

This is the packet for December 12, 2002 EGC meeting that was postponed to January 16, 2003. The agenda and other materials distributed for that meeting still apply except where noted. Please see January 16, 2003 packet addendum for new materials.

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

Date: Thursday, ~~December 12, 2002~~ January 16, 2003

Time: 5:30 p.m. to 7:00 p.m.

Location: City of Pittsburg Council Chambers
65 Civic Drive, Pittsburg

Agenda

- 1) Introduce new and returning Executive Governing Committee (“EGC”) members, staff, and any members of the public.
- 2) Public Comment.
- 3) Elect EGC Chair, Vice-Chair and Secretary.
- 4) Approve Meeting Report for September 19, 2002.
- 5) Project status report by consultant (David Zippin, Jones and Stokes Associates), including:
 - Update on development of Alternative Conservation Strategies Report, including examples of work to date.
- 6) Updates on Public Outreach and Involvement Program, including:
 - Web-site
 - HCPA Coordination Group
 - Science Advisory Panel
 - City of Antioch participation
 - Plans for other public meetings and workshopsConsider providing any additional direction to staff on this matter.
- 7) Discuss East Contra Costa HCP with invited guest:
 - Vicki Campbell, Division Chief, Conservation Planning Division, U.S. Fish & Wildlife Service, Sacramento Field Office
- 8) HCPA budget discussion, including:
 - A) Update on project budget and fund raising efforts.
 - B) Review and consider approving a modified budget for the HCPA
 - C) Review and consider adopting procedures regarding staff authorization to approve new expenses.
 - D) Consider resolution requesting funds from the U.S. Congress in support of the HCPA planning effort, in partnership with the Counties of Sacramento, Santa Clara, Solano, and Yolo

9) Authorize the execution of a contract with the Resources Law Group in the amount of \$66,500 for legal services to the HCPA (\$41,500 to be transferred to the Resources Law Group contract from the existing contract with Jones and Stokes).

10) Administrative matters:

- Ratify invoices submitted by Jones and Stokes, Contra Costa County, and Erica Fleishman and paid by the HCPA Treasurer.

11) Future Executive Committee Items:

- NCCP Planning Agreement

12) Select Next Meeting Dates

- Alternative recommended dates for next meeting:
 - Thursday, March 13, 2003 (2nd Thursday)
 - ✓ Thursday, March 20, 2003 (3rd Thursday) (tentatively chosen in September)
 - Thursday, March 27, 2003 (4th Thursday)
- Alternative recommended dates for subsequent meeting:
 - Thursday, June 12, 2003 (2nd Thursday)
 - Thursday, June 19, 2003 (3rd Thursday)
 - Thursday, June 26, 2003 (4th Thursday)

13) Adjourn by 7:00 p.m.

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.

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

**Draft Meeting Record
September 19, 2002**

INTRODUCTION

The East County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) met on Thursday, May 23, 2002, 5:30 p.m. in the City of Pittsburg City Council Chambers. In attendance were the following EGC members: Council member Greg Manning from the City of Clayton, Council member Jeff Huffaker from the City of Oakley, Council member Frank Quesada from the City of Pittsburg, Director Bette Boatman from the Contra Costa Water District, and Director Ted Radke from the East Bay Regional Park District. HCPA member agency staff and consultants in attendance were Jeremy Graves (Clayton), Chris Barton (Pittsburg), Winston Rhodes (Brentwood), Barry Hand (City of Oakley), John Kopchik (County), Fran Garland (CCWD), Beth Stone (EBRPD), and David Zippin (Jones & Stokes). Members of the public in attendance included Mike Vukelich (Contra Costa County Farm Bureau), Peter Rauch (CA Native Plant Society), Jay Torres-Muga (Seeno Company), and John Slaymaker (Greenbelt Alliance).

DISCUSSION

The following is a review of the meeting agenda.

1. Introductions

2. Public Comment. None

3) Discuss East Contra Costa HCP with invited guests from wildlife agencies:

- **Vicki Campbell, Division Chief, Conservation Planning Division, U.S. Fish & Wildlife Service, Sacramento Field Office**
- **Carl Wilcox, Habitat Conservation Planning Manager, California Department of Fish and Game, Region 3**

Carl Wilcox and Sheila Larsen (appearing in place of Vicki Campbell) shared their thoughts on the HCPA process. Their observations, some prompted by questions from the EGC, included the following:

- The HCPA's 2002 Section 6 grant application was looking good
- The HCPA's process was moving along efficiently and quickly, especially as compared to other plans
- Lack of participation from Antioch, should that continue, would not be a fatal flaw in developing the plan.

EGC members thanked Mr. Wilcox and Ms. Larsen for their comments and assistance.

4) Approve Meeting Report for May 23, 2002. Approved unanimously.

5) Project status report by consultant (David Zippin, Jones and Stokes Associates) David Zippin provided a Powerpoint presentation summarizing key accomplishments since May.

6) Updates on Public Outreach and Involvement Program, including:

- **Web-site**
- **HCPA Coordination Group**
- **Science Advisory Panel**
- **Plans for other public meetings and workshops**

Consider providing any additional direction to staff on this matter. Staff made a brief oral presentation summarizing the written report. The EGC unanimously accepted the report.

7) Update on Antioch participation. Staff summarized the written report and explained that the Antioch City Council had voted 2 to 2 (no action) on a motion to join the HCPA. Individual EGC members asked staff to contact the Antioch Mayor (who was not present for the Antioch vote) to discuss the matter further.

8) HCPA budget discussion, including:

A) Update on project budget and fund raising efforts.

B) Consider authorizing staff to issue a modified Notice to Proceed letter to Jones and Stokes for the following items:

- **\$25,000 to conclude Phase 1 of the HCP/NCCP**
- **\$37,058 to initiate early work on Phase 2 of the Project, including \$22,229 for portions of the Economic Analysis and \$14,829 for initial work on California Environmental Quality Act/National Environmental Protection Act compliance.**

Individual EGC members expressed concern that Phase 1 costs were exceeding original estimates. The EGC unanimously approved the staff recommendation on this matter and further directed that staff:

- bring back for the EGC's consideration draft administrative procedures that would clarify, among other things, procedures for authorizing tasks not anticipated in the consultant scope of work; and, in the meantime,
- notify EGC members in advance of any extra, non-budgeted tasks and expenses that are necessary.

9) Presentation and discussion of initial HCP/NCCP work products, including:

- **habitat models** David Zippin and John Kopchik explained the example habitat models and answered questions.
- **map-based vs. process-based approach to preparing an HCP** David Zippin summarized the topic and responded to questions. Individual EGC members noted that, though it was probably pre-mature to make a final decision, that the relying on the hybrid approach originally preserved flexibility in the future.
- **updated draft covered activities list** John Kopchik summarized the topic and responded to questions. John Kopchik stated that while wind turbines remained on the draft list, that the staff view at present was that this activity was the most likely item that would be recommended for removal.

10) Administrative matters:

- **Approve resolution identifying individuals at the County with signatory authority for the HCPA's Local Agency Investment Fund, as necessary to complete the transfer of Treasurer duties from Contra Costa Water District to the County.** Approved unanimously by the EGC.
- **Ratify invoices submitted by Jones and Stokes, Contra Costa County, and Erica Fleishman and paid by the HCPA Treasurer.** Not discussed before a quorum was lost.

11) Future Executive Committee Items:

- **NCCP Planning Agreement**

12) Select Next Meeting Dates The EGC selected Thursday December 12 as the date for its next meeting. Thursday March 20, 2003 was tentatively selected as the date for a subsequent meeting.

13) Adjourn by 7:00 p.m. The EGC adjourned by 6:45 p.m.

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

DATE: December 12, 2002
TO: HCPA Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Update on development of Alternative Conservation Strategies Report

This report has been compiled to provide the Executive Governing Committee with an update on the development of the Alternative Conservation Strategies Report. The Draft Alternative Conservation Strategies Report is expected in January 2003. A detailed excerpt from the flow chart that outlines the entire HCP/NCCP process is included to illustrate where we are in the big picture of developing the conservation plan. There are 3 attachments that provide information on progress on different elements of the conservation strategy. These attachments provide graphics and supplemental data to the information provided in this overview memo.

Attachment A: Preliminary Indirect Impacts Expected from Covered Activities and their Effects on Covered Species (table)

Attachment B: Preliminary Acreage Calculations for Direct Impacts Scenarios (tables)

Attachment C: Preliminary Costing: Land Valuations (tables)

Attachment D: Preliminary Direct Impacts Scenarios (maps)

The Conservation Strategy will include specific targets for species and habitats covered under the HCP, including the specific targets for the total extent and distribution of habitat to result over the term of the HCP (assumed to be 30 years). It will include three levels of conservation measures at three spatial scales (landscape level, habitat level, and species level). To the maximum extent practicable, these strategies will build on and complement existing general plans.

Landscape-level conservation measures will establish the guidelines and parameters under which core and satellite conservation areas, corridors, and bufferlands will be established. The strategy will include specific design criteria that would drive the pattern of conservation area and corridor establishment over time as the HCP/NCCP is implemented. These conservation area design criteria will be based on the habitat requirements of covered species and the principles of conservation biology (e.g., size, shape, and connectivity of conservation areas). The conservation strategy will result in an integrated system of core conservation areas, building off of the existing protected lands in the HCP/NCCP planning area (e.g., Mt. Diablo State Park, Black Diamond Mines and Morgan Territory Preserve, and Los Vaqueros watershed lands).

Work to date on landscape-level conservation measures is the focus of this update because more iterative steps are necessary for this task. These iterative steps make for suitable interim work products.

A number of foundational components are in working draft form: the impacts analysis, the identification of acquisition analysis zones, and the economic analysis. Member Agency staff felt that it would be helpful to provide the Executive Governing Committee with a preview of these components of the Alternative Conservation Strategies.

Impacts Analysis

To develop a conservation strategy for the East County area, it is necessary to understand the general location and extent of future development. More specifically, analysis of potential impacts is needed to:

- Inform the drafting of alternative reserve design scenarios (i.e., the proposed reserves need to stay out of the way of activities to be covered by the plan and vice-versa)
- Provide data on the amount and types of habitat that could be impacted. This data is needed to: 1) estimate the magnitude of conservation needed for mitigation (though I should remind everyone that not all conservation measures will be taken for mitigation purposes), and 2) define the variability of impacts among different habitat types.

