

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

REGULAR MEETING

Date: Thursday, October 27, 2005

Time: 5:30 p.m. to about 6:00 p.m. (Noticed Public Comment meeting follows at 6 p.m. See agenda for that meeting below.)

Location: City of Pittsburg City Hall
Council Chambers, 3rd Floor
65 Civic Drive, Pittsburg

Agenda

- 1) Introduce Executive Governing Committee (“EGC”) members, staff, and any members of the public.
- 2) Public Comment.
- 3) Approve Meeting Report for February 23, 2005.
- 4) Updates and status reports:
 - a) Brief verbal status report on the overall HCP/NCCP Planning effort, including discussion of key policy issues. Explanation of the format for tonight’s meeting.
 - b) Questions on more detailed written status report.
 - c) State and federal resource agency perspectives
- 5) Consider the following action items:
 - a) Approve revised HCPA Budget.
 - b) Consider authorizing staff to amend contract with Jones and Stokes to extend contract term to December 31, 2006 and to increase overall contract limit by \$92,319 from \$1,196,369 to \$1,288,688 for additional support on wetlands permitting, on developing an educational booklet, on assisting with the Biological Opinion for the HCP and on other matters. Authorize staff to continue to increase the interim payment limit for the Jones and Stokes contract up to the contract limit as sufficient funds are deposited in the HCPA account.
 - c) Consider authorizing staff to execute a contract with the Association of Bay Area Governments not to exceed \$10,000 to assist the San Francisco Regional Water Quality Control Board with developing a regional wetlands permit program for the HCPA under Section 401 of the Clean Water Act.
 - d) Consider authorizing staff to amend contract with Resources Law Group to extend contract term to December 31, 2006 and to increase overall contract limit by \$25,000 from \$90,000 to \$115,000 for additional legal support, including additional assistance with wetlands permitting Memorandum of Understanding and Joint Exercise of Powers Agreement for the Implementing Entity.

- e) Consider authorizing Chair or his designee to sign letters to wetlands permitting agencies formally requesting regional wetlands permits consistent with HCP/NCCP.
- 6) Administrative matters:
 - Ratify invoices submitted by Jones and Stokes, Contra Costa County, and the Resources Law Group and paid by the HCPA Treasurer.
- 7) Select Next Meeting Dates
- 8) Adjourn by about 6:00 p.m.

=====

Noticed Public Comment Meeting on the East Contra Costa County HCP/NCCP¹ and the EIR/EIS² for the HCP/NCCP

- 6:00 Overview presentation on Draft HCP/NCCP (John Kopchik and David Zippin)
- 6:30 Presentation on the Draft EIR/EIS and Opportunities for Public Comment (Rich Walter)
- 6:45 Public comment on the Draft HCP/NCCP and the Draft EIR/EIS
- 8:00 Adjourn

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 72 hours before the meeting.

G:\Conservation\HCPA\EGC\10-27-05\EGCagnoct05.doc

¹ Habitat Conservation Natural Community Conservation Plan
² Environmental Impact Report / Environmental Impact Statement

Executive Governing Committee
East Contra Costa County Habitat Conservation Plan Association
October 27, 2005

Representative	Agency/Organization
Councilmember Ana Gutierrez	City of Brentwood
Councilmember David Shuey*	City of Clayton
Councilmember Greg Manning	City of Clayton
Councilmember Bruce Connelley	City of Oakley
Councilmember Will Casey	City of Pittsburg
Councilmember Ben Johnson*	City of Pittsburg
Supervisor Federal Glover*	CCC Board of Supervisors
Supervisor Mary Piepho	CCC Board of Supervisors
Director Bette Boatmun*	Contra Costa Water District
Director Elizabeth Anello	Contra Costa Water District
Director Ted Radke	East Bay Regional Park District
Director Beverly Lane*	East Bay Regional Park District

* Alternate

**EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN ASSOCIATION
Executive Governing Committee
Draft Meeting Record
February 23, 2003**

INTRODUCTION

The East County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) met on Wednesday, February 23, 2005, 5:00 p.m. in the City of Pittsburg Office Building. In attendance were EGC Representatives from City of Brentwood (Council Member Ana Gutierrez), City of Clayton (Council Member Greg Manning), City of Pittsburg (Council members Will Casey and Ben Johnson, alternate), Contra Costa Water District (Vice President Elizabeth Anello and Director Bette Boatmun, alternate), East Bay Regional Park District (Director Ted Radke) and County Board of Supervisors (Supervisor Mary Piepho).

