

**MEETING NOTES**  
**East Alameda County Conservation Strategy**  
**Steering Committee Meeting**  
**May 5, 2009**

**Meeting Attendees**

Jill Duerig & Mary Lim - Zone 7

Troy Rahmig – ICF Jones & Stokes

Liz McElligott & Dominic Farinha – Alameda County

John Hemiup – Alameda County Congestion Management Agency

Jim Robins – Alameda County Conservation Partnership

Karen Sweet – Alameda County Resource Conservation District

Mark Lander – City of Dublin

Steve Stewart – City of Livermore

Janice Stern – City of Pleasanton

Chris Barton– EBRPD

Liam Davis & Marcia Grefsrud – DFG

Brian Wines - RWQCB

Cay Goude & Kim Squires – USFWS

- 1) Williamson Act & Conservation Easement Conflicts
  - a) This issue was brought up at the UAG meeting in April by Rich Fletcher, who owns the Ohlone Mitigation Bank. The concern was that conservation easements conflict with terms of Williamson Act contracts.
  - b) Alameda County's Williamson Act Program recently got audited. There was an issue with regard to this program not differentiating between the two types of Williamson Act contracts. These include agriculture and open space.
  - c) Conservation easements are not contrary to the open space Williamson Act contracts. However, conservation easements may conflict with the agriculture Williamson Act contracts because the primary purpose for lands under these types of contracts must be agriculture.
  - d) At the next meeting, DFG will provide the State's position on conservation easements and Williamson Act Contracts.
  - e) This is a potential topic for the proposed landowner workshop.
  
- 2) Chapter 2 & Appendix D
  - a) Comments from the Steering Committee due by Friday, May 15<sup>th</sup>.
  - b) Chapter 2 will be released to the UAG for review and comment by the following week.
  
- 3) Conservation Strategy Principles & Assumptions
  - a) The draft Conservation Strategy Principles & Assumptions and draft Conservation Goals and Objectives will frame and guide the technical workshops.
    - i) Because the Steering Committee did not have a chance to review these principles & assumptions, a caveat will be placed at the top of the documents stating that this information is for discussion purposes only.
    - ii) The Conservation Strategy Principles & Assumptions lays the groundwork for what the Conservation Strategy will look like. This document will be used to refine the goals and objectives and not for implementation of the Strategy.

- iii) Preliminary comments include the following:
  - (1) Need to be clear that these principles and assumptions are strictly for biological resources.
  - (2) Add a bullet stating that mitigation ratios and conservation priority areas for focal species be based on existing Recovery Plans.
  - (3) For #6, revise to say “Mitigation ratios will be set for all suitable occupied and unoccupied focal species habitat. Mitigation ratios may differ for permanent and temporary project-level impacts.” In addition, provide definition of “temporary” impacts (i.e. impacts that occur for one season and there are no changes in topography and vegetation).
  - (4) Delete #9. Researching to fill data gaps are not mitigation options but are supplemental activities in addition to mitigation requirements. USFWS encourages project proponents to see funding to conduct research. Research projects will be addressed in the implementation portion of the Conservation Strategy.
  - (5) Item No. 10, delete “(public or private)” and the word “permanent” in front of the word impacts. In addition, need to add language that states funding (endowments) and management plans are required along with the permanent conservation easements.
    - (a) DFG noted that they will not approve of a private developer getting conservation easements on public lands.
    - (b) There are some occasions where public agencies can conserve on public lands that have no existing protection and could be open to future development. This is on a case-by-case basis.
  - (6) The example in footnote for item no. 11 should be changed to San Joaquin kit fox.
    - (a) In order to receive credit, USFWS will require surveys to determine presence on the proposed mitigation lands.
    - (b) Because SJKF can be difficult to survey for, we can assume presence in areas where there are known occurrences. However, in areas where there are low or no known occurrences, a survey will be required to determine presence.
- iv) The Programmatic Section 7 will provide global ratios for focal species; however, local agencies must follow the Conservation Strategy.
  - (1) For species that are both Federal and State-listed, DFG will look into preparing a programmatic consistency determination.
  - (2) Regional Board cannot commit to setting fixed ratios for resources that are within its jurisdiction.
- v) Translocation of species
  - (1) In Santa Rosa, translocation of CTS was approved; however, USFWS had an understanding of the genetics of the CTS in that area. In addition, there were so many CTS in that area that no one could really claim that new habitat would be created as a result of the translocation.
  - (2) For translocation to be potential option in east Alameda County, we would need to know the genetics of the species in this region, have a receiver site that is not a mitigation bank, and need approval from USFWS. Because genetics testing involves killing species, translocation may not be a viable option.

- vi) USFWS stressed that the local agencies need to coordinate efforts in implementing the Conservation Strategy and ensure that local agencies commit to following the Conservation Strategy.
    - (1) Local agencies should encourage project proponents to follow the Conservation Strategy.
    - (2) Project proponents that are looking to append to the programmatic biological opinion will need to follow the Conservation Strategy. Want to be sure that the Conservation Strategy is not being abused. If the Conservation Strategy is not followed, local agencies may no longer be able to use it. Therefore, the onus is on the local agencies to ensure that project proponents use and follow the Conservation Strategy.
    - (3) An Implementation Working Group/Subcommittee should be formed to discuss:
      - (a) How to ensure coordination by local agencies & keep the Conservation Strategy going?
      - (b) How to get mitigation on the ground?
    - (4) Action: Mary will send out an email soliciting the Steering Committee on who would like to be on this subcommittee.
  - b) Technical Workshops @ Zone 7
    - i) Workshop 1: Grasslands, Chaparral and Coastal Scrub – May 12<sup>th</sup>, 1-5 pm
    - ii) Workshop 2: Ponds and Wetlands – May 14<sup>th</sup>, 8 am – noon
    - iii) Workshop 3: Riparian Forest and Scrub, Oak and Conifer Woodland – May 19<sup>th</sup>, 8 am - noon
- 4) CalFed Grant Update
- a) Karen Sweet reiterated that the Conservation Strategy grant has been taken out of suspension. However, the timing has yet to be determined.
  - b) DWR is currently evaluating where the grant projects stand and need to determine how long of an extension will be granted.
  - c) RCD has an opportunity to rescope the tasks outlined in the grant to include new ideas to facilitate implementation. If anyone has any thoughts, please send them to Jim Robins.
- 5) Map Designation between Agricultural lands and Rangelands – Deferred to June meeting
- 6) Upcoming Meetings
- a) Steering Committee Meeting: Tuesday, June 2<sup>nd</sup> @ 10 am
    - i) Discuss map designation between agricultural lands and rangelands
    - ii) Review comments received to date on Chapter 2 and Appendix D
    - iii) Debrief of technical workshops
    - iv) Public meeting format
  - b) Public Meeting: Thursday, June 11<sup>th</sup>, 7 – 9 pm at Dublin’s Regional Meeting Room
  - c) UAG Meeting: Thursday, June 18<sup>th</sup> @ 2 pm