

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | July 25, 2006 | Morgan Hill Community Center

IN ATTENDANCE:

Stakeholder Group Members:

Jack Bohan (General Public)
David Collier (Sierra Club)
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)
Kenn Reiller (Pajaro Watershed Council)
Peter Mirassou (Agriculture/Landowner)
Bob Power (Santa Clara Valley Audubon Society)
Robert Rohde (Natural Resources Conservation Service, San Benito and Santa Clara Counties)
Brian Schmidt (Committee for Green Foothills)
Tim Steele (Sobrato Development Company)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Carolyn Tognetti (Save Open Space Gilroy)
Lloyd Wagstaff (The Nature Conservancy)
Kerry Williams (Coyote Housing Group)

I. WELCOME AND INTRODUCTION

Joan briefly reviewed the agenda for the meeting. Troy Rahmig will be filling in for David Zippin at the meeting.

By August 8th, the plan website should be up and stakeholders won't have to struggle with the FTP site any longer. Joan noted that the group is trying to limit the number of extra copies that are made of the meeting materials. Documents will be handed out at the meetings. If group members cannot make a meeting and contact Joan in advance, she will take a copy and mail it. However, if group members do not RSVP, they will be responsible for downloading and printing the meeting materials.

Keith Anderson was not able to attend due to a family illness. PG&E is reconsidering their participation in the stakeholder process. By the August meeting, Joan will have more information on whether or not Diane Ross-Leech will continue to serve as a stakeholder and on whether PG&E will be giving up their seat.

Brian Schmidt asked whether there would be a discussion of the Science Advisory Panel. This is on the August agenda, so there will not be a lengthy discussion, but Ken Schreiber will provide a brief update.

II. DISCUSS BROAD GOALS

Ann Draper presented the most recent revision of the broad goals, which integrates comments received from the group with those of the Liaison Group. She noted that many people observed that some of the goals read like statements or objectives—not like goals. The Management Team and Liaison Group were appreciative of the feedback, and largely agree. The Management Team concluded that the goal statements needed to be crisper—the existing goals provide good background, but there can be some consolidation. They also looked for nomenclature to make the goals consistent—e.g., starting each phrase with a verb. The longer goal

statements will be used as the process moves forward. The full text of the statements is attached at the end of the minutes.

Biological Resources and Conservation

- Agencies wanted the word “restore” used. There are goals to address both species and natural communities to meet needs of both HCP and NCCP.

Multipurpose and Benefit Plan

- A key factor for cities was to facilitate economic growth in keeping with approved general plans. Cities liked “facilitate” rather than “allow” or “assist.”
- Names of potential partners have been removed to avoid leaving anyone out.
- Statements are careful not to define things too explicitly—e.g., relative benefit or equitable allocation.

Effective and Efficient Implementation

- Some HCPs deal primarily with private development. This plan has a great deal of public development, so it is important to link this to water supply and flood protection.
- The goal is to be efficient and not duplicative—many of the partner agencies already have adaptive management plans in place for some mitigations.
- Bob suggested ending the sentence after “public projects” and not providing examples.
- Lloyd asked for clarification of the meaning of “preserve watershed”—this seems to imply that we’ll buy up all the land—is that the intention?

Multi-Purpose and Benefit Plan

- Nancy Bernardi asked that “appropriate” be taken out.
- Craige asked what is enhancing the diversity of a plant community. What’s the difference between enhance and restore? He wants a clarification of the meaning—possibly we can do both, which allows us to be flexible.
- Ann Draper responded that in the Water District, the distinction is that if you cause a problem, you have to mitigate it; however, if you just do it for the benefit, it is enhancing.
- Kenn Reiller felt that enhance was a good thing to leave—we have a very managed environment. We don’t necessarily want to restore things. There are opportunities to recover species when we enhance; but if we simply restore, there may not be the same opportunities.
- The group suggested that maybe we can just say improve—but restore and enhance have specific meanings, and we want to respect that.
- David Collier observed that we shouldn’t lose the concept of integrity and functionality in our wording either, as applied to the system of ecosystem blocks. He also has a slight reservation about just saying “flood protection” without a caveat. It is a valuable goal, but done badly, it can work against you—there should be some language saying flood protection that’s compatible with the other goals.
- Are we really facilitating economic growth? Isn’t this really just physical growth that we’re facilitating—which may be a byproduct of (or contribute to) economic growth.
- Ann Draper agreed that this may be specific to the cities’ concerns. Cities see economic and physical growth as part and parcel of the same thing.
- David Collier responded that our purpose is to facilitate the consequences of economic growth—not the growth itself. You can grow economically without growing physically.