The impacts analysis work to date focuses on land use plans approved by the County and member cities. Other impacts that could possibly be covered by the HCP, such as impacts of recreation on new preserves, agricultural impacts (if agriculturalists request coverage), rural infrastructure projects, are not a part of this preliminary impact analysis. Work has been done to determine both indirect and direct impacts. See attachments A and B.

Approach: Given that the extent and location of future growth in East County cannot be precisely known, and since one purpose of the impact analysis and conservation strategy is to assist with subsequent identification of an HCP permit coverage area, three alternative impact scenarios were developed and analyzed. A brief description of each scenario is provided below. Maps illustrating these scenarios will be distributed at the November 21 meeting.

Scenario 1: Urban Land Use Designations Inside the Urban Limit Line (ULL). This scenario assumes that only those lands inside the ULL and with a development-type land-use designation from the appropriate city or the County will develop.

Scenario 2: All Non-Protected Lands Inside the ULL. This scenario assumes that, with the exception of existing parks, all lands inside the ULL will develop.

Scenario 3: City General Plans. This scenario assumes that, with the exception of existing parks, all lands inside the ULL will develop (same as scenario 2 to this extent). It further assumes that lands meeting the following criteria will also develop:

- Outside the ULL, and
- Designated for development by approved City General Plans, and
- Not within lands already purchased for conservation.

Analysis Procedure: Using GIS technology (computerized mapping software), the three impact scenarios were overlaid on the landcover map (the map of vegetation types) and on the habitat model maps. This procedure allowed us both to make maps showing the relationship between impacts and habitat and to generate statistics on the amount of impact. The attached draft tables

show the preliminary data collected to date. Maps in Attachment C graphically illustrate the extent of different impact scenarios over both land use and species habitat base maps.

Acquisition Analysis Zones

To frame conservation measures and identify acquisition priorities, Jones and Stokes identified five acquisition analysis zones. Collectively, these zones encompass virtually all of the non-protected and non-developed lands in the planning area. Of course, these zones are not meant estimate the extent or location of proposed reserves. They are intended to help structure the reserve design analysis by identifying distinct landscapes. For instance, one acquisition analysis zone includes virtually all of the more intensively farmed lands east of Oakley, Brentwood, and Byron. Another includes virtually all of the non-park lands in the watershed of the main-stem of Marsh Creek. Map #10 of Attachment D in the included materials visually illustrates the acquisition zones.

Economic Analysis

Economic Planning Systems, Inc. (EPS) will provide the economic analysis for the HCP. Three elements of the economic analysis are 1) HCP Implementation Cost Analysis, 2) Description of Potential Funding Sources, and 3) Funding Strategy. To provide economic context during development of the Conservation Strategy, the EGC in September authorized EPS to begin initial work on elements 1 and 2. This update focuses on work to date on the Cost Analysis component.

The HCP Implementation Cost Analysis examines a number of factors including land values, restoration, and management costs. Land acquisition is typically the largest component of overall plan cost - usually over 65 percent of the HCP implementation expenditures – and is the focus of EPS’s initial work. The land acquisition costs estimates are derived using data provided by local organizations regarding the real estate market and zoning, proximity and availability of infrastructure, parcel size and topography, agricultural use value, and other factors. Understanding land value inflation as well as value differentiation by acquisition zone helps prioritize acquisitions and maximize conservation value per dollar. An integration of this data will help direct reserve design.

Refer to Attachment C included in this packet to see a breakdown of land values and hypothetical reserve costs. The full land acquisition component of the Implementation Costs Analysis will be included in the January Report. The second element in the economic analysis, Description of Funding Sources is being drafted now and will be included in the Report.

Map Review

10 Maps are included to visually demonstrate the concepts and process that are part of developing a conservation strategy. They are briefly described below.

#1: Land Use Designations: This map shows the zoned land use designations for Eastern Contra Costa County and was made by combining designations from the County General Plan.

#2: Land Use Designations and Impact Scenario 1: This map shows the land use designations for Eastern Contra Costa County and Impact Scenario 1. This scenario assumes that only those

lands inside the ULL and with a development-type land-use designation from the appropriate city or the County will develop.

#3: Land Use Designations and Impact Scenario 2: This map shows the land use designations for Eastern Contra Costa County and Impact Scenario 2. This scenario assumes that, with the exception of existing parks, all lands inside the ULL will develop.

#4: Land Use Designations and Impact Scenario 3: This map shows the land use designations for Eastern Contra Costa County and Impact Scenario 3. This scenario assumes that, with the exception of existing parks, all lands inside the ULL will develop (same as scenario 2 to this extent). It further assumes that lands meeting the following criteria will also develop:

- Outside the ULL, and
- Designated for development by approved City General Plans, and
- Not within lands already purchased for conservation.

#5: Land Use Designations and Impact Scenario 1,2 &3: This map illustrates the difference in extent of impact of the three scenarios on land use designations.

#6, #7, #8, #9: Impact Scenarios and Modeled Species Habitat: This map illustrates the extent to which different scenarios impact modeled species habitat. Species represented on these maps: San Joaquin kit fox and Swainson's hawk.

#10: Land Use Designations and Acquisition Analysis Zones: Acquisition Analysis Zones are intended to help structure the reserve design analysis by identifying distinct landscapes. These zones are shown over the land use designations. The zones do not illustrate the extent of the locations of proposed reserves.

Draft Conservation Strategy Update □

East Contra Costa County HCP/NCCP, December 2002 □

Excerpt From Larger Flowchart of HCP Process

Interim work products included in this update are marked with an * and bold text.

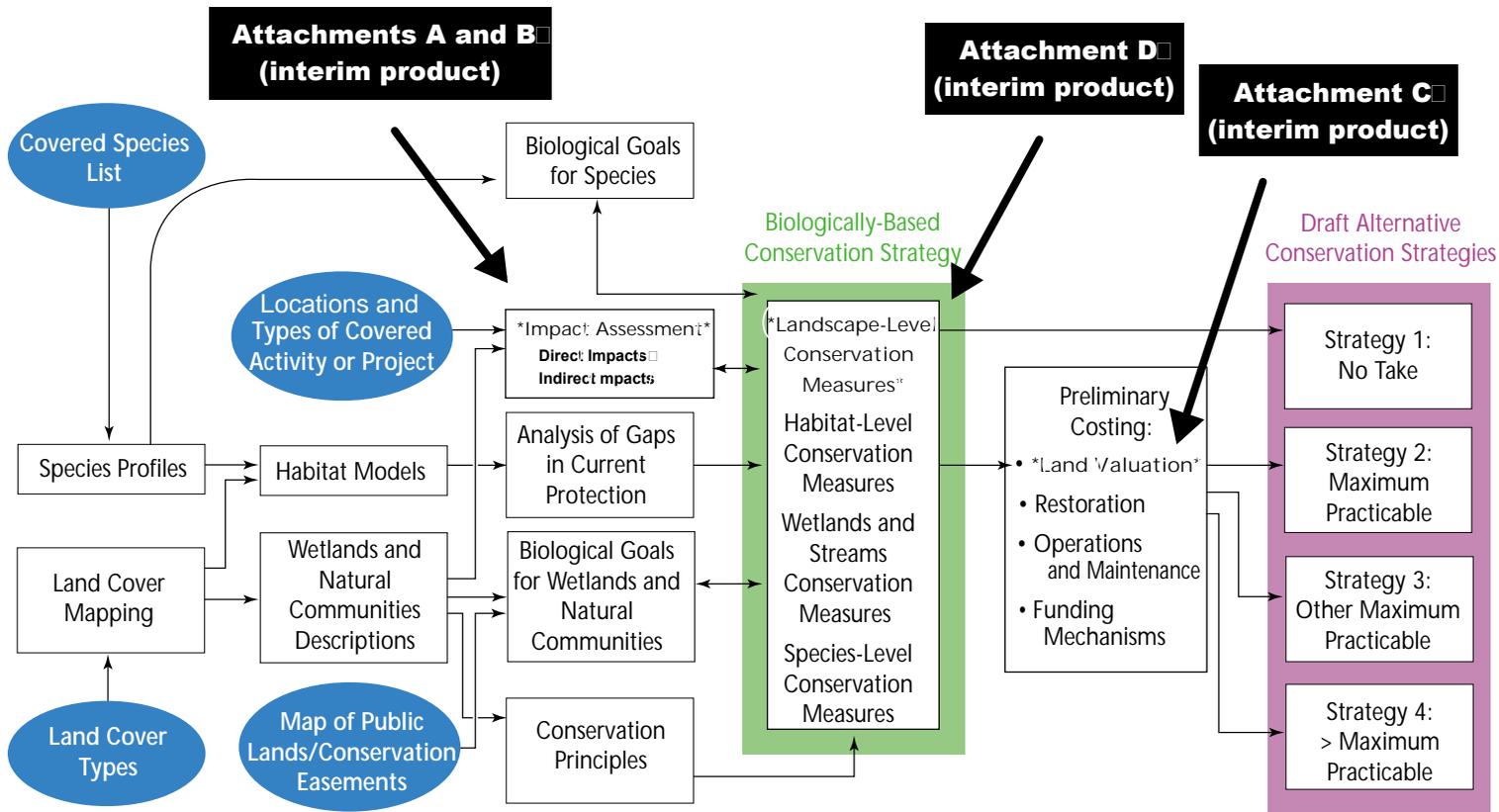


Table. Preliminary Indirect Impacts Expected from Covered Activities and their Effects Covered Species, East Contra Costa County HCP/NCCP

Covered Species	Impact Type									
	Disturbance from lights in new urban development	Harassment/disturbance from larger human population	Harassment from additional pets	Increased noise	Increased runoff of urban pollutants	Increased recreation in preserves	HCP/NCCP restoration activities	HCP/NCCP monitoring activities	Spread of invasive exotic plants	Increased vehicle-related disturbance and mortality
Approximate Location of Impact										
Near covered activities only, outside preserves	✓	✓	✓	✓	✓ (1)					
Within HCP/NCCP preserves						✓	✓	✓		
Within existing parks and open space						✓	✓ (2)			
Throughout Inventory Area (i.e., inside and outside preserves)									✓	✓
Covered Species Potentially Affected										
Townsend's western big-eared bat	✓	✓				✓		✓		✓
San Joaquin kit fox	✓	✓	✓	✓		✓		✓		
Tricolored blackbird		✓				✓		✓		
Golden eagle		✓				✓		✓		✓
Western burrowing owl		✓	✓			✓		✓		
Swainson's hawk		✓				✓		✓		✓
Silvery legless lizard		✓	✓			✓		✓		✓
Alameda whipsnake		✓	✓		✓	✓		✓		✓
Giant garter snake		✓	✓			✓		✓	✓	✓
California tiger salamander		✓	✓		✓	✓		✓	✓	✓
California red-legged frog	✓	✓	✓		✓	✓		✓	✓	✓
Foothill yellow-legged frog	✓	✓	✓		✓	✓		✓	✓	
Shrimp species					✓	✓		✓	✓	
Mount Diablo manzanita						✓		✓	✓?	
Brittlescale		✓				✓		✓	✓	
San Joaquin spearscale		✓				✓		✓	✓	
Big tarplant		✓				✓		✓	✓	
Mount Diablo fairy lantern		✓				✓		✓	✓	
Recurved larkspur		✓				✓		✓	✓	
Diablo helianthella		✓				✓		✓	✓	
Brewer's dwarf flax		✓				✓		✓	✓	
Showy madia		✓				✓		✓	✓	
Adobe navarretia		✓				✓		✓	✓	

Notes:

1: Impacts from increased runoff of urban development downstream of urban development would be confined to streams and channels and would not affect terrestrial covered species.

