1. Welcome/introductions (5 minutes)---Supervisor Don Gage

2. Project Task and Budget Status Report (20 minutes)---David Zippin and Ken Schreiber
   Desired Outcome: Provide an overview of and answer questions regarding the status of the HCP/NCCP work schedule and budget including the forthcoming review of key policy issues, possible rescheduling of the April 17, 2008 Liaison Group meeting and review of a revised total budget and updated 2008-09 and 2009-10 cost allocations to each Local Partner.

3. Preferred Conservation Strategy (30 minutes)---David Zippin
   Desired Outcome: Receive, discuss and identify issues and any concerns regarding the emerging Preferred Conservation Strategy.

4. Permit Term (20 minutes)---Ken Schreiber and Management Team
   Desired Outcome: Identify any issues of concern with seeking a 50 year permit from the Wildlife Agencies.

5. Habitat Plan Benefits and Key Messages (15 minutes)---Ken Schreiber and Management Team
   Desired Outcome: Review and provide comments on draft statements of benefits and key messages.

6. Possible Incorporation of San Benito County Land in the Habitat Plan Study Area (15 minutes)---Ken Schreiber
   Desired Outcome: Provide direction to the Management Team and consultants regarding the possible expansion of the Study Area to include Pajaro River watershed land in San Benito County.

7. Information Items (5 minutes)---Ken Schreiber
   Desired Outcome: Receive and discuss information regarding the status of HCP/NCCP activities.
   a. Stakeholder Group Activities
   b. Contract for Nitrogen Deposition Modeling
8. Discussion with Wildlife Agency staff (5 minutes)
   Desired Outcome: Share information and, when appropriate, reach common understanding regarding issues of interest.

9. Public Comments (5 minutes)
   Desired Outcome: Receive comments from members of the public

Next Liaison Group meetings are:
   Thursday, February 21, 2008 from 4:00 to 6:00
   Thursday, April 17, 2008 from 6:00 to 8:00--date change will be considered in agenda item 2
Liaison Group meetings are held at the Santa Clara Valley Water District.
AGENDA ITEM 2

TO: Governing Body Liaison Group
FROM: Management Team
SUBJECT: Project Task and Budget Status Report
PREPARED BY: Kenneth Schreiber, Habitat Plan Program Manager

Purpose of this Staff Report: Identify and review issues related to the Plan’s development and review process including the project schedule, consideration of rescheduling the Liaison Group’s April meeting date and review of updated budget information including the Management Team’s recommendation on 2008-09 and 2009-10 cost allocations among the Local Partners.

Next Steps After Liaison Group Review: The new cost allocation information will be forwarded to each Local Partner for incorporation into the 2008-09 budget process and review by elected officials.

Recommendation: It is recommended that the Liaison Group receive and discuss the project schedule, including whether to reschedule the April 21, 2008 Liaison Group meeting, and the project budget and Local Partner cost allocation information.

Discussion:
Project Schedule: Attached is the project schedule that has been in effect for the past months. The schedule is ambitious including condensed periods for review of draft material prior to publication of a Draft Habitat Plan and related environmental review document (EIR and EIS). The Plan preparation strategy includes having Local Partner elected bodies review key policy issues and information following release of that information at the February 21, 2008 Liaison Group meeting. It appears that the Plan development process is on schedule to have the key information summaries for the February Liaison Group meeting. The objective is to have elected body reviews occur in the period between the last week of February and April 2008. The issues to be addressed include:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Permit Term</td>
<td>January 31 Liaison Group agenda</td>
</tr>
<tr>
<td>2. Covered Activities</td>
<td>Chapter 3 previously reviewed by Liaison Group; Local Partner staff continues to refine list of activities</td>
</tr>
<tr>
<td>3. Project Review Process and Conditions of Approval for Development Subject to the Habitat Plan</td>
<td>Draft Chapter 6 previously shared with Liaison Group; Jones &amp; Stokes rewriting Chapter based on comments; Local Partner</td>
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</table>
There are three primary objectives for the elected official reviews:

- Provide opportunities for the public to review and comment on key issues;
- Provide opportunities for elected officials to gain familiarity with the developing Habitat Plan including key policy issues; and
- Identify issues that will benefit from discussion in the next months rather than waiting for issues to be identified in the published Draft Habitat Plan.

