

HCPA East Contra Costa County Habitat Conservation Plan Association

HCPA Coordination Group Meeting

Thursday, March 16, 2006

1:00 p.m. to 3:00 p.m.

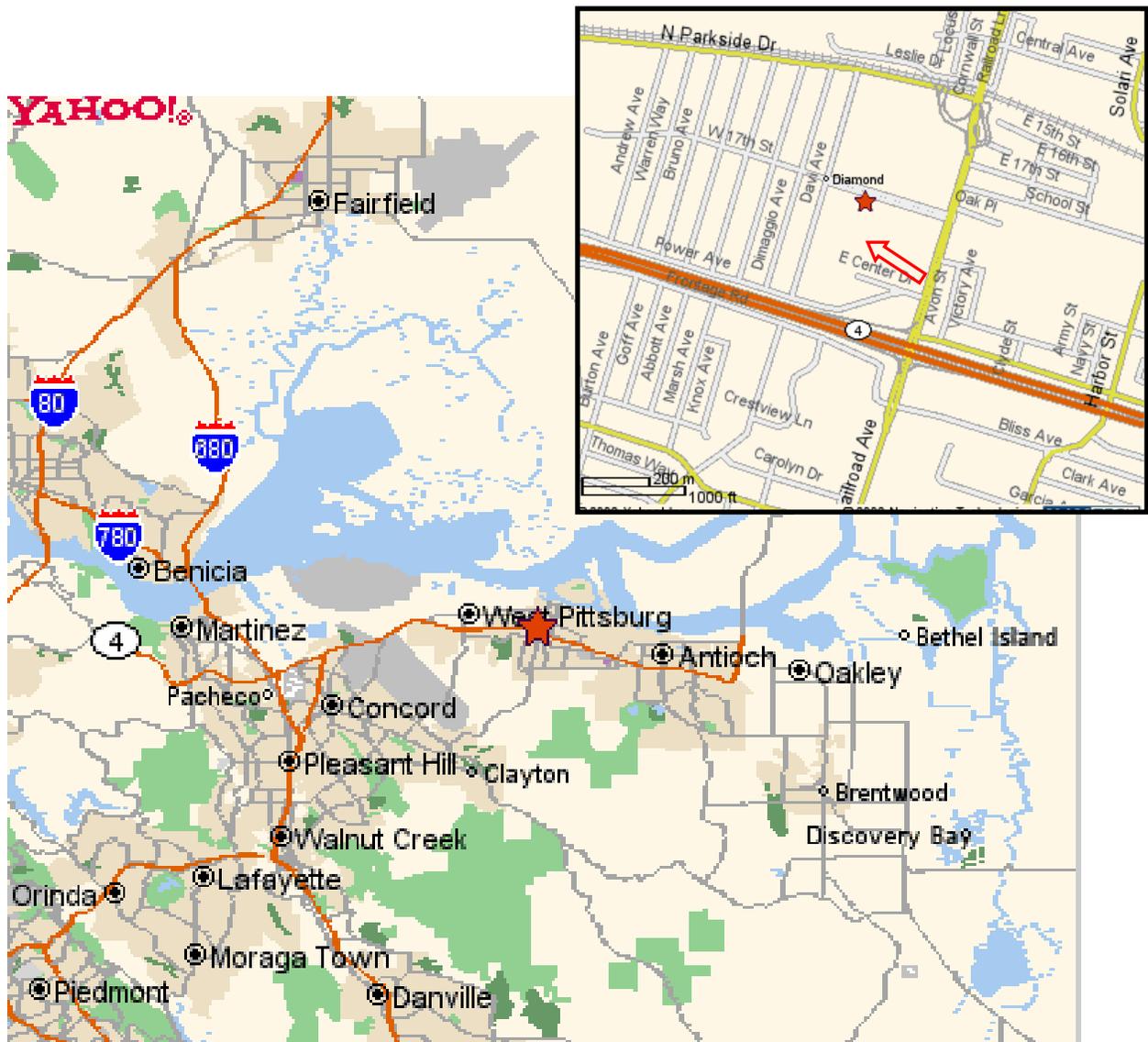
City of Pittsburg Council Chambers
65 Civic Drive in Pittsburg, 3rd Floor
65 Civic Drive in Pittsburg
(see map on reverse)

Agenda

- 1:00 Introductions. Review contents of meeting packet. Review and approve Draft Meeting Record of the February 16, 2006 Coordination Group meeting.
- 1:05 Updates:
- General update on status of planning effort and proposed schedule for completing the HCP/NCCP;
 - Wetlands permitting update;
 - Additional updates from Coordination group members.
- 1:45 General discussion by Coordination Group on assembling the Final HCP/NCCP. Discuss a summary of substantive proposed changes to the HCP/NCCP
- 2:30 Review Coordination Group Workplan and any need for subcommittees.
- 2:50 Confirm upcoming meeting dates. Upcoming HCPA-related meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3rd Thursdays):
- Coordination Group: Wednesday, April 12, 1 p.m. to 3 p.m.
 - Executive Governing Committee: Wednesday, April 12, 5:30 p.m. to 7 p.m.
- 2:55 Public comment.
- 3:00 Adjourn.

