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

DATE: February 21, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Meeting Packet for EGC Meeting on Thursday, February 21, 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, February 21, 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, consideration of a resolution of support for a request to the U.S. Congress for planning funds to support five conservation planning efforts in Northern California (including ours), and establishment of the HCPA's independent science review process.

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) or Dennis McCormacof the Contra Costa Water District at (925) 688-8329 (email: dmccormac@ccwater.com) .

We look forward to seeing you on February 21 at 5:30pm.

Attchments.

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

Date: Thursday, February 21, 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) Approve Meeting Report for October 11, 2002.

4) Updates on Public Outreach and Involvement Program and recent legislation, including:
   - HCPA Coordination Group
   - HCPA website (now online in skeleton format; the web address is www.cocohcp.org)
   - Other public meetings and workshops
   - Antioch participation
   - SB 107 and the re-enacted Natural Communities Conservation Planning (NCCP) Act

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

6) Consider resolution of support for a request to the U.S. Congress for $2 million in planning funds to support conservation planning efforts in Eastern Contra Costa, Solano, Yolo, Sacramento, and Placer Counties.

7) Consider approving report on convening an Independent Scientific Review Panel to provide advice on the HCPA's conservation planning process, as required by the California Department of Fish and Game. Authorize the expenditure of a maximum of $50,000 to cover all professional services associated with this task, including facilitator, honoraria for panelists, and additional work required of Jones and Stokes.

8) Authorize staff to execute contracts in the amount of $25,000 or less for tasks approved by the EGC and consistent with the approved HCPA budget.

9) Review draft HCPA Mission Statement, draft HCP outline, draft covered species list, and draft covered activities list and refer these items to the HCPA Coordination Group for further review and recommendations.

10) Ratify invoices submitted by Jones and Stokes and Contra Costa County 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, May 16, 2002 (3rd Thursday)
  - Thursday, May 23, 2002 (4th Thursday)
  - Thursday, May 30, 2002 (5th Thursday)
- Alternative recommended dates for subsequent meeting:
  - Thursday, September 19, 2002 (3rd Thursday)
  - Thursday, September 26, 2002 (4 th Thursday)

11) 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 or Dennis McCormac of the Contra Costa Water District at 925-688-8329.

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

Meeting Report
October 11, 2001

INTRODUCTION

The East Contra Costa County Habitat Conservation Plan Association (HCPA) Executive Governing Committee (EGC) met on Thursday, October 11, 2001. CCWD Director Bette Boatmun was in attendance. Vice-President Noble Elcenko also attended the meeting. EGC representatives from Pittsburg (Mayor Fran Quesada), Contra Costa County (Supervisor Donna Gerber), Oakley (EGC Vice-chair Jeff Huffaker), and the East Bay Regional Park District (Director Ted Radke) were in attendance. The following is a review of the meeting agenda.

1. Introductions

2. Public Comment

None.

3. Approve Meeting Report for July 30, 2001

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

3b. Approve Resolution Authorizing HCPA Funds to be Deposited in a Local Agency Investment Fund (LAIF)

The HCPA staff received the required documents to establish a LAIF account after the meeting agenda was posted. The EGC approved the staff recommendation to add this item to the agenda on a 4-0 vote. The EGG approved Resolution No. 01-01 to establish a LEIF account (4-0) This account will enable the HCPA to earn significantly higher interest on HCPA funds.

4. Introductory presentation by Paul Cylinder and David Zippin, Jones & Stokes Associates on the HCP/NCCP Planning Process

HCPA consultants Paul Cylinder and David Zippin from Jones & Stokes were introduced to the EGC. Mr. Cylinder will be the Principal-in-Charge and Mr. Zippin will be the Project Manager. Mr. Zippin made a presentation on the basics of the HCP process. This included the elements of an HCP, permit processing phase, and the role of the consultant.