2: Restoration would occur within existing public land only if in-kind restoration opportunities were not available within HCP/NCCP preserves.

SUMMARY OF IMPACTS TO NATURAL COMMUNITIES

Category	Total in Inventory			Impact Scenario 1: Development Designation in ULL			Impact Scenario 2: All Nonprotected Areas Within ULL			Impact Scenario 3: City General Plans		
	Area (acres)	In Public Land/OS (acres)	In Public Land/OS (%)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)	Remain Outside Public Land/OS (acres)
Covered Natural Communities												
Grassland	59,336	24,684	41.6%	3,659	10.6%	30,993	5,746	16.6%	28,906	8,248	23.8%	26,404
Oak Woodland	24,268	11,617	47.9%	143	1.1%	12,507	220	1.7%	12,430	253	2.0%	12,397
Chaparral/Scrub	2,862	2003	70.0%	1	0.1%	858	1	0.1%	858	1	0.1%	858
Riparian Woodland/Scrub	219	63	28.6%	96	61.3%	61	99	63.3%	58	108	69.0%	49
Agriculture	33,788	528	1.6%	5,398	16.2%	27,862	8,433	25.4%	24,827	8,674	26.1%	24,586
Total	120,474	38,896	32.3%	9,297	11.4%	72,281	14,498	17.8%	67,079	17,284	21.2%	64,294
Special Terrestrial Land Cover Types												
Alkali Grassland	1,989	435	21.9%	2	0.1%	1,551	229	14.7%	1,324	229	14.7%	1,324
Rock Outcrop	80	80	100.0%	0	0	0	0	0	0	0	0	0
Oak Savanna	5,835	2,627	45.0%	124	3.9%	3,084	202	6.3%	3,006	371	11.6%	2,837
Wetlands and Streams												
Stream Beds (PENDING)												
Wetlands (undetermined)	185.3	64.2	34.6%	26	21.8%	95	36	29.9%	85	42	34.8%	79
Seasonal wetlands	19	3	15.3%	8	50.0%	8	8	50.0%	8	8	50.0%	8
Alkali wetlands	44	19	42.4%	0	0.0%	25	3	12.0%	22	3	12.0%	22
Aquatic	1,731	1,594	92.1%	33	24.1%	104	40	29.2%	97	40	29.2%	97
Ponds	131	40	30.7%	14	15.4%	77	15	16.5%	76	16	17.6%	75
Total	2,110	1,720	81.5%	81	20.9%	308	102	26.2%	288	109	28.0%	281

*% of category outside public land/open space

SUMMARY OF IMPACTS TO LANDCOVER TYPES

Land Cover Types	Total in Inventory Area (acres)	In Public Land/OS (acres)	In Public Land/OS (%)	Impact Scenario 1: Development Designation in ULL			Impact Scenario 2: All Nonprotected Areas Within ULL			Impact Scenario 3: City General Plans		
				Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)
alkali grassland	1988.8	435.4	21.9%	2	0.2%	1,551	229	14.8%	1,324	229		
alkali wetland	43.6	18.5	42.4%	0	0.0%	25	3	11.9%	22	3	11.9%	22
aquatic	1730.6	1593.8	92.1%	33	23.9%	104	40	29.2%	97	40	29.2%	97
aqueduct	383.7	14.8	3.9%	198	53.7%	171	209	56.7%	160	209	56.7%	160
chaparral	2862.4	2003.2	70.0%	1	0.1%	858	1	0.1%	858	1	0.1%	858
cropland	24012.5	387.6	1.6%	3,057	12.9%	20,568	4,880	20.7%	18,744	5,032	21.3%	18,593
emergent wetland	185.3	64.2	34.6%	26	21.8%	95	36	29.9%	85	42	34.8%	79
grassland	57190.7	24171.7	42.3%	3,645	11.0%	29,374	5,501	16.7%	27,518	8,002	24.2%	25,017
landfill	332.9	12.6	3.8%	0	0.0%	320	0	0.0%	320	0	0.0%	320
non-native woodland	47.8	11.2	23.4%	29	78.4%	8	34	94.1%	2	34	94.1%	2
oak savanna	5835.4	2627.3	45.0%	124	3.9%	3,084	202	6.3%	3,006	371	11.6%	2,837
oak woodland	24189.7	11561.8	47.8%	143	1.1%	12,485	220	1.7%	12,408	253	2.0%	12,375
orchard	4767.5	17.7	0.4%	1,420	29.9%	3,330	1,632	34.4%	3,118	1,721	36.2%	3,028
pasture	3533.2	71	2.0%	475	13.7%	2,987	1,442	41.6%	2,020	1,442	41.6%	2,020
pond	131.2	40.3	30.7%	14	15.2%	77	15	16.6%	76	16	17.5%	75
riparian	219.2	62.7	28.6%	96	61.3%	61	99	63.1%	58	108	69.3%	48
rock outcrops	80.2	80.2	100.0%	0	0.0%	0	0	0.0%	0	0	0.0%	0
ruderal	7292.7	499.7	6.9%	3,663	53.9%	3,130	3,739	55.0%	3,054	3,861	56.8%	2,932
seasonal wetland	18.9	2.9	15.3%	8	50.1%	8	8	50.1%	8	8	50.1%	8
slough/channel	157.1	50.9	32.4%	79	74.4%	27	88	83.0%	18	88	83.0%	18
turf	840.7	549.1	65.3%	107	36.7%	185	122	41.9%	169	122	41.9%	169
urban	32297.2	500.8	1.6%	26,116	82.1%	5,680	27,861	87.6%	3,936	27,907	87.8%	3,889
vineyard	1313.1	0	0.0%	371	28.3%	942	394	30.0%	919	394	30.0%	919
wind turbines	217.6	59.1	27.2%	0	0.0%	159	0	0.0%	159	0	0.0%	159
Total	169672	44836.5	26.4%	39606.24	31.7%	85,229	46755.776	37.5%	78,080	49885.49	40.0%	74,950

*% of category outside public land/open space

Category	Note	Total Inventory			Impact Scenario 1: Development Designation in ULL			Impact Scenario 2: All Nonprotected Areas Within ULL			Impact Scenario 3: City General Plans		
		Area (acres)	In Public Land/OS (acres)	In Public Land/OS (%)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)	Impact (acres)	Impact (%)*	Remain Outside Public Land/OS (acres)
Golden Eagle potential foraging	l	130,599	42,312	32%	12,753	14%	75,534	18,685	21%	69,601	21,682	25%	66,605
Mount Diablo Fairy Lantern suitable habitat	m	49,155	23,513	48%	64	0%	25,578	267	1%	25,375	705	3%	24,936
Mount Diablo Manzanita suitable habitat	n 2	2,445	1,484	61%	0	0%	961	0	0%	961	0	0%	961
Recurved Larkspur suitable habitat	o	1,989	435	22%	2	0%	1,551	229	15%	1,324	229	15%	1,324
Silvery Legless Lizard suitable habitat	p	3,654	2,138	59%	736	49%	780	736	49%	780	821	54%	695
Swainson Hawk potential breeding	q	267	74	28%	125	65%	68	133	69%	60	143	74%	50
potential foraging		36,345	1,442	4%	4,934	14%	29,969	9,113	26%	25,790	9,265	27%	25,638
Total		36,612	1,516	4%	5,059	14%	30,038	9,247	26%	25,850	9,408	27%	25,689
Western Burrowing Owl suitable habitat	r	67,908	25,724	38%	7,764	18%	34,420	9,943	24%	32,241	12,570	30%	29,614
suitable habitat - low use		29,557	586	2%	4,612	16%	24,359	8,194	28%	20,777	8,346	29%	20,625
Total		97,465	26,309	27%	18,137	25%	53,018	18,137	25%	53,018	20,916	29%	50,240

SUMMARY OF MODELED IMPACTS TO SPECIFIC SPECIES NOTES

- 1: Giant garter snake potential core habitat assumes an average width of suitable habitat along sloughs/channels of 20 feet on either side = 40 feet total
 - 2: Although no direct impacts to species, impact areas are very close to species' habitat in all three scenarios
*% of category outside public land/open space
- a. San Joaquin Kit Fox Habitat Model Assumptions
1. The following land cover types were considered core habitat for the San Joaquin kit fox:
 - Annual grassland suitable for all kit fox activities including foraging, denning, shelter and movement corridors that is connected to known kit fox movement routes;
 - Oak savanna contiguous with annual grassland;
 - Alkali grassland within annual grassland or connected to annual grassland by agricultural lands;
 - Seasonal wetland within annual grassland or oak savanna;
 - Ruderal areas within annual grassland or oak savanna or contiguous with adjacent annual grassland;
 - All wind turbine areas within annual grassland
 2. Cropland, pasture, and orchard land cover types within 1 mile of core habitat as defined above was considered low use habitat in which kit foxes may occur.
 3. Grassland and oak savanna patches isolated from large contiguous tracts of annual grassland by oak woodland or chaparral/scrub were considered non-habitat.
- b. Tricolored Blackbird Habitat Model Assumptions
1. Core Breeding Habitat: Wetland, pond, and sloughs/channels in grassland, alkali grassland, cropland, pastures, ruderal, urban, and oak savanna land-cover types.
 2. Primary Foraging Habitat: Pastures, grassland, seasonal wetlands, cropland.
 3. Secondary Foraging Habitat: Orchards, vineyards.
- c. Alameda Whipsnake Habitat Model Assumptions
1. All chaparral and scrub land cover within the inventory area was considered core habitat for Alameda whipsnake. In addition, a perimeter zone of all adjacent grassland, oak savanna and oak woodland within 500 feet of the scrub areas was also considered core habitat for this species. Core habitat for Alameda whipsnake is defined as home range areas in which individuals find shelter, breed, hibernate, and spend the majority of their time foraging. Alameda whipsnake habitat were considered suitable movement habitat for this species.
- d. Big Tarplant Habitat Model Assumptions
1. Primary habitat: Annual grassland below 1,500 feet on the Altamont soil series (Soil Conservation Service 1977).
 2. Secondary habitat: all other annual grassland below 1,500 feet
- e. Brewer's Dwarf Flax Habitat Model Assumptions
1. Suitable Habitat: Oak woodland and chaparral/scrub + 500 feet buffer into annual grasslands

f. Brittscale Habitat Model Assumptions

1. Suitable Habitat: All alkali grasslands and alkali wetlands on soils of the Pescadero or Solano soil series (Soil Conservation Service 1977).

