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

DATE: September 13, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Meeting Packet for EGC Meeting on Thursday, September 19, 2002 at the Pittsburg City Council Chambers

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The next meeting of the East Contra Costa County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) is scheduled for Thursday, September 19, 2002, 5:30 pm to 7:00 pm at the City of Pittsburg Council Chambers on 65 Civic Drive. Attached is the meeting agenda and associated staff reports. Please have your agency post a copy of the meeting agenda in accordance with the requirements of the Brown Act.

Highlights of the attached agenda include progress reports from staff and the consultant, discussion of the project with invited senior staff members from the U.S. Fish and Wildlife Service and California Department of Fish and Game consideration of a HCPA Mission Statement (including revisions recommended by the Coordination Group), and updates on the Public Outreach and involvement Program, the HCPA Budget, and severeal key draft work products.

If you need additional information regarding this meeting please contact John Kopchik of the Contra Costa County Community Development Department at (925)335-1227(email: jkopc@cd.co.contra-costa.ca.us).

We look forward to seeing you on September 19 at 5:30pm.

Attachments.

cc: HCPA Member Agency Staff and staff from involved regulatory agencies

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

Date: Thursday, September 19, 2002

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

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

Agenda

1) Introductions.

2) Public Comment.

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

4) Approve Meeting Report for May 23, 2002.

5) Project status report by consultant (David Zippin, Jones and Stokes Associates)

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.

7) Update on Antioch participation.

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.

9) Presentation and discussion of initial HCP/NCCP work products, including:
   - habitat models
   - map-based vs. process-based approach to preparing an HCP
   - updated draft covered activities list

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.
   - 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, December 12, 2002 (2nd Thursday)
     - Thursday, December 19, 2002 (3rd Thursday)

   - Alternative recommended dates for subsequent meeting:
     - Thursday, March 13, 2002 (2nd Thursday)
     - Thursday, March 20, 2002 (3 rd Thursday)
     - Thursday, March 27, 2002 (4 th 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.

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EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN ASSOCIATION
EXECUTIVE GOVERNING COMMITTEE
Draft Meeting Record
May 23, 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 EGC Representatives from Contra Costa County (Supervisor Donna Gerber), City of Clayton (Council member Greg Manning), City of Oakley (Council member Jeff Huffaker), Contra Costa Water District (Director Bette Boatmun), City of Brentwood (Council member Bill Hill), and East Bay Regional Park District (Director Ted Radke).

DISCUSSION

The following is a review of the meeting agenda.

1. Introductions

2. Public Comment

None

3. Approve Meeting Report of February 21, 2002

The meeting report was approved as presented (4-0).

4. Project Status Report by Consultant (David Zippin, Jones and Stokes Associates)

Mr. Zippin reviewed project progress by the consultant. The schedule is being met, major deliverables have been submitted on time, the HCPA Coordination Group has begun meeting and the Science Review Panel has been established. However, the Phase 1 schedule needs to be extended 3 months because of the changes associated with the NCCP Act of 2002 and to allow the HCPA Coordination Group time to come up to speed on the process. The delay is not expected to impact the budget for Phase 1 work, which is 65% spent, and it is hoped that we can make-up for the delay in future phases. The next steps for the project involve development of draft conservation strategies, executing a NCCP Planning Agreement, adjusting project plans to comply with new NCCP requirements, and following-up with agencies to define a wetlands strategy.

5. Updates on Public Outreach and Involvement Program

HCPA Coordination Group

- The HCPA Coordination Group held meetings on April 18 and May 17, 2002 that were both well attended. The Coordination Group has adopted Operating Procedures

that were reviewed and approved by the EGC. HCPA Agency Staff reported that discussions continue with regulatory agencies obtaining a wetlands permit as part of the project. This issue was raised in a May 8, 2002 letter from the Seeno Construction Company. A response letter to the May 8, 2002 letter is being prepared by HCPA Agency Staff and will be provided to the EGC.

- HCPA Agency Staff presented a request from the Byron Municipal Advisory Committee (MAC) to be a member of the HCPA Coordination Group. The EGC approved the request and also directed HCPA Agency Staff to contact the Knightsen Technical Advisory Committee, the Discovery Bay MAC, and the Bay Point MAC so that other groups in the planning area, similar in nature to the Byron MAC, are not excluded from the process. HCPA Agency Staff will report back to the EGC at its next meeting on the outcomes of this outreach and any interest expressed in participating formally in the HCP process.

Other Public Meetings and Workshops: HCPA Agency Staff reported that presentations had been made before the Byron MAC and the Contra Costa Citizen's Land Alliance Annual Land Use Symposium.

Antioch Participation: HCPA Agency Staff was directed to send a letter to the City of Antioch inviting their participation, updating them on the status of grants and other funding, and giving them a date by which a decision about their participation in the project is needed in order to adjust the planning process without significant additional cost. The September meeting of the EGC was suggested as an appropriate date by which a response is requested.

6. Review recommendation of the HCPA Coordination group on the Draft Mission Statement and consider approving a HCPA Mission Statement

The revisions proposed by the Coordination Group were reviewed. The EGC approved the changes and approved the HCPA Mission Statement as recommended.

7. Update on the Science Advisory Panel, including Facilitation, Panel Members and Upcoming Meetings. Review and Consider Approving the Initial List of Questions to the Panel

HCPA Agency Staff updated the EGC on work that had occurred since February to initiate the Science Advisory Panel (SAP). Staff hired Dr. Erica Fleishman of Stanford University to facilitate the panel, an Ms. Fleishman assisted with selecting six panelists to serve. The EGC had approved a budget of $50,000 for the SAP process in February. Staff indicated that they now expected the cost to be about $45,000.

Mike Vukelich of the Contra Costa County Farm Bureau expressed concern with the composition of the panel, stating that the panelists were all biologists (no agricultural scientists) and appeared to be mainly academics lacking direct experience in the Planning Area. Staff stated that academic representation had been emphasized because ecological

expertise rather than field experience was the chief need and because academic credentials were important to having a respected panel (though one of the panelists was a private consultant who had worked in the area and also was a leading expert on several covered species). The issue of maintaining balance throughout the HCPA structure and the specific idea of adding an agronomist to the SAP were discussed by the EGC. The EGC also discussed the purpose of the SAP, which is to provide guidance on ecological issues and the conservation of endangered species, scheduling issues, and the need to comply with the independent science requirements of the state NCCP Act. Following this discussion, the EGC determined that the Science Advisory Panel would proceed and if there were concerns later in the process, then additional expertise could be sought (the vote on this action was 4 in favor (County, Cities of Oakley and Clayton, and the Contra Costa Water District) and 1 opposed (City of Brentwood)). The draft questions for the Science Advisory Panel were approved unanimously without discussion.

8. Consider Request by the City of Clayton to Amend the Planning Area for the HCPA to include a Portion of the Clayton Sphere of Influence

HCPA Agency Staff presented the request from Clayton to expand the HCPA planning area to include the Clayton sphere of influence. Staff explained the history of the request, was raised but not resolved just prior to adoption of the HCPA Agreement, and the City of Clayton explained why it was asking for the expansion. Concerns were raised about the cost implications of expanding the planning area, the possibility that this may open the door to other similar requests, the potential controversy surrounding development in a portion of the sphere near the quarry site, and the duration of the HCPA permit as compared to the timing of new development which would presumably have to wait until the quarry closed. The advantages of proposal were also discussed, including the value of integrating the species conservation issues of all member land-planning agencies into the HCPA process. The EGC decided on a 3-2 vote to grant Clayton's request under the condition that Clayton pay half of the additional cost for the change. That cost was estimated to be a maximum of $11,000. The HCPA will be responsible for the remaining cost (Cities of Brentwood, Clayton, and Oakley in favor; County and Contra Costa Water District opposed).

9. Update on the Fundraising Efforts and Preview the Budget Decisions for the September Meeting

Staff referred to the updated budget information in the packet and reported that efforts continue to secure outside revenue from State and Federal sources. Congresswoman Tauscher and Congressman Miller have been very helpful in this regard and staff was authorized to prepare and send letters expressing appreciation for their support. A more detailed budget discussion will be held in September.

10. Administrative Matters

Consider Appointing a New EGC Secretary: HCPA Agency Staff stated that the current HCPA Secretary, Dennis McCormac is no longer available to perform the duties of Secretary

for the HCPA. Mr. Kopchik pointed out that the new Secretary should be someone that is accessible by County Staff to ease the process for getting documents signed. The EGC approved unanimously to appoint Supervisor Gerber as the HCPA Secretary.

Consider Transferring the duties of the HCPA Treasurer/Controller to the Contra Costa County, as set forth in the HCPA Agreement: This item was approved unanimously without discussion.

Ratify invoices submitted by Jones and Stokes, Contra Costa County, and Erica Fleishman and paid by the HCPA Treasurer: This item was approved unanimously without discussion.

11. Future Executive Committee Items

There was no discussion on this item.

12. Select Next Meeting Dates

The next meeting date was tentatively set for September 19, 2002.

13. Adjournment at 7:00 p.m.

Jones & Stokes

Memorandum

Date: September 10, 2002

To: East Contra Costa County HCP Association Executive Governing Committee

cc:

From: David Zippin, Project Manager

Subject: **ECCCo. HCP/NCCP Status Report: April 29 to August 25, 2002**

This is the third quarterly status report on our progress in completing a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) for the East Contra Costa County Habitat Conservation Plan Association (HCPA). This status report provides a brief narrative summary of our accomplishments, a summary of the project's financial status, a list of accomplishments by task, a description of schedule changes, and a summary of next steps within Phase 1.

Summary of Accomplishments

We have made substantial progress towards completing phase 1 of the HCP/NCCP. The Science Advisory Panel has met once and will be meeting again on September 20. Their input was very useful. We have responded in writing to all of the points raised by the panel. We have completed the baseline inventory and made substantial progress on developing the draft conservation strategy and alternatives. We have developed models of the distribution of 19 key covered species in the inventory area. We have also developed the conservation principles on which the preserve system will be based.

Jones & Stokes has also provided Staff with extensive guidance on many aspects of the HCP/NCCP including covered activities, "no take" species, map-based vs. process-based HCP, new NCCP Act requirements, and the implications of fish in the inventory area. This guidance has come in the form of 7 memos to HCPA staff, email communications, phone calls, and 20 meetings with staff.

Financial Status

See the EGC staff report for details of the current budget situation. Table 1 summarizes our budget status as of August 25.

2841 Junction Avenue, Suite 114 • San Jose, CA 95134-2122 • tel. 408 434.2244 • fax 408 434.2240
www.jonesandstokes.com

Table 1. Jones & Stokes Budget Status as of August 25, 2002 for Phase 1.

Task	Phase 1 Budget*	Spent Phase 1	Remain Phase 1	% Spent	Est. Work % Complete
1: Project management	$54,510	$57,021	($2,511)	105%	95%
2: Public involvement	$6,582	$4,592	$1,990	70%	95%
3: Baseline data inventory	$121,310	$124,468	($3,158)	103%	100%
4: Conservation strategies	$73,598	$76,013	($2,415)	103%	75%
5: Economic analysis	$0				
6: Develop HCP/NCCP	$0				
7: NEPA/CEQA documents	$0				
8: Implementation agreement	$0				
9: CWA Compliance	$15,350	$5,036	$10,314	33%	80%
10: CFGC 1600 Compliance	$9,500	$1,686	$7,815	18%	80%
Total	$280,850	$268,817	$12,033	96%	87%

*includes task budget shifts

Accomplishments by Task

This section lists our accomplishments by task for this status report period.