The Management Team concluded that for each of the six issues, there should be a common set of information provided to each Local Partner elected body with one or at the most two pages of text devoted to each issue.

**Liaison Group Meeting Schedule:** The Liaison Group’s 2008 meeting schedule has a meeting on Thursday, April 21 from 6:00 to 8:00. The primary purpose of the meeting would be review of Local Partner comments on the six key policy issues. However, it is likely that not all Partners will conclude their reviews in time for the April 21\(^{st}\) meeting. Consistent with the Project Schedule, preparation of the first Administrative Draft Habitat Plan will proceed during April, May and June. It would be beneficial to have Liaison Group review and discussion of the Local Partner comments as part of the Administrative Draft preparation process.

The question for the Liaison Group is whether or not to reschedule the April 21\(^{st}\) meeting to very early May or continue with the April 21\(^{st}\) meeting and have necessary concluding discussion of Local Partner comments occur at the June 19\(^{th}\) Liaison Group meeting.

**Project Costs and Cost Allocation Among the Six Local Partners:**

Information on increased project costs was reviewed at the December 2007 Liaison Group meeting. In January, the Management Team reviewed cost information and approved the attached Cost Allocation table that includes Local Partner costs for the 2008-09 and 2009-10 budget years.

Budget changes in the last year include:

**Approved Contracts**
- Resource Law Group was hired at a cost of $176,000. The February 2007 Cost Allocation table noted that this cost was not included in the total budget.
- CH2M HILL was hired for the environmental work. The February 2007 Cost Allocation identified $400,000 for this expense and the actual cost is $386,450.
- Jones & Stokes contract amendment of $124,868 for the nitrogen deposition analysis is on the January 15, 2008 County Board agenda.
Additional Cost Items

A year ago, the project schedule targeted adoption of the Habitat Plan for Spring 2009. In the last year, the schedule has lengthened with Plan adoption targeted for July through October 2009 and post adoption tasks continuing through April 2010 (see attached Project Schedule). The Fish and Wildlife Service has suggested that to try to meet this schedule, there would be great value in having Jones & Stokes actively participate in preparing the required Biological Opinion. The Service has also requested additional Impact Analysis work in the Habitat Plan. Increased costs for Jones & Stokes were identified in an October 23, 2007 memo that was part of the October Management Team agenda. The lengthening schedule also impacts Program Management—the current contract with Land Use Planning Services runs through March 2009. The combination of lengthening schedule and requests for additional analysis results in the following projected costs:

The budget impacts of new and recommended contract amendments are:

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<th>FY 09-10</th>
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<tr>
<td>CH2M HILL</td>
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<tr>
<td>Resource Law Group</td>
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<td>Jones &amp; Stokes re Nitrogen modeling work</td>
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The attached Cost Allocation Table dated January 2008 allocates the remaining project costs to each Partner consistent with the division of costs previously approved by the Local Partners. Under the provisions of the Memorandum of Agreement and Agreements with the Cities of Gilroy and Morgan Hill, the Management team is required to provide an annual cost allocation table to each Local Partner for their review and consideration.

**Attachments:** Project Schedule
January 2008 Cost Allocation Table

**Copies:** None
Habitat Plan
- Refine Policies and Issues for Elected Body Review
- Elected Body Review
- Liaison Group Approval of Preferred Conservation Strategy
- Prepare Administrative Draft 1 HCP/NCCP
- Review Period
- Prepare Administrative Draft 2 HCP/NCCP
- Review Period
- Prepare Public Draft HCP/NCCP
- Public Review Period (90-days)
- Prepare Final HCP/NCCP

EIR-EIS
- Scoping
- Prepare Working Draft EIR/EIS
- Review Period
- Prepare Administrative Draft EIR/EIS
- Review Period
- Prepare Public Draft EIR/EIS
- Public Review Period (90-days)
- Prepare Final EIR/EIS

Implementing Agreement (IA)
- Prepare Administrative Draft IA
- Prepare Public Draft IA
- Public Review Period (90-days)
- Prepare Final IA

Approval Process
- Local Approval of Habitat Plan, EIR-EIS, IA
- Establish Implementing Entity
- Permits Issued by Wildlife Agencies
- Local Jurisdictions Adopt Implementing Ordinances
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<th>FY 05/06</th>
<th>FY 06/07</th>
<th>FY 07/08</th>
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<td>133,726</td>
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</table>
TO: Governing Body Liaison Group
FROM: Management Team
SUBJECT: Preferred Conservation Strategy

PREPARED BY: Kenneth Schreiber, Habitat Plan Program Manager

Purpose of this Staff Report: Provide the Liaison Group with current staff and consultant thinking on the content of the Preferred Conservation Strategy and how the Strategy is proposed to be presented to Local Partner elected bodies for review and comment.

