

# Minutes

South Sacramento Habitat Conservation Plan Steering Committee - October 4, 2007

10:00-12:00 - 700 H Street, 5<sup>th</sup> Floor Training Room

<http://www.saccounty.net/planning/habitat-conservation/overview.html>

<b>Attendee</b>	<b>Affiliation</b>
Alta Tura	Sacramento Audubon
Ardie Zahedani	North State BIA
Barbara Wackford	BMW Consulting/Morse Family
Charlotte Mitchell	Sacramento County Farm Bureau
Chris Beale	Resources Law Group/City of Elk Grove
Dave Ghirardelli	Sac. Co. Dept. of Waste Management
Debbie Haldeman	Wildlands, Inc.
Eva Butler	California Native Plant Society
Humera Arshad	SRCSD
James Romero	Reynen & Bardis Communities
Jessie Wild	U.S. Fish and Wildlife Service
Jim Purcell	Conservation Resources
John Hopkins	Institute for Ecological Health
John Lane	Teichert Aggregates
Judy Waegell	Waegell Family
Julie Mentzer	Wildlands, Inc.
Kate Wheatley	Taylor & Wiley
Kathy Dadey	U.S. Army Corps of Engineers
Larry Larsen	Law offices of Gregory D. Thatch
Mark Hanson	SBM Real Estate
Matt Gause	Westervelt Ecological
Paul Junker	City of Rancho Cordova
Phil Carter	City of Elk Grove
Rich Radmacher	Sacramento County Planning
Rick Balazs	Sacramento County Economic Development
Sam Miller	Lewis Planned Communities
Sean Wirth	SOS Cranes
Steve Miller	Granite Bay Capital Group
Taro Echiburu	City of Elk Grove
Vincent King	Sacramento County Planning

## 1. Call to Order and Introductions

The meeting was called to order by Rich Radmacher and introductions were made.

## 2. Update of USFWS staffing

Rich Radmacher informed the group that a number of USFWS staff had either transferred positions within or had left the agency. This included Justin Cutler who had already moved to his new position and Jesse Wild. Rich said that he was working with Eric Tatersall and Kay Goody to get a high level staff person assigned to the South Sacramento HCP and that the County was looking into providing assistance for

funding a staff person at USFWS. Jesse Wild said that she would still be available by phone and that Eric has an open list to hire from.

### **3. Update on Regulatory Agency Discussions**

Kathleen Dadey explained that the Corps is looking at a regional permitting approach such that individual projects consistent with the SSHCP will not have to do individual alternatives analyses. Also, depending on limits of fill, they are considering a programmatic general permit for small projects. Both of these would be contingent on the project abiding by the conditions within the SSHCP. Larger projects would still require some Corps oversight, but would still be given expedited permitting. Big projects may require individual assessment, but would be accelerated through a letter of permission (LOP) process. She also said that there is no legal mechanism for an interim permitting strategy ahead of the HCP & NEPA process.

She noted that at this time it was important to bring the EPA on board as they have 404 oversight. Rich Radmacher is scheduled to meet with Paul Jones of the EPA within the coming weeks.

Sam Miller explained that the difficulty is that the USFWS has given the County a deadline. The County needs an HCP in place in three years such that it can begin operating the Freeport water facility and paying back bond debt. Without an HCP in place, the Service will have a hard time issuing Biological Opinions for the area. Jesse noted that Eric Tatersall, with the Service, has been involved in the regulatory meetings with the EPA and Corps so communication between the agencies is in place and it is understood that time is crucial, but progress will be acknowledged.

Paul Junker voiced that the City of Rancho Cordova is interested in a 404 permitting system and offered what his jurisdiction may do to contribute to the effort. Kathy mentioned that the sooner an ordinance can be crafted the better. Rich noted that he has spoken with the City of Elk Grove and they had agreed to take on crafting a draft of the Implementing Agreement and that the Cities and County would need to meet to agree on tasks that can be produced amongst them. It was asked if there was guidance on creating a stream ordinance. Kathy noted that she was sure there was and that she would work on finding that. Chris Beale mentioned that Cook County was the closest example he was aware of that could relate to the jurisdictions involved in the SSHCP.

Rich informed the group that the Corps had completed the riparian functional analysis for the SSHCP study area and he was working to ensure that the jurisdictions were able to see it soon. He felt that this shows forward progress and a commitment from the Corps to participate in the permit integration process.

### **4. Report back on Conservation Topics**

Rich reported that the five remaining issues to be covered within the Conservation Strategy Chapter had been reviewed earlier in the week by the conservation group. They were reviewed with the Steering Committee in the following order:

#8 Species Recovery Plans: Rich reported that the conservation group did not feel it was necessary to go into further detail in the conservation strategy regarding individual species recovery plans beyond mentioning that they were considered in developing the conservation strategy. Alta Tura noted that the individual species accounts contained more detail than the Conservation Strategy Chapter. John Hopkins provided the perspective that there are only a couple of individual recovery plans for species covered in the SSHCP and most of them are in draft form. Jesse Wild added that recovery plans will be addressed in the biological opinion for the SSHCP.

