

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

## **HCPA Coordination Group Meeting**

Thursday, May 20, 2004  
1 p.m. to 3 p.m.

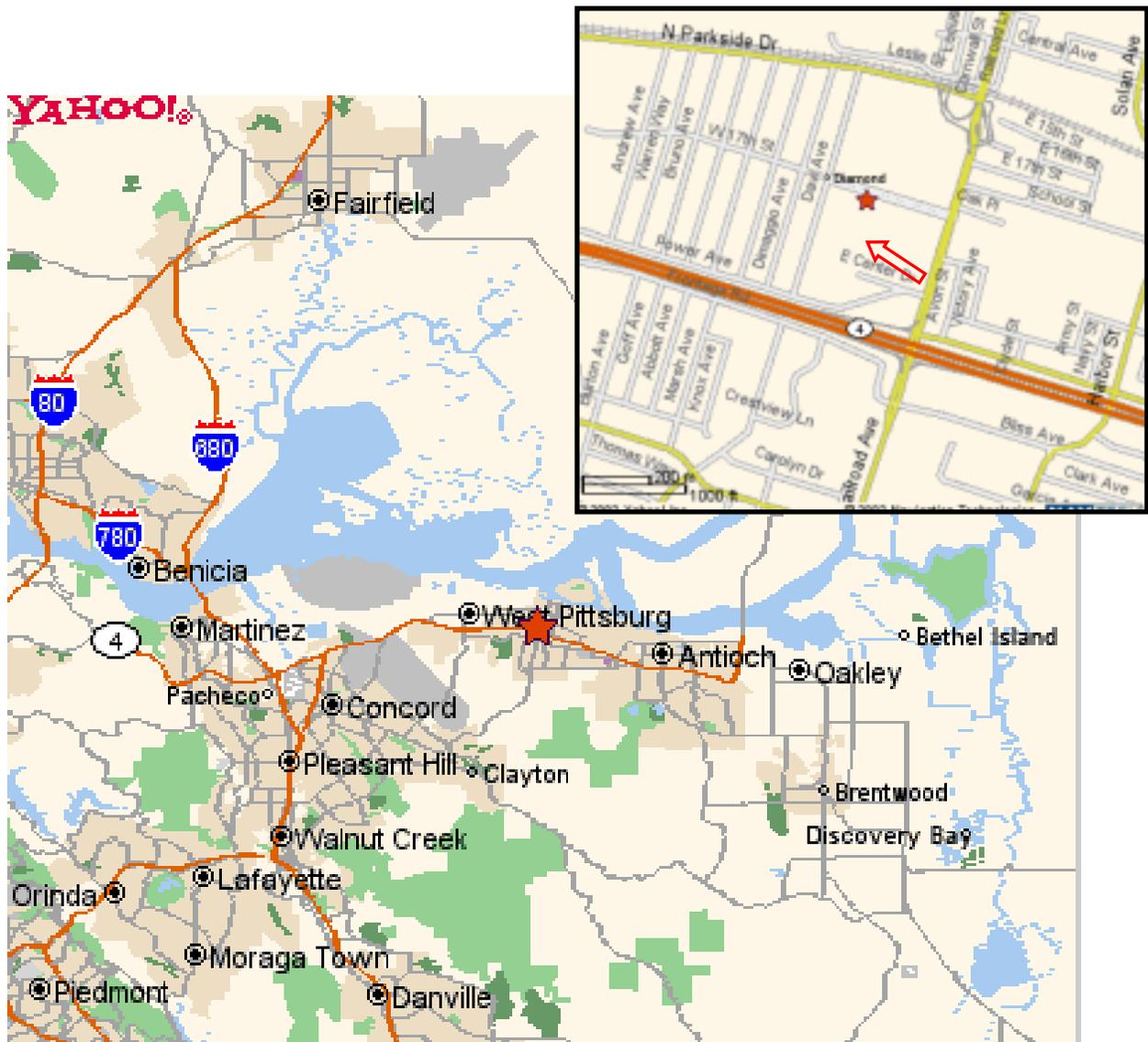
City of Pittsburg Council Chambers  
65 Civic Drive in Pittsburg, 3<sup>rd</sup> Floor  
(see map on reverse)

### **Agenda**

- 1:00 Introductions. Review contents of meeting packet.
- 1:05 Review and approve Draft Meeting Record of the April 15 Coordination Group meeting.
- 1:10 Updates:
- Wetlands permitting
  - CCC Public Works – Rural infrastructure projects
- 1:30 Continue discussion of HCP fee structure and begin to formulate a Coordination Group recommendation to the Executive Governing Committee on this topic (attempt to finalize recommendation by June 17). Key issues:
- Review discussion from March and April meetings;
  - Consider the fee zone approach and seek consensus on whether this is a good approach or not (see prior cover memo (attached); Fee zone maps will be available at the meeting)
  - Review fee zone ratios; (see table with alternatives attached—no change from last packet)
  - In addition to the fee scaled by zone; should there be different fees for linear projects? For one-time or periodic temporary impacts (i.e., buried pipeline or maintenance)?
  - Other considerations (how to implement fees; how much of plan costs should fees fund (i.e. “Fair Share” or “No Funding Gap” scenario—probably too soon to resolve this, but we need to keep discussing)
- 2:15 Review of draft revisions to Chapter 7: Implementation (see attached)
- 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, June 17, 1 p.m. to 3 p.m.  
Thursday, July 15, 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  
Bradley Brownlow, Morrison & Foerster  
Abigail Fateman, CCC Community Dev.  
Janice Gan, CA Dept of Fish & Game

John Kopchik, CCC Community Dev.  
Suzanne Marr, U.S. EPA  
Cece Sellgren, CCC Public Works  
Dick Vrmeer, CNPS

Also in attendance: Cheryl Morgan

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

**1:10 Updates:**

- **Outcomes of April 8 EGC meeting**
- **Wetlands permitting** John Kopchik and David Zippin gave an update on meetings with the U.S. Army Corps of Engineers. The process is going well and progress is being made. The permitting system would be modeled after a program that the Corps set up in Du Page County, Il near Chicago. Interest was expressed in getting the Regional Board involved at this juncture.