Task 1: Project Management and Meetings

- Prepared for and attended 4 staff committee meetings
- Prepared for and attended 3 meetings with resource agency staff
- Prepared for and attended 7 other meetings with staff to coordinate project
- Prepared for and attended 4 meetings of the HCPA Coordination Group
- Prepared for and attended 1 Executive Governing Committee meeting on Feb. 21
- Prepared for and attended 1 meeting of the Science Advisory Panel
- Prepared 4 invoice and summary documents
- Prepared second quarterly status report on project (Feb. 15 memo)
- Prepared draft of NCCP upgrade scope of work (*no cost to HCPA*)
- Developed scope and budget for early economic subtasks and NOI/NOP preparation and scoping meeting
- Coordinated with Erica Fleishman to develop agenda for second Science Advisory Panel meeting
- Developed flow chart of entire HCP/NCCP process, schedule, and key decision points

Task 2: Public Involvement

- Expanded web site to include more pages for public involvement
- Posted new material on web site as requested by Agency staff
- Hosted web site for 4 months

Task 3: Baseline Data Inventory

- Conducted one day field visit to inventory area to verify land cover mapping and discuss conservation strategies (*no cost to HCPA*)
- Incorporated comments from staff on Chapters 3 and 4, including map and figure edits
- Produced and distributed 2nd administrative draft of Chapter 3 to HCPA Coordination Group and Science Advisory Panel
- Prepared drafts of memo on occurrence of steelhead trout and Chinook salmon in the inventory area
- Analyzed the implications of adding the Clayton sphere of influence to the inventory area
- Developed memo recommending creation of "no take" category of species to address concerns raised at Science Panel meeting and from stakeholders
- Produced and distributed 2nd administrative draft of Chapter 4 to HCPA Coordination Group

Task 4: Conservation Strategy

- Finalized memo outlining needs and direction from Staff regarding covered activities and the upcoming impact analysis
- Developed memo on the benefits and drawbacks of a process-based vs. map-based HCP/NCCP
- Developed detailed habitat models and maps for 4 example covered species to be presented at the HCPA Coordination group meeting
- Conducted in-house workshop with staff to develop options for biological goal structures and discuss the benefits and drawbacks of each approach
- Began field work and data gathering to evaluate potential impacts of covered activities on steelhead trout and Chinook salmon
- Produced memo on the benefits and drawbacks of a process-based vs. map-based HCP/NCCP
- Developed draft of conservation principles memo
- Developed 8 habitat models (with several interim revisions of each model) for review by staff and HCPA Coordination Group and began developing 11 additional models
- Developed draft biological goals for covered species and natural communities
- Revised covered activities memo for HCPA Coordination Group meeting
- Revised responses to science advisory panel meeting #1 for SAP meeting #2

Tasks 9 and 10: Wetlands Permitting

- Met with staff and representatives of the Environmental Protection Agency on June 28 to discuss our proposed approach to wetlands permitting and develop a strategy on how to engage the U.S. Army Corps of Engineers and the Regional Water Quality Control Board
- Located examples of regional general permits and Master 1600 Agreements that could be used as a template for this project

Schedule

We are on track to meet our revised schedule of completing Phase 1 by November 30, 2002, and selecting a preferred conservation strategy by January 31, 2003 (original end of Phase 1). The Science Advisory Panel is meeting for the second time later than originally planned because of the difficulty in arranging a time over the summer at which all panel members could attend. It will be important to schedule the next panel meeting in early December to provide the HCPA

with feedback on the draft conservation strategy and alternatives before the preferred alternative is selected.

Next Steps

Work remaining in Phase 1 (through November 30, 2002) includes:

- Finish draft biological goals for covered species and covered natural communities
- Conduct impact analysis
- Conduct gap analysis (identify habitat and land-cover types already protected in inventory area)
- Develop draft conservation strategy and up to 3 alternative strategies
- Produce memo summarizing our progress with wetlands compliance tasks (9 and 10)

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

DATE: September 19, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Updates on Public Outreach and Involvement Program (agenda item #6)

RECOMMENDATION

1) ACCEPT update report on the HCPA Public Outreach and Involvement Program.

DISCUSSION

Web site: Complete packets for every HCPA Public meeting (EGC, Coordination Group, and Science Panel) continue to be posted and archived on the HCPA website, providing easy public access to HCPA materials. To accommodate the increasing content, the site has been expanded to include a separate page for each committee containing meeting packets and explanatory information on the role of that committee. The web is a quick, user-friendly, and cost-effective means to make documents accessible to members of the public with internet access. For those without internet access, hard copies may be requested by calling or writing HCPA staff.

HCPA Coordination Group: The Coordination Group, the advisory committee comprised of stakeholders, regulatory agency staff, and HCPA staff, has met every month since the EGC's last meeting in May (4 meetings in all). The meetings have been partly dedicated to providing background information and partly dedicated to soliciting comments on draft materials. We receive many constructive comments from these meetings and find that forum to be a constructive means for vetting draft project documents. It is too early in the process to expect to see consensus emerge on key questions related to the shape of the HCP/NCCP and we haven't seen it. Individual members of the Coordination Group have raised a variety of issues that have not been resolved but are being tracked so that we can revisit them later when future work puts matters into full context. Examples of such issues include: the level of detail included in the baseline data, lingering concerns over protecting property rights through the process, and types and locations of activities to be covered by the HCP. These issues will need to be worked out as the process develops and the tradeoffs associated with different choices becomes more clear. Ultimately these issues will need to be resolved by the EGC, but we hope the Coordination Group can make this task somewhat easier by providing advice and, when possible, forging agreements among diverse interests.

Science Advisory Panel: The HCPA's Science Advisory Panel held its first meeting on May 29 and a copy of the meeting report issued by that body is attached. The Panel provided substantial scientific input on the baseline biological inventory, the draft covered species list, and other foundations of the HCP. Some of these recommendations, such as suggestions for additional

covered species, have budget implications. Jones and Stokes has prepared a response memo outlining their recommendations for addressing the concerns raised by Panel (also attached). The Science Review Panel meets again on September 20 and will consider the Jones and Stokes response as well as a variety of issues related to the biological underpinnings of developing the Alternative Conservation Strategies. Recommendations that stem from both meetings, in particular, recommendations with budget implications, will be considered more fully at the December meeting of the EGC as a part of the larger budget and fund-raising review planned for that meeting.

Plans for other public meetings and workshops: In addition to the CEQA/NEPA scoping meetings discussed under agenda item #8 (planning for the scoping process needs to start now, but the actual scooping meetings are unlikely to occur for several months), staff has been invited by staff from the U.S. Department of Agriculture and the Contra Costa Resource Conservation District to participate in one or more focused meetings with local landowners. These meetings will be a good opportunity to continue to inform a key sector of the public about our planning effort.

MEETING REPORT

29 May 2002 Science Advisory Panel Meeting
East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan

Prepared and reviewed by the Science Advisory Panel: Lynn Huntsinger (chair), Barbara Ertter, Alan Launer, Susan Orloff, Bruce Pavlik, Brian Walton, Erica Fleishman (facilitator)

Introduction

This report serves as the meeting record for the first Science Advisory Panel (Panel) meeting for the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP / NCCP). The report was prepared by the chair and facilitator of the Panel. The chair ensured that the scientific views of the Panel were articulated clearly. The facilitator served in an editorial capacity to ensure that the report was clear and responded explicitly to the questions posed by the Habitat Conservation Plan Association (HCPA) Team. All Panel members have had the opportunity to review this document.

The 29 May Panel meeting began at 11:00 A.M. In addition to the Panel members, attendees included John Kopchik (Contra Costa County), David Zippin (Jones & Stokes), and Ed West (Jones & Stokes). Also present were Rebecca Young (note-taker), Dennis McCormac (Contra Costa Water District), and three members of the public.

Following general introductions, Fleishman described the role of the facilitator and presented the objectives for the meeting. She outlined the good-faith assumptions under which Panel meetings will be conducted and meeting reports compiled, and described the roles and scope of work of the Panel chair and Panel members. Panel members were asked to list and briefly explain any existing collaborations, defined as financial interests and professional relationships related to land-use matters in eastern Contra Costa County. Fleishman also reviewed the timetable and objectives for each of the four anticipated Panel meetings, as well as the process by which meeting records would be completed.

John Kopchik then presented an overview of the East Contra Costa County HCP / NCCP. He introduced the groups participating in the HCP, the circumstances that prompted the HCP, and prior efforts and formation of the HCPA. He also described permits and mitigation, the expected benefits of preparing an HCP, and the public involvement process and general timetable for the East Contra Costa County HCP.

Next, David Zippin explained the regulatory background and HCP / NCCP process for the East Contra Costa County HCP / NCCP. In addition, Zippin described the overall approach for the HCP (e.g., integration of Endangered Species Act and Clean Water Act compliance; keeping within schedule and budget constraints; early, frequent, and active involvement of regulatory agencies, stakeholders, and independent scientists) and its structure (i.e., map-based, policy-based, hybrid). He outlined the HCP / NCCP document, including preliminary covered activities,

physical and biological resources, and land use, and presented the broad conservation strategy for the HCP.

Finally, Ed West reviewed the process used to determine which species would be covered by the HCP. To be covered, a species had to meet the following four criteria:

1. Range. Based on credible evidence, the species must be known to occur or be likely to occur within the inventory area.

2. Status. The species must currently be listed under the federal Endangered Species Act or the California Endangered Species Act, or be likely to become listed within the 30-year anticipated term of the permit.

3. Impact. The species will be or likely will be adversely affected by covered activities.

4. Data. Sufficient data exists on the species' life history, habitat requirements, and occurrence in the inventory area to adequately evaluate impact to the species and to develop conservation measures to mitigate these impacts to regulatory standards.

Most of the remainder of the meeting was spent discussing questions posed by the HCPA Team to the Panel. Following a brief public comment period, the meeting adjourned at 3:00 P.M.

Response to questions posed by the HCPA Team

The HCPA Team posed five questions to the Panel at its first meeting. The questions were developed by the HCPA Team, Jones & Stokes, and the Panel facilitator in cooperation with the HCPA Coordination Group. The following responses represent the overall consensus of the Panel.

1. Given the limitations in data availability, funding, and time (e.g., the minimum mapping unit, and data on land cover, soils, streams, watersheds, topography, NDDB records), is the land cover classification and the methods used to map land cover types sufficient to assess impacts of covered activities, identify conservation areas and actions, and conduct the conservation planning effort?

In general, it would be useful if the land-cover types were linked to covered species. For example, why were these land-cover types mapped, and how are the land-cover types relevant to the covered species?

The definition of oak savanna—grassland with a tree canopy cover of 5 to 10%—seems to be a narrow range of canopy cover values. As currently defined, this land cover type is quite uncommon in the planning area (3%). Another reference defines oak savanna as grassland with a tree canopy cover of 30% or less (Allen-Diaz, B.H., J.W. Bartolome, and M.P. McClaran. 1999. California oak savanna. Chapter 20 in R.C. Anderson, J.S. Fralish, and J.M. Baskin, editors. Savannas, barrens, and rock outcrop plant communities of North America. Cambridge University Press. 470 pages.). It would be helpful if the description of land-cover types clarified why this

particular classification of oak savanna was used. It also might be helpful if the classification were linked to descriptions of suitable habitat for covered species.

The definition of annual grassland gives the impression that very few native bunchgrasses remain in the planning area. Native bunchgrasses do occur in the planning area, although their distributions are highly scattered. In addition, the draft of Chapter 3 does not define native grassland. What proportion of native versus non-native species would render a grassland 'annual' versus 'native'?