DISCUSSION

- 1) **Introduce Executive Governing Committee (“EGC”) members, staff, and any members of the public.**
- 2) **Public Comment.** No statements were made under public comment.
- 3) **Elect EGC Officer (Chair, Vice Chair, Secretary).** Members were elected to and immediately assumed the following EGC officer positions: Council Member Greg Manning – Chair, Council Member Ana Gutierrez – Vice Chair, Supervisor Mary Piepho – Secretary.
- 4) **Approve Meeting Report for September 29, 2004.** The meeting report was unanimously approved as presented (5-0).
- 5) **Updates and status reports.**
 - a) **General (John Kopchik, HCPA staff).** Mr. Kopchik provided an overview of the work to date and challenges primarily as an introduction for new members and a refresher for existing members. The presentation provided updates and status reports on each of the following items.
 - **Work of consultants and products.** Mr. Kopchik reported that, since the previous meeting in September 2004, the consultant has continued to make good progress. The documents are still with United States Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for review prior to releasing the documents to the public. The consultant has spent \$931,890 to date. The current cost ceiling of \$987,000 will be exceeded because of additional work associated with finalizing the documents and analyzing the fee structure. HCPA Staff is seeking HCPA approval to increase the consultant budget to \$1,196,369 under Item 6b below to cover these additional costs. There are

sufficient revenues committed to the project to cover these additional costs. However, any further increases would require additional revenues.

- **Wetlands.** The Army Corps of Engineers continue to be supportive of relating the HCP to the regional wetlands permitting program. A placeholder is included in the revised budget to cover wetlands permitting. A possible scenario is that the wetlands permitting issues will not be fully resolved until after the HCP is released for public review.
 - **EIR/EIS.** The Draft EIR/EIS is scheduled to be released for public review in the spring of 2005 along with the draft HCP/NCCP.
 - **Implementation Agreement.** The draft agreement will be part of the document package to be issued for public review in April 2005.
 - **Funding.** The HCPA has received funding commitments that are sufficient to cover the revised budget. Additional Section 6 grant funding of \$350,000 and interim fee revenue of \$150,000 associated with the Cypress Lakes project in East County are the main reasons that the project is fully funded.
 - **Scheduling.** It has taken longer than expected to fully review the draft documents with agencies. HCPA staff feel that the extra time has allowed several issues to be worked out that would have otherwise arisen in public comments on the EIR/EIS. The expected date for release of documents for public review is April 2005.
- b) **Public Outreach and Involvement Program, including:**
- **Web-site.** Agency Staff keeps the website updated with current meeting notices, records of meetings and work products (<http://www.cocohdp.org/index.html>).
 - **HCPA Coordination Group.** The full Coordination Group continues to meet on a monthly basis and appears to be reaching consensus on the major issues.
 - **Additional meetings attended and outreach performed.** Since the EGC's last meeting, Agency Staff provided five presentations to interested groups and City Councils.
 - **Plans for other public meetings and workshops.** Agency staff is planning future presentations throughout the county.
- c) **State and federal resource agency perspectives.** Sheila Larsen of the USFWS mentioned that senior management of the USFWS and CDFG would be briefed on the project at the Resource Law Group offices in Sacramento on February 25. Supervisor Piepho and Director Ted Radke mentioned that either they or a member of their staff would be attending.

- d) **Consider authorizing staff work with the Coordination Group to resolve any outstanding issues and to prepare and release a Draft HCP/NCCP that incorporates policy direction provided by the EGC under this item and provided at the September 29, 2004 meeting.** Mr. Kopchik explained that the documents may be ready for public review prior to the next EGC meeting and requested direction on whether the EGC would prefer HCPA Staff to: 1) wait until after the next meeting to release the documents or 2) go ahead with releasing the documents prior to the next meeting if the documents are ready. The EGC advised that they would like to receive a copy of the updated documents (on CD) and a summary of the changes made since the last review (September 2004) prior to the document being released to the public. Mr. Kopchik will set a deadline for comments and EGC members will advise the Chair if there are any concerns that would cause them to want to hold another meeting prior to issuing the documents to the public.

6) **Consider the following action items related to contracts and budget:**

- a) **Accept status report from staff on fund-raising efforts and approve revised HCPA budget.** Mr. Kopchik reviewed the revised budget noting the areas of substantial change. Key changes on the funding side include the awarding of an additional \$49,000 of Section 6 money (federal funds administered by the California Department of Fish and Game) reprogrammed from another project in the state (this is in addition to the \$300,000 and \$59,000 increments of new Section 6 funding announced last time) and an additional \$150,000 authorized by Fish and Game from interim fees they have collected. The County's costs are higher because the project is now projected to take four years to complete and the original budget assumed three years. Jones and Stokes costs are increased because of the delays and additional work associated with finalizing the documents and analyzing the fee structure. The Legal budget has increased because of the extended schedule and additional effort to resolve the wetlands permitting issues. All of these issues combined amount to an increase in the budget from \$1,191,000 to \$1,606,405. There are sufficient revenues to cover the revised budgeted costs. The EGC accepted the report and approved the revised HCPA budget (unanimous).
- b) **Consider amending contract with Jones and Stokes to increase overall contract limit by \$209,369 from \$987,000 to \$1,196,369. Authorize staff to continue to increase the interim payment limit for Jones and Stokes contract up to the contract limit as sufficient funds are developed in the HCPA account.** The Jones and Stokes contract limit needs to be increased to complete the documents. There are sufficient funds in the committed revenues to cover these additional costs. The EGC unanimously approved the action (5-0).
- c) **Consider amending the contract with Resource Law Group to increase overall contract limit by \$23,500 from \$66,500 to \$90,000. Authorize staff to continue to increase the interim payment limit for the Resources Law Group up to the contract limit as sufficient funds are deposited in the HCPA account.** The Resource Law Group is expending more effort than expected on wetlands permitting and other issues. There are