III. DISCUSS CHAPTER 2 (LAND USE PORTION)

Troy led a discussion of preliminary comments on Chapter 2.

Carolyn asked about pages 2-3 on Gilroy. She felt that it was confusing—Gilroy does have their General Plan, which goes to the year 2020. However, the HCP document says that ultimate buildout of city will occur only within the General Plan boundary—but we haven’t determined the term of the HCP plan yet. Gilroy may craft a new General Plan well before the HCP term ends.

Troy asked whether the city of Gilroy uses the current boundary as a long-term boundary, or simply as the 20-year boundary. Cydney Casper helped address this—the city knows that it won't be moving east, for instance, so that boundary is essentially set. But growth will probably occur—it's hard to predict where. The city is anticipating what it can within the given 20 year planning timeframe.

Lloyd asked whether or not any city that signs on to the NCCP/HCP basically agrees to the terms of it. Wouldn't they then have to adapt any future plans to the terms laid out in the plan? Virginia suggested that perhaps each city would amend its General Plan if it doesn't fit with the HCP/NCCP at the time they accept it. Troy replied that cities will likely agree to the HCP in light of their current plans, so they really shouldn't have to amend these plans. There's a consistency that would need to occur—cities would have to consider the HCP as they move forward and adapt their GPs, or they'd have to amend their permits, etc.

David Collier noted that the Gilroy 2020 line isn't really an urban limit line—it's just a line for planning. So there's a 35-year gap of potential Gilroy growth that's not covered. Troy agreed, but noted that the HCP will inform those processes moving forward. A General Plan written or updated in 2015 shouldn't be an entirely different direction from an existing plan. David asked if part of our goal wasn't to design the HCP to deal with projected growth. Ken Schreiber replied yes and no. This is true in San Jose and Morgan Hill, which have growth limit lines. The underlying idea is to deal with existing General Plans.

Brian noted that as long as some of these concerns are put into the conservation strategy, that should suffice, since if a city tries to develop a general plan that is inconsistent, it won't meet the requirements of the HCP.

On the first page, first paragraph, Bob noted that he was in a quandary about where this chapter is going....it starts with a history at the time that agricultural development occurred. The chapter doesn't refer to the way things were prior to that. This is important information to explain why this permitting process is important.

Troy noted that this history is discussed in a different way in Chapter 3 in terms of what natural communities are out there, but it doesn't go back to pre-agriculture. What's the baseline condition? How far do you go back?

Kenn noted that the term "restoration" refers to an earlier period when the landscape functioned differently. Historical perspective on what's been gained and lost, what's restorable, is part of the opportunities analysis. There's no full picture if you don't start early enough in this history.

Lloyd added that there is some regulatory power around waterways, etc. In this county this regulatory power has been given to the Water District, and it may be important to define these jurisdictions. Kenn noted that there were ordinances that gave the Water District authority to do things. But the Board of Directors really wanted the Water District to participate with the cities in their General Plans. The Water District didn't have the same police powers that the city or county did. Ken Schreiber concluded that perhaps a clarification of responsibilities is important here.

Virginia asked that we be careful with use of the term "restoration"—there are times when this has occurred in the past and there were unintended consequences. We need to know about the lessons that have been learned. Joan added that we should make sure that if past efforts are duplicated and continued, that they are effective. Virginia concluded that it is also important to know if they were harmful—that's important too.

