

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | June 27, 2006 | Morgan Hill Community Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (South Valley Streams for Tomorrow)
Jack Bohan (General Public)
Dennis Martin (Home Builders Association of Northern California)
Kevin Bryant (California Native Plant Society)
Craig Edgerton (Santa Clara County Open Space Authority)
Justin Fields (Santa Clara County Cattleman's Association)
Jan Hintermeister (Santa Clara County Parks and Recreation Commission, Liaison to HCP)
Virginia Holtz (League of Women Voters)
Nancy Bernardi (Guadalupe-Coyote Resource Conservation District)
Bob Loveland (General Public)
Kenn Reiller (Pajaro 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)

I. WELCOME AND INTRODUCTION

Stakeholders and members of the public introduced themselves. Joan announced that David Collier and Tim Steele would not be attending the meeting this evening. Nancy Bernardi was the proxy for Lawrence Johmann, representing the Guadalupe-Coyote Resource Conservation District. She will continue to represent the District at future meetings.

Joan welcomed the members to the meeting. Members had been sent a materials packet in the mail prior to the meeting. Joan confirmed that upcoming meeting materials would be distributed in advance to members by mail or through the MIG FTP site since many of the files were large. Joan briefly reviewed the agenda for the meeting, which included discussing chapters 1 and 3, reviewing the draft questions for the Science Advisory Group and an update from the Liaison Group meeting.

Joan also noted that the stakeholder nameplates and nametags would be refreshed for the next meeting.

II. COMMENT AND REVIEW PROCESS FOR DRAFT CHAPTERS OF PLAN

David Zippin commented on the large amount of materials that needed to be covered during the meeting. David used a PowerPoint presentation to walk the members through the meeting. The presentation outlined the materials and related review processes that would be covered.

Topics included:

- Comment and review process

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- Chapter 1: stakeholder comments and discussion
- Chapter 2: Distribute and introduce
- Chapter 3: Distribute tables/figures
- Species Accounts: Distribute and introduce

The introduction to chapter 2 was an addition to the original agenda.

Comment and Review Process

David reviewed the materials and work products comment and review process that was discussed at the last stakeholder meeting. Stakeholders suggesting grammar and word edits should submit those changes using the track changes feature in Word. Broader comments, questions and general comments should be submitted using the comment form provided in excel. Written comments should be directed through Joan Chaplick as a central point of contact. This information will be organized and managed for use by Jones and Stokes by staff, Ken Schreiber and Ranu Aggarwal. Comments made during the meeting would be recorded as part of the meeting minutes with enough detail provided so that they could be used by the consultants.

Ken reiterated the process of using track changes for grammatical and “minor” comments and the excel spreadsheet for organizational comments or to note wrong or missing information. If broader/more substantive language changes are made in track changes, the members should go into the excel spreadsheet to make a notation. If members have limited computer capacity they can submit handwritten comments, but this is not the preferred method.

Joan passed out a hardcopy of the comment form. An electronic copy will be mailed to the members. Joan will also delete the extra lines so that members can more easily print out the spreadsheet.

Jones & Stokes will not have the capacity to respond to all the comments. The tracking method will allow them to respond to major comments. They will not respond to grammatical edits. They will respond to substantive comments and the status of the comment will be tracked. This feedback process will become relatively routine.

David shared that a due date would be set for each work product and members would have a reasonable amount of time to review the materials. Comments will be addressed in the next version of the document and members can track how their comments were incorporated. Carolyn asked if comments made during the meeting will also be incorporated? Yes, verbal comments during the meeting will be captured as detailed as possible in the meeting notes and incorporated into the documents.

Ken reminded the members that if they had any questions on how to provide comments they can call or email him about the process.

III. CHAPTER 1, INTRODUCTION

David moved the group into a discussion on chapter 1. The majority of the members had read the chapter prior to the meeting. In addition to chapter 1, members were provided with the glossary, appendix C and appendix X, the acronym list. The acronym list will be the last part of the report, thus it is currently assigned the label of “X.”

Joan asked that comments be taken section by section to help organize and track the comments in a linear fashion.