Times are approximate. If you have questions about this agenda or desire additional meeting materials, you may contact Abby Fateman of the Contra Costa County Community Development Department at 925-335-1272. The HCPA will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 72 hours before the meeting.

Map and Directions to Pittsburg City Hall 65 Civic Drive



Directions from I-680, Central County

- 1) Take Hwy 4 East toward Antioch/Stockton
- 2) Follow Hwy East over the hill (Willow Pass)
- 3) Exit Railroad Ave. (the 2nd exit after the hill)
- 4) At the end of the exit ramp, turn left on Railroad Ave.
- 5) Turn left at the second intersection, East Center Drive (signs for various city offices will also point you this way)
- 6) Immediately bear right into the large parking lot next to City Hall
- 7) Meeting is on the 3rd floor

Directions from Antioch and points east

- 1) Take Hwy 4 West toward Martinez/Richmond
- 2) Exit Railroad Ave.
- 3) At the end of the exit ramp, turn right on Railroad Ave.
- 4) Turn left at the next intersection, East Center Drive (signs for various city offices will also point you this way)
- 5) Immediately bear right into the large parking lot next to City Hall
- 6) Meeting is on the 3rd floor

DRAFT MEETING RECORD

East Contra Costa County Habitat Conservation Plan Association (HCPA) Coordination Group Meeting

Thursday, February 16, 2005

1:00 p.m. to 3:00 p.m.

City of Pittsburg Council Chambers

1:00 Welcome and Introductions. Meeting attendees introduced themselves. Coordination Group members and staff in attendance were:

Carol Arnold, Contra Costa RCD
Chris Barton, City of Pittsburg
Victor Carniglia, City of Antioch
Abby Fateman, CCC Community Dev.
Janice Gan, CDFG

John Kopchik, CCC Community Dev.
Sheila Larsen, U.S. FWS
Dee Munk, CCC Farm Bureau
Mike Vukelich, CCC Farm Bureau
Kerri Watt, Private Island Homes

Also in attendance: Phillip Torres

1:05 Updates:

- **General update on status of planning effort and proposed schedule for completing the HCP/NCCP;** John Kopchik outlined the schedule for work on the HCP for the upcoming months: Final HCP is expected at the end of April, final 30-day public comment period will follow that, and the Plan will go to the JPA, Cities and County in about June.
- **Wetlands permitting update;** John Kopchik provided a brief update on the work with the wetlands agencies. They continue to meet and are working toward an agreement that will provide a streamlined permitting program. This will come soon after the HCP.
- **Additional updates from Coordination group members.** None.

1:45 General discussion by Coordination Group on assembling the Final HCP/NCCP.

John Kopchik presented a powerpoint that described the recent changes to the Plan.

Major issues and discussion points include the following:

- **Conservation strategy updates** – Data was updated with the most recent information from Cities and the County regarding development that has been permitted during the HCP's development. The new urban limit lines for the City of Pittsburg and the City of Antioch may require adjustment in conservation priorities because acquisition in these areas may be less feasible.
- **Swainson's Hawk conservation strategy** – As a response to comments received concerning Swainson's hawk, the conservation strategy has been adjusted to reflect an approximate 1:1 ratio of impacts to conservation.
- **Updates to cost estimates, cost indices, funding, and fees** – Cost estimates were updated using cost indices and revised land acquisition plan. Fees have gone up about 4% as a result.
- **Interim conservation and development and comparison to stay ahead requirements**
- **Updates to Implementation provisions of the HCP/NCCP**
- **Additional outreach needs**

John Kopchik will provide a written report to the Coordination Group at the March meeting and ask for their feedback. The report will address the changes to the Plan outlined at the February meeting.

- 2:30 Review Coordination Group Workplan and any need for subcommittees.**
- 2:50 Confirm upcoming meeting dates. Upcoming HCPA-related meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3rd Thursdays):**
 - **Coordination Group: Thursday, March 16, 1 p.m. to 3 p.m.**
- 2:55 Public comment.**
- 3:00 Adjourn.**



East Contra Costa County HCP/NCCP
 Summary of Substantive Changes to Draft HCP/NCCP