5. Discuss Structure and Format of a Formal Advisory Committee Process -- Authorize Letters to Selected Stakeholder Organizations

Agency staff presented recommendations for the HCPA Coordination Group. This Group includes the Agency Staff, regulatory agencies, and the stakeholder panel. Based on developed criteria, staff recommended invitations to 14 organizations to be part of the stakeholder panel. The EGC approved the recommended panel and added a seat for labor for a total of 15 participants. Staff was authorized to send letters of invitation to the selected stakeholders and report back on the process (4-0).

6. Future Executive Governing Committee Items -- Committee Calendar

The EGC approved the proposed agenda items as presented. The proposed agenda items include: Status of Antioch's Participation, HCPA Financial Report, Public Outreach-Stakeholder Program and proposed NCCP Agreement.

7. Confirm Next Meeting Dates

The EGC confirmed the next meeting dates for Thursday, December 20, 2001, 5:30 p.m. and Thursday, February 21, 2002, 5:30 p.m. The December 20th meeting may be cancelled depending on staff's progress on an agreement related to the NCCP process.

8. Announcement

Agency staff announced that the HCPA had received notification of approval of an HCP Planning Assistance Grant in the amount of $100,000 from the State of California under Section 6 Cooperative Endangered Species Conservation Funds. The HCPA now has committed funds of $610,000 toward the HCP costs of $850,000 that includes costs for the wetlands permitting process.

9. Adjournment

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

DATE: February 21, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Resolution of support for a request for $2 million in planning funds to the U.S. Congress to fund five on-going conservation planning efforts in Northern California, including the planning effort of the HCPA

RECOMMENDATION

¢# Approve the attached resolution and support a request for $2 million in federal conservation planning funds to be distributed among five Northern California HCP efforts, including the HCPA.

FISCAL IMPACTS

The minor staff costs to pursue this funding request are covered within the existing approved HCPA budget for the Coordinating Agency staff. If the request is successful, awarded funds could address a substantial portion of the HCPA's fund-raising needs.

DISCUSSION

On several occasions in recent years, five counties in Southern California have successfully requested from Congress direct appropriations of planning funds to support their on-going conservation planning efforts. Aware of this precedent and of a similar need for planning funds among regional conservation planning efforts in Northern California, staff from interested local agencies have been meeting to discuss opportunities for a joint request to Congress for Fiscal Year 2003 planning funds. Given the HCPA's need for additional funds and provisions of the HCPA Joint Powers Agreement explicitly directing staff to pursue outside funds, HCPA staff have participated in the exploratory effort.

The meetings have been coordinated by the Institute for Ecological Health (IEH), a non-profit organization based in Davis, California that has been an active participant in, and advocate for, several conservation plans in the area. The assembled parties agreed that a joint request would have a greater likelihood of success than either separate requests or continuous grant applications for Endangered Species Act planning funds (so-called Section 6 grants, such as the $100,000 grant awarded to the HCPA last year).

To articulate this proposal, involved staff and IEH drafted the text of a common resolution formally requesting funds from Congress. IEH also drafted a range of explanatory and supporting documents articulating the value of and need for this request. Five Northern California regional conservation planning efforts are considering participation in the joint

request. Those five efforts are: the East Contra Costa County HCP, Solano County, Yolo County, Sacramento County, and Placer County.

Attachment A to the resolution describes the process and criteria for recommending a distribution of awarded funds among the five participants. This is necessary as Congress would not provide the money directly to local agencies, relying instead on an agency like the U.S. Fish and Wildlife Service to distribute the funds. By the criteria in Attachment A, funds awarded would be split among the five planning efforts on the basis of need and local match. The possibility of subsequent requests to Congress was considered while drafting Attachment A.

To date, the resolution has been considered and approved by Placer and Sacramento Counties and by the Solano County Water Agency (the agency preparing the HCP in that county). A steering committee of city and county officials in Yolo County has also endorsed the proposal.

Preliminary meetings have already been held with staff from many of the involved Congressional Representatives to gauge support and assess the feasibility of the request. Staff met with representatives from Congressman Miller and Congresswoman Tauscher and were encouraged to pursue the request further. Meetings with Congressman Pombo's staff and with other involved staff are planned. Representatives from IEH as well as some of the other involved counties plan a trip to Washington D.C. in late February to discuss the proposal more fully. A meeting of elected officials with Senator Feinstein in California later this year is desired.

