

## SANTA CLARA VALLEY

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

*Stakeholder Group Meeting | November 27, 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)

Craige Edgerton (Silicon Valley Land Conservancy)

Justin Fields (Santa Clara County Cattlemen's Association)

Virginia Holtz (League of Women Voters)

Rick Hopkins (Home Builders Association of Northern California)

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)

#### **I. WELCOME, INTRODUCTIONS & PROCESS UPDATE**

Joan welcomed the group and acknowledged the group's second anniversary. Visitors and stakeholders introduced themselves.

Ken Schreiber updated the group on some of the discussions and "tweaking" of various issues like covered activities, the permit term, conditions and best management practices, and preferred conservation strategy options and noted when the issues would return to the stakeholder group. Financing and cost will also return to the agenda early next year. The project team would also like to provide the elected bodies with some information on potential implementing entities, a topic on today's agenda. November, December, and January will be critical months for stakeholder discussions.

Virginia noted that she would not be able to attend the December meeting, and asked for a straw poll on how many stakeholders would be able to attend. Most stakeholders were able to attend.

Jack asked whether a final report in February of 2009 was still realistic. No, right now it looks like the public review draft EIR/EIS would be out in early 2009, while the final version would be available in late summer 2009. The plan would likely not be adopted until late 2009, since a four-month review period is built into the schedule to accommodate all of the public agencies and elected bodies that will need to review the document.

#### **II. DISCUSSION OF EMERGING CONSERVATION STRATEGY**

David Zippin introduced metrics that could be used in addition to the existing metrics to weigh the success of the conservation strategy.

David Collier asked whether lands in the park system that might have additional HCP maintenance were considered part of the reserve system. No, unless noted. Where it says "reserve system" it refers only to areas that are explicitly within the reserve system.

Virginia asked for better clarification of where the distinctions between the alternatives are significant. For instance, if the spread is small, does it matter? David Zippin responded that the numbers were primarily

intended to be a ranking of sorts—in many cases, the difference is not significant. Kenn Reiller asked how changes in the value of the dollar and interest rates would be factored in. There is a methodology for this, although all values are in 2007 dollars. It is assumed that both land values and operation costs will increase over time, though.

One stakeholder asked how Jones & Stokes arrived at these numbers. For many metrics, there are multiple ways of calculating the numbers. Some were calculated based on standard practices in the field, while others are specifically based on assumptions about how this HCP will function. There is no standard list for metrics of this type, so David Zippin devised this to try to get at these concerns. Jerry Smith noted some concerns about measuring water protection, since in some areas you can protect large amounts, but have little effect on fish communities because the waters are upstream. For other species, however, that protection might be very beneficial.

David Collier asked how much the metrics might change if they also considered actions on land in existing parks. David Zippin noted that any actions on existing protected lands would not be considered protection—they are already protected. So as far as measuring protection, the metrics only consider new land acquisition. However, actions on protected lands will be factored into costs.

David Zippin reviewed the conservation focus areas. Several stakeholders raised questions about how CDF fights fires and how an MOU with them might benefit the reserves. Parts of the parks where the HCP entity is involved in maintenance would also fall under this agreement.

The HCP is considering budgeting for contract fire equipment and crews in order to do controlled burns in an appropriate manner.

The Plan is likely to allocate \$500,000 on a feasibility study to explore wildlife connectivity and an additional \$1.5 million in seed money to be used to improve connectivity.

Ken Schreiber also noted that Dave Johnson of Fish and Game reports that they know much too little about wildlife movement to make specific recommendations on appropriate mitigation measures, such that they are not confident that the recommended mitigations for the Coyote Valley Specific Plan are still appropriate. Thus, it seems prudent to spend money first on studying the issue and to provide seed money. Three connection areas would be the focus of the wildlife connectivity study and subsequent actions: a mid-Coyote Valley crossing somewhere in the area from north of to south of the Coyote Valley Specific Plan; Pacheco Creek Watershed/Highway 152 including the area from the eastern County boundary to the area from Coe Park to San Felipe Lake; and the South County/Pajaro Watershed connection between the hills on the eastern and western sides of the Valley.

One stakeholder asked how other plans have dealt with wildlife connectivity. East Contra Costa County deals with it similarly, primarily focusing on connecting existing protected areas. However, in Southern California, some HCPs have modified roadways or otherwise protected connectivity in creative ways, and there may be something to learn from this.

Jerry added details about aquatic versus terrestrial environments, and noted that some interventions could support steelhead—for instance, you can create an open canopy or place boulders alongside to create fast water pockets.

A visitor asked whether the plan might consider pulling trees over to create an open canopy, rather than girdling them to kill them. Generally letting dead trees remain standing and then falling naturally is a better biological option than cutting live trees to fall into or along a creek.

Jack asked about the High Speed Rail Authority and their preference for Pacheco Pass—how will this affect the reserves? This will change cumulative effects but the High Speed Rail project is not a covered activity and thus will, when and if the time comes, need separate endangered species permits.

