



SANTA CLARA VALLEY
HABITAT AGENCY



City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority

SANTA CLARA VALLEY HABITAT PLAN USER'S MANUAL FOR PRIVATE PROJECTS

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Acronyms and Abbreviations

APN	Assessor's Parcel Number
CAD	computer-aided design
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
County	County of Santa Clara
Geobrowser	The Habitat Agency Geobrowser
GIS	Geographic Information Systems
Habitat Plan	Santa Clara Valley Habitat Plan
RGP	Regional General Permit
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

Understanding the Santa Clara Valley Habitat Plan

What is the Habitat Plan?

In many areas of California, development of land for roads, housing, and other improvements negatively affects plants, wildlife, and their habitats protected by the federal and California Endangered Species Acts. The Santa Clara Valley Habitat Plan—referred to as the *Habitat Plan* in this manual—is a 50-year regional plan to protect endangered species and natural resources while allowing for orderly development in Santa Clara County. Prior to the Habitat Plan, any development that involved loss of federally or state-protected plants, wildlife, or their habitats was required to obtain permits directly from state or federal agencies—a process that could take several years.

The Habitat Plan is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County.

The Habitat Plan provides private developers, consultants, and property owners a streamlined approach for requesting and receiving endangered species permits for private development projects.^{1,2} It applies only to eligible projects, also known as *covered projects*, undertaken within the Habitat Plan Permit Area (Figure 1). It concerns 18 wildlife and plant species, or *covered species* (Table 1).

Table 1. Covered Species under the Santa Clara Valley Habitat Plan

Wildlife		Plants
<i>Invertebrates</i>	<i>Mammals</i>	Tiburon Indian paintbrush
Bay checkerspot butterfly	San Joaquin kit fox	Coyote ceanothus
		Mount Hamilton thistle
<i>Amphibians and Reptiles</i>	<i>Birds</i>	Santa Clara Valley dudleya
California tiger salamander	Western burrowing owl	Fragrant fritillary
California red-legged frog	Least Bell’s vireo	Loma Prieta hoita
Foothill yellow-legged frog	Tricolored blackbird	Smooth lessingia
Western pond turtle		Metcalf Canyon jewelflower
		Most beautiful jewelflower

¹ Endangered species permits are granted by USFWS and CDFW (collectively, the *Wildlife Agencies*). The Wildlife Agencies authorize the issuance of permits to nonfederal project applicants upon completion of an approved conservation plan. Not all federally and state-listed species are covered by the Habitat Plan, only those listed in Table 1. For example, impacts on federally or state-listed fish species are not covered. Additional studies and permits for species not listed in Table 1 may be required to comply with state and federal regulations.

² See Habitat Plan, Section 1.1, *Plan Overview*.

Who Developed the Habitat Plan?

The Habitat Plan was prepared by six local agencies (also known as *Local Partners*).

- City of Gilroy.
- City of Morgan Hill.
- City of San José.
- County of Santa Clara (*County*).
- Santa Clara Valley Water District.
- Santa Clara Valley Transportation Authority.

In developing the Habitat Plan, these Local Partners worked with the U.S. Fish and Wildlife Service (*USFWS*) and the California Department of Fish and Wildlife (*CDFW*), the two agencies responsible for applicable state and federal laws pertaining to endangered species. (USFWS and CDFW are collectively referred to as the *Wildlife Agencies*.) There was also a 10-year stakeholder and public outreach process during Habitat Plan development.

The Habitat Plan is administered by the *Habitat Agency*, a local entity created and governed by the Local Partners. Among the Habitat Agency's duties are monitoring and reporting on the implementation of the Habitat Plan to the Wildlife Agencies. Collectively, the Local Partners and the Habitat Agency are referred to as *co-Permittees*.

How Does the Habitat Plan Benefit Private Development Projects?

According to state and federal environmental laws, projects that can potentially affect endangered species or their habitats must receive *take authorization* from one or both Wildlife Agencies. Loosely defined, *take* is the process of harming or killing a species—including removing its habitat—and take authorization is granted to entities involved in otherwise lawful activities that could result in take of endangered species. (In this User's Manual, *take authorization* will generally be referred to as *endangered species permits*.)

Compared to the traditional permitting process, the Habitat Plan offers certainty and a more efficient way to obtain endangered species permits for private development projects.

Because applicable state and federal permitting requirements are determined on a project-by-project basis, and because this permitting process occurs separately from obtaining other permits from local planning agencies, obtaining endangered species permits can be a lengthy task that can often delay project construction. Applying for these permits may require biological studies to determine how the project would affect a species and its habitat. Private developers or property owners may be required to *mitigate* impacts on endangered species and their habitats. This may require preserving portions of property for habitat, finding lands to purchase or preserve as habitat, or creating or restoring any sensitive habitat affected by projects. Often these actions require years of ongoing restoration and monitoring work.

Because it meets state and federal laws and is approved by USFWS and CDFW, the Habitat Plan allows local agencies to issue endangered species permits to private entities.

The Habitat Plan, however, offers an alternative permitting approach to the project-by-project method described above. The Habitat Plan provides a *programmatic* method of issuing endangered species permits. The Habitat Plan enables the County,

