

SANTA CLARA VALLEY

HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN

Stakeholder Group Meeting | December 11, 2007 | Morgan Hill Community & Cultural Center

IN ATTENDANCE:

Stakeholder Group Members:

Keith Anderson (South Valley Steams 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 Cattlemen's Association)
Jan Hintermeister (Santa Clara County Parks and Recreation Commission)
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)
Brian Schmidt (Committee for Green Foothills)
Jack Sutcliffe (Santa Clara County Farm Bureau)
Lloyd Wagstaff (The Nature Conservancy)

I. WELCOME & INTRODUCTIONS

Joan introduced the day's agenda and reminded the group that the next stakeholder meeting would be earlier than usual, on January 15, 2008 to allow for an additional round of stakeholder input before the Liaison Group meeting.

II. PROJECT SCHEDULE

Ken Schreiber reviewed the schedule for the project. Currently, the goal is to have the Liaison Group release a packet of information for review for the elected bodies. He noted that they would like to share the information with as broad a range of elected officials as possible to the process. Currently, all elected bodies except for Gilroy are represented in the Liaison Group. Gilroy opted not to have an elected official participate in the process. This review would occur in late spring 2008. The document would then come back to the various committees for additional work, and the public review of the Draft Habitat Plan would occur in early 2009. The implementation process would begin and the plan would be in effect by early to mid-2010.

Keith shared that he had mentioned this timeline to a group he participated in, and they had laughed. Ken Schreiber acknowledged that it was a tight schedule, but he feels that it can be met. While it is tight with short review times for some components, this will be closely managed and there is a strong commitment to meeting this timeline as the process moves forward.

Carolyn asked what would happen to covered projects that begin before the plan is fully in place. Interim projects will be dealt with as such, and other projects will need to get their permits outside of the HCP. There is not likely to be a way to charge any fees before the regulatory structure is in place and a fee ordinance is passed.

III. EMERGING CONSERVATION STRATEGY

David Zippin asked how existing open space lands should function within the reserve system.

He asked the group to address what the most important components of the plan would be to each organization.

Craig suggested that perhaps there could be some sort of criteria to rate the current condition of existing open space areas to identify which would benefit from restoration or enhancement and determine how to count

Kevin noted that the most vulnerable lands are those that are paved or under permanent human disturbance. He advocated acquiring new land wherever possible to prevent these two scenarios, even if there is not money to restore it right away. Use existing open space in very limited contexts. Craig asked if perhaps the existing lands could be capped at a percentage, rather than acreage.

David Collier commented that working with the parks system helps gain more conservation for each HCP dollar—since funding the land would not be a cost, more money could go towards restoration. However, the scenarios he saw presented took the money saved and factored it into a saving overall, rather than reinvesting it in other parts of the plan. There is a tradeoff involved in using existing open space, so unless the benefit is directly to the plan—that is, more land protected, rather than a less expensive plan—he would prefer to see money invested in new lands.

Kenn Reiller commented that the use of existing open space should not be applied to the rough proportionality and “stay ahead” provisions of the plan. The plan should put the implementing agency’s feet to the fire, so to speak, to acquire new lands.

Carolyn asked about potential conflicts between traditional uses of recreational park lands and preservation goals. For instance, trails might impact species protection.

Sequoia shared that the Open Space Authority is concerned about using existing lands for the HCP. They also have concerns about enacting additional easements on lands they have already purchased. They are not necessarily comfortable accepting money to restrict their use of land they already own. They acknowledge that some of their lands would benefit from additional dollars for restoration, but it would be on a parcel by parcel basis.

Ken Schreiber noted that he was surprised, after review of specific sites, at how little County Parks land was appropriate for being counted in the reserve. Much of it already has human impact, or might in the future, and other areas are being protected for potential future active recreation. Some areas—serpentine soil and butterfly habitats—might be appropriate for the HCP, however.

Brian is concerned about setting up different dollar scenarios—this invites an economic versus environmental conflict. The alternatives should be on par from a dollar perspective so that true choices can be made. Brian also noted that the tradeoffs may have to do with whether goals are short-term or long-term. For instance, spending money on correcting a short-term problem (e.g., nitrogen depositions, which may or may not be an issue long-term) may be less important than purchasing land in perpetuity. In converse, a short term “emergency room” management fix to save a species from extinction might be very critical and more important than purchase of habitat land.

Brian also noted that it would be important to include some “quick wins”—projects that yield immediate benefits that partner organizations can share with the public to build support.

Lloyd asked if the list would remain a blank check, or if it would be made into a formal list. David Zippin confirmed that there will be a specific list of actions. This also supports costing it out more effectively.

Jan noted that as an individual, he feels like he's "paying twice" to place easements on land that is already protected by another entity. What kind of control would the HCP have over monies that go into an easement? The terms of the easement would specify how this money would be spent.

David Collier asked how many and what types of unique biological opportunities there might be where there is no other ecological alternative to using existing protected lands. He also suggested that a compromise on the cost issue could be to split the savings by working with existing open space between additional conservation and plan savings.

