



SANTA CLARA VALLEY
HABITAT AGENCY

Santa Clara Valley Habitat Plan

Training

October 27, 2015

Overview

- Understanding the Santa Clara Valley Habitat Plan
- Permitting Resources and Process
- Am I in or out?
- Understanding the Application/Reporting Form
- Case Studies



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Part 1

Understanding the Santa Clara Valley Habitat Plan

Who Developed the Habitat Plan?

The Plan was prepared by six local agencies.

- 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.



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City of Gilroy

City of Morgan Hill

City of San José

County of Santa Clara

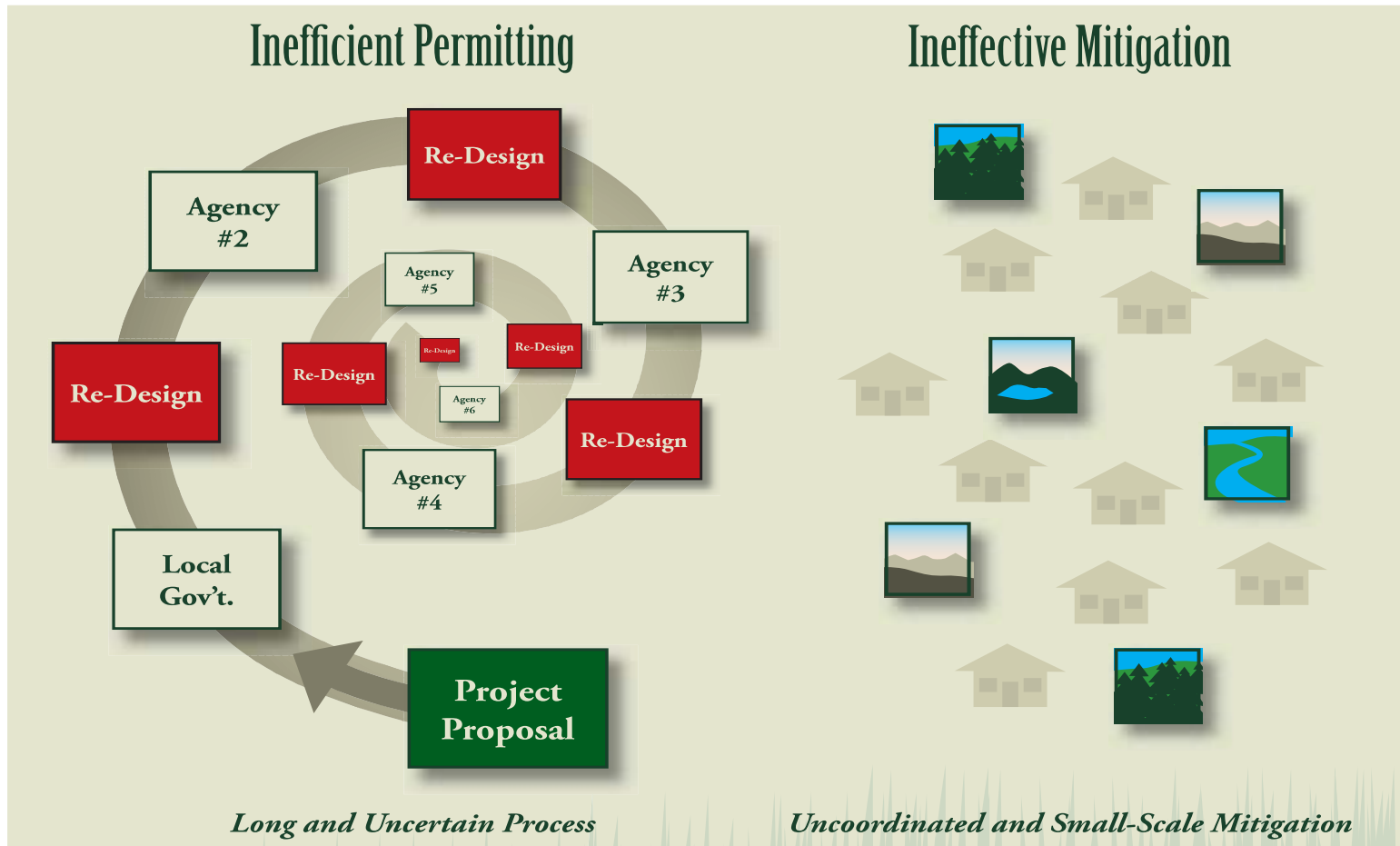
Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



Why a Regional Habitat Plan?

Endangered Species Permitting -- Business as Usual



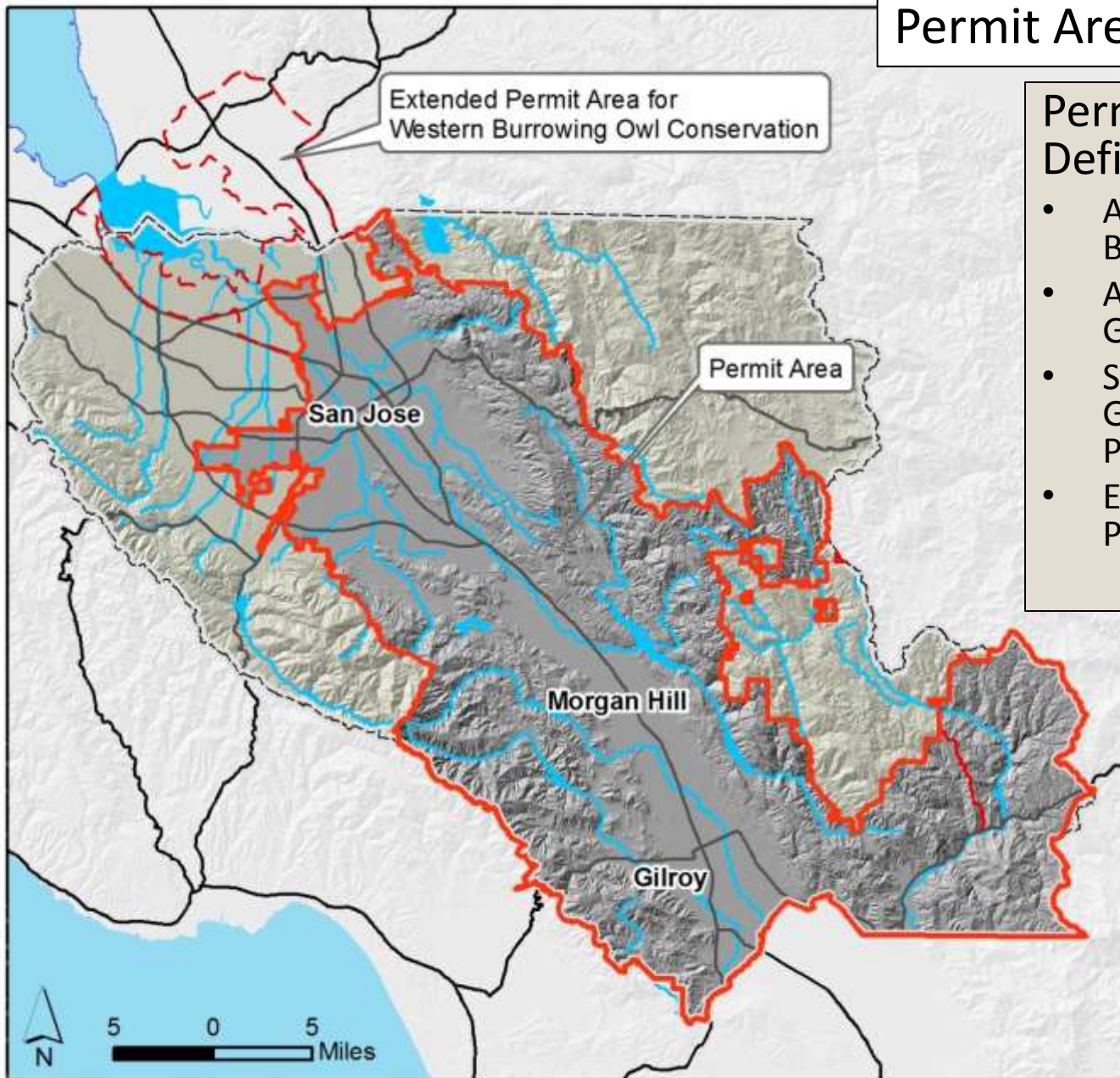
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- City of Gilroy
- City of Morgan Hill
- City of San José
- County of Santa Clara
- Santa Clara Valley Water District
- Santa Clara Valley Transportation Authority

What is the Habitat Plan?

- 50-year regional plan
- Endangered species permits
- Regulatory document and is not voluntary

Permit Area



Extended Permit Area for Western Burrowing Owl Conservation

Permit Area

San Jose

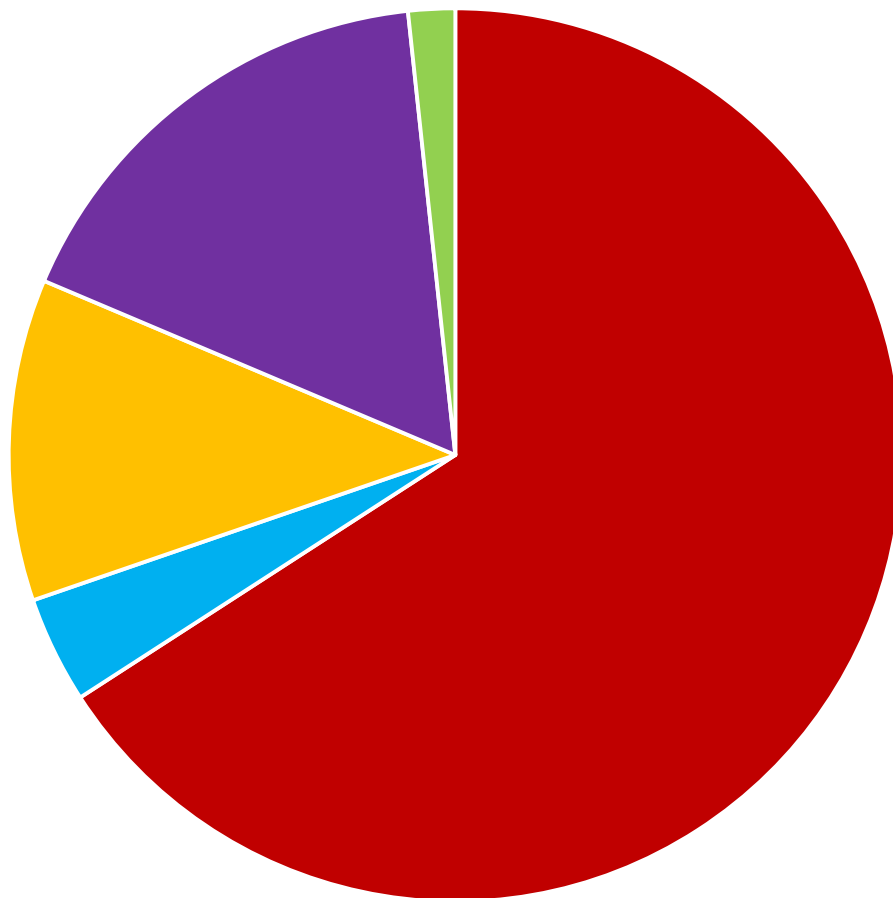
Morgan Hill

Gilroy

- Permit Area Boundaries Defined by:**
- All of City of San Jose except Baylands
 - All of City of Morgan Hill and Gilroy
 - Santa Clara County in Guadalupe, Coyote, and Pajaro Watersheds
 - Excludes Henry Coe State Park

Santa Clara Valley Habitat Plan Permit Area

Covered Activities



■ Urban Development

■ In-Stream Capital Projects

■ Rural Capital Projects

■ Rural Development

■ Conservation Strategy Implementation

+ temporary project impacts



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Provides Conservation for 18 Covered Species

Wildlife

Invertebrates

★ Bay checkerspot butterfly

Amphibians and Reptiles

California tiger salamander

California red-legged frog

Foothill yellow-legged frog

Western pond turtle

Birds

★ Western burrowing owl

★ Least Bell's vireo

★ Tricolored blackbird

Mammals

★ San Joaquin kit fox

Plants

★ Tiburon Indian paintbrush

★ Coyote ceanothus

★ Mount Hamilton thistle

★ Santa Clara Valley dudleya

★ Fragrant fritillary

★ Loma Prieta hoita

★ Smooth lessingia

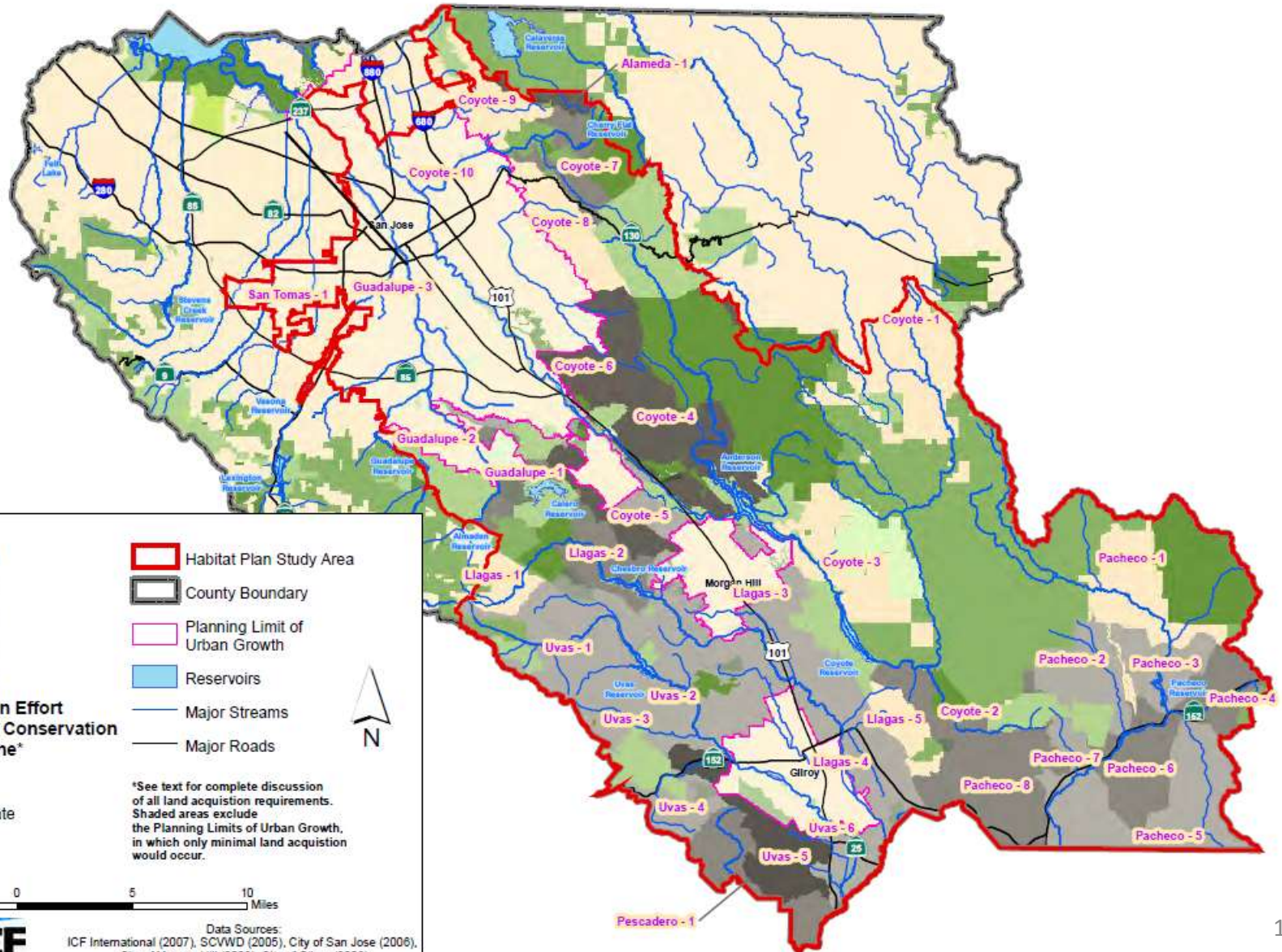
★ Metcalf Canyon jewelflower

★ Most beautiful jewelflower

★ = survey requirements



Conservation Strategy



What are the Benefits of the Habitat Plan?