Next Steps After Liaison Group Review: Information on the Preferred Conservation Strategy will be one of the six major policy areas that will be recommended, at the February 21, 2008 Liaison Group meeting, for forwarding to Local Partner elected bodies for their review and comments.

Recommendation: Review and provide direction to the Management Team on the content and format of information in this report and presented at the Liaison Group meeting.

Discussion: In June 2007, Jones & Stokes released three alternative conservation strategies for review by those involved in developing the Habitat Plan including the Liaison Group, Stakeholders Group and general public. The alternative strategies, which are found on the project website (www.scv-habitatplan.org), are being transformed into a Preferred Conservation Strategy. The Preferred Strategy contains elements of all three alternative strategies with emphasis on the second alternative. The Management Team concludes that information forwarded in February for review by Local Partner elected body needs to be concise and focused on major policy issues. For the Preferred Conservation Strategy, information will include two maps (Conservation Land Reserve Map and Conservation Stream Map) and the following key strategy elements:

1. In response to mitigation of future development and habitat enhancement consistent with the State NCCP Act, preserve and enhance in perpetuity approximately 45,000 acres of new land obtained from willing sellers through fee title and conservation easements focused on the areas highlighted in the Conservation Land Reserve Map.
2. In response to habitat enhancement consistent with the State NCCP Act, enhance and monitor approximately 25,000 acres of high-value species habitat in County and State Parks.
3. Sustain and enhance the movement and interchange of native species through the preservation or enhancement of 15 landscape linkages of local and regional importance.
4. Preserve major local and regional connections among existing protected areas.
5. As part of the 45,000 acre land acquisition commitment, restore approximately 1,000 acres of valley oak woodland, riparian woodland, wetland and ponds.

6. Enhance and restore approximately 50 miles of streams in the areas highlighted in the Conservation Stream Map.

7. Enhance native fish-bearing streams such as Coyote Creek, Guadalupe River, Uvas Creek, Pacheco Creek and Pajaro River, and their key tributaries by:
   • Removing or modifying barriers to fish movement,
   • Increasing winter base water flows and spring pulse water flows from reservoirs during critical life sites of steelhead trout and Chinook salmon, and
   • Improving in-stream habitat conditions.

8. Establish a framework for effective, active, long-term management of the Reserve System and streams with conservation actions outside the Reserve System to maintain and enhance populations of covered and other native species.

9. Establish a comprehensive, science-based monitoring program to ensure that management actions are effective at meeting the conservation objectives of the Habitat Plan.

The two maps are being prepared and the latest versions will be provided at the January 31st Liaison Group meeting

Attachments: None

Copies: Stakeholder Group
TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Permit Term

PREPARED BY: Kenneth Schreiber, Habitat Plan Program Manager

Purpose of this Staff Report: Provide the Liaison Group with updated information on the Management Team’s recommendations for the length of the endangered species incidental take permits to be sought from the Wildlife Agencies.

Next Steps After Liaison Group Review: A recommendation on the length of the requested permit term will be one of the six major policy areas that will be recommended, at the February 21, 2008 Liaison Group meeting, for forwarding to Local Partner elected bodies for their review and comments.

Recommendation: Review and provide direction on the Management Team’s recommendation that the Local Partners request a 50-year permit term with annual reporting to the Wildlife Agencies and the public, a major status review every five years that includes roles for outside scientific expertise and the public, and completion of all land and easement acquisition by year 45.

Discussion: The length of the permit term was initially discussed with the Liaison Group in the Spring of 2006. At that time, Local Partner staff recommended a 50-year permit term for a variety of reasons including:

- the General Plan build out policies for San Jose and Morgan Hill;
- public sector capital facility operations, maintenance and replacement schedules that are a notable part of the activities proposed to be covered by the Plan;
- the Water District’s commitment to a 50-year permit term for the Three Creeks Habitat Conservation Plan that will be linked to the Habitat Plan; and
- the value of a longer time frame in which to secure adequate funds to implement an ambitious conservation strategy and to maintain the Plan in perpetuity.

