

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | July 24, 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)
Craig Edgerton (Silicon Valley Land Conservancy)
Justin Fields (Santa Clara County Cattleman'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)
Peter Mirassou (Agriculture/Landowner)
Bob Power (Santa Clara Valley Audubon Society)
Kenn Reiller (Pajaro River Watershed Council)
Bob Rohde (Natural Resources Conservation Service, San Benito & Santa Clara Counties)
Brian Schmidt (Committee for Green Foothills)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Lloyd Wagstaff (The Nature Conservancy)

I. WELCOME AND INTRODUCTIONS

Joan had the group introduce themselves for newcomers. Carolyn Tognetti notified Joan in advance that she would be unable to attend.

II. UPDATE ON SCHEDULE AND MANAGEMENT TEAM ACTIVITIES

Ken reviewed the plan outline, noting which chapters had been released and which were still in the works. The process is moving forward, although much of the plan is still a work in progress. Recently three substantive chapters have been released to the Stakeholder Group, Liaison Group, wildlife agencies, and the public. The wildlife agencies and others noted that a month and a half was not enough time to give comments on such lengthy, dense content. Consequently, the groups will meet again in August to continue discussions on these chapters, with three day-long workshops for staff and consultants following in September.

Ken noted that key information on conservation strategies, covered activities, permit term, conditions on covered activities and costs and funding was scheduled for release in October by the Liaison Group for local elected official review and comment. That timing will change given the need for more review and discussion time. The revised schedule will recommend that the information, along with a recommended conservation strategy, be released by the Liaison Group on January 31, 2008 with public agency review and comments in February and March. Ken also discussed the Stakeholder Group's December meeting date, and suggested meeting on December 11th since the community center will be closed the week before Christmas. There was no objection to a December 11th meeting date.

September 26th will be the date for the September stakeholder meeting to coincide with the date of the community meeting and environmental scoping meeting.

Brian asked whether the chapters will come back to the committee for review when holes have been filled. For some chapters, yes; for others, the chapters will not come back until the second review in spring 2008, at which point the holes will be filled. Brian requested that the holes be noted so that people can review the final decisions on question areas. David noted that all new or changed text will be in track changes, so it will be easy to see where things have changed.

One stakeholder noted that a dilemma has been created with the delay on the HCP. Now the Coyote Valley Specific Plan and the HCP will be completed at approximately the same time, so it seems that it should be a covered activity. Ken noted that the City of San Jose makes that decision since each local agency determines which of its projects it would like included, and the City will have to approach the HCP team for inclusion. They have not done so thus far. Another stakeholder asked if it was too late to include them, even if the City decides they would like it covered. No, it is not—the impact of the Coyote Valley planning process is already being considered by the HCP as the conservation strategies are developed, so it would not be a stretch to cover the process. David observed that Fish and Wildlife Service has also noted that they would like to see Coyote Valley included. However, there are also downsides: for instance, Coyote Valley has a lot of associated baggage, and the HCP might have to take on some of that baggage if the plan is a covered activity.

Sequoia asked how the HCP might change based on the CVSP since some areas in Coyote Valley are designated as potential conservation areas. David responded that while some areas are generally mapped as potential conservation areas, the text clarifies that, beyond linkages in that area, the Coyote Valley region is not a targeted conservation area. Other than the Tulare Hill area, no cross-Valley wildlife linkage is proposed in the CVSP area and the Greenbelt area to the south.

III. MONITORING AND ADAPTIVE MANAGEMENT APPROACH

Paola Bernazzani of Jones & Stokes presented on the monitoring and adaptive management strategies. The strategies ensure that the conservation strategy is working and that it is being continually reviewed and adapted to maximize its effectiveness. Paola discussed adaptive management and the ways in which it goes hand-in-hand with monitoring.

Biological goals → Biological objectives → Conservation actions

Kenn Reiller observed that he liked the notion of the conceptual models, which seem to give good reason to think we can save each of these species. He was glad to see the monitoring and management elements but is concerned that the plan will start allowing take right off the bat, whereas the information from monitoring and management will not be available for several years. He would like to see sound science backing up the conceptual models to feel confident that the conservation strategy is sound.

Paola reminded the group that there will be stay-ahead provisions in the plan—conservation will have to surpass impact, so there should be less danger. She also clarified that conceptual models are illustrations of the system as we understand it, and how it will function. These models may need to be adapted in the future to accommodate changes in practice, effect, and understanding.