sufficient funds in the committed revenues to cover these additional costs. The EGC unanimously approved the action (5-0).

- 7) **Legislation: Consider two resolutions and a position statement related to funding for conservation planning. All three items are proposed in continuing partnership with similar planning efforts in the counties of Placer, Sacramento, Santa Clara, Solano and Yolo. Authorize thank you letters to Congresspersons Miller and Tauscher for past assistance, including recent assistance with a letter of support on an EPA grant.**
- a) **Request \$250,000 from the Federal Energy and Water Appropriations bill to support the SCOE participation in regional wetland permitting efforts in the six northern California Counties** – Mr. Kopchik explained that this request is similar to previous requests to appropriate funds to the ACOE in support of their work on the wetland permitting program. This funding is needed to support finalizing the program. The EGC unanimously approved the action (5-0).
 - b) **Request \$3 million from the Federal Interior Appropriations bill to support development and implementation of individual conservation planning efforts in six northern California Counties** – Mr. Kopchik reported that this request is similar to requests that have been made for the past two years and is aimed at getting Federal funding for land acquisition. None of the previous requests have been successful. The EGC unanimously approved the action (5-0).
 - c) **Declare HCPA's support for efforts to develop a state park/water/resources bond measure for consideration by the electorate in 2006 that provides a fair share of funding for East Contra Costa County, including but not limited to funding for land acquisition and restoration under the NCCP, such as plans being developed by the East County.** Mr. Kopchik reported that HCPA Staff is aware of several efforts throughout the State to initiate a 2006 State Parks bond. In prior Parks Bond measures, earmarks have been designated for NCCP's. This would be a speculative effort that would assist implementation. Mr. Kopchik clarified that a declaration of support would allow him to assist and be involved in the effort. A separate action would be brought to the EGC if support for a specific bond measure were requested. Director Ted Radke suggested that the EGC's efforts should be coordinated with similar efforts by the Park District. The EGC unanimously approved the action (5-0).
- 8) **Administrative matters:**
- **Ratify invoices submitted by Jones and Stokes, Contra Costa County, and the Resources Law Group are paid by the HCPA Treasurer.** Agency staff recommended ratification of paid invoices as presented. The EGC unanimously approved the action (5-0).
- 9) **Review future Executive Governing Committee discussion items.** Areas of interest for future agenda topics included a discussion of the implementing entity and operations and maintenance, possibly conducting a CEQA hearing as part of the next meeting, and an update on any Parks bond measure.

10) **Select Next Meeting Dates:** Thursday May 19, 2005, 5:30 pm at the Pittsburg City Council Chambers was selected as the next meeting date.

10) **Adjourned at 6:25 p.m.**

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

DATE: October 27, 2005
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Updates and status reports

RECOMMENDATION

- 1) ACCEPT status report on the project.

DISCUSSION

- a) **General update and schedule:** Consistent with EGC action at its February meeting, the Draft HCP/NCCP and Draft EIR/EIS were released on June 30, 2005. The deadline for receipt of public comments on these documents is December 1, 2005.

Staff proposes a schedule for completing the HCP/NCCP and receiving state and federal permits by June of 2006. This target date is the latest the HCP/NCCP could receive permits and still qualify for a federal HCP implementation grant (formal name is "Section 6 Land Acquisition Grant") in the next round of grant awards (the last round of grant awards were announced in September; the approved HCPs in California received a total of about \$20 million).

To achieve the June goal, the schedule for completing major tasks would be as follows:

February 2006:	Release Final HCP/NCCP and Final EIR/EIS
March 2006:	30 day public comment period on Final EIR/EIS
Early May 2006:	HCPA considers adopting and certifying EIR and considers recommending approval of HCP/NCCP
Late May 2006:	City Councils of participating cities and the County Board of Supervisors would consider approving the HCP/NCCP and related documents
June 2006:	USFWS and CDFG issue permits. Parties execute Implementing Agreement

- b) **Wetlands:** The HCPA has consistently sought to include wetlands permitting in the conservation plan, a difficult goal that has not yet been achieved by any other HCP that we are aware of (though all the Northern California HCPs are seeking the same thing). Chapter 1 of the HCP/NCCP describes how wetlands permitting is proposed to be coordinated with the HCP/NCCP.