One stakeholder asked whether the plan could have a different alternative for different areas, or whether a single alternative needed to be selected. David Zippin noted that the next draft will have a preferred alternative, which will be drawn from elements of the three alternatives proposed in Draft Chapter 5. The idea is that the information on three draft alternatives will be removed and replaced with one preferred conservation alternative. A number of stakeholders lauded this, observing that they hadn't realized that this was the case.

### III. DISCUSSION OF CRITERIA FOR PLAN IMPLEMENTING ENTITY AND ORGANIZATIONAL OPTIONS

Ken Schreiber introduced the many options for implementing entities. Ken asked for some feedback on what stakeholders have experienced with other groups.

Ken reviewed the criteria:

1. Legal authority
2. Control and accountability
3. Efficiency
4. Capacity and Capability
5. Revenue Generation & Management
6. Stability and Durability
7. Focus
8. Credibility
9. Timing

Jack observed that the Liaison Group did not seem especially interested in creating another government agency, which might leave existing agencies.

Ken asked how comfortable the group would be with the Water District or Santa Clara County as the implementing entity. Ken clarified that things such as a joint-powers agency have not been ruled out, but there were some concerns within the Liaison Group about creating new bureaucracy. Some members felt that there could be a better use of existing resources by using an existing agency.

Some stakeholders were concerned that the two suggested agencies had other goals that might cloud implementation of the HCP. A group like the Open Space Authority could potentially be the managing agency, but could not serve as the implementing agency itself. However, if management is contracted out, it doesn't seem that the creation of a new implementing agency would actually create much new bureaucracy. David Zippin noted that the financial forecast calls for a staff of sixteen.

Lloyd felt this could be a procedural question—for instance, a joint powers authority could delegate much of the work to the Open Space Authority. However, there is not a strong history of local entities working well together, and there may be some important policy decisions for the implementing entity to make.

Rick suggested creating a matrix of what actually needs to occur and who would need to be involved in that decision or project. It may be easier to lay this out first and examine this to see what the best implementation plan would be. Right now, it's very difficult to know what a board would do, what a partner would do, who might manage the land, etc.

Carolyn would feel more comfortable with an implementing entity dedicated to working specifically on the HCP. Virginia is concerned about a joint powers authority created from the original partners. Because these are elected officials, they will come and go—and there needs to be more stability on a board of this type. David Collier has a number of objections to existing agencies taking over including lack of focus, political conflicts of interest, and more. While a joint powers authority sounds attractive if much of the work is contracted out, he would like to know more about how this functions as a legal entity under the state. He is also concerned that there is no way, with a staff of sixteen, to hire enough scientific expertise. Possibly there could be a group of on-call science advisors. David Zippin agreed, noting that this was the plan.

Rick supported having a separate agency, since he feels it improves accountability. For him, however, it is not a concern that board members—including elected officials—may come and go, as long as the staff is stable and consistent.

Jack wondered if this would be a separate public entity with the authority to pass policy and regulations. No, this is not the intent—the agency would simply carry out the goals of the plan, while jurisdictional powers would remain with the local entities. Jack also wondered how the right of appeal might factor into this.

Kenn Reiller asked about San Joaquin County and how that plan is implemented. In that case, there was a preexisting inter-jurisdictional organization that managed the plan. However, there was a steep learning curve for them because their sole mission was not to manage the plan.

#### IV. DISCUSSION OF COMMENTS FROM CHAPTERS 4, 5, AND 6

David Collier acknowledged Keith's comments on Uvas and some discrepancies between the goals and actions—is the intent to change these actions? Yes.

Kenn Reiller brought up the issue of the Highway 101 widening project in Gilroy. What is the role of a project like this in the conservation strategy? What is the nexus between that project and the HCP conservation strategy? We need to determine how Caltrans and other external agencies factor into the HCP. Kenn will prepare comments on the project for the November 30<sup>th</sup> deadline—will he be the only one? This project is complicated—it is officially a covered activity, but because there was uncertainty about its timeline when the HCP process began, it is also flagged as an interim activity. It will likely get a great deal of attention from the wildlife agencies, and may end up getting its permits through the HCP. Interim projects cannot preclude the conservation strategies. In the past, this was hard to put into action since the conservation strategy had not crystallized. However, now that the conservation strategy is more cogent, it is easier to tell where an interim activity might preclude a conservation action.

#### V. PUBLIC COMMENTS AND NEXT STEPS

Joan asked that those members who attended the HCP/NCCP Conference on November 14<sup>th</sup> share some of their thoughts on the event. One stakeholder noted that, although he sometimes feels that the planning process is moving too quickly, he was glad to hear from others there that it is important not to move too slowly, too—at the end of the day, a sound plan in place is usually better than no plan. Virginia also observed that she attended both last year and this year, and felt that, as a non-scientist, she understood what was being discussed much better this year than last thanks to her participation in the group and the progress that is being made.

Ken thanked all of the stakeholders who did attend the annual event.

One stakeholder asked whether the plan could include different permit terms for different permits. Yes, this is a possibility, though it isn't the preferred option.

The next meeting will be **Tuesday, December 11, 2007** at the usual time.