

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

REGULAR MEETING

Date: Wednesday, February 23, 2005

Time: 5:00 p.m. to 6:30 p.m.

Location: City of Pittsburg City Hall
1st Floor Conference Room
65 Civic Drive, Pittsburg

Agenda

- 1) Introduce Executive Governing Committee (“EGC”) members, staff, and any members of the public.
- 2) Public Comment.
- 3) Elect EGC officers (Chair, Vice-Chair, and Secretary)
- 4) Approve Meeting Report for September 29, 2004.
- 5) Updates, status reports, and release of Draft HCP/NCCP:
 - a) General (John Kopchik, HCPA staff, and David Zippin, Jones and Stokes Associates)
 - Overview of HCP/NCCP Planning effort, including discussion of key policy issues (powerpoint presentation)
 - Work of consultants and products
 - Wetlands
 - EIR/EIS
 - Implementation Agreement/Implementing Ordinance
 - Funding
 - Schedule
 - b) Public Outreach and Involvement Program, including:
 - Web-site
 - HCPA Coordination Group
 - Additional meetings attended and outreach performed
 - Plans for other public meetings and workshops
 - c) State and federal resource agency perspectives
 - 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.
- 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
 - 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 the Jones and Stokes contract up to the contract limit as sufficient funds are deposited in the HCPA account.
 - c) Consider amending contract with Resources 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 contract up to the contract limit as sufficient funds are deposited in the HCPA account.
- 7) Legislation: Consider two resolutions and 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 letter to Congresspersons Miller and Tauscher for past assistance, including recent assistance with a letter of support on EPA grant.
- Request \$250,000 from the federal Energy and Water Appropriations bill to support U.S. Army Corps of Engineers' participation in regional wetland permitting efforts in six northern California Counties;
 - Request \$3 million from the federal Interior appropriations bill to support development and implementation of individual conservation planning efforts in six northern California Counties;
 - Declare the 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 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.
- 8) Administrative matters:
- Ratify invoices submitted by Jones and Stokes, Contra Costa County, and the Resources Law Group and paid by the HCPA Treasurer.
- 9) Review future Executive Governing Committee discussion items.
- 10) Select Next Meeting Dates
- Alternative recommended dates for next meeting:
 - Thursday, April 7, 2004 (1st Thursday)
 - Thursday, April 14, 2004 (2nd Thursday)
 - Thursday, April 28, 2004 (4th Thursday)
 - Thursday, May 5, 2005 (1st Thursday)
 - Thursday, May 12, 2005 (2nd Thursday)
 - Thursday, May 19, 2005 (3rd Thursday)
 - Considering scheduling follow second meeting or setting a regular meeting schedule for 2005
- 11) Adjourn by 6:30 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.

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.

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

DATE: February 4, 2005
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: EGC Officers (agenda item #3)

RECOMMENDATION

Elect EGC officers (Chair, Vice-Chair, and Secretary).

DISCUSSION

The Joint Exercise of Powers Agreement that created the HCPA specifies that the EGC shall have three officers a Chair, Vice-Chair, and Secretary. The Chair conducts meetings, signs correspondence, and performs other duties as the EGC's representative, as authorized by the EGC. The Vice-Chair performs the duties of the Chair in the Chair's absence. The Secretary signs official documents on behalf of the HCPA, such as consultant contracts, unless the EGC authorizes staff or the Chair to execute a particular document. The prior Chair, Vice-Chair and Secretary (Jeff Huffaker, Bill Hill, and Millie Greenberg) no longer serve on the EGC. Traditionally, a County representative to the EGC has served as Secretary for the simple reason that it is logistically easier for County staff to obtain signatures from County Supervisors.

An updated roster of EGC members is attached.

Executive Governing Committee
East Contra Costa County Habitat Conservation Plan Association
February 4, 2005

Representative	Agency/Organization
Councilmember Ana Gutierrez	City of Brentwood
Councilmember David Shuey*	City of Clayton
Councilmember Greg Manning	City of Clayton
Councilmember Pat Anderson	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
September 29, 2004**

INTRODUCTION

The East County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) met on Wednesday, September 29, 2004, 5:30 p.m. in the City of Pittsburg City Council Chambers. In attendance were EGC Representatives from City of Oakley (Chair Jeff Huffaker), City of Brentwood (Council Member Bill Hill and Ana Gutierrez, Alternate), City of Clayton (Council member Greg Manning), City of Pittsburg (Council member Michael Kee), Contra Costa Water District (Vice President Elizabeth Anello), and East Bay Regional Park District (Director Ted Radke).

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) **Approve Meeting Report for June 17, 2004.** The meeting report was unanimously approved as presented (5-0).
- 4) **Updates and status reports.**
 - a) **General (John Kopchik, HCPA staff, and David Zippin, Jones and Stokes Associates)**
 - **Work of consultants and products.** Mr. Zippin reported that for the period from May 2004 to August 2004 the consultant made good progress on issues related to regional permitting and regional wetlands inventory. Several meetings were held with United States Fish & Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) to address staff comments. Major progress was made working with the Coordination Group on the fee structure, survey requirements, and land acquisition process. The consultant has spent \$832,477 to date.
 - **Wetlands.** The Army Corps of Engineers continue to be supportive of relating the HCP to the regional wetlands permitting program. The concept is being discussed with the Coordination Group.
 - **EIR/EIS.** The Draft EIR/EIS is scheduled to be released for public review along with the draft HCP/NCCP and the Implementing Agreement. Staff hoped to have this documents ready early in 2005. Review of the administrative draft EIS by USFWS is taking longer than expected.