In April 2006, Stakeholder Group review of permit term options raised notable concerns with a 50-year permit term. These concerns focused on how the Habitat Plan would address uncertainties for that length of time. A notable segment of the Stakeholder Group concluded that based on current information, a shorter (e.g., 30-year) permit term might be more suitable. A decision on the length of the permit term to be sought from the Wildlife Agencies was deferred to later in the Habitat Plan development process.
Subsequent local staff and consultant discussions with the Stakeholder Group and Wildlife Agency staff identified the value, in addition to annual Plan status reporting to the Wildlife Agencies, of two additional features:

- a major Plan status review, including involvement of outside scientific expertise, every five year, and
- completion of land acquisition prior to the end of the permit term.

In January, the Management Team concluded that the desired permit should have the following features:

- a length of 50 years;
- annual reporting on the status of the Plan to the Wildlife Agencies and the public;
- a major Plan implementation status review every five years including the involvement of outside scientific expertise and the public; and
- completion of land acquisition (in fee title and conservation easements) by the end of year 45.

On January 15, 2008, permit term issues were discussed by the Stakeholder Group with the following conclusions:

- notably increased comfort with a longer permit term incorporating details of the annual and five year major status reviews including the roles of the public and, for the five year reviews, outside scientific expertise;
- encouragement to accelerate land acquisition during the earlier years of the permit; and
- inclusion in the Plan of information on how extraordinary events (e.g., a major natural disaster, global warming leading to species extinction) will be responded to.

**Attachments:** None

**Copies:** Stakeholder Group
Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

Date: January 31, 2008

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Habitat Plan Benefits and Key Messages

PREPARED BY: Kenneth Schreiber, Habitat Plan Program Manager

Purpose of this Staff Report: Provide the Liaison Group, for review and comments, current information on statements of Habitat Plan benefits and key messages

Next Steps After Liaison Group Review: Local Partner staff will use Benefits and Key Message information in staff reports to local elected officials and outreach to the public including members of the press.

Recommendation: It is recommended that the Liaison Group review and comment on the information attached to this report.

Discussion: Members of the Management Team, local public information staff and staff from Jones & Stokes under the Public Information and Outreach contract have periodically discussed the benefits of the Habitat Plan and how the information in the Plan can be focused on Key Messages. Previously developed information has been distilled down to the attached short list of Benefits and Key Messages. Staff and consultants would appreciate Liaison Group review and comments on the attachment.

Attachments: Statement of Habitat Plan Benefits and Key Messages.

Copies: Public Information Officers
Santa Clara Valley Habitat Plan Benefits
January 24, 2008

The Problem.  The current process of getting development permits and compensating for lost habitat is inefficient. Project proponents need approval from many agencies in sequence, resulting in major delays and significant costs.

- The endangered species permitting process is complicated, time-consuming, costly, and often unpredictable.
- Conservation projects in Santa Clara County occur piecemeal and are not as effective at preserving natural resources due to a lack of coordination.
- Regulatory requirements continue to increase with every project due to new laws, stricter enforcement and fewer places/opportunities for conservation.

The Proposed Solution: The Santa Clara Valley Habitat Plan would provide a coordinated, regional and local approach to conservation and regulation. The Habitat Plan replaces project-by-project permitting and fragmented conservation efforts, while benefiting the species, their habitats, agencies and project proponents alike.

Benefits of the Habitat Plan

*Building a conservation legacy by protecting natural resources and enabling planned development within Santa Clara County.*

1. A comprehensive approach to the acquisition, improvement and permanent protection of large, connected, biologically rich areas of habitat (i.e. approximately 40,000 acres of open space, streams, riparian areas and wildlife corridors).

2. Facilitates construction and maintenance of critical public infrastructure, including roads, flood protection projects, county parks, and recreational trails. Streamlined approvals for these important projects helps to ensure the continued economic development of the region.

3. Provides new funding to acquire land and enhance existing open space with high habitat values.

4. Strengthens local General Plans that focus urban growth within cities and encourages continued agricultural and ranching activities in rural areas.

5. Provides a streamlined, standardized, and predictable process to obtain endangered species permits. Enables project proponents to acquire all endangered species authorizations directly from the local planning counter (they do not have to talk with state or federal wildlife agencies). This establishes greater regulatory and economic certainty.

