

SANTA CLARA VALLEY
HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN
Stakeholder Group Meeting | December 2, 2008 | Morgan Hill Community & Cultural Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (General Public)
Nancy Bernardi (Guadalupe-Coyote Resource Conservation District)
Jack Bohan (General Public)
David Collier (Sierra Club)
Craig Edgerton (Silicon Valley Land Conservancy)
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)
Virginia Holtz (League of Women Voters)
Rick Hopkins (Home Builders Association of Northern California)
Susan Mineta (Shapell Homes)
Kenn Reiller (Pajaro Watershed Council)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Carolyn Tognetti (Save Open Space Gilroy)
Lloyd Wagstaff (The Nature Conservancy)

Jeff Martin, Craig Edgerton, and Bob Power were excused from today's meeting.

I. WELCOME AND INTRODUCTIONS

Joan welcomed the group and noted that we have received comments from Wildlife Agencies who have been very active participants in plan development. She explained that the purpose of today's meeting is to review and discuss the comments. Ken Schreiber will then walk through the Wildlife Agency comments. He will then give us an update on the schedule for continuing to work through outstanding issues identified by the Wildlife Agencies. In January we will resume our regular meeting schedule, meeting on January 27, the 4th Tuesday of the month.

II. UPDATE ON PLAN PROCESS

Ken Schreiber shared that we have received two letters from the Wildlife Agencies plus an additional list of items that they feel need to be addressed in plan revisions. Ken provided a "score card" to help stakeholders track the discussion related to Wildlife Agency comments. Wildlife Agencies have communicated their commitment to this HCP process and the priority that this plan has in Northern California. Ken's goal is to minimize issues that surface as part of the second administrative draft by significantly narrowing the issues still at play at this stage. The fact that the Wildlife Agencies have taken the time and energy to provide this level of comment and feedback related to the first administrative draft is greatly appreciated. Ken noted the continuing, good working relationship that exists with the Wildlife Agencies.

Several of the comments fall into the category of wording, plan format, and needed clarification. Many are substantive policy issues, as well. We will continue to use a variety of meeting formats with the Wildlife Agencies to discuss these issues. We have established a series of meetings at Mare Island and a series of meetings with senior Wildlife Agency management staff, the first of which will take place on December 11th. We are holding two or three meetings a month for four or five hours at a time. Additional meetings include internal meetings with staff. The meeting schedule is as follows:

- November 12th---Mare Island
- November 21---senior meeting in Sacramento
- December 10---Mare Island
- December 11---senior meeting at NMFS in Santa Rosa
- January 8---senior meeting in Sacramento
- January 14---Mare Island
- February 11---Mare Island
- February 19---Liaison Group meeting (probable senior meeting prior to the LG meeting)
- February 27---senior meeting in Sacramento
- March 11---Mare Island
- March 17---senior meeting in Sacramento

The most recent project schedule, distributed on October 16, indicated the second administrative draft would be released in January or February, and the official public draft in April or May 2009. If this schedule does slide, it will be to resolve outstanding issues prior to release of the second administrative draft.

Ken then asked the group if they had any questions related to the project schedule moving forward. Virginia Holtz asked, if we don't come to a meeting of the minds on a given issue do the Wildlife Agencies have the final say? Ken and David noted that the plan can't proceed without the approval of the Wildlife Agencies. The goal of continuing according to schedule is that if we do still have fundamental disagreements, then we can use the February Liaison Group meeting to bring higher-level agency officials into the process. Ultimately, we do have to satisfy the Agencies but there are things we can do to scale back the plan to reach agreement and gain approval.

Keith Anderson asked, is it possible to produce a plan that doesn't have 100% Agency approval and that would allow for, say, 80% take authorization? According to David, this is possible but it is more likely that we would scale back the plan. One possible outcome might be that we come up with a plan that receives 100% approval from the State and less from the Federal government, or vice versa.

III. DISCUSS COMMENTS ON DRAFT PLAN RECEIVED FROM WILDLIFE AGENCIES

Aquatic and Riparian Conservation Strategy

David Zippin began walking the group through Wildlife Agency comments, beginning with their feedback related to the plan's aquatic conservation strategy. He used the most recent memorandum prepared for the Liaison Group as a reference document. He expects to receive the Wildlife Agency's aquatic conservation strategy next week (Dec. 11). David Collier asked if the Agencies provided any detail related to their particular concerns, and David said that they have not. Keith

Anderson noted that the focus of the concern happens to be the South-Central California Coast steelhead and that they may receive something that is South County-oriented. David agreed that this may likely be the case.

