the May meeting.

Beginning this month, the group will try to have space at the table for the member of the Management Team to sit with the Stakeholder Group members.

II. PROGRESS REPORT AND INTRODUCTION OF UPCOMING DRAFT CHAPTERS

David Zippin introduced the progress report by letting members know where the process is and what has been accomplished. To date, the HCP/NCCP partners:

- Are finishing up the existing conditions work, the locations and types of covered activities, etc.
- Have finalized work plan, finalized study area, determined preliminary covered species
- Are beginning to put together covered activities list
- Have developed draft glossary of terms
- Have finished land cover classification and mapping, wildlife agencies planning agreement, involvement, commitment; program goals under development
- Have finalized the contract for public outreach/involvement; selected economic consultants; selected science advisors; and established the stakeholders’ group.

One member noted that there is a real need for a project website—is there a timeframe for when this will be launched? Yes—the team was selected in December and officially on board as of May, so the contract is just now starting. The site will be launched by the end of June. There is information on the current site, but it hasn't been updated.

One member asked whether other agencies have been identified to be linked from the website. Karen Molinari, Jones & Stokes, responded that, yes, the site will be based on the current Santa Clara County website.

One member asked what the approximate number of projects that have been identified in the interim process is. It is somewhere in the upper teens or low 20s—staff were not sure exactly how many. A number of these are small projects with minimal impact (lot grading, etc.) though a few have biological opinions or other issues involved.

Current Schedule

June meeting: Working draft of Chapter 1 (Introduction)—35-40 pp.

July meeting: Working draft of Chapter 2 (Land Use and Covered Activities)—70-75 pp.
Working draft of Chapter 3 (Existing Conditions)—80-90 pp.
Drafts of 35 species accounts and habitat models for many of these—5-15 pp. each

July/August: Draft conservation gap analysis
Preliminary biological goals/objectives
Draft impact analysis results
Science Advisors Workshop.

Additional documents and drafts will be available as the process moves forward in the fall.

Document Review Process

David Zippin asked group members for feedback on the following process questions:

- How much review time is needed?
- What document format is best?
- What comment format is best?
- How should comment submission be handled?
- How should comments be incorporated?

Joan asked whether members who were organizational representatives planned to serve as the sole reviewer, or whether they would be taking this content back to working groups or others in their organizations. This will be important information to have.

David Zippin noted that he will preface each chapter with topics to think about—topics Jones & Stokes is not sure about or needs feedback on. However, he doesn't want to put any bounds on the level or depth of comments. In some stakeholder groups, people go word by word; in others, the review is more content-based. David will commit to reviewing all comments, but may not respond to all of them—stakeholders will receive additional interim drafts of various chapters, and these will include the revisions, changes, suggestions, etc., allowing plenty of time to see whether or not comments have been integrated into the draft. Wherever possible, comments from the Stakeholder Group will be incorporated, but David will be happy to explain why not if they're not.

Ken noted that lessons from others in the process of writing HCPs indicate that the review process with the wildlife agencies and others can become protracted. Here, the strategy is to work with the agencies upfront so that there aren't extensive changes at the end.

David Zippin added that in some cases, the agencies or staff will review material first; in others, the Stakeholder Group will review chapters concurrently with the agencies and staff. This will depend on the content of specific chapters.

Keith noted that his understanding is that stakeholders will receive drafts at a meeting with some guidance, and comments will be due back at the next meeting. He asked whether comments would simply be written, or whether there will be time to discuss the content at the subsequent meeting.

David assured the group that there will always be time to discuss the content. The distribution of the chapters may vary, however, as may the process for discussion—sometimes, this may be split between meetings. Joan will coordinate meeting agendas with Ken and David to ensure that there is time allocated to discuss content in detail.

Keith observed that he can't download and print out a 50-page document—he will need hardcopies if documents are long. Joan quickly surveyed the room and found that four group members preferred to receive files via email, while five had limited download and printing capabilities. Joan will coordinate with David to distribute some chapters electronically and others at meetings or via postal mail, depending on length and timeframe. David Zippin also noted that for color figures, there will be hardcopies provided since not everyone has access to color printers.

