

# **HCPA** East Contra Costa County Habitat Conservation Plan Association

## **HCPA Coordination Group Meeting**

Thursday, July 21, 2005

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

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

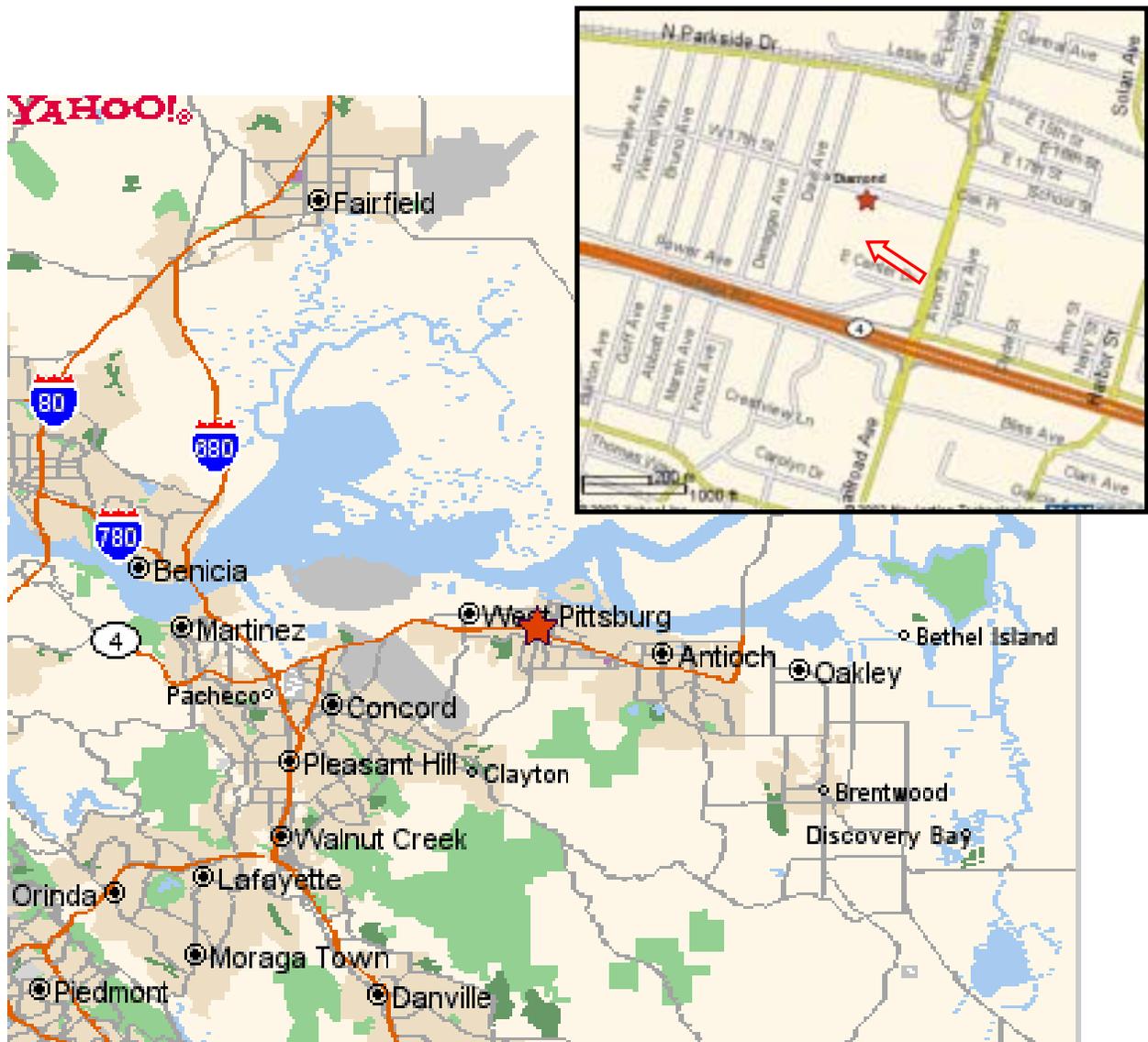
### **Agenda**

- 1:00 Introductions. Review contents of meeting packet. Review and approve Draft Meeting Record of the June 30, 2005 Coordination Group meeting.
- 1:05 Updates:
- General update on status of planning effort, including wetlands
  - Additional updates from Coordination group members
- 1:15 General discussion on Draft HCP/NCCP. Any questions so far as you review the Draft HCP/NCCP?
- 1:40 Workshop-style discussion of Executive Summary (attached) and Framework document and discuss creation of an overview document to use to explain and discuss key issues aspects HCP/NCCP. Please review the Executive Summary prior to the meeting as that will be the starting point for creating the overview document. The overview document could also serve to document the status of stakeholder negotiations on the HCP/NCCP.
- 2:45 Discuss work plan for Coordination Group for remainder of the planning process.
- 2:50 Confirm upcoming meeting dates. Upcoming Coordination Group meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3<sup>rd</sup> Thursdays):  
Thursday, August 17, 1 p.m. to 3 p.m.  
Thursday, September 15, 1 p.m. to 3 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.*

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## 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 2<sup>nd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> floor

# DRAFT MEETING RECORD

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

Thursday, June 30, 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:

Seth Adams, Save Mount Diablo	Sheila Larsen, U.S. Fish and Wildlife
Chris Barton, City of Pittsburg	Dee Munk, CCC Farm Bureau
Bradley Brownlow, Morrison & Foerster	Brad Olson, EBRPD
Abigail Fateman, CCC Community Dev.	David Reid, Greenbelt Alliance
Jeff Garrigues, City of Oakley	Cece Sellgren, CCC Public Works
Jim Gwerder, CLA	Dick Vrmeer, CNPS
John Kopchik, CC County Community Dev.	Mike Vukelich, CCC Farm Bureau
Mark Lane, CC RCD	David Zippin, Jones and Stokes

Also in attendance: Jennifer Adler - Greenbelt Alliance, Dave Fowler - East Bay Associates, LLC, Tyler Fowler- Consultant, John Hopkins - Institute for Ecological Health, Cheryl Morgan, Phillip Torres, and Ethan Veneklasen - Contra Costa Council

**1:00 Review contents of meeting packet. Review and approve Draft Meeting Record of the January 20 and May 19, 2005 Coordination Group meeting.** Not conducted.

**1:05 Updates:**

- **General update on status of planning effort, including wetlands** John Kopchik provided an update on the progress to date on the wetlands permit.