To clarify, David stated that we have only provided written response to the first set of Agency comments. In summary, our response to concerns related to the aquatic conservation strategy is that our strategy does adequately protect steelhead and that we have spent a lot of time designing this strategy to ensure that it does.

One concern noted by a stakeholder is that the Uvas Creek working group results have not been vetted by the Water District, which essentially means that the Wildlife Agencies are trying to evaluate a policy that hasn't been vetted publicly. However, one of the Agency staff members providing comments is part of the Uvas Creek working group, which indicates that they are aware of the issues involved.

Ken provided a brief discussion of riparian setbacks, noting the long history of difficulty in deciding how to regulate the use of land along creeks. The plan will need to address not just what occurs in-stream, but also what occurs along the creek in the riparian corridor. There has been a committee that has met about 10 times to wrestle with this issue, and there is a Friday meeting scheduled to see if there is a conclusion. The Agencies are not a part of this by design so that local partners can become comfortable with the riparian setback strategy, which addresses a wide diversity of land. Clearly, this will become an important part of the habitat plan and we are very close to coming out of this process.

Pacheco Reservoir Expansion

Discussion then proceeded to the Pacheco Reservoir Expansion. David noted that this is the largest covered Water District activity under the plan. Wildlife Agencies concluded that this should not be covered for five reasons. We have disputed four of these five. This issue is complicated because it is closely related to our ability to provide future protection for steelhead. Without control over this activity or this facility, we are limited in our ability to protect steelhead in the future and we would have to scale back our conservation strategy. One component of our strategy is directly related to this activity, and there will be significant changes to the plan if this is removed. From a species perspective, there are clear benefits to covering this.

Pat Showalter added that we are planning to discuss this issue with the Wildlife Agencies on January 8th and that this is a very important project to the District from a water supply flexibility point of view. This project is also important to solving the low point issue at the San Luis Reservoir. The District disagrees that this project could harm Delta species because it would not change the amount of Delta water that it can import. There is no expectation that long-standing water contracts will increase for a very long time, if ever. However, honest disagreements do exist here and we haven't had opportunity to sit down with Wildlife Agencies to discuss. The District looks forward to doing so on January 8.

Jerry Smith noted that San Luis Reservoir low point water supplies the North County and that imported water doesn't go to the South County unless they schedule releases. Imported water goes to the Anderson-Coyote system and Uvas is operating on its own.

Lloyd Wagstaff asked, is there a point when this issue simply dies? If so, at what point? David thinks that this issue needs to be resolved no later than January. He doesn't want to release another

document that includes this project if the project's inclusion is counter to Agency opinion. If we can't resolve this issue in January, then the Water District needs to seriously consider its options.

Keith Anderson noted that the administrative draft identifies mitigation for impacts on terrestrial species, but does not include an actual commitment to operate the reservoir to benefit downstream steelhead. Over the course of plan development, he frequently hears in discussion that scheduling flow releases to benefit steelhead is the great benefit of a larger reservoir, but nothing explicit in the draft commits partners to doing that. In his opinion, this is a fatal flaw and deficiency in the plan in the context of partners wanting this as a covered activity.

Pat and David asserted that discussion of flow releases from the expanded reservoir may be in Chapter 2, and David agrees that it should be made explicit as part of the conservation strategy. Keith stated that another deficiency is that we have no estimate or outline of a water release strategy to benefit steelhead. Even if it is presented in the plan as one option of several, he believes that this would help.

Virginia requested clarification regarding Pacheco Reservoir. What is the purpose of the expansion? Pat said that the District has existing contracts for a certain amount of water that are not expected to increase, but the expansion would change where the water enters the county. This would give us operational flexibility but it would not give us more water. Virginia also asked, is part of the discussion about the release of water from Pacheco that not doing so is deterring steelhead from thriving downstream? Or is this a mis-statement? Pat noted that there is a small downstream reservoir that does not currently release flows to support steelhead.

SCVWD Director Sanchez, who was in attendance, noted that the Water District is in process of drafting a memorandum related to this issue, and that it has been dealing with this for quite a while. There is no new information at this point until the District conducts feasibility studies, which will take some time.