All agencies that regulate wetlands, including the U.S. Army Corps of Engineers, the Regional Water Quality Control Boards, and the California Department of Fish and Game, are actively engaged in our planning process and express a clear intent to develop and issue regional wetlands permits that are as consistent as possible with the provisions of the HCP/NCCP. A key goal is to ensure through the wetlands permits that mitigation fees paid under the HCP/NCCP will also satisfy wetlands requirements. A staff level-working group has been created and has met seven times since February. The wetlands agencies expect to release public notices about their proposal to issue wetlands permits in early 2006 and will be asking the HCPA for formal letters to initiate that process (see agenda item #5). Staff from all agencies is striving to have the wetlands permitting component come together at the same time as the HCP/NCCP. These wetlands would not need to be approved by local agencies, but staff does expect that we will need to execute an agreement with wetlands agencies to provide assurances that fees collected under the HCP/NCCP and used to satisfy wetlands permit requirements will mitigate for wetlands impacts.

- c) **EIR / EIS:** The HCPA will be the lead agency under CEQA. The USFWS will be the lead agency under NEPA. A Notice of Availability for the Draft EIS and Draft HCP/NCCP was published in the Federal Register on September 2, 2005. Compact disk versions of the draft documents were distributed to the more 200 individuals and agencies on the HCPA's comprehensive mailing list and to anyone who requested one at a meeting, over the phone, or in-person. A CEQA Notice of Availability was released and distributed in early October and published in the Contra Costa Times. The formal public comment meetings listed in the Notice of Availability will be held on October 27, 2005 at 1 and at 6 (directly following the EGC meeting)
- d) **Implementation Agreement:** A Draft Implementation Agreement is contained in Appendix B of the Draft HCP/NCCP. USFWS, CDFG, the cities, the County, the Flood Control District, and the Implementing Entity to be formed by the local agencies are the proposed parties to the Draft Implementation Agreement.
- e) **Implementing Ordinance:** A Draft template Implementing Ordinance is contained in Appendix F of the Draft HCP/NCCP. Land use planning agencies receiving permits under the HCP/NCCP will ultimately be required to adopt Implementing Ordinances to impose the HCP/NCCP fees and other measures.
- f) **Joint Exercise of Powers' Agreement:** A new JPA will be necessary to succeed the HCPA and implement the HCP/NCCP. A draft agreement will be developed soon in conjunction with local agency staff and attorneys.

Update on the Public Outreach and Involvement Program:

- g) **Web site:** <http://www.cocohcp.org>, is frequently updated to reflect scheduled meetings and agendas for all HCPA committees. The documents section of the website continues to include all major draft documents released to date, including the Draft HCP/NCCP and

appendices and the Draft EOR/EIS. Maps that are part of the draft documents are also available online.

- h) **HCPA Coordination Group:** The CG has met eight times (including October 27) since the last EGC meeting in February. The CG agendas and meeting packets are available on the HCPA website. The CG has been working to develop an educational booklet on the HCP/NCCP to explain its key features and proposed benefits. The Coordination Group members are considering using the booklet to transmit a collective recommendation on the HCP/NCCP (budget for this item is further discussed under agenda item #5).
- i) **Additional meetings attended and outreach performed:** Since the last EGC meeting, presentations on the HCPA planning effort have been made to many organizations, including the joint meeting of the East County Municipal Advisory Committees (October 15), the Home Builder's Association of Northern California (August 10), and the annual conference of the California Society for Ecological Restoration (October 20). Numerous individual meetings have also been held with individual development, conservation, and landowner interests to discuss the HCP. Of note, substantive discussions are on-going between local agency staff, wildlife agency staff, and developers regarding several distinct topics: reconciliation of HCP/NCCP conservation goals and developer proposals in a small area of the hills above Pittsburg; participation in the HCP/NCCP by developments in the Cypress Corridor that may receive entitlements before the HCP/NCCP is approved; and potential approaches for developers in Antioch to opt in to the HCP/NCCP. Discussions are also on-going with both CCWD and EBRPD regarding what services these agencies may be able to offer in terms of helping to implement the plan.
- j) **Plans for other public meetings and workshops:** Update presentations to all participating City Councils and the Board of Supervisors are planned in October and November. Staff continues to be open to making presentations to public groups, and a number of these have already been scheduled for late October and November.

