

Minutes

South Sacramento Habitat Conservation Plan Steering Committee - February 21, 2008

10:00-12:00 - 700 H Street, 5th Floor Training Room

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

Attendee	Affiliation
Alta Tura	Sacramento Audubon
Charlotte Mitchell	Sacramento County Farm Bureau
Chris Beale	Resources Law Group/City of Elk Grove
Dalia Fadl	Sac. Co.
Dan Gifford	CDFG
Dave Ghirardelli	Sac. Co. Waste Management
Elsie Machado	South County Land Owner
Eva Butler	CNPS
Ginger Fodge	Gibson & Skordal, LLC
Hal Holland	Westervelt Ecological Services
Jae Chung	Corps of Engineers - Los Angeles
Jim Purcell	Conservation Resources
John Hopkins	Institute for Ecological Health
George Waegell	Waegell Family
Kate Wheatley	Taylor & Wiley
Kathy Dadey	U.S. Army Corps of Engineers
Kelly Fitzgerald	EDAW
Leighann Moffitt	Sacramento County Planning
Malinda Loera	Sacramento County Planning
Margaret Duarte	South County Land Owner
Mark Hanson	Cordova Hills
Matt Baker	ECOS
Nina Bicknese	U.S. Fish & Wildlife Service
Paul Sherman	Wildlands, Inc.
Randall Schaber	The Schaber Company, Ltd
Rich Radmacher	Sacramento County Planning
Sean Wirth	SOS Cranes
Taro Echiburu	City of Elk Grove
Valerie Calegari	The Nature Conservancy
Vincent King	Sacramento County Planning

1. Call to Order and Introductions

The meeting was called to order by Rich Radmacher and introductions were made. Rich explained that his role as senior planner for Sacramento County has broadened the scope and number of projects he is directly involved in. He will always be involved in the SSHCP, but Vince King will take on more of a project manager role for the SSHCP.

2. Report Back

a. SSHCP Timeline

Vince K. reviewed the SSHCP timeline. He explained that the timeline was broken down into categories for the preliminary draft SSHCP, administrative draft SSHCP, Environmental Documents, Implementation Agreement, and Plan adoption phases. Within preliminary draft segment, Chapters 6, revised Chapter 7, Chapter 9, and Chapter 11 are critical segments the group will need to review. Concerning the environmental document, he explained that the NOP had been written and that the Service was preparing the NOI such that they could be released together. Also, DERA received three proposals for writing the EIR/EIS and the firm Life Sciences was selected.

John Hopkins asked if the NOP could be published prior to the NOI. Nina B. said that that was unlikely. She also clarified that a complete copy of the plan was needed to publish in the federal register.

b. Mapping Units

Vince explained that at the last Steering Committee meeting people had requested a copy of the mapping procedure. He added that he intended to have the website revised to be more clear and reduce redundancies and would post the Mapping document as an appendix to the plan within the next week or two.

c. Mitigation Operator Meeting

Vince explained that the County had met with mitigation operators in Sacramento County and discussed how the SSHCP may affect the mitigation banking business and how mitigation operators may contribute to the success of the SSHCP. He explained that the group had discussed concerns with establishing conservation targets in restricted areas and how this may affect land prices, existing agreements that the operators may have with agencies and how these agreements mesh with the SSHCP goals, how to utilize existing mitigation operator investments in the SSHCP study area, and the order in which mitigation properties/easements may be purchased. He explained that mitigation operations may benefit the plan by providing early implementation, decreasing costs through competition and adaptability, and providing experience and expertise in the field. Future meetings would be held involving Service representatives and continuing with the idea of phasing in SSHCP implementation with existing investments. Hal H. voiced that they were interested in understanding how they can best serve the SSHCP and continue to be informed.

It was asked if existing banks would be allowed to sell credits as the HCP is drafted. Vince replied that this would be possible, but the HCP would require a per acre based sale of credits. Rich added that they were working to address existing banks. Hal noted that the Service has been shifting towards a per acre credit system, so future banks shouldn't be an issue.

d. Fee Map

Vince explained that a map showing the breakdown of different fee categories was requested at the last SSHCP Steering Committee. He explained that the economic analysis currently calculates fees by grouping certain habitats into five similar land value categories. These are: Oak Woodland, Agriculture/Grassland, Riparian, Other Wetland, and Vernal Pool Wetlands.