Some of the land-cover types are man-made as opposed to naturally occurring. For example, ponds could be either natural water bodies or man-made stock ponds. It might be helpful if the land-cover maps and / or definitions identified land-cover types that require continued maintenance to persist. Further, it might be useful to specify which land-cover types are likely to change if there is a change in land use—especially if those changes in land cover are likely to affect covered species.

Ideally, the land cover map might discriminate among agricultural types (e.g., dryland farming versus irrigated crops such as alfalfa). Different agricultural crops and irrigation methods may support different covered species. It also could be valuable to distinguish between perennial and ephemeral streams.

A limitation of the mapping procedures was that the minimum mapping unit was one acre [ponds smaller than one acre were mapped if they could be discerned on the aerial photographs]. Thus, land-cover types smaller than one acre were subsumed into other land-cover types that could be mapped using a 1-acre or 10-acre unit. Several land-cover types that could not be mapped may be important for covered species. Examples include seeps, springs, vernal pools, rock outcrops, and serpentine soils. Such 'point features' should be identified, perhaps as a separate map layer developed using field notes from aerial and / or ground surveys and personal communication with knowledgeable specialists, if the cost and labor involved is not prohibitive.

The inability to distinguish mixed evergreen forest from oak woodland is unlikely to hinder development of the HCP. Because they are largely on protected land, these two land-cover types do not tend to occur in the areas most likely to be developed. It probably would be more useful to invest available resources in distinguishing between annual and native grasslands. Grasslands (along with alkali flats) are more likely than woodlands to be adversely affected by the covered activities.

2. Are the limitations of the methods for land cover type mapping with respect to the conservation planning effort adequately discussed?

Discussion of the inability to map land-cover types smaller than one acre that may be relevant to covered species should be expanded. The existing map does not identify land-cover types such as rock outcrops or native grasslands. Therefore, the mapping leaves some uncertainties regarding the occurrence and abundance of important resources for some covered species. The greatest need for discussion concerns the inability to differentiate between native grasslands and annual grasslands.

The limitations of the methods for land cover type mapping may vary by taxonomic group. The minimum mapping unit is adequate for birds, and well may be adequate for mammals, but possibly is too large for amphibians and other taxonomic groups with small home ranges.

3. Do the profiles of each proposed covered species adequately catalogue and summarize the ecological literature on this species most relevant to the East Contra County HCP/NCCP? (note: the profiles are not intended to be treatises on each covered species)

> *[Note: if the profiles did not adequately review the relevant ecological literature, panelists were asked to please provide citations of missing data relevant to this effort and copies or original papers, if possible.]*

The adequacy of the profiles must be assessed in light of their goal. The profiles are intended to provide baseline information that can be used to identify impacts of covered activities, and to develop appropriate conservation strategies.

It would be helpful if the profile for each proposed covered species were tied more closely to the species' ecology, status, and threats in eastern Contra Costa County—i.e., why the plant or animal has been placed on the preliminary list of covered species. The profiles might also address the criteria used to determine whether the species would be covered by the HCP. If the profiles specify what data currently exist on the species, they could be useful if the HCP is amended. The profiles could serve as a record of the state of knowledge regarding the species during HCP development against which future changes in the status of the species could be assessed and tracked.

Several Panel members expressed an interest in editing and / or amending the profiles for certain species. In addition, Panel members indicated that they have ecological literature relevant to development of profiles and conservation strategies for certain species. Electronic copies of the profiles have been forwarded to Panel members. The facilitator will compile edited profiles, citations, and papers and forward those materials to the HCPA Team.

4. Did our covered species evaluation overlook any species whose survival or viability, either at the species level or in the inventory area, is likely to be significantly affected by the proposed activities?

A more comprehensive understanding of covered activities would make it easier to determine which species should be covered. Considerable development (and associated adverse impacts on species) can occur over a 30-year period. It is important to emphasize that increased human population density leads to greater recreational use that can have adverse impacts on species of concern.

Several species should be reconsidered for coverage.

In general, species of birds that overwinter in flat and rolling grasslands tend to be overlooked in HCPs because they do not nest in the planning area. Yet several recovering species of birds, including peregrine falcon (*Falco peregrinus*) and bald eagle (*Haliaeetus leucocephalus*), have

extensive territories. Peregrines occur in the planning area now, and bald eagles are highly likely to occur in the planning area within the next 30 years.

Short-eared owls (*Asio flammeus*) could be affected by large-scale (regional) factors or local factors. This species overwinters but does not nest in flat and rolling grasslands in eastern Contra Costa County. However, the species has undergone widespread population declines. Even in areas that are being managed appropriately for the species, population sizes may continue to decrease. Nonetheless, the species might benefit from being covered under the HCP. Contrary to preliminary assessment by the HCPA Team, short-eared owls well may be listed within the next 30 years.

Peregrine falcons will not be impacted directly by the covered activities but are highly likely to be affected indirectly; increases in human population density associated with development often lead to greater recreational use that can disrupt nesting birds. Thus, peregrine falcons might benefit from being covered under the HCP. Because the peregrine falcon is listed as endangered under the California Endangered Species Act, the HCP may be open to criticism if the species is not covered. At minimum, the species evaluation might include an explicit explanation why peregrine falcon is not covered.

Several species of plants with known historic occurrences in the planning area should be reevaluated: Ferris' and alkali milkvetch (*Astragalus tener*), Mount Diablo buckwheat (*Eriogonum truncatum*), rayless ragwort (*Senecio aphanactis*), and caper-fruited tropidocarpum (*Tropidocarpum capparideum*). The planning area covers the majority of the historic distributional range of these species, and the plants may occur on private property in the planning area that has not been surveyed. Another species that should be evaluated for coverage is *Erodium macrophyllum*. Although the latter plant was not on the initial list of 154 species evaluated for coverage, it is a rare native species, and is believed to have been found in the planning area recently.

Western pond turtle (*Clemmys marmorata*) and western spadefoot toad (*Scaphiophus hammondi*) should be reconsidered for coverage. California black rail (*Laterallus jamaicensis coturniculus*) and California horned lizard (*Phrynosoma coronatum frontale*) also may warrant coverage. The rail is listed as threatened by the state of California, and the lizard probably will be listed during the next several years.

Although none of the covered species should be removed from the covered species list, lower priority could be assigned to species that tend to occur upslope and / or mainly occur in areas that already are protected from development. For example, the majority of the range of Mount Diablo manzanita (*Arctostaphylos auriculata*) and Mount Diablo fairy lantern (*Calochortus pulchellus*), falls within lands that are already protected. The latter species are less likely to require conservation attention than species that do not occur on protected lands (e.g., species that occur on flat lands and sandy hills).

It also may be appropriate to prioritize species for coverage on the basis of the proportion of their distributional range contained within the planning area. If a species primarily occurs south of the planning area, it probably should be assigned a lower priority for conservation activities than a

species that largely is endemic to the planning area. For example, the planning area may represent the northern distributional limit of recurved larkspur (*Delphinium recurvatum*).

Sections on species evaluations in Chapter 3 could be expanded to address gradients of risk. The discussion might include an explicit acknowledgment that risk assessment is a complex discipline in its own right, and that formal, detailed risk assessments were not applied to determine which species would be covered by the HCP. For example, species evaluations did not consider geographic range and distribution (within versus outside of the planning area), the extent to which the species occurs on lands that already are protected from development, or the likelihood of development in the locations occupied by the species.
The Panel recognizes that it is extremely difficult for any two individuals to apply the same criteria in exactly the same way. There is no reason to believe that the criteria have not been applied appropriately to birds.

5. Have we appropriately applied the covered species criteria to generate the preliminary covered species lists?

On the whole, the covered species criteria appear to have been applied appropriately. As discussed above, there is some degree of concern regarding the geographic distribution of the species, the status of the land on which they occur, and the likelihood of future development and associated adverse impacts.

Rare species (especially plants) well may occur within the inventory area, but have not been recorded (e.g., due to inadequate survey effort or inaccessibility of private lands). In addition, it is possible that the planning area contains undescribed species of plants (five percent of the vascular plant species in California are believed to be undescribed). The latter species are likely to be rare, and may need to be treated on a case-by-case basis if they are not covered by the HCP. The regulatory agencies almost certainly will require some future surveys over the 30-year duration of the permit. Thus, there could be a benefit to providing coverage to taxa that are not currently listed as threatened or endangered, but are sufficiently rare that the covered activities pose a significant threat to their persistence.

Jones & Stokes

Memorandum

Date: August 23, 2002

To: East Contra Costa County HCPA c/o John Kopchik, and Science Advisory Panel

From: David Zippin and Ed West

Subject: **Responses to Science Panel May 29 Meeting Report**

This memo summarizes the key points raised in the report of the Science Advisory Panel (Panel) at their first meeting on May 29, 2002. Each issue is addressed along with our recommendation and any cost implications. Issues are listed in the order in which they appear in the report, along with a reference number for each one. *This memo is the same as the one dated July 8, 2002 except for revisions to issues 14, 15, and 25.*

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
1	Land-cover types should be linked to covered species	We will add information in Chapter 3 that clarifies the link between land-cover types and covered species, including a matrix that illustrates which land-cover types provide habitat for each covered species. This is the basis for the species distribution models.	Distribute draft example models at next HCPA Coordination Group meeting (July 18) and at next Panel meeting (mid-Sept) as planned; incorporate species distribution models into all species profiles for Admin. Draft HCP/NCCP	None
2	The definition of oak savanna should be clarified	We agree that more clarification is needed regarding our definition of savanna (tree cover <10%). The Panel provided a reference in which California oak savannah is defined as tree canopy cover <30% (Allen-Diaz et al. 1999). One's distinction between woodland and savanna is somewhat arbitrary. In Australia, some define savannas as having a tree cover of less than 10% (Huntley and Walker 1982). In South America, they are defined as having <15% tree cover (Saramiento 1983). In fact, the word "savanna" was originally applied to treeless grasslands in South America (Archibold 1995). We chose 10% in order to distinguish areas of low tree density from surrounding pure grassland. We believe areas with low oak density are especially important for conservation because they are the transition zone between	We will clarify the definition of oak savanna in the admin. Draft HCP/NCCP.	None

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Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
		grassland and true oak woodland. This classification helps to satisfy the requirement of the NCCP Act to conserve areas of "high habitat diversity."		
3	The treatment of native grassland should be clarified	Native grasslands will be added to Chapter 3 as a unique land-cover type but it will be made clear that it could not be mapped given the data limitations.	Incorporate recommended changes into Admin. Draft HCP/NCCP	None
4	Maps and/or definitions should identify land-cover types that require continued maintenance to persist	We cannot determine from air photos which ponds are natural and which are artificial and would therefore require continued maintenance. Even natural ponds may require "maintenance" to ensure their functioning for covered species (e.g., removing bull frogs or exotic fish to provide habitat for CA red-legged frog).	Expand the discussion of ponds and other aquatic land-cover types to clarify which types may require continued maintenance to persist. Incorporate into the Admin. Draft HCP/NCCP	None
5	Consider discriminating among types of agriculture land-cover types	We were able to distinguish between 4 types of agriculture: pasture, cropland, orchard, and vineyard. It is not possible to distinguish different types of cropland, orchards, or pasture from aerial photography without extensive ground truthing. The only reliable method would be to survey agricultural lands (approximately 34,000 acres), mapping on topographic maps or air photos. Agricultural land-cover types provide habitat for only 3 covered species: giant garter snake, Swainson's hawk, and Western burrowing owl. The benefit of collecting these data is that agricultural lands would be more accurately mapped and current (crops have changed on some sites since the air photos were taken in 2000). However, the cost to gather these data must be weighed against the overall benefit to the plan. The higher resolution of agricultural land cover types is not likely to result in significant changes in covered species models.	We recommend no change to the current agricultural data.	The cost to gather, process, and digitize these data would be approximately $17,000
6	Discriminate between perennial and ephemeral streams	We agree that perennial streams are particularly important in the inventory area.	We will add a discussion of the perennial streams in the inventory and distinguish them on figures 3-4 and 3-6 based on available data.	None
7	Identify as	We agree that small-scale features such as	At a minimum, we will	No cost to