Attached please find additional background information on the request and the resolution of support for the EGC's consideration.

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RESOLUTION NO. 01-02

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

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

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

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

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

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

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

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

WHEREAS, the HCPA has committed more than $450,000 in local funds to developing its conservation plan and needs additional funding to complete the project; and,

WHEREAS, funding for developing these plans is often problematic; and,

WHEREAS, a multi-county application for federal funding would be more efficiently produced and more likely to succeed than individual applications.

NOW, THEREFORE, BE IT RESOLVED that the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association does hereby support working together with agencies from Yolo, Solano, Sacramento and Placer Counties to request from the United States Congress $2,000,000 in funding to be dispersed to the five agencies (see attachment A) through the fiscal year 2003 Interior and Related Agencies Appropriations bill, anticipated to be passed by Congress in 2002.

* * * * * * * * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 21st day of February, 2002 by the Executive Governing Committee of the East Contra Costa County Habitat Conservation Plan Association by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

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

ATTEST:

_____

Dennis M. McCormac,
Secretary

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Attachment A
to Resolution No. 01-02 of the
East Contra Costa County Habitat Conservation Plan Association

Allocation of Funds Received

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

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

- No local planning effort shall receive less than 10% of the funding approved by the United States Congress, but the local planning effort may choose to decline the 10%;

- Funding allocations to local planning efforts beyond the 10% minimum shall be consistent with the goals of conservation planning and determined on the basis of the following two factors:

  1) Need, as measured against both annual budgets and overall project budgets;

  2) Past and present commitment of local funding to on-going conservation planning efforts, including funds and staff time provided by involved local jurisdictions, funds generated by these jurisdictions from the collection of fees, and funds contributed by other local sources such as property developers.

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

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

DATE: February 21, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Initiating an independent science review process

RECOMMENDATION

- Review, modify and approve the basic structure of the proposed independent science review process.
- Authorize the expenditure of an amount not to exceed $50,000 for all aspects of conducting the science review process, including the facilitator, honoraria for the panel scientists, and additional Jones and Stokes tasks. This figure represents a maximum costs. The budget details of the science review process, including the number of panelists and size of their honoraria, as well as the additional tasks required of Jones and Stokes Associates, still need to be worked out at the staff level.
- Authorize staff to perform all tasks necessary to convene the first meeting of the independent science review panel before June of 2002, including execution of a contract with the panel facilitator, recruitment of panel scientists, payment of honoraria or first installment of honoraria to science panelists, and transfer of funds within the Phase 1 budget for Jones and Stokes Associates to cover costs of their involvement in the science review panel.
- Direct staff to report back to the EGC on this matter at the next meeting.

FISCAL IMPACTS

The costs of the independent science review process can be accommodated within the initial HCPA budget approved by the EGC in 2001. That initial budget allocated $40,000 in Phase 1 for independent science review. With information learned while interviewing prospective panel facilitators, agency staff now anticipate a maximum cost of $50,000. We propose to cover the difference by transferring funds within the scope of services for Jones and Stokes Associates. That transfer would shift a maximum of $10,000 away from a task that is not required, namely, the use of a private facilitator to design a stakeholder process and facilitate six Phase 1 stakeholder meetings. Staff have performed the process design work already (the EGC approved that process structure in October of 2001) and are comfortable running the Phase 1 meetings without the use of a facilitator.

DISCUSSION

The purpose of independent science review: There are a number of reasons for including independent science review in the development of a Habitat Conservation Plan (HCP) / Natural

Communities Conservation Plan (NCCP) for eastern Contra Costa County. These include the following:

a) Science review is now a requirement of the NCCP Act, as amended by the State a few weeks ago.
b) Independent review will help to assure that the HCP/NCCP is based on appropriate and valid scientific techniques and principles.
c) Including science review in early phases of the development of the HCP/NCCP, such as we propose, may uncover and resolve scientific issues before they threaten our schedule and budget.