Nina B. expressed concern over combining habitat types of different conservation value to species, such as vineyards and grasslands. Rich explained that categories would not be combined for the purposes of

assessing impacts, just that these types of impacts required similar costs to mitigate and are thus combined when determining a fee.

3. Jackson Highway and Grant Line East Visioning

Vince K. introduced the County Visioning projects. He explained that in June the County Board directed staff to conduct visioning processes for two large areas remaining in the unincorporated Sacramento County along Jackson Hwy and East of Grant Line Road. During the early 1990's and the last Sacramento County General Plan update, the County identified large urban growth areas. Subsequently, master planning efforts ensued without necessarily having a broader vision for how those areas should be linked. Planning identified the need to have a general vision, more specific than general plan land use designations but less specific than a specific or community plan. This vision would serve to link development in a larger context. In the current general plan update, Sacramento County 2030 General Plan Update, staff originally suggested a new growth area along Jackson Hwy to Excelsior Rd. along with infill and commercial corridor strategies to meet the regional housing needs allocation for the unincorporated County as projected by SACOG's Blueprint project. Subsequently the County Board directed staff to look beyond Excelsior Road to develop a vision for much of the land within the unincorporated County. This direction greatly increased the complexity of the visioning projects as they now took on a larger role in determining the success of regional projects (e.g. The Connector, SSHCP etc...) and also involved more environmental resources. Vince explained that each visioning effort was distinct and linked to several draft general plan policies. LU-3 outlines the products that each visioning effort should produce (e.g. a Land Use Plan, Circulation Plan, Infrastructure Plan, and policy document for development standards and phasing). LU-17 stipulates that future master planning efforts should be consistent with the visions as determined by staff and the County Board. The difficulty, as Vince explained, was that staff is now struggling with how to create a vision that does not preclude the successful implementation of other County initiatives like the SSHCP.

As clarified by Rich R., staff will be producing maps and lines on those maps that meet the SSHCP goals for areas inside the urban services boundary (USB). Each visioning effort would include public outreach components. The first meetings will be on March 24th and April 28th for the Jackson Highway Visioning project and March 27th and April 30th for the Grant Line East Visioning project.

It was asked how the vision is different from the General Plan update process. Leighann M. explained that the vision, particularly Jackson Highway, looks beyond the General Plan 2030 timeframe and will not result in adopted land use designations. Rich explained that the goal is to blend the HCP with the future vision. He continued stating that generalized boundaries are being sketched now. Leighann added that the areas in question were huge and could result in 3 to 6 new communities. Planning wants to know what people see for these areas.

Kate W. asked if creek buffer areas would be shown in the visioning. Leighann replied that they would.

It was asked if a map would be shown at the first visioning workshop. Leighann replied that a map would not be shown at the first workshop, but between that and the second something would have to be produced.

Vince K. questioned the group if they wished to revisit the mapping effort. He explained that the last mapping meetings resulted in two decisions. One, that a map should not be produced for areas outside

the UDA and two, that mapping inside the UDA was left undecided but relied on assurances. Assurances for the development community that a map would represent the ultimate extent of preserve lands needed and assurances to the environmental community that areas shown on the map would actually be preserved. Several individuals expressed an interest in re-engaging these meetings. Charlotte M. said that it is beneficial as it allows landowners to focus on their property and potential issues.

Randy S. asked if the resulting vision will further define constraints. Rich said that existing protected areas are known and will be shown. Second, possible land needs for SSHCP permit compliance will also be shown and may become a constraint. Leighann explained that the vision, as it relates to open space, can be viewed as an optimal and possible preserve boundary, but would be open to negotiation. Rich said that the County will be consulting with developers' interests to see what it should look like. John Hopkins voiced concern that wiggle room in preserve lines tends to go inward, and that certain HCP targets would have to be achieved.