Overall Comments

Carolyn shared that she was disappointed with the bullets listed in section 1.2.1. Most of the bullets address that the HCP/NCCP is trying to facilitate the development and ease the process. The section does not mention the MOU and the whole purpose. Carolyn suggested that two of the sentences in section 1.1.3 (“In response to this requirement. . .” and “The MOU also stated”) are related more to habitat species and should be added to the bullets in section 1.2.1. The purpose of the plan is to do the MOU.

Jan shared that he does not have a Word file of the chapter. Hardcopies were mailed out and the document was also available on the MIG FTP site. These distribution methods were chosen because some members have limited capacity on the volume of attachments they can receive. Joan asked the group if it was okay to email the documents to the group since some members had previously described their limited email capacity.

Kenn shared that the graphics in the documents can be difficult. Keith noted that documents may also “tie up” the system of some organizations. In addition, some members had difficulty accessing the MIG FTP site. Joan will follow up with the MIG technical staff to address the FTP issue.

Keith mentioned the decision made earlier to mail out lengthy documents. Some of the materials were mailed out before the meeting and some were being distributed during the meeting. Joan asked which of the members preferred to not get documents via email. Only Jack and Keith had a preference. Joan will email the rest of the group electronic copies of the documents on Wednesday. The upcoming project website should help resolve some of the distribution issues in the future.

Keith mentioned that several meetings ago the issue of recreation was discussed and it was mentioned that there would be a recreation chapter in the plan. If this is true, should recreation be included under the purpose? David replied that incorporating recreation is not a requirement, but it will be encouraged. There will not be a specific recreation chapter in the plan.

David commented that the current goals in the chapter have been taken from the planning agreement. The broader goals will be included when they are ready.

Brian shared that section 1.1.3 does not mention the deadline for the plan identified by the Fish and Wildlife Service. The deadline was not included in the plan since it has passed but the plan is underway and progress is being made. The most important issue is that the plan cannot be delayed indefinitely.

Scope of the Santa Clara Valley HCP/NCCP

One member asked how Coyote Valley fits into the plan. It is in the geographic area, but not the permit area. This process needs to be clarified in how that land will be interpreted. David commented that this issue will be addressed in chapter 2.

Bob asked if the 50-year permit timeframe had been decided. David answered that this permit timeframe was proposed by a local partners and still needs to be discussed by the Liaison Group. The Stakeholder Group will then discuss the time frame. The chapter includes what has currently been proposed.

Jan added that the description of the study area was high-level and should mention the Guadalupe watershed as well as Morgan Hill and Gilroy as key partners.

Keith commented that under study figure 1.2, the city jurisdictions for Gilroy and Morgan Hill were not correct. Jones & Stokes will correct the information in the chapter.

Jack inquired if the permit area will be determined at a later date. David confirmed that this was correct. The decision would be defined by what activities are covered in the permit area. Though some communities have had the study and the activity area defined as the same area, the Santa Clara Valley HCP/NCCP permit area will be defined based on where take occurs.

Additional comments were made regarding the use of process and map based plans to identify future land reserves. David suggested that this process would incorporate both. He then went on to define the basic difference between process and map based plans.

- Process based plans do not use maps and the definitions in the text are based on thresholds and guidelines.
- Map based plans use maps to define the reservation and conservation areas.

The HCP/NCCP will most likely be a hybrid that includes both process and maps. General maps will outline where the HCP/NCCP will occur and specific process information will be described in the chapter.

Jan added that in the last paragraph on page 1.9, the statement on high priority species was not clear. What is being prioritized and what is the point? The statement does not read in the spirit of the plan. He also commented that it was odd that rural development was considered outside streams but not urban. The areas are not distinct as identified.

David responded that his team had the same problem. In other plans urban and rural are distinguished, but it was felt that it would be more convenient with this plan to distinguish stream and non-stream activities. Activities within the streams will be defined in chapter 2.

Virginia pointed out the use of the word “reserve” in this section as well as others since it shows up without having previously been referenced in any specific context. There may need to be additional information as this word is used consistently in the plan. David confirmed that “reserve” will be added to the glossary to clarify how the word is being used.

