

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

**DATE:** November 8, 2006  
**TO:** Executive Governing Committee (EGC)  
**FROM:** Member Agency Staff  
**SUBJECT:** Discussion and action on the Final HCP/NCCP (agenda item #6)

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**RECOMMENDATION**

Consider the following action items related to the Final HCP/NCCP:

- a) Consider accepting a report from the HCPA Coordination Group on the Final HCP/NCCP. The Coordination Group is scheduled to meet at 1 p.m. on November 8, 2006 on this matter.
- b) Consider certifying the Final Environmental Impact Report (EIR) for the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan
- c) Consider adopting Findings (Exhibit B) and a Mitigation Monitoring and Reporting Plan (MMRP) (Exhibit C) pursuant to the requirements of the California Environmental Quality Act (CEQA).
- d) Consider approving the East Contra East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP) for submission to the City Councils of the Cities of Brentwood, Clayton, Oakley, and Pittsburg, the Contra Costa County Board of Supervisors, and the East Bay Regional Park District Board of Directors and consider a recommendation to these entities on approving the HCP/NCCP.

**DISCUSSION**

The HCPA was formed to manage and fund the development of an HCP/NCCP for submission to the governing boards of HCPA member agencies and ultimately to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). The HCPA is also the lead agency under CEQA for the HCP/NCCP project. The actions proposed under this agenda item would, if approved, enable the HCPA to complete its central objective.

At its meeting on April 12, 2006, the EGC authorized staff to publish and release the final HCP/NCCP and related documents after incorporating key proposed revisions presented to the EGC and following additional staff work and consultation on the plan details. The Final HCP/NCCP was released on October 10, 2006 and is available on the web at [www.cocohcp.org](http://www.cocohcp.org), on CD-ROM, and in four printed volumes as further described in the attached notice announcing the availability of the documents (Exhibit A). A final version of the introductory booklet originally prepared for the Draft HCP/NCCP was also updated and released and is available on the website, on the CDs, and in print. The introductory booklet is attached.

The actions recommended under agenda item #6 would initiate the approval process for the HCP/NCCP. A summary of this and the other steps in that process is provided below:

November 8: The EGC will consider the following key actions:

- Certifying the EIR and approving findings and a mitigation monitoring and reporting plan consistent with the requirements of CEQA
- Approving the HCP/NCCP for submission to city councils, County Board of Supervisors, and East Bay Regional Park District (EBRPD) Board of Directors.

December 2006 / January 2007: City councils, County Board of Supervisors, and EBRPD Board of Directors each meet to consider the following actions:

- Approve HCP/NCCP (each agency)
- Approve Implementing Agreement (final draft is in Appendix B of the HCP/NCCP) (each agency)
- Approve joint exercise of powers agreement to form the Implementing Entity, the “East Contra Costa County Habitat Conservancy” (city councils and County Board of Supervisors only) (agenda item #7 relates to this matter)
- Issue CEQA findings as a responsible agency (each agency)

Tentative meeting dates for these agencies to consider the above actions:

City of Brentwood: January 9, 2007 (possible workshop on this matter on December 12, 2006)

City of Clayton: December 5 or 19, 2006

City of Oakley: December 11, 2006 (workshop on this matter is currently scheduled for November 27, 2006)

City of Pittsburg: January 15, 2007

County Board of Supervisors: December 5, 12, or 19, 2006 (Board Transportation, Water and Infrastructure Committee may consider on November 13, 2006)

EBRPD: January 9, 2006 (Board Legislative Committee may consider on November 16, 2006)

January 2007: Implementing Entity Governing Board meets and considers approving HCP/NCCP and Implementing Agreement.

Early 2007: CDFG and USFWS consider approving Implementing Agreement and issuing permits to local agencies. USFWS consider these actions pursuant to the requirements of NEPA and will be issuing a Federal Register Notice announcing the availability of the EIS soon.

90 days after the above: Deadline for Cities/County to adopt Implementing Ordinance, if permits are to remain valid (model Implementing Ordinance is in Appendix F of the HCP/NCCP).

In considering this agenda item, staff recommends that the EGC hear a verbal report from staff on Item 6, then hear the report from the Coordination Group, then take public comment on item 6, and finally consider action on each item in separate motions.

Additional background on each component of agenda item #6 is provided below.

