

## MEETING NOTES

### East Alameda County Conservation Strategy Users Advisory Group Meeting April 16, 2009

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#### East Alameda County Conservation Strategy Mission:

The East Alameda County Conservation Strategy (EACCS) will provide a blueprint for conservation of biological species in East Alameda County.

The EACCS will streamline the environmental permitting process for development and infrastructure projects by:

- Documenting important biological resources in east Alameda County
- Setting priorities for mitigation and conservation of biological resources
- Providing clear standards as to where and how to focus mitigation efforts
- Setting mitigation ratios for focal species
- Facilitate ongoing conservation programs through a coordinated approach

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#### 1) Chapter 1 – Comments Received

- a) Comment: Discussion of Measure D and other relevant Assembly Bills should be in Chapter 1.
  - i) Response: Chapter 2 – Environmental Setting will provide substantive discussion of local land use ordinances, ballot measures, etc. Chapter 1 will make reference to this discussion. Upon review of both Chapters 1 and 2, we can revisit whether land use discussion should be moved to Chapter 1.
- b) Comment: Provide guidelines on how projects contained within a Programmatic Biological Opinion (BiOp) will be reviewed. There is a concern that the process would be too streamlined that sensitive areas would not be protected as a result.
  - i) Response: All projects will still undergo review by the USFWS. However, the length of consultation may vary.
    - (1) If the project is within the scope of the Programmatic BiOp, the application will get a shorter consultation that would be tiered off of the Programmatic BiOp.
    - (2) If the project is within the scope but impacts sensitive areas, then the project will be reviewed more thoroughly (potentially full consultation).
    - (3) If the project and/or species impacted are outside the scope of the Programmatic BiOp, then the project will undergo a full consultation that would result in a project specific BiOp.
- c) Additions to focal species list
  - i) CNPS recommended adding more plant species to the focal species list, specifically serpentine plants and annual grasslands.
    - (1) Response: Jones & Stokes will continue to review CNPS recommended suggestions to determine which plants should be added. All of CNPS's comments from their letter have been incorporated into a comment log and will be provided a response.
  - ii) EBRPD recommended including Prairie Falcon to the list. EBRPD has a lot of data on this bird.
    - (1) Response: These species are typically not addressed in the regulatory settings. Need to get more information about the species, such as nesting sites. Jones & Stokes will follow up with Ohlone Audubon Society.
  - iii) Michael Marangio, a biologist and independent consultant, recommended adding additional snakes to the list. Jones & Stokes will follow up and get more information.

- d) Comment: Include guidance for western burrowing owls in urban settings and coordinate with the Statewide Conservation Strategy for Burrowing Owls effort.
  - i) Response: Jones & Stokes is already coordinating with Bill Boarman, who is leading the Statewide Conservation Strategy effort. Troy will be providing technical review this summer. We will provide updates to this effort in future UAG meetings.
- e) Comment: Conserving agriculture (cropland and farmland) should be a part of this strategy's mission. Some agricultural lands, particularly in the urban fringe, do not have listed species on them but would benefit from mitigation for loss of ag land as a result of development.
  - i) Response: Although the focus of this Conservation Strategy is on conserving biological resources, this document can raise awareness about the agricultural heritage in this part of the county.
- f) Comment: Discuss relationship between the Conservation Strategy and Williamson Act (WA). There are some existing conflicts between conservation easements and WA contracts. The county is reluctant to issue WA contracts for lands that have conservation easements on them. WA designations provide more of a tax break for landowners than for landowners that have conservation easements. Yet, the one of listed uses in the WA is conservation.
  - i) Alameda County noted that there are different types of WA contracts. The county currently offers a WA agriculture contract but is looking into having WA open space contracts.
  - ii) Tri-Valley Conservancy is facing this same issue and is currently talking to California Council of Land Trust.
  - iii) Jones & Stokes will do more research on this issue and will talk to Tri-Valley Conservancy.
- g) State Coastal Conservancy's comments
  - i) In the Purpose section, expand upon benefits of this strategy, particularly to conservation activities not driven by project mitigation needs. Need to explicitly recognize that not all conservation is project mitigation-driven.
  - ii) Clarify the term "blueprint" and add language that recognizes that there are other conservation activities in and around the area.
  - iii) In the Regulatory section, clarify context of all the regulations described in this section to the Conservation Strategy in the beginning of the section.
  - iv) In the first bullet on page 1-15, change "Agreement" to "Act."
  - v) With regard to Clean Water Act section 404, explain how the Conservation Strategy is expected to be streamline section 404 permitting.
  - vi) Figure 1-2, clarify that using the Conservation Strategy is voluntary. A project proponent has a choice to use this strategy in pursuing environmental permits for project impacts. USFWS will still use the Conservation Strategy as guidance.