g. California Giant Garter Snake Habitat Model Assumptions

1. The slough/channel, pond, and stream land-cover type within or adjacent to pasture and cropland were considered core habitat for the giant garter snake.
2. Pasture, cropland, and ruderal land-cover types within 900 feet of streams, sloughs and irrigation channels were considered potential movement and foraging habitat for the giant garter snake.

h. California Red-Legged Frog Habitat Model Assumptions

1. Ponds and streams in riparian woodland/scrub, wetland or seasonal wetland, annual grassland, alkali grassland, oak savanna, oak woodland, non-urban ruderal (ruderal land cover areas outside existing urban land cover areas) and turf land-cover types were considered potential breeding habitat for California red-legged frog.
2. Streams in urban areas were also considered potential breeding habitat for this species.
3. All non-urban non-aquatic land cover types within 1 mile of potential breeding sites were considered potential migration and aestivation habitat for this species.
4. Ponds in urban areas with substantial areas of suitable aestivation habitat intact (>50% of 1-mile buffer) were considered to be suitable breeding habitat unless absence is verified by recent surveys.

i. California Tiger Salamander Habitat Model Assumptions

1. All ponds, wetlands, seasonal wetlands, and alkali wetlands within annual grassland, oak savanna, and oak woodland were considered potential breeding habitat.
2. All non-urban, non-aquatic land cover types within 1 mile of potential breeding sites were considered potential migration and aestivation habitat for this species.

j. Diablo Helianthella Habitat Model Assumptions

1. Suitable Habitat: Oak savannah, oak woodland, chaparral/scrub above 650 feet.

k. Foothill Yellow-Legged Frog Habitat Model Assumptions

1. Core Habitat: Perennial streams in riparian woodland/scrub, grassland, oak savanna, and oak woodland land cover types.
2. Low-use habitat: Other streams in riparian woodland/scrub, grassland, oak savanna, and oak woodland land cover types.

l. Golden Eagle Habitat Model Assumptions

1. Foraging habitat: All land cover areas except urban, aqueduct, aquatic, turf, orchards and vineyards.
2. Nesting habitat: Traditional nesting sites identified by researchers. Secluded cliffs with overhanging ledges and large trees adjacent to suitable foraging habitat. (not mapped)

m. Mount Diablo Fairy Lantern Habitat Model Assumptions

1. Suitable Habitat: Annual grassland, chaparral/scrub, oak woodland, and oak savannah between 650 feet and 2,600 feet in elevation

n. Mount Diablo Manzanita Habitat Model Assumptions

1. Suitable Habitat: Chaparral/scrub between 700 and 1,860 feet in elevation.

o. Recurved Larkspur Habitat Model Assumptions

1. All alkali grassland within the inventory area was considered suitable habitat for recurved larkspur.

p. Silvery Legless Lizard Habitat Model Assumptions

1. Core Habitat: Sandy to sandy loam soil areas (Soil Conservation Service 1977) in chaparral/scrub, oak woodland, ruderal, and riparian woodland/scrub land-cover types.
Any soil type that mentioned "sand" or "sand and loam" was considered a sandy loam soil potentially suitable for silvery legless lizard

q. Swainson Hawk Habitat Model Assumptions

1. Potential breeding habitat included all riparian woodland scrub and non-native woodland land cover types within the inventory area.
2. All cropland and pasture, within 10 miles of existing breeding sites or potential breeding habitat were considered potential Swainson's hawk . foraging habitat.
3. Annual grassland, alkali grassland, and seasonal wetland land-cover types below 150 feet in elevation are also considered potential foraging habitat.

r. Western Burrowing Owl Habitat Model Assumptions

1. All annual grassland, alkali grassland, wind turbine, seasonal wetland, ruderal and turf land cover types within the inventory area were considered suitable breeding and foraging habitat for western burrowing owl.
2. All pasture and cropland land cover was considered occasional or limited use areas for western burrowing owl.

PRELIMINARY

Table 1
Preliminary Land Values by Land Type
East Contra Costa County Habitat Conservation Plan

Category #	Characteristics	Avg. Per Acre Land Value	Sources
I.	Large parcels, 160 acres+ Often multi-parcel sale Generally remote or steep slopes	\$3,500	Appraisal comparables last ten years
II.	10-80 acres Slopes on part of site	\$10,000	Appraisal comparables last ten years County Assessor data last four years Realtors/ Brokers this year
III.	5-10 acres; Close to urbanized areas Largely flat land	\$27,500	Appraisal comparables last ten years County Assessor data last four years Realtors/ Brokers this year
IV.	Large developable areas inside Urban Limit Line Not currently designated for development 20 - 25 years to absorption	\$7,500	EPS real estate analysis based on \$300,000 home, 4 units per acre, and 12 percent discount rate
V.	Large developable parcels inside Urban Limit Line Designated for Development 10 - 15 years to absorption	\$22,500	EPS real estate analysis based on \$300,000 home, 4 units per acre, and 12 percent discount rate

Sources: East Bay Regional Park District; Trust for Public Land; Available Appraisal Data; East County Realtors/ Brokers; First Amercian Real Estate Solutions (FARES) - County Assessor Data; Economic & Plannings Systems, Inc.

PRELIMINARY

Table 2
Preliminary Estimate of Zone Acres by Location, Designation, and Size
East Contra Costa County Habitat Conservation Plan

Zone	Inside ULL: Designation			Outside ULL: Parcel Size			Total	Grand Total
	Development	Other	Total	5-10 ac.	10-100 ac.	100+ ac.		
Zone 1	431	1,204	1,635	14	1,314	4,448	5,776	7,411
Zone 2	1,664	1,507	3,171	29	892	10,593	11,514	14,685
Zone 3a	168	0	168	39	637	896	1,572	1,740
Zone 3b	0	0	0	115	1,412	13,741	15,268	15,268
Zone 4	0	728	728	32	1,638	11,178	12,849	13,577
Zone 5 *	<u>289</u>	<u>1,391</u>	<u>1,679</u>	<u>1,777</u>	<u>8,884</u>	<u>16,675</u>	<u>27,335</u>	<u>29,015</u>
Total	2,552	4,829	7,381	2,006	14,778	57,531	74,315	81,696

* 40 percent of acreage outside the ULL in Zone 5 is in the agricultural core.

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

HYPOTHETICAL

Table 3

**Hypothetical HCP Preserve Acreage Total - Assumes Preserve One Third of Acquisition Zone Areas
East Contra Costa County Habitat Conservation Plan**

Zone	Inside ULL: Designation			Outside ULL: Parcel Size			Total	Grand Total	
	Development (Cat. I)	Other (Cat. II)	Total	5-10 ac. (Cat. III)	10-100 ac. (Cat. IV)	100+ ac. (Cat. V)			
Zone 1	144	401	545	5	438	1,483	1,925	2,470	9%
Zone 2	555	502	1,057	10	297	3,531	3,838	4,895	18%
Zone 3a	56	0	56	13	212	299	524	580	2%
Zone 3b	0	0	0	38	471	4,580	5,089	5,089	19%
Zone 4	0	243	243	11	546	3,726	4,283	4,526	17%
Zone 5 *	96	464	560	592	2,961	5,558	9,112	9,672	36%
Total	851 3%	1,610 6%	2,460 9%	669 2%	4,926 18%	19,177 70%	24,772 91%	27,232 100%	100%

* 40 percent of acreage outside the ULL in Zone 5 is in the agricultural core.

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

HYPOTHETICAL

Table 4
Hypothetical HCP Land Acquisition Cost *
East Contra Costa County Habitat Conservation Plan

Zone	Inside ULL: Designation			Outside ULL: Parcel Size			Total	Grand Total	
	Development (Cat. I)	Other (Cat. II)	Total	5-10 ac. (Cat. III)	10-100 ac. (Cat. IV)	100+ ac. (Cat. V)			
Zone 1	\$3,232,992	\$3,008,787	\$6,241,779	\$132,374	\$4,380,364	\$5,189,046	\$9,701,783	\$15,943,562	10%
Zone 2	\$12,481,602	\$3,766,464	\$16,248,066	\$263,870	\$2,974,531	\$12,358,698	\$15,597,099	\$31,845,165	19%
Zone 3a	\$1,262,098	\$0	\$1,262,098	\$360,214	\$2,121,989	\$1,045,276	\$3,527,480	\$4,789,577	3%
Zone 3b	\$0	\$0	\$0	\$1,049,687	\$4,707,688	\$16,031,588	\$21,788,964	\$21,788,964	13%
Zone 4	\$0	\$1,820,406	\$1,820,406	\$294,452	\$5,460,743	\$13,041,540	\$18,796,736	\$20,617,141	13%
Zone 5 *	\$2,165,091	\$3,476,425	\$5,641,516	\$14,658,633	\$29,613,400	\$19,453,726	\$63,725,760	\$69,367,276	42%
Total	\$19,141,783 12%	\$12,072,081 7%	\$31,213,864 19%	\$16,759,230 10%	\$49,258,716 30%	\$67,119,874 41%	\$133,137,821 81%	\$164,351,684 100%	100%

* Based on acreage in Table 3 and land values per acre in Table 1. Acreage in agricultural core (40 percent on outside ULL Zone 5 acreage) is presumed to have a 25 percent lower market value.