**6a) Consider accepting a report from the HCPA Coordination Group on the Final HCP/NCCP.** The HCPA Coordination Group, the committee of staff and stakeholders that has advised the EGC on the development of the HCP/NCCP, will meet at 1 p.m. on November 8 to consider final recommendations to the EGC on approval of the HCP/NCCP. The Coordination Group will present any such recommendations under this item.

**6b) Consider certifying the Final Environmental Impact Report (EIR) for the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.** By certifying, the EGC would find that the Final EIR was prepared in compliance with CEQA, was reviewed and considered by the HCPA before considering approval of the project, and that it reflects the independent judgment of the HCPA. Staff recommends that the EGC certify the Final EIR.

**6c) Consider adopting Findings (Exhibit B) and a Mitigation Monitoring and Reporting Plan (MMRP) (Exhibit C) pursuant to the requirements of the California Environmental Quality Act (CEQA).** CEQA requires that agencies must make one of the following findings for each significant impact identified in an EIR: 1) the project has been changed or mitigated to reduce the impacts to a less than significant level; 2) changes to reduce impacts to a less than significant impact are within another agency's jurisdiction and will be adopted, or 3) there are overriding considerations that make mitigation infeasible. As indicated in the proposed Findings (attached to this report as Exhibit B) and in the EIR, significant impacts identified for the HCP/NCCP will all be mitigated to a less than significant level. CEQA also requires that agencies adopt a mitigation monitoring and reporting plan (MMRP) for measures it has proposed to mitigate significant environmental effects. The purpose of the MMRP is to ensure that the measures identified in the EIR are implemented and to identify who is responsible for their implementation. All significant impacts identified for the HCP/NCCP relate to the assembly, restoration and operation of the HCP/NCCP preserve system and mitigation measures would be the responsibility of the HCP/NCCP Implementing Entity. Staff recommends that the EGC adopt the proposed Findings and MMRP (attached to this report as Exhibits B and C, respectively).

An additional, optional finding has been prepared in the event that Measure L (Urban Limit Line) is adopted by the voters on November 7, 2006. This finding states that the HCP/NCCP has already anticipated potential ULL changes in the design of the conservation strategy and the use of the initial and maximum urban development areas and that no further revisions or recirculation of the EIR is necessary. Staff recommends this additional Finding also be adopted if Measure L is approved.

**6d) Consider approving the East Contra East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP) for submission to the City Councils of the Cities of Brentwood, Clayton, Oakley, and Pittsburg, the Contra Costa County Board of Supervisors, and the East Bay Regional Park District Board of Directors and consider a recommendation to these entities on approving the HCP/NCCP.** As

discussed above, the HCPA was formed to manage and fund the development of an HCP/NCCP for submission to the governing boards of HCPA member agencies and ultimately to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). If the EGC approves the HCP/NCCP for submission, the documents would be presented to city councils, County Board of Supervisors, and the EBRPD Board of Directors for their consideration, as further explained in the summary of the approval process presented above.

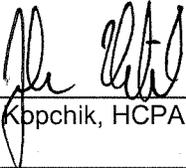
Staff recommends that the EGC approve the HCP/NCCP for submission to the City Councils of the Cities of Brentwood, Clayton, Oakley, and Pittsburg, the Contra Costa County Board of Supervisors, and the East Bay Regional Park District Board of Directors. Staff further recommends that the EGC recommend approval of the HCP/NCCP to the above-described entities. Staff believe that the rationale for these recommendations is well-presented in the attached introductory booklet on the HCP/NCCP entitled, "Conserving Natural Lands and Sustaining Economic Development: An Introduction to the Final East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan" which was developed with the assistance and advice of the HCPA Coordination Group.

Record of Executive Governing Committee Action on This Item

Approval status: Approved on November 8, 2006. Items (a) through (d) were approved as recommended with the following exception:

- Under item (c), the Executive Governing Committee approved all actions recommended and also adopted the four supplemental CEQA findings listed below and attached hereto:
  - 1) Additional CEQA Finding Re: Contra Costa County Measure L - Proposed Urban Limit Line
  - 2) CEQA Finding Re: Annexation of the Roddy Ranch and Adjoining Properties to the City of Antioch
  - 3) CEQA Finding Re: Southwest Hills Properties within Pittsburg Urban Limit Line
  - 4) East Contra Costa County HCP/NCCP Additional CEQA Finding (subzone 1a)

Certified by:

  
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John Kopchik, HCPA Staff