- **Local control.** Allow local control of the extension of endangered species permits for local projects.
- **More efficient.** Habitat Plan offers a more time efficient and simplified process to obtain endangered species permits for private and public projects, including operations and maintenance activities.
- **Increased certainty.** Provides co-Permittees with greater certainty in mitigation requirements and timing.
- **Species recovery and land conservation.** A regional approach to species recovery and land conservation



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City of Gilroy

City of Morgan Hill

City of San José

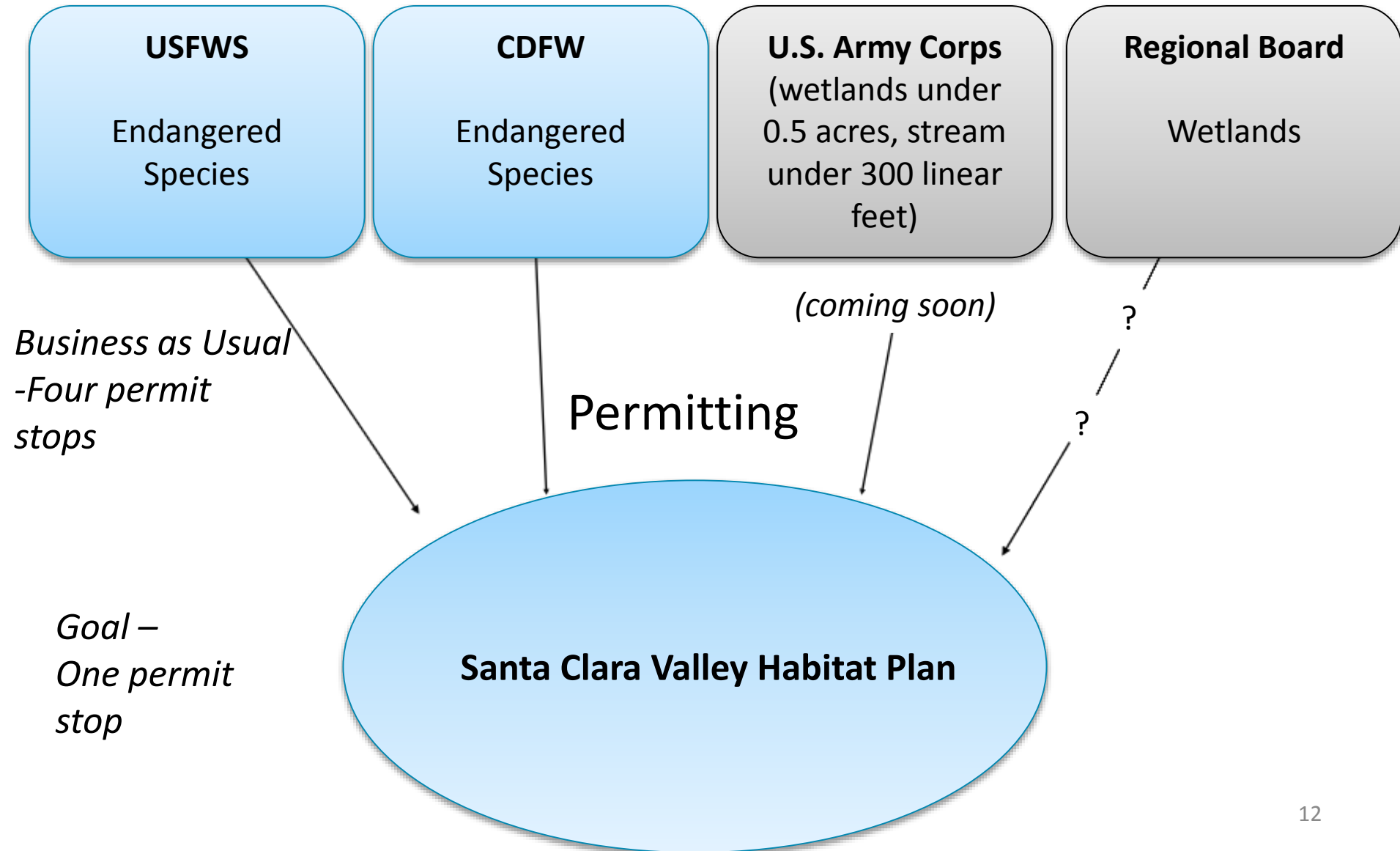
County of Santa Clara

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Local Control and Increased Certainty for Project Permitting



Questions?



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Part 2

Permitting Resources and Process

What Resources are Available?

Geobrowser
hcpmaps.com



Screening Form

Fees and Conditions
Worksheet

Conditions
Guidebook



Application/
Reporting Forms

Fee and Nitrogen
Calculators

Santa Clara Valley
Habitat Plan



http://scv-habitatagency.org/

The screenshot shows the homepage of the Santa Clara Valley Habitat Agency. At the top left is the agency's logo, which includes a small landscape icon and the text "SANTA CLARA VALLEY HABITAT AGENCY". To the right of the logo is a search bar with a magnifying glass icon, and below it are links for "Site Tools" and "Share". A green navigation bar contains the following menu items: "About Us", "Permitting", "Boards & Committees", "Conservation Strategy", and "Documents & Data". The main content area features a large, scenic photograph of a winding river through a valley with green hills and a blue sky with clouds. Below the photograph is a dark grey bar with several icons and labels: "Notify Me" (envelope icon), "Contact Us" (speech bubble icon), "GIS Data & Key Maps" (map icon), "Final Habitat Plan" (checkmark icon), and "Geobrowser" (globe icon). At the bottom of the page, there are three columns of content. The left column has a dark background and lists "Agendas & Minutes", "Policies", and "Frequently Asked Questions". The middle column has a light background and contains the text: "The Santa Clara Valley Habitat Agency leads the implementation of the Santa Clara Valley Habitat Plan (Habitat Plan). 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. In 2013 the Habitat Plan was adopted by all local participating agencies and permits were issued from the US Fish and Wildlife Service and California Department of Fish and Wildlife. It is both a habitat conservation plan and natural community". The right column has a green background and is titled "FAQs", with sub-questions: "What is the Santa Clara Valley Habitat Plan (Habitat Plan)?", "Who developed the Habitat Plan? When was it approved?", and "What is a habitat conservation plan?". In the bottom right corner, there is a "Select Language" dropdown menu.

Do I have to Read the Habitat Plan?

Chapter Key Information

2 Covered Activities

3 Land cover definitions for mapping

6 Conditions on Covered Activities

9 Calculating fees

Plan Interpretations

Policies



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City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority



www.hcpmaps.com

The screenshot displays the 'SANTA CLARA VALLEY Habitat Agency Geobrowser' interface. The main map area shows a topographic view of the Santa Clara Valley, with a large green-shaded region representing the 'Habitat Plan Permit Area'. The map includes labels for various cities and towns such as San Jose, San Francisco, Mountain View, and San Jose. The interface includes several panels:

- Find Location:** A search bar with the text 'Enter address, placename, or coordinates:' and buttons for 'Clear' and 'Search'.
- Search by APN:** A search bar with the text 'Enter APN(s) separated by comma:' and buttons for 'Clear' and 'Search'.
- Feature count:** A section showing 'Feature count: 0' and a button for 'Generate Report'.
- Layers:** A list of layers with checkboxes, including:
 - HCP Data:**
 - Habitat Plan Permit Area
 - Private Development Areas
 - Land Cover
 - Fee Zones
 - Potential Other Fees
 - Survey Areas
 - Habitat Plan Conditions
 - General Data:**
 - Santa Clara County Boundary
 - Parcels
 - City Limits
 - Urban Service Areas
 - Planning Limits of Urban Growth
 - Base Layers:**
 - None
 - NAD Imagery
 - Google Streets
- Legend:** A legend on the right side of the map showing a green square next to the text 'Habitat Plan Permit Area'.
- Map Data:** At the bottom of the map, it says 'Map data ©2013 Google Imagery ©2013 TerraMetrics' and 'EPSG:802813 X: 120 965 Y: 37 134'.

Resources and Tools

Website	<u>http://scv-habitatagency.org</u>
Geobrowser	<u>www.hcpmaps.com</u>
GIS data and submittal requirements	<u>http://scv-habitatagency.org/193/GIS-Data-Key-Maps</u>
Private Application Materials	<u>http://scv-habitatagency.org/250/Private-Applicant</u>
Public Reporting Materials	<u>http://scv-habitatagency.org/278/Public-Agencies</u>
PSE Application Materials	<u>http://scv-habitatagency.org/270/Participating-Special-Entities</u>
HCP Fee Schedule	<u>http://scv-habitatagency.org/206/Habitat-Agency-Fee-Schedule</u>
Final Habitat Plan, interpretations, policies	<u>http://scv-habitatagency.org/178/Final-Habitat-Plan</u>
Trainings	<u>http://scv-habitatagency.org/298/Training</u>

Overview of the Compliance Process

Step 1

Determine if project is a covered activity

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees

Step 3

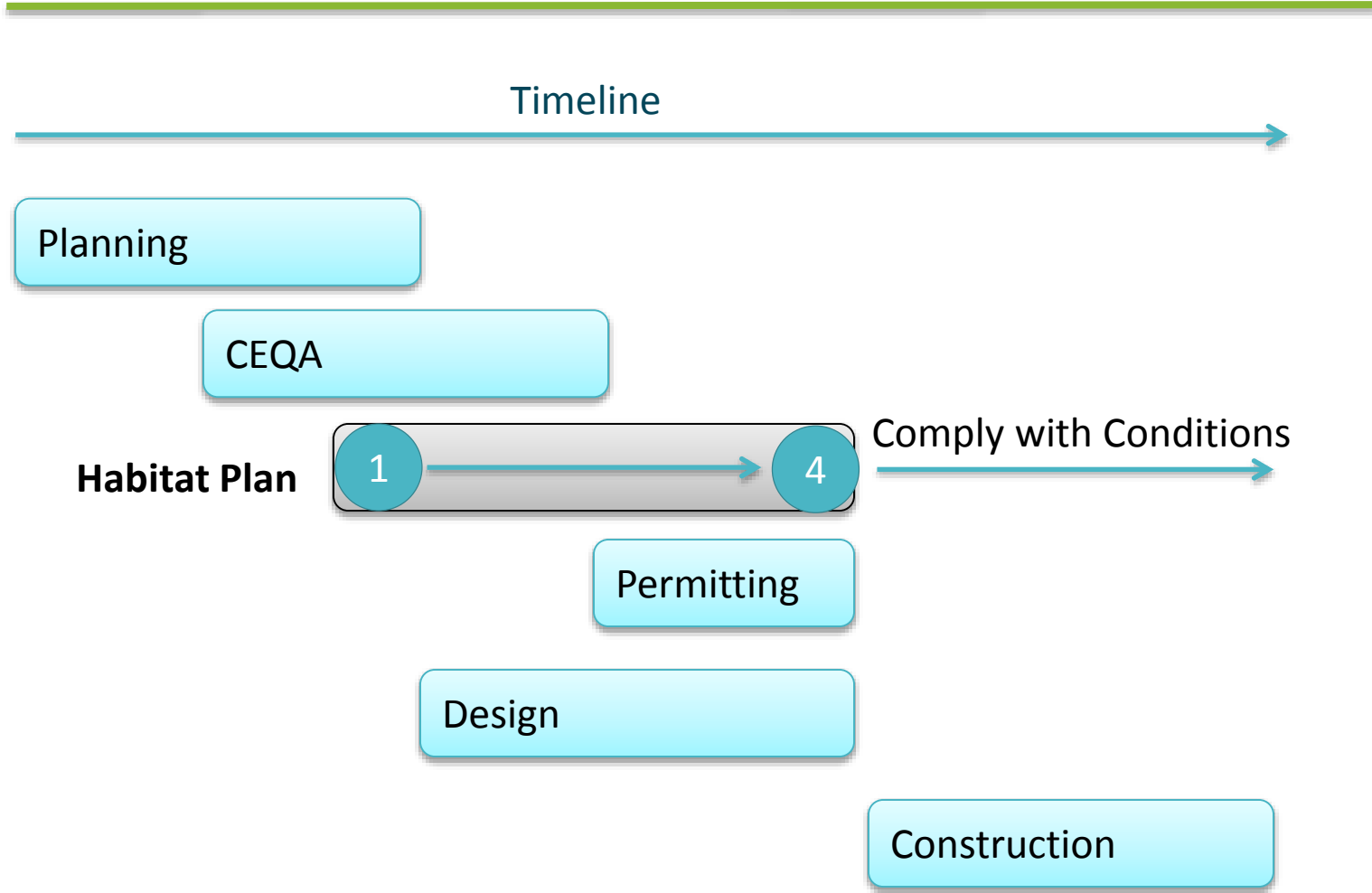
Complete, Submit, and Finalize
Application/Reporting Package

Step 4

Pay Fees and Construct Project

Comply with Conditions

How does the Habitat Plan Fit into the CEQA Process?



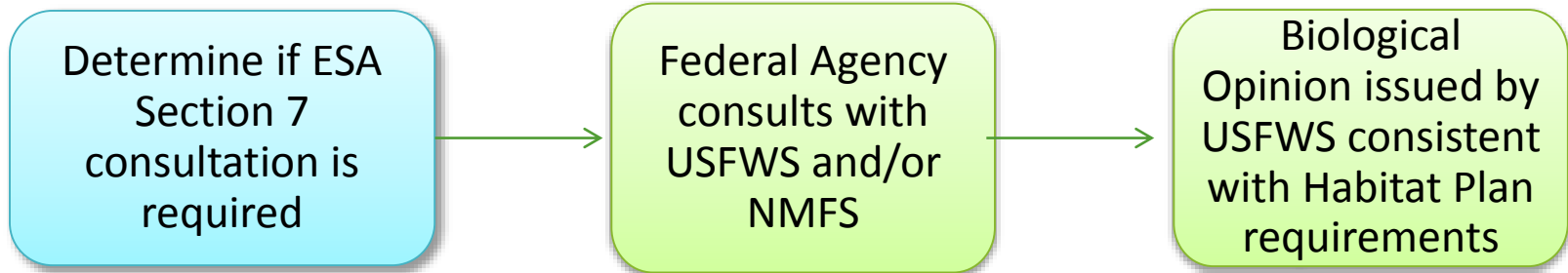
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What about Section 7?