Brian asked on the fourth bullet what “operation maintenance” was referring to. Jones & Stokes will more clearly define the term, which is mainly referring to public infrastructure of roads.

Brain also confirmed that general farming and ranching were not meant to be covered in the plan.

Regulatory Setting

The need to change the California Fish and Game Code Sections from 1601-1607 to 1600-1616 was noted by Keith.

Jan asked a question about the bullet “The Plan must support sustainable populations of covered species.” Some species are extinct or do not live in the county. This may be difficult to track and some species may need to be signed off by Fish and Game. David commented that Jan was correct and the species that will be covered by the plan may need to be revisited.

Carolyn suggested that the sentence on page 1-14 that begin with “The primary objective of the NCCP program is to . . .” would be a great goal for the prior section.

Keith commented that under the Clean Water Act there needs to be a statement about wetlands. Following the sentence “Projects that may dredge . . .” it needs to clarify that the plan does not provide permits for

covered activities in wetlands. This point is somewhat made in the first sentence of the third paragraph, but still needs to be more clearly defined for the general reader.

Ann commented that although these activities will not cover the 404 permit wetlands, many of the activities are in the wetlands and they are covered somewhere else. It is important that people do not think that wetlands are not covered anywhere. She suggested this information could be incorporated into the covered activities section or in the stream maintenance program section. The inclusion of this information could clear up what has historically been a point of confusion.

Carolyn shared that on page 1-16 the language before the bird list needed additional explanation. David agreed that the language was confusing. Part of the confusion is that the Migratory Bird Treaty has been around for a long time. The act applies to migratory birds and does not allow for the removal of individual nests. Permits are obtained from Fish and Wildlife for species not under the Endangered Species Act, only if it is a listed bird. The other birds that the HCP/NCCP is trying to cover are not listed and it is up to the individual to get the permit for the migratory bird.

Overview of HCP/NCCP Process

Kenn commented that the administrative process was described in detail, but similar detail was not provided for the planning process. He suggested including the graphic of the planning process in the final document. This also shows that the process will be approved by the Department of Fish and Wildlife. After it is stated that the Management Team was responsible for the planning effort, there could be an introduction to the planning process and document.

Jack inquired if the Management Team meetings were public. David responded that like many planning processes, the meeting was an internal meeting with the project partners. Often decisions on the planning process are made during the meetings. Ken added that the staff are involved in a variety of meetings. The Management Team meeting is a coordination meeting defined in the MOU. In addition, smaller working groups with partner staff have been formed for specific topics.

A final comment on chapter 1 was shared on the verb tense used for the workshop paragraph on page 1-23. David explained that this was so Jones & Stokes would not have to go back into the document to change tenses.

Joan thanked all the members for their preparation in advance of the meeting. The advance preparation helped to create a highly productive discussion and their efforts would make for a better final product.

IV. CHAPTER 2, LAND USE AND COVERED ACTIVITIES

David introduced the members to part of chapter 2 and chapter 3. Much of chapter 2 is still being drafted, but it will be helpful for the members to see the land use and open space content. The covered activities section is not ready yet. The activities are still being reviewed and worked on by the local partners and their staff. This group will need to be comfortable with the text. This section should be ready in the next month or two. This will also be important work for the impact analysis.

Keith inquired if the members would have an opportunity to discuss the covered activities before the draft. David responded that the chapters are working drafts. The members will be given the second half of the chapter and then have an opportunity to discuss the activities. The discussion will be more substantive if members have something to react to. This will also help identify if anything is missing or confusing.

Ken shared that once the drafts reached the members, they were public. He also shared that there was some discussion within the Management Team about covered activities and they preferred to have further discussion before a covered activities list was shared with the public.

Keith suggested that it might be useful for the Stakeholder Group to have a discussion on the covered activities before the information goes public. There was also a comment made about having the members discuss the potential covered activities.

Ken shared that the Management Team was trying to make the stakeholder discussion a little more focused by providing a covered activities list. It is easier to react to a list and have a discussion. The Management Team will consider the additional discussion with the stakeholders about the covered activities list.