- **Implementation Agreement.** The draft agreement will be part of the document package to be issued for public review.
- **Funding.** The HCPA received notification that its 2004 Section 6 grant funding application had been approved for \$350,000, of which the HCPA will receive about \$300,000 after agency overhead. Also the HCPA was notified that through reprogramming an additional \$70,000 (HCPA share = \$59,000) of 2004 Section 6 funding would be made available to the project. This brings the total contributions for the project to more than \$1.4M, which is sufficient to cover all expected project costs. Revised project cost-estimates will be presented at the next EGC meeting.
- **Scheduling.** Transforming the Preliminary Working Draft HCP into a formal Draft HCP has taken longer than expected for a variety of reasons. Agency 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 early 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.** A subcommittee was formed and has met three times to resolve issues related to the fee structure. The full Coordination Groups continues to meet on a monthly basis.
- **Additional meetings attended and outreach performed.** Since the EGC last meeting Agency Staff provided four presentations to interested groups and City Councils.
- **Plans for other public meetings and workshops.** Agency Staff is planning future presentations throughout the county.
- **State and federal resource agency perspectives.** There were no comments made by resource agency representatives present at the meeting.

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

Consider amending contract with Jones and Stokes to increase overall contract limit by \$45,000 from \$942,000 to \$987,000, consistent with the action authorized by the EGC in June 2004 to include Flood Control and certain unincorporated road projects as covered activities in the HCP once funds are received from the proponents for this work (funds have been received). 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 accommodate the additional work needed to cover rural infrastructure projects. The County has contributed \$65,000 to have these activities included in the HCP, with \$45,000 going to consultant costs and the remaining \$20,000 going toward administration and buy-in. The EGC unanimously approved the action (5-0).

6) **Policy discussion and guidance to staff and Coordination Group:**

a) **Report from Coordination Group with recommendations regarding:**

- i. **Overall funding plan for implementing the HCP/NCCP:** Agency Staff reported that good progress had been made working with a subcommittee of the Coordination Group in developing a fee structure that is close to having the general consensus of the group. The EGC was supportive of continuing to work with the Coordination Group to build consensus on the remaining issues. Also, Agency Staff are encouraged to continue to work with the Army Corps of Engineers to incorporate the regional wetland permitting aspects as much as possible.
- ii. **Fees, including fees on new development, on wetland impacts, and on rural road projects:**

Fees on new development. The fees on new development were reviewed and Agency Staff stated that there is a consensus on these fees with the Coordination Group with some caveats for the outstanding issues discussed below. New development is expected to fund approximately 52% of the total plan cost, or about \$150M, through base development fees. It is expected that as much as 15,000 new acres of development could occur within the 30-year planning horizon of the HCP. The fees will be tiered based on the land types being affected according to prescribed “fee zones” that closely correspond with landcover patterns. Development in infill areas (essentially small vacant lots surrounded on 4 side by development) will pay the least, about \$4,500 per acre. Development in the natural areas zone will pay the most, about \$18,100 per acre. Development in the agricultural (ag) land zone will pay \$9,000 per acre. A majority of the developable acres in the permit area are ag land. Brad Brownlow of Morrison and Forester provided public comment during this portion of the meeting. He mentioned that it was his opinion that the development community could live with these fees but assurances were needed that the process would truly be streamlined with agreement on the fees. The EGC generally concurred with the proposed fee structure.

Wetlands impacts. The wetland fee for various land cover types was reviewed. The proposed fee ranges from \$43,000 per acre up to \$169,000 per acre. It was noted that these fees only cover restoration costs. The base development fee would also be paid for the affected wetland area and would pay for the land acquisition component of the mitigation. Agency Staff indicated that the wetland fee will be converted to a per linear foot basis instead of a per acre

basis for linear features such as streams. Developers would have the option of providing the wetlands mitigation directly instead of paying the fee.

Rural road projects. Agency Staff explained that new road projects within the urban limit line (ULL) would be treated like any other urban development project covered in the HCP and those outside the ULL have very different impacts and must be treated differently. There are two key aspects in determining the mitigation needed for rural roads: 1) what kind of design guidelines can apply to the new roads to minimize their impacts (such as features that allow wildlife to safely cross roads) and 2) how much impact do the roads have relative to typical urban development, in other words what fee amount is fairly assigned to rural road. Agency Staff are working on building consensus on both of these issues. The EGC expressed some reservations with rough draft fees being proposed and requested that staff seek to develop a more detailed methodology for calculating fees.

iii. Other outstanding issues Coordination Group members feel need to be resolved at the same time as fees are set:

Fee adjustment inflation index. The HCP identifies an annual adjustment of the fee and a true-up to occur every five years. The index being considered uses a 1/3 weighting for CPI and a 2/3 weighting for real estate costs. One thing learned from other HCP's is that not adjusting fees to keep pace with costs has resulted in under collection of funds to pay for conservation land and has created a risk of losing regional permit coverage. Additional work is needed to determine an appropriate real estate index. The EGC was supportive of continuing this work.

Outside Funding. With 52% of the costs being covered by fees on new development and approximately an additional 5% likely to be covered by wetland impact fees, rural fees, etc., the other 40 to 45% of costs will need to be funded by public sources. There are two main ways that the HCP would secure this funding: a) through a maintenance of existing conservation efforts by local and state and federal agencies (more than 40,000 acres of conservation land exists today in East County and such conservation can reasonably be expected to continue with or without the HCP); and b) through state and federal funding sources that can only be used for HCPs. The EGC supports continuing staff analysis to document that the non-fee-funded portion of the plan can be covered by maintenance of effort and by pots of funds only accessible to HCPs.

Critical Habitat Exemption – A critical habitat exemption is typically given to areas covered by an HCP because the HCP provides assurances that habitat needs will be addressed. Many areas within the HCP have been designated as critical habitat for tiger salamander. Therefore Agency Staff is recommending that an exemption for the plan area be requested. The EGC concurred with this recommendation.

Other Items – There are several other issues that the Coordination Group has raised and the EGC directed Agency Staff to continue working with the group to come to consensus.