6. Increased recreational and educational opportunities within the Habitat Plan Reserve System.

7. Creates a state-of-the-art, science-based monitoring and adaptive management program to maintain and enhance the Reserve System in perpetuity.

8. Creates partnerships with the regulatory agencies, local landowners, public entities, and municipalities that will improve relations among the parties.

9. Creates a new market for willing sellers of land either by fee title or conservation easement (no use of eminent domain).
Date: January 31, 2008

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Possible Incorporation of San Benito County Land in the Habitat Plan Study Area

PREPARED BY: Kenneth Schreiber, Habitat Plan Program Manager

**Purpose of this Staff Report:** Identify conservation issues that impact both sides of the Santa Clara/San Benito County line and seek Liaison Group direction on whether staff and consultants involved with the Habitat Plan should initiate discussions with San Benito County staff regarding possible expansion of the Habitat Plan’s Study Area to include portions of San Benito County near Santa Clara County.

**Next Steps After Liaison Group Review:** Staff and consultants will proceed as advised by the Liaison Group.

**Recommendation:** It is recommended that the Liaison group weigh the pros and cons of possible inclusion of San Benito County land in the Habitat Plan and provide direction to staff and consultants on next steps, if any.

**Discussion:**
The following issues that impact the Santa Clara/San Benito County border area have emerged:

- VTA is working on design and environmental review of the widening project for an eight mile section of Highway 101 including about three miles into San Benito County;
- El Rancho San Benito, a proposed 20,000 population and 8,500 employment new town immediately south of Santa Clara County, has filed a development pre-application with San Benito County;
- The Wildlife Agencies have identified a strong interest in having the Habitat Plan address wildlife movement in the Pajaro Watershed area extending across the Valley floor including northern San Benito County;
- The Nature Conservancy continues their Mt. Hamilton project which includes securing open space land in the Pajaro River area crossing the Valley floor (as well as in the hills on either side of the Valley); and
- San Benito County has appropriated $100,000 to investigate undertaking an HCP.
Maps of the Highway 101 widening project and the South Santa Clara County/north San Benito County area are attached.

Addressing issues in the Santa Clara/San Benito County boundary area is complicated by the two counties being in different regional offices for Caltrans, Fish and Game and Fish and Wildlife Service.

In December the Program Manager hosted a short meeting with staff from Fish and Game, Fish and Wildlife Service, Santa Clara County Planning County and David Zippin to raise these issues. While no decisions were made, there was general agreement that:

- In the Valley floor, the County boundary doesn’t make much, if any, ecological sense;
- The Wildlife Agencies need to initiate coordination (within the agencies and between the agencies and local governments) of ESA issues in this area; and
- The potential value of having the Valley Habitat Plan include two portions of San Benito County (the Highway 101 corridor and land immediately across the boundary perhaps based on the 10 year flood plain) was notable and should be explored.

The potential complexities of expanding the Habitat Plan’s Study Area are significant and warrant caution. Complexities include:

- Resolving jurisdictional issues in a time frame that does not negatively impact the Habitat Plan’s schedule;
- Having the Habitat Plan work paid for by San Benito County which most likely means indirect payment by the developer of El Rancho San Benito;
- Undertaking land cover and species analysis work in a time frame consistent with the Habitat Plan’s schedule;
- Consuming staff and consultant resources when a major time commitment to Santa Clara County issues is needed; and
- The potential that this expansion of the Study Area is a major decision under the terms of the original Memorandum of Understanding agreed to by San Jose, VTA, SCVWD and the County in which case the decision would need to go to each elected body for review and concurrence.

The issue of possible expansion of the Study Area is being brought to the Liaison Group for review and guidance to staff and consultants.

**Attachments:** Map

**Copies:** Stakeholder Group
Art Henriquez, San Benito County
Soap Lake Floodplain Conservation Easements

Soap Lake Floodplain Statistics
Soap Lake 100 Year Floodplain 9,100 Acres
Conservation Easements Total 1969 Acres
Carnadero/Wang 478 Acres
Dorado 520 Acres
Halperin 200 Acres
Mission 170 Acres
Silacci 301 Acres
Wildlands 300 Acres

Easements include: Agricultural, Conservation and Floodplain