

## SANTA CLARA VALLEY

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

*Stakeholder Group Meeting | August 28, 2007 | Morgan Hill Community & Cultural Center*

#### **IN ATTENDANCE:**

##### *Stakeholder Group Members:*

Jack Bohan (Representative of general public)

Kevin Bryant (California Native Plant Society)

David Collier (Sierra Club)

Justin Fields (Santa Clara County Cattlemen's Association)

Jan Hintermeister (Santa Clara County Parks and Recreation Commission)

Virginia Holtz (League of Women Voters)

Bob Power (Santa Clara Valley Audubon Society)

Kenn Reiller (Pajaro River Watershed Council)

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)

Kerry Williams (Coyote Housing Group)

#### **I. WELCOME AND INTRODUCTIONS**

Joan began the meeting and reminded stakeholders to send comments on Chapters 4, 5, and 6. She also noted that the first item on the agenda would be an update on Pacheco Creek issues and last month's stakeholder conversation about concerns regarding the dam. Joan reported that Craige Edgerton and Keith Anderson could not attend today's meeting.

#### **II. UPDATE ON SCHEDULE AND MANAGEMENT TEAM ACTIVITIES**

Pat Showalter updated the group on the Liaison Group discussion regarding Pacheco Dam and Pacheco Reservoir. There are two concerns that relate to the HCP: a new reservoir as a covered activity and the concerns around reoperating Pacheco Dam and its effect on fish migration. There will be a report back to elected officials at the October 18<sup>th</sup> meeting.

Kenn Reiller asked about the effect on the steelhead population near the dam. Jerry responded that most steelhead are found downstream from the dam. The upstream area is drier; there is some use, but not as much. The habitat is designated as "steelhead, upper extent unknown." North Fork goes up into Henry Coe, but is very dry. South Fork is also quite dry and is a mirror image.

Pat noted that the window of opportunity for making decisions regarding Pacheco Dam is relatively short, and everyone involved knows that there is a need to move quickly on these decisions. There are many options, including working with the Pacheco Pass Water District to extend the release of water and continue a gradual release until the rains come—so it might be a slower release over the entire period, rather than sporadic releases for irrigation.

Jonathan Ambrose of Fish and Wildlife is the NMFS liaison to the process. Discussion of Pacheco Creek also offers the best opportunity to keep NMFS involved in the HCP process. Decisions regarding the dam are extremely important for the viability of steelhead in the area. NMFS grants permits for steelhead and Chinook, so if they're not participating, there will be no permits for take, which means that any project on the Uvas or Llagas is on its own for permitting.

### III. REPORT ON LIAISON GROUP MEETING AND PROJECT SCHEDULE THROUGH 2007

The Liaison Group concurred with the staff recommendation to move the distribution of materials to the elected agencies from November to January. This may also affect meeting schedules for the stakeholder group.

#### *Meeting Schedule:*

- December 11<sup>th</sup> stakeholder meeting (instead of 4<sup>th</sup> Tuesday)
- January proposed date is January 8<sup>th</sup>

Joan asked the group whether they felt that there would be enough time between December 11<sup>th</sup> and January 8<sup>th</sup> to review all materials. She also reminded the group that, in the past, extended meetings have worked well.

Joan also asked the group whether they wanted to form a subgroup to deal with adaptive management.

Lloyd asked how the document integrates into an enforcement document. What is the policy direction of this document, and how is it implemented? When will these discussions happen? Kevin advocated for more time—he felt that sometimes there isn't time to get into valuable discussions.

Kenn Reiller would like to integrate elements like funding discussions into the process along the way. Possibly this is a role for a subcommittee. Kerry is concerned that there are meaty discussions scheduled in the middle of the holidays, which could be a concern.

David Collier would like to adapt the format for some topics to have a more engaged discussion, rather than providing feedback independently. Virginia wondered if the timing of the meeting was related to the January report to the elected officials.

Ken Schreiber noted that while the process is not yet off schedule significantly, there is a concern about sticking to the timeframes and budgets as much as possible.

David Zippin noted that while there are alternatives on the table to consider for funding, the final plan will be a combination of these. He would like to come back to the Stakeholder Group, wildlife agencies, and partners in the next few months with a more refined, blended alternative. There will be more information to inform decisions.

The proposed January meeting is in place of, not in addition to, the currently scheduled meeting.

Virginia asked for clarification on when things go to the Liaison or Management Groups. Carolyn asked when group members would weigh in on key issues. This will happen at the December and January meetings.