Facilitator for the science review process: The success of the science review process will depend heavily on the work of panel facilitator. The facilitator will assist with designing the review process, selecting and recruiting panelists, framing questions for the panel, and assisting the panel chair in documenting findings. Agency staff, with the assistance of the Jones and Stokes team, considered a list of potential facilitators and selected two facilitators for interview. Based on this research, staff recommend hiring Erica Fleishman, a scientist who works for the Center for Conservation Biology at Stanford University. Ms. Fleishman has an excellent and directly relevant academic background, has experience in coordinating the efforts of multiple scientists and in convening large scientific conferences, and is very enthusiastic about the potential for assisting with our HCP/NCCP. A letter of interest from Ms. Fleishman as well as a draft scope of work are attached (the draft scope of work provides a good overview of the overall review process). Ms. Fleishman estimates the costs of her services at $13,300.

The science panel: Based on advice received from Ms. Fleishman as well as experience with other projects, we anticipate recruiting a panel of from 5 to 7 members including a Chair who will take the formal lead role in documenting the panel's findings. We are assembling a list of potential candidates based on other science review panels convened in the area and on knowledge of which scientists have the expertise valuable to our effort. We expect the panel would include a mixture of scientists with detailed species expertise as well as scientists with a broader ecological expertise. Scientists from universities as well as scientists from private companies and institutions could be considered. We have been told that an honorarium of $5000 per panelist has been provided in other efforts, but believe that our project is smaller, will entail less work, and therefore require smaller honoraria. We expect the panel Chair would receive a larger honoraria than the other panelists due to increased work and responsibility.

Project consultant: As the scientific entity ultimately receiving the advice and critique of the science panel, additional work will be required of Jones and Stokes staff to attend meetings, provide additional materials requested by the panel, and assist agency staff with setting up the overall science review process. Agency staff will be working with Jones and Stokes to define the specific tasks required of them to support the science review process.

Next steps:

- Hire the science facilitator;
- Further define the scope of the science review process;
- Recruit science panelists;
- Schedule the first science panel meeting, probably in May of 2002, and determine the agenda for that meeting and the questions to be presented to the panel.

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

DATE: February 21, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Review and referral of Draft HCPA Mission Statement, Draft HCP outline, Draft covered species list, and Draft covered activities list

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RECOMMENDATION

Review Draft HCPA Mission Statement, Draft HCP outline, Draft covered species list, and Draft covered activities list and refer these items to the HCPA Coordination Group for further review and recommendations

DISCUSSION

Jones and Stokes developed the above-described documents in consultation with Agency Staff. These documents frame some of the key decisions the HCPA will have to make in this early phase of our effort. Below is a brief description of the purpose of each:

Draft HCPA Mission Statement: A statement of the primary goals of the HCPA and the conservation planning effort. Agency Staff recommend the EGC make a careful review of this document in particular. Agency Staff further recommend that the document, with any revisions, be submitted to the HCPA Coordination Group for further review and consideration of any recommended revisions.

Draft HCP outline: Summarizes what will be the primary components of the HCP document.

Draft covered species list: HCP's must identify up-front which species are to be addressed by the plan and, therefore, which species will be covered by the incidental take permit. It is possible to receive a permit for species that have already been declared threatened and endangered as well as species which are at some risk of such declaration. Past HCP'shave attempted to cover a hundred or more species, but the regulatory agencies have made it clear that covering a very large and speculative list of species is not advisable. Our contract with Jones and Stokes Associates assumes that not more than 25 species will be covered. The attached list presents a first cut prioritization for further discussion. It is based on the likelihood that a species is present, the degree of protection afforded to the species and/or the chances that the species will receive protected status in the future,and the likelihood that future activities in the Planning Area could affect the species.

Draft covered activities list: HCPs must identify the types of activities seeking permit coverageunder the HCP. This draft list attempts to be comprehensive and to include all

possible types of covered activities. Further review by staff, stakeholders, and consultantsmay be necessary to determine if it is practical and necessary to attempt to cover such a comprehensive list of activities.