The partnership of six regional conservation planning efforts in Northern California with whom we have been cooperating for the past several years to pursue funding requests from Congress will hold another conference this year similar to the one held last year. This year the conference will be held on November 17 in Vacaville. Announcements were sent several weeks ago. The Draft East Contra Costa HCP/NCCP will be the subject of the first panel discussion. Panelists were nominated by the Coordination Group and reflect a diversity of interests.

Update on the Policy Matters:

- k) **Legislation:** At the February meeting, the HCPA adopted a policy position expressing "...support for efforts to develop a state park/water/resources bond measure for consideration by the electorate in 2006 that provides a fair share of funding to East Contra Costa County, including but not limited to funding for land acquisition and restoration under Natural Community Conservation Plans, such as the plan being developed for East County." SB153 (Chesbro) proposes a park a resource bond measure for 2006. Together with staff from other HCPs, HCPA staff met with Senator Chesbro and with staff from the Assembly about the need for including funding for HCPs and NCCPs in the bond measure. The current draft allocates \$150 million to implement NCCPs statewide. It is now a two-year bill and significant activity is expected over the next 10 months to sort out the competing bond measure proposals. Staff will keep the EGC posted and continue to express the HCPA's position.

- 1) **Post permit funding:** The wildlife agencies continue to wish to discuss the provisions of the HCP/NCCP related to funding for post-permit term management and monitoring.

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

DATE: October 27, 2005
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Action items (agenda item #5)

RECOMMENDATION

Consider the following action items related to contracts and budget:

- a) Approve revised HCPA Budget.
- b) Consider authorizing staff to amend contract with Jones and Stokes to extend contract term to December 31, 2006 and to increase overall contract limit by \$92,319 from \$1,196,369 to \$1,288,688 for additional support on wetlands permitting, on developing an educational booklet, on assisting with the Biological Opinion for the HCP and on other matters. Authorize staff to continue to increase the interim payment limit for the Jones and Stokes contract up to the contract limit as sufficient funds are deposited in the HCPA account.
- c) Consider authorizing staff to execute a contract with the Association of Bay Area Governments not to exceed \$10,000 to assist the San Francisco Regional Water Quality Control Board with developing a regional wetlands permit program for the HCPA under Section 401 of the Clean Water Act.
- d) Consider authorizing staff to amend contract with Resources Law Group to extend contract term to December 31, 2006 and to increase overall contract limit by \$25,000 from \$90,000 to \$115,000 for additional legal support, including additional assistance with wetlands permitting Memorandum of Understanding and Joint Exercise of Powers Agreement for the Implementing Entity.
- e) Consider authorizing Chair or his designee to sign letters to wetlands permitting agencies formally requesting regional wetlands permits consistent with HCP/NCCP.

DISCUSSION

Items a-d) Attached please find a proposed revised HCPA budget and an HCPA financial summary. The HCPA has received an additional \$95,718 in committed revenue since the EGC approved the Budget in February. The revised Budget allocates this revenue, as well as the \$50,000 that been held as “Wetlands Reserve” in the February Budget, to additional tasks as itemized below. Most of these additional tasks pertain to wetlands permitting. The revised Budget shows that we continue to have enough committed revenues to pay for estimated costs. It is important to note however, that the full costs of securing wetlands permit cannot be estimated accurately at this time. That being said, staff continues to believe the revised Budget is sufficient to complete the HCP/NCCP.

NEW REVENUES TO HCPA SINCE FEBRUARY 2005

Source	Amount
CCWD (FESA Map Transfer)	\$20,000
FWS/CDFG Section 6 Grants (approved)	\$24,022
U.S. Bureau of Reclamation	\$50,000
Interest	\$1,696
SUBTOTAL	\$95,718
Wetlands Reserve (line item in Feb 05 Budget)	<u>\$50,000</u>
TOTAL REVENUES NOT PREVIOUSLY ALLOCATED TO A CONTRACT	\$145,718

PROPOSED ALLOCATIONS OF NEW REVENUES

Contract/Provider	Task	Amount
Jones and Stokes	Support to wetlands permitting program	\$45,000
	Assist USFWS with drafting Biological Opinion	\$30,989
	Develop species provisions summary table for HCP per CDFG request (extra Section 6 funds were provided for this purpose)	\$5,000
	Develop "Introduction to ECCHCP" educational booklet in conjunction with Coordination Group	<u>\$11,330</u>
	Subtotal this provider	\$92,319
Resources Law Group	Additional legal support, including additional assistance with wetlands permitting Memorandum of Understanding and Joint Exercise of Powers Agreement for the Implementing Entity	\$25,000
ABAG/SFRWQCB	The SF Regional Water Quality Control Board seeks to hire staff support through ABAG to help them process HCPA's proposed regional wetlands permit (401 Water Quality Cert/Waste Discharge Requirement). Would also assist with Central Valley Regional Board's permit issuance.	\$10,000
County	Printing hard copies of Draft HCP documents and Final HCP Documents to distribute to decision-makers, staff, libraries, agencies, and Coordination group participants	<u>\$18,000</u>
	TOTAL	\$145,319

As has always been the case with HCPA consultant contracts, contracts will continue to have both overall payment limits and interim expenditure limits. Interim expenditure limits are a cash flow protection, ensuring that no costs can be incurred until we have adequate funds in the HCP account to pay for these costs.