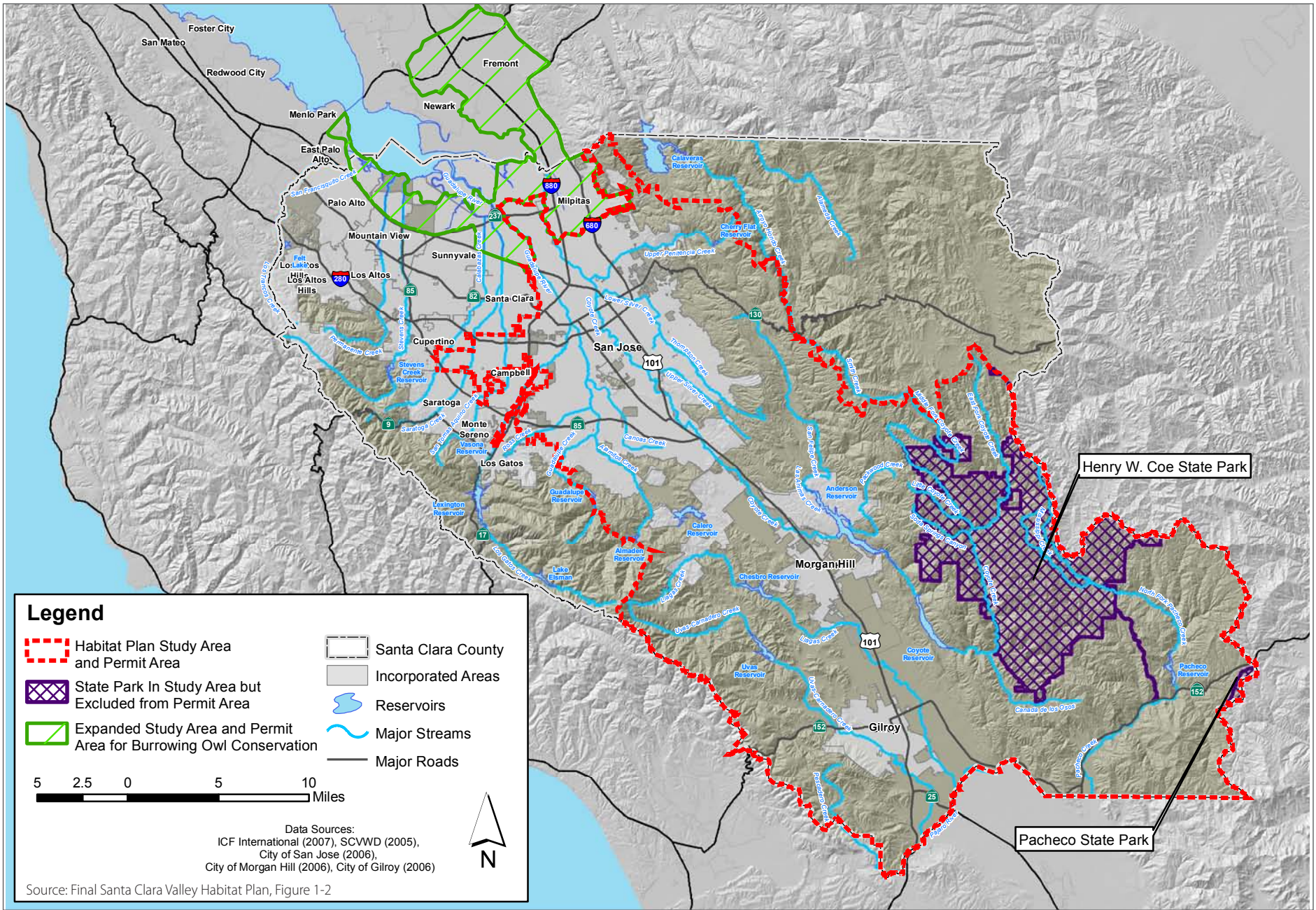


Figure 1
Santa Clara Valley Habitat Plan Study Area and Permit Area

City of Gilroy, City of Morgan Hill, and the City of San José to extend endangered species permits to private entities, allowing for a predictable, streamlined permitting process. This process reduces delays, expenses, and regulatory duplication by removing the need to obtain Wildlife Agency approvals and reducing the number and scope of biological studies required.

Under this approach, the Habitat Plan provides a standardized permitting process for private projects that will be applied equally and consistently. Mitigation under the Habitat Plan consists of standardized fees³ and conditions. Fees are paid to the Habitat Agency, via the local planning or building office, to purchase lands for habitat conservation, conduct annual monitoring and reporting activities, and carry out other Habitat Plan implementation tasks. Standard conditions help minimize impacts on certain species and/or their habitats.

Without the Habitat Plan, applicants could be required to negotiate directly with USFWS or CDFW to obtain endangered species permits—this can result in unpredictable timelines, complex permitting requirements, and the purchase and restoration of mitigation lands. Although this traditional process can still be followed, the Habitat Plan provides a less costly, more efficient process to request and receive endangered species permits.

What Fees and Conditions Apply?

Applicants obtaining endangered species permits under the Habitat Plan are required to pay Habitat Plan fees. These are one-time fees—paid before the project’s final construction permits are issued. The fees are used by the Habitat Agency to purchase mitigation lands and compensate for habitat lost to development.

There are several standard conditions⁴ that apply to projects obtaining endangered species permits under the Habitat Plan. Designed to protect species and their habitats, these conditions include actions like removing flammable vegetation, conducting surveys for specific rare species, and avoiding activities near waterways on project sites. Not all conditions apply to all projects.

Fees and conditions are determined largely by the type and location of each project. Completing the Habitat Plan Fees and Conditions Worksheet, discussed below, will give applicants a better understanding of what conditions and fees apply to their projects.

What is the Application Process?

Described below is the general process for obtaining endangered species permits for private development projects under the Habitat Plan.

- The applicant preliminarily determines if the project is within the Habitat Plan Permit Area and is eligible to be covered under the Habitat Plan.
- The applicant completes the Habitat Plan Coverage Screening Form and submits the form to the applicable planning or building office of the local jurisdiction—the City of Gilroy, City of Morgan Hill, City of San José, or the County of Santa Clara—for review and confirmation. This screening form can be submitted as part of a pre-application consultation.
- The applicant completes the Habitat Plan Fees and Conditions Worksheet, including verification of land cover on the project site, and submits it to the planning or building office as part of the planning approval process.

³ The Habitat Plan includes two mechanisms for adjusting fee levels: automatic adjustments and periodic assessments. All fee adjustments will be approved by the Habitat Agency Implementation Board.

⁴ There may be conditions required (e.g., city- or County-specific conditions) other than those required for the endangered species permits extended through this process.

- The planning or building office preliminarily determines what fee rates and conditions apply to the project as part of the planning approval process.
- The applicant completes the Habitat Plan Application Package.
- The applicant submits the Habitat Plan Application Package to the applicable planning or building office prior to obtaining grading and/or building permits for the project.
- The planning or building office reviews the application for completeness and verifies final fees and conditions applicable to the project.
- The applicant pays Habitat Plan fees to the planning or building office and implements any conditions required prior to project construction.
- The local jurisdiction extends the endangered species permits.
- The applicant implements the project and any conditions required as part of project construction, operations and maintenance, or postconstruction.

Questions about the application materials can be answered by the planning or building office of the applicant's local jurisdiction or by the Habitat Agency.

Application Materials

The application process includes using the following items.

- The **Habitat Plan Coverage Screening Form** is used to determine if a project is a covered project under the Habitat Plan.
- The **Habitat Plan Fees and Conditions Worksheet** provides guidance for estimating fees and determining conditions applicable to each project. Fees and conditions require verification by the applicable planning or building office.
- The **Habitat Plan Application Package** includes the **Habitat Plan Application for Private Projects** and accompanying materials such as plans, photos, and survey reports (if applicable).
- **Habitat Plan Fee Calculators** provide estimates of the fees required to be paid for projects obtaining permits under the Habitat Plan. There are two calculators: **Exhibit 2—Permanent Impact Fee Calculator** and **Exhibit 3—Temporary Impact Fee Calculator**, both in Excel format. Habitat Plan fee calculations are submitted with the Habitat Plan Application Package. Final fees will be determined and verified by the local jurisdiction (or the Habitat Agency) prior to issuance of permits.

Resources Available

In addition to the above items, the following resources should be referenced.

- The **Private Development “Pipeline” Project Description** describes criteria for private development projects to be classified as *pipeline* projects—or those projects that obtained planning / land use approvals (or *entitlements*) prior to October 14, 2013, and that will be issued grading and/or building permits by July 31, 2014.
- **Exhibit A—Permanently Disturbed Footprint** depicts an example of the permanently disturbed footprint used to calculate the project size for the Habitat Plan Coverage Screening Form. This area includes all new buildings, new impervious surfaces (parking areas, roads, sidewalks, pools, etc.), and other areas that will be permanently affected by the project (lawns or landscaped areas, etc.).

- The **Institute of Transportation Engineers Trip Generation Rates** can be used to determine the new vehicle trips and estimate the nitrogen deposition fee.
- **Exhibit 1—Proposed Development Area** provides an example of how the *Proposed Development Area*, or the area that would be impacted by a proposed project, should be shown on site plans submitted with the Habitat Plan Fees and Conditions Worksheet and Application Package. The Proposed Development Area includes the project footprint plus a buffer. This example should be followed for private development projects in rural or urban areas where the project site is larger than 10 acres.
- **The Habitat Agency Geobrowser** (*Geobrowser*) is an internet-based Geographic Information Systems (*GIS*) tool that shows the Habitat Plan GIS maps or *layers*. The Geobrowser can be accessed from the Habitat Plan website at www.scv-habitatplan.org. This tool is important because completing the Habitat Plan Application Package and determining the fees and conditions applicable to a project requires reviewing the Habitat Plan GIS layers that overlap a project site. A specific property can be located within the Geobrowser by using the Assessor's Parcel Number (APN) search tool. Once a parcel is found, the GIS layers can be turned on and off to view how they interface with a property. The Geobrowser provides information required to complete the screening form and application, such as land cover, wildlife survey areas, and plant survey areas.

The Habitat Agency Geobrowser is an essential tool for completing the Habitat Plan Application Package. It can be accessed at www.scv-habitatplan.org.

Using the Santa Clara Valley Habitat Plan User's Manual

Organization

This User's Manual will help applicants complete the Habitat Plan Application Package for their private development projects. The remainder of the manual is organized as follows.

- Chapter 2, *Application Process*, provides a step-by-step overview of how to apply for coverage under the Habitat Plan.
- Chapter 3, *Determination of Conditions on Covered Projects*, summarizes conditions with which applicants may be required to comply.
- Chapter 4, *Additional Actions Required after Project Approval*, identifies post-project approval actions completed by the Cities, County, and/or the Habitat Agency.

Common Terms

Several terms in this User's Manual are unique to this process and may be new to applicants. Brief definitions of these terms appear in Table 2.