Virginia then asked for clarification regarding the definitions of reservoir reoperation and reservoir expansion. Pat responded that reservoir expansion is a covered activity in this plan draft. Another issue is reoperation of the existing Pacheco Reservoir, and where this is placed in the plan is quite different. Reoperation relates to how the Pacheco Pass Water District control releases – i.e. open and close valves - and at what rate.

Rick Hopkins then asked Pat what she thought was the probability of success at having the reservoir expansion approved as a covered activity? Pat stated that she does not want to speculate at this point. He then asked, how important is this expansion to the District? Pat replied that this is important in that it represents one of the future water supplies. However, there is a need to deal with the interests of the other water agencies.

Kenn Reiller then commented on the subject of flood control and asked Pat if she thought that the scope of planning for reservoir expansion is significant enough to build flood protection into the scope of work. The Pajaro River Flood Control Authority -- a JPA responsible for regional flood protection planning for all four counties -- recently concluded that a reasonable flood control plan could be accomplished in three or four different ways. One option was to expand Pacheco Reservoir to provide flood protection. At the same time, resource agencies have stated that they want to look at things at a watershed scale. Pat stated that at this point the District is very early in the planning process and that the scope very well could include flood control.

Keith asked that if the preferred solution to the San Luis Reservoir low-point problem is putting in a large reservoir, isn't including this project as a covered activity a high priority for the District? Pat affirmed that including the expansion as a covered activity is the vehicle for endangered species permits. Keith then asked, if you put in an enlarged reservoir, would you file for water rights for the remaining runoff from the reservoir basin? Pat stated that she is sure the District would do so. Keith noted that if this is the case, District operations are linked to steelhead downstream. Currently, there are years when the existing reservoir fills and spills, which is good for steelhead. This would not necessarily happen if the new reservoir provides opportunity to capture all runoff because spills would not occur. Therefore, if the District is going to build an enlarged reservoir and plans to ask for more water rights, then it has an obligation to steelhead. This means that there may be conditions placed on the future water rights of the District.

Ken then discussed the three options related to Pacheco Reservoir. The first option is to include expansion as a covered activity and receiving an endangered species permit as part of plan. This option was the starting point for discussion. FWS' concern is that any reservoir would need a Section 7 process through the BLM, and stated that FWS can't issue a permit because doing so would mean that it was prejudging a future decision.

The second option is to include the expansion as a covered activity without receiving a permit, which would come later in the Reservoir planning process, but tying the Pacheco Reservoir Expansion conservation strategy into the implementing agreement creating a commitment to use the conservation strategy in the habitat plan unless there were unforeseen changes.

The third option is not to discuss reservoir expansion in the plan, based on an understanding that the project is so speculative that it should simply not be noted as part of the plan in any way, shape, or form.

The Wildlife Agencies initially indicated a preference for the second option, but now we seem to be back and forth between options two and three. The January 8 meeting is very important for this reason. Fundamental differences remain here and we cannot forecast where we will end up on this issue. However, resolving this issue before release of the second administrative draft is critical.

Lloyd noted that the second option is very similar to how the HCP addresses other projects. Ken and David agreed.

Pacheco Reservoir Reoperation

Pat then provided background related to re-operation of the Pacheco Reservoir. Pacheco Reservoir is owned by the Pacheco Pass Water District. With a storage capacity of 6,000 acre-feet, the reservoir is relatively small and is operated for irrigation purposes. Several people have brought forward the idea of operating the reservoir differently – i.e. scheduling a slower release – which would create a reach of stream that could provide habitat for steelhead spawning and rearing year-round. There is keen interest on the part of the three water districts in investigating the feasibility of doing this. However, obstacles to changing reservoir operations remain. First, none of the local plan partners own this reservoir. Secondly, questions exist about the permeability of the stream bed downstream, about how much water it would take to provide a reasonable habitat reach, and whether there is enough water to do that.

In addition to these technical questions, the Water District is very concerned that because partners do not own the reservoir, and therefore do not have authority over operations, it seems difficult to

be required to re-operate it. The District is working to investigate the possibility of reoperation, but lack of ownership is a significant reality.

Rick Hopkins asked, who purchases current reservoir water? Jerry and Pat noted that water is used by agricultural users in San Benito County and Santa Clara County, and that water demand is downstream of Casa de Fruta and Walnut Avenue.