Paradigm Shift

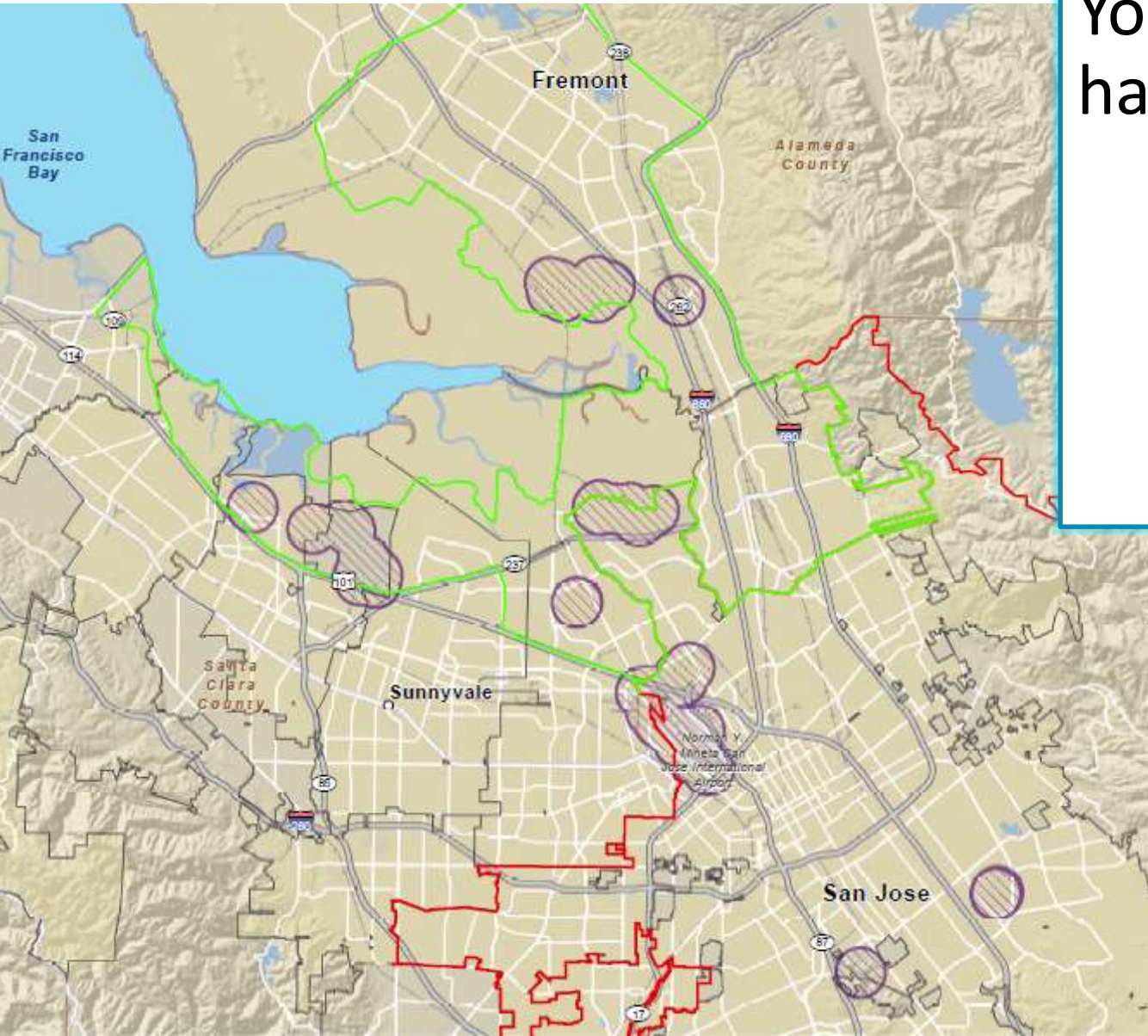
- Not all species are covered and not all projects are covered, so it is important to find out if your species or project is covered. If you are working in the permit area, there is a good chance your project is covered.
- You can address the 18 covered species through the Habitat Plan, but may have to address additional species through the CEQA process (e.g., American badger, dusky-footed woodrat, golden eagle, Hall's bush mallow)
 - Habitat Plan pre-determines species distribution and survey requirements for covered species.
 - No additional mitigation measures needed for the Habitat Plan species and sensitive resources addressed.

CEQA considerations outside the Permit Area

Your project may have impacts:

Burrowing Owl

Nitrogen Deposition



Questions?



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Part 3

Am I In or Out?

Overview of the Compliance Process

Step 1

Determine if project is a covered activity

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees

Step 3

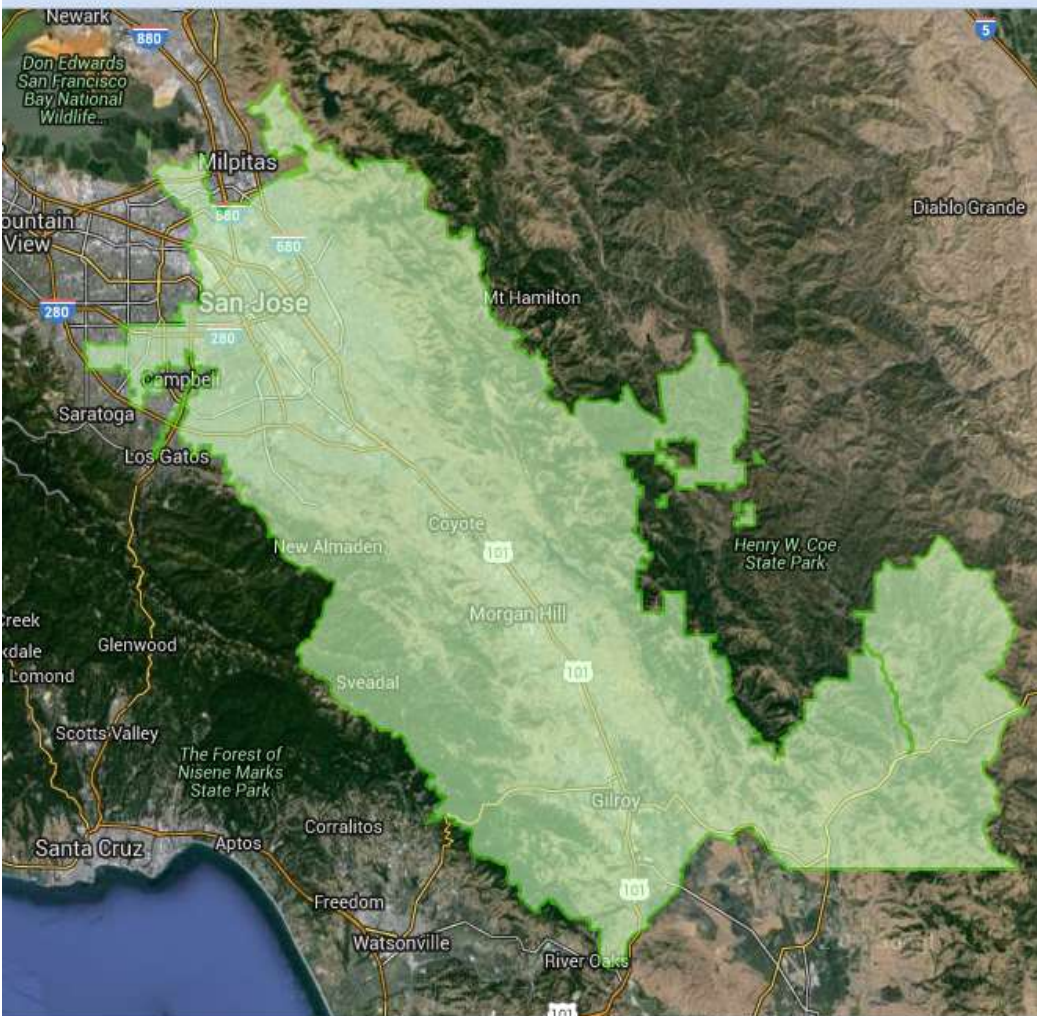
Complete, Submit, and Finalize
Application/Reporting Package

Step 4

Pay Fees and Construct Project

Comply with Conditions

Private Projects



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Santa Clara Valley
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Santa Clara Valley Habitat Plan COVERAGE SCREENING FORM

Application File Number:

(Assigned by jurisdiction)

To determine if a project is eligible for coverage under the Santa Clara Valley Habitat Plan ("Habitat Plan"), complete and submit this form to the planning or building office of the applicable local jurisdiction (County of Santa Clara, City of Gilroy, City of Morgan Hill, or City of San Jose) as soon as possible in the development process.

This form is used to evaluate if a private development project located within the Habitat Plan Permit Area is classified as a "covered project" under the Habitat Plan. Certain projects within the Habitat Plan Permit Area may not be covered projects under the Habitat Plan due to their location and size. This form is used to determine one of two conclusions and courses of action regarding a proposed project:

(1) A project is not a covered project under the Habitat Plan. Submit this form to the applicable local jurisdiction. No additional action regarding the Habitat Plan is needed.¹

(2) A project is a covered project under the Habitat Plan. Submit this form to the applicable planning or building office along with the Fees and Conditions Worksheet when submitting applications for planning approvals.

1. Project Type (subdivision, conditional use permit, etc.) _____

2. Project Location (address / assessor's parcel number) _____

3. Project Description (including proposed use) _____

4. Screening Questions

A. Project Location

On the Private Development Areas map² (Figure 2-5 of the Habitat Plan), what area is the project located within? (check the applicable box below)

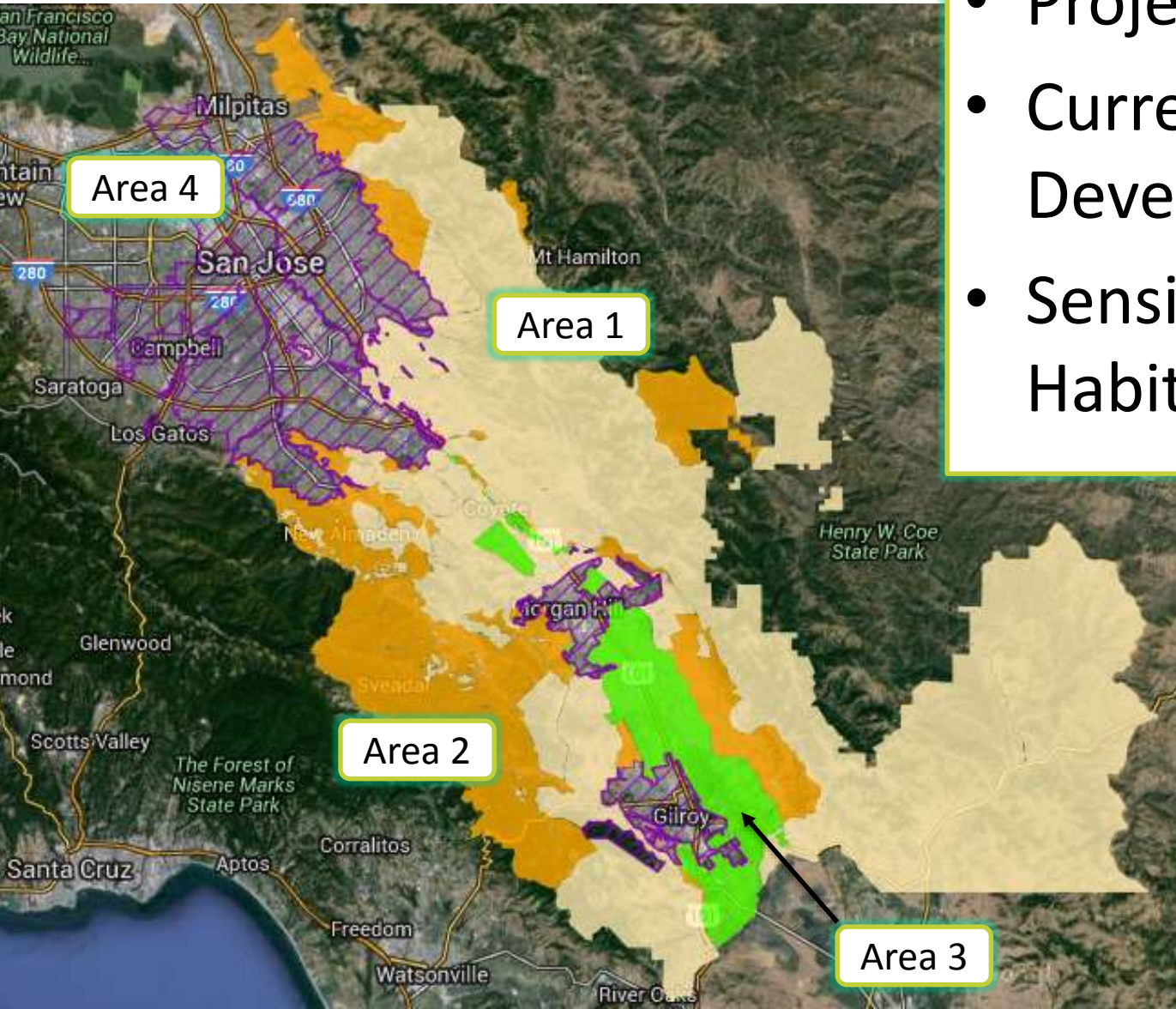
i. Private Development Covered	<input type="checkbox"/> Go to Question C, page 2
ii. Rural Development Equal or Greater Than 2 Acres Covered	<input type="checkbox"/> Go to Question B, page 2
iii. Rural Development Not Covered	<input type="checkbox"/> Go to Conclusion 1, page 3
iv. Urban Development Equal or Greater Than 2 Acres Covered	<input type="checkbox"/> Go to Question B, page 2

¹ See disclaimer under Conclusion 1 below regarding Endangered Species Act requirements.

² The Private Development Areas map can be viewed on the Habitat Agency Geobrowser at: <http://www.scv-habitatplan.org> or GIS maps at each of the planning or building offices (Gilroy, Morgan Hill, San Jose, Santa Clara County).

