

Minutes

South Sacramento Habitat Conservation Plan Steering Committee - March 20, 2008

11:00-12:30 - 700 H Street, 5th Floor Training Room

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

Attendee	Affiliation
Alta Tura	Sacramento Audubon
Ardie Zahedani	North State BIA
Bill Shehadeh	Shehadeh Family Trust
Brenna Moorhead	Sheppard & Mullin
Chris Beale	Resources Law Group/City of Elk Grove
Dalia Fadl	Sac. Co.
Dan Gifford	CDFG
Dave Ghirardelli	Sac. Co. Waste Management
Diane Kirkham	Landowner
Elsie Machado	South County Land Owner
Eva Butler	CNPS
Ginger Fodge	Gibson & Skordal, LLC
Humera Arshad	SRCSD
Jae Chung	Corps of Engineers - Los Angeles
Jeb Elmore	Landowner
Jeff Bordelon	Law Office
Jim Purcell	Conservation Resources
John Hodgson	The Hodgson Company
John Lane	Teichert
Joyce Hunting	City of Rancho Cordova
Kate Dadey	U.S. Army Corps of Engineers
Mark Hanson	Cordova Hills
Matt Keasling	Taylor & Wiley
Mike Winn	Mike Winn & Associates
Rich Radmacher	Sacramento County Planning
Ryan Hooper	Law Office of Gregory D. Thatch
Sam Miller	Lewis Homes
Tim Hawkins	Sacramento County DERA
Tami Tollenaar	Landowner
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 John Hodgson and introductions were made. Mr. Hodgson emphasized the need to keep large projects on a set timeline to maintain traction. Rich provided a brief summary of the timeline stating that the County's plan was to complete the remaining chapters such that a preliminary draft document could be viewed in whole. This was anticipated to take approximately 7 months.

Tim Hawkins summarized the County DERA EIR/EIS schedule. They go before the Board on April 1st to approve the contract with Life Sciences and will have the kick off meeting with Life Sciences on the following day. The NOP will be released in mid-April and the NOI will follow in June. They currently plan to complete the administrative draft in August '09 and public review draft by July of '10. Considering these dates, they anticipate having the record of decision, biological opinion, and Board/Council approval by December of 2010, which is close considering the February 2011 deadline for the Freeport Regional Water Authority deadline. Kate D. asked if the EIR/EIS would be written by one consultant. Tim verified that the environmental documents would be prepared by the same consultant. John Hodgson again emphasized expeditious timelines and the need to speed them up where possible.

Rich & Vince summarized their views on how to proceed. Rich explained that we planned to have 2-3 Steering Committee meetings in the next 6 months during which time the Committee would work to finalize the pending chapters for the draft public review document. He also addressed the Service's request to begin liaison meetings with the elected officials that will ultimately be adopting the plan.

John Hodgson asked if Folsom was a part of the plan and/or if they should be. Rich replied that they were not a part of the plan and that their SOI, which was in the Study Area, has been removed at their request. Rich added that County staff would not be supportive of adding any new land considering that we are in the latter stages of Plan development. It was asked if there was full representation from the various jurisdictions that would be implementing and adopting the plan. Rich said that in addition to the Steering Committee meetings, they also hold jurisdiction meetings with the Plan Permitties and there has been very active participation from all involved in those meetings.

2. Review Assurances Chapter

a. Overview of Assurances Chapter

Rich explained that the Assurances chapter is a required discussion of changed and unforeseen circumstances for HCP's. Chris Beale added that the chapter describes situations that might arise that could impact speices and expected HCP management obligations. Events that occur beyond a certain threshold and are considered unforeseen would be covered under the 'no surprises' regulation. He explained that events could be seen in three categories; 1) changes handled via adaptive management, 2) foreseen circumstances and resulting shifts in strategy or changes in the plan, and 3) unforeseen circumstances beyond certain reasonable thresholds.

b. Finalize Assurances Chapter topic issues list

Rich added the idea of timing and duration of assurances and proceeded directly into discussion of the topics.

c. Review and provide direction on topic issues

Rich explained that in the East Contra Costa County HCP assurances expire with the sunset of the permits. So, if the permit will last 30-years, the plan participants are only responsible for foreseen circumstances during the years the permit is active. The critical distinction is that the SSHCP preserves will be recorded and managed in perpetuity, but would only be required to manage for foreseen circumstances within the 30-year life of the SSHCP permits.

Rich moved on to the issue of flooding. Dan Gifford noted that thresholds and expectations for events such as flooding and fire are based on past trends. Global warming presents a challenge because it will

likely change those trends. Sam Miller noted that this brings up the issue of how to predict reasonably foreseeable events as the record changes. He proposed a threshold system based on recorded events. For example, instead of using the 100-yr flood event, which is anticipated to have a one percent chance of occurring any given year, he observed that there have been five record flood events in the Sacramento area in the past 100-years. This gives a five percent chance of a record event. Similarly, if there have been 15 drought years in the past 100-years, then there is a 15 percent likelihood of drought conditions. Eva Butler offered frequency distributions were one way to look at this. John Hodgson summarized that the intent is to generate an accurate number with objective criteria up front that still allows flexibility. Rich felt that this would be a good topic to bring back to the Bio-Sub committee.

Chris Beale said that changes that were not actual changes to the physical environment should not be included in this chapter such as changes to the designation of critical habitat and listing of new species. If something occurred to a species and the Fish and Wildlife Service needed to designate critical habitat, they would first look to see if an HCP was in place that covered the species. If so, the plan is already in place and critical habitat wouldn't be necessary. If the species was not covered by the plan, then there may be additional mitigation needs to cover that species. He added that if these changes were put into the assurances chapter, then the participants would be locked into a course of action for dealing with those changed circumstances. Jeff Bordelon requested that a list of all the various things that could happen in the future that might change the rules of the HCP be put together to help inform landowners how the plan may change in the future. Rich noted that such a list would be helpful. He also said that he would remove the circumstances talking about regulatory changes from the assurances chapter but keep similar language somewhere in the plan document.

Rich provided the caveat to the group that the USFWS had not seen this chapter yet and that they would have a substantial say in how it was completed. He noted that Nina Bicknese was on vacation but that in recent meetings, the Service expressed strong commitment to finishing this HCP.

Rich inquired about any additional topics. Diane Kirkham voiced her concern that there was no formal mention of the partnership between landowners and the conservancy. She wanted it clearly presented that the adaptive management portion of the plan would not be interpreted to mean that wholesale changes could be imposed on easement land in the name of adaptive management. It needs to be clear that once an easement is agreed too, a deal is a deal, and any change to the easement would be the result of negotiations amongst all the parties including the landowner. Rich acknowledged that this was true and that that sentiment should be reflected somewhere in the document. Chris Beale agreed that 'in perpetuity' makes it difficult to provide assurances, but also pointed out that there are some 500 HCP adopted now and there is a fair amount of case history and support showing that the Service would not retroactively try to change the rules, so to speak.

3. Recap Assigned Tasks

The next Steering Committee meeting will be on Thursday, May 15th from approximately 10:00 to 12. The exact location will be announced at a later date.