- b) **Consider recommendation by Staff/Coordination Group regarding Jump Start and Stay Ahead provisions.** These are provisions that are needed to ensure that assembly of the preserve system keeps pace with progress toward buildout. Agency Staff are having discussions with USFWS and CDFG about candidate projects in the area that could provide the means to jump-start the implementation. Agency Staff discussed these requirements with the EGC and the EGC was supportive of continuing with the approach being taken.
 - c) **Consider recommendation by staff to not cover rural residential development under the HCP/NCCP due to the difficulty of addressing detailed projects in a programmatic manner.** The EGC concurred with Agency Staff's recommendation to not cover rural residential development because it needs to be evaluated on a case-by-case basis.
 - d) **Consider directing staff to prepare and release a Draft HCP/NCCP that incorporates policy direction provided by the EGC under items (a), (b), and (c) above.** The EGC would prefer to meet again prior to the release of the documents for public review, though it authorized staff to release the documents if the EGC meeting had to be delayed. The EGC also directed Agency Staff to continue to seek consensus with the Coordination Group on the remaining issues where possible prior to the next meeting.
- 7) **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).
- 8) **Review future Executive Governing Committee discussion items.** Areas of interest for future agenda topics included a continuation of the unresolved items discussed in this meeting, a discussion of how much public access to provide in the conservation areas, and a discussion about the operations and maintenance responsibilities for the conservation areas.
- 9) **Select Next Meeting Dates:** December 9, 2004, 5:30 pm at the Pittsburg City Council Chambers was selected as the next meeting date. (ultimately, this date had to be changed)
- 10) **Adjourned at 7:09 p.m.**

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

DATE: September 29, 2004
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Updates, status reports, and release of Draft HCP/NCCP

RECOMMENDATION

- 1) ACCEPT status report on the project and AUTHORIZE staff to release the Draft HCP/NCCP and related documents for public review, should this be possible before the next EGC meeting.

FISCAL IMPACTS

None.

DISCUSSION

a) General update: HCPA committees, staff, and consultants are working intensively to prepare for the next major HCPA milestone, the release of the formal Draft HCP / NCCP, the Draft EIR / EIS, the Draft Implementation Agreement and other related documents. Mid April is now the target for completing these documents. Staff and consultants have recompiled and updated all elements of the HCP into one organized package for concurrent review by all departments of the wildlife agencies (including attorneys and environmental compliance specialists) to create a publishable Draft.

Staff will provide a powerpoint presentation to update the EGC on the planning effort.

- **Work of consultants and products:** Jones and Stokes will provide a powerpoint presentation
- **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). The history of our efforts has been more fully recorded in past reports and is not worth dredging up here. Suffice it to say that we now feel that all wetlands agencies, including the Army Corps (who have been supportive and engaged the longest) and the Regional Water Quality Control Boards are interested in our effort and are willing to work with us to develop regional permitting programs. If you care to know more detail, provided below is a status report recently provided by email to wetland agencies:

Coordinating wetlands permitting and the HCP: a status summary and proposed workplan for the next months (originally presented by email to wetlands agencies; repeated here for EGC review)

We are making good progress on the East Contra Costa regional conservation plan and it is time to define key provisions related to wetlands permitting and conservation. In a nutshell, here's where we are:

a) The HCP/NCCP is coming together nicely and we hope to have an NOA in the Federal Register and a formal public draft HCP as early as mid April.

b) The 404 Regional Simplified Permit Program (SPP) has been through a couple of iterations and an Aquatic resources Inventory has been developed. Both documents were crafted in close consultation with the USACE and USEPA. The Draft SPP and Inventory have been presented to our stakeholders and some feedback has been received. Both items were couched as documents prepared in consultation with USACE and USEPA but still fundamentally as draft proposals formulated by local government agencies. We propose to include both the Inventory and a Draft RPP proposal as appendices in the HCP/NCCP. To review, the SPP is essentially a modified Nationwide Permit Program. We understand it would supplant the Nationwide Program in our HCP area and contain locally tailored avoidance, minimization and mitigation measures that parallel the HCP/NCCP. We understand the Corps would seek to perform its own NEPA, relying on the HCP EIS but not exclusively.

c) Regarding 401 Cert and WDRs, significant outreach has occurred with the Regional Boards. Region 2 (SF) has expressed interest in helping to shape a 401/WDR program that is coordinated with the HCP. Region 2 may be able to take a lead role in working out the details, though additional discussion is needed with both Boards on that and on the role of the SWRCB. I think the 401/WDR permit program could look a lot like the 404 SPP. We have started to discuss a permit program outline with the SF Regional Board. We understand from our meetings that we may need to offer some assurances that resources in one Region won't be completely sacrificed for the benefit of resources in another Region, but also that this doesn't mean there must be a brick wall through the inventory area either. The SF Regional Board would like to rely on the EIR prepared by the local agencies for CEQA.

d) 1602, Streambed Alteration. Fish and Game, as key participant since the very beginning, is working with us to outline a streambed alteration agreement program that, like the 404 SPP and 401/WDR program, would require the applicant to get permit coverage directly from CDFG, but would rely on the provisions of the HCP/NCCP for avoidance, minimization, and mitigation. CEQA would be under the HCP EIR.

Here's what I see as the key remaining tasks, at least in the next few months:

e) We need to define the key provisions and limitations of wetlands permitting and conservation. For instance, what should the caps be per project and cumulatively on wetlands fill? What should the mitigation ratio be? What stream set backs will be required? Proposed answers to many of these questions have been formulated in an HCP context and will be provisions of the Draft HCP.

We would like to seek the input of all the affected agencies--wildlife and wetlands--on these key provisions now so that this input can be captured in the Draft HCP.

f) We need to start crafting an agreement between the wetlands agencies and the local agencies regarding implementation of the mitigation aspects of the regional wetlands permit programs. Developers would receive permits directly from the wetlands agencies and the wetlands agencies would ensure that avoidance and minimization conforms to the wetland program rules. But mitigation would occur through the local agencies and we expect the wetlands agencies will want to memorialize and assure the timely and effective performance of mitigation through an MOU of some sort with the local agencies. We propose a joint MOU that includes the wetlands agencies and the local JPA that will implement land acquisition, restoration, etc.