**1:20 Review Stay Ahead / Jump Start revisions (see attached – unchanged from March meeting)** David Zippin briefly reviewed the edits to the revisions. Dick Vrmeer asked if land acquired by cooperating agencies could provide jump start credit. John Kopchik replied that it might be possible for the Implementing entity to contribute funds toward a partnership acquisition fairly early in the process while the Implementing Entity was still getting itself organized as a way to get the process off on the right track and take care of the jump start requirement. Cheryl Morgan asked if there weren't enough willing sellers, would land be condemned? John Kopchik answered that the Implementing Entity would not be able to condemn land.

**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.** John Kopchik reviewed the fee structure sheets that were included in the meeting packet. Maps were distributed that indicated the different proposed fee zones. John Kopchik prefaced the discussion with the warning that all the numbers may be a bit low because the calculations assumed that every inch of land in the permit area would develop within the 30 years and pay a fee. The different scenarios presented in the fee structure are still good to use as a guide. Coordination Group members are encouraged to solicit feedback from their constituents on the proposed fee structure.

- 2:15 Continue discussion of covering rural infrastructure projects.** John Kopchik briefly raised the issue of providing coverage for rural infrastructure projects. This included such projects as widening Vasco Road and the Byron Highway, and Armstrong Road. If it isn't possible to know the extent of impacts such projects would have, is it possible to receive a partial permit? What would that entail? General feedback included questions about the different requirements for linear features that fragment or impact habitat much larger than their footprint.
- 2:30 Memorialize any understandings reached by the Coordination Group** The group gave the go ahead to continue to revise the framework document to memorialize understandings agreed to 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.cocohcp.org](http://www.cocohcp.org))** Janice said that there is a new template from DFG that may be available soon. The Yolo County template is available in the meeting notes from March.
- 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.**

**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.

## Overview

Implementation of the HCP/NCCP begins when the [IA-Implementing Agreement](#) is executed and the Section 10(a)(1)(B) incidental take permit and NCCP permit are issued. Primary responsibility for implementing the Plan rests with the permittees. However, as described in this chapter, other groups are responsible for implementing some aspects of the Plan. The successful execution of the conservation strategy, monitoring protocols, covered-activity approvals, and reporting that are part of the Plan require coordinated actions among the local jurisdictions, wildlife agencies, public-land managers, and the private sector.

In general, local jurisdictions will implement the HCP/NCCP through their planning departments and through an Implementing Entity as described below. This chapter describes the overall implementation policies of the Plan, including institutional arrangements, organizational structure, approval processes, land acquisition, and roles and responsibilities for signatories and other stakeholders.

## Implementation Structure

Plan implementation will be overseen by [the Implementing Entity, which will be overseen by](#) a governing body composed of elected officials from the participating ~~cities and the County~~ [local jurisdictions](#) (i.e., the permittees). ~~This governing body is referred to as the HCP/NCCP Governing Board.~~ (Figure 7-1). Day-to-day implementation of the HCP/NCCP will be managed by an ~~organization called the Implementing Entity~~ [Executive Director and her/his staff and their consultants.](#) [The Implementing Entity has the authority to delegate some of its responsibilities to existing or newly created entities including agencies and non-governmental organizations.](#) ~~The identity of the Implementing Entity will be left to the discretion of the Governing Board and the Executive Director of the Implementing Entity.~~ Options that could be considered to implement some or all of the duties of the Implementing Entity include:

- staff dedicated to the [JPA-Implementing Entity](#) and independent of other agencies,
- staff wholly or partly dedicated to the [JPA-Implementing Entity](#) but housed within one or more existing government agencies, ~~☐ EBRPD,~~  
~~☐ CCWD~~
- ~~Land-land Trust-trust~~ specifically formed to implement the Plan,
- ~~Other by contracts with existing land-management~~ organizations that have relevant experience and expertise, such as experience with land management or monitoring (e.g. [EBRPD](#), [CDPR](#), Center for Natural Lands Management).

Other organizations with important roles in HCP/NCCP implementation include the regulatory agencies, other land-management agencies, ~~a scientific advisory Science Advisors panel~~, and the public (Figure 7-1). The roles, responsibilities, and relationships of each group are described below.

## Participating Local Jurisdictions

The ~~participating following~~ local jurisdictions (~~i.e., Contra Costa County and the Cities of Pittsburg, Clayton, Oakley, and Brentwood~~) will each be permittees under the HCP/NCCP:-

- [Contra Costa County](#)
- [Contra Costa County Flood Control and Water Conservation District](#)
- [City of Pittsburg](#)
- [City of Clayton](#)
- [City of Oakley](#)
- [City of Brentwood](#)

It is expected that each [of these jurisdictions](#) will hold an ESA Section 10(a)(1)(B) incidental take permit and an NCCP permit providing authorization for take that occurs from covered activities within their respective jurisdictions (Chapter 2). Each will also be a signatory to the Plan's Implementing Agreement. However, the participating jurisdictions will vest the responsibility for implementing the Plan to the [Governing Board Implementing Entity](#) as described below. In other words, the [Governing Board Implementing Entity](#) will oversee implementation of the Plan on behalf of the participating jurisdictions. Nevertheless, the participating jurisdictions will ultimately be responsible for compliance with all the terms and conditions of the Plan's permits and for the performance of the [Governing Board Implementing Entity](#). Each local jurisdiction will ~~make senior planning provide~~ staff ~~available~~ to advise the [Governing Board Implementing Entity](#) on HCP/NCCP implementation (Figure 7-1).

It is anticipated that most applications for coverage under the HCP/NCCP will come from private developers within the participating ~~jurisdictions~~cities and the County. These jurisdictions will be responsible for determining the completeness of each project application (see *Applicant Responsibilities and the Application Process* below for details). If the application is complete and the applicant has complied with all relevant terms of the HCP/NCCP as determined by the participating jurisdiction, the participating jurisdiction will grant HCP/NCCP coverage as part of its normal project-review process (e.g., grading permit issuance, EIR certification). Participating local jurisdictions will also be responsible for reporting the relevant details of approved projects to the Implementing Entity (for entry into the HCP/NCCP database), ~~and~~ for monitoring developer compliance with the avoidance and minimization requirements specified in the applicable conservation measures (Conservation Measures 1.1.1 through 1.2.6), ~~and~~ for collecting fees.