Table 2. Common Terms in this User's Manual

Term	Definition
Covered projects Covered activities	Projects or activities that obtain endangered species permits under the Habitat Plan.
Determination of Consistency	Issued by the local jurisdiction, this document certifies coverage of the project under the Habitat Plan and extends endangered species permits.
Geographic Information System (GIS)	Computer-based mapping technology that manipulates geographic data in digital layers and facilitates a wide array of environmental analyses.
Land cover	The habitat type found on the land or ground. There are many land cover types, including both natural land cover types (e.g., Grasslands or Oak Woodlands) and land that has been affected by agriculture or development (e.g., Vineyard or Urban Development). During preparation of the Habitat Plan, land cover types were mapped for all areas included in the Habitat Plan.
Local jurisdiction	Agency with planning or building authority in a project's location: City of Gilroy, City of Morgan Hill, City of San José, or the County of Santa Clara.
Natural community	A collection of plants and animals that exist in the same habitat or area and interact with one another.
Permanently Disturbed Footprint	The permanently disturbed footprint is determined by calculating the total land area that will be permanently affected by the proposed development project. This area includes all new buildings, new impervious surfaces (parking areas, roads, sidewalks, pools, etc.), and other areas that will be permanently affected by the project (lawns or formal landscaping areas, etc.).
Permanent impact	Actions that permanently remove or alter a land cover, or that affect a land cover for longer than 1 year.
Proposed Development Area	The land area that will be affected through construction of a development project. This includes areas that are permanently impacted (such as new buildings and driveways) or areas that are temporarily impacted during construction but restored (such as the installation of underground utilities and septic systems), as well as a buffer, if applicable. Most Habitat Plan fees are calculated based the size of the Proposed Development Area. In addition, the location of the Proposed Development Area, with respect to land cover or a mapped wildlife or plant survey area, will often determine which Habitat Plan conditions apply to a project.
Take	Term used to represent certain impacts on endangered species and their habitats. The federal Endangered Species Act defines <i>take</i> as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species." The California Endangered Species Act defines <i>take</i> as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."
Take authorization (also called endangered species permits)	Permits granted to entities undertaking otherwise lawful projects that may result in the take of endangered species. Traditionally, such take permits are granted by USFWS and/or CDFW. However, because the Habitat Plan meets federal and state Endangered Species Act requirements and has been approved by USFWS and CDFW, covered projects permitted under the Habitat Plan can obtain take authorization through local agencies.
Temporary impact	Actions that alter land cover for less than 1 year and allow the impacted area to recover to pre-project or ecologically improved conditions within 1 year.

Habitat Plan Application Process

Applicants will submit application materials to the planning or building office of one of the four local jurisdictions: the City of San José, City of Morgan Hill, City of Gilroy, or the County. This application process should occur at the time of application for planning approvals and grading and/or building permits from these agencies. These steps should be followed.

Application for coverage under the Habitat Plan should occur in tandem with applications for grading and/or building permits.

- Step 1: Confirm the project is in the Habitat Plan Permit Area.
- Step 2: Complete the Habitat Plan Coverage Screening Form.
- Step 3: Submit the Habitat Plan Coverage Screening Form to the planning or building office for review and confirmation.
- Step 4: Complete and submit the Habitat Plan Fees and Conditions Worksheet, including verification of land cover on the project site, to the planning or building office for review and confirmation.
- Step 5: Receive determination of applicable fee rates and conditions from the planning or building office.
- Step 6: Prepare and submit the Habitat Plan Application Package with the grading and/or building permit application to the planning or building office.
- Step 7: Pay Habitat Plan fees, agree to conditions of approval, and obtain permits.

Each of these steps is detailed below.

Step 1: Confirm the Project is in the Habitat Plan Permit Area

Only projects within the Habitat Plan Permit Area can be covered under the Habitat Plan. Certain areas in Santa Clara County and San José are not within the Habitat Plan Permit Area. Using the [Geobrowser](#)⁵, applicants can select the Habitat Plan Permit Area map to determine if a project site is within the Habitat Plan Permit Area.

⁵ <http://www.hcpmaps.com>

Step 2: Complete the Habitat Plan Coverage Screening Form

Certain private development projects within the Habitat Plan Permit Area are not considered covered projects and would not be eligible to obtain permits under the Habitat Plan. The Habitat Plan Coverage Screening Form⁶ can be used to determine if a project qualifies as a covered project. Completing the form requires reviewing the Private Development Areas map on the [Geobrowser](#), as well as calculating the development area of the proposed project or proposed improvements.

The following project information is necessary to complete the screening form.

- Project type (subdivision, conditional use permit, etc.).
- Project location (address, APN).
- Project description (including proposed use).

In addition, several screening questions are asked, such as:

- On the Private Development Areas map⁷, what area is the project located within?
- What is the total size of the project (in acres)?
- Is the project site currently developed?
- Does the project entail a building addition or new building within 50 feet of existing buildings where the total new impervious surface will be less than 5,000 square feet?

Responses to these questions will determine one of two conclusions: that the project is not covered under the Habitat Plan (Conclusion 1) or is covered under the Habitat Plan (Conclusion 2).

Non-Covered Projects (Conclusion 1)

Certain projects are not appropriate for coverage under the Habitat Plan. Such projects may be smaller or located in less sensitive areas than covered projects, or they may be incompatible with the Habitat Plan's conservation strategy or eligible to obtain endangered species permits under separate programs.

If a project is not a covered project, no additional action is required. However, it is important to note that the project is not exempt from federal Endangered Species Act and California Endangered Species Act requirements. Based on specific circumstances, the project may still require endangered species permits. These permits can be obtained either by "opting in"⁸ to the Habitat Plan or by obtaining a permit directly from CDFW and/or USFWS.⁹

⁶ http://scv-habitatplan.org/www/Portals/_default/Covered%20Project%20Screening%20form_revised%2073013.pdf

⁷ The [Private Development Areas](#) map can be viewed on the Habitat Agency Geobrowser at <http://www.scv-habitatplan.org> or GIS maps at the local jurisdiction's planning or building office.

⁸ Private parties that are not subject to the Habitat Plan have the option to request coverage under the Habitat Plan from the applicable local jurisdiction. Project applicants may request to "opt in" to the Habitat Plan and receive take coverage by complying with all conditions and application processes. Opt-in coverage is not guaranteed and will be authorized by the local jurisdiction in consultation with the Habitat Agency.

⁹ See Habitat Plan, Section 2.4, *Projects and Activities Not Covered by This Plan*.

Covered Projects (Conclusion 2)

If a project is a covered project, then the applicant should complete the Habitat Plan Fees and Conditions Worksheet.

Step 3: Submit the Habitat Plan Coverage Screening Form to the Planning or Building Office for Review and Confirmation

The Habitat Plan Coverage Screening Form should be submitted to the applicable local jurisdiction for review and confirmation that a project is or is not covered under the Habitat Plan. This form should be submitted with accompanying plans at the time of initial application for planning or land use approval (such as a conditional use permit, tentative map, and architectural review), and may be submitted with a pre-application process, if applicable.

Step 4: Complete and Submit the Habitat Plan Fees and Conditions Worksheet to the Planning or Building Office for Review and Confirmation

The Habitat Plan Fees and Conditions Worksheet requires that the applicant verify the land cover on the property and allows for the preliminary identification of fees and conditions that may apply to the project. An applicant should complete and submit this worksheet to the planning or building office as part of the planning approval process. If the project is not subject to a planning approval, the worksheet should be completed prior to preparation of the Habitat Plan Application for Private Projects. The worksheet should be used as a guide but not a final determination of Habitat Plan fees and conditions. The final determination occurs during the planning or building office's development review and permit issuance process.

The results from the worksheet will inform the completion of the Habitat Plan Application for Private Projects and require using the Habitat Agency [Geobrowser](#). The steps to complete the worksheet are described below.