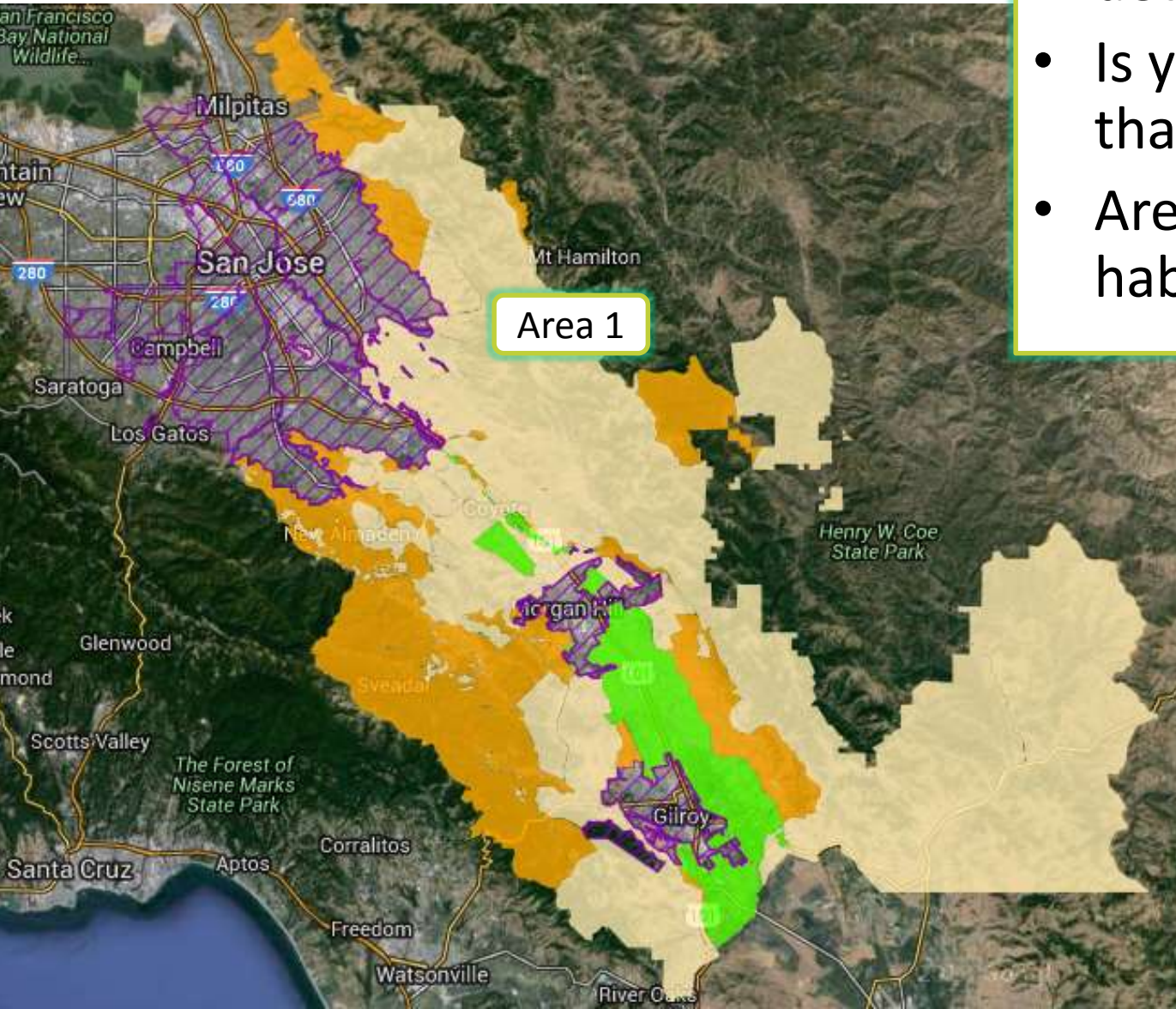
Private Projects

- Location
- Project Size
- Currently Developed?
- Sensitive Habitats



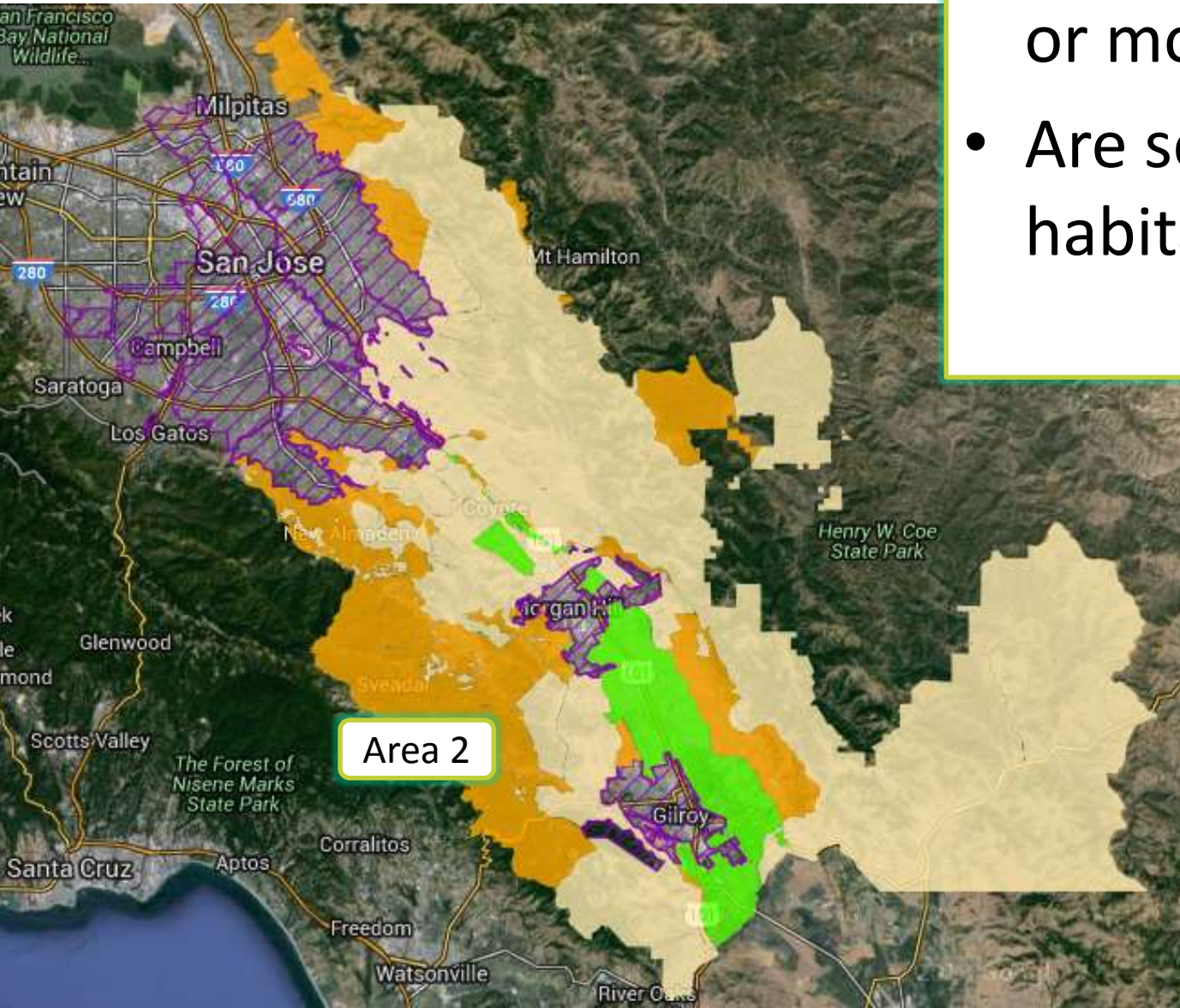
Private Projects

- Is the site currently developed?
- Is your project less than 5,000 ft²?
- Are sensitive habitats present?



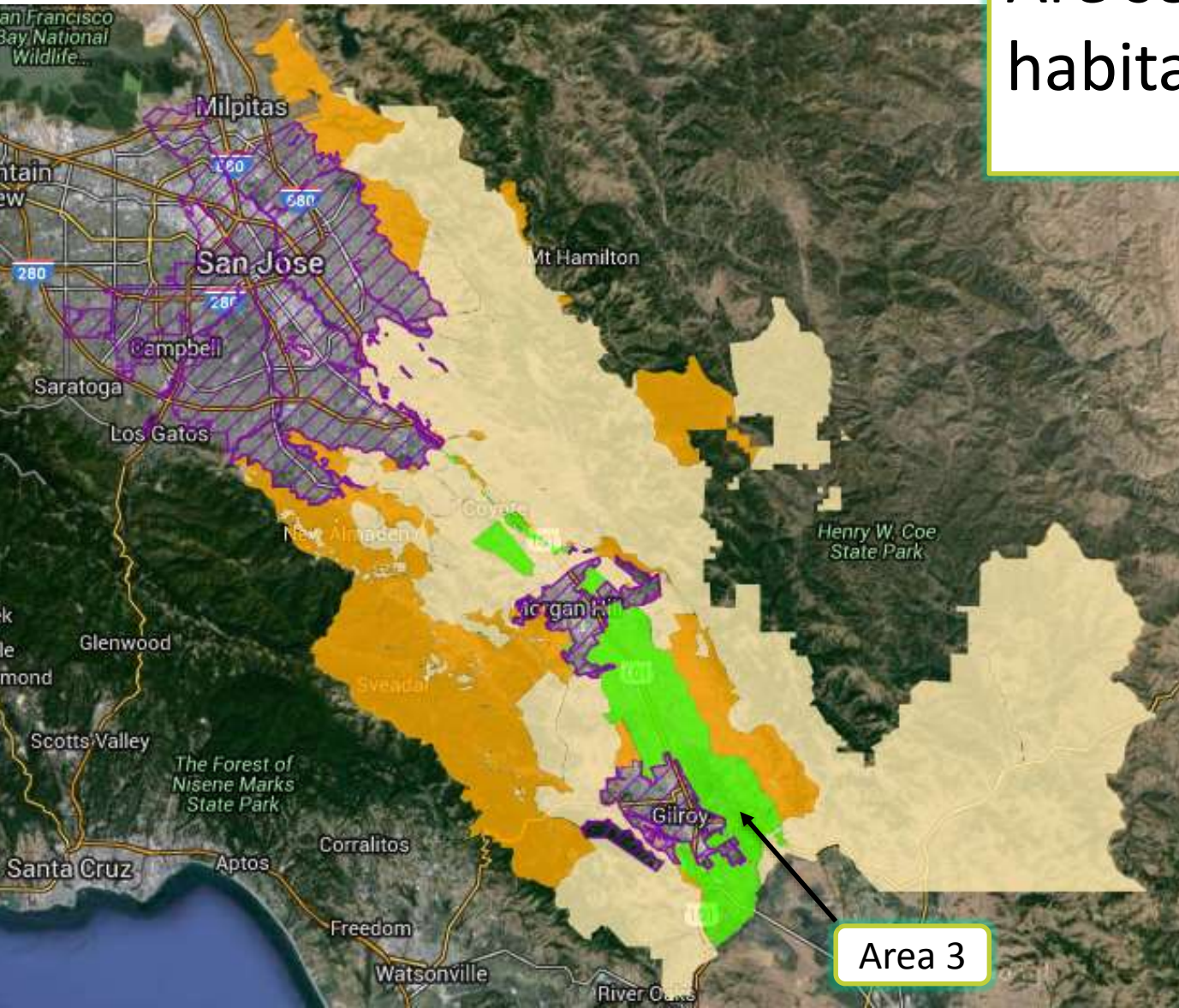
Private Projects

- Is your project 2 or more acres?
- Are sensitive habitats present?



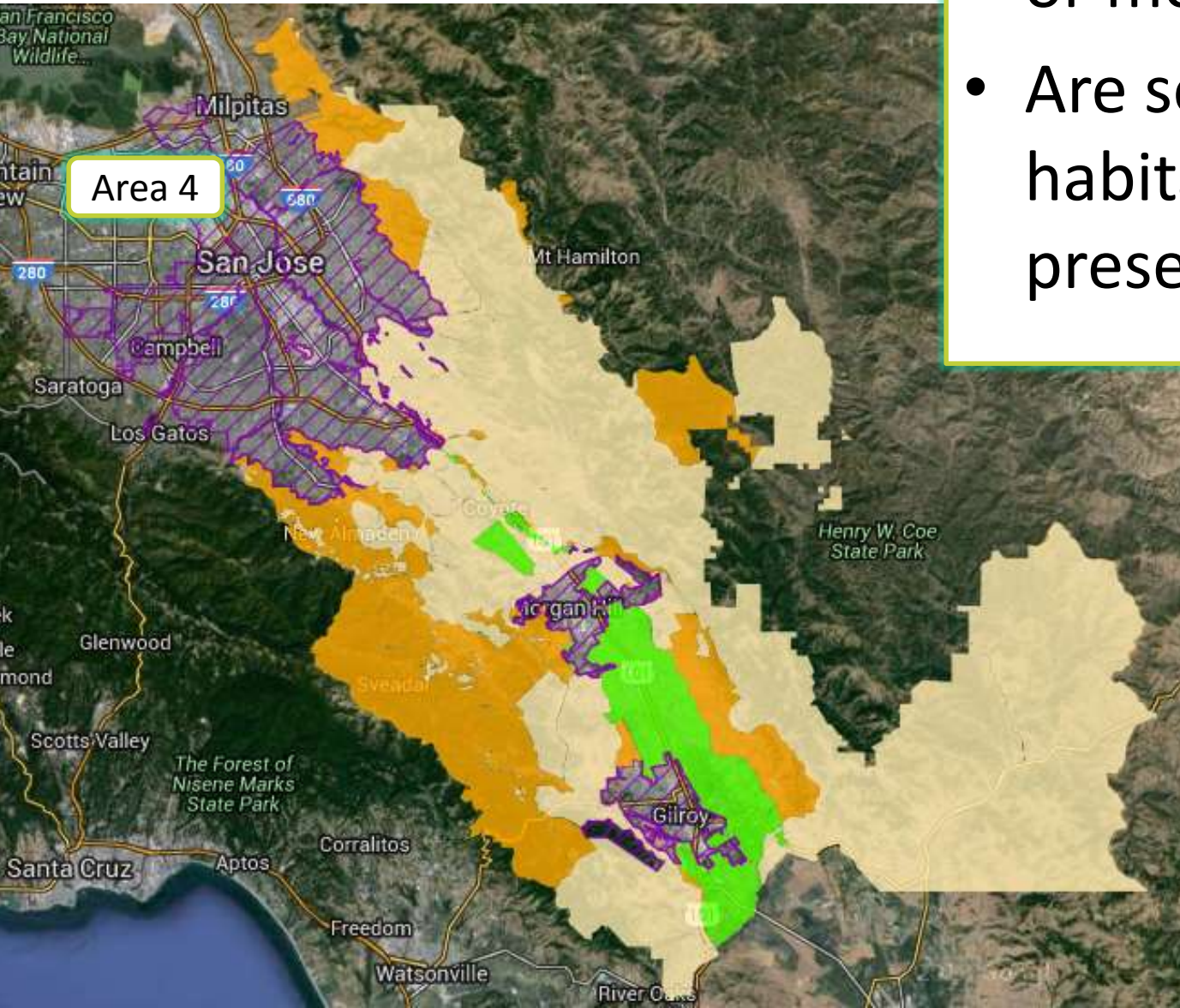
Private Projects

Are sensitive habitats present?



