

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

## **HCPA Coordination Group Meeting**

Thursday, April 15, 2004  
1 p.m. to 3 p.m.

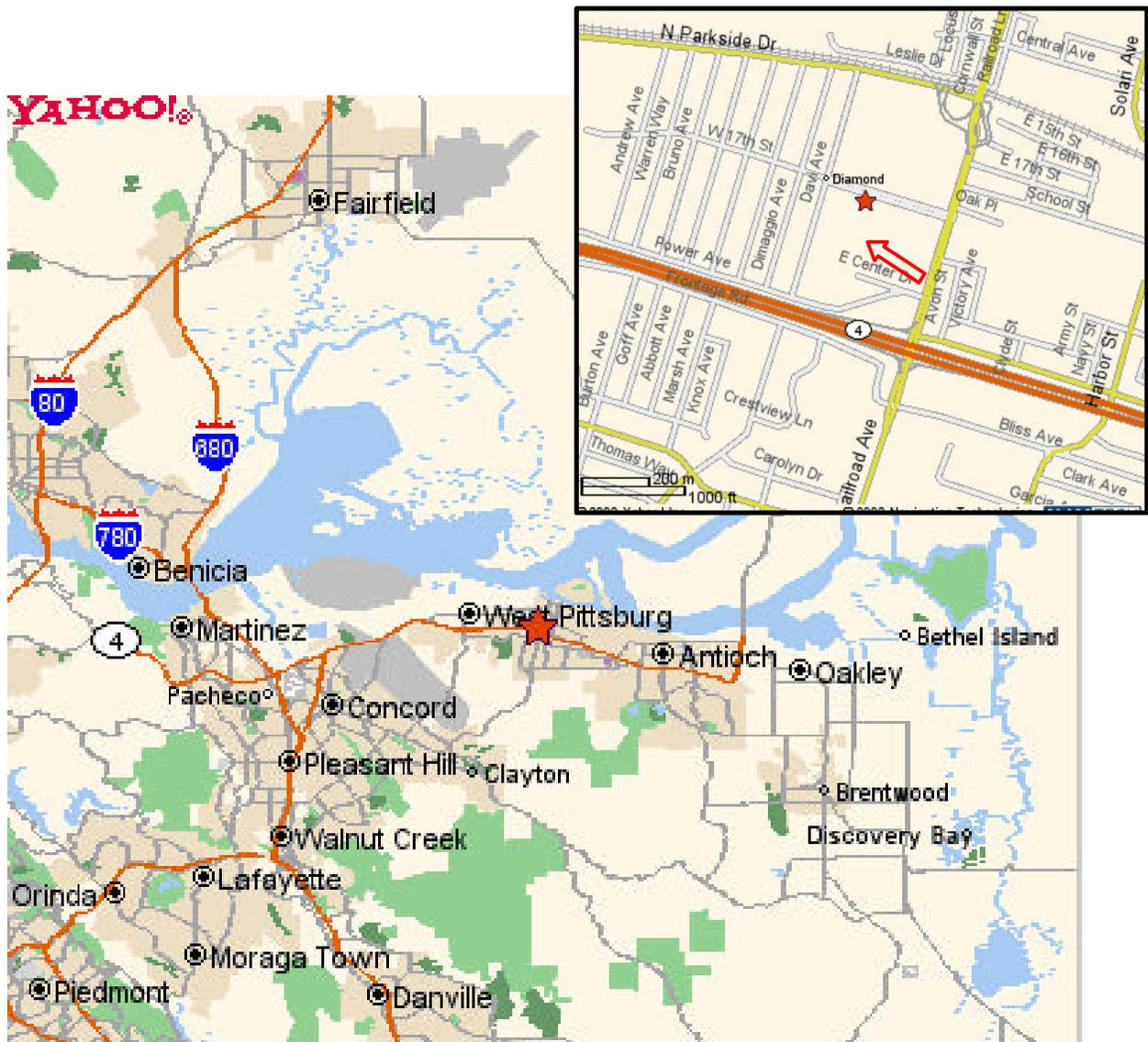
City of Pittsburg Council Chambers  
65 Civic Drive in Pittsburg, 3<sup>rd</sup> Floor  
(see map on reverse)