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

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

***superceded--please see
addendum***

DATE: December 12, 2002
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: HCPA Budget Discussion and Review (agenda item #8a and 8b)

RECOMMENDATION

- 1) ACCEPT update report on HCPA finances.
- 2) PROVISIONALLY APPROVE revised HCPA Budget and Fund Raising Strategy; AUTHORIZE interim expenditure amounts specified; SCHEDULE a final decision on revised HCPA Budget in 9 months time when more information on fund raising is available.
- 3) REVIEW Preliminary Contingency Strategy.
- 4) INITIATE Phase 2 of the project.
- 5) AUTHORIZE staff to issue a modified Notice to Proceed letter to Jones and Stokes raising the interim payment limit of \$342,908 by \$80,000 to \$422,908.
- 6) AUTHORIZE staff to further raise the interim payment limit for Jones and Stokes if outside funds are received for budget augmentation items 3 and 4 (Additional Covered Species and Biology Upgrade: Small Scale Features) by an amount equal to the amount of funds received.

DISCUSSION

Financial status overview: As of December 4, 2002, the HCPA has expended a total of \$338,379 (including services billed but not yet paid). Revenue committed or received is approximately \$780,000. Attached please find a revised HCPA Budget with summary information on revenues, previously budgeted expenditures, and recommended budget augmentations. A proposed fund- raising strategy is also provided. This staff report and the related attachments discuss the Budget and Fund Raising Strategy in more detail.

Fund-raising update: As forecast at the September EGC meeting, the U.S. Fish and Wildlife Service (“USFWS”) and the California Department of Fish and Game (“CDFG”) have approved a second “Section 6” grant award to the HCPA in the amount of \$160,000 (including CDFG overhead), bringing our gross total of Section 6 grant awards to \$260,000. Fish and Game staff assigned to our project are in the process of requesting a \$40,000 augmentation to our grant award for this year from unclaimed funds awarded to other jurisdictions.

Revised Budget: A revised Recommended Budget is presented in an attachment to this staff report. In the revised Budget, Member Agency Staff recommend augmenting budgeted expenditures by \$327,136 to cover new tasks and also recommend including a 10% contingency reserve for planning purposes. Additional detail and background on the Budget are provided below and in the following attachments:

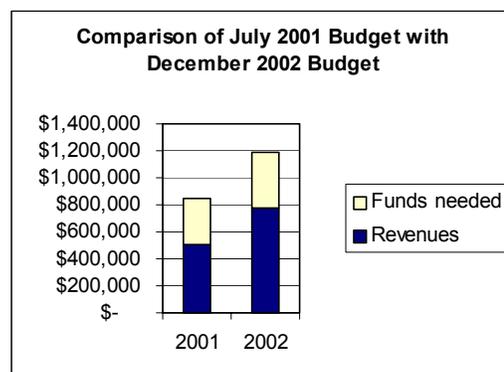
- Overview of Recommended Budget Augmentation, a one page color table that summarizes six categories of recommended new tasks and expenditures. The overview table provides the staff recommendation for each category, as well as the rationale, and the recommended source of funding to cover these new costs.
- Overview of Recommended Budget Augmentation chart.
- Details of Recommended Budget Augmentation, and explains line items in each of the six categories of recommended new expenditures. For some of the more detailed line items—such as the NCCP Upgrade--supplemental attachments are provided with more detail on the work to be performed.

superceded--please see addendum

Background on Recommended Budget: To develop the HCPA Budget, staff performed a detailed review of the existing HCPA budget and scope and identified additional necessary tasks. Staff have attempted to recommend a budget that is realistic and that reflects experience gained during Phase 1 of the project. The following principles underlie the staff recommendations:

- It is important to identify potential new expenditures as early in the process as possible. Raising funds from grants requires significant lead-time. To maintain project schedule and momentum, fund-raising efforts need to be forward-looking.
- We must plan for contingencies. The work required to complete an HCP cannot be precisely forecast because regulations may change and because sponsors must satisfy not only diverse constituencies but also a wide range of permitting agencies. We cannot produce an alternative to the uncertain project-by-project regulatory process without confronting some of that uncertainty in the HCP planning process.
- It is better to try to raise more money than we need than not enough.
- The HCPA Public Involvement Program is integral to the success of the planning effort. Recommendations from the Science Advisory Panel and the Coordination Group should be heeded when possible.
- We must balance the need for developing a plan that is as thorough and comprehensive as possible and that satisfies as many agencies and interests as possible with the limitations of funding and cash flow. Staff have recommended a budget that includes tasks that we feel contribute substantially to our outlook for success and does not include other potential tasks we felt failed to meet the cost-benefit test. For example, 1) we propose spending much less on developing the NCCP Planning Agreement than other HCPs; and 2) we do not propose a comprehensive inventory of all small-scale biological features, only an inventory of those features that both contribute to landscape-level conservation planning and that carry a reasonable price tag.

Budget context: From the start, the HCPA project has had less revenue than estimated expenses:



This situation tends to be the rule rather than the exception in conservation planning, with many HCPs operating on much less seed money and proceeding with frequent stops and starts as they await grant money. Our plan is fortunate to have had a s front and to have been successful so far with grants. C expensive overall than other efforts and attempts to prod other plans are spending close to \$500,000 for CEQA/NEPA compliance alone (we plan to spend \$120K) and about \$100,000 to prepare an NCCP Planning Agreement (we plan to spend less than \$10,000), though the other plans are more ambitious. We are confident that our grant success and cost-effectiveness can continue, but this should not obscure the fact that we remain in a position of having less money at present than will be required to complete the project.

superceded--please see addendum

Specific budget augmentation recommendations: The following recommendations are repeated, justified, and explained in the attached tables, but the recommended actions for each of the six budget augmentation categories are summarized below to make the requested EGC actions as clear as possible. For some categories, we recommend not only a budget amount but also an interim expenditure limit. The purpose of stipulating an interim payment limit is to allow us to plan for contingencies. Many of these new tasks need to be done now to not hold up other aspects of the project and to keep costs as low as possible. Other tasks can and should wait so that, in about 9 months time when we will have some information on the status of various funding requests, we will have flexibility to adjust our plans if we receive less funding than we hoped for. It should also be noted that all expenditure authorizations are further constrained by interim payment limits we have set on consultant contracts.

Item 1: Previously approved and/or unavoidable budget adjustments (\$31,592)

Recommendation: Augment budget to include these expenses and authorize expenditures within interim contract payment limit.

Item 2: NCCP Upgrade (\$76,454)

Recommendation: Augment budget to include these expenses and authorize expenditures up to \$35,000 within interim contract payment limits.

Item 3: Enhanced Endangered Species Act Coverage: Additional Covered Species (\$48,000)

Recommendation: Provisionally augment budget to include these expenses. Authorize expenditures if dedicated funding is secured. If only partial funding is secured, authorize staff to prioritize additional species and add as many as can be funded.

Item 4: Biology Upgrade: Small Scale Features (\$35,000)

Recommendation: Provisionally augment budget to include these expenses. Authorize expenditures if dedicated funding is secured.

Item 5 : Enhanced Public Involvement (\$64,590)

Recommendation: Augment budget to include these expenses and authorize expenditures of up to \$40,000 within interim contract payment limit. Reconsider remainder in 9 months if fund-raising efforts unsuccessful.

Item 6: Increased staff support (\$71,500)

superceded--please see addendum

Recommendation: Augment budget to include expenditures of up to \$6,500 within interim payment limit.

Fund-Raising Strategy: Staff recommends that the EGC approve the fund-raising strategy presented on page 2 of the recommended budget and authorize staff to pursue and apply for funds from the sources identified.

Preliminary Contingency Strategy: The analysis below considers potential approaches for addressing funding shortfalls. Staff recommends that the EGC review the Preliminary Contingency Strategy and direct preparation of a more detailed plan in 9 months should we be faced with a projected funding shortfall.

Scenario	Hypothetical Reduced Funding Level	Cuts needed from \$1,191,136 budget	Tasks to consider cutting	Incremental Cost Savings	Comments
A	\$779,762	\$411,374	Wetlands permitting	\$75,000	Chance of receiving any permits or producing an approvable plan is very small. Resources agencies would almost certainly insist on EIR/EIS. Wetlands permits is a principle of participation. Inadequate staff support. Better to suspend project pending new funds.
			All budget augmentations except item 1 (but cut fish analysis) and except NCCP Planning Agreement	\$293,516	
			Negative declaration rather than EIR/EIS	About \$50K	
B	\$975,000	\$216,136	Remainder of NCCP upgrade (item #2) not authorized for expenditure	\$41,454	Partial NCCP upgrade would hurt chances for approving NCCP. Inadequate staff support would require major reduction in project oversight and in public involvement. Elimination of augmentation items #3 and #4 would reduce effectiveness and acceptability of plan. Overall chances of receiving permits and producing an approvable plan substantially reduced.
			Augmentation item #3: additional covered species	\$48,000	
			Augmentation item #4: Biology Upgrade	\$35,000	
			Remainder of Public Involvement Upgrade (item #5) not authorized for expenditure	\$24,590	
			Remainder of increased staff support (item #6) not authorized for expenditure	\$65,000	
C	\$1,125,000	\$66,136	Remove three species from augmentation item #3: additional covered species	\$22,500	Public involvement program would suffer from fewer meetings, fewer interim products, and no extended analysis of multiple impact scenarios. Mapping component of NCCP could perhaps be performed by County, but not assured.
			Remainder of Public Involvement Upgrade (item #5) not authorized for expenditure	\$24,590	
			Mapping portion of NCCP Upgrade	\$15,000	

Alternative Budget Scenarios: The hypothetical Contingency Strategy scenarios presented above may also serve as a guide to framing alternatives to the Recommended Budget presented by staff, should the EGC wish to explore these.

Staging Budget Decisions: As mentioned previously, the authorizations recommended by staff were designed with the understanding that, at some time, we will know more about the success of our fund-raising efforts with Congress, Section 6 grants, etc. The recommended expenditure limitations authorize work on tasks that are necessary in the short term, but leave us in a position to cut back on the project should fund-raising efforts be unsuccessful. For example, it would be possible to shift to Contingency Strategy B (above), the \$975,000 strategy, in 9 months if fund-raising efforts were not successful. Including the full costs of new tasks in the budget provides a clear fund-raising goal; including the expenditure limitations allows us to maintain flexibility should we be faced with tough decisions in the future.

superceded--please see addendum

Authorization to Modify Notice to Proceed Letter: The HCPA's contract with Jones and Stokes includes an overall payment limit of \$705,400, but also includes provisions for setting an interim payment limit through the issuance of Notice to Proceed Letters. As authorized by the EGC in September, the interim payment limit is currently set at \$342,908. Staff recommends a \$80,000 increase to the interim payment limit to cover additional work on Phase 2. The HCPA currently has enough funds in its account to cover the \$80,000 increase and all other existing obligations. If dedicated outside funds are received for budget augmentation items #3 and #4 (Additional Covered Species and Biology Upgrade: Small Scale Features), staff requests authorization to raise the interim payment limit by an amount equal to the amount of funds received.