Keith then requested comment from David. Given the reality of ownership, why is reservoir re-operation on the issues list? David said that the Agencies have been very interested in this for a while and are interested in improving operations for habitat. However, he does not believe that it is reasonable to do so within the timeframe of this plan. Agencies see one robust steelhead run on Uvas Creek and their desire is to produce another population as an insurance policy against regional extinction. Keith noted that the plan states that having two runs in the system is important to the conservation strategy for this species. Authorization for steelhead is at risk in this plan because of this one activity.

David stated that the plan includes extensive activities on Uvas and its tributaries, and he believes that these actions more than offset impacts in the watershed. There are no covered activities proposed in Pacheco watershed except the reservoir. The action that the Wildlife Agencies are interested in is far more a recovery action that offset impacts, so we disagree that not putting this in the plan precludes us from meeting requirements.

David then commented that the plan team will face the choice of either pushing back on this issue at the risk of not having the plan be adopted, or dropping steelhead from plan. If we drop steelhead, we have to drop fish conservation activities in South County.

Keith voiced that he feels strongly that this is an important issue. David stated that though reservoir re-operation is an excellent long-term goal, it is not feasible at this point and it is not required to meet plan standards. Pat noted that feasibility is unknown, which is why studies are needed. The problem is that these studies will not be completed in time to make this part of the plan.

According to Jerry, the general recommendation made by plan science advisors is to build redundancy into all conservation actions. For the Pajaro system, we are looking for a second system to work. There are plans to change operations of Uvas Reservoir on Uvas Creek. At the same time, the watershed is being built out. The creek may remain our best chance in South County for steelhead, but build-out puts the creek at risk. Pacheco Creek is the second best place for steelhead. Llavas is not a good possibility for a variety of reasons. The feasibility issue is that while re-operation would provide opportunity for biological improvements, no one involved in the HCP is involved in reservoir operation.

Further, there are two biological issues tied into operation of the reservoir, only one of which is tied to the HCP (and that is steelhead). The second issue is that sycamores are dying in Pacheco Creek corridor. Corralitas Creek is a second potential redundant system but it is completely separate from the HCP process.

Ken suggested that the group may need to find other comparable conservation measures that partners would be willing to take. Despite the fact that it is not located within the plan area, perhaps this is Corralitas Creek. Jerry said that he is not sure what you could actually do to improve conditions along Corralitas. One potential additional way to create redundancy may be to go upstream.

Rick noted that the Pacheco reservoir re-operation issue is really one of recovery, while Uvas Reservoir re-operation is about creating appropriate conditions for take authorization. David noted that partners are obligated to contribute to recovery under the NHCPP, and we are doing so with Uvas.

One stakeholder asked, can we leave both issues out and perhaps amend the plan once we know the results of all discussion? David responded that leaving these issues out of the plan would result in the National Marine Fisheries Service (NMFS) “going away” from the Habitat Plan in South Santa Clara County. At the same time, NMFS is struggling with staffing and it may make sense to come back to the issue after a few years and once they are equipped to review this.

David Collier noted that it seems that a possible way to approach the argument may be to indicate whether reservoir re-operation is mitigation or recovery.

Uvas Dam Steelhead Passage

At that point, discussion transitioned into Uvas Dam passage for steelhead. This is an issue brought forward by the NMFS reiterating that they sent a letter to the Water District in April requesting a feasibility study regarding fish passage. This request is tied to a very old MOU. Pat noted that she hopes this study will be fairly straight forward and mentioned that the working group that Jerry and Keith Anderson have been a part of is directly related to this request. The study may be largely a formality, but it is a commitment that the Water District is moving forward on.

Jerry clarified that this is in fact the issue that triggered creation of the working group. Following a meeting on sight, the feasibility of fish passage at Uvas Dam was strongly questioned, which led to establishment of a working group focused on dam reoperation. Now we have to return to fish passage. The situation is difficult because the MOU dealt with getting adults upstream, but questions remain about how to get the smolts downstream. The importance of the feasibility study is to look at both parts. Trapping and trucking juvenile fish may be an option, but it is also nearly five times as expensive as trapping and trucking adults.

Kenn expressed that there are many property owners along Uvas and Chesbro Reservoir that would be interested in attending the working group. Pat will follow up with Kenn offline and will provide Joan with any information regarding future meetings that may be open to public or community participation. Joan will then share any information she receives with the stakeholder group.

