

## Conservation Strategy Topics

### **1. ~~Why preserve 50:50 of VPs inside the UDA. (topic covered—OK)~~**

*The history behind the 50:50 decision was explained. The baseline assumption as voiced by the environmental and regulatory agencies is that some habitat preservation must occur within the SSHCP Urban Development Area (UDA). The vernal pools within these areas are of very high quality and importance to SSHCP covered species.*

*Three options were considered when developing the plan. They were preserving and developing according to the following respective ratio: 25:75, 50:50, and 75:50. The middle option was seen as the most reasonable compromise for both groups. It was voiced that considering the Vernal Pool Recovery Plan goals for this area, 50:50 is a significant compromise.*

*It was asked how one determines which 50% are impacted and which 50% are preserved. The Conservation Group agreed that this topic would be one that is addressed in the SSHCP Implementation Chapter and/or in the context of SSHCP mapping discussions.*

*The Conservation Group agreed that no change to the Draft SSHCP is required to address topic #1.*

### **2. ~~Overall Conservation Ratio: Discuss the underlying 1:1 conservation ratio. Determine if increased ratios for specific habitats will be reconciled by decreased ratios in others. (topic covered—OK)~~**

*A general principle of the SSHCP is that development or mitigation will be responsible for 1:1 mitigation. In a recent Steering Committee meeting, it was questioned if the overall ratio of preservation to development was closer to 1.15:1 due to higher conservation ratios for particular habitats. The overall conservation ratio that development dollars would be responsible was, in fact, closer to 1:1 than presented in the Steering Committee. The draft plan proposes 39,308 acres of take for which development will mitigate by preserving 8,121 acres within the UDA, and 31,769 acres outside the UDA. This equates to an overall 1.02:1 conservation to development ratio. The ratios are so close to 1:1 that reconciling the conservation ratios and numbers is not necessary.*

*The Conservation Group agreed that no change to the Draft SSHCP is required to address topic #2.*

### **3. ~~Conservation zones: Clarifying and establishing how conservation zones are defined and how mitigation relates to these zones. (topic covered—OK)~~**

*Section 2.1 (Conservation Zone System) of Chapter 7 was expanded to further explain the purpose and development of the SSHCP Conservation Zones (see pages 7-7 & 7-8).*

*The Conservation Group agreed that the added language satisfactorily addresses topic #3.*

### **4. ~~Clarify VWADI: Clarify methods used to delineate categories. (topic covered—OK)~~**

*Section 3.1.2, “The Vernal Wetland Acre/Density Index,” of Chapter 7 was expanded and completed (see pages 7-26 through 7-32). The revised section was provided by the SSHCP vernal pool consultants and gives greater depth and explanation as to the rationale and assumptions supporting the VWADI index.*

*The Conservation Group agreed that the added language satisfactorily addresses topic #4.*

**5. USFWS Vernal Pool Recovery Plan: Expand upon the relationship of the SSHCP and VP Recovery Plan including USFWS stance on restoration. (topic covered – Direction Given, Action Needed)**

*Section 3.1.4G, “Criteria for Conservation of Vernal Pool Habitat – Vernal Pool Recovery Plan,” of Chapter 7 was expanded to further address the SSHCP’s consistency with the USFWS Recovery Plan document (see pages 7-37 through 7-40). The section explains that the USFWS Recovery Plan provides for alternative conservation mechanisms, such as HCPs, to provide for the species covered in the Recovery Plan provided that they satisfactorily address the following six items:*

- 1) Permanently-protected vernal pool preserves within the area covered by the Habitat Conservation Plan in large enough contiguous blocks of suitable habitat.*
- 2) Protection of the entire genetic range of each listed species within the area covered by the Habitat Conservation Plan.*
- 3) Protection of all populations of species with 25 or fewer total occurrences addressed in this plan within the area covered by the Habitat Conservation Plan.*
- 4) Connectivity with other preserves within the area covered by the Habitat Conservation Plan.*
- 5) Adaptive management of the preserves within the area covered by the Habitat Conservation Plan to support the species addressed in this recovery plan.*
- 6) Sufficient funding for management, maintenance and monitoring of the preserves in perpetuity.*

*The SSHCP was revised to address the SSHCP’s consistency with items 1 through 4. The SSHCP has a robust adaptive management approach and includes sufficient funding that will address items 5 and 6. After the economic analysis and adaptive management chapters are more complete, we will insert language for these items.*

*The USFWS stance on restoration has been clarified in past Biological Sub-committee meetings. The current direction is to seek 1:1 in kind restoration for impacts to aquatic and riparian habitats.*

*The Conservation Groups feels this topic requires further development pending work completed for other SSHCP chapters.*

**6. Preserve Buffers: Clarify the role of corridor and preserve buffers in the SSHCP preserve system. (topic covered—OK)**