G:\Conservation\HCPA\EGC\12-12-02\cov mem 8ab budget.doc

EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN ASSOCIATION

Recommended Budget

December 12, 2002

***superseded--please
see addendum***

REVENUE (Current)

		<u>Deposited in HCPA account</u>
CCWD	\$325,000	\$325,000
Route 4 Bypass	\$100,000	\$100,000 ¹
City of Clayton	\$11,762	\$10,000
EPA Grant (Approved)	\$75,000	\$50,000
CCWD (FESA Map Transfer)	\$40,000	\$40,000
FWS/CDFG Section 6 Grants (approved)	<u>\$228,000²</u>	<u>awaiting contract³</u>
Total current revenue	\$779,762	\$525,000

EXPENSES (previously budgeted)

	<u>Total estimated</u>	<u>Billed to date</u>
Jones & Stokes (Project Consultant)	\$716,400	\$287,263
County - Coordinating Agency	\$100,000	\$39,853
Independent Science Review (including J&S)	45,000	\$11,263
Business Expenses	<u>4,600</u>	<u>\$0</u>
Total previously budgeted expenses	\$866,000	\$338,379

RECOMMENDED BUDGET AUGMENTATION (additional tasks)(see attached for details)

	<u>Total recommended</u>	<u>Billed to date</u>
Jones & Stokes (Project Consultant)		
Remove legal sub-consultant so we can contract directly (\$41,500)		n/a
Additional tasks	<u>\$250,636</u>	n/a
J&S SUBTOTAL	\$209,136	n/a
County - Coordinating Agency	\$50,000	n/a
Legal support from Resources Law Group		
Tasks originally budgeted for JSA subconsultant	\$41,500	n/a
Additional tasks	<u>\$25,000</u>	n/a
RLG SUBTOTAL	\$66,500	n/a
1/5th Share of Institute for Ecological Health Lobbying	<u>\$1,500</u>	n/a
Total recommended budget augmentation	<u>\$327,136</u>	n/a

¹ \$100,000 from the State Route 4 Bypass Authority to be transferred to HCPA account on 12/5/2002

² Our total award amount is \$260K, but we understand that about \$32K will be retained for CDFG admin.

³ Section 6 grant funds are dependent on the HCPA executing a NCCP Planning Agreement and preparing a NCCP. Preparing a NCCP will have additional costs (about \$76K) that are included in the recommended budget augmentation.

***superceded--please
see addendum***

Previously budgeted expenses	\$866,000
Recommended budget augmentation	+ <u>\$327,136</u>
Total recommended expense budget	\$1,193,136
10% contingency reserve	+ <u>\$119,314</u>
Total recommended expenses + reserve	\$1,312,450
Current revenue	- <u>\$779,762</u>
Additional funding needs (total)	\$532,688
Reserve funds committed by CCWD ⁴	- <u>\$32,500</u>
Additional funding needs(minus CCWD contrib.)	\$500,188
Non-CCWD portion of contingency reserve	- <u>\$86,814</u>
Additional funding needs (w/out reserve)	\$413,374

Fund Raising Strategy

Potential Source	Amount to be Requested for HCPA	When may we know if request was successful?
1) Five-County request to Congress for FY'04	\$500,000	Preliminarily in July 2003; Final word in October 2003
2) Augmentation to Section 6 grant awarded this year	\$40,000	Spring of 2003
3) Section 6 grant	\$200,000	September 2003
4) County Fish and Wildlife Propagation Fund (for small scale features mapping (budget item #4))	\$35,000	February 2003
5) Development community (for enhanced permit coverage (additional covered species) (budget item #3))	Up to \$48,000	February 2003
6) CALFED Bay-Delta Program	??	??
7) Other sources (future permit seekers, augmentation of EPA wetlands grant, other grants etc.)	??	??
TOTAL	\$823,000 +	

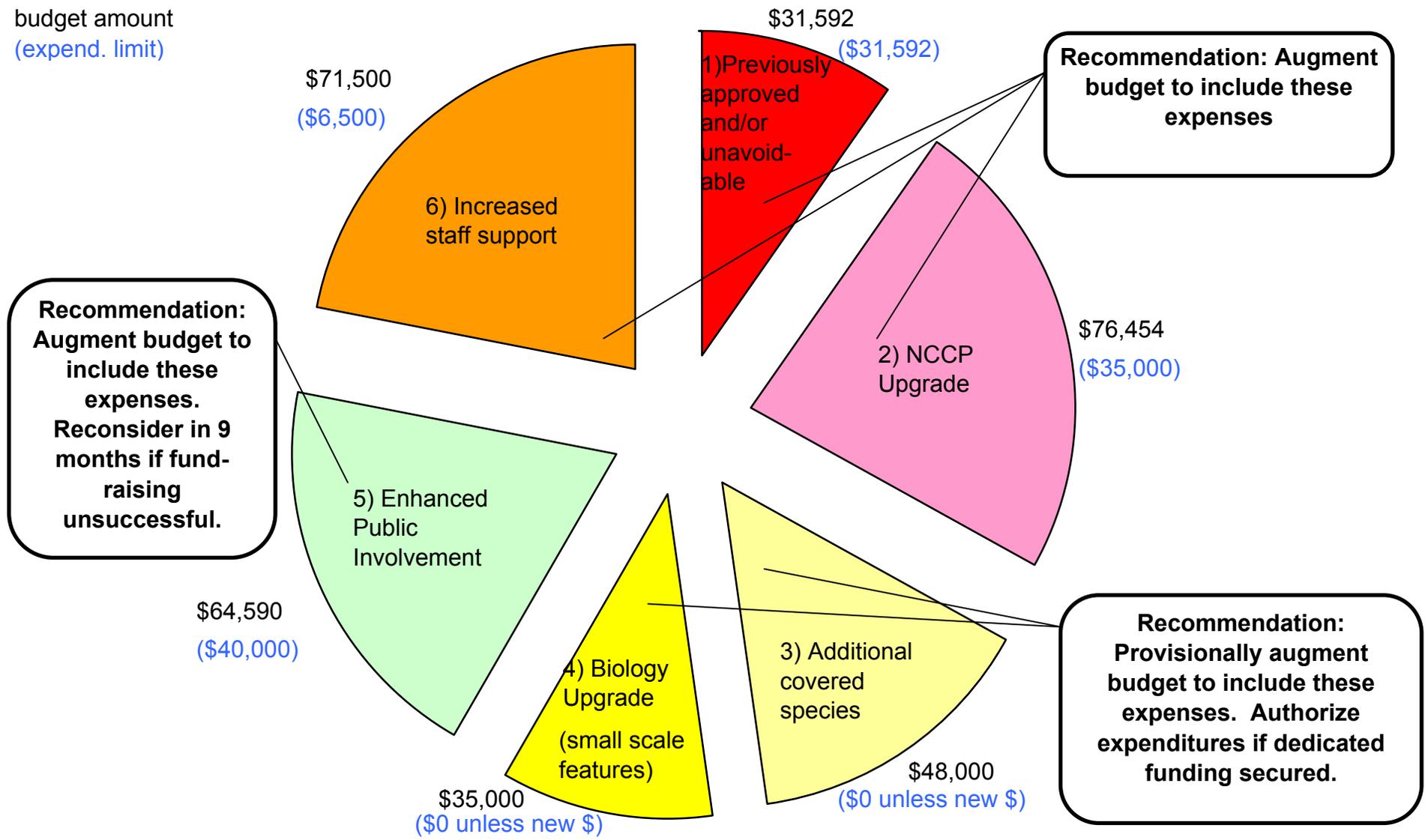
⁴ Article 14 of the HCPA Agreement provides that, if outside funding cannot be found, CCWD will contribute half of contingency funds up to a maximum contribution of \$32,500 to the contingency reserve.

Overview of Recommended HCPA Budget Augmentation

Item #	Task	Cost	Rationale	Recommendation	Recommended potential funding source
1	Previously approved and/or unavoidable budget adjustments	\$ 31,592	These costs either relate to tasks already approved or are essential to complete the project.	Augment budget to include these expenses and authorize expenditures within interim contract payment limit.	General fund-raising effort, including request to Congress, Section 6, etc.
2	NCCP Upgrade	\$ 76,454	The state amended the NCCP Act in 2002, adding additional requirements. \$260,000 in grant funding is tied to our preparation of an NCCP as well as an HCP.	Augment budget to include these expenses and authorize expenditures up to \$35,000 within interim contract payment limits.	General fund-raising effort, including request to Congress, Section 6, etc.
3	Enhanced Endangered Species Act Coverage: Additional Covered Species	\$ 48,000	The Science Advisory Panel and others have identified additional at-risk species that could be affected by impacts we may cover in the HCP/NCCP. The habitat requirements of these species must be studied and included in the plan if our permit is to cover them. The EGC may consider adding all 7 species, only some species, or none.	Provisionally augment budget to include these expenses. Authorize expenditures if dedicated funding is secured. If only partial funding is secured, authorize staff to prioritize additional species and add as many as can be funded.	Seek funding contributions from likely future beneficiaries of the incidental take permit
4	Biology Upgrade: Small Scale Features	\$ 35,000	The Coordination Group and Science Advisory Panel have recommended that our biological inventory be augmented with additional mapping of small scale features such as alkali grasslands and wetlands. This additional work will strengthen the biological foundation of our plan.	Provisionally augment budget to include these expenses. Authorize expenditures if dedicated funding is secured.	Seek dedicated grant from a resource conservation grant source in partnership with members of the Coordination Group
5	Enhanced Public Involvement	\$ 64,590	Experience with Phase 1 of the project suggests that more meetings and interim products will be necessary. Enhanced public involvement in shaping the plan will improve the quality and acceptability of work products, increase the likelihood that the plan will ultimately be accepted and supported by the public.	Augment budget to include these expenses and authorize expenditures of up to \$30,000 within interim contract payment limit. Reconsider remainder in 9 months if fund-raising efforts unsuccessful.	General fund-raising effort, including request to Congress, Section 6, etc.
6	Increased staff support	\$ 71,500	Additional staff support is needed in the form of general legal support to the HCPA, Congressional lobbying, and increased management work from the Coordinating Agency. The Coordinating Agency has assumed additional responsibilities including meeting facilitation and GIS support. Also, this augmentation returns the Coordinating Agency budget back to the \$150,000 originally forecast when individual agencies joined the HCPA. The cost estimate was lowered in 2001 when it appeared that other member agencies would be able to assist the County.	Augment budget to include these expenses and authorize expenditures of up to \$6,500 within interim payment limit.	General fund-raising effort, including request to Congress, Section 6, etc., except for the lobbying expense which would be paid from existing, non-federal funds.
	TOTAL Recommended Budget Augmentation	\$ 327,136			