#14 Conservation Ratios: Rich said that at the last Steering Committee, the group seemed comfortable with the overall conservation ratio. This topic was raised specific to some of the wetland habitats (i.e. vernal pools). Jesse Wild said that there had been some discussion in the Service looking at ratios in vernal pool regions in the recovery plan. Chris Beale asked if the Service was considering using the ratios explicit in the core areas for the Recovery Plan. Jesse said that this had been considered for all species except vernal pool fairy shrimp. Kathy Dadey asked if a biological opinion could be written if the Service held to an 85 percent expectation. Jesse noted that the Service had committed to the concept of 50% loss inside the UDA and it would be difficult to retract. She continued stating that the Recovery Plan specifically permits HCPs and that addressing things on a regional level would trump the Recovery Plan. Rich and Chris noted that this issue would likely be revisited as the financing and economics are further described. Rich added that the Conservation strategy does currently look to protect all known occurrences of many of the vernal pool species. Paul Junker mentioned that the City of Rancho Cordova still needed to provide detailed comment on Chapter 7 and was hoping to have that delivered in the coming weeks.

#15 Discuss County Ownership: Rich clarified this issue explaining that the implementing entity (IE), not the County, would potentially own property. He outlined that the new proposed strategy differed inside and outside the UDA. Inside the UDA he stipulated that the IE would likely own most of the preserve property. Outside the UDA the draft chapter had outlined a need for intensive management of approximately 2,500 acres. It was anticipated that this land would be held in fee title. The agricultural community is concerned with the County/IE owning land and preferred to see conservation easements used. The new strategy would state that 2,500 acres are needed in intensive management. Two template easements and management plans would be created, one more and one less restrictive. The IE would first try to secure 2,500 acres with intensive easements, but if they could not be purchased, it reserved the right to buy land in fee title provided the land owner was willing to sell. Sam Miller asked if it would be possible to contract with a group like The Nature Conservancy (TNC) to ensure the intensive management portion. That way no additional land would be sought in fee title, the HCP could potentially achieve the 2,500 acres of intensively managed property, and the IE could focus on simply acquiring a standard conservation easement. Several folks noted that TNC was trying to move away from land ownership. John Hopkins stated that conservation easements become troublesome for long-term management and that the intensive easement versions would have to be clear. Paul Junker added that it is difficult to get farmers to operate when active restoration is needed. He provided rice farming in Natomas as an example of a difficult crop type to achieve if the market changed. Others pointed out that the market for alfalfa could be changing, but it is critical for Swainson's hawks. Chris Beale added that he heard easement values were reaching 85 percent of fee value in San Joaquin. Alta noted that owning property has a lot of additional expenses. Larry Larsen felt that there was a strong monetary incentive and value and because it is voluntary, he doesn't understand the concern. He would like it clearly articulated. John Hopkins felt that a clear explanation could be helpful if only to let the agricultural community know that people need to understand. Eva Butler asked if the representatives participating in the SSHCP shared the same concerns as their constituents given their knowledge of what the HCP proposes. Chris Beale mentioned that collective interests may be different from individual interests. Rich concluded the discussion and felt that this issue will be brought up again with Chapter 12 (Implementation). He emphasized that he needed to keep the conversation with the agricultural community going and perhaps it was time to go back to do more outreach with the agricultural community.

#10 & #16 Recovery - v - Mitigation Plans, Above & Beyond: Rich explained that he had received comments from the BIA and agricultural community that they did not support the above and beyond component of the SSHCP and did not feel the SSHCP should be linked to recovery of species. Rich

explained that the County has and is still committed to being NCCP like and going beyond what mitigation may require. Chris Beale clarified that the above and beyond money would not be tied to mitigation requirements in land delivery or management. All funds would come from other sources. John Hopkins noted that Solano County has a similar proposal where they are committed to trying for more, but it is not attached to the permit. He also emphasized that the above and beyond component of the plan was very important to the environmental community. It was clear that the above and beyond component to the plan would have to be divorced from the permit but was clearly valuable as a way of becoming more competitive for grant funding. This money could supplement mitigation dollars to allow larger deals to happen or fund a stay-ahead get-ahead component to the plan.

Rich said that the review of chapter 7 was concluded. The City representatives said that they would work to get comments in within the next two weeks. Rich noted that the local jurisdictions will be meeting to work out several issues, particularly as it relates to implementation, to continue moving forward. At this point, his strategy is to try and complete as much as possible, even if not in a perfect state, to hand off to the Service for review and feedback

#### **5. Update on Environmental Review (added topic)**

Rich updated the group on the environmental review process. He said that the request for proposals was prepared; the NOP would be ready to go in a couple of months and could be released prior to the NOI. He said at this point he needed to talk with the Cities and prepare for scoping meetings in February. Paul Junker noted that issuing the NOP and NOI separately can cause some confusion. Jesse replied that they would try to release them together if possible. She noted that it takes a bit less than two months to get into the Federal Register.

Rich also informed the group that TAIC should be delivering the vernal pool portion of the management chapter soon and that chapter 12, Implementation, would be the next chapter reviewed by the steering committee.

#### **6. Recap Assigned Tasks**

The next Steering Committee meeting will be held on November 1<sup>st</sup> rather than the regularly scheduled third Thursday of the month. The time of the meeting will be 10-12.

The local jurisdictions would meet to establish a regular meeting time following the SSHCP Steering Committee meeting.