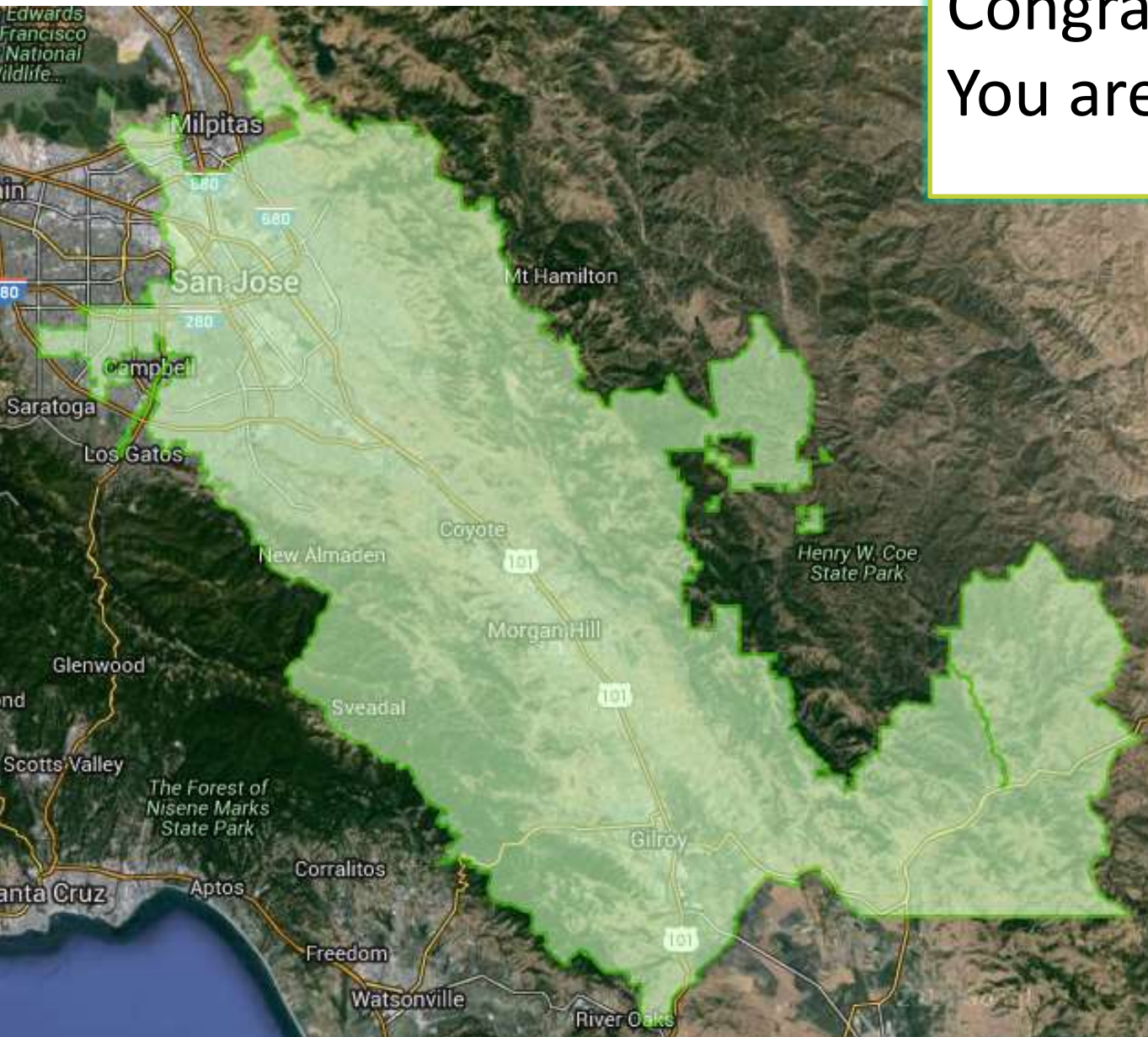
Private Projects

- Is your project 2 or more acres?
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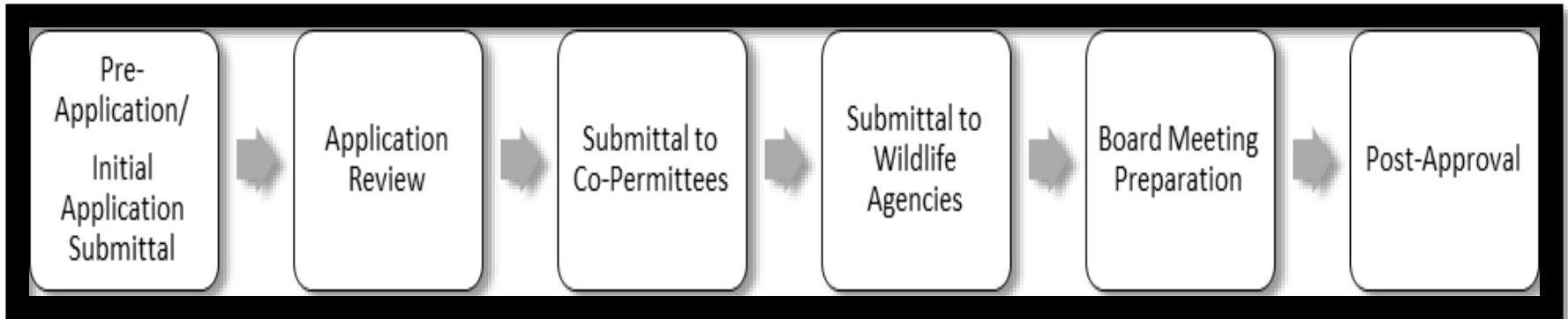


Public Projects

Congratulations!
You are in.



Participating Special Entities Projects



Participating Special Entities

Public or quasi-public entities, such as special districts or entities not subject to the jurisdiction of the Co-Permittees, also conduct or initiate projects or ongoing activities within the permit area that could affect listed species and that may require take authorization from USFWS under CDFR. Such organizations may include existing or future school districts, water districts, irrigation districts, transportation agencies, local park districts, geologic hazard abatement districts, or other public or special districts that own, lease, provide public services. These public agencies, known as Participating Special Entities (PSE), can request coverage under the Habitat Plan. Municipalities that are not a Co-Permittee are not eligible to participate using this status.

An overview of the PSE process and required agreements and submittals can be found [here](#).

The Habitat Agency is currently in the process of creating application materials specifically for PSE projects. In the meantime, please use the Private Applicant materials below. When filing out the application materials, wherever the term "local jurisdiction" is used by private applicants that translates to "Habitat Agency" for PSE projects. If you are interested in starting as a PSE project, please contact the Habitat Agency at (408) 719-7201 for what consultation price to file out application materials.

The [PSE policy](#) provides guidance and requirements for projects to be considered for PSE status.

Please consult the [PSE checklist](#) to determine the timeline for PSE project approval.

PSE APPLICATIONS IN PROCESS

Applicant	Project Name	Comments
Stanford Joint Community College District	Stanford College Course Table Phase 1	Good, Application Document

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PARTICIPATING SPECIAL ENTITY INFORMATION

November 2014

Background

- Attachment A: Participating Special Entity Permitting Agreement
- Attachment B: Participating Special Entity Permitting Agreement
- Attachment C: Participating Special Entity Permitting Agreement
- Attachment D: Participating Special Entity Permitting Agreement
- Attachment E: Special Data Submittal Requirements
- Attachment F: Participating Special Entity Checklist

Questions?



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City of Morgan Hill

City of San José

County of Santa Clara

Santa Clara Valley Water District

Santa Clara Valley
Transportation Authority





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Part 4

Understanding the Application/Reporting Package

Key Resources

Geobrowser
hcpmaps.com

Fees and Conditions
Worksheet

Application/
Reporting Forms



This is a worksheet titled 'Santa Clara Valley Habitat Plan FEES AND CONDITIONS WORKSHEET'. It contains several sections of text and checkboxes. Key sections include:

- Introduction:** Explains the worksheet's purpose for determining fees and conditions for projects within the Habitat Plan.
- Step 1 - Complete the Coverage Screening Form:** Instructs users to use the Coverage Screening Form to determine if a project is a covered project. It includes checkboxes for 'Yes' (continue with worksheet) and 'No' (do not continue).
- Step 2 - Use the Habitat Agency Geobrowser to Find the Property:** Instructs users to use the geobrowser to find the property and determine if it's within a covered project.

This image shows two overlapping forms from the Santa Clara Valley Habitat Agency. The top form is the 'REPORTING FORM FOR PUBLIC PROJECTS', which includes a 'Part I. Project Overview' section with fields for project name, jurisdiction, and dates. The bottom form is the 'APPLICATION FOR PRIVATE PROJECTS', which includes a 'Part I. Project Application Information' section with fields for property owner and applicant details, and a 'Biologist Information (if applicable)' section with fields for biologist contact information. Both forms have checkboxes for 'Is the Project within an Urban Service Area?' and 'Existing use of property?'.

+ Conditions Guidebook, Fee and Nitrogen Calculators, Santa Clara Valley Habitat Plan

Habitat Plan Application/Reporting Package

All Projects

- Application/Reporting Form
- Project Description
- Vicinity Map
- Site Plan
- Documentation of compliance with conditions
- Fee Calculator Worksheets
- Qualified Biologist Resume*

Projects with Temporary Impacts

- Site photograph of temporary impacts

Projects with impacts to wetland, ponds, streams, or riparian woodlands

- Map of Wetlands, Ponds, Streams, and Riparian Woodlands

Projects located ***inside the urban service area*** and is ***10 acres or larger*** or ***outside the urban service area*** (in rural areas)

- GIS files



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Overview of the Compliance Process

Step 1

Determine if project is a covered activity

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees

Step 3

Complete, Submit, and Finalize
Application/Reporting Package

Step 4

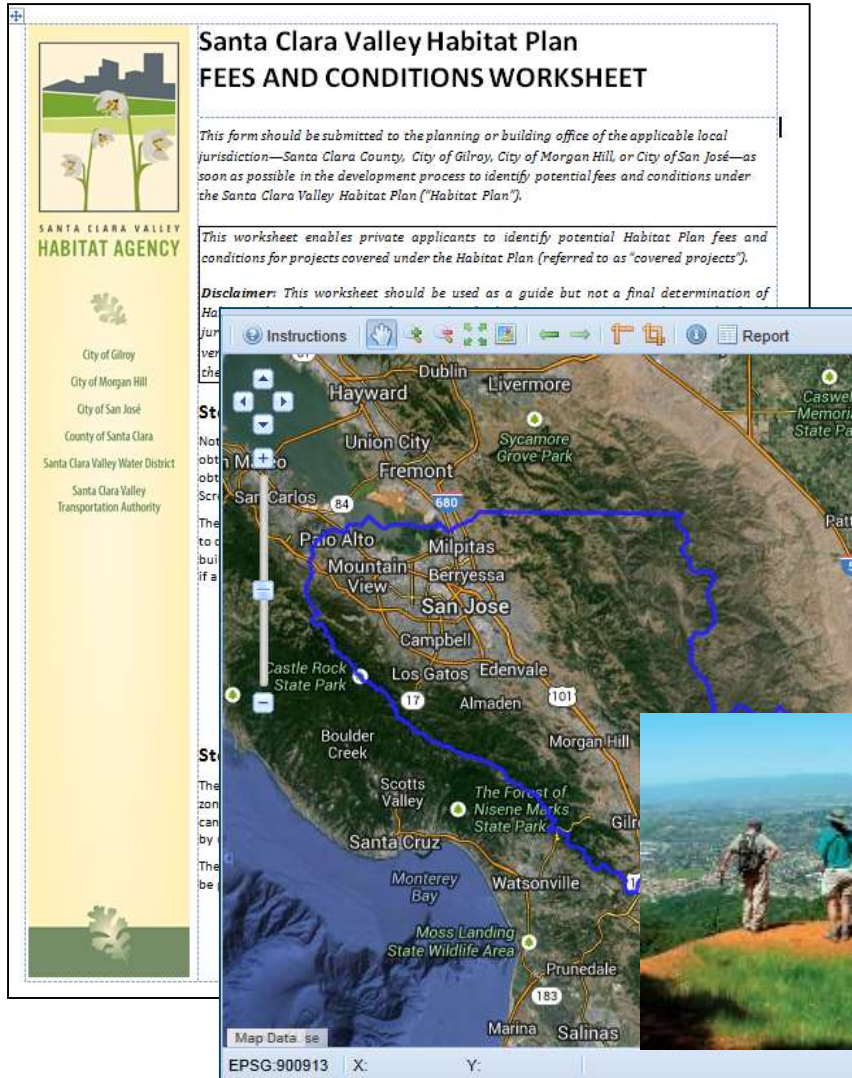
Pay Fees and Construct Project

Comply with Conditions

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees



Santa Clara Valley Habitat Plan
FEES AND CONDITIONS WORKSHEET

This form should be submitted to the planning or building office of the applicable local jurisdiction—Santa Clara County, City of Gilroy, City of Morgan Hill, or City of San José—as soon as possible in the development process to identify potential fees and conditions under the Santa Clara Valley Habitat Plan (“Habitat Plan”).

This worksheet enables private applicants to identify potential Habitat Plan fees and conditions for projects covered under the Habitat Plan (referred to as “covered projects”).

Disclaimer: This worksheet should be used as a guide but not a final determination of Habitat Plan fees and conditions.

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The map shows the Santa Clara Valley region, including cities like San Jose, Fremont, Milpitas, and San Jose, and parks like Sycamore Grove Park and The Forest of Nisene Marks State Park. A blue line indicates a project boundary. The map interface includes a toolbar with 'Instructions' and 'Report' buttons, and a coordinate system at the bottom: EPSG:900913 | X: | Y:

Land Cover

- How do I determine and document the land cover on the property?

Conditions

- How do I determine which Habitat Plan conditions apply to a project?

Fees

- How do I determine which Habitat Plan fees apply to a project?
- How are the fees calculated?





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Land Cover

Mapping and Defining Impacts

Verify Land Cover

Land Cover (37 types, Table 3-2)	Field Verification Method
Disturbed / Common - Grassland, Grain, Row Crop, Urban-Suburban, Rural-Residential, Golf Courses/Urban Parks,	<ul style="list-style-type: none">• Site Plans, Site Photos• Planning or building office staff may also use aerial photos or a site visit for verification
Woodland - Mixed Oak Woodland and Forest, Other Forests and Woodlands	<ul style="list-style-type: none">• Mapping by Arborist, Forester, or Qualified Biologist• Requires site visit and mapping of land covers
Sensitive / Natural - Serpentine Bunchgrass Grassland, Northern Mixed Chaparral, Riparian and Wetlands	<ul style="list-style-type: none">• Mapping by a Qualified Biologist• Requires site visit mapping of land covers



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Defining Impacts

Public & Private Projects

Urban Areas & < 10 acres	Urban & > 10 acres Rural Areas
Entire Parcel	<ul style="list-style-type: none">• Development area• Project Footprint + 50' buffer or 10' buffer

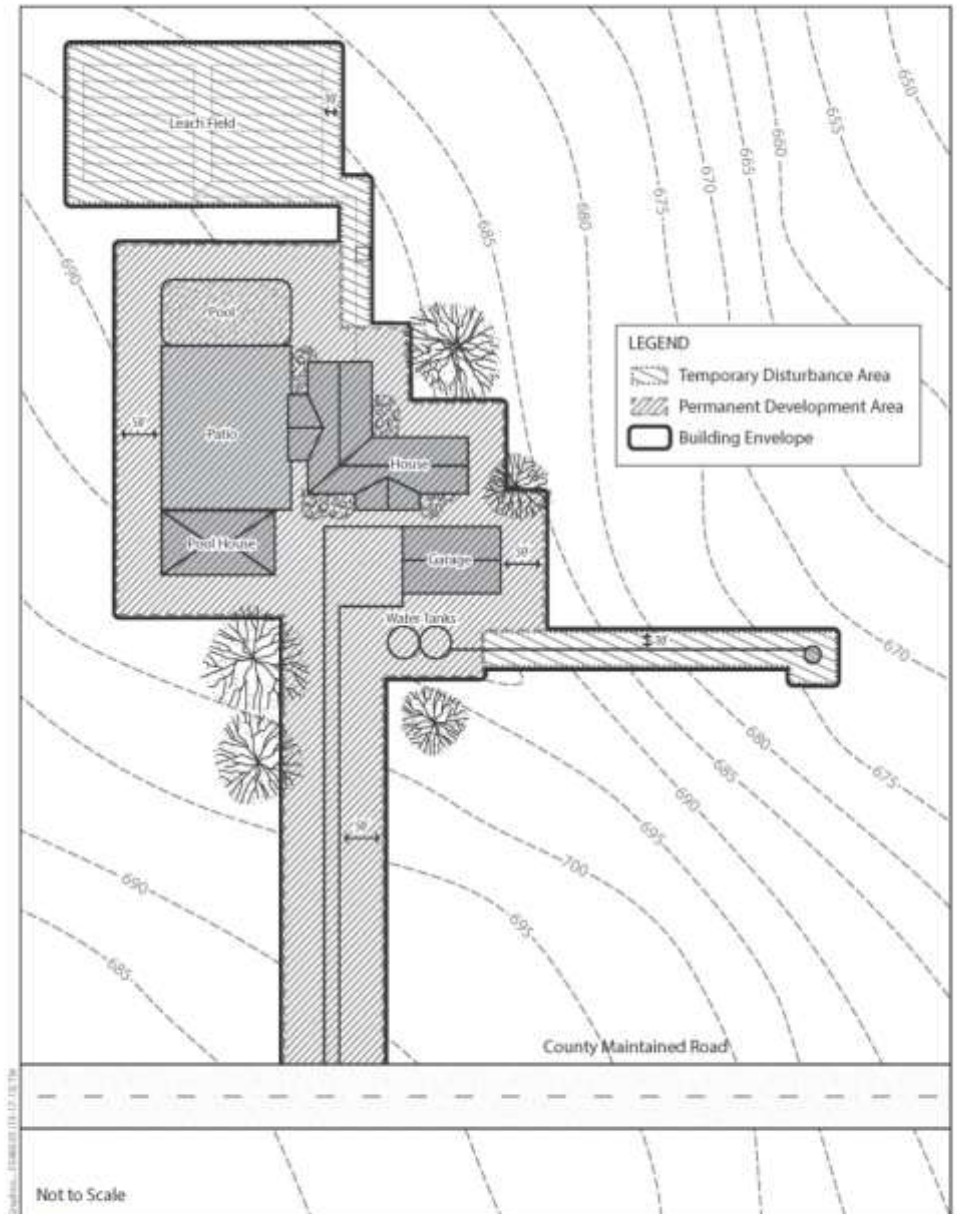
Other Factors –

- **Linear Public Projects (Urban & Rural)** – Footprint Only
- **Temporary Impacts** – Up to 1 year of disturbance and returns to pre-project conditions within year 1 post-impact.