### **Agenda**

- 1:00 Introductions. Review contents of meeting packet.
- 1:05 Review and approve Draft Meeting Record of the January 15, 2004 Coordination Group meeting.
- 1:10 Updates:
- Outcomes of April 8 EGC meeting
  - Wetlands permitting
- 1:20 Review Stay Ahead / Jump Start revisions (see attached – unchanged from March meeting)
- 1:30 Continue discussion of HCP fee structure. Review brainstorming session from March meeting and look at different scenarios with acreages and dollars in mind. See attached sheets with projections of possible fees on development in different zones.
- 2:15 Continue discussion of covering rural infrastructure projects.
- 2:30 Memorialize any understandings reached by the Coordination Group
- 2:40 Consider conservation easement template from another planning effort (template included in the 3/18/04 meeting packet available on the [www.cochcp.org](http://www.cochcp.org))
- 2:55 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, May 20, 1 p.m. to 3 p.m.  
Thursday, June 17, 1 p.m. to 3 p.m.  
*HCPA Executive Governing Committee: Thursday, June 17, 2004, 5:30 pm*
- 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 John Kopchik of the Contra Costa County Community Development Department at 925-335-1227. The HCPA will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 48 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 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, March 18, 2004  
1 p.m. to 3 p.m.

City of Pittsburg Council Chambers

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

Chris Barton, City of Pittsburg	Sheila Larsen, U.S. Fish & Wildlife Service
Paul Campos, HBA	Suzanne Marr, U.S. EPA
Abigail Fateman, CCC Community Dev.	Cece Sellgren, CCC Public Works
Janice Gan, CA Dept of Fish & Game	Mike Vukelich, CC Farm Bureau
Randy Jerome, City of Pittsburg	Carl Wilcox, CDFG
John Kopchik, CCC Community Dev.	

Also in attendance: Cheryl Morgan

**1:00 Introductions. Review contents of meeting packet.**

**1:05 Review and approve Draft Meeting Record of the Feb 19, 2004 Coordination Group meeting.** The meeting record was approved.

**1:10 Updates:**

- **Wetlands permitting** John Kopchik review activities to date on the 404 permitting. A series of permits will be pursued to create a regional 5-year permit.
- **Additional comment letters.**
- **Science Panel Composite Report is available online at [www.cocohcp.org](http://www.cocohcp.org)**

**1:15 Start discussion of HCP fee structure.**

- **Define categories of impacts**
- **Should fees be tiered or not? Pro's and con's**
- **Consider how other planning efforts have addressed this question.**

The Coordination Group reviewed fee structures used by San Joaquin, Natomas, Bakersfield, and Kern County (proposed, not adopted) HCPs. They discussed various strategies for tiering fees in the HCP. In an open brain-storming session the group discussed the pros and cons for tiering the fee and various methods for tiering. Should a tiered structure be preferred, the Coordination Group identified the following alternative approaches for tiering fees. Some alternatives could be combined with other alternatives while others should only be partially combined:

a) Tier Fees according to the type of landcover to be impacted. Some landcover types to consider for a distinct fee level are:

Waters of State and of the U.S.: all ponds, creeks, wetlands, drainages, etc.  
Ag/crop/irrigated and pasture  
Non-alkali natural features: grassland, woodland, scrub  
Alkali features (because they are rare and can't be re-create)

Thoughts: Ruderal would be difficult to assign to a category. More attention is needed on this. An aerial photo taken at the time of plan completion would be needed to set a baseline so that the tiered structure didn't have unintended consequences (San Joaquin did this). Concern was expressed that recreational properties such as stables would be difficult to classify and that it might be difficult to administer such an approach because there could be significant debate with each potential customer about what fee they should pay.

b) Tier fees according to geographic considerations. Some considerations would be:

Parcel size?

City limits/ULL (i.e. charge more outside of present ULL or City Limits)

Context of development (is it surrounded by development already on 3 or 4 sides? Was it surrounded at the time the Plan was completed?)

Use fee zones to classify fee areas based on general landcover types and conservation context (in other words, rather than determine fee levels case by case, classify the landscape according to general landcover conditions and relationship to conservation objectives; exceptions might still be needed for wetlands and other special features)

c) Tier fee by type Impact/Activity. Some distinct classes of impact and activity identified were:

Linear: these projects may impacts greater than the size of their footprint (i.e. fragmentation caused by a road)

Temporal: are the impacts temporary? Two subcategories were suggested:

one-time (i.e. pipeline installation)

periodic (maintenance activities)

At the April meeting, Staff will try to provide some analysis and numbers for the groups to review to help understand how the fee may work.

**1:45 Continue discussion of covering rural infrastructure projects and initiate discussion of covering rural residential projects.** This item will be revisited at the April meeting.

**2:00 Review Stay Ahead / Jump Start revisions (see attached)** This item will be revisited at the April meeting.

**2:25 Consider conservation easement template from another planning effort (see attached)** This item will be revisited at the April meeting.

**2:40 Memorialize any understandings reached by the Coordination Group** This item will be revisited at the April meeting.

