

## SANTA CLARA VALLEY

### **HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN**

*Stakeholder Group Meeting | June 26, 2007 | Morgan Hill Community & Cultural Center*

#### **IN ATTENDANCE:**

##### *Stakeholder Group Members:*

Keith Anderson (South Valley Streams for Tomorrow)  
Nancy Bernardi (Guadalupe-Coyote Resource Conservation District)  
Jack Bohan (Representative of general public)  
Kevin Bryant (California Native Plant Society)  
David Collier (Sierra Club)  
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)  
Michele Korpos (in place of Rick Hopkins, Home Builders Association of Northern California)  
Peter Mirassou (Agriculture/Landowner)  
Bob Power (Santa Clara Valley Audubon Society)  
Bob Rohde (Natural Resources Conservation Service, San Benito & Santa Clara Counties)  
Jack Sutcliffe (Santa Clara County Farm Bureau)  
Carolyn Tognetti (Save Open Space Gilroy)  
Lloyd Wagstaff (The Nature Conservancy)

#### **I. WELCOME, INTRODUCTIONS & OBJECTIVES**

Joan welcomed the group and thanked Ranu Aggarwal for coordinating the copying and distribution of Chapters Four, Five, and Six to the group. Copies will be mailed to those who did not attend the meeting. Joan noted that Virginia Holtz, Kenn Reiller, and Brian Schmidt would be absent, and Michele Korpos would be filling in for Rick Hopkins for the Homebuilders Association. Ken Schreiber added that Kerry Williams would not be attending due to a conflict with another meeting. Joan also noted that a replacement for Tim Steele will be appointed in the near future.

Joan reminded the group that comments on Chapters Four, Five, and Six are due in two months. In the meantime, Joan requested that stakeholders identify any topics they surfaced during their review that would merit discussion by the larger group. These topics will be integrated into the agenda for coming meetings.

David Collier asked if July 15<sup>th</sup> was still the deadline for comments on Chapters One, Two, and Three. The July 15<sup>th</sup> date was confirmed.

Ken Schreiber observed that the planning process was moving towards a report-out by the October 18<sup>th</sup> Liaison Board meeting that would include policy questions and statements that would go to all elected bodies between October and January for feedback, review, and comments—not adoption or recommendation. The chapters will not be provided to the elected bodies in their entirety, but a boiled-down version will be presented.

The five major areas targeted for October are: 1) preliminary draft of the impacts of covered activities, 2) preliminary draft of alternative conservation strategies and recommended conservation strategy, 3) conditions on covered activities, 4) question of permit term, and 5) cost estimates and funding options. Comments, conclusions, and recommendations from the stakeholder group will be included. The August stakeholder meeting should be thought of as a deadline for this, as there will be public outreach in September in preparation for taking this information to the elected bodies.

Peter asked if the plan was on schedule. Ken said it was, roughly, but that two additional months had been added to provide time to develop a more extensive preferred conservation strategy. He also noted that the schedule for this NCCP/HCP is more ambitious than schedules for any of the plans done to date.

David Collier clarified that a lack of comments on the chapters today will not necessarily mean that stakeholders have nothing to say on the chapter. There will be many future opportunities to comment, and today's presentation is largely to introduce the chapters and their main points.

## II. PRELIMINARY DRAFT ALTERNATIVE CONSERVATION STRATEGIES (CHAPTER FIVE)

Lloyd asked if the goal of section 5.3 was to define a geographical conservation area and then cross-check it to ensure that it is meeting all goals. Yes; sometimes protecting a natural community will also protect specific species, but sometimes additional policies or lands are needed to meet both sets of goals.

The first section of Chapter Five is especially critical to focus on to ensure that stakeholders understand where the conservation strategy came from. Stakeholders may also find it helpful to have the biological goals and objectives tables in front of them as they read.

Sequoia asked if the existing maps of open space would be updated. Yes, these will be periodically updated as the plan is developed. Troy Rahmig invited members to bring any additional changes to the attention of Jones & Stokes since this is a moving target.

Keith asked if these sections included a discussion of the probability of achieving a goal. No, not specifically, but some of this is integrated into the goal itself—for instance, for a specific land type, there may be limited available lands to target. There will also be details on what happens if a goal is not achieved. If lands are not available, other areas may be enhanced instead.

Nancy noted that stakeholders want very concrete information on how lands and habitat would be protected—not an idealistic goal for conservation, but clear, detailed information on how land would be preserved. Troy reminded the group that the plan would need to continually stay ahead of impact, within a ten percent margin, so there is a check on this.

One guest noted that different types of riverine habitat had different roles—some are passage habitat, others are rearing habitat, etc. So there should be a check to ensure that a balance of habitat is protected—not just any riverine or riparian habitat. Joan noted that issues like this could be discussed more extensively at the July meeting.

Sequoia asked how the 10 percent margin permitted between rate of development and rate of acquiring preserves and protections was measured. Depending on the agency, it's either natural communities or species—so effectively, it's both. Approximately eight goals drive the conservation strategy because they're a combination of difficult to achieve and have especially widespread importance.

Keith asked if there had been conversations with the landowners. There are ongoing conversations with the Santa Clara County Department of Parks and Recreation, which owns a lot of land that is well-suited for reserves.

Sequoia noted that Santa Clara County Open Space Authority has an existing classification system (which County Parks doesn't have) that segregates land to allow for public use and trails on some properties. It's clear that public access will be important for land acquired.