- **Verify completion of the Habitat Plan Coverage Screening Form.** The applicant verifies completion of the coverage screening form and that the project is covered under the Habitat Plan.
- **Use the Habitat Agency Geobrowser to find the property.** The applicant uses the [Geobrowser](#) to locate the property using the APN.
- **Verify the land cover on the property.** The applicant verifies the land cover on the property using one of three methods depending on land cover present (Table 3).
- **Determine what fees are applicable.** The applicant walks through a series of statements and questions to estimate what fees are applicable to the project.
 - The nitrogen deposition fee is applied per single family residence or per new daily vehicle trip.

- Land Cover fees are per-acre fees based on the Land Cover Fee Zone within which the project is located.
- Specialty fees are per-acre fees based on specific land cover types or habitat found on the property. The [Geobrowser](#) Fee Zone maps can be used to preliminarily identify which specialty fees apply; however, field verification is required for all specialty fees with the exception of the burrowing owl fee.
- **Calculate Habitat Plan fees.** The applicant determines which fee calculation method is applicable to the property and then calculates fees based on whether the project impacts are permanent or temporary.
- **Determine Habitat Plan conditions.** The applicant determines which Habitat Plan conditions apply to the project based on the project type or location. The [Geobrowser](#) can be used to preliminarily identify conditions that may apply to the project.

Table 3. Habitat Plan Fees and Conditions Worksheet Land Cover Field Verification Methods

Land Cover	Field Verification Method
California Annual Grassland, Reservoir, Orchard, Vineyard, Grain, Row Crop, Hay and Pasture, Disked/Short-Term Fallowed, Agriculture Developed, Urban-Suburban, Rural-Residential, Golf Courses/Urban Parks, Landfill, Barren	Site Plans, Site Photos <i>Planning or building office staff may also use aerial photos or a site visit for verification</i>
Mixed Oak Woodland and Forest, Coast Live Oak Forest and Woodland, Mixed Evergreen Forest, Redwood Forest	Mapping by an Arborist, Forester, or Qualified Biologist <i>Requires site visit by arborist, forester, or qualified biologist and mapping of land covers</i>
All other land covers not listed above, such as: Serpentine Bunchgrass Grassland, Northern Mixed Chaparral, Mixed Riparian Forest, Seasonal Wetland	Mapping by a Qualified Biologist <i>Requires site visit by qualified biologist and mapping of land covers</i>

Step 5: Receive Determination of Applicable Fee Rates and Conditions from the Planning or Building Office

The planning or building office will review the submitted Habitat Plan Fees and Conditions Worksheet, verify it has been correctly completed, and determine the applicable fees and conditions. The applicant will receive a condition of approval. The condition of approval informs the applicant of items that need to be completed to obtain a grading and/or building permit for the project. The planning or building office will list the required Habitat Plan conditions and preliminary fee rates¹⁰ and calculation method applicable to the project. The applicant will document compliance with the conditions of approval when submitting the grading and/or building permit application and Habitat Plan Application Package.

¹⁰ The applicable fee rates are the rates in place at the time the Habitat Plan Application Package is deemed complete and endangered species permits are extended to the applicant. Only preliminary fee rates can be estimated at this time.

Step 6: Prepare and Submit the Habitat Plan Application Package with the Grading and/or Building Permit Application to the Planning or Building Office

If a project is a covered project and will obtain permits under the Habitat Plan, applicants are responsible for preparing and submitting a Habitat Plan Application Package to the local jurisdiction for review and approval. The Habitat Plan Application Package consists of the Habitat Plan Application for Private Projects and all accompanying materials like the Project Site Plan, photos, and other documentation. The application form is available for download from the Habitat Plan website. Completion of the Habitat Plan Application Package requires using the [Geobrowser](#). The application package must contain the items listed below, if applicable.¹¹

Each item in the application package builds on the previous item. For example, surveys for certain covered wildlife and plants (Item 5 below) are required only if specific land cover types are documented on the site (Items 3 and 4 below). Many covered projects will be able to comply with the Habitat Plan by only completing Items 1, 2, and 3 and paying applicable Habitat Plan fees of the application package.

Note that completing the Habitat Plan Application Package may require the services of a qualified biologist, GIS specialist, or other professionals. Additionally, applicants may have questions as they complete the application. If so, applicants can contact the planning or building office of their local jurisdiction; a Habitat Plan specialist is available to answer questions.

Applicants can contact the planning or building office of the local jurisdiction for help.

Part I: Project Overview

Applicants should identify the project name, submittal date, and the local jurisdiction to which the form is submitted. Upon receipt of the Habitat Plan Application Package, the jurisdiction will assign an application file number.

Item 1: Project Application Information

Applicants should provide general information including the contact information for the property owner, project applicant, and biologist (if applicable). In addition, applicants should provide a property description and indicate the property location in terms of the Urban Service Area, Private Development Area, and Land Cover Fee Zones. For responses to property location queries, the [Geobrowser](#) can be used.

Item 2: Project Description

Applicants should provide a project description and an accompanying Project Site Plan showing the Proposed Development Area for the project. Several attachments are required as part of this section. Information required for each attachment is detailed in the application form.

- Project description.
- Vicinity map.
- Project Site Plan.

¹¹ See Habitat Plan, Section 6.8, *Habitat Plan Application Package*.

- Temporary impact site photo documentation.
- GIS- or Computer-Aided Design (CAD) compatible files of Vicinity Map and Project Site Plan.

Part II: Existing Conditions and Impacts

Item 3: Land Cover Types and Impacts

The total amount and type of land cover impacted by the project should be calculated, as shown in the Proposed Development Area on the Project Site Plan. The land cover on the project site can be viewed using the [Geobrowser](#). The land cover types must be verified prior to submitting the application, as described under *Verification of Land Cover*, below.

Definition of Permanent Impacts and Temporary Impacts

The Habitat Plan defines land cover impacts as *permanent impacts* and *temporary impacts*. Permanent impacts are defined as direct impacts that permanently remove or alter a land cover, or that affect a land cover for longer than 1 year. These also include indirect impacts on wetlands that result in a permanent change to wetland functions. Temporary impacts are direct impacts that alter land cover for less than 1 year and allow the impacted area to recover to pre-project or ecologically improved conditions within 1 year. These may include construction staging areas or the installation of underground utilities. Construction activities that affect the land cover longer than this time period are classified as permanent impacts.

Calculation of Permanent Impacts and Temporary Impacts

Calculations in Table 1 should be provided using the following guidance.

- For all land covers except Riparian Forest and Scrub, Wetland, and Streams, provide calculations to the nearest tenth (0.1) of an acre.
- For Riparian Forest and Scrub and Wetland land covers, provide calculations to the nearest hundredth (0.01) of an acre.
- For Streams, provide calculations in linear feet.

Verification of Land Cover

Land cover mapping of sites with the following land cover types, as mapped by the Habitat Plan, can be conducted by the applicant or local planning staff (for a fee); otherwise mapping by a qualified biologist or forester/arborist may be required.

- California Annual Grassland.
- Reservoirs.
- All Agricultural land cover types.
- All Development land cover types.

Additions to existing development encompassing an area of 10,000 square feet (approximately 0.2 acre) or less on any land cover type, other than Stream, Riparian, Serpentine, Pond, or Wetland land cover types, *do not* require land cover mapping by a qualified biologist or other professional. These projects may be mapped based on aerial photos by the applicant or planners. All other land cover types must be mapped by a qualified biologist. Forest land cover types can also be mapped by a professional forester or arborist.

Item 4: Wetlands, Ponds, Streams, and Riparian Woodlands

Item 4 of the application form does not need to be completed if aquatic features will not be directly or indirectly affected by the project. A map must be provided of the project in relation to wetlands, ponds, streams, and riparian woodlands and assess direct¹² and indirect¹³ impacts on these land cover types, and provide the names of the affected streams and watershed where impacts occur. If seasonal wetlands are impacted, applicants are required to avoid impacts on Contra Costa goldfields per Condition 1 of the Habitat Plan. Formal delineations are typically required to identify waters of the United States and support compliance with Section 404 of the Clean Water Act. Maps of non-jurisdictional aquatic features are typically required to identify waters of the state and support compliance with the Porter-Cologne Water Quality Control Act and Section 1602 of the California Fish and Wildlife Code.¹⁴

Applicants are encouraged to produce maps for Item 4 that support other necessary state or federal permitting needs, but maps do not need to be verified by the U.S. Army Corps of Engineers (USACE) or Regional Water Quality Control Boards prior to submission of the Habitat Plan Application Package. If the Habitat Plan Application Package will also meet the application requirements of the Habitat Plan Regional General Permit¹⁵, once such a permit is in place, the delineation method must be consistent with USACE delineation protocol. Such delineations may be verified by USACE prior to application submittal, or delineations may be verified by USACE as part of application processing once the application is submitted.

