Public Advisory Committee

Thursday, August 9, 2012
1:00 p.m. to 3:00 p.m.

1:00 p.m.: City of Pittsburg, City Council Chambers
(ANTE ROOM)
65 Civic Avenue, Pittsburg, CA 94565

Agenda

1:00  **Introductions. Welcome new committee member.** Attendees are invited (but not required) to sign in.

1:02  **Public comment on items not on the agenda:** Public comment will also be accepted on each agenda item during discussion of that item.

1:05  **Consider approving the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Public Advisory Committee (“PAC”) meeting on February 9, 2012 and May 10, 2012.**

1:10  **General Update & Update on recent actions of the Governing Board, including:**
- 2011 Annual Report and the East Contra Costa County Habitat Conservancy Year in Review summary document.*
- Mitigation Fee Update and upcoming workshop*
- Acquisition Updates*

1:45  **Update on the issuance of U.S. Army Corps of Engineer’s Regional General Permit (RGP) related to the HCP/NCCP and issuance of U.S. Fish and Wildlife Service Biological Opinion on the RGP.**

2:00  **Examine needs and opportunities for simplifying and expediting the process for Conservancy review of small projects and making various determinations required of the HCP/NCCP Implementing Entity in order to make a recommendation to the Governing Board. (see attached referral from the Governing Board)**

2:50  **Upcoming Conference:**
- The Northern California Conservation Planning Partners, Habitat Conservation Planning from Tahoe to the Bay’s Tenth Annual Conference on Thursday, November 15th, 2012.

2:55  **Consider agenda items for future Public Advisory Committee meetings.**

3:00  **Adjourn (next regular meeting date on November 8, 2012)**

* Background materials for these items are available within the May & July Governing Board meeting packets.

Times are approximate. If you have questions about this agenda or desire additional meeting materials, you may contact Abby Fateman of the Department of Conservation and Development at 925-674-7820. The Conservancy will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 72 hours before the meeting.
Public Advisory Committee
*Draft Meeting Record*

Thursday, February 2, 2012
1:00 p.m. to 3:00 p.m.

City of Pittsburg, City Council Chambers
(Ante Chamber Room)  
65 Civic Avenue  
Pittsburg, CA 94565

1) Introductions.

**Committee Attendees:**

<table>
<thead>
<tr>
<th>Private Permit Seekers</th>
<th>Conservation Advocates</th>
<th>Landowners/Agriculturalists</th>
<th>Suburban/Rural Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contra Costa Council:</td>
<td>California Native Plant Society:</td>
<td>Agricultural/Natural Resource Trust of Contra</td>
<td>Dick Vrmeer: In attendance</td>
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<tr>
<td>Absent</td>
<td>Absent</td>
<td>Costa County</td>
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<td>Discovery Builders Inc.:</td>
<td>Friends of Marsh Creek Watershed:</td>
<td>Sharon Osteen: In attendance</td>
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<tr>
<td>Noelle Ortland</td>
<td>Absent</td>
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<td>Contra Costa County Citizens Land Alliance:</td>
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<td></td>
<td>Home Builders Association of</td>
<td>Save Mount Diablo:</td>
<td>VACANT:</td>
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<tr>
<td>Northern California:</td>
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<td>Absent</td>
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<td>Absent</td>
<td></td>
<td>Contra Costa County Farm Bureau:</td>
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<td>Absent</td>
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</tbody>
</table>

*Other Public Attendees:*  
Chris Barton, East Bay Regional Park District  
Kelly Davidson, Public

*Conservancy Staff members in attendance:*  
John Kopchik, Conservancy Staff  
Abby Fateman, Conservancy Staff

2) Public comment on items not on the agenda. None.

3) Approve the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Public Advisory Committee (“PAC”) Meeting on November 10, 2011. Meeting Record was approved.