**1:10 Presentation on Draft HCP/NCCP and schedule and process for public comment. Outreach.** John Kopchik and David Zippin provided a review of the draft documents available at the meeting. The comment deadline will be 90 days from the date that the Notice of Availability appears in the Federal Register (Anticipated in mid-July). Notification will be sent to the HCP distribution list once the deadline is known.

**2:00 General discussion on Draft HCP/NCCP** Attendees received copies of the HCP/NCCP and the EIR/EIS. Documents were available in print and CD.

**2:30 Review and discuss Executive Summary and Framework document and discuss creation of an overview document to use to explain and discuss key issues aspects HCP/NCCP** The group briefly discussed producing an overview document for distribution that will provide a summary of key points of the plan.

**2:30 Discuss work plan for Coordination Group for remainder of the planning process.** The group agreed to keep meeting regularly through the comment period.

- 2:50** Confirm upcoming meeting dates. Upcoming Coordination Group meetings are scheduled as follows for the City of Pittsburg Council Chambers (usually 3<sup>rd</sup> Thursdays):
- Thursday, July 21, 1 p.m. to 3 p.m.**
  - Thursday, August 17, 1 p.m. to 3 p.m.**
- 2:55** Public comment.
- 3:00** Adjourn.

# Executive Summary

## Overview

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP or Plan) is intended to provide an effective framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan will allow Contra Costa County (County), the Contra Costa County Flood Control and Water Conservation District (County Flood Control District) and the Cities of Brentwood, Clayton, Oakley, and Pittsburg (collectively, the Permittees) to better control local land use decisions in the region while providing comprehensive species, wetlands, and ecosystem conservation and contributing to the recovery of endangered species in northern California. This Plan will avoid project-by-project permitting that is generally costly and time consuming for applicants and often results in uncoordinated and biologically ineffective mitigation.

The Permittees are asking the U.S. Fish and Wildlife Service (USFWS) to issue 30-year permits to each agency that authorize incidental take<sup>1</sup> on listed species under the federal Endangered Species Act (ESA). The Permittees are also asking the California Department of Fish and Game (CDFG) to issue 30-year permits to each agency that authorize take<sup>2</sup> of all covered species under the Natural Community Conservation Planning Act. The local jurisdictions will then be able to use those permits to extend take authorization to development and other activities that meet the terms of the Plan. USFWS and CDFG will also provide assurances to local jurisdictions and Plan participants that no further commitments of funds, land, or water will be required to address impacts on covered species beyond that described in the Plan.