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
	points important small-scale features that could not be mapped, even if this can only be done by non-systematically mapping past field observations	springs, seeps, small rock outcrops, caves, serpentine areas, and vernal pools are important to covered species. Maps of these features within the inventory area, particularly within the areas of impact, would greatly strengthen the HCP/NCCP. (Regarding rock outcrops, caves, and serpentine areas, we may have additional point location data from the Biodiversity effort that could augment the land cover data records for rock outcrop.) Complete mapping of these features would require extensive ground surveys (these features are not distinguishable or identifiable on air photos) and access to private lands. Even with additional funding, we would not likely receive authorization to completely survey private lands. An alternative is to conduct surveys from publicly-accessible roads and vantage points to survey the area of impact. These data could be supplemented with new survey data from Antioch FUA 1 when it becomes available. Mapping in a non-systematic way from past field observations could be helpful for evaluating model assumptions and further validating the model results but, in our view, due to the limited, opportunistic nature of the data, it would not provide a cost-effective, repeatable, or useful addition to the dataset. Past field surveys occurred in protected areas, not in the potential areas of impact.	incorporate into the admin. draft HCP/NCCP a description of these small-scale features, their functions, and areas of known concentrations based on available data. Biodiversity data on rock outcrops, caves, and serpentine areas will also be evaluated and potentially included**.** We could also conduct surveys for small-scale features within the area of impact at an additional cost. If these surveys are not conducted, they could be required of applicants in order to quantify habitat impacts. Similarly, they could be required prior to land acquisition to verify the reserve's habitat types and quality.	update HCP/NCCP with descriptions; cost to conduct surveys of small-scale features in impact area = approximately $15,000
8	No need to distinguish mixed evergreen forest	We agree that distinguishing between mixed evergreen forest and oak woodland is not necessary to identify impacts or develop conservation strategies. However, the distinction between these two vegetation types should be clarified in Chapter 3.	Add a new mixed evergreen forest land-cover type to Chapter 3 and clarify that it could not be distinguished on air photos. Incorporate into Admin. Draft HCP/NCCP	None
9	Expand discussion of how the inability to map land-cover types smaller than one acre is relevant to covered species	We agree that the discussion of how the mapping limitations affects the analysis of covered species should be expanded.	An expanded discussion of this topic will be added to the admin. draft HCP/NCCP	None

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
10	Explain how the mapping limitations vary by taxonomic groups	We agree that the mapping limitations vary by taxonomic group. The limitations are more serious for plants, invertebrates, and some amphibians than for other groups. (See response to #7 for a suggested way to reduce these limitations).	An expanded discussion of this topic will be added to the admin. draft HCP/NCCP	None
11	Tie the species profiles more closely to the species' ecology, status, and threats in the inventory area	We agree that the species profiles would be improved by more closely tying them to the situation within the inventory area. However, in most cases, data specifically within the inventory area are lacking.	Observational data (e.g., Los Vaqueros surveys) and data generated by this project (e.g., species distribution models) will be added to the profiles in the admin. draft HCP/NCCP	None
12	Expand the profiles to address the criteria used to determine its covered status, particularly regarding data adequacy	We agree that the notes in Table 3-8 could be expanded to further explain the rationale behind which species were chosen as covered species.	A new section will be added to each species profile in the admin. draft HCP/NCCP expanding on the notes in Table 3-8.	None
Consider adding the following species to the covered species list:				
13	Peregrine falcon	This species meets all of the criteria, except impact. However, impact to the species is dependent on which activities are covered in the HCP/NCCP. The greatest potential impact to this species within the inventory area would come from wind farm expansion and recreational activities within existing or future preserves.	Do not include wind farms as a covered activity to avoid complicated impact analysis. Meet with FWS and EBRPD to discuss the potential for recreational activities to harm or harass peregrines under the ESA. If take may occur and coverage is needed in existing or future parks, include as a covered species.	$7,500 if species is covered by HCP/NCCP
14	Bald eagle	The Bald Eagle is currently a rare winter visitor in Contra Costa County. Proposed expansion of Los Vaqueros Reservoir could result in an increase of the number of birds using this area. However, impacts of activities associated with Los Vaqueros Reservoir will not be included in this HCP/NCCP. The greatest potential impact to this species within the inventory area would come from wind farm expansion but this activity	If wind farms are not included as a covered activity, do not include as a covered species.	None

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
		is not likely to be covered in the HCP/NCCP. USFWS and CDFG have recommended bald eagle not be included as a covered species.		
15	Short-eared owl	This species meets all 4 criteria for coverage listing but was classified as a 2nd priority Bird Species of Special Concern by the BSSC Technical Advisory Committee. For this reason it was originally placed on our Priority 2 list. However, re-evaluation of available information showed that this species has shown marked population declines in the grasslands and northern marshes of the inventory area. Additionally, widespread declines in this species suggest it could be listed in the next 30 years. CDFG recommends this species be covered.	Because the species meets all four criteria, and would likely be affected by covered activities, we recommend that it be included in the HCP/NCCP as a covered species.	$7,500 if species is covered by HCP/NCCP
16	Ferris' milk vetch	Although not known to occur in Contra Costa County, suitable habitat exists on alkaline soils; if populations were found, they would have to be preserved.	Incorporate as a "no take" species in the HCP/NCCP (see memo dated 6-28-02)	None
17	Alkali milk vetch	This species is presumed extirpated from the inventory area. If any populations were found, they would be highly significant and should be preserved. Therefore, no impacts should be allowed on this species.	Incorporate as a "no take" species in the HCP/NCCP (see memo dated 6-28-02)	None
18	Mount Diablo buckwheat	This species is presumed extinct but historically occurred in the inventory area. If any populations were found, they would be highly significant and should be preserved. Therefore, no impacts should be allowed on this species.	Incorporate as a "no take" species in the HCP/NCCP (see memo dated 6-28-02)	None
19	Rayless ragwort	This species is on CNPS List 2. There are many records of the species in California, but many are historic. Only one record of this species exists in the inventory area, a collection from the 1930's from Black Diamond Mines Regional Park. The species meets the range criteria but does not meet the impact, status, or data criteria.	Because of a lack of data on this species and because the only known record is within a protected area, we do not recommend including it as a covered species or a "no take" species.	None
20	Caper-fruited tropidocarpum	This species is presumed extinct but historically occurred in the inventory area. If any populations were found, they would be highly significant and should be preserved. Therefore, no impacts should be allowed on this species. See the memo regarding additional evaluation species for more details.	Incorporate as a "no take" species in the HCP/NCCP (see memo dated 6-28-02)	None
21	Round-leaved filaree (*Erodium*	This species meets the criteria for range, impact, and data. Because of its widespread distribution in the Western United States, it is unlikely to be	Because the species meets all four criteria, we recommend that it be	Cost to add as a covered species: $3,000

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
	macrophyllum)	listed by the federal government. However, there is a potential for the species to be listed under the California Endangered Species Act during the term of the permit. Therefore, it also meets the status criteria. See the memo regarding additional evaluation species for more details.	included in the HCP/NCCP as a covered species.	
22	Western pond turtle	This species meets all 4 criteria for coverage status and is declining throughout its range. It was petitioned for listing in 1992, but denied due to its widespread distribution in the western states. However, many populations in California, Oregon and Washington are significantly declining and threatened with extirpation. The species would be affected by covered activities. There is a good possibility that this species could be listed within 30 years.	We recommend that this species be included in the HCP/NCCP as a covered species.	$7,500 if species is covered by HCP/NCCP
23	Western spadefoot toad	This species meets all 4 criteria for coverage status. It has sustained significant population reductions in the Central Valley over the last 15-20 years. Covered activities could potentially impact this species. Continued loss of habitat throughout its range suggests that this species could be petitioned for listing within 30 years.	Because the species meets all four criteria, and could possibly benefit from coverage, we recommend that it be included in the HCP/NCCP as a covered species.	$7,500 if species is covered by HCP/NCCP
24	California black rail	California black rail occur in coastal salt marsh, diked salt marsh, and brackish and freshwater marsh along the fringes of San Francisco Bay. These habitats are not included within the inventory area.	No change	None
25	California horned lizard	This species meets all 4 criteria for coverage status, although status and data availability are not well known. It is believed to have disappeared from approximately 35% or its range in central and northern California. Continued habitat loss, fragmentation and disturbance may result in this species being listed within 30 years. Experts disagree as to the probability of listing.	We believe the probability of this species being listed is low. However, other experts disagree. We do not recommend including it as a covered species.	$7,500 if species is covered by HCP/NCCP
Return to normal table format				
26	Assign lower priority to species that occur upslope or within protected areas	The proportion of a species' habitat that is currently protected will be taken into account when developing conservation strategies, not in assigning priority for coverage. Species that are mostly already protected may need few conservation measures to offset impacts. However, they still need to be included as	No change	None

Ref. #	Issue Raised by Panel	Response	Recommendation	Cost Implications
		covered species because they may be listed in the future and take may occur. (Species that are 100% protected are not proposed to be covered because there would be no impacts to these species.) If limits are placed on the number of covered species, then this can be considered as a factor.		
27	Prioritize species on the basis of the proportion of their range within the inventory area	See response to #26. The same rationale applies to the proportion of a species' range within the inventory area.	No change	None
28	Expand the section on species evaluation to address gradients of risk and acknowledge that formal risk assessments were not performed	We agree that formal, rigorous risk assessments are beyond the scope of this HCP/NCCP in determining covered species. However, we believe that the additional criteria suggested by the Panel were either taken into account or not relevant to determining covered species. In determining whether a special-status species would be affected by covered activities (the "impact" criteria), we did consider the species' range inside and outside protected areas. We also considered the likelihood of impact from future development (although not using models or a formalized procedure). As discussed in response #26, we do not believe that the proportion of a species' range inside or outside the inventory area should be a consideration in the selection of covered species unless limits are placed on the number of species that can be covered (it is, however, very relevant in developing conservation measures).	We will acknowledge in the admin. draft HCP/NCCP that we did not conduct a formal, rigorous risk assessment in selecting covered species.	None
29	Address rare species that may occur in the inventory area but have not been recorded or described	We concur that rare species currently unknown from the inventory may be discovered or described as new taxa during the permit term. Because these species will be very rare, no take should be allowed. Therefore, they should not be included as covered species.	Create new category of "no take" species in the Admin. Draft HCP/NCCP (see memo dated 6-28-02)	None

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

DATE: September 19, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Update on Antioch Participation (agenda item #7)

RECOMMENDATION

1) ACCEPT update on Antioch participation in the HCPA.