Brian noted that early in the process, the group stressed the importance of “adaptive management with teeth.” He is concerned that there will not be numerical triggers linked to adaptive management, and wondered what the success criteria would be. Paola replied that the success criteria can vary—it is too early to set them at this point, and they may change later in the planning process. In general, agencies say that specific triggers do not tend to work, and are not a successful way to approach adaptive management. In past planning efforts, it’s been very difficult to get the right trigger or threshold points. It’s important to consider the populations from a more holistic perspective. Brian emphasized that the success criteria is a really important element, and these need to be defined before the HCP is approved. David Zippin observed that there are also many informal success criteria built into the plan, and it’s dangerous to lock the plan into a

specific criteria that can't be met or isn't adequate, so these criteria may need to be developed when the reserve system begins to form.

David Collier echoed Brian's concerns, and is worried that there will be shortcuts in implementation with the best laid plans. Thresholds and triggers have the danger of implying success where the job may not be done. While it's difficult to tie these criteria down at this stage, maybe there could be a mandate that the criteria be scientifically defensible at the time of implementation. Paola also reminded the group that public involvement during implementation will be key, and Stakeholder Group members are especially able to monitor the plan because they were involved from its inception.

Joan asked Paola to send the text of her slides to her for distribution to the entire group. The power point presentation is posted on the project website (www.scv-habitatplan.org)---under Public Involvement/Stakeholder Group/Link to Documents. Additional comments should be sent via email, and will be considered and potentially discussed at upcoming stakeholder meetings.

IV. GROUP DISCUSSION

B) a. Status of Pacheco Dam

Tracy Ligon of the Water District presented on the San Luis Reservoir Low Point Improvement Project.

The District has asked that the Pacheco Dam replacement project be a covered activity under the HCP/NCCP. Tracy presented a brief overview of the Low Point project. The San Luis Reservoir is where federal water comes through the system and is stored. Water is then delivered to the SCVWD's treatment plants and the recharge ponds. When the water in the Reservoir is low, algae develop and clog the treatment plants in addition to creating a color and taste in the water. The region needs a strategy for how to obtain water when the reservoir is low to avoid a potential supply problem.

Tracy noted that there will be three reports as part of the current study: the alternatives report, due this August; plan formulation, due in June 2008, which will narrow the alternatives to six for further study ; and the feasibility study, due at the end of 2009, which will narrow the alternatives to no more than three.

Lloyd asked whether the Pacheco Dam would also affect water from other areas, and if so, would it require the HCP to expand its covered area. Right now, this is just a Low Point project, although San Benito also stores its water there and the project may affect land and water in that county as well.

Kenn Reiller asked how the water would be moved. There would be a pipeline connection that would pump water until gravity took over.

Keith asked about the re-operation of the existing Pacheco Dam. At what stage is the District in its conversations with the Pacheco Water District? This has been a topic brought up many times in the past year, and it seems like there has been little action. He observed that without re-operation of Pacheco Reservoir, it will be impossible to achieve the goals for steelhead protection in the HCP—not only for Pacheco Creek, but for the entire plan area. Tracy responded that the Water District has already made a commitment to meet with the Pacheco Water District in the near future. Ken Schreiber echoed this concern, noting that even if the new reservoir is built, there will be a long period of time before it is operational. Keith suggested that perhaps Santa Clara County should take the lead politically in opening this discussion and involve Supervisor Don Gage in these conversations. Pat observed that the Water District is interested in this issue as a local partner, but this isn't the District's facility, and they would feel more comfortable if another partner were present for the conversations.

Jack wondered if perhaps Pacheco Water District should be a stakeholder in this process, and wondered if they had been invited. Ken Schreiber observed that he had been advised not to talk to Pacheco Water District representatives until the Water District was ready to talk to them. Ken expressed frustration regarding the

lack of communication between the SCVWD and the Pacheco District as it relates to creating a conservation strategy for this area.

Lloyd observed that in another stakeholder process, Pacheco was also discussed, and there was no clarity on whether the existing Pacheco Water District's dam should be taken out to create new habitat or re-operated to restore the current habitat. A new dam also creates separate mitigation needs.

Rick asked if this was a covered activity. Yes, it is. Rick is concerned that such a significant expansion of the reservoir will dramatically affect habitat. David Zippin clarified that, yes, this activity is being considered and its affect on habitat is being noted.