Following referral to the HCPA Coordination Group, these documents will be returned to the EGC for a final decision with any recommendations received form the Coordination Group

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Jones & Stokes

Memorandum

Date: February 13, 2002

To: East Contra Costa County HCP Association

cc:

From: David Zippin and Kostoula Vallianos

Subject: **ECCCo. HCP/NCCP Draft Mission Statement**

At the onset of the planning process, preparers of regional HCP/NCCPs typically state the overall goals that the plan is intended to achieve. These goals represent a summary of the "project purpose and need" for the regional HCP/NCCP. The Staff Committee and Jones & Stokes have developed a draft mission statement for the EGC's consideration.

We suggest that the EGC review this mission statement and forward it to the HCPA Coordination Group for subsequent review. It is important that the HCP/NCCP mission be discussed widely, agreed upon, and formally adopted by the EGC.

Draft Mission Statement

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan will provide comprehensive species and ecosystem conservation by balancing open space, habitat, agriculture, and urban development within East Contra Costa County, while:

- reducing the cost and increasing the clarity and consistency of federal and state permitting,
- consolidating and streamlining these processes into one, locally-controlled plan,
- encouraging the multiple use of protected areas, including recreation and agriculture,
- sharing the costs and benefits of the habitat conservation plan process and implementation among participating agencies,
- protecting the rights of private property owners, and
- contributing to the conservation and recovery of endangered species and their habitats.

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

DRAFT—Eastern Contra Costa County HCP/NCCP Outline—**DRAFT**
February 13, 2002

Cover page
TOC

Executive Summary

Chapter 1: Introduction
- Purpose
- Plan area
- Plan participants
- Permit duration
- Regulatory setting
- Historical background
- Planning process overview
  - *Interim project review*[1]
- Public Involvement
- HCP/NCCP goals and objectives
- Biological goals
  - *Ecosystem goals (ecosystem integrity and function)*
  - Landscape-level goals
  - Habitat goals
  - *Biodiversity goals*
  - Species-specific goals
- Document organization

Chapter 2: Covered Activities
- Projects and activities outside reserves
- Activities within reserves
- Excluded projects and activities

Chapter 3: Physical and Biological Resources (Insert Biological Inventory Report)
- Physical Setting
  - Methods
  - Topography
  - Soils
  - Watershed, streams, and lakes
  - Floodplains
- Biological Resources
  - Methods
  - *Ecosystem functions*
  - *Environmental gradients and habitat diversity*[2]

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[1] Sections in italics indicate new components (out of scope) recommended to comply with new NCCP legal requirements and guidance that takes effect January 1, 2003.

- Covered Natural Communities
- Wetlands and Streams
- *Biological diversity*
- Covered Species
- Existing land management

Chapter 4: Land Use
- Introduction
- Methods
- Existing land uses
  - Development
  - Agriculture
  - Open space (urban and rural)
  - Natural parks and other protected lands
- Designated land uses (i.e., General Plans)
  - By jurisdiction

Chapter 5: Effects on *Ecosystems*, Natural Communities, and Species
- *Effects on ecosystems (ecosystem integrity and function)*
- *Effects on environmental gradients and habitat diversity*
- Effects on covered natural communities
- Effects on wetlands and streams
- *Effects on biodiversity*
- Effects on covered species (incl. critical habitat)
  - Level of take requested

Chapter 6: Conservation Strategy
- Introduction
- Methods
  - Conservation planning principles
- Summary of conservation measures
- Preserve establishment and linkage
  - Interface zone design
- Habitat restoration and enhancement
- *Ecosystem* and habitat management
  - Management within preserves
  - Management in interface zones
  - Management outside preserves
- Mitigation and minimization measures[3]
- Species-specific measures
- Specific measures for wetlands and streams (if needed)

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[2] The new NCCP regulations require DFG to make findings to ensure that the reserve system and conservation measures provide for "incorporating a range of environmental gradients (such as slope, elevantion, aspect, and costal or inland characteristics) and high habitat diversity to provide for shifting species distributions due to changed circumstances." (SB 107 sec. 2820 (a)(4)(D)). We will interpret "habitat diversity" to mean natural community diversity.