Kenn mentioned that he went through each of the cities and counties and read their conservation policies. Many of them talked about easements. Santa Clara County is much more sophisticated and clear about their policies in their language--e.g., here's the goal—90 percent open space, 10 percent clustered development, etc.

Troy added that there are a lot of types of open space out there—they're trying to parcel them out into different categories to get a better understanding of all of the differences, etc. Kenn noted that the first four categories were really good, but were constraining—for example, urban parks weren't a candidate for habitat restoration at all. It would be nice to include these lands.

David Collier noted that in Table 2-3, (types of open space), golf courses in rural areas are included. How much value does a golf course really have, except perhaps for bird migration? Why is this in type 3 instead of type 4?

Troy responded that they had decided golf courses in rural settings are better than in urban settings because they don't inhibit movement of species, but don't provide many of the other components associated with species support.

David added that rural parks, historic sites, and recreation areas can also all be managed in a way that they do have ecological value. Others (e.g., motorcycle park) may not be appropriate. Maybe this shouldn't be a blanket statement—classification should be on a case-by-case basis. Troy agreed that these are definitely still umbrella categories—there may still be exceptions within them. Peter agreed, noting that golf courses can be designed to be a habitat for species, if the people building it are amenable. Same for motorcycle parks, etc.

Craige observed that in type 1 open space, the reference to “irrevocable” refers just to government agencies, but there are other irrevocable groups (e.g., land conservancies) that aren't mentioned.

Jack added that it would be good to explain what management means—this could be responsible party, public agency, private, etc. Troy responded that sometimes management is well defined; sometimes it's unclear.

Jack also added that in the second paragraph, which refers to lands owned by the Nature Conservancy or permanent conservation easements, etc., more clarification is needed.

Kenn Reiller noted that the list of agencies may not be entirely complete. Also, many have local cooperation agreements with the Corps of Engineers, and the federal program mandates flood protection in a way that maximizes collateral benefit. Federal dollars are associated with this—it's important to recognize state/federal roles and money here. FEMA and others recognize HCPs—there are funding opportunities and benefits. Kenn will leave all of this information with Ken and Ranu.

Jack pointed out that on pages 216-217, the study area acreage and urban development numbers don't add up.

Joan reminded group members that this is not their final chance to comment, but the comments on this draft will be incorporated between this meeting and the next. It would be helpful to catch errors and inconsistencies early.

Jan observed that he had thought comments would be consolidated and used as a basis for discussion. Troy replied that we'll see what works best—for now we'll gather all of the comments and reconcile them all at once. Ken Schreiber encouraged everyone to continue to send in comments in writing (Excel format). The comments will come back with the second draft.

Joan asked that if group members had particular comments they wanted to share with the group, it might be good to bring this into the discussion so that the answer can be shared with the larger group. She wants to avoid doing this for every comment since they may not all benefit from discussion in the large group setting. Joan will also call out any comments that multiple people are making.

IV. INTRODUCE AND DISCUSS CHAPTER 3 (PHYSICAL & BIOLOGICAL RESOURCES)

Troy noted that last month, the Chapter 3 version distributed was just the first section of the chapter, which outlines mapping methodology. Now the chapter in its entirety is available. It's a living document, so as things get changed, Jones & Stokes will bring new pages to be swapped out.

All of the tables in Chapter 3 have been revised—take the old versions and recycle; put in new versions.

All species accounts are now available—the remaining three are in this packet (first 32 were in last month's packet). Packets can be mailed to those who missed the June meeting.

Troy also noted that Chapter 3 deals with natural communities, land cover types, etc. As a lay reader, can you get your head around this? Do the maps make sense to you? It's important that this will be clear to the general public.

David Collier observed that the resolution on the printed copy is so coarse—is there a way to get access to the digital copy and provide some ground truth for small sections?

Troy replied that a substantial ground truthing effort already transpired—but certainly this information can be provided to stakeholders.

Ken Schreiber asked how to create a document like the HCP/NCCP that is clear to the reader 25 and more years from now since the institutional memory will not be available.