DISCUSSION

The Antioch City Council considered a proposal to join the HCPA at its meeting on Tuesday, September 10. The Council split 2-2 on this item (the Mayor was not present), taking no action and thus not approving the motion to join the HCPA. The item was prompted by the HCPA's July 15 letter confirming our interest in including Antioch in the HCPA (sent previously to EGC members). Following the deadlocked vote, the Mayor Pro Tem stated that the item could be brought back at any time and directed staff to place on the agenda for a future meeting discussion of the concept of authorizing Antioch staff to attend HCPA meetings, a suggestion that came up during the discussion. The implications of Antioch joining or not joining the HCPA have been discussed previously, but some specific decisions will ultimately be needed from the EGC at a future meeting regarding how to proceed without Antioch's participation. The area to be covered by the HCPA's requested permit, for example, is a key future decision that will be impacted by Antioch's status.

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

DATE: September 19, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: HCPA Budget Discussion (agenda item #8)

RECOMMENDATION

1) ACCEPT update report on HCPA finances.
2) AUTHORIZE staff to issue a modified Notice to Proceed letter to Jones and Stokes raising the original interim payment limit of $280,850 by $62,058 to $342,908 to pay 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 Policy Act compliance

DISCUSSION

Budget status: As of September 10, 2002, the HCPA has expended a total of $258,425 (including services billed but not yet paid). Revenue committed or received is approximately $650,000. Attached please find the HCPA's initial budget (approved July 2001) with a column added to show more detail on the current status of revenues and expenditures. The budget document shows updates to a similar document presented at the May meeting of the EGC.

Fund raising: Member Agency staff worked with staff from the U.S. Fish and Wildlife Service and the California Department of Fish and Game to prepare a second "Section 6" grant application (the application submitted last year was approved for funding by the wildlife agencies in the amount of $100,000). We requested $200,000 this time. We expect to be notified of the outcome of this request during the Fall.

Staff recently learned that the five-county effort to request funds from Congress to support conservation planning unfortunately did not succeed this first year. The local Congressional delegation (Congresswoman Tauscher and Congressman Miller) were an enormous help to the effort, joining two other Northern California Congressmen in signing a letter requesting an appropriation to fulfill our request. While a tighter federal budget was probably a key obstacle, we suspect that our late start may have also been a factor. For this reason, and because such Congressional requests require tenacity, there appears to be a general consensus among staff from the five counties that we should try again next year. Member Agency staff anticipate bringing an item before the EGC at their next meeting to consider a resolution to join the effort

for a second year. In the meantime, staff plan to pursue a meeting with Senator Feinstein's staff and ultimately with the Senator herself to explain the need for federal support. Such a meeting was requested before we knew the status of our request to Congress but could be helpful in any case (please see attached letter to the Senator).

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 when the contract was approved, the first interim payment limit was set at $280,850 to fund Phase 1 of the HCP/NCCP. A $62,058 increase to the interim payment limit is now needed to cover additional work on Phase 1 and to initiate portions of Phase 2. This recommendation is explained below:

Completing work on Phase 1 ($25,000): In the course of performing Phase 1 of the HCP/NCCP, the following additional work tasks have been or will be necessary from Jones and Stokes:

Cost	Task
$14,000	Science Review Panel (assistance with establishing the panel, participation in the process, and responding to Panel enquiries) (included in the $45,000 budgeted for the Science Review Panel Effort)
$10,000[1]	21 Additional meetings (public, staff, and regulatory agency)
$6,000	Additional research, memos, and figures (i.e., Clayton expansion analysis, Antioch implications memo, detailed process flow chart, analysis of implications of newly confirmed presence of steelhead on Marsh Creek, Mission Statement)
$9,000	Extra iterations of habitat models and unanticipated complexity of this task
	(minus work products not needed)
-$14,000	Professional facilitator was in the scope of work to conduct some meetings but has not been utilized. Staff attend all meetings anyway and conduct meetings directly.
$25,000	**Total cost of additional work**

Additional cost-savings measures to be employed during the remainder of Phase 1 include shifting remaining computer mapping work to the County (this work would still be billed to the project but will cost less if performed at the County). Staff also proposes truncating Phase 1 at the completion of the Draft Alternative Conservation Strategies rather than the Preferred Conservation Strategy, a logical point to end the first phase of the project and a modest cost transfer.

While it is difficult to anticipate all the tasks that will be needed and all the costs that will be incurred to complete an HCP at the outset of the project (the primary reason why the HCPA opted for a time and materials contract with Jones and Stokes), staff intends to take the following measures to help ensure that future phases of the project can be completed within budget:

[1] The cost for additional meetings would have been higher but for the fact that Jones and Stokes has spent about 20% less per meeting than they originally estimated, enabling us to pay for about half of the additional meetings within the original meetings budget.

- more efficient use of consultant time for meetings (e.g., consultant telecommutes to staff meetings)
- more efficient document review and revision and more cost-effective distribution of work, improvements that are made possible by our growing experience with this new kind of project
- re-evaluate cost estimates for future phases to reflect lessons learned so far (in particular, that more iterations of documents are required than was estimated to support the very intensive public involvement program)

A comprehensive budget discussion is planned for the December meeting of the EGC at which we expect to launch Phase 2 of the project in earnest. That discussion will include consideration of the cost implications of the NCCP Act of 2002, the lessons learned in the project to date, and any progress on fund-raising.

Early initiation of portions of Phase 2 ($37,058): Staff recommends initiating two components of Phase 2 early, as outlined below:

- Preliminary economic analysis tasks ($22,229): We recommend that portions of the economic analysis task outlined in the original Jones and Stokes Scope of Work be initiated now to support completion of the Draft Alternative Conservation Strategies. Land valuation and analysis of the range of strategies for funding implementation of HCPs—the two components we recommend initiating—will provide economic context to the Conservation Strategy and bring a more complete array of issues to the public discussion of the HCP.

- Initial work on California Environmental Quality Act/National Environmental Policy Act compliance ($14,829): The U.S. Fish and Wildlife Service, the presumptive lead agency for our project under NEPA, requests that the CEQA/NEPA scooping process be started as soon as possible. This is due in part to the time required to post notices in the Federal Register. Staff concurs and recommends that we proceed with these tasks now.

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EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN
Recommended Initial Budget

July 30, 2001
(showing updates as of September 12, 2002 with shading and ~~strikeout~~)

REVENUE (Current)

		Deposited in HCPA account
CCWD	$325,000	$325,000
Route 4 Bypass	100,000	pending
City of Clayton	10,000	$10,000
EPA Grant (Approved)	75,000	$50,000
CCWD (FESA Map Transfer)	40,000	$40,000
FWS/CDFG Section 6 Grant (approved)	100,000	awaiting contract
Total current revenue	**~~$510,000~~ $650,000**	**~~$335,000~~ $425,000**

REVENUE (Anticipated[1])

		Notes
~~CCWD (FESA Map Transfer)~~	~~$ 20,000~~	~~approved; Additional $20K pending~~
FWS/DFG Grants (Submitted)	200,000	told our $200K request has been rated highly
Outside funding sources (TBD)	~~100,000~~ 16,000[2]	
~~Interest of Funds (Estimated)~~	~~20,000~~	
Total anticipated	**~~$340,000~~ $216,000**	
Total overall revenues	**~~$850,000~~ $866,000**	

EXPENSES (estimated)

		Billed to date
Jones & Stokes Project Consultant	~~$705,400~~ $716,400	~~$171,697~~ $242,594
County - Coordinating Agency	100,000	$12,604
Independent Science Review (including J&S)	~~40,000~~ 45,000	~~$1209~~ $3227
Business Expenses	4,600	$0
Total estimated expenses	**~~$850,000~~ $866,000**[3]	**~~$185,510~~ $258,425**

Notes:
1) Contingency funds of $32,500 (refer to HCPA Agreement - Article 14) are in addition to the anticipated revenues described above.
2) Staff continues fund-raising efforts for amounts greater than $16,000 for contingency purposes and new NCCP Act requirements.
3) Though J&S Phase 1 costs have increased $25,000, $14,000 is due to Science Panel work and was already budgeted by the HCPA, leaving an $11,000 impact to the bottom line.

EAST CONTRA COSTA COUNTY
HABITAT CONSERVATION PLAN
Recommended Initial Budget

July 30, 2001
(cleaner version, showing updates as of September 12, 2002 without tracking changes)

REVENUE (Current)

		Deposited in HCPA account
CCWD	$325,000	$325,000
Route 4 Bypass	100,000	pending
City of Clayton	10,000	$10,000
EPA Grant (Approved)	75,000	$50,000
CCWD (FESA Map Transfer)	40,000	$40,000
FWS/CDFG Section 6 Grant (approved)	100,000	awaiting contract
Total current revenue	**$650,000**	**$425,000**

REVENUE (Anticipated[1])

		Notes
FWS/DFG Grants (Submitted)	200,000	told our $200K request has been rated highly
Outside funding sources (TBD)	**16,000[2]**	
Total anticipated	**$216,000**	
Total overall revenues	**$866,000**	

EXPENSES (estimated)

		Billed to date
Jones & Stokes Project Consultant	$716,400	$242,594
County - Coordinating Agency	100,000	$12,604
Independent Science Review (including J&S)	45,000	$3227
Business Expenses	4,600	$0
Total estimated expenses	**$866,000[3]**	**$258,425**

Notes:

1) Contingency funds of $32,500 (refer to HCPA Agreement - Article 14) are in addition to the anticipated revenues described above.
2) Staff continues fund-raising efforts for amounts greater than $16,000 for contingency purposes and new NCCP Act requirements.
3) Though J&S Phase 1 costs have increased $25,000, $14,000 is due to Science Panel work and was already budgeted by the HCPA, leaving an $11,000 impact to the bottom line.

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

DATE: September 19, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Presentation and Discussion of initial Draft HCP/NCCP Work Products (agenda item #9)

RECOMMENDATION

1) ACCEPT update on initial draft work products.

DISCUSSION

Several key initial draft documents are included in this packet for EGC review. All of these documents have been presented to the Coordination Group and two of them will be reviewed by the Science Advisory Panel on September 20. A brief explanation of each document is provided below:

Habitat Models: Attached please find a memo from Jones and Stokes explaining the purpose, methods, and limitations of the habitat models and four color 8½"x11" maps showing preliminary draft model outcomes for four species. The purpose of the habitat models is to identify areas within the inventory area where the species occurs or could occur based on known habitat requirements. Such information will be needed later in the planning process to estimate the species impacts under the incidental take permit application that will be a part of our HCP/NCCP effort. The habitat models are also needed to help guide the development of the Alternative Conservation Strategies, providing a tool for project scientists to use to assess the performance of various habitat protection and enhancement options to benefit covered species. Jones and Stokes will explain the habitat modeling process at the meeting.

Map-based vs. process-based approaches to preparing an HCP/NCCP: Attached please find a memo from Jones and Stokes outlining different approaches to preparing an HCP/NCCP and contrasting the advantages and disadvantages of these approaches. Project consultants recommend a hybrid approach and will employ that approach in preparing the Alternative Conservation Strategies unless directed otherwise. Member Agency Staff will be examining this issue in more detail over the coming weeks and will revisit the topic with the Coordination Group at its October meeting.

Updated Draft Covered Activities List: Attached please find an updated draft of the Covered Activities List describing the types of projects and activities that could be covered under the HCPA's incidental take permit. The list has been condensed somewhat from the original list presented to the EGC at an earlier meeting. That original list attempted to identify every

conceivable activity that could be covered. The goal of the on-going editing process is to frame a list of activities that should be covered, eliminating categories of activities that are not practical within the scope and budget of the HCPA effort or for which there is no interest in permit coverage (i.e., if agriculturalists do not desire permit coverage for on-going agricultural activities, such activities should not be included in the final covered activities list). The Coordination Group has discussed this list several times and will discuss it again immediately prior to the EGC meeting.