## ~~HCP/NCCP Governing Board~~

~~The Governing Board will consist of elected officials from participating city councils, from the County Board of Supervisors, and Board members from involved species districts such as CCWD and EBRPD. The voting roles of land use planning agencies and non-land use planning agencies may vary (as is the case with the HCPA). Representatives from CDFG, USFWS, USACE, RWQCB, and EPA will serve as advisors to the Governing Board. The Governing Board will administer the incidental take permits on behalf of the participating jurisdictions.~~

## Implementing Entity

The Implementing Entity consists of the Governing Board, the Executive Director and Staff. The Implementing Entity executes the requirements of the Plan, as well as the Implementing Agreement, ~~and the policies and resolutions of the Governing Board.~~ The Implementing Entity also coordinates with Science Advisors, outside consultants, and other land-management agencies to ensure adequate and coordinated implementation of the Plan. The Implementing Entity ~~oversees~~ includes a network of staff ~~of~~ scientists, administrators, and other specialists that carry out the planning and design, habitat restoration, monitoring, adaptive management programs, and periodic coordination with and reporting to regulatory agencies.

The Implementing Entity will be responsible for the day-to-day tasks of implementing the HCP/NCCP “on the ground,” although some of the activities may be delegated to and carried out by contractors or partner land management agencies. The Implementing Entity’s duties will consist of routine Plan activities such as identifying suitable conservation properties, undertaking survey and monitoring efforts on HCP/NCCP preserves, contacting neighboring landowners to explain coverage under the ~~Governing Board~~Implementing Entity’s permit,

maintaining a database of relevant preserve information, and tracking habitat losses and gains, ~~and keeping the Governing Board apprised of Plan progress.~~

~~The Implementing Entity is under direct supervision and control of the Governing Board.~~ The Implementing Entity may consist of JPA staff, and be a include part of a local land management agency (such as EBRPD) or it may be formed through the expansion or creation of a nonprofit organization. The Implementing Entity will be composed of administrative and technical staff led by an Executive Director (see below for details of the organizational structure of the Implementing Entity). The Implementing Entity will hold title to lands or easements it purchases and may will oversee, ~~on behalf of the Governing Board,~~ cooperative agreements with other land management entities that manage preserves for the Implementing Entity as part of the HCP/NCCP Preserve System.

## Implementing Entity Governing Board

The Implementing Entity Governing Board will consist of elected officials from participating city councils, from the County Board of Supervisors, and Board members from involved special districts. The voting roles of land use planning agencies and non-land use planning agencies may vary (as is the case with the HCPA). The Governing Board, as the decision-making body for the Implementing Entity, will help to oversee compliance with those responsibilities set forth in the HCP/NCCP and assigned to the Implementing Entity. The Implementing Entity will receive advice from the following groups through the Board.

## Other Land Management Agencies

Local land management agencies are important to the success of the Plan. HCP/NCCP preserves will often border existing parks or public lands run by EBRPD, the California Department of Parks and Recreation (CDPR), and CCWD. These agencies will help to guide implementation of the Plan as advisors to the Implementing Entity and/or the Governing Board. These agencies may also participate on the HCP/NCCP Governing Board. In addition, land managers from these organizations will need to coordinate closely with the Implementing Entity to ensure that management actions are compatible across the region. Significant cost savings can be achieved by coordination of local land-management agencies in undertaking joint management actions that are consistent with this Plan. These land management agencies may wish to establish a formal committee to facilitate this coordination.

## Regulatory Agencies

USFWS and CDFG are the regulating agencies that provide the federal and state permits for incidental take and regulate implementation of the Plan. They will

receive annual reports concerning plan implementation, and they will guide the efforts of the Governing Board such that the Plan remains in compliance. Representative of these agencies will serve as advisory members to the Governing Board. Regulatory agencies are responsible for [ensuring that the terms of the HCP/NCCP are being met by the Permittees providing guidance to the Implementing Entity on how to fulfill the terms of the permits](#). Regulatory agencies will also assist the Implementing Entity in securing state and federal funding for HCP/NCCP implementation (see Chapters 8 and 9).

## Science Advisors

~~Independent~~ Science Advisors with expertise in conservation biology, [land management of local natural communities](#) and agricultural ~~communities~~[lands](#), or the ecology of covered species will be invited to provide input to the Governing Board as needed. The Science Advisor's primary function is to provide technical advice and help assemble the best available scientific data on the Plan's [preserve assembly, monitoring, and adaptive management program](#). More detail on the structure, role, and schedule of Science Advisors is provided in Chapter 6.

## Public Input

Public input is fundamental to the continuing support and success of the HCP/NCCP throughout its implementation. [The NCCP Act requires that the IA provide for annual reporting to the public on the progress of NCCP implementation](#). All meetings of the HCP/NCCP Governing Board will be open to the public, and public comments will be heard at each meeting. [\(The Governing Board may need to hold periodic closed-door sessions to discuss confidential items such as land transaction negotiations or legal matters.\)](#) In addition, the public can contact the Executive Director of the Implementing Entity to comment on various aspects of Plan implementation. [All data and reports associated with the monitoring program for this Plan will be available to the public, with the exception of reports documenting surveys on private lands considered for acquisition but not yet acquired by the Implementing Entity](#).

## Public Advisory Committee

[The Implementing Entity will establish a public advisory committee to solicit input from stakeholders with interest in Plan implementation. The committee will report directly to the HCP/NCCP Governing Board. Committee members will be drawn from a variety of interest groups including environmental organizations, landowner groups, and development interests. Meeting frequency will be determined by the Implementing Entity and the committee. Quarterly meetings are recommended to start. Meetings will be open to the public. The committee will sunset at the end of the permit term.](#)

## Annual Public Workshop

At least once annually, the HCP/NCCP Governing Board will report on the progress of implementation directly to the public in a workshop. The Board will summarize habitat losses and gains, habitat restoration and creation, and management and monitoring accomplishments for the previous year. The meeting will provide a forum for the public to ask questions and provide comments directly to the Board on the overall progress of HCP/NCCP implementation. The HCP/NCCP Governing Board may consider establishing a stakeholder advisory committee to provide further public input on Plan implementation. Periodic formal review of Plan progress in a public forum may also be appropriate and could perhaps coincide with the 5-year conservation audits by the Independent Conservation Assessment Team (see Chapter 6 for a description of this group and its function).