Item e) The U.S. Army Corps of Engineers and the San Francisco Regional Water Quality Control Board soon anticipate requesting a letter from the HCPA requesting that those wetlands regulatory agencies initiate the formal process for issuing regional wetlands permits. This permit issuance process would include publishing one or more notices in the Federal Register. The letter would transmit or reference the HCP/NCCP documents and the materials the HCPA has assembled in support of wetlands permitting and request issuance of regional wetlands permits that coordinate wetlands requirements with HCP provisions. The wetlands agencies will be requesting this letter in order to have a formal written document in the record prompting the permit issuance process. Staff recommends that the EGC authorize the issuance of such letters to applicable wetlands regulatory agencies.

EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN ASSOCIATION

Budget

Recommended for EGC approval on October 27, 2005

(items changed since Feb-05 Budget that was approved by the EGC are shaded)

REVENUE (Current)

	<u>Approved</u>	<u>Deposited in HCPA account</u>
CCWD	\$325,000	\$325,000
Route 4 Bypass	\$114,056	\$114,056
City of Clayton	\$11,762	\$11,761
EPA Grant (Approved)	\$75,000	\$75,000
CCWD (FESA Map Transfer)	\$80,000	\$60,000
County Fish and Wildlife Committee	\$35,000	\$35,000
FWS/CDFG Section 6 Grants (approved)	\$775,853	\$339,702
County Flood Control/Public Works	\$65,000	\$65,000
U.S. Bureau of Reclamation	\$75,000	\$25,000
CDFG, interim fee revenue	\$150,000	\$150,000
Interest	\$5,452	\$5,452
Total current revenue	\$1,712,123	\$1,205,970

EXPENSES (estimated and actual)

	<u>Total estimated</u>	<u>Billed to date</u>
Jones & Stokes (Project Consultant)	\$1,272,224	\$1,103,536
County - Coordinating Agency	\$268,000	\$12,604 ¹
Independent Science Review (including J&S ²)	\$45,000	\$44,570
Legal support from Resources Law Group	\$115,000	\$90,000
ABAG/SFRWQCB permit processing costs	\$10,000	\$0
Wetlands compliance (longer term work w/ agencies)	\$50,000	\$0
Multi-county \$ request to Congress (IEH)	\$1,500	\$1,500
Total	\$1,711,724	\$1,252,210
Balance	\$399	

(Additional fund-raising is still necessary because wetlands compliance costs remain uncertain)

¹ Actual expenses to date estimated at \$200k. County has not invoiced in many months to assist with cash flow balance and has temporarily deposited \$100,000 (not reflected in totals above) in the HCPA account as an additional protective measure.

² Jones Stokes had costs of \$16,464 to support the science panel. Total proposed Jones and Stokes contract amount = \$1,272,224 + \$16,464 = \$ 1,288,688

HABITAT CONSERVATION PLAN ASSOCIATION ACTIVITY SUMMARY

As of September 20, 2005

TRUST 499300

11/25/2002	Opening Deposit - Transfer balance from CCWD	\$153,703.76
12/12/2002	Transfer from PW Lowell Tunison, JV2195 12/5/02	\$100,000.00
12/12/2002	Interest earnings from PW Lowell Tunison, JV2195 12/5/02	\$14,056.38
3/18/2003	Transfer from LAIF Account DP402206 3/18/03	\$30,000.00
4/14/2003	Transfer from Fish & Wildlife Propagation fund J/V4137 4/14/03	\$35,000.00
7/10/2003	Transfer from LAIF Account DP408375 7/10/03	\$30,000.00
9/24/2003	Dept of Fish & Game	\$109,451.70
1/14/2004	Transfer from LAIF Account	\$100,000.00
2/27/2004	Dept of Fish & Game	\$87,457.50
4/5/2004	Loan from Land Dev 3520 JV5564	\$100,000.00
4/13/2004	HCPA-CCWD	\$25,000.00
4/28/2004	Clayton Sphere of Influence	\$1,760.50
5/4/2004	Dept of Fish & Game	\$40,322.70
6/30/2004	Dept of Fish & Game	\$29,807.00
8/26/2004	Contra Costa Water District	\$20,000.00
9/21/2004	Dept of Fish & Game	\$36,664.20
9/30/2004	Transfer from PW Roads, Flood Control and Airport	\$65,000.00
12/7/2004	Dept. of Reclamation Watershed HCPA DP433912 11/02/04	\$25,000.00
12/14/2004	Dept of Fish & Game	\$30,532.50
3/11/2005	California Wildlife Foundation (Planning Funds)	\$150,000.00
4/19/2005	Dept of Fish & Game	\$5,466.00
8/2/2005	HCPA Book (DP#449032 Receipt# 3095)	\$119.00
8/29/2005	HCPA Contribution for construction in progress from CCWD	\$20,000.00