### III. GROUP DISCUSSION

David Zippin of Jones & Stokes presented on a number of key issues, including:

- Comments on impacts;
- Criteria for baseline data;
- Valley floor wildlife connection;
- General agricultural issues; and
- Plan for addressing adaptive management and monitoring issues.

#### *Impacts*

The group noted that the HCP should be about more than just mitigating for the impacts; it must also be covering the restoration of these areas or species. Kenn Reiller wondered about the feasibility of hardscape measurement—is acres an appropriate way to measure, for instance, stream impact?

Jan wondered about overwintering habitat and breeding habitat.

David Collier had a number of questions:

- He thought he understood the approach to mitigation enhancement. But page 4-17 notes that enhancement will be based on impact, but there may be surveys and assessments of impact during buildup.
- What, specifically, will be assessed, and what will be determined from that? This is critical to the plan implementation.
- He wishes he had an estimated cumulative impacts on species habitat and known occurrences—this would be useful. David Zippin says not yet—this may still be in the works. He would want to know the model habitat and impacts on it.

Kevin is concerned about the conversion and loss of serpentine habitat. Much of the plan is dependent on this. This seems like a huge amount of loss. Can we talk about this as a group and determine whether there's a way to prevent this?

Specific examples of models would be helpful—for instance, people associate specific notions with “rural development.” Can we provide an example to define what is and isn't covered in these definitions?

What if there are no endangered species—will the developer still pay a fee? Yes, probably.

What if there are species on a small part of the parcel? The assumption is that the whole parcel is lost, for urban development, so the fee would be charged on the whole parcel.

How does this compare to today? For instance, can a developer send a surveyor out and determine that protected species are absent, and then proceed? Not necessarily, since the presence of species may or may not indicate whether the species is there in the future.

What about rural residential? Rural development is a large category—anything from an estate home on a large property to other forms of development. Right now, the plan doesn't require people to survey—it just assumes that the species are there at some point. It seems like the HCP will make things more complicated for some developers. Yes, this is true—but for others, it will be much simpler.

One option might be to require land dedication in exchange for building. A more likely option is that there will be options—they can pay a fee or dedicate land in perpetuity instead of paying the fee. Ken Schreiber noted that Jack had raised a key concept.

The estimate of 6,500 acres seems low. For rural, there's going to be growth, and pressure to develop. It's easier to predict urban growth because it's typically covered by General Plans.

David Zippin recommended tabling the discussion of baseline criteria and wildlife connectivity in the interest of time.

### ***General Agricultural Issues***

David Zippin discussed neighboring landowner agreements and explained the opt-in program and why it was being included.

### **Neighboring Landowner Assurances Program**

- Take coverage for lands actively used for agricultural and ranching
- Take coverage provided within one mile of resources
- Take coverage provided for all species, but effects expected only for seven species
- Take not covered for species present before reserve established.
- Opt-in

Lloyd suggested that the County help with tasks such as moving sedimentation. A change in the culture could help this—even if it doesn't meet all of the technical needs.

Jan was interested in getting more detail on how other HCPs have handled programs such as this. He felt that this program only seems to have a downside—there's no historic information, so how do you establish a baseline? David suggested that perhaps biologists can help to determine this baseline.

Justin noted that in his area, they have elk, and have had problems as the population has grown. While they would value the elk, they cause a lot of problems—can they really be used for grazing if they break fences? Who's liable for this?

Kenn Reiller felt that the issue of stream habitat and E. coli is a mess—it does not seem to be making any headway. While it's not in Santa Clara County, the Central Coast is certainly a key area, and it seems that we should be considering it. Is it an advantage or a disadvantage? Someone from Fish and Game should speak to this so that we can determine whether or not it's an issue in the study area. Virginia advocated considering this so that it doesn't inadvertently kill protected species.

Justin noted that in reference to stock ponds, stock ponds are specifically connected to active grazing—one is unlikely to exist without the other, so we need to reflect that in the plan language.

David Collier asked what the document meant when it discusses, on page 4-19, permitting. Does this refer to building permits, or General Plan designations, or something else?

There's a lot of money being spent right now to understand the critical water issues across the three counties. The pumping patterns are out of sync with the habitat models. It will be critical to emphasize this in order to ensure that groundwater management supports habitat protection.

## V. PUBLIC COMMENTS AND NEXT STEPS

Joan thanked the group and reminded members that the next meeting would be at an alternate time to accommodate the September public meeting.

The next meeting will be on **Wednesday, September 26, from 4 pm to 6:00 pm**, and will be followed by the public meeting from 7 – 9 pm. Dinner will be provided for stakeholders who are attending the evening meeting between the two events.