- **EIR / EIS:** A separate team within Jones and Stokes is working to complete a Draft EIR / EIS. The HCPA will be the lead agency under CEQA. The USFWS will be the lead agency under NEPA. Review of the preliminary draft EIS is taking longer than expected. The next EGC meeting could also serve as a CEQA hearing.
- **Implementation Agreement:** Resources Law Group is taking the lead in drafting an Implementation Agreement and has created several iterations for review by staff. A Draft Implementation Agreement will be part of the package of draft documents staff hopes to release in April.
- **Implementing Ordinance:** Resources Law Group is taking the lead in drafting a template Implementing Ordinance. A Draft template Implementing Ordinance will be part of the package of draft documents staff hopes to release in April. 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.
- **Budget update:** see agenda item #6
- **Schedule update:** As summarized above, HCPA committees, staff, and consultants are working intensively to prepare for the next major HCPA milestone, the release of the formal Draft HCP / NCCP, the Draft EIR / EIS, the Draft Implementation Agreement and other related documents. Mid April is now the target for completing these documents.

b) Update on the Public Outreach and Involvement Program:

- **Web site:** <http://www.cocohcp.org>, is continuously updated to reflect meeting records, future 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 Working Draft HCP/NCCP. Maps that are part of then Working Draft HCP/NCCP are also available online.
- **HCPA Coordination Group:** The CG has met four times since the last EGC meeting in June and the CG Funding Subcommittee has also met three times. The CG agendas, and meeting records are available on the HCPA website.
- **Additional meetings attended and outreach performed:** Since the last EGC meeting, presentations have been made to the Brentwood City Council (January 25), to the 6 county “Northern California Conservation Planning Partners” (we are a member of this group) Annual Conference (November 16), to the Continuing Legal Education Annual Endangered Species Conference (December 3), to the Dutch Slough restoration Committee (December 9), and to Bay Area Conservation Biology Symposium at Stanford (January

22). Numerous individual meetings have also been held with individual development, conservation, and landowner interests to discuss the HCP.

- **Plans for other public meetings and workshops:** Staff continues to be open to making presentations to public groups. A new round of update reports to the HCPA land use planning agencies should begin in a few months once the Draft HCP is released.

Staff has arranged a briefing on the East Contra Costa County HCP/NCCP with Ryan Brodrick (Director of the California Department of Fish and Game) and Steve Thompson (Regional Manager, California-Nevada Field Operations Office, US Fish and Wildlife Service) for February 25 at 10 am in Sacramento. Delegates from the EGC are most welcome.

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 November in Vacaville. EGC members will receive an invitation.

c) State and Federal Resource Agencies' perspectives: Agency representatives may be present and may wish to comment on the direction of the planning effort.

d) Consider authorizing staff to 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: Staff seeks this direction in case the HCP is ready before the EGC meets again, to keep the project moving as quickly and efficiently as possible. Staff believes that the policy guidance previously provided by the EGC has been incorporated in the draft documents.

A copy of the background materials for agenda item #6 from the September 29, 2004 packet is enclosed (bound separately). That item provided an overview of funding and key outstanding issues identified by stakeholders. Following this page please find those funding tables that have been updated. At the February 23 meeting, staff will review progress toward addressing the key outstanding issues identified by stakeholders.

Draft Fee Calculator.

ROADS (Option 1)

Name	Footprint Estimate ¹			Base fee		Fee Multipliers		Net Multiplier		Fee Per Acre	Estimated Total Fee (all design measures)			
	(best available)	(lower)	(higher)	Fee Zone	Base Fee ²	A) Unavoidable effects beyond footprint ³	B) Avoidable effects (pay only if Design Measures not Implemented)	If optional Design Measures Not Implemented	Design Measures are Implemented	(if Design Measures Implemented)	Footprint= Available	Best	Footprint= Lower	Footprint= Higher
Bethel Is/Cypress Road Bridge Widening				ag	\$9,046	1	1	1.00	1.00	\$9,046				
Buchanan Bypass	42	35	50	natural	\$18,093	1.5	1.3	1.95	1.50	\$27,140	\$1,139,900	\$949,900	\$1,357,000	
Byron Highway Extension (northern)	15	10	20	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$135,700	\$90,500	\$180,900	
Byron Highway Widening	25	20	30	mixed	\$13,500	1.1	1.0	1.10	1.10	\$14,850	\$371,300	\$297,000	\$445,500	
EBART				ag	\$9,046	1	1.0	1.00	1.00	\$9,046				
Kirker Pass Widening (Truck Climbing Lane)	25	20	30	natural	\$18,093	1.25	1.3	1.63	1.25	\$22,616	\$565,400	\$452,300	\$678,500	
Marsh Creek Road Realignment				natural	\$18,093	1.25	1.0	1.25	1.25	\$22,616				
SR4 Widening Oakley to Disco Bay	40	30	50	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$361,800	\$271,400	\$452,300	
SR239 (S of Vasco Connector, not along Byron Highway)*				mixed	\$13,500	1.1	1.0	1.10	1.10	\$14,850				
Vasco-Byron Hwy Connector (S of Byron Hot Springs)*	3	2	5	natural	\$18,093	1.5	1.0	1.50	1.50	\$27,140	\$81,400	\$54,300	\$135,700	
Vasco-Byron Hwy Connector (N of Byron Hot Springs)	10	7	15	natural	\$18,093	1.5	1.0	1.50	1.50	\$27,140	\$271,400	\$190,000	\$407,100	
Vasco Road Widening	<u>100</u>	<u>70</u>	<u>200</u>	natural	\$18,093	1.25	1.0	1.25	1.25	\$22,616	<u>\$2,261,600</u>	<u>\$1,583,100</u>	<u>\$4,523,300</u>	
TOTAL (projects marked w/ * not included in total)	257	192	395								\$5,107,100	\$3,834,200	\$8,044,600	

