

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** July 26, 2012  
**TO:** Governing Board  
**FROM:** Conservancy Staff  
**SUBJECT:** Review and Adjustment of the HCP/NCCP Mitigation Fees [Continued from May 10, 2012]

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**RECOMMENDATION**

**ACCEPT update from staff on adjustment of HCP/NCCP mitigation fees, comment letters received by participating cities during their consideration of the Conservancy Board’s July 22, 2011 recommendation regarding adjustment of fees, and response from Conservancy staff, Economic and Planning Systems and Conservancy’s Counsel (Resources Law Group) to these comment letters [ITEM CONTINUED FROM MAY 10, 2012]. PROVIDE guidance to staff on next steps.**

**DISCUSSION**

On May 10, 2012 the Board considered an update the matter of HCP/NCCP mitigation fee adjustments previously approved by the Board (please see attached May 10, 2012 staff report for additional background). The Board received public testimony and considered two additional letters on the matter submitted at or before the meeting. The Board determined to continue the item to the next regular meeting of the Conservancy Governing Board.

On July 16, 2012, the Pittsburg City Council approved a recommendation to prepare a professional peer review of the 2011 HCP/NCCP Mitigation Fee Update (attached).

Staff recommends the Board consider accepting this update and consider providing direction to staff on additional actions the Board wishes the conservancy to take on this matter. Should the Board wish to proceed immediately with commissioning additional review of mitigation fee adjustments, staff have prepared a draft Request for Proposals for Board consideration. [pending—staff intends to prepare and circulate to the Board and public a draft of this document in advance of the meeting].

CONTINUED ON ATTACHMENT: <u>Yes</u>	
ACTION OF BOARD ON: <u>July 26, 2012</u>	APPROVED AS RECOMMENDED: _____
OTHER _____	
<b><u>VOTE OF BOARD MEMBERS</u></b>	
___ UNANIMOUS	
AYES: _____	I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.  ATTESTED _____ <i>Catherine Kutsuris, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY</i>  BY: _____, DEPUTY
NOES: _____	
ABSENT: _____	
ABSTAIN: _____	

Attached please find past actions and background documents related to this item.

**Attachments:**

- (A) Draft Request for Proposals [pending—staff intends to prepare and circulate to the Board and public a draft of this document in advance of the meeting].
- (B) City of Pittsburg Minute Order on July 16, 2012
- (C) City of Pittsburg Staff Report for City Council Meeting on July 16, 2012
- (D) Conservancy Board action on May 10, 2012
- (E) Letter from Farella, Braun and Martel, dated May 9, 2012
- (F) California Department of Fish and Game and the United States Fish and Wildlife Service jointed letter, dated May 7, 2012
- (G) Letter from Chris Beale, Resources Law Group, dated May 4, 2012
- (H) Letter from EPS responding to the Brion and Associates and Farella, Braun and Martel Letters, dated May 3, 2012.
  - Attached to the May 3, 2012 EPS Letter are the following:
  - (Hi): Brion and Associates Letter, dated April 2, 2012
  - (Hii): Brion and Associates Letter, Attachment A
  - (Hiii): Farella, Braun and Martel Letter, dated April 2, 2012
- (I) Letter from Discovery Builders, dated January 17, 2012
- (J) Conservancy Board action on July 22, 2011
- (K) Letter from EPS with additional information, dated July 15, 2011
- (L) Letter from EPS entitled “East Contra Costa County Mitigation Fee Update Report”, dated March 17, 2011