Jones & Stokes

Memorandum

Date: July 10, 2002 (updated September 3, 2002)

To: East Contra Costa County HCPA c/o John Kopchik

cc:

From: Ed West and David Zippin, Jones & Stokes

Subject: **ECCC HCP/NCCP Covered Species Distribution Models**

This memorandum summarizes our proposed methodology for developing models of the distribution of most covered species in the East Contra Costa County HCP/NCCP. We also present preliminary results of four example models to illustrate their function.

Background

Habitat conservation plans (HCPs) are required to estimate the level of take of all covered species. In small HCPs, this is typically done by estimating the maximum number of individuals that could be harmed, harassed, or killed by covered activities. In larger HCPs, this method is usually not possible because of the uncertainty in the location and extent of covered activities, a lack of data on the population status of covered species (i.e., population sizes and locations), or a combination of both. An alternative method to quantifying take is to determine the amount of habitat for each covered species that will be removed. This method is widely used in regional HCPs and is an acceptable alternative to the U.S. Fish and Wildlife Service (FWS) to estimating the number of individuals or populations taken. This is the method that will be employed in the East Contra Costa County HCP/NCCP.

Section 2820a of the California Natural Community Conservation Planning Act of 2001 requires applicants for incidental take permits provide natural community conservation plans that will:

- contribute to the recovery of listed covered species;
- support sustainable populations of covered species;
- provide range of environmental gradients and habitat diversity to support shifting species distributions; and
- sustain movement of species among reserves.

The covered species distribution models will also be used to satisfy the requirements of the NCCP Act.

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www.jonesandstokes.com

Purpose of the Models

The purpose of these models is to identify areas within the inventory area where covered species occur, or could occur based on known habitat requirements. We will use these models to quantify impacts from covered activities on covered species. Impact on covered species will be quantified by intersecting the GIS-based map of assumed development in the inventory area with each model of covered species distribution. The models will also be used to develop conservation measures for each covered species. We will evaluate alternative reserve and restoration designs against each covered species model to ensure that regulatory standards and biological goals for each species are met and that conservation for each is maximized. This information will also be used to frame alternative Conservation Strategies. These strategies will be evaluated on the basis of costs, conservation, and other factors to arrive at a preferred conservation strategy.

Model Structure and Development Methodology

The species models being developed for the ECCC HCP/NCCP are designed to accurately and effectively define key habitat characteristics of each species, be repeatable and scientifically defensible while remaining as simple as possible.The models are based on identification of land cover types that provide important habitat for these species (See the Administrative Draft of Chapter 3 of the HCP/NCCP for details of the land cover mapping). For each species, land cover types were identified as suitable habitat based on known or presumed habitat requirements and use patterns of each species. When supported by data, the models were refined by physical parameters such as elevation limits. In some cases, perimeter zones were used to designate habitat use a certain distance from a land cover type. For example, red-legged frogs use upland habitat for aestivation (summer hibernation) and dispersal, but the probability of use decreases with increasing distance from suitable breeding sites (e.g., ponds, streams). For wildlife, land cover types considered to be suitable habitat were classified by habitat use. Land cover types used for breeding were designated as core use areas. Other important habitats that may or may not include the core areas include foraging areas, aestivation areas, and migration, movement, or dispersal corridors.

Determinations of suitable land cover types and additional physical parameters were based on available data from survey reports, environmental documents, and peer-reviewed scientific literature. These data are summarized in the detailed biological profiles for each speices in the HCP/NCCP. When data were inconclusive or contradictory, we assumed conservative values to estimate suitable habitat. Documented occurrences of covered species within the inventory area were used to validate and refine the models. Sources of occurrence data were:

- California Natural Diversity Database
- Biodiversity data (a compilation of sightings of published studies and environmental

documents from a previous study by Jones & Stokes),
- occurrence records from the East Bay Regional Park District's (EBRPD) biological database, and
- records in the Contra Costa Breeding Bird Atlas

Individual occurrences that fall outside a model's predicted habitat distribution were evaluated separately to determine if they indicate flaws in the model or are anomalous points. We examined the original aerial photos to try to explain serious outlier points.

Model Limitations

The precision of the species distribution models is limited to the 10-acre/1 acre minimum mapping units used to map land cover types (land cover types smaller than 10 acres were not mapped, except rock outcrops, riparian scrub/woodland, wetlands, and wind turbines, which were mapped to 1 acre; ponds were mapped wherever they could be distinguished on the air photos, regardless of size). Areas of suitable habitat smaller than the mapping thresholds were not mapped and therefore could not be incorporated into the models. This constraint limited the degree of resolution of some habitat features potentially important to some species. For example, amphibians such as the California red-legged frog and the California tiger salamander require small ponds or other aquatic features for breeding. Suitable breeding habitat was therefore underestimated within the inventory area. The species distribution models are limited to distinguishing habitat uses based on key life history requirements such as breeding, foraging, or dispersal. These uses are then tied to land-cover types. The data do not allow for further distinctions of habitat quality on a regional scale. For example, California red-legged frogs disperse from breeding sites as their ponds or streams dry out during the summer. The movement corridors used by individuals may follow moisture gradients and associated wetland and/or swale vegetation. Including these features in our models was not possible. Accordingly, we used conservative estimates of movement/dispersal habitat requirements. This procedure will overestimate the actual extent of suitable or required habitat for this species, but is consistent with current conservation planning practices when data are limited (Noss et al. 1997).

Because of these limitations, models could not developed for all covered species. For some species, particularly the vernal pool invertebrates and some plants with highly restricted distribution and habitat requirements, available location data and the resolution capacity of the modeling procedure were insufficient to precisely identify potential habitat. The wetland habitat areas used by the invertebrate species were of such small size or specific physical condition (e.g, pond duration, depth) that they could not be mapped from aerial photography. By assuming they occur in mapped ponds and other aquatic sites, we would greatly over-represent their true distribution. Similar limitations were characteristic of several plant species. For this reason, models for these species will not be developed for the HCP/NCCP. Instead, take of these species will likely be estimated based on known occurrences (i.e., populations) and a take "ceiling" deemed reasonable based on knowledge of the inventory area. Take of these species will need to

be verified during site-specific surveys during HCP/NCCP implementation.

Representative models, assumptions, and results

Models for the Alameda whipsnake, California red-legged frog, Swainson's hawk and burrowing owl are presented here to illustrate the methodology, assumptions and results of the modeling process. Each model is based on a set of assumptions that define the mapping parameters used to identify the land cover areas important to each species. Rationales for the assumptions are also provided. The model results are presented in color Figures 1-4 and described below.

Alameda whipsnake

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.

2. All areas of annual grassland, oak woodland, oak savannah, riparian woodland/scrub and stream channels within a 1-mile radius of core Alameda whipsnake habitat were considered suitable movement habitat for this species.

Rationale

Core Habitat: Direct observations of Alameda whipsnakes and radio telemetry data on their movement patterns have shown that individuals tend to establish home ranges primarily within coastal scrub habitat, but also frequently move into adjacent grassland, oak savanna and occasionally oak woodland (Jennings 1983, Stebbins 1985, Swaim 1994). Most telemetry locations are within 170 feet of scrub habitat, but individuals have been tracked out to 500 feet (Swaim 1994). Whipsnakes can remain in grasslands for periods ranging from a few hours to several weeks. Male whipsnakes use grasslands primarily during the mating season in spring; females use these areas mostly after mating, possibly in their search for suitable egg-laying sites (Swaim 1994). Rock outcrops are also important habitat to whipsnakes in providing sites for efficient thermoregulation, shelter retreats, and foraging. Within the core areas, Alameda whipsnakes most commonly occur on east, south, southeast and southwest facing slopes (Swaim 1994), but may also use north facing slopes in more open stands of scrub habitat (McGinnis 1990, Swaim, pers. comm. in USFWS 2000a).

Movement habitat and corridors: Adult male whipsnakes commonly move long distances

away from their core areas during the breeding season (Swaim 2000). Also juveniles and hatchlings disperse annually away from their natal core areas in search of new habitats. A recent review of Alameda whipsnake locality data revealed that numerous Alameda whipsnakes have been observed at distances significantly greater than 500 feet from scrub habitat (Swaim 2000). These distances range from 0.1 mile to 4 miles. The 4 mile records appears to be anomalous; the next longest distance being 1.5 miles and all other records (9) were less than 1mile (mean for the 10 values = 0.46 miles).

Because the data on these whipsnake movements is limited (Swaim 2000), for the purposes of this model we used a conservative estimate of 1.0 mile to define the potential dispersal/movement distance of whipsnakes away from core coastal scrub habitat. Within this radius, however, it is unknown what pathways the snakes may take. Rock outcrops probably facilitate these long distance movements in these areas, but are apparently not essential (Swaim 1994, 2000). Individual whipsnakes have been located over 3,000 feet from scrub in areas where no significant rock outcrops were present between the closet patch of scrub and the location where the snake was found. Stream channels also are probably used as movement corridors between core areas (Swaim 2000). For these reasons we included all grassland and oak savanna areas within a 1-mile radius of all coastal scrub area in the inventory area as suitable Alameda whipsnake movement habitat. Furthermore, we considered all stream channels in and networked with channels within this 1-mile radius as potential dispersal/movement corridors for this species.

Results

Figure 1 shows the modeled potential habitat of the Alameda whipsnake within the ECCC HCP/NCCP inventory area. The habitat includes the eastern slopes of Mt. Diablo and much of the surrounding foothills in the western and southwestern portions of the inventory area. The documented occurrences of Alameda whipsnakes in this area correspond well to locations within core areas or in adjacent movement habitat and corridors. Two recently documented occurrences are located in grassland habitat north and northeast of Los Vaqueros Reservoir approximately 4 miles from the nearest potential chaparral/scrub habitat. We closely examined the aerial photos at these locations and found no visible features (e.g., small patch of scrub, small rock outcrop, etc.) that might explain the occurrence. The California Department of Fish and Game (DFG) has agreed to fund a trapping study of whipsnakes at those locations to verify them and to develop a better understanding of whipsnake habitat away from chaparral and coastal sage scrub stands. DFG staff agreed that the model could not be refined any more based on our current understanding of suitable habitat for this species and the data available.

A small area southeast of Mt. Diablo is not shown as suitable habitat for the Alameda whipsnake. This area is likely suitable movement habitat because of the proximity (less than 1 mile) of chaparral and scrub habitat outside the inventory that was not mapped.

The minimum home range size of adult male Alameda whipsnakes in coastal scrub habitat is approximately 5 acres. Habitat patches of this size within the inventory area could not be mapped due to the 10 acre minimum habitat resolution capacity of the model. Rock outcrop areas, which are important to the Alameda whipsnake within core areas and movement corridors, were not mapped if they were less than one acre in size. If small patches of these habitat occurred to the east of mapped suitable habitat, the dispersal range of this species would extend farther into the urban limit line. A close examination of the aerial photos found no such small patches within the grassland in or near the urban limit line that would extend the model to the north or east. The model provides reasonable conservative estimates for both core habitat and movement corridors/dispersal habitat.

California red-legged frog

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.

Rationale

Breeding habitat: Breeding sites used by California red-legged frogs include a variety of aquatic habitats (Stebbins 1985, Hayes and Jennings 1988, USFWS 2000b). Larvae, tadpoles and metamorphs use streams, deep pools, backwaters within streams and creeks, ponds, and marshes. Breeding adults are commonly found in deep (more than 2 feet), still or slow-moving water with dense, shrubby riparian or emergent vegetation (Hayes and Jennings 1988). Adult frogs have also been observed in shallow sections of streams that are not shrouded by riparian vegetation. Generally, streams with high flows and cold temperatures in spring are unsuitable for eggs and tadpoles. Within the ECCC HCP/NCCP inventory area stock ponds are frequently used as breeding sites by this species if the ponds are managed to provide suitable hydroperiod, pond structure, vegetative cover, and control of nonnative predators. All existing ponds and streams within the inventory area were, therefore, considered potential suitable breeding habitats for California red-legged frogs.