Total Deposits:	\$1,209,341.24
------------------------	-----------------------

12/10/2002	Jones & Stokes Oct 10, 02 invoice	\$8,600.97
12/10/2002	Jones & Stokes Nov 08, 02 invoice	\$8,000.54
12/10/2002	Erica Fleishman Dec1, 02 invoice	\$988.33
1/7/2003	Jones & Stokes Dec 13, 02 invoice	\$18,340.14
2/4/2003	Jones & Stokes Jan 15, 03 invoice	\$11,925.13
2/5/2003	Transfer \$200,000 to LAIF account	\$200,000.00
2/19/2003	SAP meeting payment B. Ertter	\$800.00
2/19/2003	SAP meeting payment S. Orloff	\$800.00
2/19/2003	SAP meeting payment B. Pavlik	\$800.00
2/19/2003	SAP meeting payment L. Huntsinger	\$1,300.00
3/17/2003	Erica Fleishman March1, 03 invoice	\$2,186.81
4/10/2003	SAP meeting pmt, S. Terrill	\$400.00
4/10/2003	SAP 2/26/03 meeting pmt, L. Huntsinger	\$1,300.00
4/10/2003	SAP 2/26/03 meeting pmt, B. Pavlik	\$800.00
4/10/2003	SAP 2/26/03 meeting pmt, IBIS S. Orloff	\$800.00
4/10/2003	SAP 2/26/03 meeting pmt, B. Ertter	\$800.00
4/10/2003	SAP 5/29/02 & 2/26/03 meeting pmts, A. Launer	\$1,600.00
4/10/2003	Erica Fleishman April 1, 2003 invoice	\$937.50

HABITAT CONSERVATION PLAN ASSOCIATION ACTIVITY SUMMARY

As of September 20, 2005

4/16/2003	Jones & Stokes 2/7/30 invoice	\$11,848.56
4/16/2003	Jones & Stokes 2/10/03 Retainage invoice	\$18,194.70
4/16/2003	Jones & Stokes 2/25/03 invoice	\$2,660.31
5/15/2003	Jones & Stokes 3/13/03 & 4/10/03 invoices	\$9,536.90
6/14/2003	Jones & Stokes 5/7/03 invoice	\$10,659.33
6/18/2003	HCPA Institute for Ecology 6/5/03 invoice	\$1,500.00
6/25/2003	Jones & Stokes 6/4/03 invoice	\$13,999.77
9/3/2003	Jones & Stokes 7/15/03 & 8/8/03 invoices	\$24,972.66
10/8/2003	Transfer \$50,000 to LAIF account	\$50,000.00
11/17/2003	Jones & Stokes 9/10/03 and 10/3/03 invoices	\$60,293.36
12/5/2003	Erica Fleishman 12/1/03 invoice	\$651.83
1/14/2004	Jones & Stokes Retainage invoice 12/15/03	\$21,129.32
1/14/2004	Erica Fleishman 1/1/04 invoice	\$2,266.03
1/14/2004	E/C J&S invoice #16000 dated 9/10/03	\$4,614.98
1/14/2004	Jones & Stokes 11/6/03 invoice	\$20,838.70
1/14/2004	Jones & Stokes 12/8/03 invoice	\$30,248.02
3/12/2004	J&S #17744 dated 1/15/04 and #17844 dated 2/5/04	\$41,643.77
3/12/2004	RLG #1313 dated 11/20/03 and #1349 dated 1/16/04	\$11,325.00
4/9/2004	J&S 18316 dated 3/8/04	\$30,690.43
4/9/2004	Erica Fleishman 3/3/04 invoice	\$525.00
4/9/2004	SAP meeting pmt, S. Terrill	\$900.00
4/9/2004	SAP 2/26/03 meeting pmt, L. Huntsinger	\$1,400.00
4/9/2004	SAP 2/26/03 meeting pmt, B. Pavlik	\$900.00
4/9/2004	SAP 2/26/03 meeting pmt, IBIS S. Orloff	\$900.00
4/9/2004	SAP 2/26/03 meeting pmt, B. Ertter	\$900.00
4/9/2004	SAP 5/29/02 & 2/26/03 meeting pmts, A. Launer	\$900.00
5/11/2004	Erica Fleishman 4/30/04 invoice	\$276.10
5/11/2004	Resources Law Group, LLP Inv# 1370	\$3,150.00
5/11/2004	Resources Law Group, LLP Inv# 1422	\$8,218.75
5/11/2004	Resources Law Group, LLP Inv# 1455	\$7,993.75
5/25/2004	J&S 18936 dated 4/14/04	\$70,137.53
6/15/2004	J&S 19337 dated 5/11/04	\$27,554.59
6/15/2004	J&S 19600 dated 6/04/04	\$29,311.44
7/9/2004	Jones & Stokes Retainage 9/30/02-4/25/04	\$10,988.66
8/18/2004	J&S 20214 dated 7/14/04	\$24,607.11
9/16/2004	J&S 20574 dated 8/05/04	\$20,738.74
9/16/2004	J&S 21111 dated 9/07/04	\$25,967.96
9/30/2004	RLG #1523 dated 7/14/04	\$1,981.25
9/30/2004	RLG #1543 dated 8/24/04	\$2,325.00
9/30/2004	RLG #1552 dated 9/14/04	\$843.75
10/21/2004	J&S 21486 dated 10/06/04	\$22,891.89
10/21/2004	RLG #1576 dated 10/08/04	\$1,687.50
12/9/2004	J&S 22499 dated 11/30/04	\$17,706.29
1/11/2005	RLG #1610 dated 11/17/04 and #1639 dated 12/16/04	\$11,737.50
1/11/2005	Jones & Stokes Retainage 11/24/03 thru 10/24/04	\$7,231.18
1/11/2005	J&S 22197 dated 11/09/04	\$21,871.73
1/12/2005	J&S 23066 dated 1/06/05	\$25,497.50
3/16/2005	J&S 23538 dated 2/01/05	\$40,605.65
3/16/2005	J&S 24197 dated 3/02/05	\$22,368.95
3/16/2005	RLG #1659 dated 1/24/05 and #1681 dated 3/02/05	\$14,502.50