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
	Cost			
1	Need better home price index to use as a surrogate for land costs	Switch to Home Price Index (HPI) from Office of Federal Housing Enterprise Oversight (OFHEO) instead of the California Association of Realtors Data referenced in the Draft.	Table 9-7	CA Association of Realtors may not publish the same types of data year after year whereas OFHEO is a standard government reporting index.
2	Cost estimates used 2004 dollars	Updated O&M costs by 2.0% (2005 CPI) and updated per acre land costs by 16.6% (first 3 quarters of 2005 home prices (OFHEO)).	See "Cost History" Table. Affects Appendix G and Tables 9-1, 9-2, and 9-8	
3	Cost of land acquisition changed due to shifts in conservation priorities	Land cost model rerun to account for shifts in land acquisition priorities in Zones 1, 2, 4 and 5	See "Cost History" Table. Affects Appendix G and Tables 9-1, 9-2, and 9-8	See conservation strategy section for explanation of proposed shifts.
	Revenue			
4	Development fee and rural road fee need updating to 2005 dollars	Updated fees using the same process as would occur automatically during the plan (except that land acquisition strategy also changed, which would not be the case under the Plan). Fees went up about 4%, as a result of O&M costs increasing 2%, per acre land costs going up 16.6%, and the new land acquisition strategy. The fee increases in future years would occur by March 15. The fee increase after year 1 would need to reflect the final quarter of the 2005 and all of 2006 for portion of costs that are adjusted based on home prices.	See Fee Matrix table. Affects Tables 9-4 and 9-6	
5	Wetland fee needs	Wetland fees from Draft HCP/NCCP updated using	Table 9-5	

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
	updating to 2005 dollars	2005 CPI of 2.0%		
6	Fee Zone II (natural areas) incorrectly applied to urban areas in Pittsburg	Fee Zone map updated to include urban areas in Pittsburg north of the Union Pacific Railroad in Fee Zone I (agricultural zone)	Figure 9-1	
7	Draft HCP/NCCP silent on use of mitigation revenue from non-covered activities	Included a new section describing how such revenues would be spent under the Plan.	Section 9.3.2	
8	Value of local, state, and federal land contributions in 2004 dollars	Value of land contributions from local, state, and federal sources increased to reflect 2005 dollars	See “Funding History” Table. Affects Table 9-8	
	Implementation			
9	Interim conservation unaccounted for in Draft HCP/NCCP	Add new map and tables in Chapter 5 to account for interim conservation and ensure that these lands may be credited towards land acquisition and stay ahead requirements under the HCP.	Tables 5-21 and XXX	The NCCP Act requires that all projects that occur after the Planning Agreement is signed be tracked according to impact and conservation. Interim impacts have been tracked and those with mitigation requirements are reflected in impact estimates and take limits.
10	Stay Ahead requirements needed to be clarified.	For clarity, the Stay Ahead provisions from Chapter 5 and Chapter 8 were consolidated and occur only in Chapter 8.	Section 8.6.1	
11	Draft HCP/NCCP had little guidance on how to accept land in lieu of development	Additional guidance provided to Implementing Entity on how to evaluate proposals for land in lieu of development fees.	Section 8.6.7	

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
12	fees Disputes may arise between HCP/NCCP land cover mapping and field conditions regarding which areas are already urban and not subject to fees	Any such disputes will be resolved using air photos with a date up to three years prior to Plan adoption, or other evidence clearly documenting the land cover type prior to Plan adoption.	Section 9.3.1	
	Species			
13	Swainson's hawk impacts were overestimated	Adjusted Swainson's hawk model to account for lack of impact on foraging habitat within densely urbanized areas. Also some habitat developed since last model run. Impacts were reduced from 4,661 acres to 3,782 acres in Initial UDA; 5,897 acres to 4,743 acres in Maximum UDA	Tables ES-3, 4-4, and 4-5	Small patches of cropland and pasture within urban areas are not suitable for Swainson's hawk according to Swainson's hawk Technical Advisory Committee
14	Swainson's hawk conservation needed to be increased and was previously underestimated	Annual grassland above 150 feet in elevation was considered suitable foraging habitat if surrounded by grassland under 150 feet (3 small plateau's just over 150 feet in elevation). Added 1,000 acres of annual grassland preservation in Subzone 5c to benefit species. Previous estimated conservation = 2,096 acres under Initial UDA and 2,757 acres under Maximum UDA. Revised estimates = 3,614 under Initial UDA and 4,451 acres under Maximum UDA.	Conservation Measure 1.1 in Chapter 5 and Table 5-11	Model made more flexible to account for unintended consequences of 150 foot model parameter for Swainson's hawk in grassland areas.
15	Giant garter snake and covered invertebrate habitat preservation is solely applicant funded and does not allow credit for preservation by	Giant garter snake and covered invertebrate preservation measures were revised to allow credit for applicant impacts against any conservation of garter snake habitat within the Preserve System.	Conservation Measures 3.6 and 3.8 in Chapter 5	On-site preservation within the Cypress Corridor Specific Plan will provide, and likely improve, habitat for giant garter snake. This preservation should be credited against HCP/NCCP