ROADS (Option 2)

Name	Footprint Estimate ¹			Base fee		Fee Multipliers		Net Multiplier		Fee Per Acre	Estimated Total Fee (all design measures)			
	(best available)	(lower)	(higher)	Fee Zone	Base Fee ²	A) Unavoidable effects beyond footprint ³	B) Avoidable effects (pay only if Design Measures not Implemented)	If optional Design Measures Not Implemented	If optional Design Measures are Implemented	(if Design Measures Implemented)	Footprint= Available	Best	Footprint= Lower	Footprint= Higher
Bethel Is/Cypress Road Bridge Widening				ag	\$9,046	1	1	1.00	1.00	\$9,046				
Buchanan Bypass	42	35	50	natural	\$18,093	1.75	1.5	2.63	1.75	\$31,663	\$1,329,800	\$1,108,200	\$1,583,100	
Byron Highway Extension (northern)	15	10	20	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$135,700	\$90,500	\$180,900	
Byron Highway Widening	25	20	30	mixed	\$13,500	1.25	1.0	1.25	1.25	\$16,875	\$421,900	\$337,500	\$506,300	
EBART				ag	\$9,046	1	1.0	1.00	1.00	\$9,046				
Kirker Pass Widening (Truck Climbing Lane)	25	20	30	natural	\$18,093	1.5	1.5	2.25	1.50	\$27,140	\$678,500	\$542,800	\$814,200	
Marsh Creek Road Realignment				natural	\$18,093	1.5	1.0	1.50	1.50	\$27,140				
SR4 Widening Oakley to Disco Bay	40	30	50	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$361,800	\$271,400	\$452,300	
SR239 (S of Vasco Connector, not along Byron Highway)*				mixed	\$13,500	1.25	1.0	1.25	1.25	\$16,875				
Vasco-Byron Hwy Connector (S of Byron Hot Springs)*	3	2	5	natural	\$18,093	1.75	1.0	1.75	1.75	\$31,663	\$95,000	\$63,300	\$158,300	
Vasco-Byron Hwy Connector (N of Byron Hot Springs)	10	7	15	natural	\$18,093	1.75	1.0	1.75	1.75	\$31,663	\$316,600	\$221,600	\$474,900	
Vasco Road Widening	<u>100</u>	<u>70</u>	<u>200</u>	natural	\$18,093	1.5	1.0	1.50	1.50	\$27,140	<u>\$2,714,000</u>	<u>\$1,899,800</u>	<u>\$5,427,900</u>	
TOTAL (projects marked w/ * not included in total)	257	192	395								\$5,958,300	\$4,471,800	\$9,439,600	

ROADS (Option 3)

Name	Footprint Estimate ¹			Base fee		Fee Multipliers		Net Multiplier		Fee Per Acre	Estimated Total Fee (all design measures)			
	(best available)	(lower)	(higher)	Fee Zone	Base Fee ²	A) Unavoidable effects beyond footprint ³	B) Avoidable effects (pay only if Design Measures not Implemented)	If optional Design Measures Not Implemented	Design Measures are Implemented	(if Design Measures Implemented)	Footprint= Available	Best	Footprint= Lower	Footprint= Higher
Bethel Is/Cypress Road Bridge Widening				ag	\$9,046	1	1	1.00	1.00	\$9,046				
Buchanan Bypass	42	35	50	natural	\$18,093	2	2.0	4.00	2.00	\$36,186	\$1,519,800	\$1,266,500	\$1,809,300	
Byron Highway Extension (northern)	15	10	20	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$135,700	\$90,500	\$180,900	
Byron Highway Widening	25	20	30	mixed	\$13,500	1.5	1.0	1.50	1.50	\$20,250	\$506,300	\$405,000	\$607,500	
EBART				ag	\$9,046	1	1.0	1.00	1.00	\$9,046				
Kirker Pass Widening (Truck Climbing Lane)	25	20	30	natural	\$18,093	1.75	2.0	3.50	1.75	\$31,663	\$791,600	\$633,300	\$949,900	
Marsh Creek Road Realignment				natural	\$18,093	1.75	1.0	1.75	1.75	\$31,663				
SR4 Widening Oakley to Disco Bay	40	30	50	ag	\$9,046	1	1	1.00	1.00	\$9,046	\$361,800	\$271,400	\$452,300	
SR239 (S of Vasco Connector, not along Byron Highway)*				mixed	\$13,500	1.5	1.0	1.50	1.50	\$20,250				
Vasco-Byron Hwy Connector (S of Byron Hot Springs)*	3	2	5	natural	\$18,093	2	1.0	2.00	2.00	\$36,186	\$108,600	\$72,400	\$180,900	
Vasco-Byron Hwy Connector (N of Byron Hot Springs)	10	7	15	natural	\$18,093	2	1.0	2.00	2.00	\$36,186	\$361,900	\$253,300	\$542,800	
Vasco Road Widening	<u>100</u>	<u>70</u>	<u>200</u>	natural	\$18,093	1.75	1.0	1.75	1.75	\$31,663	<u>\$3,166,300</u>	<u>\$2,216,400</u>	<u>\$6,332,600</u>	
TOTAL (projects marked w/ * not included in total)	257	192	395								\$6,843,400	\$5,136,400	\$10,875,300	

Footnotes:

- 1 Rough estimates only. Design specifications for most of these facilities have not been completed. Footprint includes area of cut & fill. Fee would be charged against entire disturbed area.
- 2 Base fee for projects that cross more than one fee zone have been roughly estimated. Actual fee would be based on proportion of impacts in the applicable fee zone.
- 3 Beyond direct footprint impacts, rural roads have more severe fragmentation, edge, and increased-mortality effects than other projects. The extent of these additional impacts depend on whether the proposed facility is new or expanded, on the length of the facility, on the type of habitat traversed by the road, and other factors. Some of these additional impacts can be partially reduced by wildlife-friendly design measures (see fee multiplier (B)). Other indirect effects of rural road projects (growth inducement, etc.) are addressed by the fee on new development. Consequently, multipliers are lower than they might be outside the HCP.