Kenn noted that consultants sometimes put PDFs on websites, but downloading them may take a long time! He suggested that sometimes, a Microsoft Word document might work better for entering comments electronically. Kenn also wondered about the website, and whether there will be a policy on what types of drafts get posted there. Several members suggested that the site could be password-protected to ensure that early drafts are not distributed too widely, but can be sent to colleagues. The group's preference was for a Word document for this purpose.

Joan will work with David Zippin to identify appropriate formats for distributing the documents and determining when they belong on the website—Karen Molinari of Jones & Stokes will also play a large role in determining this.

Virginia asked about the timing of when the agencies and the stakeholders will be reviewing information. Are stakeholders going to be able to hear comments from the agencies if this review is happening concurrently? David Zippin replied that, ideally, the agencies will share their comments at the stakeholder group meetings, directly with stakeholders.

Jan added that in terms of input and comments, the Word format seems to make sense—but on the other hand, would be nice to see other people's comments, even when comments don't come up in the meeting. Maybe there's a way to have a spreadsheet where people can enter comments.

Joan noted that she will work with David Zippin and Ken to try to facilitate ways to share comments. A comment matrix can help the consultants, as well.

Jan suggested that they have a tool at his organization that forces the author to respond to every comment, which helps people feel that their comments aren't vanishing into a black hole.

David Zippin asked the group to suggest other ways to comment. Jack noted that an open forum is often the most valuable. David Zippin agreed that comments can certainly be recorded verbally as well.

Bill Faus, City of Gilroy, commented that it is important to understand that each person looks at the document differently—stakeholders should be looking at the pieces that are important to their organizations, since each member brings a certain interest to the table. There are often three levels of review: 1) grammar/wordsmithing; 2) content; and 3) organization/layout. The technical team is primarily interested in

the content and organizational standpoints. It would be productive to see the other comments, but not grammar edits.

David Collier suggested that it may be important to have opportunities for both types of comments. David Zippin suggested that maybe hard copy and Word formats make sense—members could reserve more substantive comments for a comment matrix, but use hard copies for grammar/wordsmithing edits. This will allow the consultants to sort by paragraph, etc., on the content.

Joan noted that the expectation (regardless of how the comments are submitted) is that members will have read the chapter before the meeting.

David Zippin asked the group if a month was sufficient for organizations to review chapters. Dennis endorsed the use of the website as a communication tool for the comment process. He added that it seems ambitious to try to cover two chapters for the July meeting—maybe these should be split up, since these seem to be fairly critical chapters. Based on the goals discussion, the group may need more comment time for these two pieces.

Kevin commented that, in general, a chapter per month seems very reasonable. Ken noted that some chapters will be available in chunks and will then be revised; others (e.g., covered activities) may be continually revised. Finally, David Collier added that it is not clear how much detail will be available in the habitat models, but that this may affect how long it takes to digest these.

III. STATUS OF WETLANDS PERMITTING IN RELATION TO THE HCP/NCCP

Ken noted that a decision was made in 2003/2004 not to give Corps of Engineers permits for wetlands takings through the HCP, in part because there was no precedent for it. The focus, instead, was on endangered species-related permits through the Fish and Wildlife Service and Fish and Game. Today, efforts are underway locally (in East Contra Costa County and Placer County) to link HCPs to the wetland permitting process. The Management Team has discussed whether or not they should be trying to bring the permitting processes together.

Currently the policy and law around wetland are under the Federal Clean Water Act, CA Fish & Game, and Regional Water Quality Control Boards. The HCP/NCCP does not address additional wetland or stream permits. However, there is the ESA/CESA process for compliance with covered activities.

A potential advantage is that if there are a lot of lands that need wetland permitting, the process is very streamlined with F&G/F&W. The bad news is that it may take several years to get a wetlands permit through the Corps.

The Management Team came to the conclusion that combining the HCP/NCCP with an effort to obtain wetland permits should not be pursued. There are not enough potential covered activities to justify the effort involved. The Corps is also sending mixed signals with respect to staff interest and support for a regional permitting approach. There is currently no successful example of a joint permitting program anywhere, though both Placer and East Contra Costa are trying to develop such a program. It is also difficult to try to create complete consistency—this will require a lot more data. Some regulators are also reluctant about combining permits, while others (EPA) do support this. Another issue is that a joint permit would mix permit terms--wetlands permits are only for five years.