Item 5: Species-Specific Survey Requirements

The presence of specific land cover types on a project site triggers species surveys and monitoring as summarized in species-specific wildlife survey requirements.¹⁶ Surveys will assess the location, quantity, and quality of suitable habitat for specified covered wildlife species on the project site. Land cover types identified in Table 1 of the application form may trigger species surveys if specific habitat elements are present. Tables 2, 3, and 4 in the application form summarize the land cover and habitat element triggers and survey requirements. Applicants are required to indicate the land cover types and habitat elements present on the project site, document the results of the required surveys, and identify the required avoidance and minimization measures and construction monitoring required during project implementation.

The purpose of these surveys is to comply with the avoidance and minimization requirements of the federal Endangered Species Act and the California Endangered Species Act. If surveys are planned far enough in advance (typically 6–8 months), it is expected that in most cases identification of selected occupied habitat will not change the project design or schedule. These survey requirements

¹² *Direct impacts* are caused by the project and occur at the time and place of project implementation (e.g., ground disturbance, inundation). Direct impacts can be either permanent or temporary (see definitions of permanent and temporary impacts above).

¹³ *Indirect impacts* include those impacts that occur at the time of the proposed action but beyond the footprint of a project or activity (i.e., beyond the area of land cover disturbance).

¹⁴ For additional information on mapping wetlands, ponds, streams, and riparian woodlands, please see Section 6.8.4, *Item 4: Map of Wetlands, Ponds, Streams, and Riparian Woodlands*, of the Habitat Plan.

¹⁵ In early 2012, the Local Partners began pursuing a Regional General Permit (RGP) for the Habitat Plan from the San Francisco District of the USACE for projects covered by the Habitat Plan that also dredge or fill wetlands and other waters of the United States. The purpose of the RGP would be to provide a simplified and streamlined means for USACE to authorize projects in waters of the United States, including wetlands and other waters within the Habitat Plan Permit Area. The Local Partners anticipate that the RGP would be consistent with the current Nationwide permit program, seeking programmatic coverage for impacts on waters of the United States equal to or less than 0.5 acre and 300 linear feet.

¹⁶ See Habitat Plan, Section 6.6, *Conditions to Minimize Impacts on Specific Covered Species*.

and avoidance measures are designed to avoid or minimize impacts on individual species, to document key resources for tracking purposes, and to ensure that impacts on plant occurrences¹⁷ are properly mitigated by the Habitat Agency.¹⁸

Wildlife Surveys

Surveys required for select wildlife species help avoid impacts on individual species. If suitable breeding habitat of these wildlife species is found, preconstruction surveys are triggered¹⁹. Habitat survey requirements for select covered wildlife species are described below.

San Joaquin kit fox surveys are required if the project site falls within the Habitat Agency GIS Wildlife Survey Area²⁰ and contains the following land cover types.

- Grasslands.
- Oak Woodland.
- Agricultural.

The survey must identify and map all potential den locations on the project site. Based on the results, compliance with Condition 18 in the Habitat Plan may be required. This includes conducting preconstruction surveys, implementing avoidance and minimization measures, and construction monitoring. Chapter 6, pages 6-71 through 6-73 of the Habitat Plan provide guidance in meeting the requirements established under Condition 18.

Western burrowing owl surveys are required if the project site falls within the Habitat Agency GIS Wildlife Survey Area and contains the following land cover types.

- Grasslands.
- Oak Woodland.
- Agricultural.

The survey must identify any burrows and potential burrows within 250 feet of the project footprint. It must also document the presence/absence of burrowing owls (owls, pellets, whitewash, prey remains).²¹ Based on the results, compliance with Condition 15 in the Habitat Plan may be required. This includes conducting preconstruction surveys, implementing avoidance and minimization measures, and construction monitoring. Chapter 6, pages 6-62 through 6-67 of the Habitat Plan provide guidance in meeting the requirements established under Condition 15.

Least Bell's vireo surveys are required if the project site falls within the Habitat Agency GIS Wildlife Survey Area and the following land cover types are located onsite.

- Riparian Forest.
- Scrub.

The survey must identify and map all early successional riparian forest and scrub on the project site. Based on the results, compliance with Condition 16 in the Habitat Plan may be required. This includes conducting preconstruction surveys, implementing avoidance and minimization measures,

¹⁷ A group of individuals of the same species or subspecies that are separated by at least 0.25 mile from other groups of individuals of the same species or subspecies.

¹⁸ See Habitat Plan, Section 6.8.5, for more information on Item 5.

¹⁹ See Habitat Plan, Conditions 15–18.

²⁰ Provided in Habitat Agency Geobrowser, <http://www.hcpmaps.com>.

²¹ Surveys conducted in occupied habitat must be conducted during breeding and non-breeding season.

and construction monitoring. Chapter 6, pages 6-68 through 6-69 of the Habitat Plan provide guidance in meeting the requirements established under Condition 16.

Tricolored blackbird surveys are required if the project site falls within the Habitat Agency GIS Wildlife Survey Area or the project area is within 250 feet of any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types.

The survey must identify and map nesting substrate and marsh habitat. Based on the results, compliance with Condition 17 of the Habitat Plan may be required. This includes conducting preconstruction surveys, implementing avoidance and minimization measures, and construction monitoring. Chapter 6, pages 6-69 through 6-71 of the Habitat Plan provide guidance in meeting the requirements established under Condition 17.

Bay checkerspot butterfly surveys are required if the project site falls within the Habitat Agency GIS Wildlife Survey Area and the following land cover type is located onsite and cannot be avoided.

- Serpentine Bunchgrass.

The survey must identify and map extent of larval host plants and report results of reconnaissance-level surveys for adult butterflies.

Plant Surveys

Plant surveys are required in suitable habitat within a 0.25-mile (1,320-foot) radius of a known occurrence of a covered plant. The Habitat Agency will maintain a map of known occurrences and the survey radius around each plant based on the Habitat Plan and updates provided by the California Natural Diversity Database (every 6 months) for the study area. The Habitat Agency [Geobrowser](#) plant survey areas will be updated accordingly. These surveys will be performed according to the current applicable guidelines of CDFW and/or USFWS for plant surveys (if available) except no floristic surveys are required.

Surveys are required in locations where covered plant occurrences are most likely to occur. Covered plant surveys will be required in the following land cover types and specific habitats. The plant species for which surveys are required are also indicated. These land cover types and habitats were identified because the majority of covered species occur primarily or exclusively in serpentine land cover types.

- Serpentine Bunchgrass Grassland: Survey for smooth lessingia (July–November)²², fragrant fritillary (February–April), Metcalf Canyon jewelflower (April–July), most beautiful jewelflower (March–June), Tiburon paintbrush (April–July), and Coyote ceanothus (January–May).
- Serpentine Rock Outcrop: Survey for Santa Clara Valley dudleya (April–June), smooth lessingia (July–November), Metcalf Canyon jewelflower (April–July), most beautiful jewelflower (March–June), and Tiburon paintbrush (April–July).
- Serpentine Seep: Survey for Mount Hamilton thistle (February–October).
- Mixed Serpentine Chaparral: Survey for Coyote ceanothus (January–May) and most beautiful jewelflower (March–June).
- Mixed Oak Woodland and Forest with Serpentine Soils: Survey for Loma Prieta hoita (May–October).
- Coast Live Oak Forest and Woodland with Serpentine Soils: Survey for Loma Prieta hoita (May–October).

²² Indicates months when surveys must be conducted.