4) General Update & Update on recent actions of the Governing Board:
   - 2012 Conservancy Work Plan, Legislative Platform and Budget.
   - PAC representation and vacancy
EBART extension to Hillcrest avenue and other recently-approved applications for take coverage from Participating Special Entities
John Kopchik provided an update on Governing Board actions taken at the January 2012 meeting.

5) **Wetland Restoration Project: August 2011-February 2012**
Abby Fateman provided an update on the Upper Hess Creek Watershed Restoration Project.

6) **Land acquisition update**
John Kopchik provided an update on recent land acquisition activities.

7) **Update on effort to coordinate wetlands permitting and implementation of the Habitat Conservation Plan / natural Community Conservation Plan**
John Kopchik provided an update on recent developments in the wetland permitting process.

8) **Consider agenda items for future Public Advisory Committee meetings.**
The PAC discussed possible future agenda items. Suggestions included: tour of recent acquisitions and projects.

9) **Adjourn (next regular meeting date on May 10, 2012).** The meeting adjourned.
1) **Introductions.**

   **Committee Attendees:**

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<tbody>
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<td>California Native Plant Society: Absent</td>
<td>Agricultural/Natural Resource Trust of Contra Costa County: Joe Ciolek</td>
<td>Dick Vrmeer: Absent</td>
</tr>
<tr>
<td>Discovery Builders Inc.: Noelle Ortland</td>
<td>Friends of Marsh Creek Watershed: Absent</td>
<td>Contra Costa County Citizens Land Alliance: Absent</td>
<td>Sharon Osteen: Absent</td>
</tr>
<tr>
<td>Home Builders Association of Northern California Absent</td>
<td>Save Mount Diablo: Seth Adams</td>
<td>Contra Costa County Farm Bureau: Absent</td>
<td>VACANT:</td>
</tr>
</tbody>
</table>

**Other Public Attendees:**

Gail Mallimson
Tim Jensen, CCC Flood Control and Water Conservation District

**Conservancy Staff members in attendance:**

John Kopchik, Conservancy Staff
Abby Fateman, Conservancy Staff

2) **Public comment on items not on the agenda.** None.

3) **Approve the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Public Advisory Committee (“PAC”) Meeting on February 9, 2012.** Attendance by Committee members was low, and this item was delayed to the next PAC mtg.

4) **General Update & Update on May 10th actions of the Governing Board.** Mr. Kopchik provided an overview of the Governing Board meeting covering the major items on the Governing Board’s agenda.

5) **Drive to Preserve System property and tour restoration site.** Attendees who chose to attend the site visit drove in two vehicles to the Upper Hess Creek Restoration site and toured the property.

6) Adjourn to next regular meeting date on August 9, 2012. The meeting adjourned.
EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY

DATE: May 10, 2012
TO: Governing Board
FROM: Conservancy Staff
SUBJECT: Consider actions related to Park and Recreation Facilities under the HCP/NCCP

RECOMMENDATION
Consider the following actions related to Park and Recreation Facilities under the HCP/NCCP:

a) DETERMINE that the East Bay Regional Park District may use take coverage authorized to it through the HCP/NCCP and the associated state and federal permits to cover the Round Valley Pedestrian Bridge Project. AUTHORIZE staff to file a Notice of Determination for this Board action with the County Clerk.

b) DIRECT staff to examine needs and opportunities for simplifying and expediting the process for Conservancy review of small projects and making various determinations required of the HCP/NCCP Implementing Entity, REFER this matter to the Public Advisory Committee (PAC) for additional review and recommendation; and DIRECT staff to report back to the Governing Board.

DISCUSSION
Item (a). The East Bay Regional Park District (“EBRPD”) is proposing to construct a new pedestrian bridge at the Round Valley Regional Preserve, known as the Round Valley Pedestrian Bridge Project (“Project”), located approximately six miles west of Brentwood in Contra Costa County. The Project includes installation of abutments and a 60-foot clear span, prefabricated steel bridge over Round Valley Creek and a minor realignment of the existing permeable natural surface trails to conform to the bridge approaches. The project will eliminate the need for persons and vehicles to pass through the creek channel by providing a clear span bridge. EBRPD intends to award a construction contract in May and construct the project this summer. The Project will result in 0.15 acres of permanent impact for the installation of the new trail alignment and 0.83 acres of temporary impact related to all other construction and staging activities.