Migration and aestivation habitat: During dry weather, California red-legged frogs are seldom found far from water. However, as ponds dry out these frogs disperse from their breeding sites to other areas with water or to temporary shelter or aestivation sites. This latter habitat may include small mammal burrows, incised stream channels, shelter under boulders, rocks, logs, leaf litter, agricultural drains, watering troughs, abandoned sheds or unused farm equipment (Jennings and Hayes 1994, USFWS 2000b). Movements of up to 1 mile from breeding sites to aestivation sites are apparently typical (Stebbins 2002), although some individual frogs have been found up to 2 miles away (USFWS 2000b). These dispersal and migration movements are generally straight-line, point-to-point migrations rather than following specific habitat corridors (USFWS 2000b, Stebbins 2002). They may be along long-established historic migratory pathways that provide specific sensory cues that guide the seasonal movement of the frogs (Stebbins 2002). Dispersal distances are believed to depend on the availability of suitable habitat and prevailing environmental conditions. However, because the actual movement patterns of California red-legged frogs in these habitats is generally not known, for this model we conservatively estimated that all non-urban land cover areas within a radius of 1 mile from all potential breeding sites were potential migration and/or aestivation habitats for California red-legged frogs.

Results

Figure 2 shows the modeled potential habitat of the California red-legged frog within the ECCC HCP/NCCP inventory area. The habitat includes approximately two-thirds of the inventory area, and is primarily located along the hilly portions of the western side of this area. All documented occurrence locations fit well within the boundaries of the model.

The large size of the habitat is due to the high number of ponds that provide potential breeding habitat and the potential dispersal distance of this species. Because the actual movement patterns of the frogs away from breeding sites is not known (but is believed to often be line-of-sight), we used conservative estimates of the movement/dispersal habitat requirements based on known distances of movement of individuals provided in available reports. We then included all potentially suitable habitats within a radius based on the mode of long-range distances moved by the frogs and classified these areas as suitable movement habitat for the species. Although the model underestimates the extent of ponds and other aquatic features, it is unknown whether the model underestimates or overestimates the extent of suitable breeding habitat for the California red-legged frog because, with the exception of the Los Vaqueros watershed and East Bay Regional Park lands, the suitability of these ponds (both mapped and unmapped) for this species is unknown.

Two aquatic sites in Brentwood are surrounded by urban development but may still support this species. The DFG and the U.S. Fish and Wildlife Service (FWS) have agreed to field verify these sites to determine if California red-legged frog are present. Until these surveys are complete, we will assume presence at these sites.

Swainson's hawk

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.

Rationale

Foraging Habitat: Historically, Swainson's hawks are believed to have foraged in upland and seasonally flooded perennial grasslands (Woodbridge 1998). In the Central Valley, Swainson's hawks now forage primarily in low-growing crop areas and perennial grasslands (Estep 1989, pers. comm. 2002). Preferred foraging habitats include alfalfa, fallow fields, beet, tomato, and other low-growing row or field crops, dry-land and irrigated pasture, rice land during the non-flooded period, and cereal grain crops (Estep 1989). Individual birds or nesting pairs may use over 15,000 acres of habitat or range up to 18 miles from the nest in search of prey (Estep 1989, Babcock 1993). The California Department of Fish and Game considers a 10-mile flight distance between active nest sites and suitable foraging habitats as a standard for direct impact analysis. This distance was used to identify all potential foraging Swainson's hawk foraging habitat within the ECCC HCP/NCCP inventory area. Swainson's hawks in the inventory do not forage above approximately 150 feet in elevation (Glover, pers. comm.; Sterling, pers. comm.), so a filter was used in this model to exclude these areas.

Breeding Habitat: In California, Swainson's hawks typically nest at the edge of narrow bands of riparian vegetation, in isolated oak woodland and in lone trees, roadside trees, or farmyard trees, as well as in adjacent urban residential areas (Estep 1989; England et al. 1995, 1997). The 10-acre resolution limitation of the land cover mapping allows for identification of only the largest riparian woodland/non-native woodland land cover areas within the implementation area.

Results

Figure 3 shows the modeled potential habitat of the Swainson's hawk within the ECCC HCP/NCCP inventory area. The habitat includes extensive areas of row-crop and pasture land cover within the inventory area. All of these areas are within the 10-mile foraging range of the species from potential nesting habitat. Only one occurrence record was available for this species within the inventory area digitally. This record was located within potential breeding habitat

identified by the model. Ten records identified in the Contra Costa Breeding Bird Atlas (Steve Glover, personal communication) all fall within the modeled habitat in the northeast corner of the inventory area.

Numerous other sites within agricultural and urban areas may also provide suitable breeding habitat for this species in the form of small woodlands and isolated trees. However, these areas could not be identified in this model because these small-scale features were not mapped.

Western burrowing owl

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.

Rationale:

Western burrowing owls typically occur in dry, open, shortgrass, treeless plains often associated with burrowing mammals (Haug et al. 1993). Golf courses, cemeteries, road allowances within cities, levees, and ruderal borders around agricultural fields, airports, and vacant lots in residential areas are also used for both breeding and foraging. Within the ECCC HCP/NCCP inventory area these habitats are represented by the annual grassland, alkali grassland, wind turbine, seasonal wetland, ruderal and turf land cover types.

Burrowing owls are also known to use agricultural areas occasionally when they are fallow or continually in the margins of these fields. Many patches of ruderal land-cover type less than 10 acres in size (i.e., less than the minimum mapping unit) occur within areas mapped as cropland or pasture. These small patches are suitable for burrowing owls. To account for the occasional use by owls of fallow agricultural fields, and the low density use by owls of patches of ruderal areas, we mapped habitat as "occasional or limited use" in all cropland and pasture land-cover types.

Results

Figure 4 shows the modeled potential habitat of the western burrowing owl within the ECCC HCP/NCCP inventory area. The habitat includes large areas of grassland and ruderal habitat throughout the inventory area, and extensive areas of occasional or limited use in cropland and pasture. Most of the available occurrence records are included within the model boundaries.

Those outside the model are most likely in suitable habitat areas, but in areas smaller than the 10-acre resolution of the model. Suitable habitat smaller than 10 acres outside model boundaries (e.g., patches associated in residential areas and around airports), were not mapped and are therefore potentially under-represented. However, the model may compensate for this potential bias by conservatively estimating the amount of grassland, ruderal, cropland, and pasture habitat available to burrowing owls for breeding and foraging.

Western burrowing owls are almost certainly undersurveyed and underreported in the inventory area. Actual densities of owls may be low because of historic or current rodent control programs that reduce their prey base.

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Jones & Stokes

Memorandum

Date: July 8, 2002

To: East Contra Costa County HCP Association
C/o John Kopchik

cc:

From: David Zippin

Subject: **Map-Based vs. Process-Based Plan**

One of the key decisions to be made in this process is how to structure the HCP/NCCP. One of the most fundamental choices faced by applicants is whether to develop a map-based plan or a process-based plan. This memorandum explains these two types of plans and outlines the benefits and drawbacks of each approach.

BACKGROUND

Pure Map-Based Approach: A map-based plan is the easiest to understand but often the hardest to develop. In such a plan, the preserves to be created are drawn clearly on map. The map designations determine the application of regulations, fees, land acquisition, restoration, or other elements of the plan. Because all landowners must agree to the designation placed on their lands, purely map-based plans (otherwise known as "hard boundary" plans) are difficult to develop on a large scale and are usually used for HCPs with a single property owner.

"Fuzzy" Map Approach (Hybrid Approach A): Another option is to designate on a map broad areas in which preserves are to be assembled. Land within this area is purchased in fee title or as conservation easements from willing sellers. Because not all of the land within the mapped preserve areas can be purchased (i.e., not every landowner will want to sell), the preserves zones are drawn to be larger than required to mitigate for project impacts. In order for the preserves to adequately mitigate project impacts, minimum requirements are set regarding elements such as total preserve size, configuration, and habitat composition. Such plans have components of both map-based and process-based HCPs, because lines are drawn on a map but there is flexibility in how the preserves are assembled. Examples of hybrid HCPs are the San Diego County Multi-Species Conservation Plan (both an HCP and NCCP), and the Natomas Basin HCP in Sacramento and Sutter Counties.

"Relative Value" Map Approach (Hybrid Approach B): HCPs can alternatively include a map that broadly categorizes areas for mitigation or land acquisition by their conservation value. This approach has less geographic specificity that Hybrid Approach A. A variety of policies

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may be established in the plan relating to this map. For instance, mitigation fees or ratios for an area may vary depending on map categories. The number of conservation credits available to sell per acre can also be related to the map. A map could also identify areas with specific mitigation requirements (e.g., pre-construction surveys). The Kern County Valley Floor HCP (still in progress) proposed such a generalized map-based approach. In that plan, areas would be scored high, medium, and low for conservation value and assigned conservation credits accordingly (i.e., high value areas would receive more conservation credits per acre than low value areas). To receive a permit in the HCP, the project proponent would need to provide or fund the purchase of conservation credits in an amount proportional to amount of credits their project would destroy. Sellers of conservation credits would receive more per acre if their property was high value and less per acre if their property was low value.

The Balcones Canyonlands Conservation Plan in central Texas (a regional HCP) took a similar approach by designating zones on a map of either known occupied habitat of a key covered species (based on field surveys), possible habitat (no surveys conducted but habitat was suitable), or areas not considered to be habitat. Mitigation fees were determined based on the proportion of a parcel within each zone.

Process-Based Approach: A purely process-based plan (otherwise known as a policy-based plan) has no map of where preserves will be established or other mitigation accomplished. Instead, the plan outlines a detailed process by which reserves are assembled according to clear criteria. The amount of flexibility in a process-based plan depends on the flexibility of the preserve assembly criteria. For example, criteria could be developed that essentially mandate the acquisition of certain areas within the plan area because of their critical function or unique biological resources. In this way, a process-based plan can provide a degree of certainty in the outcome close to that of a map-based plan without the controversy associated with lines on a map. Alternatively, criteria could be included that specify the general area in which preserves should be assembled (e.g., “grassland habitat north of Hwy X and east of Y City Limits”). An example of a purely process-based HCP is the San Joaquin County Multi-Species Open Space and Conservation Plan.

There are many ways to apply the principles of map-based and process-based approaches to an HCP. For example, maps could be applied to habitat areas or development areas or both. Alternatively, maps could be applied in preserve areas where acquiring certain habitat is critical to the success of the plan, but not in other areas. In other areas there may be more flexibility in meeting the HCP goals. As mentioned previously, maps may also designate zones within an HCP area in which different mitigation ratios, fees, credits, or criteria apply.

Benefits and Drawbacks

Jones & Stokes will be developing up to four alternative conservation strategies for review by the HCPA. One of these strategies will be the “no take” alternative, as required by the U.S. Fish

and Wildlife Service. The other three alternatives will differ in terms of their level of conservation, or they could differ in terms of the structure of the conservation strategy (e.g., map-based or process-based). A purely map-based HCP is probably not practical for this project because of its large scale. However, it would be appropriate for the plan to be either purely process-based or a combination of process-based and map-based. **We are requesting direction from the HCPA as to their preference of a hybrid approach (i.e., contains some map components) versus a purely process-based approach.** If there is no preference, we will develop alternative conservation strategies with a hybrid approach because choosing one approach is more cost effective. A hybrid approach can be more easily converted to a purely policy-based approach than vice-versa. The benefits and drawbacks of each approach are presented in Table 1.