[3] This could include mitigation measures for a group of species such as preconstruction surveys for raptors

Measures to protect biodiversity beyond covered species

Chapter 7: Funding and Economic Analysis (Insert Economic Analysis Report)
- Plan costs (distinguish between start-up and on-going costs for each)
  - Land acquisition (fee title or easements)
  - Habitat restoration and enhancement
    - Design
    - Implementation
    - Environmental compliance
  - Preserve management and maintenance (incl. facilities construction)
  - Program administration
  - Monitoring and adaptive management
  - Remedial measures
  - Research (optional)
- Funding sources
  - Start-up funding
  - Development fees
  - State and federal grants
  - Other sources

Chapter 8: Expected Outcomes [tied to ESA, CESA, NCCP, 404, 1600 findings]
- *Ecosystem integrity and function*
- Covered natural communities
- Wetlands
- *Biodiversity*
- Covered species (incl. critical habitat)

Chapter 9: Monitoring and Adaptive Management Plan
- Monitoring
  - Compliance monitoring
    - *Ecosystem integrity and function*
    - Covered natural communities
    - Wetlands and streams
    - *Biodiversity*
    - Covered species
  - Effects and effectiveness monitoring
    - *Ecosystem integrity and function*
    - Covered natural communities
    - Wetlands and streams
    - *Biodiversity*
    - Covered species
- Adaptive Management
- Reporting schedule
  - HCP
  - NCCP
  - Clean Water Act compliance

- DFG 1600 compliance

Chapter 10: Plan Implementation
- Implementing entity
  - Functions
    - Funds management
    - Decision making
    - Policy development
    - Data management
    - Development and approval of work plans
    - Development and approval of budgets
    - Scientific input
  - Structure
  - Creation process
- Roles and responsibilities
  - Permitting agencies
  - Permittees
  - Implementing entity
  - Landowners and other stakeholders
- Schedule
  - Implementation schedule (including jump-start provision)
  - *Landowner and participant responsibilities if schedule not met*
- Plan amendments and revisions
  - Minor changes
  - Amendment process

Chapter 11: Assurances and Changed Circumstances
- Assurances Requested
  - USFWS (e.g., cover unlisted species, removal of critical habitat)
  - CDFG
- Landowner assurances
  - Neighboring landowner protection
  - Others?
- Changed circumstances
- Remedial measures for changed circumstances
- Unforeseen circumstances
- Commitments from USACE?
- Commitments from RWQCB?

Chapter 12: Analysis of Alternatives
- Alternative selection and screening process
- Alternatives considered but not evaluated in detail
- Summary of Alternatives
- Alternatives
  - No action (i.e., no regional permits, project-by-project compliance)
  - No take (i.e., no continued growth in planning area)
  - Alternative conservation strategy that provides greater conservation than proposed[4]
  - Alternative conservation strategy that provides less conservation than proposed OR has a different structure than proposed (e.g., map-based vs. policy-based)
- Economic analysis of alternatives
  - Adequacy of funding sources
  - Effects to local and regional economy

Chapter 13: Literature Cited

Appendices

Appendix A: List of Preparers
Appendix B: List of Acronyms
Appendix C: Glossary
Appendix D: Species Profiles

[4] This alternative will not be practicable. It demonstrates that the proposed strategy is the maximum practicable strategy to satisfy the legal need after the Natomas Basin HCP decision.

Jones & Stokes

Memorandum

Date: February 13, 2002

To: East Contra Costa County HCP Association Executive Governing Committee

cc:

From: Ed West and David Zippin, Jones & Stokes

Subject: **ECCCo. HCP/NCCP Draft Covered Species List**

This memorandum presents Jones & Stokes' second draft covered species list. This list is based on a comprehensive review of 154 special-status species that occur or could occur in the ECCCo. HCP/NCCP planning area. The analysis included a review of all occurrence records in the California Natural Diversity Database (CNDDB), consultation with species experts, and a review of relevant literature. To determine which species should be covered by the plan, we applied the criteria outlined in a memo to Staff on November 13, 2001 and formally approved at the January 30, 2002, Staff Committee meeting. We identified 11 plants and 33 wildlife species that meet these criteria.