IV. CRITERIA & ORGANIZATIONAL OPTIONS FOR PLAN IMPLEMENTING ENTITY

Kenn Reiller referred people to the graphics in the budget, which help to illustrate efficiency issues.

Rick Hopkins cautioned against making the plan too expensive, since this can contribute to the failure of the plan.

Craige asked who had starred the sheet on implementing entities for the Liaison Group packet. Chris Beale did this to identify which type of implementing agency would have each quality. (For instance, an existing local agency would have a lot of legal authority, but might lack focus and credibility in the community.)

Main options:

- Local partner (probably the County or the Water District)
- Form a new or use an existing special district to coincide with the study area (Sequoia noted that he thinks that special districts related to conservation must be contiguous per state law, which could create a conflict with the Open Space Authority)
- Joint powers authority
- Nonprofit public benefit corporation
- State-chartered conservancy

The discussion referenced materials created by Chris Beale who took the eight criteria and rated each of the five options to identify strengths and weaknesses.

Pat Showalter noted that one thing that could not be managed by anyone other than the Water District would be the reservoir system.

Kenn Reiller commented that his experience with joint powers authorities was that with the Pajaro Flood Protection Authority, there is a provision that two partners can join forces to pursue something on their own without the other partners, which allows some flexibility in funding and resources. This option may be more flexible than the matrix indicates.

Craige noted that every dollar spent on the organizational structure is a dollar less for conservation. He feels that efficiency is very important, and would like to see a comparison based on a percentage of operating budget.

Lloyd noted that if a JPA model is used, it needs to have its own staff. He pointed out that this could contribute significantly to efficiency. A clear hierarchy of decision making and forceful implementation of policy would be critical.

David Collier noted that he doesn't agree that some drawbacks are truly drawbacks. For instance, the concern that HCP land might be incorporated into larger chunks of protected land if a conservancy manages this: in fact, if this is done well, the HCP land might benefit from being considered as part of a greater whole. David is also concerned about having a local partner manage the plan.

Rick asked how the stars in Beale's evaluation/comparison chart had been reached. If this is based on existing HCP successes and failures, it would be good to have this information. Rick needs to know what informs this experience. It would be helpful to know how many HCPs statewide are managed by JPAs, and how they function compared to others with different management structures. Others agreed that an empirical analysis is needed.

One stakeholder asked why a special district was rated so low for efficiency when there are some good, efficient models of this.

Carolyn would like to know a lot more about the state-chartered conservancy, including how cumbersome it is compared to other options. Ken Schreiber noted that you lose a lot of actual and perceived local control because the State would have a notable decision-making role especially as it relates to land acquisition.

Bob wants to know which entity would make best use of existing experience in terms of negotiations with local landowners.

David Zippin likes the idea of a broad organization like the state-chartered conservancy but feels it might be most effective near the end of the permit term. For instance, there might be a collection of county-based HCPs that expire and need continued maintenance—a single state-chartered organization might be an effective solution for this.

What are the existing HCPs using as their implementing entities? East Contra Costa County is using a JPA, but they also used the JPA to create the plan. Other HCPs are using existing councils of government. Natomas Basin is run by a nonprofit conservancy. It's important that the structure reflect the history and desires of the specific county. In Southern California, local government tends to be the implementing agency. Riverside, for instance, created a new agency within the county to run the plan.

David Collier would like to see an implementing entity with biological knowledge and administrative decision making experience. He's not sure that this exists within all of these options—although perhaps this can be hired in.

Ken Schreiber noted that Management Team feels that the implementing entity needs a public policy oversight body, a land acquisition structure with flexibility, and access to contract resources (i.e., not overly relying on permanent staff).

V. COST MODEL

Keith asked if the distribution of Chapter 9 could be considered a call for comments. Yes—Chapter 9 should be read in conjunction with the cost model.

Sequoia noted that the average land cost figure seems low. David Zippin clarified that much of the land purchased might be on the lower end of cost because of its location. Sequoia still feels that this could be lower than the reality.

David Zippin would like feedback on specific assumptions by the next stakeholder meeting in January. Keith noted that the numbers on water had already changed.

Thus far, no costs are plugged in for management of or enhancement of existing open space. Keith clarified that the cost of re-operating Pacheco Reservoir is also not included. Sequoia noted that this would imply that an alternative with reliance on these would increase in cost. This also might include capital cost such as acquisition of lands to improve.

David Collier asked whether any conclusions should be presumed to be provisional given the missing costs. David Zippin clarified that enhancement includes all management of lands for, say, invasive species, or fences or grazing programs.

Craige is concerned about using longitudinal data for land prices. More recent prices should be weighted more heavily because the market has changed so significantly over ten years. In some cases, they went back ten years in order to ensure that land sales of that type were included at all, since some occur so infrequently. Ken invites the group to give feedback on the costs, which he is also concerned may be low.

Comments should go to Joan, and should include which assumption is being challenged, why, and what the remedy would be. If there is additional supporting information to provide an informed critique, this is also helpful. Concerns about funding will also be addressed in future chapters. David Zippin feels there is a strong model for this.

V. PUBLIC COMMENTS AND NEXT STEPS

The next meeting will be **Tuesday, January 15, 2008** at the usual time.