*It was explained and clarified that preserve buffers would be incorporated into the preserve acres and that the SSHCP preserves would not require a buffer beyond the mitigation acreage. Section 4.1.8, “Establish Buffers,” of Chapter 7 was revised to make this point clear (see page 7-60).*

*The Conservation Group felt that the added language in Chapter 7 was sufficient for the purposes of the Conservation Strategy. However, the Conservation Group recommends addressing the specific management practices for preserve buffers in the Adaptive Management Chapter of the SSHCP. Specifically, there were concerns as to how buffers would be managed for fire suppression. The Conservation Group feels that the explanation given in Chapter 7 and a section in the Adaptive Management Chapter of the SSHCP are sufficient to resolve this topic.*

**7. Creek Corridors: Fully understand the biology, composition, and on the ground implementation of the various stream corridor requirements. (topic covered – Direction Given, Action Needed)**

*It was expressed that the link between the biology and/or water quality concerns and the various stream setbacks was not clearly described in Chapter 7.*

*In response, it was explained that Laguna Creek provides the best opportunity for supporting Giant Garter Snake (GGS) inside the UDA. The setback along Laguna Creek was determined predominantly by reviewing the USFWS Giant Garter Snake Recovery Plan, consulting with USFWS staff, contacting local species experts, and in coordination with ongoing efforts by the Upper Laguna Creek Collaborative.*

*It was also explained that Morrison, Gerber, and Elder Creeks were viewed as systems in the UDA that require a large setback to meet regulatory agencies needs. Similarly, setback requirements along the remaining streams and swales inside the UDA were viewed as an essential component to receiving consideration by the US Army Corps for any form of permit streamlining. The setbacks along these streams were determined in the biological sub-committee with explicit input from Corps representatives. It was acknowledged that the current setbacks in the Conservation Strategy of Chapter 7 were best estimates as to what the Corps may ultimately require. The goal, as expressed by Corps representatives, is that the final SSHCP will contain the Corps’ requirements. The precise setbacks and language would be very dependant on the riparian functional assessment currently being conducted by the Corps office in Vicksburg, Mississippi. Results from this study are expected in early fall.*

*It was proposed that a new section be created in the Conservation Strategy (Ch #7) that would address the stream setbacks and landscape linkages on an individual basis. This section will look at streams inside and outside the UDA, reach specific, to address the conservation of riparian resources from a Corps 404 and State resources perspective as well as CESA and ESA.*

*The Conservation Group supports this approach and acknowledges that it will take some time to fully draft.*

**8. Above & Beyond: Discuss the above and beyond component to the conservation strategy and the implications it may have for mitigation. (topic covered – Direction Given, Action Needed)**

*There are two primary concerns with the above and beyond component to the SSHCP. The agricultural community does not support above and beyond preservation, particularly if it means public/county ownership rather than private ownership of the land, and the development community does not want the above and beyond measures to be tied to the issuance/revocation of permits.*

*It was explained that the regulatory agencies require assured funding for mitigation to impacts in order to issue permits. So, if the above and beyond was tied to impacts to species, there must be a funding mechanism to achieve the above and beyond measures. It was explained that there is currently some connection between impacts and the above and beyond component. For example, the valley grassland acres sought for as above and beyond was calculated based on the need to restore vernal pool, seasonal wetland, open water, and other habitats that may occur in the broader landscape of valley grassland. In this case, mitigation dollars derived from impacts would pay for the actual habitat restoration, but non-guaranteed above & beyond funds would be used to purchase the lands where restoration would occur. This was done initially to try and reduce costs to mitigation. The remaining above and beyond acreage stems from the desire to protect a portion of all the habitats utilized by SSHCP covered species. For example, there are numerous bird species covered by the plan that may experience impact, to, and thus require preservation of, their foraging habitat (valley grasslands), but not to their nesting/roosting habitat (oak woodlands).*

*The Conservation Group concurred that conservation measures tied to impacts must have guaranteed sources of funding. The Group recommends finessing the language in Chapter 7 to clearly define the distinction between mitigation measures and above and beyond measures.*

**9. Role of Existing Preserves: Clarify how existing preserves add to the overall SSHCP goals. (topic covered — OK)**

*It had been questioned in past SSHCP Steering Committee meetings if existing preserves would be counted or given any sort of 'credit' in the SSHCP and generally how they contributed to the conservation strategy. It was expressed that the SSHCP can be viewed as a mitigation plan for impacts. Preserves that occurred in the past as a result of past projects can not be used to mitigate future projects. This would result in double counting of preserves. However, currently preserved lands can help contribute to the Conservation Strategy in two ways. One, the USFWS can use the network of existing preserves and future SSHCP preserves when addressing the recovery of species in their biological opinion for the SSHCP. Second, the USFWS representatives were of the opinion that without the existing preserves, the SSHCP conservation ratios would be much higher than as currently drafted.*