When complete, chapter 2 will include two primary sections, land use and open space and covered activities. The land use and open space section will have background information on the participating agencies, the open space agencies, and open space protection and management. As not all open space is created equal, the chapter will distinguish between the types of open space and how the management of each type of open space differs. Open space will be divided into four categories, which will be useful later for linking protected areas.

Members were provided with maps and figures for chapter 2. David requested that members look at the figures/maps to ensure that the boundaries are correct, particularly for open and protected space.

Keith asked if the maps included land that is dedicated to open space from development projects. Yes, the maps include these lands. Ranu looked at county-approved development projects going back to 1969.

There was some discussion on the role of county and state park lands in relation to the HCP/NCCP. There was a question as to whether there was an advantage to include the state park as partners. David shared that there has been some discussion with state parks and they may be interested in being a potential partner.

Craig inquired how often the map would be updated. He was interested if additional open space land dedication would be helpful to share. David shared that Jones & Stokes was interested in getting updated information as it becomes available to ensure that the map is as current as possible during the planning process.

Kenn shared that there were multiple definitions for the term “conservation easement”. He wondered if the language was specific for open space and if there would be an opportunity to define easement in the plan.

David agreed that it can be difficult to deal with the counties in regards to conservation easement and it might be beneficial to look at some easement language to see what might work with the HCP/NCCP. A lot of work would need to be done to review all of the definitions.

Lloyd inquired how orchards and vineyards would be addressed. As the land moves up the hillside it is open space, but it is not an effective habitat. David explained that this issue would be addressed in chapter 2. Discussions have been occurring on the issue of existing agriculture operations and the message is clear that the HCP/NCCP will not want to cover the expansion of agricultural land into protected areas.

David then reviewed the questions that should be considered when reading through chapter 2:

- Does the chapter adequately frame the land use context for the HCP /NCCP?
- Is the open space content for the HCP/NCCP summarized clearly?

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- Are all relevant “protected areas” included in the open space map? (Figure 2-2)
- Do you concur with the open space protection and management categories and assignments?

V. CHAPTER 3

Members received a section of chapter 3 to review, which consisted mostly of tables and figures. When complete, chapter 3 will be over 100 pages. The provided materials will help the members understand the maps that will be used in the final HCP/NCCP. Members were provided with about 10 pages of text and several pages of tables.

David outlined what each of the figures covered in the chapter:

- Figure 3.1: Typography
- Figure 3.2: Slope
- Figure 3.3: Soils
- Figure 3.4: Serpentine Areas
- Figure 3.5: Average Annual Rainfall
- Figure 3.6: Watershed
- Figure 3.7: Land Cover

Craige asked David to further explain the serpentine map and the difference between bedrock and bedrock only. David explained that the serpentine soil may not be on the surface or there may not be soil present. Figure 3.4, in conjunction with figure 3.3, will give the most complete picture of the soil in the study area. More information on the serpentine soil will be provided to the members.

The California Resource Agency provided some of the data that was used to create the maps. The names for the names for the waterways in figure 3.6 came from the state. Figure 3.7 was updated to include Knobcone Pine Woodland, which is unique to the ridgeline for Santa Cruz.

The Santa Clara Water District will be provided with copies of the maps for reference.

David explained that the minimum area for mapping of rural development was 10 acres. If the development is smaller than 10 acres, the land would be mapped as grassland. In order for property to show up as developed, the house would need to cover 10 acres or more to be mapped as a unit. Kenn shared that in the land use chapter there is conversion between rural residential and urban—1 unit per 5 acres or 2 acre. Rural residential has different impacts and implications than urban areas. This is still an unresolved issue.

Lloyd shared that another issue is rural residential and ranch woodland. More discussion is needed on this issue. David confirmed that the issue of estimated impacts in rural residential had not been resolved. Lloyd also suggested overlaying a map from the county assessors office to identify clusters.

The final map is the eco-region subsection that will be converted into eco-regions. There are six distinct regions. The eco-regions laid over the land use map will be a good tool for the species model.

One member suggested double-checking the land north of 237, which now has a shopping mall. Jones & Stoke will look at the land again to verify the accuracy. The maps were based on information from December 2003 to December 2005.

The part of chapter 3 still to come to the members will include a description of the physical study area, background information on all the land cover types, a list of dominant species, eco-systems and biological systems.