## Organization Responsibilities of the Implementing Entity

The Implementing Entity is tasked with the actual implementation of HCP/NCCP measures as described in the Plan ~~and authorized by the Governing Board~~. These wide-ranging responsibilities include but are not limited to:

- developing and maintaining annual budgets;
- obtaining grants;
- managing funds or endowments;
- researching land-acquisition opportunities;
- negotiating land acquisition with private landowners;
- negotiating joint acquisitions in partnership with other agencies;
- monitoring landowner compliance with conservation easement terms;
- developing system-wide and site-specific management plans for the Preserve System and individual preserves;
- designing and implementing habitat enhancement and restoration and refining conservation measures, if necessary;
- obtaining additional permits for site-specific projects, if necessary;
- implementing species-specific conservation measures;
- periodic mapping of the inventory area to update the land-cover calculations;
- coordinating and communicating with local land management agencies;
- creating and maintaining databases;
- monitoring habitat and species on HCP/NCCP preserves; ~~and~~

- overseeing land-management activities in an Adaptive Management framework; and
- assuring that mitigation and conservation measures are being implemented roughly proportional in time and extent to the impact on habitat or covered species authorized under the Plan.

The Implementing Entity will utilize a staff of specialists that allow these varied tasks to be properly implemented. ~~The~~ Based on these roles, a potential organizational structure of the Implementing Entity is shown in Figure 7-2. However, the actual structure used may differ depending on staff qualifications and arrangements with local agency partners to fill all or portions of these roles.

Key ~~positions-roles~~ are briefly described below. ~~The~~ Each positions-role described below could be performed by one or more staff residing in different agencies, could be contracted to private specialists, could be filled at different stages of Plan implementation, ~~or~~ and could be combined. Several roles could be performed by the same person.

## Executive Director

The Executive Director heads the Implementing Entity and oversees the implementation of the Plan. The Executive Director's responsibilities include staff management, acquisition of outside funding, coordination with external advisors and agencies, compilation of annual report to Wildlife Agencies, periodic reporting to the Governing Board, and implementation of all adaptive management and monitoring efforts described in the Plan. The Executive Director and his/her staff is also responsible for training staff persons of local jurisdictions to review and process applications for coverage under the HCP/NCCP. The Executive Director serves as the primary link between Implementing Entity staff, local jurisdictions, regulatory agencies, other decision makers, and the general public.

## ~~Senior~~ Scientific Oversight

~~The Senior Scientist~~ Scientific oversight is needed from a senior biologist to directs all technical aspects of HCP/NCCP implementation, including ~~oversight of~~ the monitoring and adaptive management program. S/he collects and analyzes data as required by the Plan. ~~The Senior Scientist~~ keeps abreast of current scientific methods and concepts, and provides continuous oversight of the monitoring and adaptive management program (e.g., monitoring methods, study designs) to ensure that the Preserve System incorporates the most appropriate strategies. The ~~Senior Scientist~~ Implementing Entity is responsible for communication with external scientists, including agency scientists, the Science Advisors, and the larger conservation science community. The ~~Senior Scientist~~ Implementing Entity must also encourages relationships with agency and academic scientists to facilitate collaborations that will contribute to the goals of

conserving covered species. ~~S/he also contributes technical guidance to the fundraising efforts of the Grant Administrator and Executive Director.~~

## Real-Estate ~~Specialist~~Activities

The ~~Real-estate Specialist~~Implementing Entity conducts relevant financial and legal analyses to guide selection of parcels for the Preserve System, and ~~participates in~~conducts or manages appraisals and transactions. ~~The Real-estate Specialist will be needed in real-estate law, zoning, and local regulations to fulfill the fiduciary duties relative to Governing Board of the Implementing Entity for their owned properties through expertise in real-estate law, zoning, and local regulations. S/he is capable of collaborating with a multidisciplinary team during the process of site prioritization and selection. The Implementing Entity may work with other organizations who partner with them to acquire land to fulfill requirements of the Plan. Existing agencies may already have staff with these skills; the Implementing Entity could partner with another agencies to obtain these skills externally.~~

## Grant Administration~~r~~

The ~~Grant Administrator~~Implementing Entity is responsible for managing all grants, contracts, and other funding sources during plan implementation. ~~The Implementing Entity must~~S/he establishes clear accounting procedures and methods for disbursing funds and actively pursues and acquires additional funding for implementation of the Plan. ~~Ideally, the grant administrator should have a background in writing grants for conservation programs so he or she can write more effective~~The Implementing Entity will have to be actively writing grant applications to secure these funds.

## Budget Analyst~~ist~~

The ~~Budget Analyst~~Implementing Entity is responsible for developing and monitoring budgets, processing invoices (~~non-grant related~~), managing financial reserves, identifying cost savings, and managing administrative contracts (e.g., liability insurance). The ~~Budget Analyst also tracks the~~ Implementing Entity's must also track expenditures and cash flow and establishes and maintains an internal accounting system and procedures. ~~S/he would work closely with the Executive Director and Grant Administrator to ensure an adequate revenue stream.~~

## GIS/Database Maintenance Technician

The GIS/Database Technician Implementing Entity must develop GIS and other database systems to collect, store, and utilize spatial data necessary for plan implementation. The technician Implementing Entity will conduct spatial analyses to guide preserve design and monitoring programs. Implementing Entity staff or the designees will S/he organizes and displays monitoring data, in spatial and non-spatial formats, such that the monitoring program effectively informs adaptive management strategies. S/he is able to communicate across a broad range of disciplines (e.g., real estate, land management, biology) in order to conduct analyses that respond to the needs of other staff members. S/he is capable of displaying spatial data (e.g., maps) clearly to other staff members, decision makers, and the general public. The technician Implementing Entity will tracks all data related to the progress of meeting HCP/NCCP goals and objectives (e.g., land acquisition requirements by land-cover type, covered species habitat, plant populations). S/he The Implementing Entity will also coordinate development and management of the public web site.

## Administrative Staff

The Administrative Staff provides all necessary support functions (e.g., human resources, payroll, accounting, procurement) to improve the performance of the implementation team.

## Biological Staff

The Biological Staff is responsible for implementing the monitoring and adaptive management program. The staff's responsibilities include designing and implementing field studies, maintaining monitoring equipment, collecting field data, and assisting the Senior Scientist with analysis of monitoring data. The staff is also responsible for developing overall management plans for the Preserve System, preserve specific management plans, habitat restoration designs and construction drawings, or overseeing contractors conducting these tasks.