Troy also added that there will always be something a little smaller than our mapping unit. This is authorizing take for the permitting activities—but some activities (wetlands, etc) will still require additional permitting. Darryl also clarified that there will be processes down the line that will fill in some of those gaps.

Troy noted that as we move forward, this will be further developed—e.g., if you're doing this in a wetland, these things will have to happen. This may not show up at the level of impact analysis.

Pat explained that we're trying to figure out what we expect the impacts to be and the reserve system we'll need to mitigate these impacts. But we'll need to do an annual plan to monitor the takes, etc.—this is where the smaller-scale issues will get caught.

Kenn Reiller observed that on page 3-1 of the original draft—model structure and development methodology [3-20 of new draft]—habitat models use four criteria (slope steepness, ecoregion, etc.) We should keep this simple—the hydrology map is critical. We should include additional criteria in bullets for hydrology map.

Tim noted that implicit in adding this is that it needs to be re-reviewed as far as the relationship between those criteria.

Peter asked why we can't create the plan in such a way that it can be changed in ten years or so, rather than setting it in stone. Troy replied that we can always amend the plan. David Collier questioned this in light of the “no surprises” clause. Troy confirmed that the plan shouldn't be changed frequently, but if there were a drastic change in, say, climate, you'd have to revise it to make sense.

Ken Schreiber added that the plan will also have a strong monitoring and adaptive management section.

Tim asked if the funds for updating and monitoring this are really integrated into this plan. Pat replied that they are—this is required for the plan to go forward.

David Collier asked how this works legally. The partners may be disinclined to support the revision process—what if the environmental agencies want it changed, but the cities don't? Who decides?

Ken noted that in the grand scheme of things, the cost of the plan is a very small amount of money, compared to what it will cost to implement the plan. Will this process build in money to redo the whole plan at some point? No, probably not—but we likely won't get to this point. You'd do studies and modifications first.

Bob Rhode noted that several people have registered this concern, and requested the group receive a response. Brian also observed that David's point is basically correct as far as federal law—he's not sure on state law.

Kenn Reiller noted that adaptive management is all about scientific procedure. How good our model is will decide how good the plan is. There might be enough conservatism built into the model that any problems will be small—versus large-scale problems. This is a critical point—little problems are manageable, and we don't anticipate big problems. Maybe we need a little more discussion on why we should be confident. Jack added that to make this clear in 50 years, we need to get away from generalities and provide specific examples.

Jan brought up the burrowing owls and bank swallow. He wants to understand how these models are going to be used. The breeding habitat is the critical part—maybe we should just be looking at breeding records. We should be reflecting the specific breeding requirements, not just locations. All of the locations are secondary habitat, rather than primary habitat. He doesn't think the primary habitat designations are correct, however. Burrowing owls like low-lying land, yet the primary habitat on the maps is all high grassland. Burrowing owls are associated with brown squirrels and that might be an easier way to classify them.

Troy replied that the locations are likely correct, but not every burrowing owl that is seen is reported. Some of the habitat, though, is based on parameters—maybe we need to change that. Jan agreed that observational bias is a good point, but this may not be the case here—there have been surveys and all populations are at low elevations. Troy noted that the current survey statewide will also be included as the results become available.

Peter asked how we know which species are endangered and which aren't. Troy replied that each species account, near the beginning, lists the species status. Peter then asked how we know whether populations are or are not dropping or if this has been the status quo. Troy replied that to list a species as endangered or threatened, you have to document the past populations of the species pretty exhaustively, though this isn't necessarily comprehensive.

David Collier observed that there was some uncertainty in the land cover assessments—this is a pretty significant conversation. Everything else is fundamentally determined by these units. We need to be able to trust those, or at least know how much we can't trust them. In the interest of time, Joan recommended delaying this conversation until the next meeting since the group will continue the Chapter 3 discussion then.

Ken Schreiber also asked the group to remember that Chapter 3 and Appendix B are different, but related.

Troy noted that Chapter 3 is trying to capture the biological diversity of the study area in terms of what's there. Species accounts don't tell this story very nicely, but do go hand-in-hand. Similarly, models are based on Chapter 2—these things all come together in various ways.