Species Accounts

Members were also provided with 32 of the 35 species accounts. These accounts will be an appendix to the document and will be where most of the detailed information is found. The accounts are intended to present the best available data on the species and will not be an exhaustive list. In previous plans this information has been taken too deep at the expense of the plan. The accounts will include the best available data relevant for the regional conservation plan. The HCP/NCCP is designing the restoration of a species area, which will include over half a million acres of land. Information at the project level is not required for this plan, though there will be an opportunity to add more information. The accounts are not the only place where management needs can be addressed.

The accounts will include, when available:

- Distribution (including range map)
- Occurrences (CNDDDB and other sources)
- Ecology
- Status and threat
- Conservation actions in the study area
- Key literature

Craige mentioned there was a recent survey of the population of Tiburon Indian Paintbrush and a finding that it had doubled in size. He inquired if Jones & Stokes would want to be informed of these types of discoveries. David would like the members to share new information with his team throughout the planning process.

When reviewing the accounts, David asked that members consider the following questions:

- Recent occurrence data to add?
- Key literature to add?
- Habitant associations?
- Habitant model parameters?
- Does it still make sense to cover this species given:
 - Occurrence and distribution
 - Status
 - Threats
 - Expected impacts

Jones & Stokes will be using the three statewide databases to collect much of the information as well as plant specific information provided by the Santa Clara Water District. Members should inform them if they have additional information on occurrence. Jones & Stokes will primarily focus on key literature, habitat association and habitat perimeter.

David also asked the members to consider if it was still relevant to cover the following plants:

- Rock sanicle
- San Francisco collinsia
- Monterey roach

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- Bank swallow
- Purple martin
- Saltmarsh common yellowthroat
- Unsilvered fritillary

Plants were added to the list above for different reasons; such as they might already be protected or may not occur in the study area.

Kenn brought up that with the hybrid plan there would be both maps and process. He was concerned that there are the maps and then there are ecological issues, such as Santa Clara Water District having maintenance permit to perform work in the study area. How will this be handled under the hybrid plan? David shared that the impact chapter is where these issues will come together and discuss impact from the covered activities.

Kenn also asked how species on the edge would be handled if their primary habitat is outside of the study area. Would the plan have acquisition and preservation authority outside of the study area? David commented that the plan is considering conservation efforts that occur outside the study area but that we're limited to conservation for this plan to the study area and the jurisdiction of the permittees.

Ann shared that there are harvest mice in some locations and there is a belief that they extend into the study area. She inquired if it would be possible to get the harvest mouse covered in the study. There may be a need to look at some of the edges of the study area and see what is over the line. It is assumed that all activities are covered in the study area, but how will the edges be handled? David responded that the harvest mouse would need to get covered in a new way.

Habitant Distribution Models

Members were provided with four habitant distribution models. The model format will be the same for all the species. The models map primary and secondary, indicated as “specific” and “general.” The survey data that informed the maps was collected when projects have occurred in the area.

David requested that members verify if the occurrence points match up with the predicted habitant model. This will help ensure that the correct perimeters are being used and help validate the models and the assumptions.

Members expressed some concern with showing the public the location of rare plants. It was confirmed that the information provided in the databases restricts the exact geographical location of the species.

David shared that the additional plant life and wildlife models would be provided soon.

Members were requested to review and prepare to provide comments on chapters 2 and 3 at the next meeting. Electronic copies will be emailed to allow members to track their changes in the documents. Big picture comments were requested on the species accounts (appendix D) as well as specific comments on the relevance of the seven species listed by David.

VI. SCIENCE ADVISORY GROUP QUESTIONS

Joan asked the members for comments on the draft Science Advisory Group questions.

After discussion, members had identified the following additional questions to be added to the original draft:

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- The California Native Plant Society recommends that Coyote ceanothus be a no-take species rather than a covered species, and requests that the Science Advisors comment on this proposal.
- How does the impact assessment fit into the conservation guidelines? What is the intent of the impact assessment and how does this relate to the design process?
- Many of the questions regarding the conservation strategy focus on “reserve design”. However, some of the covered species, particularly the fish, may not benefit from a reserve system and instead require other types of measures to provide for their conservation. What other kinds of analyses and conservation measures should be employed to conserve the aquatic species?
- What are the management and monitoring needs for the burrowing owl?
- What species on the proposed list have the greatest potential of extinction within the next 50 years, despite the positive effects of the HCP/NCCP?