David Collier asked whether existing protected land included in the reserve system would necessarily be counted as mitigation for impact. This is correct—currently protected land does not count towards mitigation. Its inclusion in the reserve system is primarily to allow for habitat enhancement through additional management.

David Collier asked about the ability to maintain landscape goals. Troy agreed that this is also a factor—landscape-level linkages are important.

Troy presented different options for strategy alternatives. Ken Schreiber noted that Alternative C may have crossed the line from a financing perspective, but this study is important since it's not really an either-or scenario. Jan asked what the rationale was for developing an infeasible alternative. Ken noted that the comparison is important regardless of cost. The various alternatives also help to identify how lands already protected can be better enhanced.

Carolyn asked whether the group should be getting a handle on the alternatives over the next two months. Yes, although a mish-mash of alternatives is equally acceptable, and it's important to know why stakeholders like a particular alternative.

Jan asked about acquiring lands versus enhancing existing properties. He suggested that it might be useful to have someone with experience managing such lands come and speak to the group to help the group understand this.

### **III. PRELIMINARY DRAFT IMPACTS OF COVERED ACTIVITIES (CHAPTER FOUR)**

Troy noted that rural residential was originally separate, but since it was rolled into other things in Chapter Two, it is in Chapter Four as well to maintain consistency.

David Collier asked about cumulative impacts versus typical impacts. Troy replied that we need to consider general impact—Coyote Valley development, for instance—in how and where we preserve land to ensure that preservation efforts are not compromised by future changes.

Nancy asked about specific corridors and how priorities for acquisition were established. This is a great topic for future meetings.

Keith asked whether all participating agencies were satisfied with the existing conservation strategies. Ken noted that so far they seem to be, but it's a continuing conversation.

Lloyd asked about the San Luis Low Point project and whether it's covered or not. This will be checked.

Carolyn asked about page 4-19 and why projects were included or not included. Troy noted that many projects were brought to the table by the cities themselves.

David Collier wondered whether work permitted before the plan should really be excluded, since it might take place during the plan period. Perhaps work completed before the plan should be exempted, but not work permitted.

### **IV. PRELIMINARY DRAFT CONDITIONS ON COVERED ACTIVITIES (CHAPTER SIX)**

David asked what had happened to the no-take species. They are still there, and are discussed in Chapter Six. There is more discussion of plants only because they are trickier—if they're not there one year, they may still be present in an area, for instance.

David Collier asked why there wasn't a section on ways to minimize impacts to landscapes. Troy noted that these things would likely be considered at the species or natural communities level, but perhaps it makes sense to add this section as well.

Members asked how agenda development for the July meeting would proceed, given that the agenda will need to be done well in advance of the meeting and stakeholders may not have reviewed all chapters by then. Joan noted that she could organize thoughts by topic and build the agenda off of that, leaving space for additional ideas. Topics suggested by the group include: acquisition versus enhancement, riverine habitat, and talking

about criteria for what's included in the baseline. As Joan receives topic suggestions, she will organize and develop the agenda.

Keith asked for clarification of Pacheco Dam and what's happening with it. There is a request to have someone from the Water District come who is comfortable talking about it.

Keith asked if operation of the reservoirs in South County is a covered activity. Yes, and new rules for the retention and release of water will be subject to the plan.

Justin asked whether eminent domain has been discussed in recent meetings. He observed that it might be necessary, since, looking at the map, he sees many landowners who will not want to sell. Troy reminded the group that there are many ways to protect land that don't necessarily involve purchasing the land. Also the plan will emphasize acquisition from willing sellers. Ken Schreiber noted that the assumption of those working on the Plan is that all land acquisitions will be part of a willing seller/willing buyer policy. Justin requested an explicit statement about eminent domain be added to Chapter Five, if one is not already there.

David Collier wondered whether the conservation strategies should be weighed to determine which will generate the most willing sellers. For instance, one plan might be more cost-effective, but would not result in willing sellers, and thus would be less effective overall.

Joan wondered if further discussion on this topic might fit into acquisition versus enhancements as strategies. Ken also observed that the market, over an extended time period, is fluid so it's difficult to predict who might or might not sell.

Justin also asked about lands that are well-suited to preservation (e.g., IBM) and whether these will be included to avoid the need to purchase new lands. This will depend on how flexible the wildlife agencies are going to be on giving credit for enhancement versus acquisition. Discussions on this are just beginning.

Troy observed that there is also a great deal of ongoing work. Some elements of the plan may depend on whether lands with ongoing work can be brought into the plan and managed differently to get the results needed by the plan, and whether this will count.

A placeholder shouldn't indicate that an issue is being ignored—it's simply that the policy is being developed or fleshed out, and it will appear in future drafts.

Global climate change and financial planning will also be included in the final plan. The adaptive management strategy applies to the plan funding as well.

## **VII. PUBLIC COMMENT AND NEXT STEPS**

Please send Joan an email with suggestions for any additional topics to discuss at that meeting. She will shape an agenda based on the common themes.

David Collier asked if revisions will be marked on tables when new versions are distributed of each chapter. Will the marked version always be the one distributed? Karen will pass this request on.

Joan thanked those who RSVP regularly and stressed the importance of knowing in advance who will not be able to make a meeting.

The next meeting will be at the usual time, 4 pm to 6:30 pm, on July 24, 2007.