## Preserve Management and Monitoring

The Preserve Manager Implementing Entity has primary responsibility for the day-to-day management of the preserves in accordance with the Plan. S/he Implementing Entity or partner-agency staff will directs the management of land acquired for the preserve and coordinates with managers of other preserve lands (e.g., the regional parks, land trusts, mitigation banks, CDFG, etc.) to form a cohesive Preserve System. These activities will include regular patrol, trash removal, fence/gate installation and repair, road maintenance, etc. The Preserve Manager oversees maintenance staff and coordinates all land management

~~activities with the biological staff. S/he directs m~~Management will be directed to implement long-term goals of the Plan and responds to short-term management issues. ~~S/he works closely with the Senior Scientist to implement HCP/NCCP requirements.~~

The Implementing Entity is also responsible for implementing the monitoring and adaptive management program described in Chapter 6. Responsibilities include designing and implementing field studies, maintaining monitoring equipment, collecting field data, and conducting analyses of monitoring data to evaluate and redirect management actions, if needed. The Implementing Entity is also responsible for developing overall management plans for the Preserve System, preserve-specific management plans, habitat restoration designs and construction drawings, or overseeing contractors conducting these tasks.

## **~~Preserve Maintenance Staff~~**

~~The Preserve Maintenance Staff is responsible for managing, maintaining, and safeguarding the infrastructure and natural resources of the Preserve System in the field. The maintenance staff responds to the directives of the Preserve Manager and assists the Biological Staff, where appropriate. For larger preserves, a foreman may be desired to assist the Preserve Manager.~~

## **Outside Legal and Financial Services**

Outside legal services provide guidance during plan implementation on an as-needed basis for drafting and reviewing conservation easements, reviewing of land purchases, assisting with land transaction negotiations, and assisting with easement violations if they occur. Outside legal counsel will be required in the unlikely event that the Implementing Entity is sued. Outside financial analysis assistance will be required periodically to review the program's cost/revenue balance and ensure that development fees are adjusted with changing land costs and inflation.

## **Consultants and Contractors**

Consultants will be retained to meet any technical or scientific needs that cannot be effectively addressed through in-house staff due to insufficient expertise or availability. It is expected that consultants will be utilized more heavily during the early stages of Plan implementation, becoming less necessary as the Implementing Entity develops and becomes more familiar with the Preserve System. Contractors will be needed for construction tasks requiring specialized skills or the use of heavy equipment, such as road grading, restoration grading, plant propagation, restoration planting, and water-well construction and maintenance.

## Participating Special Entities

Local agencies not subject to the jurisdiction of the Permittees may have projects or on-going activities within the inventory area that will require coverage under the ESA or NCCPA. These agencies may include school districts, water districts, irrigation districts, transportation agencies, local park districts, geologic hazard abatement districts, or other special districts that own land or provide public services. These agencies, known as Participating Special Entities, can request coverage under the HCP/NCCP during Plan implementation.

The Participating Special Entity will submit a complete application for the proposed activity directly to the Implementing Entity with copies to the local jurisdiction in which the project occurs, CDFG, and USFWS. This application will contain

- a detailed description of the activity proposed for coverage under the HCP/NCCP,
- a map of the proposed activity,
- an analysis of the potential impacts of the proposed activity to covered species and their habitats and the proposed HCP/NCCP Preserve System, and
- the results of required planning surveys (described in Chapter 6).

The Implementing Entity will issue a Certificate of Inclusion to the Participating Special Entity that will allow the proposed activity to be covered under the HCP/NCCP if

- The Implementing Entity finds that the proposed activity complies with all terms and requirements of the Plan, the Permits, and the Implementing Agreement, and CDFG and USFWS concur;
- the impacts of the proposed activity fall within that analyzed in the HCP/NCCP and the EIR/EIS in general type, magnitude, and effects;
- the impacts of the proposed activity do not substantially deplete the amount of take coverage available for future project applicants considered by this Plan; and
- the proposed activity does not conflict with the conservation strategy or the ability of the Implementing Entity to meet the Plan goals and objectives.

The Certificate of Inclusion will be issued to the Participating Special Entity upon payment of the fee specified in Chapter 8 for all project applicants. The Certificate of Inclusion will depict on an attached map the lands by parcel number, acreage, and owner to which the take authorization(s) would apply. Also see the Implementing Agreement for additional details and procedures that apply to Participating Special Entities.

## Local Implementation Ordinances

*[Note to Reviewers: Typically in a regional HCP or NCCP, local jurisdictions that hold the permits pass local ordinances in order to implement the HCP and to formalize their responsibilities under the plan. The ECCC HCP/NCCP jurisdictions may do something similar, but this has not yet been discussed or determined by the HCPA Executive Governing Committee. If such measures are to be approved, they will be described here.]*

Note: DFG wants a draft of these ordinances included with the public draft HCP/NCCP.

## Land Acquisition

The Implementing Entity is responsible for ~~the~~ acquisition of land for the Preserve System in accordance with Conservation Measure 1.3.1. The conservation strategy that guides land purchases is described fully in Chapter 5.

The land acquisition process will follow the steps listed below. These steps are also illustrated in Figure 7-4. The Implementing Entity could perform these steps on their own or in conjunction with acquisition partners.

1. Identify sites that have the potential to meet acquisition requirements within a given Zone or Subzone.
2. Approach property owner with proposal to acquire land through conservation easement or fee title.
3. If property owner is willing, enter into agreement with property owner to conduct planning surveys of property for land-cover types (including federal and state jurisdictional waters), habitat for covered species, and listed and unlisted species covered by the Plan.
4. Conduct necessary resource surveys at the Implementing Entity's expense.
5. Determine if site meets HCP/NCCP acquisition requirements and ensure that property encumbrances (e.g., existing easements, property title, presence of hazardous materials) do not conflict with HCP/NCCP goals and objectives. For easements on cultivated agricultural areas, reach agreement on easement terms and management for HCP prior to purchase.
6. Conduct appraisal of property rights (easement or fee) or obtain appraisal conducted by property owner (appraisal costs will be determined ease-case-by-case).
7. Rank available sites based on cost versus ability to meet Plan requirements and biological goals and objectives. Sites that meet specific requirements, goals, and objectives that are difficult to fulfill should be assigned high priority.

8. For high-ranking sites, make offer to property owner and develop easement conditions, if appropriate.
9. Negotiate fair-market price and easement conditions, if applicable, with owner.
10. If a site is purchased in fee title, the Implementing Entity will prepare a management plan for the site based on site conditions. If a conservation easement is purchased, the Implementing Entity will prepare a management plan with the landowner (though easement negotiations may resolve some management issues). Management plans will be consistent with the Plan's conservation strategy and [the framework for adaptive-management framework](#).
11. Initiate preserve management [and monitoring](#), and conduct habitat restoration (if applicable).