- Northern Coastal Scrub and Diablan Sage Scrub with Serpentine Soils: Survey for Coyote ceanothus (January–May), Metcalf Canyon jewelflower (April–July), most beautiful jewelflower (March–June), and smooth lessingia (July–November).

If a covered plant occurrence is observed onsite, the survey must list the condition of the occurrence. The condition of each covered plant occurrence must be documented as a baseline to compare future monitoring (if necessary) and to ensure that occurrences are protected within the Reserve System that are in as good or better condition than those lost to covered projects.

Part III: Species-Specific Preconstruction Surveys, Avoidance, and Monitoring Requirements

Item 6: Preconstruction Surveys for Selected Covered Wildlife

If the preconstruction survey identifies occupied breeding habitat, applicants must implement defined avoidance and minimization measures to avoid the resource during breeding seasons. Compliance during construction will be monitored by a qualified biologist. Preconstruction surveys, avoidance and minimization measures, and construction monitoring requirements are summarized in the Habitat Plan Application Form.

Item 7: Preconstruction Surveys for Selected Covered Plant Species

Based on the plant survey results, compliance with Condition 20 of the Habitat Plan may be required. This includes implementing avoidance and minimization measures into project design. Chapter 6, pages 6-76 through 6-80 of the Habitat Plan provide guidance in meeting the requirements established under Condition 20. Construction monitoring or plant salvage may be required as described in detail in Section 6.6.2 of the Habitat Plan.

Part IV: Conditions

The final component of the application form is documentation of how conditions have been incorporated into the project. These may be the same conditions preliminarily identified in the Habitat Plan Fees and Conditions Worksheet. If appropriate, a map should be included to document this compliance. Chapter 3 in this User's Manual provides guidance on the required conditions and where additional information on the conditions can be found in the Habitat Plan.

Verification that conditions have been implemented is primarily the responsibility of the local jurisdiction conducting or approving the covered activity. Participating local jurisdictions will be responsible for reporting the relevant details of approved projects to the Habitat Agency (for entry into the Habitat Plan database and for required reporting to the Wildlife Agencies). The Habitat Agency may contact the local jurisdiction to verify and ensure that the conditions are appropriately implemented. For additional guidance on compliance documentation, please see Section 6.8.6 of the Habitat Plan.

Conditions Applied by the Habitat Plan

Based on its type and location, a project may be subject to compliance with specific conditions of approval that are included as part of the Habitat Plan. The conditions are summarized in Chapter 3 in this document.²³ The conditions were designed to achieve the following objectives.

²³ See Habitat Plan, Chapter 6, *Conditions on Covered Activities and Application Process*.

- Provide avoidance of certain endangered species during the construction of projects.
- Prevent impacts on certain plant or wildlife species that are protected by federal and state laws (these species are often called *fully protected species*).
- Minimize adverse effects on specific sensitive natural communities (such as serpentine habitat, riparian zones, and oak woodlands) where conservation actions will take place.
- Avoid and minimize impacts on jurisdictional wetlands and waters.

Exemptions from Conditions

Some projects are exempt from Habitat Plan conditions.²⁴ These projects do not disturb the ground or have little or no measurable impact on the covered species or natural communities. Quantifiable impacts associated with projects exempt from conditions of the Habitat Plan will be reported in the Habitat Plan Application Package (impacts that cannot be quantified will not be tracked). Although these covered projects are exempt from the conditions, all of them receive endangered species permits under the Habitat Plan.

Exemptions established on land cover types are based on mapping for the Habitat Plan at the time of permit issuance and the nature of covered projects previously permitted on the site. Many of the covered projects exempt from the conditions in Chapter 3 may also be exempt from the Habitat Plan fees.²⁵

Part V: Fees

Completing the Habitat Plan Application Package requires using the fee calculators provided on the Habitat Plan website.²⁶ The Habitat Plan Fees and Conditions Worksheet walks applicants through the method for determining and calculating fees that may apply to their projects. Based on the project's location, size, and impacts, the following Habitat Plan fees may apply.

- Land cover fee.
- Nitrogen deposition fee.
- Serpentine fee.
- Burrowing owl fee.
- Wetland fee.
- Temporary impact fee.

Fees paid for projects obtaining endangered species permits under the Habitat Plan are based largely on the type and amount of land cover that is permanently and temporarily affected by private development. Fees are based on the amount of impacted land cover because land cover is the best predictor of potential endangered species habitat and is applicable to all of the endangered species included in the Habitat Plan.

Habitat Plan fees must be paid to the Habitat Agency before or when the grading permit for the project is issued. If a grading permit is not required, fees must be paid before or when the first construction permit is issued.

²⁴ See Habitat Plan, Section 6.2, *Exemptions from Conditions*, for a list of projects exempt from conditions.

²⁵ See Habitat Plan, Section 9.4.1, *Habitat Plan Fees*.

²⁶ www.scv-habitatplan.org. See Habitat Plan, Section 9.4.1, *Habitat Plan Development Fees*, for information on how development fees are calculated and which development fees are applicable to the project.

Exemptions from Habitat Plan Fees

All development that occurs on land mapped by the Habitat Plan as Urban-Suburban, Landfill, Reservoir, or Agriculture Developed land cover types is exempt from development fees, with the exception of the nitrogen deposition fee and burrowing owl fee, if it is not located in or next to a parcel that contains a stream, riparian woodland or forest, wetland, pond, or serpentine. In addition, land cover fees will not be paid on any land set aside for the Reserve System (i.e., conservation easement) or for stream setback that is avoided. If new vehicle trips are generated, the nitrogen deposition fee may be assessed.²⁷

The Reservoir category excludes dams, which are subject to Habitat Plan fees. Barns, corrals, ranch homes, and other small patches of existing development were not mapped as these four exempt land cover types because they fell below the 10-acre minimum mapping unit. These sites would also be exempt from the same development fees and monitoring/reporting activities by the Habitat Agency as long as applicants demonstrate with aerial photos or other documentation that they existed at the time of Habitat Plan adoption.

Section 9.4.1, *Habitat Plan Development Fees*, of the Habitat Plan provides guidance on determining whether or not a project is exempt from Habitat Plan fees.

In-Lieu of Habitat Plan Fees

The Habitat Plan provides several in-lieu of development fee options, each of which must be approved directly by the Habitat Agency and Wildlife Agencies. The in-lieu of development fees include the following.

- **Land in-lieu of Habitat Plan fees.** Applicants may own land that can help to meet the conservation goals of the Habitat Plan. Applicants who own land within a priority conservation area may wish to transfer fee title or place a conservation easement on the portion of their property within the Habitat Plan's conservation areas. If approved by the Habitat Agency and Wildlife Agencies, this transfer or easement dedication can reduce or eliminate impact fees required for development of the remaining portion of the property.²⁸
- **Restoration or creation in-lieu of wetland fees.** Applicants have the option of restoring, managing, and monitoring their own wetland, stream, or riparian mitigation site in-lieu of paying all or part of the wetland fee.²⁹ Applicants may propose to the Habitat Agency to create, manage, and monitor their own pond mitigation site in lieu of paying all or part of the wetland fee.³⁰

Application Review and CEQA

Most private development projects obtaining endangered species permits under the Habitat Plan will require a land use approval (such as a Use Permit or tentative subdivision map) and be subject to the California Environmental Quality Act (CEQA). For these covered projects, review of

²⁷ The Santa Clara Valley Habitat Plan Fees and Conditions Worksheet provides methods for calculating all Habitat Plan fees. This includes information on how to determine if the nitrogen deposition fee is assessed and how it is calculated.

²⁸ See Habitat Plan, Section 8.6.7, *Land Dedication In-Lieu of Development Fees*, for criteria for providing land in lieu of development fees.

²⁹ Unlike other development fees, wetland fees cannot be waived in lieu of land dedication.

³⁰ See Habitat Plan, Section 8.6.7, *Land Dedication in Lieu of Development Fees*, for criteria for providing restoration or creation in lieu of development fees.

applications for an endangered species permit should generally be undertaken concurrently with the CEQA environmental review.