The Plan is also intended to serve as the basis for subsequent applications for regional wetlands permits currently in development. The Permittees are working with the U.S. Army Corps of Engineers (USACE), the San Francisco Bay Regional Water Quality Control Board and Central Valley Regional Water Quality Control Board (RWQCBs), and CDFG to develop and operate regional

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<sup>1</sup> *Take*, as defined by the Endangered Species Act, means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” *Harm* is defined as “any act that kills or injures the species, including significant habitat modification.”

<sup>2</sup> *Take* is defined under the California Fish and Game Code as any action or attempt to “hunt, pursue, catch, capture, or kill.”

permit programs for aquatic resources under Sections 404 and 401 of the Clean Water Act (CWA) and under Section 1602 of the California Fish and Game Code relating to Streambed Alteration Agreements.

## Geographic Scope

The HCP/NCCP *inventory area* is located in the eastern portion of Contra Costa County, California and covers approximately one-third of the County, or 175,804 acres (see Figure 1-1). The inventory area was defined as the area in which impacts would be evaluated and conservation would occur. Inventory-area boundaries were based on a combination of political, ecological, and hydrologic factors. Watershed boundaries were used to define the inventory area wherever possible.

The *permit area* is the area in which the Permittees are requesting authorization from USFWS and CDFG only for activities and projects that may result in take of species covered by this Plan (i.e., covered activities). The permit area is land within the inventory area defined by the following parameters.

- The Urban Limit Line (ULL) of Contra Costa County or the city limits of the participating Cities of Pittsburg, Clayton, Oakley, and Brentwood, whichever is largest.
- The footprint of specific rural infrastructure projects or activities outside the ULL described in this Plan.
- The boundary of any land acquired in fee title or conservation easement and managed under this Plan (i.e., the HCP/NCCP Preserve System [Preserve System]).

The city of Antioch is not participating in the HCP/NCCP and so is excluded from the permit area. A limited number of rural infrastructure projects outside the ULL will be included in the permit area, as will management and restoration activities in the Preserve System.

The HCP/NCCP has been designed to accommodate reasonable and expected growth of the participating jurisdictions based on current General Plans. However, participating jurisdictions have differing positions on where and how much future growth will occur. To respond to potential changes in land use policy among the participating jurisdictions, the HCP/NCCP permit area could expand or contract as a result of local land use decisions made independently of the HCP/NCCP, provided that the revised permit area boundary is consistent with successful implementation of the HCP/NCCP conservation strategy.

To address this issue, two *urban development areas* are defined for the purposes of the analysis. The *initial urban development area* is most of the area within the current County ULL. Urban development within the initial urban development area is expected to result in 8,949 acres of impact to land cover types that may

support covered species (see Figure 2-3). The *maximum urban development area* is the largest area to which urban development could expand under the terms of this HCP/NCCP. Urban development within the maximum urban development area is expected to result in 13,216 acres of impact to land cover types that may support covered species. With either urban development area, another 1,302 acres of impact are expected from rural infrastructure projects and activities within HCP/NCCP preserves. Thus, total impacts allowed under the Plan are 10,251 acres and 14,518 acres with the initial and maximum urban development areas, respectively.

The urban development area covered under the HCP/NCCP at the end of the permit term could fall anywhere in the range defined by the initial urban development area and the maximum urban development area, depending on local land use decisions that occur during the permit term.

## Covered Activities

The primary goal of this Plan is to obtain authorization for take of covered species under ESA and NCCPA for future urban development in the cities of Clayton, Pittsburg, Brentwood, and Oakley and specific areas of unincorporated Contra Costa County in accordance with approved land use plans. Covered activities within these approved urban boundaries are broadly defined to include all ground-disturbing activities controlled by permit holders via their land use planning process. Covered activities will also include specific rural infrastructure projects outside these urban boundaries that will support urban growth (e.g., road and flood control projects and maintenance; see Figure 2-4). A small amount of take of covered species is expected to occur within the preserves as a result of ongoing management, restoration, and monitoring activities by preserve managers and from limited public access. These routine activities will also be covered by the Plan.

## Covered Species

This Plan proposes to provide take authorization for 28 listed and non-listed species (i.e., covered species) (Table ES-1). The Plan includes conservation measures to protect all 28 covered species, whether or not they are currently listed. Accordingly, should any non-listed covered species become listed during the permit term, additional conservation measures will not be required.