Overview of Recommended Budget Augmentation and Funding Sources

budget amount
(expend. limit)



Details of Recommended HCPA Budget Augmentation

Item #	Task	Cost Detail	Expend. Limit	Explanation	Additional Detail?	Removed in Contingency Scenario?	Recom. by Staff &/or Consultants	Recom. by Science Advisory Panel	Recom. by Coordination Group
1	Previously approved and/or unavoidable budget								
1a	Clayton sphere addition	\$ 1,495	\$1,495	EGC approved adding Clayton sphere to planning area in May of 2002. Total cost estimated at 3523, with \$533 already spent and Clayton to contribute half (\$1762).	May 2002 EGC packet		X		
1b	Fish analysis	\$ 7,972	\$7,972	In March of 2002, the California Department of Fish and Game documented the presence of chinook salmon in Marsh Creek. Additional field work, research, and agency consultation is needed to determine how the issue of threatened and endangered fish should be handled by the plan. Initial work on this task was included in the \$25K budget augmentation approved by the EGC in September.		A	X		
1c	Antioch adjustments	\$ 9,000	\$9,000	As discussed with EGC in May of 2002, maintaining flexibility on Antioch participation has costs whether or not Antioch ultimately joins. EGC previously agreed to cover such costs, even if Antioch joined, so long as that occurred by September 2002. As an aside, the cost of Antioch participating or not participating will not change until about the spring of 2003 when they would increase significantly.	May 2002 EGC packet		X		
1d	Change in billing rate for project manager	\$ 13,125	\$13,125	Our contract with Jones and Stokes requires that we pay for hours worked at current billing rates.	Note 1		X		
	CATEGORY 1 Subtotal	\$ 31,592	\$31,592						
2	NCCP Upgrade								
2a	NCCP upgrade--findings and public review	\$ 70,618	\$29,164	The state amended the NCCP Act in 2002, adding additional requirements. To approve our plan, the State is now required to make detailed ecological findings that require us to provide substantial additional analysis and documentation. \$260,000 in grant funding is tied to our preparation of an NCCP as well as an HCP.	Recommended scope attached	A, B (partial), C (partial)	X	X	
2b	NCCP agreement review (J&S only)	\$ 836	\$836	The new 2002 NCCP Act requires that the HCPA complete and execute a NCCP Planning Agreement with the State. Staff will draft the agreement, but lead consultant review is required to ensure consistency with scope of work.	Footnote 2	A	X		
2c	Legal support (NCCP Agreement)	\$ 5,000	\$5,000	See 2b above. Legal review will be required before the NCCP Planning Agreement may be finalized.	See staff report	A	X		
	CATEGORY 2 Subtotal	\$ 76,454	\$35,000						

Details of Recommended HCPA Budget Augmentation

Item #	Task	Cost Detail	Expend. Limit	Explanation	Additional Detail?	Removed in Contingency Scenario?	Recom. by Staff &/or Consultants	Recom. by Science Advisory Panel	Recom. by Coordination Group
3	Enhanced Endangered Species Act Coverage: Additional Covered Species			The Science Advisory Panel and others have identified additional at-risk species that could be affected by impacts we may cover in the HCP/NCCP. The habitat requirements of these species must be studied and included in the plan if our permit is to cover them. The EGC may consider adding all 7 species, only some species, or none. Staff and consultants priority rankings for adding these species are provided below.	Science Panel Report #1 and J&S Response in 9/19/02 EGC packet				
3a	Add round-leaf filaree as covered species	\$ 3,000	\$0	1st priority		A, B	X	X	Indiv. Members
3b	Add peregrine falcon as covered species	\$ 7,500	\$0	6th priority (more important if recreational activities to be covered)		A, B, C		X	Indiv. Members
3c	Add short-eared owl as covered species	\$ 7,500	\$0	3rd priority		A, B	X	X	Indiv. Members
3d	Add Western pond turtle as covered species	\$ 7,500	\$0	2nd priority		A, B	X	X	Indiv. Members
3e	Add Western spadefoot toad as covered species	\$ 7,500	\$0	4th priority		A, B	X	X	Indiv. Members
3f	Add California horned lizard as covered species	\$ 7,500	\$0	5th priority		A, B		X	Indiv. Members
3g	Add Northern harrier as a covered species	\$ 7,500	\$0	7th priority		A, B, C			Indiv. Members
	CATEGORY 3 Subtotal	\$ 48,000	\$0						
4	Biology Upgrade: Small Scale Features					A, B			
4a	Additional ground truthing/mapping	\$ 35,000	\$0	The Coordination Group and Science Advisory Panel have recommended that our biological inventory be augmented with additional mapping of small scale features such as alkali grasslands and wetlands. This additional work will strengthen the biological foundation of our plan.	Recommended scope attached	A, B	X		X
	CATEGORY 4 Subtotal	\$ 35,000	\$0						

Details of Recommended HCPA Budget Augmentation

Item #	Task	Cost Detail	Expend. Limit	Explanation	Additional Detail?	Removed in Contingency Scenario?	Recom. by Staff &/or Consultants	Recom. by Science Advisory Panel	Recom. by Coordination Group
5	Enhanced Public Involvement								
5a	20 additional meetings**	\$ 16,590	\$8,000	Phase 1 required 21 additional meetings, but the cost per meeting was 20% less than estimated. This recommendation assumes a similar need for more meetings and a similar cost efficiency in the future	Footnote 3	A, B (partial), C (partial)	X		
5b	Additional revision to conservation strategy based on public comment	\$ 25,000	\$25,000	The Conservation Strategy is the core of the HCP and staff recommends budgeting extra funds to revise the draft Alternative Conservation Strategies report after the initial release in January to ensure that we have adequate resources to produce a strategy that is fully responsive to comments. Participants in the public committees have, to some extent, been unable to comment on the biological inventory and other underpinnings of the conservation strategy until these foundational components could be seen in the context of the conservation strategy. Comprehensive review and availability of funds to make needed changes will improve our likelihood of success.		A	X		Indiv. Members
5c	Analyze multiple impact scenarios	\$ 15,000	\$3,000	The designation of the area to be impacted and covered by the HCP permit could be an intricate and controversial decision. Maintaining a comparison of more than one impact scenario farther into the HCP analysis process (i.e. analyzing the impacts of more than one permit scenario) will provide context to help us make a better decision and will correlate the timing of that major decision to match the timing of other major decisions and improve our ability to develop an HCP that can be accepted by multiple interests.		A, B (partial), C (partial)	X		
5d	Interim products for HCPA CG	\$ 8,000	\$4,000	In Phase 1, we produced extra iterative drafts of several documents, including the habitat models and the 100+ page Biological Resources Inventory (which will become Chapter 3 of the HCP). We expect to have additional need for creating and printing additional drafts in the future.		A, B (partial), C (partial)	X		
	CATEGORY 5 Subtotal	\$ 64,590	\$40,000						

Details of Recommended HCPA Budget Augmentation

Item #	Task	Cost Detail	Expend. Limit	Explanation	Additional Detail?	Removed in Contingency Scenario?	Recom. by Staff &/or Consultants	Recom. by Science Advisory Panel	Recom. by Coordination Group
6	Increased staff support								
6a	Augmentation of Coordinating Agency budget	\$ 50,000	\$0	This augmentation returns the Coordinating Agency budget back to the \$150,000 originally forecast when individual agencies joined the HCPA. The cost estimate was lowered in 2001 when it appeared that other member agencies would be able to assist the County in this regard. Also, the Coordinating Agency has or will assume some other additional responsibilities including: 1) facilitation of Coordination Group meetings; 2) GIS support; 3) preparation of NCCP Planning Agreement. The increased Coordinating Agency workload during the 1st year of the project is documented in the invoices. During the first six months before many of the extra duties were assumed, the Coordinating Agency billed about 200 hours (\$12K). During the second six month period, the Coordinating Agency billed about 500 hours (\$27K).		A, B	X		
6b	General legal support to HCPA	\$ 20,000	\$5,000	In addition to assistance with the Implementation Agreement (part of original Jones and Stokes scope) and with the NCCP Planning Agreement (see item 2c above), staff recommends a modest budget for general legal services including the following: 1) consultation on general legal matters concerning the operation of the HCPA, such as cities and the County have available for conducting their business; 2) guidance on new and emerging legal developments in natural resource law; 3) guidance on integration of wetland and endangered species permitting; 4) review and guidance on development of the Draft HCP.	See staff report	A, B (partial)	X		
6c	One-fifth share of expenses for 5 County Congressional lobbying effort	\$ 1,500	\$1,500	Last year the Institute for Ecological Health coordinated the five-county request to Congress at no charge, logging several hundred hours of time in the process. This year, the Institute has requested a contribution of \$1500 from each participating planning effort to support their coordination efforts in year two.	Staff report for agenda item 8d	A	X		
	CATEGORY 6 Subtotal	\$ 71,500	\$6,500						
	Subtotal for Jones & Stokes	\$ 250,636			Footnotes: (1) Assumes change of \$25/hr for 525 hours (2) Assumes 4 hrs of project manager and 2 hrs of principal-in-charge review of final draft only for consistency with NCCP in process (3) Assumes meetings are 6 hours each (travel, meeting, preparation); The project mangager will attend all 15 meetings; the principal-in-charge or other team member will also attend 5 meetings				
	Subtotal for Coordinating Agency	\$ 50,000							
	Subtotal for Resources Law Group	\$ 25,000							
	Subtotal for Institute for Ecological Health	\$ 1,500							
	TOTAL Recommended Budget Augmentation	\$ 327,136	\$ 113,092						

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

DATE: December 12, 2002
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Review and consider adopting procedures regarding staff authorization to approve new expenses (agenda item #8c)

RECOMMENDATION

1) REVIEW and APPROVE expenditure procedures.