Ken Schreiber asked when construction might start if a new dam is identified as the best solution. Tracy responded that it would likely be 2011 or 2012 before construction might start.

Keith asked whether, as stated in the handout, the Pacheco Dam currently releases water into South Valley streams. He was not sure this was the case, and asked for clarification. Tracy will get this information. Jerry noted that there is a blowout system in some areas that releases water intermittently.

Existing Conditions Report on Pacheco Creek

Jerry Smith prepared an existing conditions report on re-operation of the existing reservoir. There is no steelhead habitat above the dam. However, the stored water does have habitat potential, depending on when and how it is released. Present operation of the reservoir is for agricultural use, however, and does not work well for steelhead. In late spring and early summer, little or no water is released. Instead, it's released later in the summer, and by fall, the reservoir will be drained. Re-operating the reservoir offers a possibility to restore habitat for the steelhead. Pacheco Creek is one of two critical streams for habitat (the other is Uvas). With or without the Low Point project, restoring Steelhead habitat in Pacheco Creek is critical.

Joan noted that this would be on the Management Team agenda on Thursday. There also is a Liaison Group meeting on August 16th. Ken Schreiber noted that the Stakeholder Group has the authority to make recommendations to the Liaison Group. Keith suggested that the Stakeholder Group should take the lead and raise the issue of the re-operation of Pacheco Dam as it relates to the conservation strategies in a formal manner for the Liaison Group to review. Nancy Bernardi seconded this motion.

One stakeholder asked what re-operation of the dam means. Ken Schreiber summed this up as an arrangement with existing operators where the flow of water would be managed in a manner that would improve habitat. In the FAHCE settlement agreement, there is a formula for how much water that is used for conservation purposes is worth. However, re-operation of the dam doesn't necessarily mean that the water has to be bought—the ideal water use schedule provides conjunctive uses, with a water supply for agriculture in a way that benefits steelhead. If there is no way to accomplish that, then you move to discussion of a supply of water explicitly for steelhead. Ken Schreiber noted that the only carrot seems to be money—and the fact that, as Keith noted, the dam is a “fixer upper” and needs to be repaired. Ken's concern is that waiting for the new dam—which might not be built for ten years, or at all—would mean that the Habitat Plan would have no steelhead conservation strategy for Pacheco Creek.

Pat also raised the big question—what is the condition of the dam? No one has really investigated this, and it should be part of the due diligence.

Virginia observed that it makes sense to vote on the proposed motion. Does it then go on the agenda for the Liaison Group? Yes. Virginia also feels a lack of information, and would like to discuss this at a future Stakeholder Group meeting. Bob echoed Virginia's thoughts. The topic will be taken to the Liaison Group with the notation that the Stakeholder Group has raised this as an issue of concern that requires additional review and discussion. It is anticipated the Stakeholder Group will need additional information about the status and condition of the dam, its role in habitat protection and other background information for these discussions. Contact with the current owners should be made in the very near future.

David Zippin observed that to have a credible solution for the purposes of the HCP process, the solution would need to be available by June 2008.

David Collier underscored that at the Liaison Group, the issue of the dam and its potential role in the conservation strategies should be raised as a yellow or red flag that needs activity—not another study.

B) b. Factors to evaluate conservation strategy alternatives

David Zippin asked the Group to discuss factors to evaluate conservation strategies, since this was more appropriate to the remaining time. What factors are stakeholders using to weigh the conservation strategies? How should the preferred alternative or combination of alternatives be selected?

David noted that stakeholder comments on chapters would also be distributed electronically, but this is a discussion topic and those are rare.

What do stakeholders see as their role in determining the money versus land question? Craig suggested the maximum amount of land that meets the conservation goals—the financing is somebody else’s job. But eventually, the group will get information on costs, and can factor this in as well. But, for instance, Keith is reviewing this with an eye towards what will support steelhead. What criteria do others use?

David Collier noted that he was comparing the information to the map to try to identify what was happening to open space in each alternative. It’s very difficult to interpret the maps, since the colors blur together. This key information affects the value of the corridors. County Parks, for instance, has public access and recreation as a key goal, but at the same time, they’re interested in having permanent easements over some of their parks as protection against future requests for extreme uses.

Kenn Reiller referred to page 4-4 and the flood protection projects, which specifies action “where feasible.” Some of these projects may overlap currently planned projects that are on the books and likely to happen in the near future. Many are Corps projects, and they want to know how you maximize collateral benefits. NMFS and Fish & Wildlife may want to see how local projects benefit the surrounding habitat.