The basis for coverage of all 28 covered species is summarized in Table ES-3 at the end of this Executive Summary.

**Table ES-1.** Species Proposed for Coverage

<b>Mammals</b>	<b>Invertebrates</b>
Townsend's western big-eared bat	Longhorn fairy shrimp
San Joaquin kit fox	Vernal pool fairy shrimp
<b>Birds</b>	Midvalley fairy shrimp
Tricolored Blackbird	Vernal pool tadpole shrimp
Golden Eagle	<b>Plants</b>
Western Burrowing Owl	Mount Diablo manzanita
Swainson's Hawk	Brittlescale
<b>Reptiles</b>	San Joaquin spearscale
Silvery legless lizard	Big tarplant
Alameda whipsnake	Mount Diablo fairy lantern
Giant garter snake	Recurved larkspur
Western pond turtle	Round-leaved filaree
<b>Amphibians</b>	Diablo helianthella
California tiger salamander	Brewer's dwarf flax
California red-legged frog	Showy madia
Foothill yellow-legged frog	Adobe navarretia

## Conservation Strategy

Collectively, the conservation strategy will mitigate the impacts of covered species and contribute to the recovery of these species in the inventory area. The conservation strategy is designed to achieve a comprehensive set of 33 biological goals and 91 biological objectives.

## Preserve System

The heart of the conservation strategy is a system of new preserves linked to existing protected lands to form a network of protected areas outside the area where new urban growth will be covered under the HCP/NCCP (see Figures 5-2 and 5-3). The conservation strategy is designed to create a preserve system that will:

- Preserve approximately 23,500 acres of land under the initial urban development area or approximately 30,000 acres of land under the maximum urban development area for the benefit of covered species, natural communities, biological diversity, and ecosystem function.
- Preserve major habitat connections linking existing protected lands.
- Enable management of habitats to enhance populations of covered species and maintain ecosystem processes.

The Plan describes a detailed but flexible process to assemble the Preserve System using acquisition of fee title or conservation easements, and partnerships with other conservation organizations already active in the region. Assembly of the Preserve System will be based on the availability of willing sellers. However, preserve assembly will be required to stay ahead of the impacts of covered activities.

## Habitat Restoration

To achieve no net loss of jurisdictional wetlands and to contribute to the recovery of certain covered species, the Plan requires not only preservation but also the restoration of certain land cover types. Restoration will be required for habitat loss of wetlands, riparian woodland, and oak savanna at ratios varying from 1:1 to 3:1. Additional restoration of some land cover types will also occur regardless of the amount of impact. Although the exact acreage is not known, restoration is estimated at 424 to 586 acres under the initial or maximum urban development areas, respectively.

## Adaptive Management and Monitoring

The conservation strategy contains detailed guidelines and recommendations for management, enhancement, and restoration techniques of the following land cover types:

- Grassland, including native grassland
- Oak woodland and oak savanna
- Wetlands and ponds
- Streams and riparian woodland
- Chaparral/scrub

The Plan also contains a framework, guidelines, and organizational structure that will help the entity that implements the HCP/NCCP develop a detailed monitoring and adaptive management program during the initial years of implementation. The program will incorporate important principles of “learning by doing” into the operations of the Preserve System.

## Recreation and Agriculture on Preserves

In addition to supporting ecosystem processes, habitat, and species, the preserves will also support other uses such as recreation, grazing, and crop production, as long as these uses are compatible with the biological goals and objectives of the HCP/NCCP.

New preserves to be created under this Plan will provide recreational opportunities for hikers, cyclists, and equestrians. Recreational uses will be carefully designed and managed to conserve resource values.

## Avoidance and Minimization Measures

As required by ESA, the conservation strategy also includes measures to avoid and minimize take of covered species. All covered activities will be required to adhere to these measures in order to receive take authorization from local jurisdictions (i.e., County and participating cities or special districts). The primary intent of these measures is to encourage individuals of covered wildlife species within the permit area to avoid or escape project construction zones. Populations of covered plant populations will be avoided when adequate conservation of these species is not available within HCP/NCCP preserves. Impacts will also be minimized by designing development projects adjacent to the HCP/NCCP Preserve System in ways that reduce their impacts on covered species and habitats. Avoidance and minimization measures are built into the Plan at the landscape level, allowing project-by-project surveys and compliance to be simplified.