Development area

- Permanent + 50'
- Temporary + 10'



Graphic prepared by J. J. B. 1/17/18





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Determine Conditions

Conditions

- Triggers
- Timeline
- Documentation



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Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
Western Burrowing Owl
Condition 15
Least Bell's Vireo
Condition 16
Tricolored Blackbird
Condition 17
San Joaquin kit fox
Condition 18

Covered Project Categories

Urban Development
Condition 2
In-Stream Projects
Condition 4
In-Stream O&M
Condition 5
Rural Transportation Projects
Condition 6
Rural Development Projects
Condition 7
Rural O&M
Condition 8
Reserve System Implementation
Condition 9
Condition 10

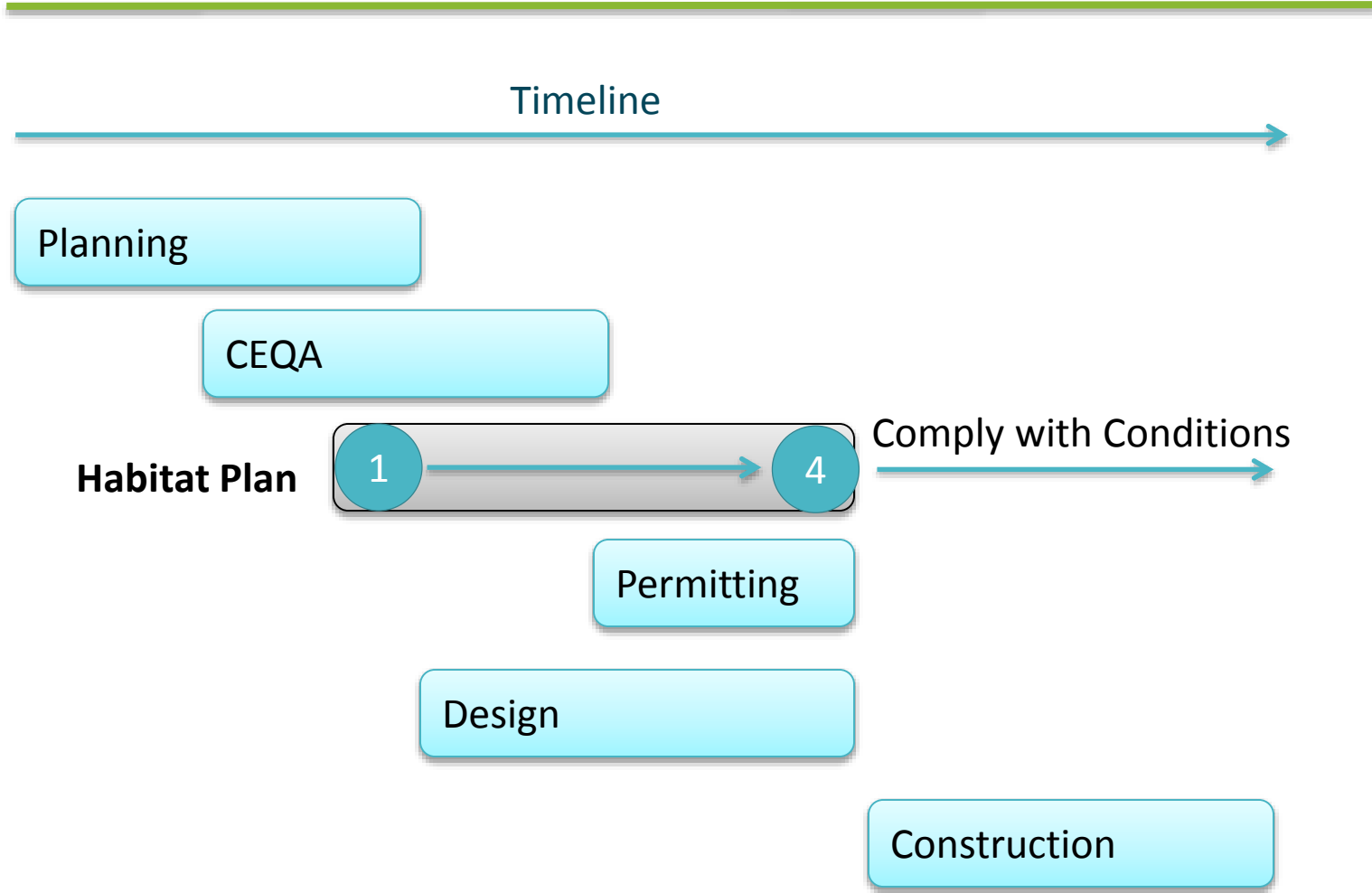
Natural Communities

Stream and Riparian
Condition 11
Wetland and Pond
Condition 12
Serpentine
Condition 13
Valley and Blue Oak
Condition 14

Plants

Plant Salvage
Condition 19
Plant Avoidance and Minimization
Condition 20

How does the Habitat Plan Fit into the CEQA Process?



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Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
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Condition 15
Least Bell's Vireo
Condition 16
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In-Stream Projects
Condition 4
In-Stream O&M
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Reserve System Implementation
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Condition 10

Natural Communities

Stream and Riparian
Condition 11
Wetland and Pond
Condition 12
Serpentine
Condition 13
Valley and Blue Oak
Condition 14

Plants

Plant Salvage
Condition 19
Plant Avoidance and Minimization
Condition 20

Condition 1: Avoid Direct Impacts on Legally Protected Plant and Wildlife Species

- Applies to all projects
- Avoid impacts to other listed and fully protected species, comply with MBTA and BGEPA (Key requirements of condition)

When do you apply

Planning	X
Design	X
Construction	X
Post-Construction	X
O&M	X

Contra Costa goldfields, bald eagle, American peregrine falcon, southern bald eagle, white-tailed kite, California condor, and Ring-tailed cat (= ringtail)

Condition 3: Maintain Hydrologic Conditions and Protect Water Quality

- Applies to all projects
- Protect watershed health, primarily through reducing stormwater discharge and pollutant runoff from project sites

When do you apply

Planning	X
Design	X
Construction	X
Post-Construction	X
O&M	

Conditions 3, 4, and 5

A series of tables was developed to identify which avoidance and minimization measures may apply to your project.

Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
Western Burrowing Owl
Condition 15
Least Bell's Vireo
Condition 16
Tricolored Blackbird
Condition 17
San Joaquin kit fox
Condition 18

Covered Project Categories

Urban Development
Condition 2
In-Stream Projects
Condition 4
In-Stream O&M
Condition 5
Rural Transportation Projects
Condition 6
Rural Development Projects
Condition 7
Rural O&M
Condition 8
Reserve System Implementation
Condition 9
Condition 10

Natural Communities

Stream and Riparian
Condition 11
Wetland and Pond
Condition 12
Serpentine
Condition 13
Valley and Blue Oak
Condition 14

Plants

Plant Salvage
Condition 19
Plant Avoidance and Minimization
Condition 20

Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
Western Burrowing Owl
Condition 15
Least Bell's Vireo
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Covered Project Categories

Urban Development
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Condition 11: Stream and Riparian Setbacks

- Applies to projects that overlap stream or stream setback
- Minimize impacts on streams by specifying setbacks and buffer zones
- **Geobrowser:** *Category 1 Stream Buffers and Setbacks*

When do you apply

Planning

Design X

Construction X

Post-Construction

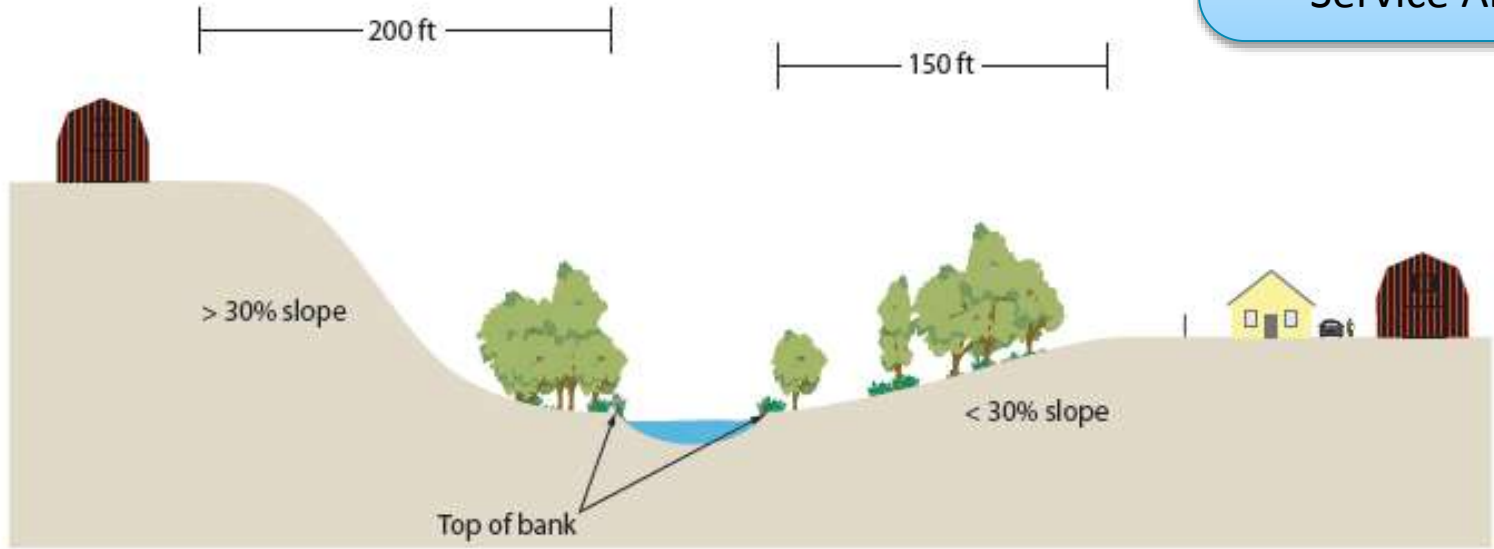
O&M

Example

Protection of streams and adjacent riparian vegetation would conserve habitat.

Condition 11

Example
Stream Setbacks
outside Urban
Service Area



Stream Category	Category 1 Streams		Category 2 Streams
Slope Class	Inside Existing Urban Service Area	Outside Existing Urban Service Area	
0-30%	100 feet	150 feet	35 feet
>30%	150 feet	200 feet	

Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
Western Burrowing Owl
Condition 15
Least Bell's Vireo
Condition 16
Tricolored Blackbird
Condition 17
San Joaquin kit fox
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Covered Project Categories

Urban Development
Condition 2
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Species Surveys

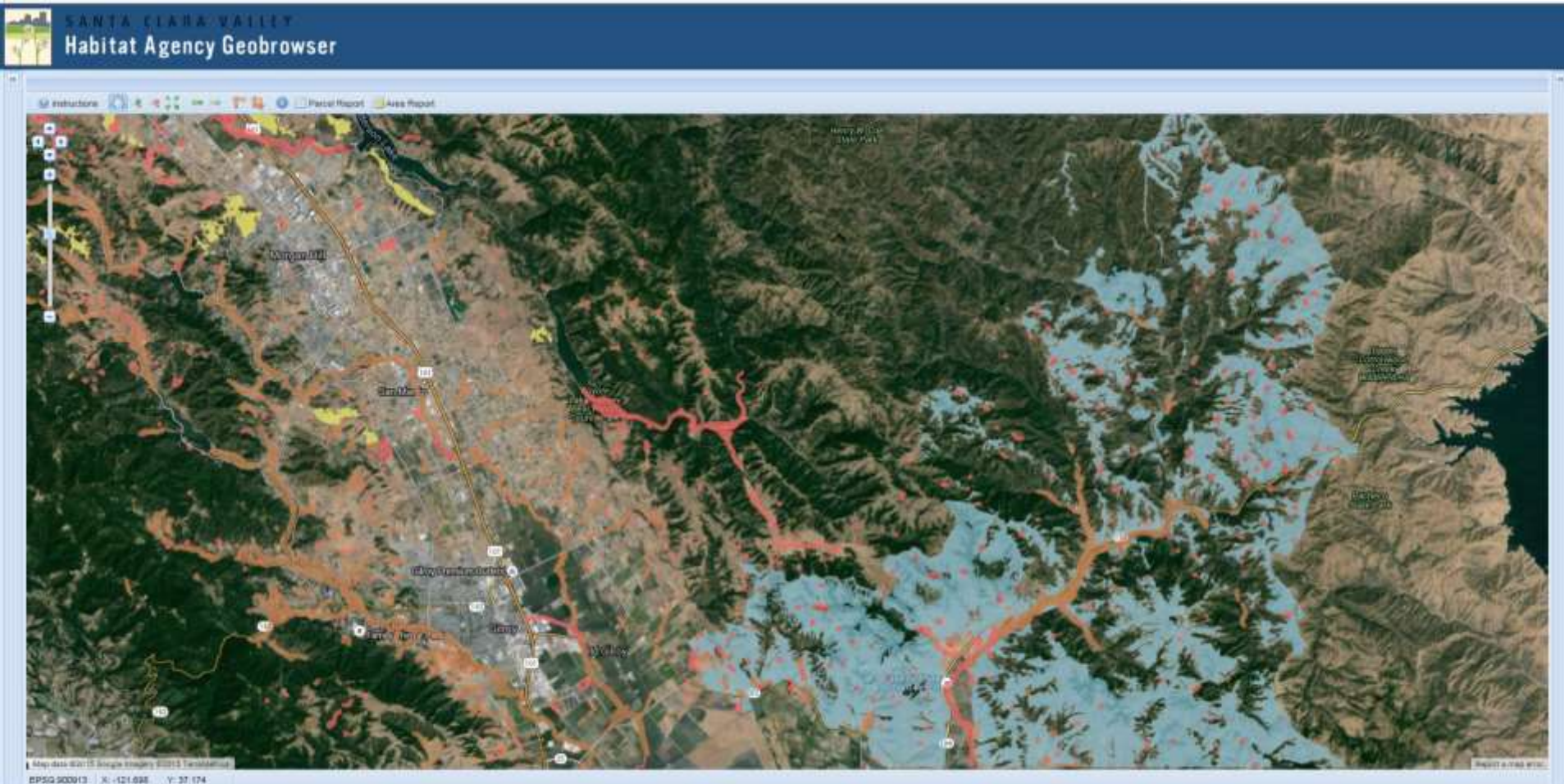
Surveys for these wildlife species:	Are required for projects located within:	Where the one of following land cover types is present:
Western burrowing owl	Occupied burrowing owl nesting habitat as defined by the Habitat Plan	N/A
Least Bell's vireo	Least Bell's vireo breeding habitat in South County	Riparian Forest and Scrub
Tricolored blackbird	Tricolored blackbird breeding habitat	Pond, Coastal & Valley Freshwater Marsh
San Joaquin kit fox	San Joaquin kit fox denning habitat	Any Grassland, Oak Woodland, Agricultural
Bay checkerspot butterfly	Serpentine bunchgrass grassland	Serpentine Bunchgrass Grassland

Wildlife Survey Areas

Legend

Wildlife Survey Areas

- Bay Checkerspot Butterfly
- Western Burrowing Owl
- San Joaquin Kit Fox
- Least Bell's Vireo
- Tricolored Blackbird
- Least Bell's Vireo and Tricolored Blackbird



Conditions

All Covered Projects

Condition 1
Condition 3

Wildlife

Bay Checkerspot Butterfly
Condition 13
Western Burrowing Owl
Condition 15
Least Bell's Vireo
Condition 16
Tricolored Blackbird
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Covered Project Categories

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Condition 14

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Plant Salvage
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Condition 20

Condition 19: Plant Salvage when Impacts are Unavoidable

- Applies to projects that Cannot avoid impacts on covered plants
- Protects covered plants by prescribing salvage as an option whenever avoidance of impacts is not feasible
- **Geobrowser:** *Plant Survey Areas* (field verification required)