Dan G. expressed his view that this issue comes down to how much land is preserved and where. If we don't achieve sufficient preserves in the UDA, where the Service has identified important resources, then they will not sign off on a permit. While this is a voluntary plan, some properties have resources and some don't. Eva B. voiced concern over the willing participant aspect of the plan. Leighann noted that the vision is intended to help inform the Board on what to approve in the General Plan. Rich reiterated that the Service has said that the SSHCP will have to protect in certain areas. John Hopkins said that even if the SSHCP is thrown out, the resources still exist and preserves would still be required. Rich explained that the Board made a decision to study inside the USB. Therefore, the County has to address the issue now. Sean W. mentioned that landowners can always go to the Service and DFG outside of the SSHCP. Rich said that that was true, but the concern people have is that once lines are placed on a map, the map may be used by regulatory agencies. Taro E. noted that during CEQA projects must make consistency findings with HCP's if they are in HCP study areas. Rich concluded the discussion saying that there are a handful of key landowners that the County would try to talk to prior to the visioning workshops.

4. Review Implementation Topics

a. Land and Easement Acquisitions

Rich introduced the revised section to the Implementation chapter. He said that he had received comments on the new language that supported some of the revisions, but clarification regarding the intensive easements section was still needed. John Hopkins said that it must be understood in the language that adaptive management may be needed in the future for the benefit of species in areas with intensive easements. Charlotte M. voiced concern with the intensive easements and restrictions to orchards and vineyards. She echoed concerns voiced by Elsie M. that perpetuity is beyond prediction and that agricultural land has to remain adaptable to produce viable income. This can be a challenge over the long run where economic circumstances fluctuate and there are generational transitions. Dan G. suggested that people talk with some folks who have actually secured easements to gain a sense for how they have worked.

Eva B. noted that she felt some of the possible restrictions may be more appropriate if they were divided into cropland and grassland types of easements. Rich explained that his intent was to provide a list of possible restrictions, which is not exhaustive, that would then be added to and modified through individual negotiations with the landowners. Valerie C. suggested that sample bullet points or restrictions for different types of easements may be more useful than creating and reviewing a template

easement. John Hopkins clarified that it was intended to provide a sample easement as an appendix because people wanted to have an idea of what the easements may look like. Dan G. replied that sample easements could be provided and that it is important to convey some of the terms that are integral to any conservation easement.

Sean W. suggested that some of the confusion may be anticipated in the wording. He also suggested providing scenarios to clarify the circumstances where certain restrictions may be applied. Dan G. said that working out specifics at this time doesn't really help. Easements are settled in court. That said, the key to successful easements is developing a relationship with the landowner to increase adaptability.

Rich R. said that he would re-craft the language to add in 'might' and remove words like 'will,' 'shall,' and 'prohibit.' This would be sent out, but likely not reviewed in another group discussion.

There was a concluding question about mineral rights and whether they were required with easements. Rich and Hal H. replied that it depends, but that surface rights are necessary. For some types of easements, like vernal pool easements, securing surface mineral rights is essential.

b. Neighboring Landowner Agreements

John Hopkins said that the current safe harbor program provided by the Service was for land improvements that benefit habitat. He felt that the HCP would require something different as the land would not necessarily be improved to result in greater species. Chris B. felt that the existing program could apply. He said that the current practices support species, so the program could apply to anything above an established baseline. The problem that people have encountered is that landowners don't want to invite any perceived oversight onto their property in the form of a baseline survey. Charlotte M. expressed her desire to see a neighboring landowner agreement in this document. Sean W. said that DFG does have a similar safe harbor agreement to the Service's. Chris B. said that it was called the "Ongoing Farm Practices" and was an amendment to the State Fish and Game Code that provides an exemption under CESA. No one has applied for that program. It was voiced that there are several models to work from, such as the East Contra Costa and San Joaquin Plans. Rich said that he would send out clips from those plans and work to put an agreement back into the plan.

5. Recap Assigned Tasks

The next Steering Committee meeting will be on Thursday, March 20th from approximately 10:00 to 12. The exact location will be announced at a later date. At this point the County intends to distribute the revised Assurances Chapter.