**HABITAT CONSERVATION PLAN ASSOCIATION
ACTIVITY SUMMARY**

As of September 20, 2005

3/17/2005	Jones & Stokes Retainage 11/24/03 thru 12/26/04	\$26,147.74
5/12/2005	RLG #1717 dated 3/30/05 and #1741 dated 4/28/05	\$7,531.25
5/12/2005	J&S 24734 dated 4/06/05	\$14,244.49
5/12/2005	J&S 25732 dated 5/09/05	\$12,616.29
7/21/2005	J&S 26330 dated 6/8/05 (PY 04-05)	\$20,065.87
8/17/2005	Jones & Stokes Retainage 11/21/04 thru 6/26/05	\$13,012.95
9/2/2005	Copying job JV# 0541	\$7,169.00
9/20/2005	J&S 27436 dated 8/04/05	\$11,986.92
9/20/2005	J&S 28049 dated 9/01/05	\$5,601.85

\$1,172,449.77

Balance 499300: \$36,891.47

LAIF ACCOUNT

2/5/2003	Transferred from Trust 499300	\$200,000.00
4/15/2003	Interest	\$551.34
7/15/2003	Interest	\$751.10
10/9/2003	Transferred from Trust 499300	\$50,000.00
10/15/2003	Interest	\$591.11
1/15/2004	Interest	\$736.60
4/15/2004	Interest	\$399.58
7/15/2004	Interest	\$332.71
10/15/2004	Interest	\$393.20
1/14/2005	Interest	\$472.14
4/15/2005	Interest	\$552.20
7/15/2005	Interest	\$672.33

Total Deposits: \$255,452.31

3/18/2003	Transferred \$30000 to Trust 499300	\$30,000.00
7/10/2003	Transferred \$30000 to Trust 499300	\$30,000.00
1/14/2004	Transferred \$100000 to Trust 499300	\$100,000.00

Total Expenditures: \$160,000.00

Balance LAIF: \$95,452.31

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

DATE: October 27, 2005
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Administrative matters

RECOMMENDATION

1) RATIFY eleven recent invoices from Jones and Stokes, and four from Resources Law Group.

DISCUSSION

The HCPA Joint Powers Agreement authorizes the HCPA Treasurer to pay consultant invoices upon receiving approval from HCPA Coordinating Agency staff. The Treasurer pays invoices submitted by Contra Costa County upon approval by member agency staff. The HCPA Joint Powers Agreement further provides that such invoices, following staff review and payment by the Treasurer, shall be provided to the EGC for final review and ratification. The purpose of this arrangement is to afford the EGC a maximum possible degree of oversight while also enabling the HCPA to meet its obligations to consultants for payment of invoices within 60 days.

The attached eleven recent invoices from Jones and Stokes and four from Resources Law Group have been reviewed and approved for payment by Coordinating Agency staff.