## Implementation

A new organization will be created to oversee assembly and operation of the Preserve System and ensure compliance with all terms of the HCP/NCCP, permits, and Implementing Agreement (IA). This *Implementing Entity* will be run by a Governing Board of representatives from each Permittee agency and an Executive Director. The Implementing Entity will be advised by representatives of USFWS, CDFG, local land management agencies, a pool of Science Advisors, and a public advisory committee. It is anticipated that the Implementing Entity will partner with existing agencies and organizations to conduct a significant portion of its responsibilities.

The Plan also includes a detailed process for land acquisition from willing sellers and allowances for landowners to provide land in lieu of fees under certain circumstances.

## Funding

The cost of implementing the HCP/NCCP during the 30-year permit term is estimated at approximately \$285,000,000 or \$330,000,000 for the initial and maximum urban development areas, respectively (Table ES-2). This includes the cost of land acquisition, Plan administration, habitat management, habitat restoration, biological monitoring, remedial measures, and a 5% contingency.

Funding to implement the Plan will come from a variety of sources. These sources may be classified as fees on covered activities and non-fee public funding. Proponents of covered activities will pay a fee to receive permit coverage under the Plan, simplifying the process to assess and mitigate endangered species impacts on a project-by-project basis. Non-fee public funding will either come from continued investment by local, state, and federal programs already funding conservation in this area or from existing state and federal sources reserved for areas with an approved HCP/NCCP. Additional information on funding sources is provided below:

- **Fees on Covered Activities.** These include developer mitigation fees and developer land dedications. In the first year of Plan implementation, developer fees will range from \$5,734 per acre for specific infill parcels less than 10 acres in size to \$22,936 per acre for parcels on natural land cover types in specific mapped areas (see Figure 9-1). Additional fees will be charged for impacts on jurisdictional wetlands that range from \$57,000 per acre to \$159,000 per acre, depending on the wetland type, to pay for the direct and substantial cost of wetland restoration. Each covered road project has its own pre-defined fee. Some covered activities that cause temporary impacts will also be subject to a fee. All fees will be automatically adjusted annually using standard indexes to keep pace with inflation and expected increases in land costs. Land may be contributed in lieu of fees.
- **Non-Fee Funding from Local, State, and Federal Sources.** Non-fee public funding can only be used for portions of the Plan that contribute to species recovery (not for mitigation). Local funding will take several forms, including continued investments in conservation by East Bay Regional Park District and local land trusts. Federal and state funding sources will include USFWS grants under Section 6 of the ESA, Wildlife Conservation Board grants, and state park and resource bond measures. Some of these federal and state funding sources are generally available throughout the state and nation, while others can only be used to implement an approved HCP/NCCP. Although not assumed in revenue projections, funding may be supplemented by future local funding measures for parks and open space.

The costs of implementing the Plan were allocated between future development and the public using a "fair share" analysis that considered past and proposed development impacts and past and proposed conservation acquisitions. This analysis was based on the premise that the costs allocated to future development should be in proportion to the impacts caused by future development.

**Table ES-2.** HCP/NCCP Cost and Funding Overview

Type	Amount	
	Initial Urban Development Area	Maximum Urban Development Area
<b>Estimated Costs (rounded to nearest \$10,000)</b>		
Land acquisition	\$177,850,000	\$215,740,000
Management costs over permit term	<u>\$103,380,000</u>	<u>\$112,120,000</u>
Total estimated costs	\$281,230,000	\$327,860,000
Total assumed costs (for funding projections)	\$285,000,000	\$330,000,000
<b>Projected Funding</b>		
<u>Fee Funding</u>		
Fees on new development in Urban Development Area	\$116,100,000	\$159,358,000
Wetland impact fees	\$21,800,000	\$23,542,000
Fees on rural infrastructure (e.g., roads, detention basins, pipelines)	<u>\$8,649,000</u>	<u>\$8,649,000</u>
Total projected fee funding	\$146,549,000	\$191,549,000
<u>Non-Fee Funding</u>		
Maintenance of existing conservation effort (local, State, Federal)	\$80,000,000	\$80,000,000
Byron Airport clear zone acquisitions	\$6,500,000	\$6,500,000
New Wildlife Agency funds (Section 6, park bonds, etc.)*	<u>\$55,000,000</u>	<u>\$55,000,000</u>
Total Non-Fee Funding	\$141,500,000	\$141,500,000
<b>TOTAL PROJECTED FUNDING (Permit Term)</b>	\$288,049,000	\$333,049,000

\*Estimates only. State and federal contributions are described in the HCP/NCCP in terms of acres.