Fee Calculator: Preferred Alternative with Minor Changes Recommended by Staff

1. FAIR SHARE (assumes Max. Permit Area)

	Urban <u>Acres</u>	Irrigated <u>Ag. Acres</u>	Total <u>"Developed" Ac.</u>	Conservation <u>Acres</u>	Conservation <u>Ratio</u>	Fair Share <u>Ratio</u>	Fair Share of New Conservation <u>Acres</u>	Fair <u>Share</u>
Existing	23,828	33,028	40,342	44,746	1.11	1.47	14,732	48% (public share)
Affected during HCP	<u>15,000</u>	<u>(8,000)</u>	<u>11,000</u>	<u>30,950</u>	2.81	1.47	<u>16,218</u>	<u>52%</u> (new development share)
Status after HCP	38,828	25,028	51,342	75,696	1.47	1.47	30,950	100%

2. Gross Cost Allocations

Item	Amount	
	Initial Permit Area	Max. Permit Area
a Total Plan Cost	\$245,000,000	\$300,000,000
b Wetland Mitigation Cost (Creation & Restoration) (to be paid by wetland fee)	\$7,000,000	\$11,793,000
c Adjusted Plan Cost	\$238,000,000	\$288,207,000
d Future Urban Development's "Fair Share" %	42%	52%
e=c*d Future Impacts "Fair Share" \$	\$99,660,640	\$149,867,640
f Contribution by Rural Infrastructure Projects	\$7,053,300	\$7,053,300
g=c-e-f Remaining Cost (to be funded by a variety of public sources)	\$131,286,060	\$131,286,060
i=b+e+f+g Total revenues	\$245,000,000	\$300,000,000

Key Assumptions:	
Ag. habitat & open space value relative to natural land	50%
New development's share of rural infrastructure mitigation costs	0%
Rural road mitigation costs	\$6,053,300
Other rural infra. mitigation costs	\$1,000,000
Total rural infra. mitigation costs	\$7,053,300
Fee zone ratio:	
Zone 1, Eastern and Ag:	2
Zone 2: S/W and Natural:	4
Zone 3: Infill:	1
Paying acres contingency	10%
Units / acre	4

3. Estimated Basic Development Fee by Fee Zone

Item	Fee Zones			
	Eastern and Agricultural Zone I	South + West Natural Areas Zone II	Infill (less 10 acres) Zone III	Total/ Avg
<u>Total Fee Zone Acreages</u>				
Initial Plan Area	6,500	3,000	136	9,636
Maximum Plan Area	8,500	5,500	136	14,136
<u>Fee Zone Acreages -- Less Roads</u>				
Initial Plan Area	6,436	2,808	136	9,379
Maximum Plan Area	8,436	5,308	136	13,879
Relative Fee Weighting by Zone (1)	2	4	1	2.33
<u>Relative Funding Burden by Zone -- Percent (2)</u>				
Initial Plan Area	53%	46%	0.6%	100%
Maximum Plan Area	44%	56%	0.4%	100%
<u>Relative Funding Burden by Zone -- Amount (3)</u>				
Initial Plan Area	\$52,925,622	\$46,177,821	\$557,197	\$99,660,640
Maximum Plan Area	\$66,125,734	\$83,210,795	\$531,111	\$149,867,640
<u>Fee Per Developed Acre (4)</u>				
Initial Plan Area	\$9,046	\$18,093	\$4,523	\$10,554
Maximum Plan Area	\$8,623	\$17,246	\$4,311	\$10,060
<u>Fee Per Housing Unit (5)</u>				
Initial Plan Area	\$2,262	\$4,523	\$1,131	\$2,639
Maximum Plan Area	\$2,156	\$4,311	\$1,078	\$2,515

(1) Relative contribution of an acre in each zone from a conservation perspective.

(2) Relative funding contribution of each zone, taking into account total zone acreage and fee weighting factor.

(3) Relative funding burden times total fee-funded HCP costs.

(4) Funding burden divided by zone acreage. Also includes a 10% contingency factor to account for incomplete buildout.

(5) Assumes average housing density of 4.0 units per acre.

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

DATE: September 29, 2004
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Action items related to contracts and budget (agenda item #6)

RECOMMENDATION

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
- 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 the Jones and Stokes contract up to the contract limit as sufficient funds are deposited in the HCPA account.
- c) Consider amending contract with Resources 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 contract up to the contract limit as sufficient funds are deposited in the HCPA account.

DISCUSSION

Attached please find a proposed revised HCPA budget and an HCPA financial summary. The revised Budget shows that we have enough committed revenues to pay for estimated costs (the first time this has been the case because we have been constantly fund-raising). It is important to note however, that the full costs of securing wetlands permit cannot be estimated accurately at this time. 50,000 is set aside for this purpose, but we will know more about how much work will be required by wetlands agencies in several months. Staff have submitted a \$125,000 grant request to the U.S. EPA under the assumption that achieving wetlands permits could be substantially more work. That being said, staff believe the revised budget is sufficient to complete the HCP/NCCP.

Changes to the HCPA Budget from September 2004 are shaded. Key changes on the funding side include the awarding of an additional \$49,000 of section 6 money 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. Key changes on the cost side include:

- Revised cost estimate for the County. The prior budget amount was \$150,000. The original estimate assumed a 3 year effort. Now we assume a 4+ year effort.
- Revised cost estimate for Jones and Stokes. Estimated costs have increased by just over 200,000. This is mainly to do to the extra time required to complete the process. A chart summarizing past and predicted Jones and Stokes “burn” rate is attached.