DISCUSSION

At the September meeting of the EGC, staff was directed to prepare a recommendation on procedures for authorizing new expenses not included in the HCPA budget. This report presents the staff recommendation.

The procedures recommended below were designed to provide the flexibility needed to manage a complicated project with time and materials contracts under the supervision of an elected body that meets quarterly while affording the EGC full control. The staff proposal corresponds with EGC direction at the February 2002 meeting authorizing staff to execute contracts of \$25,000 or less and consistent with the HCPA budget.

Recommended procedures:

- 1) The EGC shall have authority to authorize expenditures not included in the approved HCPA Budget. The EGC shall have authority to raise expenditure limits established in the approved HCPA budget and to raise interim payment limits for HCPA contracts.
- 2) HCPA Member Agency staff shall have authority to authorize expenditures not included in the HCPA Budget only if all of the following conditions are met:
 - a) The new expenditure is critical to the success and cost-effectiveness of the project and cannot wait until the next EGC meeting;
 - b) The amount of the new expenditure is \$25,000 or less;
 - c) Sufficient funds exist in the HCPA account to cover the new expense and outstanding obligations.;
 - d) Members of the EGC are provided with 10-day advance written notice; and
 - e) Member Agency staff consult with the EGC Chair and receive approval.

- 3) HCPA Member Agency staff shall have authority to raise expenditure limits established in the approved HCPA budget and to raise interim payment limits for HCPA contracts only if all of the following conditions are met:
- a) Lack of a quorum prevented the EGC from taking action at a scheduled meeting
 - b) The new payment limit is critical to the success and cost-effectiveness of the project and cannot wait until the next EGC meeting;
 - c) The amount of the increased payment is \$25,000 or less
 - d) Sufficient funds exist in the HCPA account to cover the new payment limit and outstanding obligations.
 - e) Members of the EGC are provided with 10-day advance written notice (meeting materials provided for the meeting at which a quorum was not reached may be considered as sufficient notice); and
 - f) Member Agency staff consult with the EGC Chair and receive approval.

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

DATE: December 12, 2002
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Resolution of support for a request for \$3 million in planning funds to the U.S. Congress to fund five on-going conservation planning efforts in Northern California, including the planning effort of the HCPA

RECOMMENDATION

- Approve the attached resolution and support a request for \$3 million in federal conservation planning funds to be distributed among five Northern California HCP efforts, including the HCPA.
- Approve the expenditure of \$1,500 for John Hopkins' (Institute for Ecological Health) services to coordinate public outreach efforts, a one-fifth share of the public outreach costs for this five-county effort.

FISCAL IMPACTS

If the request is successful, awarded funds could address a substantial portion of the HCPA's fund-raising needs. The staff costs to pursue this funding request, including attendance of coordination meetings and potential travel to Washington D.C. to pursue this request with Congressional staff, are covered within the existing approved HCPA budget for the Coordinating Agency staff. The cost for Institute for Ecological Health public outreach is covered in the revised Budget to be discussed under agenda item 8b.

DISCUSSION

A five-county coalition in Northern California (including the HCPA) pursued such a request last year but were unsuccessful. However, on several occasions in recent years—including last year—five counties in Southern California have successfully requested from Congress direct appropriations of planning funds to support their on-going conservation planning efforts. Based on the Southern California experience and the continuing need for additional planning funds, staff from partner counties are recommending that we try again this year.

Five Northern California regional conservation planning efforts are considering participation in the joint request. Those five efforts are: the East Contra Costa County HCP, Solano County, Yolo County, Sacramento County, and Santa Clara County. Placer County's participation is as of yet, undetermined. The Sacramento County Board of Supervisors approved their resolution in early December and other efforts are scheduled to make their decisions in the next few weeks.

A number of factors are different this year and suggest that the request will be received more favorably. The addition of Santa Clara County to the coalition of counties involved in the application for funds should positively affect the outcome (the Santa Clara County Congressional delegation is likely to be very supportive). Additionally, there has been increased outreach to the Senator Feinstein and Barbara Boxer, as reported previously. We will also make an earlier start this year and attempt to learn from our experiences last year.

Throughout the process, meetings have been coordinated by the Institute for Ecological Health (IEH), a non-profit organization based in Davis, California that has been an active participant in, and advocate for, several conservation plans in the area. The assembled parties agreed that a joint request would have a greater likelihood of success than either separate requests or continuous grant applications for Endangered Species Act planning funds (so-called Section 6 grants, such as the \$160,000 grant awarded to the HCPA this year). IEH has provided this service at no-charge to date, but has requested a \$1500 contribution from each partner for the year 2 effort.

Last year, John Hopkins and planning staff from Sacramento County traveled to Washington D.C. in February in support of the five-county request. HCPA staff have been asked to be a part of a similar outreach effort in February 2003, should the EGC authorize our participation.

Attached please find the recommended resolution of support. Attachment A to the resolution describes the process and criteria for recommending a distribution of awarded funds among the five participants. This is necessary as Congress would not provide the money directly to local agencies, relying instead on an agency like the U.S. Fish and Wildlife Service to distribute the funds. By the criteria in Attachment A, funds awarded would be split among the five planning efforts on the basis of need and local match. The possibility of subsequent requests to Congress was considered while drafting Attachment A. Staff from the partners efforts have had preliminary discussions on tentative recommended allocations because last year Congressional staff asked for a preview of what the process in Attachment A was likely to yield if full-funding was secured. The preliminary allocation to the HCPA is \$500,000.

RESOLUTION NO. 03-02

A Resolution Of The Executive Governing Committee of The
East Contra Costa County Habitat Conservation Plan Association (HCPA)
To Support:

The Northern California Regional Conservation Planning Funding Partners To Seek
Federal Funding For Local Conservation Planning

WHEREAS, jurisdictions in Contra Costa, Sacramento, Santa Clara, Solano and Yolo Counties have embarked on habitat conservation planning (HCP) or Natural Community Conservation Planning (NCCP) to conserve species and their habitats and aid our economies through efficient permitting; and,

WHEREAS, these planning efforts will provide regulatory relief by streamlining the permitting process, identifying the costs earlier in the process, and providing time for complying with state and federal environmental regulations; and,

WHEREAS, these planning efforts will offer opportunities for landowners to voluntarily participate in the selling of conservation easements, transfer of development rights or sale of land; and,

WHEREAS, these planning efforts will set a national example of how to integrate conservation of biological resources and the protection of an important agricultural industry with rapid growth within the six county region; and,

WHEREAS, these planning efforts will aid in the recovery of endangered and threatened wildlife species and enhance their habitats; and,

WHEREAS, regional, landscape level conservation planning efforts will protect a broad diversity of species and habitats; and,

WHEREAS, the HCPA has raised \$475,000 of local funding and total of \$780,000 to perform work on the HCP/NCCP, but needs additional funding to complete the project; and,

WHEREAS, multi-county applications have multiple benefits including better likelihood of success, improved coordination and better integration of planning efforts

NOW, THEREFORE, BE IT RESOLVED that the Executive Governing Committee of The East Contra Costa County Habitat Conservation Plan Association does hereby support working together with agencies from Sacramento, Santa Clara, Solano and Yolo Counties to request from the United States Congress \$3,000,000 in funding to be dispersed to the five jurisdictions' agencies (see attachment A) through the fiscal year

2004 Interior and Related Agencies Appropriations bill, anticipated to be passed by Congress in 2003.

* * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 12th day of December, 2002 by the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair of the Executive Governing Committee
of the East Contra Costa County Habitat
Conservation Plan Association

ATTEST:

donna Gerber,
Secretary

Attachment A
to Resolution No. 03-02 of the
East Contra Costa County Habitat Conservation Plan Association

Allocation of Funds Received

Should the United States Congress approve the joint funding request described in the attached Resolution, the local conservation planning efforts within the Counties of Contra Costa, Placer, Sacramento, Solano, and Yolo (“local planning efforts”) shall develop a recommended plan for allocating funds among the five participating local planning efforts (“recommended allocation plan”). Local planning efforts shall submit the recommend allocation plan to the U.S. Fish and Wildlife Service, the entity that will be charged by the United States Congress with receiving and distributing any funds that are granted. Local planning efforts shall also submit the recommended allocation plan to the California Department of Fish and Game for review and comment.

Local planning efforts shall base the recommended allocation plan on the following criteria:

- No local planning effort shall receive less than 10% of the funding approved by the United States Congress, but the local planning effort may choose to decline the 10%;
- Funding allocations to local planning efforts beyond the 10% minimum shall be consistent with the goals of conservation planning and determined on the basis of the following two factors:
 - 1) Need, as measured against both annual budgets and overall project budgets;
 - 2) Past and present commitment of local funding to on-going conservation planning efforts, including funds and staff time provided by involved local jurisdictions, funds generated by these jurisdictions from the collection of fees, and funds contributed by other local sources such as property developers.

The preliminary allocation for Contra Costa County for fiscal year 2004 is \$500,000.

Local planning efforts shall attempt to apply the above criteria and approve a recommended allocation plan by unanimous consent. Should this not be possible, local planning efforts shall provide the U.S. Fish and Wildlife Service with a copy of this document, as well as any unanimously approved summary of the outcomes of local jurisdictions’ deliberations, and ask the U.S. Fish and Wildlife Service to determine an equitable allocation.

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

DATE: December 12, 2002
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Contract with Resources Law Group

RECOMMENDATION

- 1) AUTHORIZE execution of \$66,500 contract with the Resources Law Group for HCPA legal services.
- 2) SET an interim contract limit of \$10,000 for work on the NCCP Planning Agreement and general legal support over the next 9 months.

FISCAL IMPACTS

\$41,500 of this expense was already budgeted and included in the Scope of Services for Jones & Stokes. The remaining \$25,000 is included in the recommended budget to be discussed under item #8b.

DISCUSSION

The scope of work for the Jones & Stokes contract includes Resources Law Group as a subconsultant. In that scope of work, Resources Law Group (RLG) was to develop the HCP Implementation Agreement at a cost of \$41,500. Jones and Stokes and Resources Law Group now recommend that we contract with RLG directly rather than as a subconsultant so that there is no uncertainty about whether the HCPA and RLG would be entitled to attorney-client privilege. In addition to this change, staff are further recommending that we add \$25,000 to the contract with RLG, \$5,000 for support on finalizing the NCCP Planning Agreement and \$20,000 for advice on legal aspects of developing the HCP and for general legal operational support such as is required for cities and counties. The hourly billing rate for RLG would remain the same as in the Jones and Stokes contract, \$250 per hour.