When do you apply	
Planning	
Design	X
Construction	X
Post-Construction	X
O&M	X

Condition 20: Avoid and Minimize Impacts to Covered Plant Occurrences

- Applies to projects 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
- **Geobrowser:** *Plant Survey Areas* (field verification required)

When do you apply	
Planning	
Design	X
Construction	X
Post-Construction	X
O&M	X

Species Surveys

Surveys for these plants:

Smooth lessingia, fragrant fritillary, Metcalf canyon jewelflower, most beautiful jewelflower, Tiburon paintbrush, and Coyote ceanothus

Santa Clara Valley dudleya, smooth lessingia, Metcalf canyon jewelflower, most beautiful jewelflower, and Tiburon paintbrush

Mount Hamilton thistle

Coyote ceanothus and most beautiful jewelflower

Loma Prieta hoita

Loma Prieta hoita

Coyote ceanothus, Metcalf canyon jewelflower, most beautiful jewelflower, and smooth lessingia

Are required for projects located within:

Serpentine bunchgrass grassland or
within 0.25 mile of a known occurrence

Serpentine rock outcrop or
within 0.25 mile of a known occurrence

Serpentine seep or
within 0.25 mile of a known occurrence

Mixed serpentine chaparral or
within 0.25 mile of a known occurrence

Mixed oak woodland and forest with serpentine soils or

within 0.25 mile of a known occurrence

Coast live oak forest and woodland with serpentine soils or

within 0.25 mile of a known occurrence

Northern coastal scrub and Diablan sage scrub with serpentine soils or

within 0.25 mile of a known occurrence

Phytophthora: An Emerging Threat to Covered Species



Infected Coyote ceanothus seedling

Phytophthora: An Emerging Threat to Covered Species



SCVWD Response to Pathogen Issue: *Keep it Clean!*

- General Construction/ Operations and Maintenance BMP
- Sensitive and Contaminated Site BMP
- Nursery Contract Spec



Compliance with Conditions in the Field



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Santa Clara Valley
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Calculate Fees

Habitat Plan Fees

Vehicle-trip or by New Single Family Residence

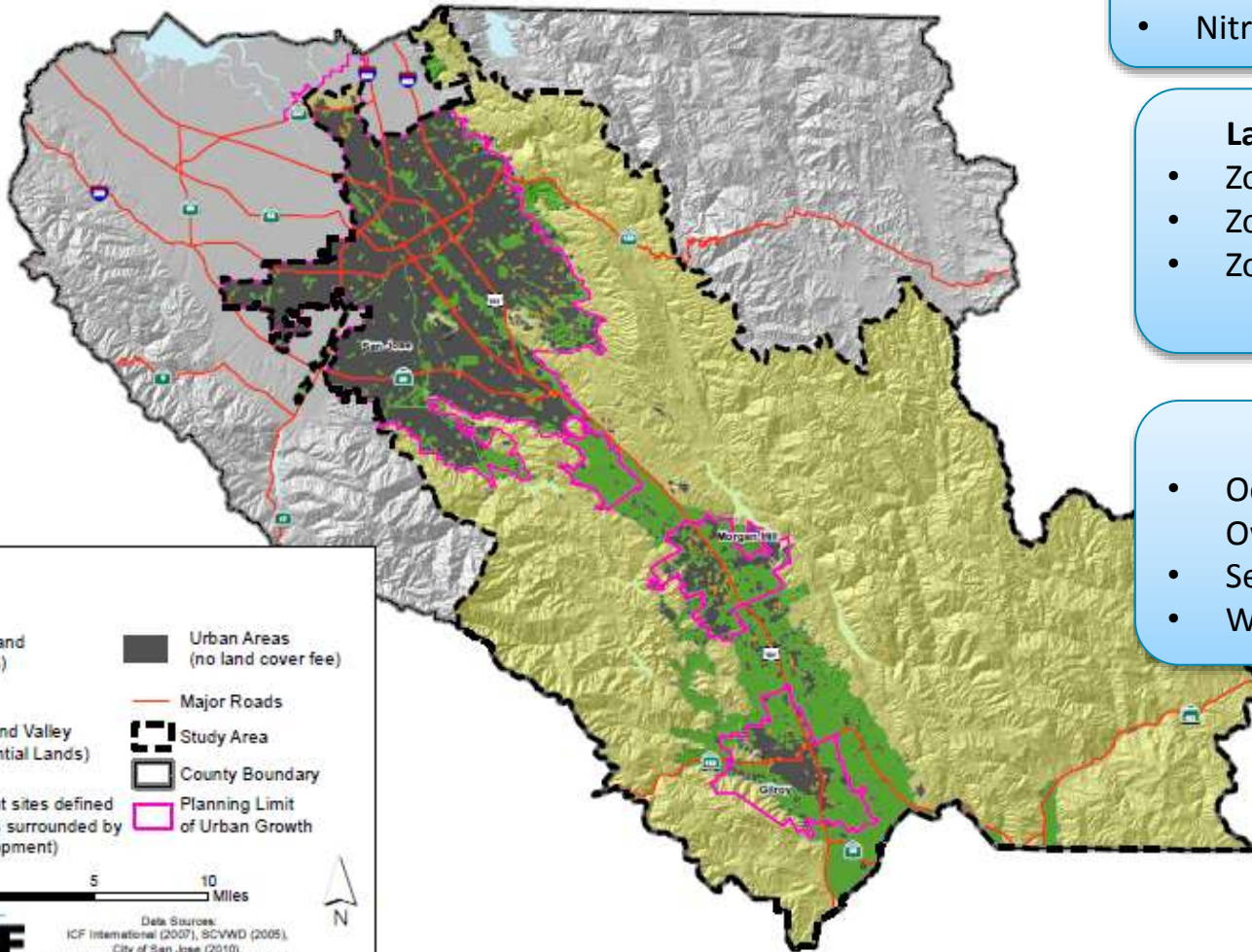
- Nitrogen Deposition

Land Cover Fees

- Zone A
- Zone B
- Zone C

Specialty Fees

- Occupied Burrowing Owl habitat (mapped)
- Serpentine
- Wetlands



Defining Impacts and Fee Paying Areas

Public & Private Projects

Urban Areas & < 10 acres	Urban & > 10 acres Rural Areas
Entire Parcel	<ul style="list-style-type: none">• Development area• Project Footprint + 50' buffer or 10' buffer

Other Factors –

- **Linear Public Projects (Urban & Rural) – Footprint Only**
- **Areas of site already developed – no land cover fees**
- **Temporary Impacts**



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Specialty Fees

Fee Type		Urban Areas & < 10 acres	Urban & > 10 acres, Rural Areas
Occupied Burrowing Owl habitat	Mapped Breeding Owl Habitat per Geobrowser	Area w/in Parcel	Area within Development Area
Serpentine	Field Verified	Area w/in Parcel	Area within Development Area
Wetland	Field Verified	Area w/in Parcel	Area within Development Area



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Nitrogen Deposition Fee

- Net new vehicle trips
- New single family residences



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How to Calculate fees

Land Cover Fees

- Zone A
- Zone B
- Zone C

+

Specialty Fees

- Occupied Burrowing Owl habitat (mapped)
- Serpentine
- Wetlands

+

Vehicle-trip or by New Single Family Residence

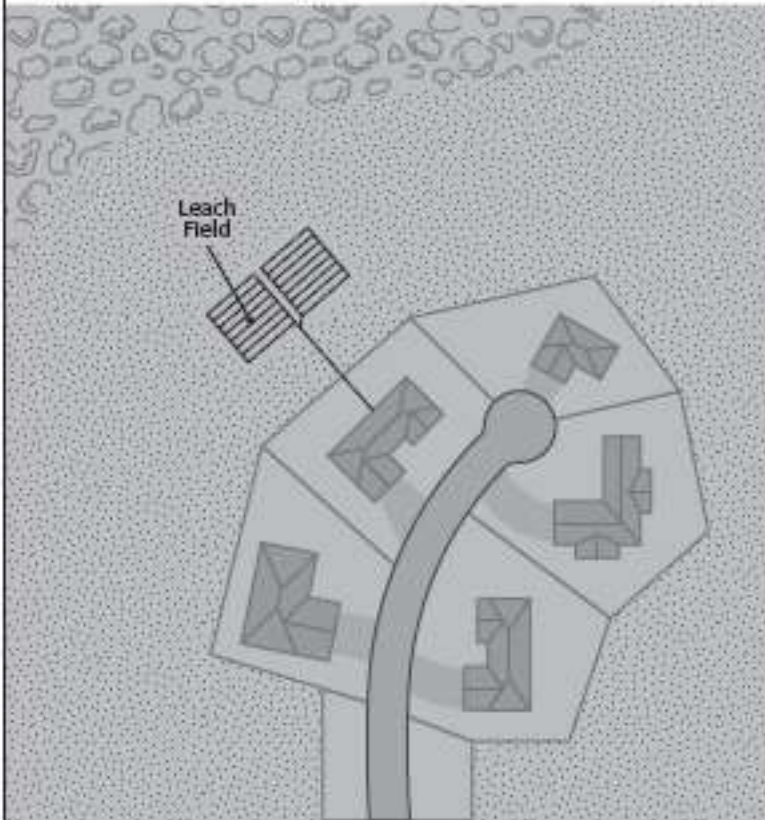
- Nitrogen Deposition

= total fees

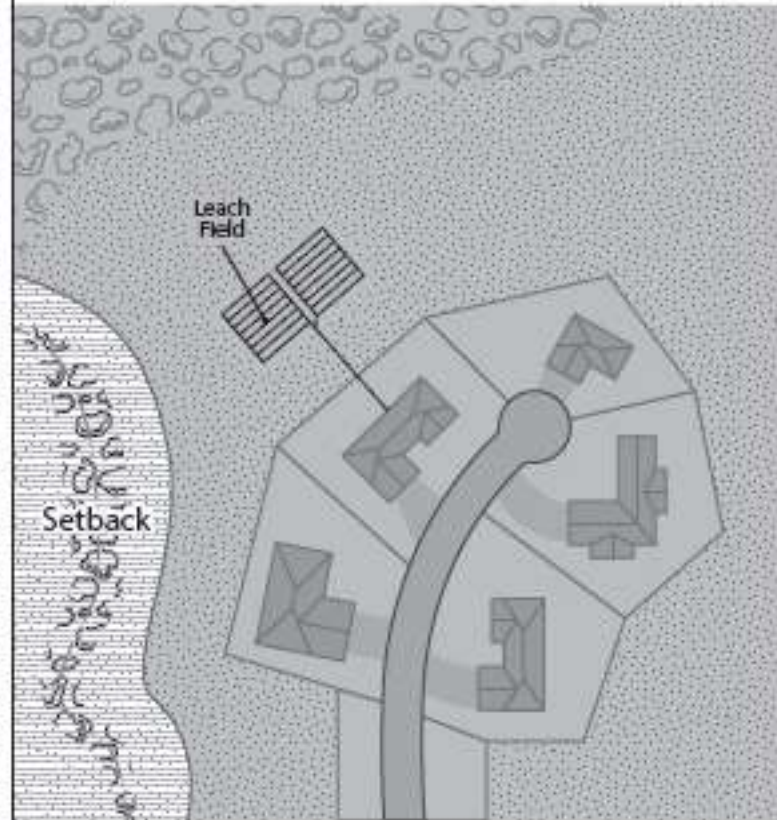
How to Calculate fees

Urban Areas & Parcels < 10 acres

C. Fees are paid on entire parcel based on project location. Specialty fees may be required.



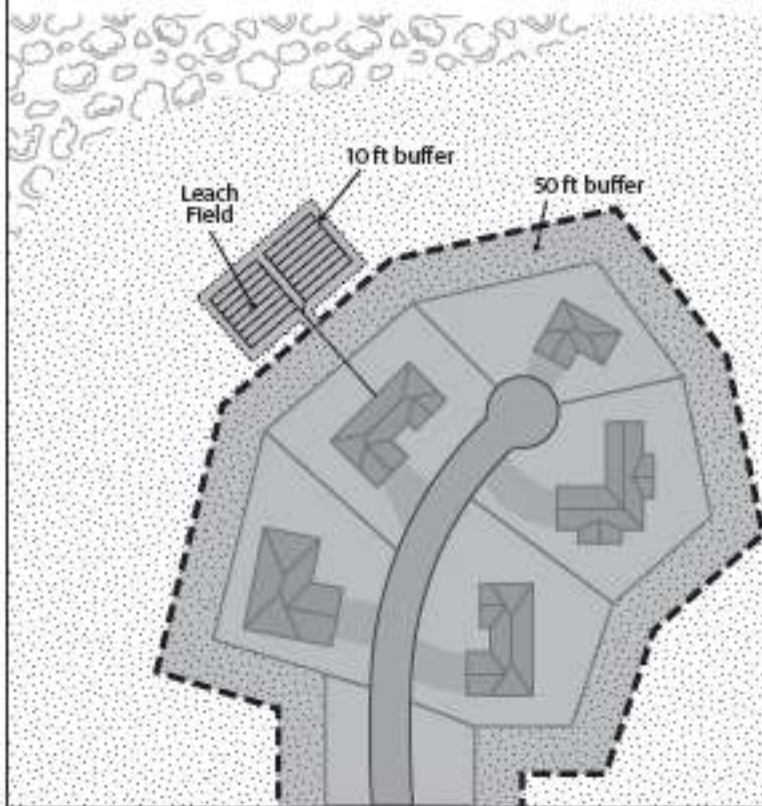
D. If Condition 11, Stream & Riparian Setbacks is triggered, fees are not paid on the setback.



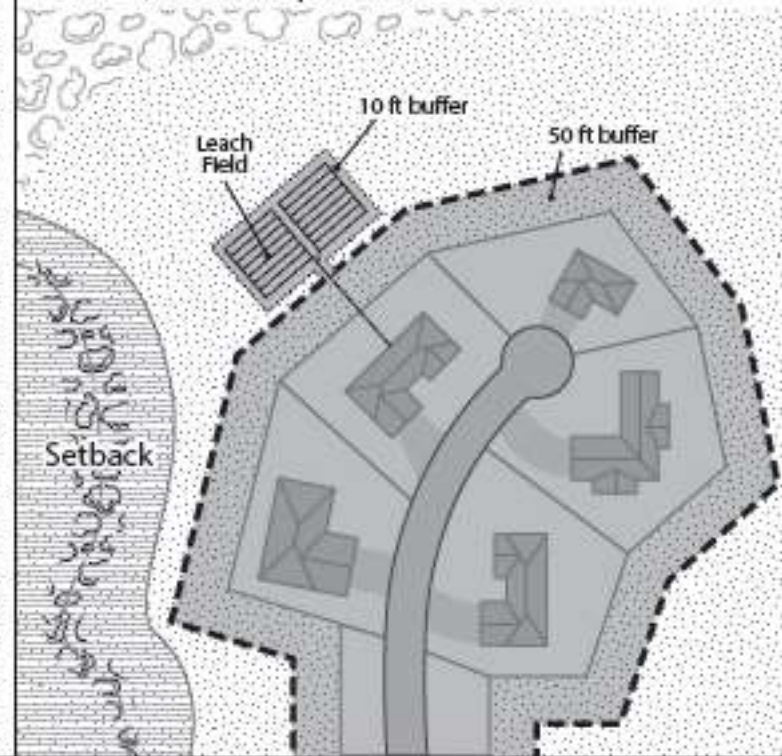
How to Calculate fees

Urban & Parcels > 10 acres or Rural Areas Areas

C. Fees are paid on development area.



D. If Condition 11 Stream & Riparian Setbacks is triggered, a setback is required. Exceptions and exemptions may be sought depending on project location and site constraints. If the setback is avoided, fees are not paid on the setback.