*It was clarified that unsold mitigation bank credits could be purchased in the plan. Also, lands that were purchased with the intent to use them as mitigation land, but that have not been obligated to a project, could also be used for mitigation lands in the SSHCP provided that they fit into the overall preserve design for the SSHCP.*

*The Conservation Group felt the above explanation was sufficient to address this topic and that no change to Chapter 7 was necessary.*

**10. Discuss County Ownership: Clarify the acreage and degree to which the County will own and operate preserves versus the use of conservation easements. (topic covered – Still Open for Discussion)**

*Currently, approximately 2,500 acres of the total 52,431 acres proposed for preservation would be sought in fee title. The lands that would be sought in fee title are predominately croplands. The purpose of pursuing fee title ownership of 2,500 acres of cropland is to allow for more intensive, species specific, and experimental management actions that may not be easily permitted in conservation easements or agreements with landowners. The agricultural community is concerned about removing property from private ownership. They feel that decreasing private ownership of the land can also lead to the loss of agricultural infrastructure that supports agriculture, public ownership removes land from the tax base, which potentially increases the tax burden on the remaining landowners, and that private owners are able to make long term business decisions that can result in better management of the property, which would not occur on leased property.*

*Several thoughts were voiced on this subject. At the Cosumnes River Preserve there have been positive experiences where management entities own property and lease the land to farmers. It appears that the farmers benefit because they can focus on the farming operations and the property owners are able to generate income. At the Stone Lakes NWR the refuge managers reserve the right to purchase fee title dependant on the land owner's wishes. In the Natomas Basin, NBC owns all of the mitigation property in fee title.*

*The Conservation Group agreed that more discussion with the agricultural community was needed on this topic before any action could be taken.*

**11. Corridors & Linkages: Address inconsistencies of corridors in the current draft Conservation Strategy. (topic covered – Direction Given, Action Needed)**

*The Conservation Group agreed that this topic could be folded into topic number seven above. A new section in the Conservation Strategy will be written to discuss the creek corridors and landscape linkages in a specific nature.*

**~~12. Opt-Out: Understand the voluntary nature of the plan and what happens to the SSHCP if projects opt-out of the SSHCP. (topic covered — OK)~~**

*It was explained that there are two voluntary components in the plan; project proponents do not have to use the SSHCP to acquire their permits; and the plan depends on willing sellers for mitigation lands. It was noted that many jurisdictions with HCPs adopt ordinances that require the use of the HCP for permitting. In San Joaquin, applicants are not required to participate and two projects have chosen not to participate since the plan was adopted in 2001. It was proposed that the implementing entity should track the number of projects that opt-out of the SSHCP and addressed it if it is shown to be a problem.*

*The Conservation Group agreed that a tracking system showing the projects that utilize the plan and that opt-out would help future implementation. For now, it will be up to us (those creating the plan), particularly as it relates to economics, to make the SSHCP the most attractive option for negotiating the permitting process. The Group agreed that no action was needed for this topic.*

**13. Agriculture: Understand how agriculture fits into the overall conservation strategy and preserve network. Are impacts to agriculture taken into account? (topic covered – Direction Given, Action Needed)**

*It has been expressed that the SSHCP assumes that agriculture will continue as a major land use in the south County area outside of the UDA. Agriculture provides much of the habitat for SSHCP covered species. It has been asked if the SSHCP will propose any measures that will seek the preservation of agriculture, not just agricultural land, in the south County area as viable agricultural infrastructure is important to maintaining the agriculture community that provides habitat to SSHCP covered species.*

*The Conservation Group agreed that language should be crafted and inserted into the Conservation Strategy underlining the role and importance of agriculture to SSHCP covered species and implementation of the plan. The new language will outline the assumptions in the plan regarding agriculture and agricultural infrastructure in the south County area.*

**14. Species Recovery Plans: Should the Conservation Strategy address the individual USFWS species recovery plans as it does the Vernal Pool Recovery Plan?**

**15. Recovery – v – Mitigation Plan: Understand the implications of stating that the plan will contribute to the recovery of the species verses the mitigation of impacts.**

**16. Conservation Ratios: Understand the development and justification behind the conservation ratios.**

**17. Blackberry: Concern has been expressed regarding the use of Himalayan blackberry to enhance habitat for Tricolored Blackbird.**

**18. Quality – v – Quantity: Understand the conservation ratios and how they are/aren't affected by the quality of habitat preserved.**

**19. Species Status: Clarify how the SSHCP will address the de-listing of covered species (e.g. VELB & Bald Eagle). (perhaps this is an implementation issue?)**