## **Stay Ahead Requirement**

[As described in Chapter 5 under Conservation Measure 1.3.1, the Implementing Entity is required to acquire land for key land cover types that stays ahead of impacts of covered activities. This stay ahead provision applies after 1 year of Plan implementation to allow the Implementing Entity time to acquire sufficient funds and negotiate deals with willing sellers to acquire large blocks of land. To improve the chances of meeting this requirement, the Implementing Entity is encouraged to acquire land before permits are issued according to a jump start guideline \(also described in Conservation Measure 1.3.1\).](#)

[Failure to meet the stay ahead requirement may result in local jurisdictions withholding all or a part of take authorizations to project applications. Non-compliance may also result in suspension of take authorizations by CDFG and USFWS in whole or in part. If the stay ahead requirement cannot be met, the Implementing Entity will confer with CDFG and USFWS to determine the best course of action to remedy the situation.](#)

## **Land Acquired through Partnerships**

Agencies and organizations such as East Bay Regional Park District, Save Mount Diablo, Trust for Public Land, The Nature Conservancy, and local land trusts are expected to continue to actively acquire land in the inventory area even after the HCP/NCCP is approved. Many of these acquisitions will help meet the goals and objectives of this HCP/NCCP, so it is appropriate that the Implementing Entity be involved in the acquisitions and receive at least partial credit towards HCP/NCCP requirements [if the Implementing Entity provide funds. In addition, state and federal agencies such as the Wildlife Conservation Board, USFWS, and others may have land acquisition funds to contribute to conservation that complements the Plan.](#) If the Implementing Entity partners with other groups ~~to~~

and provides matching funds, larger land acquisitions will be possible than if the Implementing Entity purchased the land on ~~their~~ its own.

Land acquired through partnerships with other agencies and organizations can be counted towards HCP/NCCP requirements only if the acquisition contributes to meeting the goals, objectives, and overall success of the Plan, and the land will be managed in perpetuity under the terms of the Plan.<sup>1</sup>

- ~~□ the acquisition ranks high based on cost versus ability to meet Plan requirements and biological goals and objectives (sites that meet few but specific requirements, goals, and objectives that are difficult to fulfill should be assigned a high priority), and~~
- the land will be managed in perpetuity under the terms of the HCP/NCCP.

Full or partial credit toward HCP/NCCP acreage or other requirements of the conservation strategy will be determined on a case-by-case basis by and only with the final approval of the HCP/NCCP Governing Board, CDFG, and USFWS. Partial credit will be determined based on the purpose and management of the land acquired and their consistency with the goals and objectives of the HCP/NCCP. The responsibilities for land management, including cost sharing, will also be determined on a case-by-case basis. It is expected that some land acquired through partnerships will be managed by the Implementing Entity while other land will be managed by other groups or agencies.

## Private Mitigation Banks

A conservation or mitigation bank is privately or publicly owned land managed for its natural resource values. In exchange for permanently protecting the land, the bank operator is allowed to sell habitat credits to developers who need to satisfy legal requirements for compensating environmental impacts of development projects<sup>1</sup>. A conservation or mitigation bank is a free-market enterprise that:

- offers landowners economic incentives to protect natural resources;
- saves developers time and money by providing them with the certainty of pre-approved compensation lands; and
- provides for long-term protection and management of habitat.

Many of the goals of a private mitigation bank are the same as those of a regional HCP or NCCP, including this Plan. In other areas, a conflict between private banks and the public HCP/NCCP arises because the public plan can charge less to developers than the private mitigation bank. However, private mitigation banks may be appropriate in the inventory area for specific high-value resources

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<sup>1</sup> For additional information on banking see: [www.dfg.ca.gov/hcpb/conplan/mitbank/mitbank.shtml](http://www.dfg.ca.gov/hcpb/conplan/mitbank/mitbank.shtml)

such as wetlands or if the bank has a service area<sup>2</sup> that extends outside the HCP/NCCP inventory area. There are currently no approved conservation or mitigation banks in the inventory area, although several banks in Alameda County have service areas that include in the inventory area.

Credits sold by private mitigation banks can count towards the HCP/NCCP if they are consistent with the Plan. Mitigation bankers wishing to establish a bank whose credits can count towards HCP/NCCP requirements must notify USFWS and CDFG so this can be considered during bank development and agency approval. If requested, the Implementing Entity can provide technical assistance to those interested in establishing banks in the inventory area to help ensure the bank is consistent with the HCP/NCCP. Credits sold by banks located outside the inventory area cannot count towards Plan goals even if the bank's service area occurs within the inventory area.

## Conservation Easements

This Plan assumes that the Implementing Entity will purchase most of the land for the Preserve System in fee title because it ensures better compliance with the terms of the Plan and easement purchases have been rare in the inventory area. The exception to this is in Zone 6, where most or all acquisitions will be through conservation easements. Conservation easements will also be used as an important tool in assembling the Preserve System. The Implementing Entity will purchase ~~two-three~~ general types of conservation easements, on grazing lands, cultivated land, and over wind turbines zones, each of which is described below.

All conservation easements will be held by the Implementing Entity or by the Implementing Entity and additional acquisition partners. It is the responsibility of participating landowners to abide by the terms of these conservation easements. The terms and prices of conservation easements will be negotiated on a case-by-case basis with the landowner and the Implementing Entity. Examples of possible easement terms are found in Conservation Measures 1.4.4 and 2.7.1. See the ~~Implementation~~ Implementing Agreement for details on the conservation-easement process, easement monitoring, and easement enforcement.