Our scope of work currently limits us to 25 covered species. To focus the list further, we separated our list of 44 species into two tiers:

- **Priority 1 species** = species that met the criteria and should be covered by the permit because of current listing status, the potential for substantial impacts, or a high likelihood of future listing.

- **Priority 2 species** = unlisted species that met the criteria but have a lower likelihood of future listing, or listed species that would be affected by a limited set of covered activities.

The Priority 1 and 2 species are listed below. Details of their selection are found in the attached spreadsheet. Note that these lists are preliminary and may change based on new information or recommendations from agency staff or the scientific review panel. We recommend that 27 species be covered in the HCP/NCCP. Although this is over the limit of our scope of work, we do not anticipate significant extra cost.

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Priority 1 species: Should be covered (27)	**Priority 2 species: Could be covered (17)**
Alameda whipsnake	American peregrine falcon
Big tarplant	Bald eagle
Brewer's dwarf flax	Berkeley kangaroo rat
Brittlescale	California horned lizard
California red-legged frog	Fringed myotis
California tiger salamander	Grasshopper sparrow
Diablo helianthella	Greater white-fronted goose (tule)
Diamond-petaled poppy	Greater western mastiff bat
Foothill yellow-legged frog	Long-legged myotis
Giant garter snake	Molestan blister beetle
Golden eagle	Northern harrier
Longhorn fairy shrimp	San Francisco dusky-footed woodrat
Midvalley fairy shrimp	San Joaquin whipsnake
Mount Diablo fairy lantern	Short-eared owl
Mount Diablo manzanita	Western pond turtle
Mountain plover	Western spadefoot toad
Pacific western big-eared bat	White-tailed kite
Prostrate navarretia	
Recurved larkspur	
San Joaquin kit fox	
San Joaquin spearscale	
Showy madia	
Silvery legless lizard	
Swainson's hawk	
Tricolored blackbird	
Valley elderberry longhorn beetle	
Vernal pool fairy shrimp	
Vernal pool tadpole shrimp	
Western burrowing owl	

A third tier (Priority 3 species) includes 19 species that did not meet the "status" or "data" criteria but could be included in the plan under a lower standard of coverage. These species could be "covered" for CEQA and NEPA purposes, providing programmatic mitigation that could be applied whenever these species occur or may occur on a project site. This approach could greatly simplify CEQA and NEPA compliance for these species. This approach was taken in the San Joaquin County MSCP for many species.

It should be noted that the San Joaquin County MSCP attempted to obtain ESA coverage for at least 42 species. The U.S. Fish and Wildlife Service issued coverage for only 24 of these

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species, including only two unlisted wildlife species, the California tiger salamander a foothill yellow-legged frog. Thus, there is a risk in adding too many species because the agencies might not include them in the final take authorization permit.

Timing

As with the overall HCP/NCCP goals, the covered species list will need to be reviewed and approved by wide audience including the EGC, Staff Committee, HCPA Coordination Group (i.e., stakeholders), Scientific Review Panel, and regulatory agencies. This process will likely take several months. Jones & Stokes will produce the administrative draft Baseline Data Inventory Report on February 15. This report will contain ecological and status profiles of the covered species. In order to meet this deadline, the Staff Committee allowed us to focus the report on the Priority 1 species because it is likely that all of these species will be approved as covered species. If the Staff Committee and EGC wish to add species from Priority 2 and 3 lists later, we would develop a scope and budget amendment to add these species to the plan.