## 2) Chapter 2 – Environmental Setting

- a) Introduction to Chapter
  - i) Chapter 2 provides the baseline of current conditions (i.e. what we know about the area now). This will serve as a springboard for what we need to do with regard to conservation (i.e. setting goals, objectives and priorities).
  - ii) The maps/tables that have been developed to date will be included in this Chapter.
    - (1) Land use map
      - (a) The Steering Committee received a comment that agriculture and rangelands should be distinguished on the land use map. The Steering Committee will work on this.
      - (b) Note that the land use map is based upon current land use classification of the local municipalities (i.e. as identified in their general and specific plans).
  - iii) Species accounts will be in Appendix D.
    - (1) Concern that modeled habitat will be misconstrued by project proponents.
      - (a) Habitat models were developed using a theoretical model based upon what we know about the habitat a species needs. This is checked against the actual occurrences.

- (b) Methodology section will state how modeled habitat should be used (i.e. guidance).
    - (c) Habitat models also have disclaimers directly on it.
  - iv) Comment on annual plant species surveys
    - (1) Would like to see guidance on what appropriate surveys need to be done for annual plants. Because there are annual climate fluctuations, there will be years where annual plants are not prolific. Want to be sure that impacts to annual plants are accurately represented in environmental documentation and fully mitigated for.
  - b) Chapter release date to UAG
    - i) Tentatively May 8<sup>th</sup>
    - ii) Will be posted on the website
- 3) Upcoming Project/Meetings Schedule
  - a) Technical Workshops
    - i) Location: Zone 7 Water Agency, 100 North Canyons Parkway, Livermore
    - ii) Workshop 1: Grasslands, Chaparral and Coastal Scrub – May 12<sup>th</sup>, 1-5 pm
    - iii) Workshop 2: Ponds and Wetlands – May 14<sup>th</sup>, 8 am – noon
    - iv) Workshop 3: Riparian Forest and Scrub, Oak and Conifer Woodland – May 19<sup>th</sup>, 8 am - noon
  - b) Public Meeting
    - i) Date: June 11, 2009 from 7 – 9 pm
    - ii) Location: Dublin Regional Meeting Room
    - iii) Purpose: Provide background on what a conservation strategy is and its benefits. Summarize work done to date and present draft conservation goals and objectives.
      - (1) The meeting is designed to get the public engaged early on in the process and to see if there are things we may have missed and/or groups we need to involve.
    - iv) Format
      - (1) Open house at the beginning
      - (2) 30-45 minute presentation
      - (3) 30 minutes for questions/discussion
    - v) Suggestions:
      - (1) Develop a layperson title to the meeting as opposed to calling it a Public Meeting. Provide a short description of the purpose of this meeting is.
      - (2) Flyers: Mary will be developing a flyer for the public meeting.
- 4) Other Ongoing Conservation Planning Efforts
  - a) East Contra Costa County HCP Implementation
    - i) Approved in 2007/08
    - ii) Have a project tracking database and provide annual updates.
    - iii) Completed two conservation projects to date.
    - iv) HCPs require mitigation to occur prior to the impacts. This can be an option for this conservation strategy if economically feasible.
    - v) The East Contra Costa County Habitat Conservancy was formed to implement the HCP.
  - b) San Joaquin County Multi-species Habitat Conservation and Open Space Plan
    - i) Approved/adopted in 2001
    - ii) Also has annual reporting requirements
    - iii) Implemented several “Preserve Enhancement Projects” as required in the plan. One of the projects involved working with a local high school.
  - c) Santa Barbara County Resource Conservation Plan
    - i) This effort received grant funding from USFWS to develop this plan for CTS conservation. None of these funds were used.
    - ii) Based on a verbal conversation with USFWS staff, there did not seem to be a local champion for developing this plan. There were several stakeholder meetings to discuss the utility for

this plan but faced an eventual stalemate. The participants seemed to not see the value of having this type of plan for their area. As a result, the county decided to cease funding for and pursuing the development of this plan.

- 5) Next UAG Meeting Date: June 18 @ 2 p.m. at the Dublin Regional Meeting Room
  - a) Agenda
    - i) Summary of Comments on Chapter 2
    - ii) Debrief of Technical Workshops & Public Meeting
    - iii) Update on Santa Rosa Plain Conservation Strategy Implementation
- 6) Future topics for discussion
  - a) Update on Burrowing Owl Statewide Conservation Strategy
  - b) Williamson Act