To facilitate this approach, the local jurisdiction will likely request that an applicant submit initial Habitat Plan Application Package information as part of the land use approval application and CEQA process. To expedite CEQA coordination, applicants should begin preparing the Habitat Plan Application Package when the CEQA project description and alternatives for the project are developed—in doing so, requirements of the Habitat Plan can be used to inform site design and selection of the CEQA preferred alternative. The completed Habitat Plan documentation should be evaluated and approved by the appropriate CEQA lead agency of the local jurisdiction concurrently with the lead agency's review of the associated CEQA documents. Projects exempt from CEQA may still be covered projects under the Habitat Plan and require compliance with the conditions of the Habitat Plan as described in Chapter 3 in this User's Manual and Chapter 6 of the Habitat Plan.

There are many benefits to drafting the Habitat Plan Application Package early.

- Submitting initial Habitat Plan Application Package information during the land use approval/CEQA process will illustrate the various requirements of the Habitat Plan on the proposed project, and provide time to change the project description or identify alternatives for CEQA analysis.
- The CEQA document can refer to the project-specific requirements as identified in the draft Habitat Plan Application Package.
- It will enable the local jurisdiction to provide early review of the Habitat Plan Application Package for completeness.

Based on a review of this initial information and a determination of the Habitat Plan requirements, the local jurisdiction can establish conditions of approval specifying the Habitat Plan conditions and fee requirements. Habitat Plan fees will need to be paid prior to the issuance of construction permits (grading/building permits).

Each local jurisdiction is responsible for ensuring that covered projects, upon issuance of endangered species permits, fully comply with the terms of the Habitat Plan.

Private projects covered by the Habitat Plan and not exempt³¹ must be conditioned by the local jurisdiction obligating compliance with all terms and conditions of the *Implementing Agreement*³², the Habitat Plan, and the state and federal permits that apply to the project prior to the local jurisdiction issuing endangered species permits. Such terms and conditions include, but are not limited to, those listed below.

- Compliance with all relevant avoidance, minimization, surveys, monitoring, and conservation measures determined by the local jurisdiction to apply to the project as required by the Habitat Plan.
- The right local land use jurisdiction to monitor the applicant's compliance with all applicable conditions of the Habitat Plan.
- Imposition of a fee or dedication of land in lieu of the fee as described in Chapter 9 of the Habitat Plan and in the local *Implementing Ordinance*.³³

³¹ See Habitat Plan, Section 6.2, *Exemptions from Conditions*.

³² The *Implementing Agreement* is the agreement entered into by the co-Permittees and Wildlife Agencies to govern Habitat Plan implementation.

³³ The *Implementing Ordinance* allows the local jurisdictions to extend the endangered species permits to project proponents.

Step 7: Pay Habitat Plan Fees, Agree to Conditions of Approval, and Obtain Permits

The local jurisdiction will grant endangered species permits through the issuance of a *Determination of Consistency* once the Habitat Plan Application Package is deemed complete, the conditions of approval have been established and imposed, and the required fees (if applicable) have been paid.³⁴ The Determination of Consistency documents a project's consistency with the Habitat Plan and commits the applicant to the terms and conditions of the Habitat Plan. Once the Determination of Consistency is issued, the applicant can proceed with the project consistent with other applicable local, state, and federal laws and local entitlements. A template Determination of Consistency form for applicants can be found on the Habitat Plan website.

³⁴ See Habitat Plan, Chapter 9, for required fees and payment times.

Determination of Conditions on Covered Projects

Projects may be subject to compliance with specific conditions of approval that are part of the Habitat Plan. Designed to protect species and their habitats, these conditions include actions like conducting preconstruction surveys for specific species or keeping construction activities a specified distance from waterways. Conditions pertain to certain types of projects, certain species, or certain natural communities.

Depending on its type and location, a project may be subject to certain conditions, all of which are intended to protect species and their habitats.

Importantly, not all conditions apply to all projects. It is the applicant's responsibility to design and implement the project in compliance with all applicable conditions.

Tables 4–7 summarize conditions that may be applicable to a project. Conditions are grouped into four categories: conditions on all covered projects (Table 4), conditions on specific covered projects (Table 5), conditions to minimize impacts on natural communities (Table 6), and conditions to minimize impacts on specific covered species (Table 7).

Answers to common questions appear below.

- **Which conditions apply to a project?** In general, a project's type and location determine which conditions apply. The process of completing the Habitat Plan Application Package will help applicants identify which conditions apply to their projects. In reviewing each Habitat Plan Application Package, the applicable local jurisdiction will confirm which conditions apply to a project.
- **When do the conditions have to be met?** Certain conditions must be met prior to completion of the Habitat Plan Application Package, while others will be implemented once the Habitat Plan Application Package is approved and endangered species permits are granted.
- **Can conditions be modified?** If an applicant proposes to use a less preferable design option (e.g., a culvert instead of a free-span bridge), the applicant must demonstrate in the Habitat Plan Application Package why the preferred option is infeasible. The local jurisdiction will determine if this rationale is sufficient under the circumstances.

Table 4. Summary of Conditions that Apply to All Projects under the Habitat Plan

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project						
				Type		Phase				
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M
1. Avoid Direct Impacts on Legally Protected Plant and Wildlife Species	Are covered under the Habitat Plan	Protect species for which environmental permits cannot be granted: Contra Costa goldfields, bald eagle, American peregrine falcon, southern bald eagle, white-tailed kite, California condor, and ring-tailed cat (= ringtail); also requires compliance with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act	Habitat Plan: Section 6.3, <i>Conditions on All Covered Activities</i> (pages 6-7 to 6-8)	●	●	●	●	●	●	●
3. Maintain Hydrologic Conditions and Protect Water Quality	Are covered under the Habitat Plan	Protect watershed health, primarily through reducing stormwater discharge and pollutant runoff from project sites	Habitat Plan: Section 6.4.1, <i>Urban Development</i> (pages 6-12 to 6-13); Table 6-2	●	●	●	●	●	●	
● Applies to the project.										

Table 5. Summary of Project-Specific Conditions under the Habitat Plan

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project							
				Type		Phase					
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M	
2. Incorporate Urban-Reserve System Interface Design Requirements	Overlap the Urban Reserve System Interface Zones	Lessen impacts that can result (e.g., through runoff, noise, introduction of invasive species) when development occurs near reserve areas	Habitat Plan: Section 6.4.1, <i>Urban Development</i> (pages 6-9 to 6-11) Geobrowser: <i>Urban Reserve System Interface Zones</i> [www.hcpmaps.com]	○	○	●	●				
4. Avoidance and Minimization for In-Stream Projects	Involve in-stream work (e.g., flood protection, bridge rehabilitation, dam repair)	Minimize sediment/pollutant discharge into waterways, disturbance of earth and riparian vegetation, and alteration of the hydrologic and hydraulic characteristics of water bodies	Habitat Plan: Section 6.4.2, <i>In-Stream Projects</i> (pages 6-14 to 6-18); Figure 3-10; Table 6-2	○	○		●	●			
5. Avoidance and Minimization Measures for In-Stream Operations and Maintenance	Involve O&M work within and immediately adjacent to the stream channel (e.g., sediment removal, bank stabilization, vegetation management)	Minimize sediment/pollutant discharge into waterways and disturbance of riparian vegetation	Habitat Plan: Section 6.4.3, <i>In-Stream Operations and Maintenance</i> (pages 6-18 to 6-20); Table 6-2	○	○						●
6. Design and Construction Requirements for Covered Transportation Projects	Are transportation-oriented and involve new ground disturbance or create/augment wildlife movement barriers (e.g., dirt road construction, interchange upgrades)	Lessen the impacts of transportation projects by enhancing wildlife crossings, erecting fencing, installing/maintaining drainage structures, and other measures	Habitat Plan: Section 6.4.4, <i>Rural Projects</i> (pages 6-21 to 6-28); Table 6-3		○	○	●	●	●		

