

Chapter 3

Revisions to Draft HCP/NCCP

Introduction

This Chapter summarizes the key revisions made to the Draft HCP/NCCP in response to comments received during the public review of this document between September 2, 2005, and December 1, 2005. Document revisions also resulted from the acquisition of supplemental materials, information, and data. These include additional aerial photography, regulatory agency coordination, and data input from the Swainson's Hawk Technical Advisory Committee.

The reader is directed to the Final HCP/NCCP for the specifics of text edits, additions and subtractions. Minor revisions and clarifications are not summarized herein, but may be referenced in the responses to comments in Chapter 2.

Key Revisions to the HCP/NCCP

Chapter 2 Land Use and Covered Activities

- Two areas that have been within the County Urban Limit Line (ULL) have now been added to the Initial Urban Development Area (UDA) (1,000-acre area east of Discovery Bay and 500 acre area west of Bay Point). These areas were not part of the Initial UDA in the Draft Plan and would have been covered under the Maximum UDA. This change prevents a substantial jump in fees that would otherwise have occurred due to interim development. With these changes, net impacts under the Initial UDA went down due to interim development. Net impacts under the Maximum UDA went down even further.

Chapter 3 Physical and Biological Resources

- Land cover acreages within the Inventory Area were updated based on additional ground surveys conducted in spring 2003 and 2004, new color aerial photographs taken in the spring of 2003 and 2004, and updates to urban land-cover in May 2005 and February 2006. Accordingly, land-cover data reflects current conditions in most of the inventory area as of spring 2004 and land-cover types as of February 2006. For the most part, revision in land cover acreages were only incremental changes with exception of aquatic habitat which was reduced by approximately 1,400 acres from that noted in the Draft

HCP/NCCP. This substantial reduction was the result of correcting a GIS data error, which had counted the Los Vaqueros Reservoir twice in the Inventory Area.

Chapter 4 Impact Assessment and Levels of Take

- The Swainson's hawk model was adjusted to account for lack of impact on foraging habitat within densely urbanized areas per Swainson's hawk Technical Advisory Committee input (i.e., small patches of cropland and pasture within urban areas not suitable for Swainson's hawk). Also some habitat has been developed since the last model run done to support the draft Plan. Impacts were reduced from 4,661 acres to 3,782 acres in Initial UDA and from 5,897 acres to 4,743 acres in Maximum UDA.
- Impacts under the Initial UDA and Maximum UDA were adjusted to account for recent development in the inventory area. Approximately 1,000 acres have recently been approved for development, and land cover for these areas was changed to the "future urban" designation.

Chapter 5 Conservation Strategy

- A new map and tables were added to account for interim conservation and ensure that these lands may be credited towards land acquisition and stay ahead requirements under the HCP/NCCP.
- Annual grassland above 150 feet in elevation was considered suitable Swainson's hawk foraging habitat if surrounded by grassland under 150 feet (3 small plateau's just over 150 feet in elevation). An additional 1,000 acres of annual grassland preservation was added in Subzone 5c to benefit the species. Previous estimated conservation equaled 2,096 acres under Initial UDA and 2,757 acres under Maximum UDA. Revised estimates equal 3,614 acres under Initial UDA and 4,451 acres under Maximum UDA.
- Giant garter snake and covered invertebrate preservation measures were revised to allow credit for applicant impacts against any conservation of garter snake habitat within the Preserve System.
- A start-up period was added to stay ahead measure for wetlands creation/restoration to allow wetland fees to be collected for 2 years prior to measurements of Stay Ahead requirements for wetlands.
- Pittsburg voters approved a ULL in November 2005. Acquisition in subzone 1a is now less feasible than before, and a revised conservation strategy reduced the extent of higher acquisition effort lands in one specific part of the subzone.
- Antioch voters approved a ULL in Nov. 2005. Acquisition in subzone 2g is now considered less feasible than before, and a revised conservation strategy reduced the extent of higher acquisition effort lands in the subzone.
- The conservation strategy in subzones 4c, 4e, 4f, and 4g was made more flexible to allow some conservation in any of the four subzones to achieve similar goals. Conservation targets increased by approximately 300 acres to help offset loss in other areas.
- A revised conservation strategy increased preservation of annual grassland in Subzone 5c by 1,000 acres to benefit San Joaquin kit fox, Swainson's hawk, and other grassland species, offsetting loss of annual grassland preservation in Zones 1 and 2.

- Added allowance for limited picnic tables at staging areas and limited backpack camps, where compatible with HCP/NCCP goals and with the approval of DFG and USFWS. This provides greater consistency with EBRPD plans.

Chapter 6 Conditions on Covered Activities

- Clarification provided that stream setback areas exempt from fee if at least development rights are provided. Setback violations must restore riparian habitat or pay for riparian habitat restoration at 0.5 to 1 ratio. If riparian woodland also removed within setback, then standard 1:1 restoration ratio will apply. Limitations and exceptions of stream setback provisions were more thoroughly described.
- Small vacant lots, as defined in the HCP/NCCP, have been exempted from all survey requirements except for western burrowing owl, kit fox, Swainson's hawk nests, and land cover. The likelihood of sensitive resources occurring on such infill parcels within dense urban areas is extremely low; however, the cost burden of conducting all survey requirements would be substantial.

Chapter 8 Plan Implementation

- For clarity, the Stay Ahead provisions from Chapter 5 and Chapter 8 were consolidated and occur only in Chapter 8.
- Additional guidance provided to Implementing Entity on how to evaluate proposals for land in lieu of development fees.

Chapter 9 Funding

- Switched to Home Price Index (HPI) from Office of Federal Housing Enterprise Oversight (OFHEO) instead of the California Association of Realtors (CAR) data referenced in the Draft Plan because the CAR may not publish the same types of data year after year whereas OFHEO is a standard government-reporting index.
- Updated O&M costs by 2.0% (2005 HPI) and updated per acre land costs by 16.6% (first 3 quarters of 2005 home prices (OFHEO)).
- Land cost model rerun to account for shifts in land acquisition priorities in Zones 1, 2, 4 and 5.
- Value of land contributions from local, state, and federal sources increased to reflect 2005 dollars.
- Updated fees using the same process as would occur automatically during the plan (except that land acquisition strategy also changed, which would not be the case under the Plan). Fees went up about 4%, as a result of operations and maintenance costs increasing 2%, per acre land costs going up 16.6%, and the new land acquisition strategy.
- Wetland fees from Draft HCP/NCCP updated using 2005 CPI of 2.0%.
- Fee Zone map corrected to include urban areas in Bay Point north of the Union Pacific Railroad in Fee Zone I (agricultural zone).

A similar adjustment was made for subzone 2g. Additional conservation of annual grassland was added in Subzone 5c to benefit San Joaquin kit fox, Swainson's hawk, and other grassland species, offsetting loss of annual grassland preservation in Zones 1 and 2. These shifts in conservation strategies continue to provide for species and habitat protections consistent with the objectives of the HCP/NCCP, and remain substantially consistent with the anticipated environmental effects described in the EIS/EIR.

As changes to the HCP/NCCP would not result in any new significant environmental impacts or substantially increase the severity of an environmental impact, the Draft EIS/EIR does not require recirculation prior to certification (pursuant to Section 15088.5 of CEQA Guidelines and 40 C.F.R. 1502.9).