Table 1. Benefits and Drawbacks to Hybrid HCP vs. Process-Only HCPs

Type of HCP	Benefits	Drawbacks
Hybrid HCP (some maps)	• Greater certainty for all concerned in terms of how the plan will be implemented • May have to provide less mitigation overall due to higher certainty of locations • Potential for fewer pre-construction survey requirements	• May inflate land prices within designated preserve areas if not enough "extra" land is available • Some landowners may see this as added regulation (even though plan is voluntary) or unfair manipulation of land prices • May require higher level of HCP baseline data within preserve boundaries to demonstrate they meet the biological goals of the HCP • Less flexibility to respond to changed circumstances, be these biological or economic[1] • Some stakeholders may not accept this approach for political reasons
Process-only HCP	• Avoids controversy associated with lines on a map • Typically requires lower level of HCP baseline data in preserve areas up front because preserve lands can be assessed in detail as they are purchased from willing sellers • More flexibility in implementing HCP	• May have to provide additional mitigation to offset uncertainty in location of final preserve system • Potential for greater pre-construction survey requirements • Less certainty in the outcome of the plan

Participants in the HCPA process can no doubt suggest other advantages and disadvantages and are invited to do so.

[1] It would be more difficult to implement such a plan on purely "pay-as-you-go basis" if less development occurred than was predicted; matching available funding to acquisition commitments could be more challenging. The Kern County approach is an exception, allowing market forces to play a role, though guiding that market with incentives.

Jones & Stokes

Memorandum

Date: August 8, 2002 (updated September 14, 2002 by John Kopchik)

To: East Contra Costa County HCPA c/o John Kopchik

cc:

From: David Zippin, Jones & Stokes

Subject: **Covered Activities**

Jones & Stokes submitted a preliminary list of potential covered activities to the HCPA in a February 13 memorandum. This memo presents our recommendations of changes to the original list (Table 1) based on discussions with staff, the HCPA Coordination Group, and the Executive Governing Committee since February 13. Our recommendations include deletions, one addition, and several consolidations of the original 18 activities to a new list of from 9 to 12 activities (see summary list at the end of the memo). The HCPA Coordination Group discussed the revised covered activities list at their August 15 meeting and a record of that discussion is included at the end of this memo.

Table 1. Recommended Changes Regarding the 18 Covered Activities Under Consideration by the HCPA.

Proposed Activity from Feb. 13 list	Recommendation	Remaining Questions
1. Residential, commercial, and industrial development	Retain as core covered activity.	How much residential development is to be covered and where?
2. Road construction and maintenance	Refine activity to "road and highway construction and maintenance". Estimate final impacts based on combination of on-going and future maintenance, and new construction from foreseeable major projects.	What is the length of roads outside the ULL on which regular maintenance is conducted? Are major new highways, roads or highway/road expansions planned outside the ULL?
3. Water infrastructure projects	Refine activity to "water infrastructure construction and maintenance". Estimate impacts based on combination of on-going and future maintenance, and new construction from foreseeable major projects.	Where are major water infrastructure projects planned, besides the Los Vaqueros Reservoir expansion (excluded from HCP/NCCP)?
4. Flood control project construction and maintenance	Retain activity. Estimate final impacts based on combination of on-going and future maintenance, and new construction from foreseeable major projects.	Where are major flood control projects planned?
5. Wind energy	Drop from consideration as a covered	None

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Proposed Activity from Feb. 13 list	Recommendation	Remaining Questions
development	activity due to the lack of foreseeable projects and the unique nature of their impact on raptors.	
6. Sanitary system infrastructure	Refine activity to "sanitary system infrastructure construction and maintenance". Estimate final impacts based on combination of on-going, small-scale activities and new construction of foreseeable major projects.	Where are major wastewater projects planned?
7. Recreational facility construction, maintenance, and operation	Refine activity to "rural recreational facility…" (recreational facilities within the Urban Limit Line (ULL) can be subsumed within #1). Estimate impacts based on combination of on-going and future operation and maintenance activities, and construction of new facilities needed for the HCP/NCCP preserve system.	Does EBRPD need coverage under the HCP/NCCP for construction, maintenance, and operation of their existing or new facilities?
8. Mining facility construction, operation, and maintenance	Due to the limited mining occurring in the inventory area, drop this activity unless Unamin in interested in coverage under the HCP/NCCP.	Is Unamin interested in getting their operations or future expansions covered under the HCP/NCCP?
9. Creation of parks, trails, and campgrounds	Include these activities within the ULL in activity #1; include these activities outside the ULL in activity #7. Create new category "recreational use of rural parks and preserves" to cover recreational uses within HCP/NCCP preserve system.	Does EBRPD want to include existing recreational uses in their parks in the HCP/NCCP?
10. Funeral/ Interment Services	Include these activities within the ULL in activity #1. Create new activity "miscellaneous development outside the ULL". Estimate final impacts based on rough acreage ceiling.	None
11. Public Services (e.g., construction of fire stations, police stations, public administration centers, community centers, schools, airports (or airport expansion))	Include these activities within the ULL in activity #1; include these activities outside the ULL in revised activity #10; estimate activities outside the ULL based on rough ceiling	The Byron Airport is within the ULL; should we include development on current GP designations in the final analysis or another development footprint? Is there a formal proposal to expand the Byron Airport?
12. Construction of Churches	Include this activity within the ULL in activity #1. Include this activity outside the ULL in revised activity #10. Estimate activity outside the ULL based on rough ceiling.	None

Proposed Activity from Feb. 13 list	Recommendation	Remaining Questions
13. Utility services-electricity, solids, liquids or gas through pipes which are necessary to support principal development involving only minor structures	Include this activity within the ULL in activity #1. Include this activity outside the ULL in revised activity #10. Estimate activity outside the ULL based on rough ceiling.	None
14. Population surveys, management, and scientific research on Preserve lands or potential preserve lands	Refine this activity to include habitat restoration in preserves created by the HCP/NCCP.	None
15. Relocation of covered species or other mitigation required for direct impacts to covered species	Retain this activity but combine with #14.	None
16. New agricultural operations	Combine with #17 and redefine as "clearing, grading, or filling of grasslands, oak woodlands, chaparral, wetlands, or riparian woodland/scrub natural communities for new irrigated agriculture". Define new irrigated agriculture as "cropland, pasture, orchards, or vineyards that currently do not support these activities".	Does the agricultural community want this activity covered in the HCP/NCCP? How much is irrigated agriculture expected to expand into these natural communities during the permit term?
17. Agricultural intensification	Combine with #16; see above	None
18. On-going operations of existing agriculture	Drop activity unless agricultural community is interested in covered it in the HCP/NCCP. Define terms clearly with help of landowner representatives and based on new California Endangered Species Act revisions to agricultural exemption provision. Estimate impacts based on ceiling within current agriculture and grassland land cover types.	Does the agricultural community want this activity covered? If so, how much coverage is needed and for which on-going activities?

In summary, this new draft list of activities incorporates all of our recommendations:

1. Residential, commercial, and industrial development
2. Road and highway construction and maintenance
3. Water infrastructure construction and maintenance
4. Flood control project construction and maintenance
5. Sanitary system infrastructure construction and maintenance
6. Rural recreational facility construction, maintenance, and operation
7. Recreational use of rural parks and preserves
8. Mining facility construction, operation, and maintenance (if requested by mining companies)
9. Miscellaneous development outside the ULL (to be defined later)
10. Population surveys, species relocation, habitat restoration, management, and scientific research on preserve lands or potential preserve lands
11. Clearing, grading, or filling of natural communities for new irrigated agriculture (if requested by agricultural community)
12. On-going operations of existing agriculture (if requested by agricultural community)

(below please find a refined draft of the above list that received consensus approval of the Coordination Group at its August 15 meeting; the Coordination will review the accuracy of this summary and continue the discussion on September 19)

Discussion Draft of Covered Activities List[1]

1. Residential, commercial, and industrial development (and other development activities, such as described in items 2 thru 4, inside the Urban Limit Line)
2. Road and highway construction and maintenance outside the ULL
3. Water infrastructure construction and maintenance outside the ULL
4. Flood control project construction and maintenance outside the ULL
5. Sanitary system infrastructure construction and maintenance
6. Rural recreational facility construction, maintenance, and operation
7. Recreational use of rural parks and preserves
8. Mining facility construction, operation, and maintenance (if requested by mining companies)
9. Miscellaneous development outside the ULL (to be defined later)
10. Population surveys, species relocation, habitat restoration, management, and scientific research on preserve lands or potential preserve lands
11. Clearing, grading, or filling of natural communities for new irrigated agriculture (if requested by agricultural community)
12. On-going operations of existing agriculture (if requested by agricultural community)
13. Wind turbines to be discussed later

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1 The introductory text on this subject should explain the difference between Section 7 and Section 10 of the Federal Endangered Species Act and make clear that, while an HCP can only provide coverage under section 10, HCPs can be an instrument for identifying permit conditions under Section 7.

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

DATE: September 19, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Administrative matters

RECOMMENDATION

1) APPROVE resolution identifying individuals at the County with signatory authority for the HCPA's Local Agency Investment Fund (LAIF), as necessary to complete the transfer of Treasurer duties from Contra Costa Water District to the County.
3) RATIFY the attached invoices, three from Jones and Stokes and two from Erica Fleishman.

DISCUSSION

Resolution: On May 23, 2002, the EGC approved the transfer of HCPA Treasurer/Controller duties from Contra Costa Water District to Contra Costa County. To complete that transfer, we have learned that an additional EGC resolution is required identifying individual staff members at the County to whom the HCPA grants signatory authority for the HCPA's LAIF account. A copy of the recommended resolution is attached for EGC consideration.

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

The following three invoices from Jones and Stokes Associates and two invoices from Erica Fleishman have been reviewed and approved by Coordinating Agency staff.

RESOLUTION NO. 02-02

A Resolution of the Executive Governing Committee of the
East Contra Costa County Habitat Conservation Plan Association (HCPA)
Authorizing Individual Members of the Contra Costa County Staff
To Deposit or Withdraw Monies in the HCPA's
Local Agency Investment Fund

WHEREAS, pursuant to Chapter 730 of the Statutes of 1976 Section 16429.1 was added to the Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money for the purpose of investment by the State Treasurer; and

WHEREAS, the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association authorized the deposit and withdrawal of money in the Local Agency Investment Fund on October 11, 2001; and

WHEREAS, the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association approved the transfer of the responsibilities of HCPA Treasurer/Controller from the Contra Costa Water District to Contra Costa County on May 23, 2002.

NOW, THEREFORE BE IT RESOLVED that the Executive Governing Committee of the East County Habitat Conservation Plan Association (ECHCPA) does hereby authorize the following HCPA officers or their successors in office to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Dennis M. Barry, AICP, Community Development Director for Contra Costa County

Louise Aiello, Administrative Services Officer, Contra Costa County Community Development Department

Becky England, Accounting Manager, Contra Costa County Community Development Department

John Kopchik, Principal Planner and Lead Staff for HCPA Coordinating Agency, Contra Costa County Community Development Department

* * * * * * * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 19th day of September, 2002, by the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association by the following vote:

AYES:

NOES:

ABSENT:

_____

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

ATTEST:

Donna Gerber,

Secretary