Keith asked if there is potential interest in reintroducing steelhead upstream of Uvas as an alternative to reoperation of Pacheco Reservoir, rather than looking at Uvas as second significant steelhead habitat. David replied that this hasn't yet been discussed but noted that Keith characterized this possibility well.

Land Acquisition Strategy

The Wildlife Agencies have also expressed concern regarding feasibility of the land acquisition strategy. These concerns have been narrowed to key points. The first is that while the plan land acquisition strategy is quite specific, the Agencies are concerned that the plan is not specific in terms of where rural development might occur, and that it might therefore occur in areas we wish to

conserve, impeding the ability to implement the Reserve System. The second point is that impacts predicted to the Bay checkerspot butterfly would be important to note in the plan.

After several discussions, we have come to agreement on how to approach these issues. First, we will add a few new sections with existing land use policies that we believe will minimize the risks that the Agencies are concerned about. Second, we can provide greater assurances regarding Bay checkerspot butterflies by changing an error that is part of the first admin draft found in Table 4.2. We will propose a cap smaller than what exists in the first administrative draft regarding impact to the Serpentine soil that is essential for the butterfly. We can also provide more detail about where we anticipate these impacts occurring. With these additions we believe we will address agency concerns regarding the conservation strategy.

David Collier asked, will clustering and setting aside land protect all species? Wouldn't this still put development inside reserves? He expressed particular concern regarding larger, migratory animals that might be scared off from using the corridor by nearby development (lights, etc.).

The majority of corridors will be located on larger parcels, which means that there will be limited impact from one home or one cluster of homes. Secondly, we will be actively pursuing acquisition in areas of high conservation priority. The expectation is that we would purchase lands before these development proposals are conceived. The Implementing Entity will target areas under particular threat of development. Of course, it is important to acknowledge that there will be some level of rural development. However, we shouldn't conclude that this will negatively impact conservation efforts. Part of the evaluation process is the County's evaluation of rural development applications, and they will not want to jeopardize their permits.

David Collier asked, do we want to put priority on acquisition of corridors? David Zippin replied that yes, we do. Though some are very narrow, others are much wider and provide more flexibility in achieving biological goals.

Carolyn Tognetti then asked, based on the comment about relying on County policies in our answer this issue, are there a lot of existing 5 acre and 2.5 acre parcels that play right into the middle of the Reserve System? David noted that we have avoided areas that have already been subdivided that much because we cannot afford to purchase smaller parcels.

At that point, Joan noted the remaining time in the meeting and requested that David, Ken and the stakeholders identify which remaining issues they wanted to discuss, to make sure that the group had the opportunity to talk about the issues most important to them in the time remaining.

Levee Reconstruction

According to David, most levees in the study area are Army Corps of Engineers (ACE) levees, and there is a separate process underway in Sacramento between FWS and ACE about levees in the Central Valley. Issues arising from this process may impact our process as well. Currently, we are working to get a better sense of the location of the four levees in our district and whether these issues apply to our plan. According to Pat, questions exist regarding vegetation growing on levees and this issue needs to be resolved quickly. There are rules about what can grow because some roots can destroy the integrity of the levee. We need to reach resolution by the end of this period or levees could lose accreditation for flood protection, which will require property owners located behind the levees to pay flood insurance. The District is seeking to avoid this situation at all cost.

Kenn noted that reconstruction of levees is very significant. This will require impacting soils which will have a negative impact on riparian trees. The sooner riparian setbacks and the footprints of levees that need to be reconstructed are decided, the better. He advised that the Water District look at what Santa Cruz County has done to resolve similar issues.

Impact Assessment

With respect to impact assessment, David stated that the Wildlife Agencies provided a complicated set of comments with four parts. By expanding the narrative related to the benefits of the conservation strategy, expanding discussion of impacts of the proposed take, and providing Fish and Game with a matrix that presents findings that speak to their concerns about baseline conditions, he believes three of these four issues will be resolved. We need to hear from NMFS regarding the last issue.

Biological Goals and Objectives

David Collier noted that he thinks the Agencies make a valid point in their request for a clearer definition of specific phrases used in discussion of conservation actions to achieve biological goals and objectives. There is a need to be careful that we have select, definite conditions under which goals and objectives are not met. Leaving this too open creates vulnerability to not meeting objectives.