CONTINUED ON ATTACHMENT: Yes
ACTION OF BOARD ON: May 10, 2012
APPROVED AS RECOMMENDED: Yes
OTHER: _______________________

VOTE OF BOARD MEMBERS
X UNANIMOUS
AYES: _______________________
NOES: _______________________
ABSENT: _____________________
ABSTAIN: ____________________

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED

CATHERINE KENINS, SECRETARY OF THE EAST CONTRA COSTA COUNTY
HABITAT CONSERVANCY

BY: _______________________
DEPUTY

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The Project is an eligible covered activity under Section 2.3.2 of the HCP/NCCP for “Park or Recreation Facilities” located outside of the Urban Development Area (UDA) and the HCP/NCCP Preserve System. Section 2.3.2 states the following:

“Park and recreation facilities may be covered activities outside the UDA and outside the HCP/NCCP preserves. Because of the uncertainty in their location and project footprint, coverage for these projects will be decided on a case-by-case basis by the Implementing Entity, USFWS, and CDFG. This will allow alternative siting or redesign, if possible, to avoid or minimize impacts on covered species and natural communities.”

As outlined in Section 2.3.2, the Project is an eligible covered activity with the approval of the Conservancy (which is the Implementing Entity), U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Conservancy staff have reviewed the project and the Planning Survey Report (“PSR”) submitted by EBRPD and find that the project will have mostly beneficial impacts on covered species and that the project is appropriate for coverage pursuant to Section 2.3.2. USFWS and CDFG have already provided their written determination that the Project may be covered under Section 2.3.2.

For the Project, EBRPD is the CEQA lead agency. EBRPD prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project in conformance with CEQA. The IS/MND evaluated and addressed potential impacts as a result of the Project and determined that no significant environmental impacts are anticipated to be associated with the Project. The Conservancy has considered the IS/MND and finds that anticipated impacts were fully disclosed and analyzed and no significant environmental impacts are anticipated.

**Item (b).** The Round Valley Pedestrian Bridge Project (“Project”) is the first example of a project proposed for coverage under the HCP/NCCP that requires a determination by the Conservancy for an action by a named Permittee under the HCP/NCCP (in this case, EBRPD). The HCP/NCCP contains various other provisions that require a Conservancy determination on an action that would be carried out or approved by another Permittee (e.g. the participating cities, the County, Flood Control and EBRPD). For example, the HCP/NCCP requires Conservancy determination or approvals on proposals to reduce temporary impact fees associated with wetlands in a flood control detention basin when wetlands will be restored following the project, on requests to fill more than 3 acres of wetlands and in a variety of other circumstances. The Conservancy also has substantial experience with issuing take coverage to Participating Special Entities (PSEs). A process has been developed for PSEs that has been working but can be challenging for the smaller projects with tight timelines (e.g. urgent pipeline repair projects). Conservancy staff recommends further analysis and discussion of such circumstances and identification of opportunities to make Conservancy action as effective and efficient as possible.

Subject to Board approval, staff would propose to identify and analyze HCP/NCCP requirements, consider opportunities for a streamlined Conservancy process (including some potential delegated authority or other techniques for reducing delay), discuss and receive recommendations from the Public Advisory Committee, and report back to the Board.
Attachments:

- Planning Survey Report for Round Valley Pedestrian Bridge Project:
  - Main body of planning survey report
  - Project Vicinity Maps, Impact and Land Cover Maps, Species Habitat Maps
  - Fee Calculator (Exhibit 1 and Exhibit 2)
- The Initial Study/Mitigation Negative Declaration prepared by the East Bay Regional Park District