**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, April, 15 p.m. to 3 p.m.**

**Thursday, May 20, 1 p.m. to 3 p.m**

***HCPA Executive Governing Committee: Thursday, April 8, 2004, 5:30 pm***

**2:55 Public comment.** None

### ***Jump Start and Stay Ahead Requirements***

The timing and sequence of land acquisition relative to impacts is critical to the success of the HCP/NCCP. Land acquisition or purchase of easements must stay ahead of any impacts on vegetation communities and covered species habitat resulting from covered activities. This sequence ensures that impacts do not occur before adequate mitigation is identified for them, secured, and functioning. (However, some habitat restoration may not be functioning prior to impacts in cases where the habitat requires a longer time to develop). To meet this *stay ahead* provision at the beginning of HCP/NCCP implementation, some land must be acquired prior to any permits being issued under the HCP/NCCP to *jump start* the Preserve System.

**Jump Start Requirements.** The Implementing Entity will not extend ESA and CESA coverage until at least 500 acres of land are acquired according to the land cover and habitat requirements listed in Table 5-5. Jump start requirements constitute approximately 2% of the expected preservation requirement. Specific jump start and stay ahead requirements are not provided for some covered species habitat, plant populations, or rare landscape features. However, every effort should be made to acquire land that supports these resources to ensure that permits can be issued under the HCP/NCCP when they are needed. If these resources are not acquired in amounts sufficient to offset impacts (e.g., see Conservation Measures 1.2.2, 1.2.3, and 1.2.4), then permits for these impacts cannot be issued.

**Stay Ahead Requirement.** After ~~2 years~~ 1 year of implementation, the ~~proportion of the total acquisition goal achieved in land acquisition for each community must at any given time be at least 2% higher than the proportion of the total allowable impacts on that community that have resulted from covered activities. The 2-year delay will give the Implementing Entity time to collect enough fees and grants to make large acquisitions. For example, if covered activities have resulted in removal of 25% of the total expected loss of annual grassland, then at least 27% of the total acquisition goal for annual grassland must have been achieved.~~ Implementing Entity must abide by the following stay ahead provision at all times during the permit term:

- The amount of annual grassland acquired must be at least 50% greater than the impact allowed to annual grassland at the time of the ground-disturbing activity (e.g., grading). See Table 5-6 for an example of jump start and stay ahead provisions for annual grassland and Table 5-9a and 5-9b for land cover acquisition requirements.
- The amount of alkali grassland, oak savanna, oak woodland, and chaparral/scrub acquired must be at least twice the impact allowed to that land cover type at the time of the ground-disturbing activity.

- The amount of aquatic land cover types acquired must be at least equal (i.e., 1:1 ratio) to the impact allowed under the plan at the time of the ground-disturbing activity.

~~(see Table 5-6 for an example of jump start and stay ahead provisions for annual grassland).~~ This stay ahead requirement will ensure that preserve acquisition is always ahead of impacts from covered activities. It will also ~~ensure that the~~encourage the HCP/NCCP is Implementing Entity to continually contributing contribute to the recovery of covered species at the same pace as impacts. This provision recognizes that funds from public agencies to acquire land that contributes to species recovery will be available on budget cycles that may or may not correspond to the timing of development in the inventory area. Therefore, the stay ahead requirement cannot rely on the timely availability of these funds. The purpose of the stay ahead requirement is to ensure land acquisition stays ahead of impacts, so the requirements are linked to impacts. Non-compliance with the jump start or stay ahead provisions will result in local jurisdictions withholding coverage under the HCP/NCCP, so the requirements must also be realistic.

The Implementing Entity must still meet all land acquisition requirements described in this measure by the end of the permit term. As a result, the stay ahead requirement becomes less important in later phases of the permit term as the Preserve System approaches 100% of the land acquisition requirements.

~~After 2 years, permits for coverage under the HCP/NCCP cannot be issued unless land acquisition is meeting the stay ahead requirements.~~

**Table 5-6.** Example of Jump Start and Stay Ahead Provisions for Annual Grassland

Year	Hypothetical Impacts (acres)	% of Total Impacts	Preservation Required for Stay Ahead (acres)
0	0	0%	300 (Jump Start)
5	500	11%	750
10	1,500	32%	2,250
15	2,500	53%	3,750
20	3,000	64%	4,500
25	4,000	86%	6,000
30	4,677 <sup>2</sup>	100%	16,500 <sup>3</sup>

## Notes:

- <sup>1</sup> Preservation requirement only for annual grassland land cover type for the preliminary draft maximum permit area. More annual grasslands may need to be required to meet other requirements (e.g., as habitat for covered species). See Tables 5-9a and 5-9b for land cover acquisition requirements for each permit area scenario.
- <sup>2</sup> Impact to annual grassland estimated under preliminary draft maximum permit area.
- <sup>3</sup> Total preservation requirement for annual grassland (see Table 5-9b). At the end of the permit term, all land acquisition requirements must be met, regardless of the stay ahead provision.