There are 35 species, and the species accounts range in length—if group members want to read all of them, that's great, but they should feel free to focus on those in which they're especially interested or in which they have expertise. It would be great to get comments on the models and how they'll affect this process, however.

V. PROVIDE UPDATE ON MANAGEMENT TEAM ACTIVITIES

Ken Schreiber noted that the Management Team has quarterly extended meetings to take a look at big-picture issues. They've spent a lot of time talking about covered activities. What are the issues that might bring people out to a public meeting? They're going to try to identify them and bring them to the group for discussion.

The Management Team also discussed the potential role of State Parks. State Parks is interested in getting involved with the HCP/NCCP—but they have not had positive experiences in the past. They also tried to do one of their own, but had difficulties. This is an issue that will be talked about more—how can State Parks be involved, especially given that much of Coe Park is in the study area? The Liaison Group meeting in August will discuss this as well.

The Management Team will introduce the Liaison Group to draft chapters 1, 2, and 3. State regulations also require an independent science process. A workshop with this team occurred on July 6th and 7th—no staff

was present for the advisors discussion of substantive issues. The science advisors will produce a report that will be out in early October. The workshop seemed to go well.

Jan asked if a roster of the science team had been published. Ken Schreiber noted that it will be in the report. However, the group is not supposed to contact them, so it's not available yet.

Pat explained that the initial contract is an honorarium to do the initial review, but there's an option for the science advisors to come back and occasionally do presentations, so we may see them from time to time.

Kenn Reiller asked if the State Parks General Plan included in Chapter 3 like the cities' plans. Ken noted that the State Parks plan was very outdated, but that this was a possibility.

Karen noted that names and organizations for the stakeholders but not contact info will be posted on the website—people can include links to websites for organizations, though. The site will be posted in August for internal review. Constituents can review this as well.

VI. NEXT STEPS

The next stakeholder meeting will be held on Tuesday, August 22nd from 4:00 pm to 6:30 pm. Members were provided with hard copies of the materials that will be discussed during the August meeting. Those who were unable to attend and did not contact Joan in advance will need to download copies electronically from the MIG FTP site.

Members are also welcome at the Liaison Group meeting, to be held Thursday, August 24th at 2 pm.

ATTACHMENT: REVISED BROAD GOALS

BIOLOGICAL RESOURCES AND CONSERVATION

- ◆ Protect, enhance and restore ecosystem integrity and functionality for threatened and endangered species.
- ◆ Enhance the diversity of plant and animal communities.
- ◆ Conserve habitat and contribute to the recovery of species listed or likely to be listed within federal and state endangered species acts.

MULTI-PURPOSE AND BENEFIT PLAN

- ◆ Preserve and enhance watersheds to protect beneficial uses of water and provide flood protection for Santa Clara County.
- ◆ Provide appropriate levels of public access within habitat areas compatible with conservation goals.
- ◆ Facilitate economic growth compatible with approved local land-use plans.
- ◆ Preserve agricultural viability.
- ◆ Integrate the strategies of the Plan with public and private potential partners, wherever possible.
- ◆ Develop a Plan with wide spectrum implementation measures to attract multiple funding sources and an equitable allocation of costs among partners based upon relative benefit.
- ◆ Develop Plan strategies building upon the governmental capacities of all partners.

PUBLIC PARTICIPATION

- ◆ Provide an open public process in developing and implementing a Plan.

REGULATORY COMPLIANCE

- ◆ Provide a comprehensive, coordinated and standard mitigation and compensation plan so that public and private action will be governed equally and consistently, reducing delays, expenses and regulatory duplication.

EFFECTIVE AND EFFICIENT IMPLEMENTATION

- ◆ Provide a basis for Plan partners to obtain permits for public projects including an uninterrupted water supply, flood protection and watershed activities.
- ◆ Provide a basis for public and private to gain permit authorization through local agencies.
- ◆ Create an efficient monitoring plan that complements existing monitoring and adaptive management efforts of the partners.