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
	Implementing Entity			impacts to this species. The Implementing Entity is likely to conserve invertebrate habitat within the Preserve System, which should offset at least some impacts of covered activities.
	Wetlands			
16	Stream setback fee requirements needed clarification	Setback areas exempt from fee if at least development rights are provided. Setback violations must restore riparian habitat or pay for riparian habitat restoration at 0.5 to 1 ratio. If riparian woodland also removed within setback, then standard 1:1 restoration ratio will apply.	Conservation Measure 1.7 in Chapter 6 and Table 6-2	
17	Stream setback provisions needed clear rules	Limitations and exceptions more thoroughly described	Table 6-2 and Conservation Measure 1.7 in Chapter 6	
18	Use of terms for wetlands and other waters inconsistent	New term “jurisdictional waters and wetlands” is introduced and used consistently: “Jurisdictional wetlands and waters: State and federally regulated wetlands and other water bodies that cannot be filled or altered without permits from either the U.S. Army Corps of Engineers under Section 404 of the CWA or ,from the State Water Resources Control Board or the Regional Water Quality Control Boards under either Section 401 of the CWA or the Porter-Cologne Water Quality Act, or the California Department of Fish and Game under Fish and Game Code Section 1602. Types of wetlands and waters in the HCP/NCCP inventory area include, but are not limited to, permanent marsh, seasonal wetlands or marsh, streams, ponds, and vernal pools.”	Section 1.3.5 in Chapter 1 and the glossary in Appendix A	
19	Stay Ahead	Start-up period added to stay ahead measure for	Section 8.6.1 and	A grace period is needed in

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
	requirement application to wetlands restoration and creation is unclear	wetlands creation/restoration to allow wetland fees to be collected for 2 years prior to measurements of Stay Ahead requirements for wetlands.	5.3.2	which wetland funds can be collected and land can be acquired on which wetland restoration and creation can occur. Grace period concept is consistent with allowance for wetland mitigation banks.
	Impacts			
20	Projects that have occurred since the Draft HCP/NCCP have reduced overall impacts	Impacts under the Initial UDA and Maximum UDA were adjusted to account for recent development in the inventory area. Impacts under Initial UDA reduced by XXX acres and XXX acres under the Maximum UDA. Land cover in the inventory was adjusted to account for new “future urban”.	See Fee Matrix. Affects Tables 3-2, 4-2, and 4-3	
21	Initial Urban Development Area too conservative	Two areas that have been within the County ULL have now been added to the Initial UDA (1000 acre area east of Discovery Bay and 500 acre area west of Bay Point). These areas were not part of the Initial UDA in the Draft Plan and would have been covered under the Max UDA. Even with these changes, net impacts under Initial UDA went down due to interim development. Net impacts under Max UDA went down more.	See Fee Matrix and Figure 2-3.	This change prevents a substantial jump in fees that would otherwise occur due to interim development. Fee estimate for Max UDA now more closely tracks fee for Initial UDA.
	Conservation Strategy			
22	Pittsburg voters approved a ULL in Nov. 2005	Acquisition in subzone 1a less feasible than before. Discussions between wildlife agencies and property owner on-going to amend conservation strategy in Subzone 1a to focus preservation on movement corridor for California tiger salamander and to mitigate for high priority lands.	Conservation Measure 1.1 in Chapter 5	
23	Antioch voters approved a ULL in	Acquisition in subzone 2g less feasible than before. Discussions on-going with wildlife agencies.	Conservation Measure 1.1 in	

Number	Issue	Proposed Change in Final HCP/NCCP	Location in Document	Rationale (in progress)
	Nov. 2005		Chapter 5 and Table 5-14	
24	Need flexibility in acquisition strategy in Zone 4	Conservation strategy in Subzones 4c, 4e, 4f, and 4g made more flexible to allow some conservation in any of the four Subzones to achieve similar goals. Conservation targets increased by approximately 300 acres to help offset loss in other areas.	Conservation Measure 1.1 in Chapter 5 and Table 5-10	
25	Need to offset loss of annual grassland preservation in Zones 1 and 2 and improve movement for kit fox	Conservation strategy increases preservation of annual grassland in 5c by 1,000 acres to benefit San Joaquin kit fox, Swainson's hawk, and other grassland species.	Conservation Measure 1.1 in Chapter 5 and Table 5-11	
26	Need to increase flexibility for allowable recreational uses within HCP/NCCP preserves	Added allowance for limited picnic tables at staging areas and limited backpack camps, where compatible with HCP/NCCP goals and with the approval of CDFG and USFWS.	Conservation Measure 1.5 in Chapter 5	
27	Small vacant lots (as defined in the HCP/NCCP) must conduct all surveys	Small vacant lots are exempt from all survey requirements except western burrowing owl, kit fox, Swainson's hawk nests, and land cover.	Section 6.2	The likelihood of sensitive resources occurring on infill parcels (all < 10 acres within dense urban areas) is extremely low and the cost burden of these survey requirements is substantial