Temporary Disturbance Area
Permanent Development Area

Fees
Setback

Non-fee paying land cover types

- Urban/Suburban
- Landfill
- Developed Agriculture
- Reservoir



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Mitigation Fees

Fee type	Fee rate
Land Cover Fees	
Zone A	\$17,028 per acre
Zone B	\$11,806 per acre
Zone C	\$4,313 per acre
Urban Areas	No fee
Specialty Fees	
Burrowing owl	\$51,568 per acre
Serpentine	\$55,410 per acre
Riparian, wetland, ponds	\$142,838 - \$383,283 per acre
Stream	\$601 per linear foot
Other fees	
Nitrogen deposition fee	\$39.80 per residence or \$3.98 per new daily vehicle trip



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What Next?

Overview of the Compliance Process

Step 1

Determine if project is a covered activity

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees

Step 3

Complete, Submit, and Finalize
Application/Reporting Package

Step 4

Pay Fees and Construct Project

Comply with Conditions

Complete, Submit, and Finalize Application/Reporting Package

Public Projects

1. Complete Reporting Form

Private Projects

1. Private Applicants submit forms Planning / Building Departments.



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Overview of the Compliance Process

Step 1

Determine if project is a covered activity

Step 2

Verify Land Cover on Project Site

Determine Conditions and Calculate Fees

Step 3

Complete, Submit, and Finalize
Application/Reporting Package

Step 4

Pay Fees and Construct Project

Comply with Conditions

Pay Fees, Construct Project, and Comply with Conditions



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Public Projects

1. Pay fees directly to Habitat Agency

Private Projects

1. Private Applicants submit fees to Planning / Building Departments.
2. Fees must be paid before construction starts (grading / building permit issued)
3. Planning Dept's pass through forms / fees to Habitat Agency

Take Coverage

Project receives - *Determination of Consistency*

- Habitat Plan Package is deemed complete
- Conditions of approval have been established and imposed
- Required fees (if applicable) have been paid.



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Part 5

Case Studies



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Public Project

Case Study 1: Silicon Valley Advanced Water Purification Center

Silicon Valley Advanced Water Purification Center

1. Project Overview
2. Existing Site Conditions
3. Project Impacts
4. Temporary impacts for pipeline construction
5. Overlapping fee and impact buffers
6. Conditions on Covered Activities
7. Fee paying land cover types



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Case Study 1: Silicon Valley Advanced Water Purification Center



1. Project Overview
2. Existing Site Conditions
3. Project Impacts

Case Study 1: Silicon Valley Advanced Water Purification Center



Habitat Plan Conditions

All Covered Projects

Condition 1
Condition 3

Covered Project Categories

Urban Development
Condition 2
In-Stream Projects
Condition 4
In-Stream O&M
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Natural Communities

Stream and Riparian
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Wildlife

Bay Checkerspot Butterfly
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San Joaquin kit fox
Condition 18

Plants

Plant Salvage
Condition 19
Plant Avoidance and Minimization
Condition 20

Case Study 1: Silicon Valley Advanced Water Purification Center



All Covered Projects

- Condition 1
- Condition 3

Natural Communities

- Urban Development*
- Condition 2
- Stream and Riparian*
- Condition 11

Wildlife

- Western Burrowing Owl*
- Condition 15

Habitat Plan Fees

Location

- Zone A
- Zone B
- Zone C
- Occupied Burrowing Owl habitat (mapped)

Land cover

- Serpentine
- Willow Riparian Forest and Mixed Riparian
- Central California Sycamore woodland
- Freshwater marsh
- Seasonal wetlands
- Ponds
- streams

Vehicle-trip

- Nitrogen Deposition

Case Study 1: Silicon Valley Advanced Water Purification Center



Location

- Zone A
- Occupied Burrowing Owl habitat (mapped)

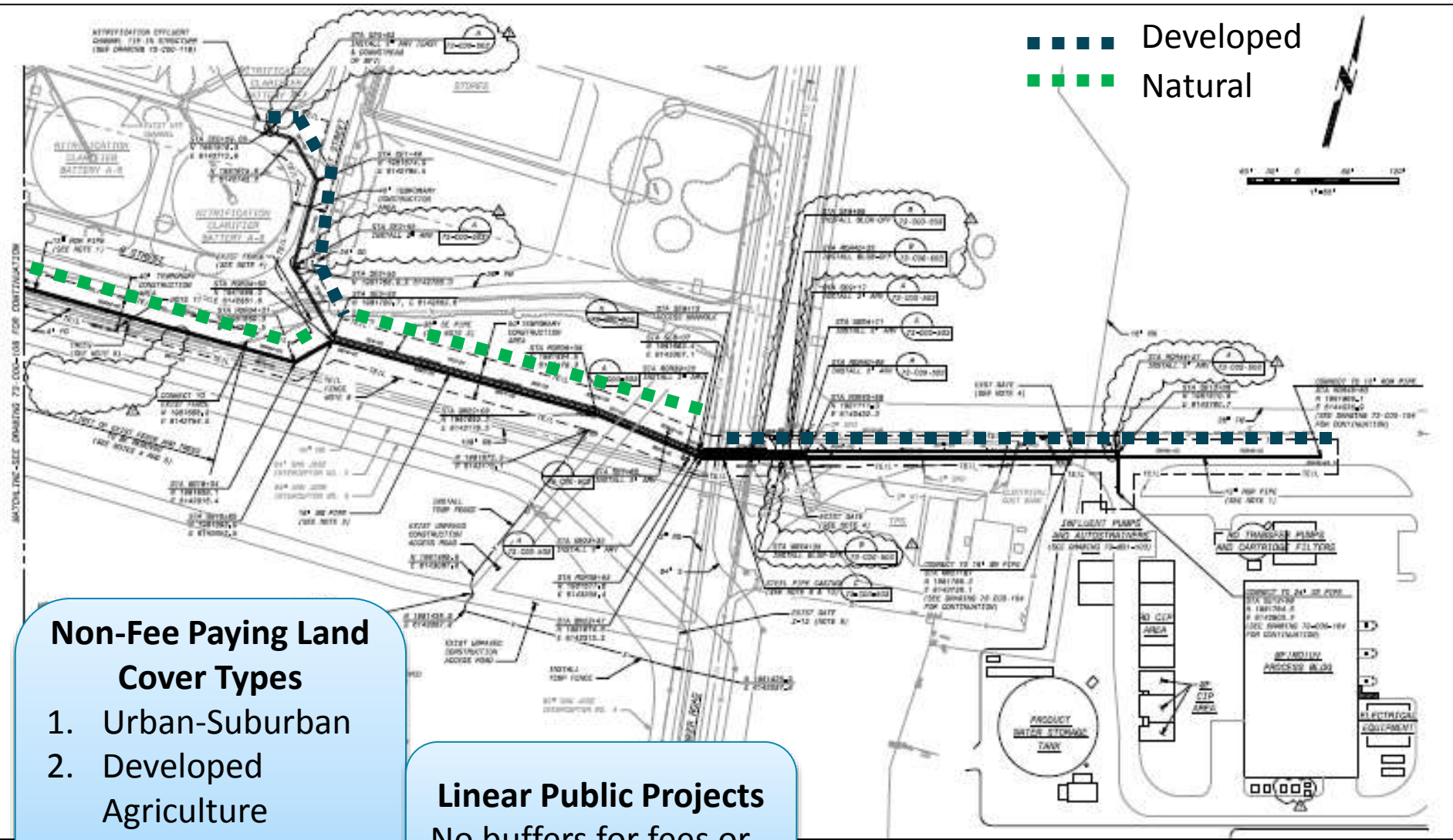
Land cover

- Willow Riparian Forest and Mixed Riparian

Vehicle-trip

- Nitrogen Deposition

Case Study 1: Silicon Valley Advanced Water Purification Center



- Non-Fee Paying Land Cover Types**
1. Urban-Suburban
 2. Developed Agriculture
 3. Reservoir
 4. Landfill

Linear Public Projects
No buffers for fees or impact calculations



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Private Project

Case Study 2: Santa Clara County

Case Study 2: Private Project in Santa Clara County

1. Project Overview
2. Existing Site Conditions
3. Project Impacts
4. Conditions on Covered Activities
5. Fee paying land cover types



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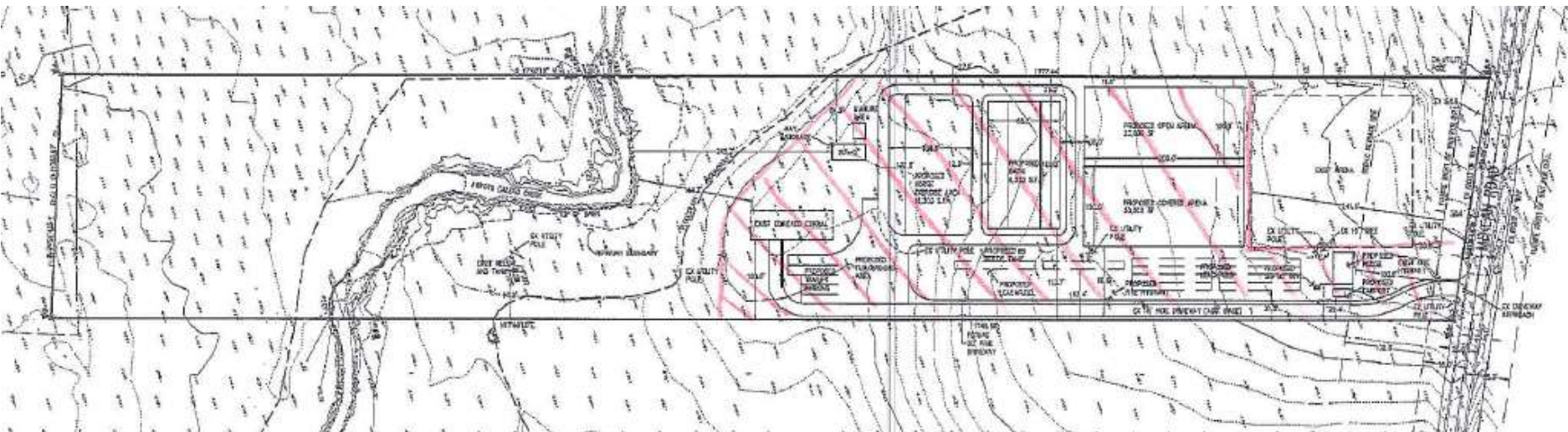
Santa Clara Valley Water District

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Case Study 2: Private Project in Santa Clara County





1. Project Overview
2. Existing Site Conditions
3. Project Impacts

Habitat Plan Conditions

All Covered Projects

Condition 1
Condition 3

Covered Project Categories

Urban Development
Condition 2
In-Stream Projects
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In-Stream O&M
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Natural Communities

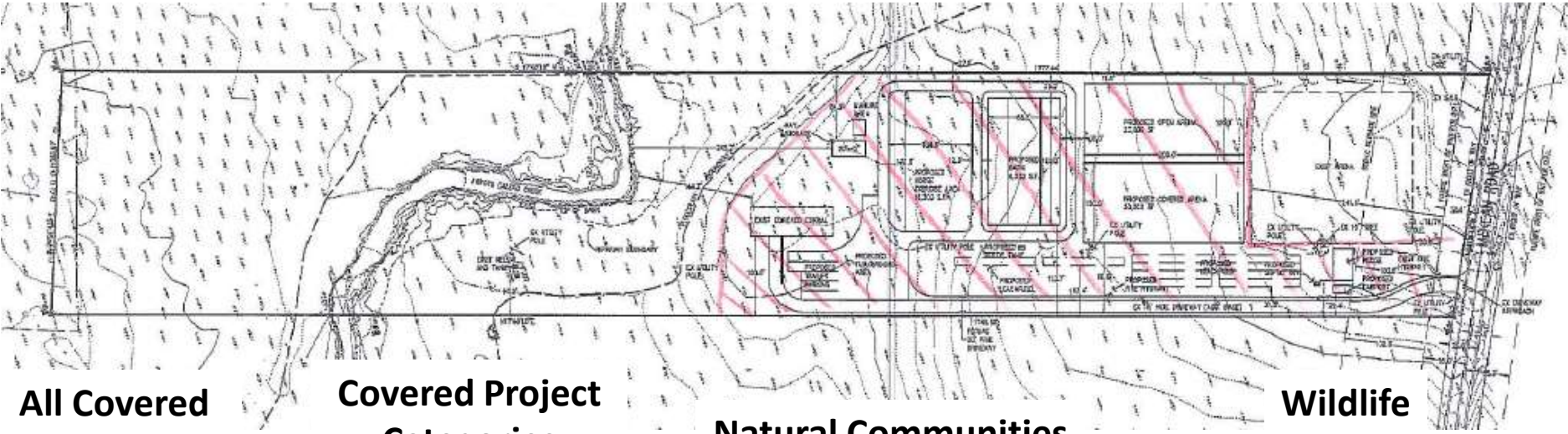
Stream and Riparian
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All Covered Projects

Covered Project Categories

Natural Communities

Wildlife

Condition 1
Condition 3

Rural Development Projects
Condition 7

Stream and Riparian
Condition 11

Tricolored Blackbird
Condition 15

Habitat Plan Fees

Location

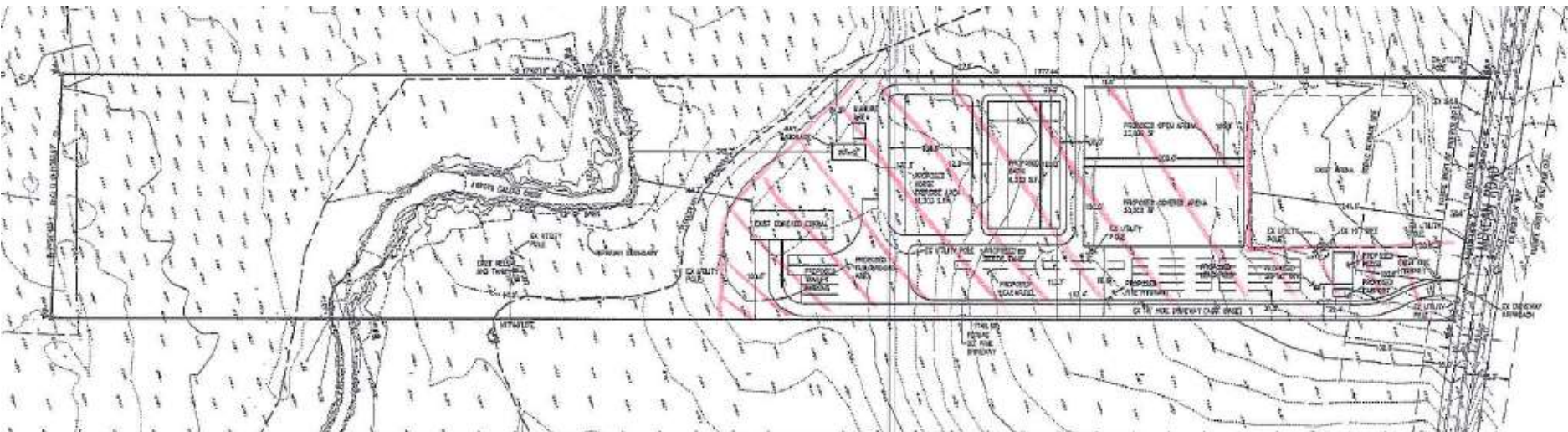
- Zone A
- Zone B
- Zone C
- Occupied Burrowing Owl habitat (mapped)

Land cover

- Serpentine
- Willow Riparian Forest and Mixed Riparian
- Central California Sycamore woodland
- Freshwater marsh
- Seasonal wetlands
- Ponds
- streams

Vehicle-trip

- Nitrogen Deposition



Location

- Zone B

New Residence

- Nitrogen Deposition

Questions?



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Thank you



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