The first portion of the July 6th science advisory meeting (8:30am to 10:00am) will be open to the public. The group will be meeting for a two-day workshop. Joan will e-mail the agenda for the two-day workshop to the members.

Jan inquired if the group would be looking at the modeling efforts. David confirmed that the group will be reviewing the drafts of the modeling efforts. In addition, some of the scientists will be retained to provide additional information and guidance.

Ken added that the final outcome of the group will be a science report that will become part of the overall process. Five of the seven scientists will be available for further advice and questions on a time and materials basis. The scientists will be paid an honorarium for their participation in preparing the science report. Ken did not have the list of scientist names available for the members.

Carolyn asked if the science team would be relying on the data and maps provided or if they will be going out into the field. David informed the members that the group will be using the data and maps, which they will provide comments on. The scientists were chosen for their local expertise and it is expected that they will bring additional information to the discussion. A tour of the area will be provided to the group.

VII. LIAISON GROUP UPDATE

Ken provided a report on the Liaison Group meeting, which was held on June 22, 2006. Representatives from the Water District, the Santa Clara County Board of Supervisors and VTA attended the meeting. Representatives from Gilroy and Morgan Hill did not attend. The group engaged in good discussions throughout the meeting. David attended the meeting to provide a summary of the current activities for the HCP/NCCP process as well as the next steps. In addition, the group discussed the current project goals.

Ann shared that the Liaison Group commented, as the stakeholders did, that some of the goals seemed more like strategies. There was a specific comment that the goals need to state that the HCP/NCCP will “restore,” not “revitalize.” In addition, there was discussion on the use of “allow” or “assist.” The group was favorable in the use of “facilitate.” The final outcome of the discussion was that the goals need to be more focused as opposed to looking at long-term concerns. The Steering Committee will meet to pare down the current version of the goals. Once this is complete, the Management Team will review the revised goals and they will return to the Stakeholder Group. The Management Team will also address implementation language that is included in some of the goals.

Ken shared that there have been representation from Fish and Game and the Fish and Wildlife Service at all of the meetings. The representatives who are attending are fairly high-level staff which is a positive sign for the planning process.

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It has been confirmed that the HCP/NCCP will not pursue wetlands permitting. Water district staff have been asked to provide comments. The CEQA species list has been revised and the HCP/NCCP will have an appendix or a chapter on how the plan will impact the species not covered on the list.

Keith asked if the plan will be used to support findings in the CEQA process. Ken answered that if grassland is covered for one species, the plan will call this out and link to the CEQA review. This will help limit some of the additional work in future CEQA processes.

During their meeting, the Liaison Group discussed product design for the website and the literature, as well as provided some feedback. The meeting schedule has been set for the remainder of the year. The group will meet in August, October and December of 2006. The group will need additional time for review as they begin to receive materials. In addition to the HCP/NCCP plan, they will be reviewing the Coyote Creek Plan and the FAHCE.

An economist has been contracted for the project. They have a well-versed background in HCP/NCCP. The Environmental Impact Review (EIR) process will be starting soon. A Request for Proposals (RFP) has been put together and it is anticipated that the process will begin at the end of 2006 or in early 2007.

The project website will also be live on the Internet in a few weeks. The next Liaison Group meeting will be held on August 24 2006.

VIII. NEXT STEPS

The next Stakeholder Meeting will be held on Tuesday, July 25th from 4:00pm to 6:30pm. Members were provided with hard copies of the materials that will be discussed during the July meeting. An agenda will be provided prior to the meeting via email. Members will receive hard copies of materials at meetings. Those who are unable to attend will need to download copies electronically from the MIG FTP site. Word copies of the chapters distributed at today's meeting will be provided to stakeholders can make comments electronically.

MIG will be following up with individuals who have not been regularly attending the meetings to inquire if they would like to stay involved in the process.