Evolution of Cost Estimates

Type of Cost	Estimated Cost with Initial Urban Development Area		Estimated Cost with Maximum Urban development Area	
	Jun-05	Feb-06	Jun-05	Feb-06
Land Costs	\$163,470,000	\$176,970,000	\$200,380,000	\$220,000,000
Site Improvements	<u>\$5,550,000</u>	<u>\$5,660,000</u>	<u>\$5,780,000</u>	<u>\$5,900,000</u>
Land Acquisition Capital Costs (Subtotal)	\$169,020,000	\$182,630,000	\$206,160,000	\$225,900,000
Land Acquisition Operation Costs (due diligence, surveys)	<u>\$8,830,000</u>	<u>\$9,000,000</u>	<u>\$9,580,000</u>	<u>\$9,770,000</u>
Land Acquisition (Total)	\$177,850,000	\$191,640,000	\$215,740,000	\$235,680,000
Program Admin	\$17,800,000	\$18,150,000	\$17,870,000	\$18,230,000
Planning and Design	\$6,030,000	\$6,150,000	\$6,110,000	\$6,230,000
Habitat Restoration/Creation	\$19,990,000	\$20,390,000	\$22,450,000	\$22,890,000
Environmental Compliance	\$2,300,000	\$2,340,000	\$2,300,000	\$2,340,000
Preserve Management and Maintenance	\$32,390,000	\$33,040,000	\$35,720,000	\$36,440,000
Monitoring, Research, and Adaptive Management	\$18,410,000	\$18,780,000	\$20,670,000	\$21,080,000
Remedial Measures	\$1,550,000	\$1,580,000	\$1,670,000	\$1,700,000
Contingency Fund	<u>\$4,920,000</u>	<u>\$5,020,000</u>	<u>\$5,340,000</u>	<u>\$5,450,000</u>
Management costs (30 years) (all non acquisition costs)	\$103,380,000	\$105,450,000	\$112,120,000	\$114,360,000
TOTAL ESTIMATED COSTS	\$281,230,000	\$297,090,000	\$327,860,000	\$350,040,000
TOTAL ASSUMED COSTS (for fee calculations)	\$285,000,000	\$297,090,000	\$330,000,000	\$350,040,000

Evolution of Funding Plan

Type of Funding Source (1)	Estimated Amount with Initial Urban Development Area		Estimated Amount with Maximum Urban Development Area		Source Category
	Jun-05	Feb-06	Jun-05	Feb-06	
Fee Funding					
Fees on new development in Urban Development Area	\$116,100,160	\$118,182,800	\$159,358,160	\$169,722,800	Local
Wetland Impact Fees	\$21,800,000	\$22,240,000	\$23,542,000	\$24,010,000	Local
Fees on rural infrastructure (roads, detention basins, etc.)	<u>\$8,649,100</u>	<u>\$8,931,600</u>	<u>\$8,649,100</u>	<u>\$8,931,600</u>	Local
Total Projected Fee Funding	\$146,550,000	\$149,350,000	\$191,550,000	\$202,670,000	Local
Non Fee Funding					
Maintenance of Existing Conservation Effort (3)	\$80,000,000	\$85,000,000	\$80,000,000	\$85,000,000	Mixed
<i>Breakdown of above by source:</i>					
	\$52,000,000	\$55,250,000	\$52,000,000	\$55,250,000	Local
	\$24,000,000	\$25,500,000	\$24,000,000	\$25,500,000	State
	\$4,000,000	\$4,250,000	\$4,000,000	\$4,250,000	Federal
Open Space Funding Measure	n/a	n/a	n/a	n/a	Local
Byron Airport Clear Zone Acquisitions	\$6,500,000	\$6,500,000	\$6,500,000	\$6,500,000	Federal
New Wildlife Agency Funds (Section 6, park bonds, etc.)(4)	<u>\$55,000,000</u>	<u>\$58,000,000</u>	<u>\$55,000,000</u>	<u>\$58,000,000</u>	State/Fed
Total Projected Non-Fee Funding	\$141,500,000	\$149,500,000	\$141,500,000	\$149,500,000	
TOTAL PROJECTED FUNDING (Permit Term)	\$288,050,000	\$298,850,000	\$333,050,000	\$352,170,000	
TOTAL FUNDING - TOTAL COSTS (Permit Term)	\$3,050,000	\$1,760,000	\$3,050,000	\$2,130,000	
Summary of Funding by Source					
Local	\$198,550,000	\$204,600,000	\$243,550,000	\$257,920,000	
State/Federal (4)	\$89,500,000	\$94,250,000	\$89,500,000	\$94,250,000	
Local (%) (5)	68.9%	68.5%	73.1%	73.2%	
State/Federal (%) (5)	31.1%	31.5%	26.9%	26.8%	
State/Federal Contribution in Units of Acres					
Total State/Federal contribution (6)	13,350	13,350	13,350	13,350	
Wildlife agencies' share of state/federal contribution (7)	8,700	8,700	8,700	8,700	
Non wildlife agency share of state/federal contribution	4,650	4,650	4,650	4,650	

(1) Funding estimates include projected monetary contributions and the monetary value of projected in-kind contributions.

(2) "Fair Share Scenario" from Nov 2003 is shown for comparison purposes. "No funding gap scenario" from Nov 2003 not shown.