## Conservation Easements on Grazing Lands

Some ranchers in the inventory area may prefer selling a conservation easement to selling their land in fee title so they can remain on their land. Livestock grazing will be an important management tool in the Preserve System, so such conservation easements may meet the requirements of the HCP/NCCP. The Implementing Entity will have the flexibility to negotiate a conservation easement on ranches in the inventory area as long as the terms of the easement

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<sup>2</sup> Bank service areas are the area within which projects are eligible to buy credits from that bank.

meet the requirements of the Plan. Any ranch land considered for a conservation easement will be ranked in the same manner as parcels under consideration for fee-title purchase (see criteria above). [A template conservation easements for grazing lands is provided in Appendix \\*\\*](#). [The terms of this easement can be modified on a case-by-case basis depending on site conditions, landowner preferences and operations, and species and habitat needs.](#)

## **Agricultural Conservation Easements on Cultivated Lands**

The Plan requires that ~~at least 1,200 or up to~~ 1,600 acres<sup>3</sup> of cropland or pasture be protected and enhanced in the cultivated agricultural zone of Contra Costa County (Zone 6). It is expected that all acquisition in this Zone will be through the purchase of agricultural conservation easements ~~or through the purchase of long term contracts encumbering specific conservation measures (e.g., planting specific crops or conducting certain harvest practices)~~. During easement negotiation, the Implementing Entity and the landowner will reach agreement on the primary conditions of the easement regarding maintaining or enhancing habitat for covered species (see Conservation Measures 1.4.4 and 2.7.1 [and the conservation easement template in Appendix XX](#)). These terms will be included in the easement and will become the foundation for the agricultural management plan that the Implementing Entity will develop in cooperation with the landowner. The easement will also include provisions for or restrictions on public access, as negotiated with the landowner.

[Agricultural conservation easements will describe the agricultural practices that will be undertaken to ensure the land's suitability as Swainson's hawk foraging habitat and Western burrowing owl foraging and breeding habitat, if applicable. If the site contains aquatic habitat that supports or could support tricolored blackbird, the conservation easement will also describe measures to maintain or enhance this species. In areas suitable for giant garter snake, agricultural lands will maintain and enhance habitat for this species. The conservation easement will also include provisions for adaptive management, monitoring, and site access and notification procedures for Implementing Entity staff to conduct monitoring.](#)

## **Conservation Easements Over Wind Turbine Zones**

[Approximately 150 acres were mapped in the Acquisition Analysis Zones as supporting rows of wind turbines, all in Zone 5 east of Byron. \[Paola to add?\]](#)

<sup>3</sup>The two values are for the preliminary draft initial permit area and the preliminary draft maximum permit area, respectively (Table 5-13).

## Grazing Leases within the Preserve System

Livestock grazing is an important management tool that is expected to be used in the HCP/NCCP Preserve System. Existing grazing leases on newly established preserves will continue until a preserve management plan is prepared for each preserve and approved by the Implementing Entity. After the management plan is approved, all grazing leases on the preserve(s) will be reviewed for consistency with the management plan and with the terms of the HCP/NCCP. If necessary, leases will be revised and brought into compliance with the Plan's conservation strategy and [the framework for adaptive management framework](#).

If livestock grazing is introduced to a preserve, the Implementing Entity will enter into a lease agreement with the livestock operator that specifies the [desired vegetation and other habitat conditions and limits on the timing, stocking density, and duration of permitted grazing to meet those conditions](#); ~~the stocking density~~; ~~and~~ [The lease agreement will also outline the responsibilities of each party](#) for maintaining preserve infrastructure (e.g., fences, watering facilities). Grazing leases should not exceed 5 years, [and should be reviewed annually with the lessee to adjust grazing practices to best meet habitat goals](#). At the expiration of the lease, the Implementing Entity will review monitoring data to determine whether the lease should be reissued with no changes in grazing management, reissued with changes in the grazing regime, or not reissued. All new and renewed leases will include conditions of agricultural use and covenants to protect resources, including:

- grazing capacity and stocking rates;
- residual, dry-matter guidelines;
- conditions under which the desired stocking rate can be changed or exceeded (e.g. seasonal adjustments to maintain habitat quality);
- grazing and livestock practices;
- pest-control restrictions; and
- reporting requirements.

## Willing Sellers

[A key principle of the HCP/NCCP is that land will only be acquired by the Implementing Entity from willing sellers. This principle will be strictly followed such that the Implementing Entity will not condemn land in order to meet Plan requirements. However, if other organizations are forced to condemn land, and these organizations form a partnership with the Implementing Entity to increase the size of the HCP/NCCP Preserve System, the Implementing Entity can receive credit for the land regardless of how it was acquired, as long as the land meets the terms of the HCP/NCCP as described above.](#)

Given the many land acquisition requirements in Chapter 5 (see Conservation Measure 1.3.1), it is possible that one or several landowners that own key resources of interest to the Implementing Entity will refuse to sell, or negotiations to sell will fail. It is impossible to predict at this time where this would occur, and in what context it will occur (e.g., how much of the Preserve System has been acquired, the remaining resources left to protect, etc.). This situation, if it occurs, is only expected near the end of the 30-year permit term when the final land acquisition requirements must be met. By this time, most or all of the development impacts will likely have occurred, so any delays in land acquisition associated with a lack of willing sellers should not delay urban growth.

If this situation occurs, the HCP/NCCP Governing Board and Implementing Entity, in coordination with USFWS and CDFG, will reconfigure the land-cover acquisition strategy to ensure that the biological goals and objectives will be achieved and that the total extent and type of lands to be preserved under the HCP/NCCP will be acquired. In some cases, conservation easements will be acquired in place of fee title.

## **Gifts of Land**

The Implementing Entity may also 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.

## **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 over 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 ULL may own parcels outside the ULL and within a conservation area; dedicating or placing a conservation easement over 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 ULL may prefer to acquire their own mitigation lands within the conservation area and donate these lands to the Implementing Entity instead of paying the fee. All three situations are permissible if the following conditions are met.

Applicants-Land will qualify for fee substitution only if it meets the following criteria:

- whose land occurs in the supports biological resources that meet Plan requirements and contributes to Plan biological goals and objectives, and
- is wholly within an area designated as high or moderate priority for acquisition (see Chapter 5),

OR

- the land is immediately adjacent to an area designated as high or moderate priority for acquisition and can serve as a buffer zone between urban land uses and an existing or future preserve. The allowable width of the buffer zone will be determined on a case-by-case basis and will depend on the buffer zone condition, topography, adjacent land uses, and the preserve that will be buffered (See Conservation Measure 1.3.2 in Chapter 5 for further guidance on acceptable buffer zones).

Acquisition Analysis Zones and supports biological resources desired by the Plan (e.g., natural land cover types, habitat for covered species, covered species populations) are eligible to dedicate land on or off site in lieu of all or a portion of the development fee. In order to qualify, the applicant must be willing to dedicate a conservation easement to the HCP/NCCP Governing Board or sell the land to the Board for a nominal fee. If the land dedication is in lieu of all development fees, the applicant must ensure that land management and monitoring occurs on the site in accordance with the terms of this HCP/NCCP and it is adequately funded (e.g., establish an endowment). Land will count towards a fee waiver at a rate of X acres to \$X,000.