Coyote Valley is the biggest issue, but they're doing a separate permit anyway. The support in East Contra Costa and Placer comes from developers, but there doesn't seem to be enough development interest here because not that many development projects need a Corps wetland permit.

Jack asked how many times the Corps had been brought into the picture on projects in the county. Ken didn't know—it's not clear if there's a good database on this anywhere. Often, Corps permitting is avoided by public and park agencies.

This issue will go to the Liaison Group on June 22nd.

Joan ended by noting that if group members want to discuss this further, they can contact Ken and the discussion will continue at the Liaison Group meeting.

IV. KEY SPECIES PRESENTATION: BAY CHECKERSPOT BUTTERFLY

Alan Launer of Stanford University made a presentation to the group on the Bay Checkerspot butterfly. The Bay Checkerspot is one of most extensively studied species—the original work began with Paul Ehrlich in 1959. Alan referred the group to the book *On the Wings of Checkerspots*, edited by Paul Ehrlich and Ilkka Hanski, for further information.

The Editha's checkerspot is widespread, but sub-species and ecotypes are based on larvae, host plants, etc. There are twelve sub-species in California—each a slightly different species. Two exist in the Bay Area: the grassland and chapparal.

The Bay checkerspot is *Editha bayensis*. One group member asked if the species was protected as a group, or as a sub-species. There are some issues with respect to taxonomy, but the Bay Area sub-species is listed separately. If you go south, though, you get to an unnamed species that's very similar. You can list species, sub-species, stocks (fish), and populations (vertebrates).

Checkerspot Facts

- There is a complex lifecycle: eggs to larvae to diapause to bigger larvae to pupae to adults.
- Adults are only present for one to two weeks. There is an annual two-to-eight week period for seeing the adults.
- There is one generation per year.
- Mortality varies dramatically from stage to stage and from year to year. Most mortality occurs in pre-diapause larvae stage (or in diapause stage).
- Causes of mortality include parasitoids, pathogens, predation, desiccation/drowning, "old age," larval starvation, and others. Microclimates, topography, local edaphic (soil) conditions also affect mortality.
- Local extinctions are not uncommon.
- Today the Bay Checkerspot is restricted to serpentine soil-based grasslands. (Historically, probably not the case—but now, this is the only habitat that has a plant base to support the caterpillars.)
- The butterflies need a balance of larval host plants and adult nectar sources. They are dependent on California plantain and owl's clover. This can be difficult given that the landscape has changed dramatically and is now largely non-native grasses.
- There is an issue of management—serpentine soil is resistant, but not immune, to non-native invasion. Without management, there are no butterflies. "Fertilizing" also affects habitat. Cows, fires, mowing, chemical treatments can all help manage grasslands to maintain an environment conducive to the butterfly.
- Wildflowers, etc. also suffer as a result of the native vs. exotic issues. Livestock can help grasslands management in many cases.

Keith asked about the major May rains—did this affect the sub-species? Alan responded yes and no—this was good for larval timing. It's bad when the rains come as they're breaking out of pupae. But once they've laid eggs, the larvae have food to eat with the rains. The timing between growth seasons and butterfly life cycles is critical.

Dennis asked whether, with relentless non-native species and unlikelihood that unintentional fertilizing will end, this was a losing battle.

Alan replied that this was not entirely the case—part of the funding from the HCP/NCCP will help to manage these lands. Can we preserve these systems for fifty years if we put all of this management in place? This is not clear. However, you can keep in check what's going on right now if you have an adaptive management program (e.g., picking up on a new invader that's not managed by the cows). Burning can also help, but fires can get out of hand quickly and frequently—this is very difficult to do on a regular basis. Alan is fairly optimistic on the 50-year horizon, but this is a tough question. Without management, there will be almost none in 25 years.

David Zippin added that given that the butterflies are still there, there are hopes that with some more intense management, we can increase the numbers to help buffer against the unknowns.

Virginia asked about habitat restoration—have there been attempts at this? Alan replied that San Bruno has tried this with some success—it hasn't been tried in the South Bay Area since the seed cycles are different and there are existing plant populations.

One member asked about the grazing schedule—is it important? Yes, though Alan isn't sure exactly how. Different species react differently to grazing patterns.