(3) Based on analysis of conservation performed over the past 30 years. Assumes 75% historic rate. See Append G.

(4) Estimates only. State and federal contributions are described in the HCP/NCCP in terms of acres.

\$3.2M per year for the initial and max UDA respectively. The net present value of these future costs is estimated at \$78M and \$87M respectively, assuming a net discount rate of 2% above inflation (expressed another way, the size of the non-wasting endowment necessary at the end of year 30 to fund these costs in perpetuity would be \$145M and \$160M respectively). It is presumed that funding for these costs will come from local sources.

(6) \$99,250,000 divided by \$6,702, the projected average per acre cost of land acquisition.

(7) New wildlife agency funds funds (\$55,000,000) plus about 15% of the state and federal component of maintenance of existing effort.

ECC HCP/NCCP Development Mitigation Fee Calculator

1. Determining Future Development's FAIR SHARE of Implementation Costs (assumes Maximum Urban Development Area)

	Urban Acres	Irrigated Ag. Acres	Total Impacted Acres (urban + 0.5*irrigated ag)	Conservation Acres	Conservation Ratio	Fair Share Ratio	Fair Share of New Conservation Acres	Fair Share
Existing	23,828	33,028	40,342	44,746	1.11	1.47	14,732	48% (public share)
Affected during HCP	15,000	(8,000)	11,000	30,950	2.81	1.47	16,218	52% (future development share)
Status after HCP	38,828	25,028	51,342	75,696	1.47	1.47	30,950	100%

2. Gross Cost Allocations

Item	Amount	
	Initial Permit Area	Max. Permit Area
a Total Plan Cost	\$297,090,000	\$350,400,000
b Wetland Mitigation Cost (Creation & Restoration) (to be paid by wetland fee)	\$22,240,000	\$24,010,000
c Adjusted Plan Cost	\$274,850,000	\$326,390,000
d Future Urban Development's "Fair Share" %	43%	52%
e=c*d Future Impacts "Fair Share" \$	\$118,182,800	\$169,722,800
f Contribution by Rural Infrastructure Projects	\$8,931,600	\$8,931,600
g=c-e-f Remaining Cost (to be funded by a variety of public sources)	\$147,735,600	\$147,735,600
i=b+e+f+g Total revenues	\$297,090,000	\$350,400,000

Key Assumptions:	
Ag. habitat & open space value relative to natural land	50%
New development's share of rural road mitigation costs	0%
Rural road mitigation costs	\$7,431,600
Other rural infra. mitigation costs	\$1,500,000
Total rural infra. mitigation costs	\$8,931,600
Fee zone ratio:	
Zone 1: Eastern and Ag:	2
Zone 2: S/W and Natural:	4
Zone 3: Infill:	1
Paying acres contingency (see note 4)	10%
Units / acre	4

3. Estimated Development Mitigation Fee by Fee Zone

ITEM	FEE ZONES				Total/ Weighted Avg
	Eastern and Agricultural Zone I	South + West Natural Areas Zone II	Infill (less 10 acres) Zone III		
<u>Total Acres of Impacts (n/incl Rural Infrastructure)</u>					
Initial Plan Area	6,212	2,306	166		8,684
Maximum Plan Area	7,533	4,180	166		11,879
Relative Fee Weighting by Zone (1)	2	4	1		
<u>Relative Funding Burden by Zone -- Percent (2)</u>					
Initial Plan Area	57%	42%	0.8%		100%
Maximum Plan Area	47%	52%	0.5%		100%
<u>Relative Funding Burden by Zone -- Amount (3)</u>					
Initial Plan Area	\$67,310,127	\$49,973,327	\$899,347		\$118,182,800
Maximum Plan Area	\$80,027,657	\$88,813,383	\$881,760		\$169,722,800
<u>Fee Per Developed Acre (4)</u>					
Initial Plan Area	\$11,919	\$23,838	\$5,960		\$13,906
Maximum Plan Area	\$11,686	\$23,372	\$5,843		\$13,634
<u>Est. Fee Per Housing Unit for Residential Dvlpmnt (5)</u>					
Initial Plan Area	\$2,980	\$5,960	\$1,490		\$3,476
Maximum Plan Area	\$2,921	\$5,843	\$1,461		\$3,408

Notes:

- (1) Relative fee contribution of an acre in each zone.
- (2) Relative funding contribution of each zone, taking into account total zone acreage and fee weighting factor.
- (3) Relative funding burden times total fee-funded HCP costs.
- (4) Funding burden divided by zone acreage. Also includes a 10% contingency factor to account for incomplete buildout.
- (5) Assumes average housing density of 4.0 units per acre.