Jan expressed concern that the reserve system may not satisfy the requirements for protecting burrowing owl habitat in Santa Clara Valley. Some protection may be through actions outside of the reserve system. Part of any strategy is to protect the owls already in the ground, whether they’re on reserve land or not. This may be through partnerships or educational approaches—not necessarily through buying land.

David Collier would like to be able to evaluate “conservation efficiency”—the maximum conservation bang for the buck. How do you measure the effectiveness of the conservation strategies? This is probably in the heads of the biologists when they craft the alternatives, but it doesn’t get communicated. For instance, maybe going from a quarter-mile to half-mile corridor raises confidence levels from 10% to 90%, but going from half-mile to mile only raises it from 90% to 95%. As a Sierra Club representative without that information, he’d just say—go for the mile. But with the information, the cost of the half-mile to mile change might not seem as worthwhile, given a limited amount of funding. Rick echoed David’s concerns that it was difficult to measure and understand the conservation strategies.

Craig asked about the ability of each alternative to adapt to surprises. David Zippin agreed that this could be a criteria for selecting an alternative, and noted that there would also be other methods—contingency funds, for instance—to adapt to unexpected surprises.

Jack asked for clarification on how much conservation and enhancement is done on reserve land, since it appeared that it decreased across the three alternatives. David Zippin clarified that the enhancement is simply on existing lands, not on newly acquired lands. The alternative where no enhancement is done to existing land is anticipating a situation in which the wildlife agencies do not give credit for enhancement to existing lands. In that case, it does not make sense to spend reserve funding on existing lands.

Bob Rohde observed that his focus was on migration, and how wildlife might migrate across lands. The reserves appear to be primarily in the upper watersheds—what about space for species to move to the upper watersheds? This can't be tied solely to where there is existing reserve land.

Sequoia noted that many of the proposed goals are goals that the Open Space Authority already has, and they don't feel it's appropriate to count that land twice. He doesn't want to see too much emphasis on the enhancement of existing protected land.

David Zippin predicted that perhaps two thirds of total cost would go towards land acquisition, based on other plans. However, this analysis is still being done for this plan. He clarified that he would like to see a uniform level of enhancement done across the system. There is a limit to how much can be gained through enhancement, particularly on existing protected land. Other agencies, like the Open Space Authority, are also going after the federal dollars for enhancement independently for the same types of project, so it would be helpful to have this remain distinct from the HCP. David noted that there are specific examples where enhancement could create habitat, however—for instance, serpentine grassland in parks where grazing isn't permitted, but could be to create acres of habitat for the Bay checkerspot butterfly.

Craige also stressed the importance of leveraging dollars wherever possible.

Keith suggested that another criteria for evaluation of alternatives be redundancy—does one area work for two species, while another works for five?

Rick noted that whichever alternative is selected should be flexible. It would be good to have some guiding principles on how to develop alternatives and what a reserve system should look like. David Zippin will clarify where this is in Chapter Five. Rick noted that there does not seem to be a discussion of how alternatives would meet or not meet various goals. David Zippin noted that because of funding and structure of the plan, they are writing this chapter to serve both as an alternatives analysis and as the final preferred alternative chapter.

Ken Schreiber noted that in addition to including this discussion in the meeting notes, perhaps it can be copied and distributed separately as a point of discussion.

Stakeholders asked if the riverine discussion included aquatic habitat and groundwater management concerns. Yes, it can.

V. PUBLIC COMMENTS AND NEXT STEPS

Joan noted that agenda items under A will be carried over to the August meeting. On agenda item B, there will be a report on the Liaison Group discussion of Pacheco Creek at the August meeting.

Bob suggested a more extensive discussion of Paola's presentation at a future meeting. He also noted that there will be growing pressure for the financial analysis and costs in order to consider many of these questions. This analysis should be ready in time for the September meeting.

David Collier would like to discuss valley floor connectivity and corridors.

Keith asked for a line item in August for comments on Chapter Six, Conditions on Covered Activities.

A visitor observed that it was important to have the discussion on monitoring and management in a meeting, since simply taking comments via email lost a quality of interaction.

Another visitor asked what the target date for a recommended alternative was. At this point, it looks to be December.

The next meeting will be at the usual time, 4 pm to 6:30 pm, on August 28, 2007.