Alan noted that there is a spatial relation of patches: you need to build a network of patches to ensure long-term regional survival. Sometimes it is possible to rescue threatened populations, as well.

Threats to the Checkerspot include building on serpentine habitat, habitat loss, habitat modification (non-natives, housing or golf course above, fertilizers, etc.), climate change, and disruption of regional dynamics when patches are lost.

Alan's Checkerspot wish list includes a reserve system, relatively large and topographically complex habitat patches, several groups of patches, and management to control non-native species.

One member asked if there is designated critical habitat—there is.

Another asked if all the remaining occupied habitat for the Bay Checkerspot is within the study area. Possibly—there's an outside chance that there's still a population near Mt. Diablo, and there may be populations reintroduced on the peninsula.

Ken noted that this discussion will be critical when we get to strategies and biological goals. Jones & Stokes is currently developing a map of checkerspot habitat, based in part on the land cover map, which outlines serpentine habitat. One group member asked whether we can reconcile this map with the information presented—e.g., that the checkerspot also needs the plantega, not just the serpentine?

Alan observed that this is a vegetation map, but it also reflects the only areas with the high densities of native plants. Those soils are already ready to support the natives. Some of these areas are serpentine but not occupied—they're good targets for restoration. The group should be looking for protective strategies that will give specific diversities of plants, not just serpentine habitat—this is important to remember.

One member asked when the checkerspot vanished from Santa Teresa Park. Scientists are not sure—it may still be there.

V. INTRODUCTION OF KEY DRAFT MAPS

David Zippin provided a brief introduction to three key maps—they're not done yet, but they're beginning to come together.

Land Cover Map

The land cover map reflects three months of very intensive work—it is the most expensive product in the entire project! The map is based on land cover classification scheme and uses good, high resolution satellite imagery. It also includes information from other sources, including Sierra Azul Open Space (MROSD), Coyote Creek Parkway (County Parks), and Valley oak woodland (CDF).

The map uses “heads-up digitizing,” an on-screen process, and includes different polygon sizes for different land cover types. The map will assess the protection of different communities by overlaying the data with the open space map. This can help to identify large homes and other threats that are being built in rural areas. This is a “truthing model”—the team will be testing the maps by looking at the occurrences. Since they cannot fully access all areas and there's a minimum mapping unit (10 acres), however, not everything can be truth-checked and mapped in detail.

This type of resource will have an extended life—County Parks, Henry Coe, and others don't currently have resources like this.

Open Space Map

The goal of the open space map is to include all protected areas in the study area. There are new data from the Bay Area Open Space Council (March 2006), and the team is still gathering information and updating this map. The group can help to “truth” this map by looking at it and identifying areas that are incorrectly marked.

Eventually, the mapping team will be categorizing open space by protection and management, since there are some variations. The Data will help to assess gaps in protection and guide the conservation strategies. The open space map is one part of a larger piece of the puzzle—to identify gaps, you do need habitat models, etc. The gap analysis will come after both the open space map and habitat analysis.

Land Use Map

The land use map explores ways to indicate areas of future growth and development in study area, and is largely based on local county and city general plan land use designations. It includes six main categories: agriculture, rural parks and open space, urban parks and open space, urban development, rural residential, and ranchland/woodland.

One member asked whether this reflects planned build-out levels. Yes. For two of the three cities, there's a planning limit of urban growth (San Jose Greenline, Gilroy General Plan boundary), and Morgan Hill's is in process.

Rural residential = 1 dwelling unit/ 5-20 acres

Urban = 1+ dwelling unit/ 5 acres

Ranchland/Woodland = 1 dwelling unit/ 20-160 acres

Next steps

The mapping team will continue overlaying these maps with the land cover map to identify undeveloped areas where future growth is planned. The map also covered projects not associated with urban growth—e.g., VTA transportation projects, County road projects, SCVWD projects, etc.

One member asked if there a timeframe for continued work on the map. Yes—it will be continually refined. Mapping will be calibrated to match real world conditions. Maps are still preliminary—the team doesn't necessarily want them out in the world quite yet, so the PDF may not be available right away.

Another asked whether these are raster or vector maps. They are raster—all maps are line-based.

VI. PUBLIC COMMENT AND NEXT STEPS

Joan asked group members to remind colleagues that Chapter 1 will be distributed at the next meeting.