Table 9-5. Wetland Fee and Acreage Determination Methods

Land Cover Type	Fee per unit of Impact ¹	Required Compensation Ratio for Restoration/Creation ¹	Method for Determining Fee Boundary
Riparian woodland/scrub	\$ 57,000 58,140/a cre	1:1	Limit of tree or shrub canopy (drip line)
Perennial wetlands	\$ 78,000 79,560/a cre	1:1	Jurisdictional wetland boundary of state or federal government ² , whichever is greater
Seasonal wetland	\$ 169,000 172,380/ac	2:1	Same as above
Alkali wetland	\$ 160,000 163,200/ac	2:1	Same as above
Ponds	\$ 85,000 86,700/a cre	1:1	Jurisdictional waters boundary of state or federal government ² , whichever is greater
Aquatic (open water)	\$ 86,000 86,700/a cre	1:1	Wetted area during normal rainfall year or jurisdictional waters boundary, whichever is greater
Slough/channel	\$ 97,000 98,940/a cre	1:1	Area of impact within banks
Streams			
Streams 25 feet wide or less	\$ 465 474/linear foot	1:1	Stream length measured along stream centerline. Stream width measured between top of bank.
Streams greater than 25 feet wide ³	\$ 700 714/linear foot	1:1	Stream length measured along stream centerline. Stream width measured between top of bank.

¹ See Appendix G for calculation of fee by wetland type. Wetland fee takes required compensation ratio into account. [Fees from Draft HCP/NCCP \(in 2004 dollars\) were updated for the Final HCP/NCCP using a 2005 CPI of 2.0% per Table 9-7.](#)

² Using methods for determining state and federal jurisdictional waters and wetlands at the time of HCP/NCCP approval or the current approved methodology, whichever results in a larger boundary.

³ Impact fee for wider streams is 1.5 times the base stream fee to account for higher construction costs on wider streams.

calculations do not include the contribution of long-term management provided by EBRPD.)

Local Land Trusts

Organizations such as the Trust for Public Land, Save Mount Diablo, the Brentwood Agricultural Land Trust, and the Agricultural Trust of Contra Costa County are actively involved in land preservation and acquisition in the Plan area, though they often facilitate transfers rather than acquiring land themselves. For example, the Trust for Public land brokered the Cowell Ranch purchase in association with the CDPR. Likewise, Save Mount Diablo has been involved in numerous land acquisitions, many within the inventory area, over its more than 30-year history. For example, Save Mount Diablo has contributed substantially to the growth of Mount Diablo State Park. This summary is meant to provide context for the HCP/NCCP. No assumptions were made in the Plan that local land trusts would contribute to HCP/NCCP conservation goals or funding needs.

Other Local Funding

Other local funding could contribute to Plan costs during or after the permit term. For example, a \$175 million Open Space Funding Measure was the subject of a special mailout election in Contra Costa County in August 2004 by the Contra Costa County Open Space Funding Authority, a joint powers authority created by Contra Costa County and EBRPD. This measure would have funded approximately \$40 million in land acquisitions and land stewardship projects within the inventory area that would have been consistent with the conservation goals of the HCP/NCCP. The proposed funding source was a parcel tax.

Raw votes in favor of the Open Space Measure were 50.1%. However, when votes were weighted according to the amount of tax each voter would pay, as required by law, votes in favor dropped to 46.2%, below the needed simple majority. Despite the failure of this Open Space Measure, the Funding Authority continues to meet on a regular basis and has publicly expressed interest in proposing a similar Open Space Measure in the future. Passage of a similar Open Space Measure could provide substantial additional local funds for the HCP/NCCP.

Funding from Activities Not Covered by the Plan

There may be a number of benefits to addressing the mitigation needs of non-covered projects through the implementing structure of the HCP/NCCP. The USFWS and CDFG may wish to use the conservation strategy and implementing structure of the Plan to maximize the conservation benefits to covered species and natural communities. Project proponents may wish to utilize the mitigation approach of the Plan to facilitate their mitigation obligations under a variety of

state and federal regulations. The HCP/NCCP Implementing Entity may benefit from additional flexibility to implement the Plan afforded by access to revenue early in the permit term. Contributions to the HCP/NCCP from non-covered activities will be encouraged as long as the following principles are adhered to:

- The USFWS and CDFG will determine the mitigation requirements of non-covered projects on a case-by-case basis. These requirements must meet all applicable laws and regulations and may differ from the requirements of this Plan.
- Money from non-covered activities can be used to achieve the conservation targets of the HCP/NCCP as long as the mitigation obligation of the non-covered project augments the mitigation and conservation obligations of the Plan (i.e., they may not offset these requirements). To achieve this, the Implementing Entity, in consultation with USFWS and CDFG, will determine where and how much additional land will be acquired according to the priorities established in Chapter 5 in the section *Conservation in the Inventory Area beyond HCP/NCCP Requirements*.
- The Implementing Entity is encouraged to use funds from non-covered activities according to the priorities described in Chapter 5 in the section *Land Acquisition Priorities*.
- Contributions from non-covered activities must fully compensate the Implementing Entity for taking on the new mitigation obligation of the non-covered activity and should include transactional and other administrative and management costs.
- The Implementing Entity will determine on a case-by-case basis whether to accept funds or land from non-covered activities to augment the HCP/NCCP conservation strategy. If accepted, the Implementing Entity and the proponent of the non-covered activity may enter into an agreement to establish the terms of the contribution of land or money.
- The mitigation obligations of non-covered activities cannot be taken into account during the periodic audits used to recalibrate HCP/NCCP fees (see Section 9.3.1).
- Land acquired with funds from non-covered projects will be tracked and reported separately to USFWS and CDFG to ensure these requirements are kept separate from HCP/NCCP land acquisition requirements.