- Revised cost estimate for Resources Law Group (increase of about \$24,000). In addition to the cost of an extra year of support, Resources Law Group will have additional assignments such as drafting an MOU with wetland agencies.

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.

EAST CONTRA COSTA COUNTY HABITAT CONSERVATION PLAN ASSOCIATION

Budget

Recommended for Approval on February 23, 2005
(updates since Sept-04 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)	\$60,000	\$60,000
County Fish and Wildlife Committee	\$35,000	\$35,000
FWS/CDFG Section 6 Grants (approved)	\$751,831	\$334,236
County Flood Control/Public Works	\$65,000	\$65,000
U.S. Bureau of Reclamation	\$25,000	\$25,000
CDFG, interim fee revenue	\$150,000	\$0
Interest	\$3,756	\$3,756
Total current revenue	\$1,616,405	\$1,048,808

EXPENSES (estimated and actual)

	<u>Total estimated</u>	<u>Billed to date</u>
Jones & Stokes (Project Consultant)	\$1,179,905	\$913,725
County - Coordinating Agency	\$250,000	\$12,604 ¹
Independent Science Review (including J&S ²)	\$45,000	\$44,570
Legal support from Resources Law Group	\$90,000	\$49,262
Wetlands compliance (longer term work w/ agencies)	\$50,000	\$0
Multi-county \$ request to Congress (IEH)	\$1,500	\$1,500
Total	\$1,616,405	\$1,021,661

Additional HCP-NCCP funding needs (total) \$0

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

¹ Actual expenses to date estimated at \$150k. 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 = \$1,179,905 + \$16,464 = \$ 1,196,369

HABITAT CONSERVATION PLAN ASSOCIATION ACTIVITY SUMMARY

As of January 12, 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

Total Deposits:	\$1,033,756.24
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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
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

\$976,596.31

Balance 499300: \$57,159.93

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

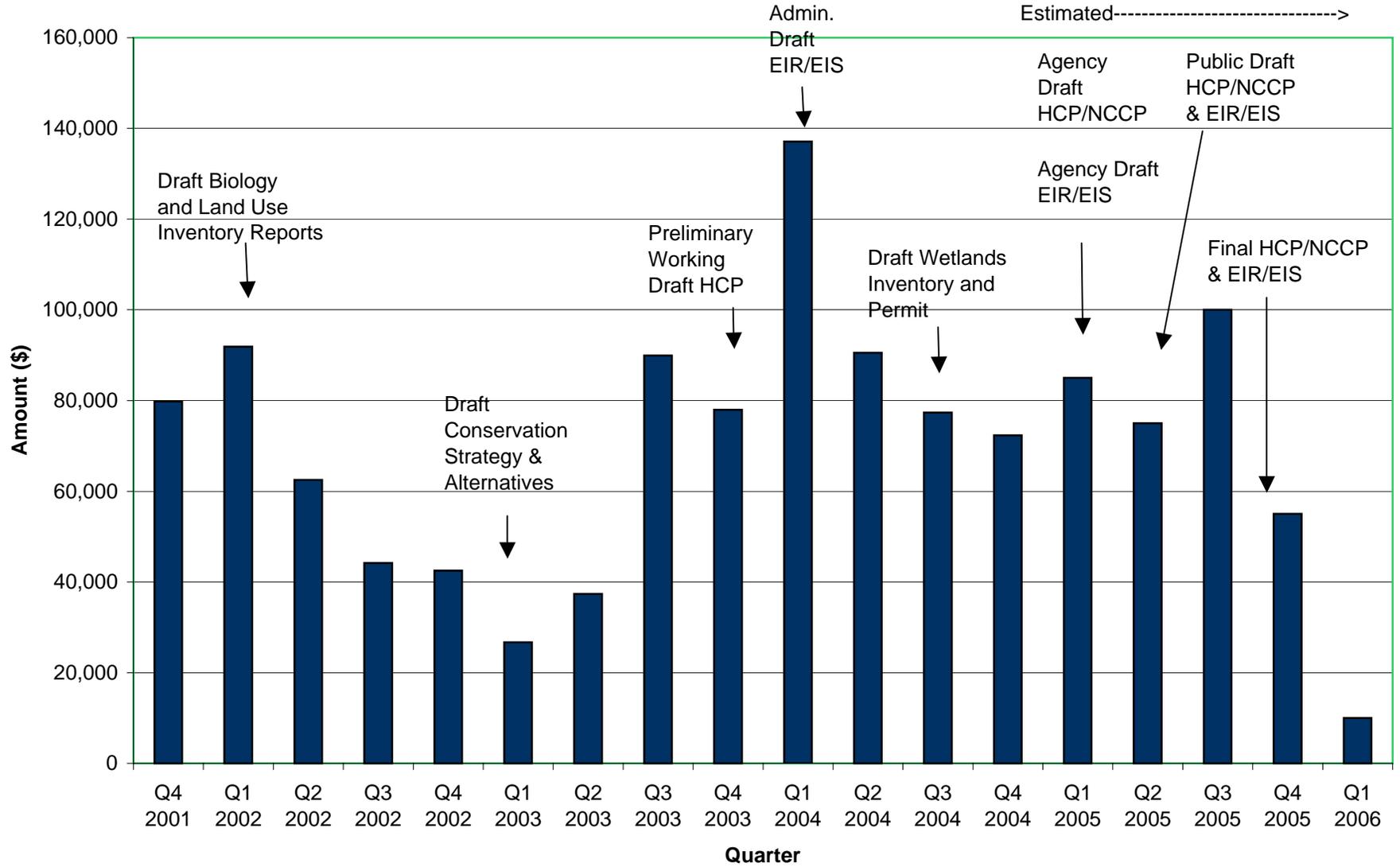
Total Deposits: \$253,755.64

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: \$93,755.64

Jones & Stokes Burn Rate: East Contra Costa HCP/NCCP



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

DATE: February 23, 2005
TO: Executive Governing Committee (EGC)
FROM: Member Agency Staff
SUBJECT: Legislation

RECOMMENDATION

APPROVE two resolutions and 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.