Applicants are responsible for demonstrating to the Governing Board that land proposed for dedication or transfer meets the biological goals and objectives of the HCP/NCCP as well as the land acquisition goals current at the time, including paying the cost of any biological surveys or due diligence. The Implementing Entity will consider requests for a fee 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 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.

The property owner must provide access to the proposed site to allow Implementing Entity staff to survey the site and determine 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, etc.). These proposals will be evaluated on a case-by-case basis by the Governing Board with technical advice from the Implementing Entity.

## Project Applicant Responsibilities and the Application Process

Upon adoption of the Plan, the Permittees will be issued permits for take of covered species. The Permittees will be capable of extending Plan coverage to landowners and other applicants within the Permit Area, provided that their projects are executed in accordance with the terms of the HCP/NCCP, the permits, and the Implementing Agreement. Landowners and other project applicants who receive this coverage are referred to as Third Parties Granted Take Authorization, or Third Parties. In order to qualify for coverage under the HCP/NCCP the project applicants must follow a three-step process (Figure 7-3).

The project applicant applies to the appropriate city or the County for coverage under the HCP/NCCP unless the project is not subject to discretionary approval. ~~Certain agencies may apply directly to the HCP/NCCP Governing Board for coverage.~~ The project will be evaluated for coverage under the permits on the basis of its consistency with all relevant Plan requirements. Applicants will submit a report at the time of project submittal that supplies the following information:

1. definition of project area, including project footprint, extent of construction, and extent of ongoing maintenance activities;
2. written description of project, including maps;
3. results of planning surveys (see Conservation Measures 1.2.1 through 1.2.6 in Chapter 5);
4. compliance with avoidance and minimization measures (see Conservation Measures 1.1.1 through 1.1.4 in Chapter 5); ~~and~~
5. quantification of anticipated direct and indirect impacts on HCP/NCCP land-cover types, covered species habitat, and other Plan resources, and
6. proposed conservation contribution (land dedication, acquisition, fee, etc.):-

The Implementing Entity may develop a form to be submitted with each application for coverage in order to standardize key data and aid in compliance monitoring.

If the application is deemed complete, it is submitted to the local decision-making body (city or County) where it is approved or rejected based on its compliance with the HCP/NCCP and the numerous other considerations normally used to evaluate a project for approval. If the project is approved, requirements of the HCP/NCCP will be incorporated into the project Conditions of Approval or Development Agreement. In addition, a report-checklist making NCCP findings of compliance for the project will be prepared by city or County staff and submitted to the Implementing Entity. All project documentation will be available to CDFG and USFWS. The applicant will pay the established

development fee [or provide other conservation habitat](#) and the project will be built with design and construction measures that are in accordance with the Plan.

## Implementing Agreement

Section 10(a)(2)(iv) of the ESA states that a conservation plan must specify “such other measures that the Secretary may require as being necessary or appropriate for the purposes of the plan.” USFWS Region 1 (the West Coast region) believes it is generally necessary and appropriate to prepare an Implementing Agreement for regional HCPs. The NCCPA requires an Implementing Agreement for all NCCPs, [and specifies necessary provisions](#).

The purpose of an Implementing Agreement is to ensure that each party understands its obligations under the HCP Section 10(a) Permit and NCCP permit, and to provide remedies should any party fail to fulfill its obligations. Accordingly, an Implementing Agreement has been prepared for this Plan (Appendix B). This agreement specifies the responsibilities of each signatory; the minimization, conservation, and mitigation measures to be implemented; reporting and enforcement procedures; and any other permit conditions that USFWS and CDFG may require.

## Schedule

Milestones for plan implementation are outlined below (start point = permit issuance date). [This schedule does not prevent the permittees from initiating and accomplishing these milestones earlier than anticipated.](#) Responsible parties are noted in parentheses. [The Implementing Agreement may establish more specific deadlines for certain tasks.](#)

### 0–6 Months

- Establish HCP/NCCP Governing Board (~~Cities and County, CCWD, EBRPD~~[Permittees](#)).
- [Acquire land to meet jump-start requirements described in Chapter 5 \(Implementing Entity\). Ideally, the jump start requirement will be met before the permit is issued.](#)
- Hire Implementing Entity Executive Director (Governing Board).
- Pass local ordinances to implement HCP/NCCP (Cities and County).
- Train local jurisdiction staff to review and process HCP applications (Cities and County with assistance from ~~Executive Director~~[Implementing Entity](#)). [This task will also be on-going.](#)

- [Begin receiving and reviewing applications for coverage under the HCP/NCCP and collecting development fees \(Cities and County, Governing Board\).](#)

## 6 Months–1 Year

- ~~Begin receiving and reviewing applications for coverage under the HCP/NCCP and collecting development fees (Cities and County, Governing Board).~~
- ~~Establish Implementing Entity and hire key Administrative Staff of Implementing Entity (Governing Board and Executive Director e.g., Senior Scientist, Real-Estate Specialist).~~
- ~~Acquire land to meet jump-start requirements (Implementing Entity).~~
- Establish HCP/NCCP Implementation web site (Implementing Entity).
- Establish GIS and other databases to track land acquisition ([gains](#)) and HCP impacts ([losses](#)) (Implementing Entity).

## 1–5 Years

- Continue to hire Implementing Entity technical and maintenance staff as Preserve System expands (Executive Director).
- Prepare Preserve System management plans [as described in Chapter 5](#) (Senior Scientist).
- Initiate management and monitoring on all new preserves.
- Continue to acquire land to assemble Preserve System and meet Stay-Ahead requirements [described in Chapter 5](#) (Implementing Entity).
- Begin habitat restoration and creation design; begin environmental compliance.
- Implement habitat restoration and habitat creation projects.
- Open selected preserves to public access according to Recreation Plan ([see](#) Conservation Measure 1.4.2 [in Chapter 5](#)).

## 6–30 years

- Complete hiring of Implementing Entity technical and maintenance staff as Preserve System expands.
- Continue to plan, design, and implement habitat restoration and creation.
- Continue land acquisition to complete the Preserve System.

- Prepare preserve-specific management plans, if necessary.

## **More than 30 Years**

- Continue adaptive management and monitoring of biological resources.
- Continue monitoring habitat restoration and habitat creation projects until they meet success criteria.