9.3.3 State and Federal Funding

The U.S. Congress and the California legislature have determined that conserving species and their natural habitats is an issue of both national and state importance. The federal and state governments will fulfill their responsibilities for conservation by assisting local governments and property owners to assemble, manage, and monitor the HCP/NCCP Preserve System. This assistance will contribute to the land acquisition requirements of the Plan, contribute to recovery of listed species in the Plan area, and reduce or avoid the

8.6.6 Gifts of Land

The Implementing Entity may accept land as a gift or charitable donation. The Implementing Entity will evaluate the conservation benefit of the lands donated relative to the goals, objectives, and requirements of the HCP/NCCP. Donated land that does not meet these goals, objectives, and requirements may be sold or exchanged to enable acquisition of land that does meet these goals, objectives, and requirements.

8.6.7 Land Dedication In Lieu of Development Fee

Some applicants may own land that can help to meet the conservation goals of the Plan. Applicants that own land at the edge of a conservation area may wish to donate or place a conservation easement on the portion of their property within the conservation areas to reduce or eliminate their fee for development of the remaining portion of their property. Some applicants that wish to develop wholly within the UDA may own parcels within an area targeted for conservation; dedicating or placing a conservation easement on the site within the conservation area could eliminate or substantially reduce their fee to develop their other property. ~~Finally, landowners wishing to develop parcels within the UDA may prefer to acquire their own mitigation lands within the conservation area and donate these lands to the Implementing Entity instead of paying all or a portion of the fee. Finally, local jurisdiction Permittees (e.g. Contra Costa County, County Flood Control District) may wish to dedicate land to the Implementing Entity in lieu of paying all or a portion of a development fee, temporary impact fee, or rural road fee (see Chapter 9 for details of these fees). All three situations are permissible if the following conditions are met.~~

Guidelines for Providing Land In Lieu of Fee

Land may be provided in lieu of all or a part of the HCP/NCCP development fee if:

- ~~t~~he land supports biological resources that meet Plan requirements and contributes to Plan biological goals and objectives,
- the land has no property encumbrances that conflict with HCP/NCCP goals and objectives (see Section 8.6 above),
- the land presents a good value to the Implementing Entity relative to the development fees that would have been provided,
- the land is ~~wholly~~ within an area designated as high or moderate priority for acquisition⁵ (see Chapter 5), ~~and~~

⁵ Land along Marsh Creek, Kellogg Creek, or adjacent to Dutch Slough (Zone 6) are ~~not~~ eligible for land dedication in lieu of development fees.

- the Implementing Entity has funding or funding commitments from the applicant or other sources to manage and monitor the dedicated land during the permit term according to the requirements of the Plan, and,
- or otherwise approved by the Implementing Entity, USFWS, and CDFG.

The Implementing Entity will consider requests for a fee reduction or waiver in exchange for land dedication (transfer or conservation easement) on a case-by-case basis. The amount of fee substitution will also be determined case-by-case and will according to the following rules and guidelines:

- Under the initial urban development area, the Implementing Entity must assemble a preserve system that is estimated to be 23,800 acres. The estimated impacts of all development-related covered activities (including rural roads) is 9,617 acres. For the Implementing Entity to fully achieve its land acquisition requirements, the amount of land dedicated per project must be equivalent to or greater than what would have been the project's proportional contribution to HCP/NCCP fee revenue.

To achieve this, the Implementing Entity must secure, on average, at least 2.1 acres of conservation land for every acre of impact in natural land cover types (Fee Zone II in Chapter 9) for all projects that contribute land in lieu of development fees. For impacts to cultivated and disturbed lands (Fee Zone I), the Implementing Entity must secure at least 1.1 acres of conservation land for every acre of impact.

- The amount of land required to fully offset the development fee can be increased or decreased depending on the conservation value of the land and the importance to the assembly of the HCP/NCCP Preserve System.

depend on factors such as the appraised value of the dedicated land, the biological value of the dedicated land to the Plan, the availability of funding for management and monitoring, and the status of the Preserve System at the time of the request.

Applicants are encouraged to provide baseline data on their offered properties that document their biological value to the Plan and explain how the site meets land acquisition requirements and biological goals and objectives. However, ~~†~~The property owner must provide access to the proposed site to allow Implementing Entity staff or their consultants to survey the site and determine verify its biological value for the HCP/NCCP Preserve System (at no cost to the applicant). The applicant will pay the cost of other due diligence (e.g., Phase 1 site assessment, appraisal, title search).