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVATION PLAN ASSOCIATION (HCPA)**

**DATE:** April 15<sup>th</sup>, 2004  
**TO:** HCPA Coordination Group (CG)  
**FROM:** John Kopchik  
**SUBJECT:** Fee Structure Alternatives

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At the March 18<sup>th</sup> meeting, the Coordination Group discussed the questions related to the HCP fee structure, including whether the fees should be tiered or not and, if so, how. The group identified three factors that could be considered if fees were to be tiered: land cover, location, and type of impact. More details of the Coordination Group discussion can be found in the Draft Meeting Record.

To foster continued discussion of this issue, HCPA staff asked the HCPA's economic consultants, Economic and Planning Systems (EPS), Inc., to develop conceptual fee alternatives to reflect some of the ideas outlined by the Coordination Group. EPS analyzed various alternatives under a fee zone approach that integrates tier-by-landcover and tier-by-location concepts raised by the Coordination Group. The tier-by-activity concepts were not part of this initial analysis but should be a next item of discussion.

**Brief summary of the zone approach being considered:** the inventory area was divided into three zones: I, II and III. Zone I, located east of the City of Antioch, is dominated by flatter topography. Undeveloped land in this zone is typically used for irrigated agriculture. Zone II, located to the south and west of the City of Antioch, is dominated by more hilly topography and natural landcover predominates in undeveloped areas. Zone III is composed exclusively undeveloped areas of 10 acres or less surrounded by existing development. A map will be available at the meeting illustrating the locations of the fee zones. Four different fee alternatives are presented in the attached table.

**Additional considerations:**

- There would probably need to be exceptions to the fee zone approach in cases where wetlands were to be impacted. Alkali grasslands and possibly other landcover features could also be considered for exceptions to the standard zones fees.
- Variations in fee amount for linear projects, for one time temporary impacts, and for periodic temporary impacts (e.g. maintenance) have not yet been considered in the analysis to keep things simple, but should be discussed and considered further.

**Sample Fee Calculations - Maximum Permit Area  
East Contra Costa County NCCP/ HCP**

Item	Fee Zones			Total/ Avg
	Eastern Agricultural Zone I	South + West Natural Areas Zone II	Infill (less 10 acres) Zone III	
Permit Area (acres)	9,031	5,949	136	15,116
<b>Alternative 1: Flat Fee (1)</b>				
Fair Share Apportionment Scenario	\$71,700,000	\$47,200,000	\$1,100,000	\$120,000,000
Per Acre Fee	\$7,939	\$7,939	\$7,939	\$7,939
No Funding Gap Scenario	\$119,500,000	\$78,700,000	\$1,800,000	\$200,000,000
Per Acre Fee	\$13,231	\$13,231	\$13,231	\$13,231
<b>Alternative 2: Ratio 1-3-0 (2)</b>				
Fair Share Apportionment Scenario	\$40,300,000	\$79,700,000	\$0	\$120,000,000
Per Acre Fee	\$4,467	\$13,400	\$0	\$7,939
No Funding Gap Scenario	\$67,200,000	\$132,800,000	\$0	\$200,000,000
Per Acre Fee	\$7,442	\$22,325	\$0	\$13,231
<b>Alternative 3: Ratio 2-4-1 (3)</b>				
Fair Share Apportionment Scenario	\$51,600,000	\$68,000,000	\$400,000	\$120,000,000
Per Acre Fee	\$5,715	\$11,430	\$2,858	\$7,939
No Funding Gap Scenario	\$86,000,000	\$113,400,000	\$600,000	\$200,000,000
Per Acre Fee	\$9,528	\$19,055	\$4,764	\$13,231
<b>Alternative 4: Ratio 1-3-1 (4)</b>				
Fair Share Apportionment Scenario	\$40,100,000	\$79,300,000	\$600,000	\$120,000,000
Per Acre Fee	\$4,443	\$13,330	\$4,443	\$7,939
No Funding Gap Scenario	\$66,900,000	\$132,100,000	\$1,000,000	\$200,000,000
Per Acre Fee	\$7,403	\$22,210	\$7,403	\$13,231

(1) Same fee for all lands.

(2) Natural Lands Fees three times agricultural lands fee; no fee on infill land.

(3) Natural Lands Fees twice agricultural lands fee and four times infill fee.

(4) Natural Lands Fees three times fee on agricultural lands fee and on infill areas.

Sources: Contra Costa County; Economic & Planning Systems, Inc.