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project							
				Type		Phase					
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M	
7. Rural Development Design and Construction Requirements	Consist of new development either outside the urban service area (e.g., subdivisions) or within urban service area if consistent with rural land uses (e.g., agricultural facilities)	Lessen the impacts of rural development in areas that will remain primarily rural by preserving wildlife corridors, minimizing degradation of streams, and other measures	Habitat Plan: Section 6.4.4, <i>Rural Projects</i> (pages 6-28 to 6-34)	○	●		●	●			
8. Implement Avoidance and Minimization Measures for Rural Road Maintenance	Involve O&M activities (e.g., utility line maintenance, vegetation management, road maintenance) on or along rural roads	Minimize sediment discharge, disturbance of nesting covered bird species, and the spread of nonnative invasive species	Habitat Plan: Section 6.4.5, <i>Rural Operations and Maintenance</i> (pages 6-35 to 6-37); Table 6-4		○						●
9. Prepare and Implement a Recreation Plan	Are located within Reserve System lands that allow public access	Minimize recreational use impacts on biological resources	Habitat Plan: Section 6.4.6, <i>Reserve System Implementation</i> (pages 6-37 to 6-42)			●	●		●	●	
10. Fuel Buffer	Are covered under the Habitat Plan and located within Reserve System lands; or in the Diablo Range or Santa Cruz Mountains; or in grassland, chaparral, oak woodland, or conifer woodland types; or in areas designated by the County as very high fire hazard severity zones	Provide fire protection by establishing minimum standards for removing brush, flammable vegetation, or combustible growth near occupied structures	Habitat Plan: Section 6.4.6, <i>Reserve System Implementation</i> (pages 6-42 to 6-44)		○				●	●	
<ul style="list-style-type: none"> ● Applies to the project. ○ May apply to the project, depending on project type and location; see Chapter 6, <i>Conditions on Covered Activities and Application Process</i> (pages 6-2 to 6-80), of the Habitat Plan. 											

Table 6. Summary of Natural Community–Specific Conditions under the Habitat Plan

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project							
				Type		Phase					
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M	
11. Stream and Riparian Setbacks	Overlap a stream or stream setback—requirements differ based on project’s location in relation to the urban service area	Minimize impacts on streams by specifying setbacks and buffer zones	Habitat Plan: Section 6.5, <i>Conditions to Minimize Impacts on Natural Communities</i> (pages 6-44 to 6-55); Table 6-5	○	○		●	●			
12. Wetland and Pond Avoidance and Minimization	Are covered under the Habitat Plan ^a	Minimize impacts on wetlands and ponds and avoid impacts on high quality wetlands and ponds by prescribing vegetated stormwater filtration features, proper disposal of cleaning materials, and other requirements	Habitat Plan: Section 6.5, <i>Conditions to Minimize Impacts on Natural Communities</i> (pages 6-56 to 6-58)	○	○	●	●	●			
13. Serpentine and Associated Covered Species Avoidance and Minimization	Are located on sites with serpentine soils	Minimize or avoid impacts on serpentine soils by prescribing surveys, plant salvage, and other requirements	Habitat Plan: Section 6.5, <i>Conditions to Minimize Impacts on Natural Communities</i> (pages 6-58 to 6-59)	○	○	●	●	●			
14. Valley Oak and Blue Oak Woodland Avoidance and Minimization	Are covered under the Habitat Plan ^b	Minimize and avoid Valley and Blue Oak Woodland by specifying buffer zones, pruning regulations, and other requirements	Habitat Plan: Section 6.5, <i>Conditions to Minimize Impacts on Natural Communities</i> (pages 6-60 to 6-61)	○	○	●		●			
<p>^a Covered project compliance with this condition can be demonstrated by project location. Covered projects located more than 100 feet from wetlands or ponds are in compliance with this condition.</p> <p>^b Covered project compliance with this condition can be demonstrated by project location. Covered projects located more than 25 feet from Valley Oak or Blue Oak Woodlands are in compliance with this condition.</p> <p>● Applies to the project.</p> <p>○ May apply to the project, depending on project type and location; see Chapter 6, <i>Conditions on Covered Activities and Application Process</i> (pages 6-2 to 6-80), of the Habitat Plan.</p>											

Table 7. Summary of Species-Specific Conditions under the Habitat Plan

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project						
				Type		Phase				
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M
15. Western Burrowing Owl	Are located within any Grassland, Oak Woodland, or Agricultural land cover type and within wildlife survey area, or where burrowing owl nesting or breeding habitat has been documented by survey	Protect western burrowing owls by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements	Habitat Plan: Section 6.6.1, <i>Selected Covered Wildlife Species</i> (pages 6-62 to 6-67); Table 6-8 Geobrowser: <i>Burrowing Owl Survey and Fee Zones</i> [www.hcpmaps.com]	○	○		●	●		●
16. Least Bell’s Vireo	Are located within any Riparian Forest and Scrub land cover type and within wildlife survey area	Protect least Bell’s vireos by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements	Habitat Plan: Section 6.6.1, <i>Selected Covered Wildlife Species</i> (pages 6-68 to 6-69); Table 6-8 Geobrowser: <i>Wildlife Survey Areas</i> [www.hcpmaps.com]	○	○		●	●		●
17. Tricolored Blackbird	Are located within 250 feet of any Riparian, Coastal and Valley Freshwater Marsh (perennial wetlands), or Pond land cover types	Protect tricolored blackbirds by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements	Habitat Plan: Section 6.6.1, <i>Selected Covered Wildlife Species</i> (pages 6-69 to 6-71); Table 6-8	○	○		●	●		●
18. San Joaquin Kit Fox	Are located within any Grassland, Oak Woodland, or Agricultural land cover type and within wildlife survey area	Protect San Joaquin kit foxes by prescribing preconstruction surveys, construction buffer zones, biological monitoring, and other requirements	Habitat Plan: Section 6.6.1, <i>Selected Covered Wildlife Species</i> (pages 6-71 to 6-73); Table 6-8 Geobrowser: <i>Wildlife Survey Areas</i> [www.hcpmaps.com]	○	○		●	●		●

Condition	Applies to projects that:	This condition helps:	For detailed information, see:	Project						
				Type		Phase				
				Urban development	Rural development	Planning	Design	Construction	Postconstruction	O&M
19. Plant Salvage when Impacts are Unavoidable	Cannot avoid impacts on covered plants	Protects covered plants by prescribing salvage whenever avoidance of impacts is not feasible	Habitat Plan: Section 6.6.2, <i>Covered Plants</i> (pages 6-74 to 6-76)	○	○		●	●	●	●
20. Avoid and Minimize Impacts to Covered Plant Occurrences	Are located in areas where covered plant species are likely to occur and within a covered plant survey area	Requires plant surveys, specific avoidance and minimization practices (e.g., using seclusion fencing), and monitoring for selected plant species	Habitat Plan: Section 6.6.1 <i>Selected Covered Wildlife Species</i> (pages 6-76 to 6-80); Table 6-8 Geobrowser: <i>Plant Survey Areas</i> [www.hcpmaps.com]	○	○		●	●	●	●
<ul style="list-style-type: none"> ● Applies to the project. ○ May apply to the project, depending on project type and location; see Chapter 6, <i>Conditions on Covered Activities and Application Process</i> (pages 6-2 to 6-80), of the Habitat Plan. 										

Additional Actions Required after Project Approval

Compliance Monitoring and Verification

The local jurisdictions have a special responsibility to assist with implementation because of their authorities as local governments. They may monitor the implementation of covered projects on project sites.

A representative of the local jurisdiction that issued the project's Determination of Compliance may visit the project site during or following construction to verify conditions are being implemented as they were approved in the Habitat Plan Application Package.

The local jurisdiction may visit a project site to verify that conditions are being implemented as approved in the Habitat Plan Application Package.

Chapter 5 References

ICF International. 2012. *Santa Clara Valley Habitat Plan*. Final. (ICF 05489.05.) Prepared for the City of Gilroy, City of Morgan Hill, City of San José, County of Santa Clara, Santa Clara Valley Transportation Authority, and Santa Clara Valley Water District. Prepared by ICF International, San Francisco, CA. Available: <http://www.scv-habitatplan.org/www/site/alias_default/346/final_habitat_plan.aspx>. Accessed: October 2013.