- Request \$250,000 from the federal Energy and Water Appropriations bill to support U.S. Army Corps of Engineers' participation in regional wetland permitting efforts in six northern California Counties;
- Request \$3 million from the federal Interior appropriations bill to support development and implementation of individual conservation planning efforts in six northern California Counties;
- Declare the 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 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.

AUTHORIZE thank you letter to Congresspersons Miller and Tauscher for past assistance, including recent assistance with a letter of support on EPA grant.

DISCUSSION

Request for \$250,000 to support regional wetlands permitting by the U.S. Army Corps: A key obstacle to the dedicated participation of the Army Corps in the HCPA effort is a lack of funds to support the staff time required to participate in time-consuming conservation plans. The Army Corps regulatory branch is designed to respond to permitting applications, not to assist applicants with preparing complex, regional application packages. But substantial pre-application assistance is essential for projects like ours. Recognizing this need, staff from the Northern California conservation planning efforts have agreed to ask our governing boards to collectively support a specific allocation of funds for regional wetlands permitting. Such funds may be critical to the HCPA's request for regional wetlands permits. Regional wetlands permitting efforts in Southern California have received Congressional allocations. However, the Army Corps has committed to attempting to work with the HCPA on our application now and will continue to make this attempt regardless of the success or failure of the funding request.

Over the long term, approving and administering regional wetland permits will be more cost-effective for the Army Corps than project-by-project review of individual permits. But the regional approach requires up-front investment of resources.

Request for \$3 million to for six Northern California Conservation Planning Efforts: The request for \$3 million to support six conservation planning efforts nearly identical to the resolutions the EGC adopted the last three years. However, this year we are asking for both planning and implementation funds so that any award can benefit plans that still need planning funds as well as plans like ours that may need implementation funding. If and when our plan is approved, we will need to amount an aggressive campaign for implementaion money. Given the time lag between when a request is made and when funding is actually received, there is merit in starting early. That ongoing effort will almost certainly involve direct requests to Congress and may involve continued partnership with the other Northern California Counties. For these reasons, and to help us ultimately convey the message that Northern California deserves the same type of endangered species investments that have been awarded in the past to Southern California, it is important that to maintain a consistent presence before Congress.

Support efforts for a state bond measure that includes a fair share of funding for East Contra Costa County, including funding for implementation of NCCPs: Several efforts are underway to draft bond measures for 2006. Past bond measures have included earmarks for NCCPs in Southern California. Staff for the Northern California conservation plans are each recommending that we jointly request similar earmarks for Northern California in any 2006 bond.

RESOLUTION NO. 01-2005

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

The Northern California Conservation Planning Partners Request for Federal Funding
To Support Regional Wetlands Permitting Assistance by the U.S. Army Corps of
Engineers

WHEREAS, jurisdictions in Contra Costa, Placer, Sacramento, and Solano Counties have embarked on regional conservation planning efforts to conserve natural resources, including aquatic resources, species and their habitats and aid our economies through efficient permitting; and,

WHEREAS, natural resources are protected and regulated at the federal level by the Endangered Species Act and the Clean Water Act; and,

WHEREAS, implementation of the Endangered Species Act and the Clean Water Act are strongly interconnected with respect to regulation of land use; and,

WHEREAS, regional conservation planning efforts have historically addressed only those natural resource protection requirements related to the Endangered Species Act; and,

WHEREAS, a focus on Endangered Species Act requirements alone in regional conservation planning cannot ensure that functions and values of aquatic resources such as wetlands are comprehensively and effectively addressed and conserved; and,

WHEREAS, a focus on Endangered Species Act requirements alone in regional conservation planning cannot provide comprehensive permit streamlining; and,

WHEREAS, simultaneous, coordinated attention to both Clean Water Act and Endangered Species Act requirements in the regional conservation planning process could ensure that all natural resource conservation needs are effectively addressed and that natural resource permitting is comprehensively streamlined; and,

WHEREAS, coordinated planning for simultaneous compliance with both Acts will require significant new assistance from the U.S. Army Corps of Engineers, the federal agency with the primary responsibility for overseeing implementation of Clean Water Act requirements; and,

WHEREAS, development of a comprehensive regional approach to regulating and conserving aquatic resources under the Clean Water Act will require an up-front investment of resources by the U.S. Army Corps of Engineers but will be more efficient

and cost effective for the them over the long term than project-by-project review and permitting; and,

WHEREAS, the conservation planning efforts in Contra Costa, Placer, Sacramento, Yolo, Santa Clara, and Solano Counties seek U.S. Army Corps of Engineers assistance to develop a comprehensive regional approach to regulating and conserving aquatic resources under the Clean Water Act,

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 Placer, Sacramento, and Solano Counties to request that the United States Congress allocate \$250,000 in funding to the U.S Army Corps of Engineers through the fiscal year 2006 Energy and Water Appropriations bill, anticipated to be passed by Congress in 2005, in order to support regional conservation and permitting of wetlands and other aquatic resources within these four counties under the requirements of the Clean Water Act.

* * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 23rd day of February, 2005 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:

HCPA Member Agency Staff

RESOLUTION NO. 02-2005

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

The Northern California Conservation Planning Partners Request for Federal Funding
For Local Conservation Plans

WHEREAS, jurisdictions in Contra Costa, Placer, 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 more than \$500,000 of local funding and a total of \$1,500,000 to perform work on the HCP/NCCP, but needs additional funding to implement 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

2006 Interior and Related Agencies Appropriations bill, anticipated to be passed by Congress in 2005.

* * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 23rd day of February, 2005 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:

HCPA Member Agency Staff

Attachment A
to Resolution No. 02-2005 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 2006 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.