Jones & Stokes

Memorandum

Date: February 13, 2002

To: East Contra Costa County HCP Authority Executive Governing Committee

cc:

From: David Zippin and Kostoula Vallianos, Jones & Stokes

Subject: **Potential Activities Covered by East Contra Costa County HCP**

An important part of developing the conservation strategy for the HCP/NCCP (Task 4) is selecting a list of activities and projects that will be "covered" by the plan (i.e., allowed by the permits). This list must be developed by the HCPA, although Jones & Stokes can provide guidance. Just as with covered species, selection of covered activities should be guided by specific criteria. Covered activities should:

- occur within the term of the permit (assume 30 years)
- occur within the permit area
- be foreseeable to the point where impacts can be quantified and, if possible, mapped
- have the potential to adversely affect one or more covered species, and
- not have an adverse affect on the project schedule or cost due to added controversy, complicated analysis, or other factors.

Activities could be either wholly covered throughout the planning area (i.e., blanket coverage) or partially covered. Activities that are partially covered could be covered in particular geographic areas, during a portion of the permit term, or coverage could be determined during plan implementation on a case by case basis.

The following is a list of potential activities that could be covered by the East Contra Costa County HCP/NCCP developed by the Staff Committee and Jones & Stokes. This list is designed to stimulate discussion and should not be considered all-inclusive. Applicants are often tempted to include a "laundry list" of activities in a regional HCP so that all possible activities are covered by the permit. While the list should be as broad as possible, an exhaustive list of activities needlessly complicates the impact analysis and can substantially slow reviews by agency staff and others. An asterisk below indicates that the activity was listed in CCWD's Biological Opinion as an activity that was expected to be covered in the HCP.

1. Residential, commercial and industrial development*
2. Road construction and maintenance*
3. Water infrastructure projects-diversions, delivery, and conveyance infrastructure*

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4. Flood control project construction and maintenance*
5. Wind energy development
6. Sanitary system infrastructure
7. Construction, maintenance, and operation of recreation facilities (e.g., parks, golf courses)
8. Construction, maintenance, and operation of mining facilities (e.g., sand quarry, natural gas field)
9. Creation of parks, trails, and campgrounds both inside and outside the urban growth areas, and creation of trails within some areas of Preserves.
10. Funeral/Interment Services – mortuaries, crematorium, columbariums, mausoleums and similar services when in conjunction with cemeteries
11. Public Services: includes but is not limited to construction of fire stations, police stations, public administration centers, community centers, schools, airports (or airport expansion)
12. Construction of Churches
13. Utility services- electricity, solids, liquids or gas through pipes which are necessary to support principal development involving only minor structures (e.g., electrical distribution lines, utility poles and transformers)
14. Population surveys, management, and scientific research on Preserve lands or potential preserve lands including:
    - ¢# inventorying (e.g., trapping, handling, marking, if necessary)
    - ¢# monitoring
    - ¢# installing preserve enhancements or restoration (e.g., moving earth to create new habitat)
    - ¢# preserve operations and maintenance (e.g., install fences, access roads)
15. Relocation of covered species or other mitigation required for direct impacts to covered species
16. New agricultural operations
17. Agricultural intensification (e.g., conversion from dryland farming to vineyards)
18. On-going operations of existing agriculture

Specific activities or projects will be **excluded** from the HCP/NCCP due to a variety of factors. As the list of covered activities is developed, so will the list of excluded activities or projects. There is one project that we know now will be excluded from the plan, the expansion of the Los Vaqueros Reservoir. This project will obtain its own permits for endangered species impacts so does not need coverage in this HCP/NCCP.

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

DATE: February 21, 2002

TO: Executive Governing Committee (EGC)

FROM: Member Agency Staff

SUBJECT: Ratification of invoices submitted by Jones and Stokes and Contra Costa County and paid by the HCPA Treasurer

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RECOMMENDATION

Ratify the attached invoices, two from Jones and Stokes Associates, and one from Contra Costa County for services rendered as the Coordinating Agency for the HCPA.

DISCUSSION

The HCPA Joint Powers Agreement authorizes the HCPA Treasurer to pay consultant invoices upon receiving approval from HCPA Coordinating Agency staff. The Treasurer pays invoices submitted by Contra Costa County upon approval 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 purposeof 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 two invoices from Jones and Stokes Associates have been reviewed and approved by Coordinating Agency staff, and reviewed and approved for referral to the EGC my member agency staff. The invoice from Contra Costa County has been approved by member agency staff.

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