Reserve System

Jones & Stokes has edited the section of the document that created confusion related to the minimum size of the Reserve System. The 45,000 acre figure comes from Table 5-13, which provides the estimated size of the system. The sum of numbers from Table 5-12 and 5-14 is the number we will site as the minimum size, but the estimate will remain 45,000 acres.

Burrowing Owl Conservation Strategy

David then provided an update about the burrowing owl. Jones & Stokes continues to refine the impact analysis regarding this species. The goal is to include the impact analysis in the second administrative draft. It will be reviewed by an expert and then will be reviewed by the Wildlife Agencies. He hopes to bring the impact analysis to the stakeholder group in January 2009, if not in February.

Agricultural Land

Wildlife Agencies expressed concern related to the amount of agricultural land in the conservation strategy. This issue has not yet been discussed with the Agencies. According to David, their concern relates to conservation easement strategies near the Pajaro River. In terms of feasibility, this strategy is very realistic and is also consistent with activities of other conservation groups who have a track record of acquiring easements in that area.

Their concern also relates to what happens to land that is acquired. The plan recommends that this land would be part of a landscape linkage or corridor. However, establishing a successful corridor would rely on the acquisition of easements on the San Benito County side. This strategy is important to provide a buffer for various species and to provide restoration opportunities in the future. David expressed that he thinks it's very important and that there is a need to convince the Wildlife

Agencies of that. We propose that agricultural uses and resulting economic benefits would continue. Easement acquisition is intended to prevent development of this land.

Species Occupation of Conservation Lands

One stakeholder inquired about the Wildlife Agencies' comment related to the requirement that mitigation and conservation lands be occupied by covered species. David responded that since this is a one-line comment it is difficult to know what they are looking for, and there is the need for more discussion before we can formulate a response. The plan does not require that habitat be occupied, with exception of covered plants. Impacts on plant species will be measured in units. In other words, the metric for protecting plants will be protecting populations – this is not the case with other species. We will monitor to ensure that species are there. However, just as we are not guaranteeing that there are impacts to species, we are not guaranteeing that there is occupation of protected habitat.

Pat announced to the group the recent Santa Clara County Creeks Coalition meeting and pointed meeting participants to the brochure that the Water District put together about its stewardship program. She also introduced Creekside News, a Santa Clara County Creeks Coalition publication. She brought a number of copies of both to the meeting for those interested.

Remedial Measures Special Funding

David Collier referred to the Agencies' comments related to adequacy of remedial measures special funding, and expressed concern that the 3% figure may not be sufficient to handle remediation measures, including remediation of extreme flood events. David Zippin agreed that with global warming it is quite true that we may have more extremes in weather. He noted that they haven't yet responded to this concern and are in the process of looking to other, recent plans to see how they have addressed this.

Neighboring Lands

Jan Hintermeister referred to the neighboring lands section and asked, how have these been implemented in the past in cases of rare species occurrences on neighboring land? David replied that provision of this policy has been approved in three different plans. In these instances this section was included as a way to provide comfort to agricultural owners who weren't gaining coverage under the plan but who saw they might have additional liabilities as a result of Reserve creation. It is rare that agricultural operations would take rare or endangered species and, in practice, this provision is more of a political statement to provide comfort to landowners with legitimate concerns about potential increased liabilities in the future. With that said, this doesn't mean we shouldn't pay attention to what it says or define it more clearly.

Under the neighboring lands provision, it is the responsibility of the landowner to document his/her own baseline conditions in terms of species occurrence. While he is open to dropping the program altogether, he does believe that it serves a purpose in the plan, especially if the agricultural community raises concerns about the plan following its adoption. The program was added with the fact in mind that it will rarely be used. Landowners need to opt in to take advantage of take authorization.

IV. PUBLIC COMMENTS AND NEXT STEPS

Joan opened the meeting to public comment – no comments were made. In January, the regular schedule for stakeholder meetings will resume. The next meeting will take place Tuesday, January 27, 2009. At that point, Ken and David will provide an update on discussions and outcomes of the meetings scheduled to occur with the Wildlife Agencies between now and the January meeting. Ken noted that we have discussed the biggest issue today, which is the Pacheco Reservoir. Joan thanked everyone for their attendance and expressed appreciation for their flexibility regarding the numerous meeting date changes since the October 7 meeting.