



EAST CONTRA  
COSTA COUNTY  
HABITAT  
CONSERVANCY

City of Brentwood

City of Clayton

City of Oakley

City of Pittsburg

Contra Costa County

# GOVERNING BOARD

## REGULAR MEETING

Wednesday, March 19, 2008

5:30 pm

City of Pittsburg City Hall  
Council Chambers, 3<sup>rd</sup> Floor  
65 Civic Center Drive, Pittsburg, CA

### AGENDA

**1) Introductions**

**2) Public Comment** on items that are not on the agenda (public comment on items on the agenda will be taken with each agenda item).

**3) Consider approving the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board Meeting of February 6, 2008**

**4) Presentation by Ted Radke, Vice-President of the East Bay Regional Park District Board of Directors, on the proposal to renew Measure AA to continue funding for park acquisition and capital projects.**

**5) Accept update from staff on aspects of implementing the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (“HCP/NCCP”), including:**

- 2008 Fee Adjustments
- Initiation of Public Advisory Committee
- Extension of take coverage to covered activities
- Wetland restoration program

**6) Closed Session: Conference With Real Property Negotiators**

Property: APN#001-011-040 (commonly known as 6100 Armstrong Road, Byron, Contra Costa County)

Agency Negotiators: Dennis M. Barry and John Kopchik

Negotiating Parties: East Contra Costa County Habitat Conservancy, East Bay Regional Park District, Anthony F. Souza and Gloria P. Souza

Under negotiation: price and payment terms

**7) Adjourn to next Governing Board meeting on June 18, 2008.**

If you have questions about this agenda or desire additional meeting materials, you may contact John Kopchik of the Contra Costa County Community Development Department at 925-335-1227.

*The Conservancy will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 24 hours before the meeting.*

(This page intentionally left blank.)

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** March 19, 2008  
**TO:** Governing Board  
**FROM:** Conservancy Staff  
**SUBJECT:** Meeting Record for February 6, 2008 Governing Board Meeting

---

**RECOMMENDATION**

APPROVE approving the Meeting Record from the Conservancy Governing Board Meeting of February 6, 2008.

**DISCUSSION**

Please find the draft meeting record attached

CONTINUED ON ATTACHMENT:  X  YES  
ACTION OF BOARD ON \_\_\_\_\_ APPROVED AS RECOMMENDED \_\_\_\_\_  
OTHER \_\_\_\_\_

**VOTE OF BOARD MEMBERS**

UNANIMOUS  
AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION  
TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY  
GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED \_\_\_\_\_  
*DENNIS M. BARRY, SECRETARY OF THE EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY*

BY: \_\_\_\_\_, DEPUTY

**Draft Meeting Record**

East Contra Costa County Habitat Conservancy  
Governing Board Meeting  
Wednesday, February 6, 2008

**1) Introductions.**

***Governing Board members in attendance were:***

Will Casey	Mayor, City of Pittsburg
Bruce Connelley	Mayor, City of Oakley
Greg Manning	Mayor, City of Clayton (Conservancy Chair)
Mary Piepho	Supervisor, Contra Costa County (Conservancy Vice-Chair)
Eric Stonebarger	Councilman, City of Brentwood

***Other Attendees:***

Chris Barton	East Bay Regional Park District
Winston Rhodes	City of Brentwood
David Fraser	Office of CCC Supervisor federal Glover

***Conservancy Staff members in attendance were:***

Abby Fateman	Conservancy Staff
John Kopchik	Conservancy Staff

**2) Public Comment.**

None.

**3) Consider Approving the Meeting Record from the East Contra Costa County Habitat Conservancy Governing Board Meeting of October 17, 2007.**

It was moved and seconded (Casey/Connelley) to approve the meeting record. The motion passed unanimously.

**4) Accept update and provide guidance to staff on some key initial tasks related to implementing the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (“HCP/NCCP”), including:**

- a) **Assisting the Cities and the County with preparing to implement their HCP Implementing Ordinances and beginning to extend permit coverage to 3<sup>rd</sup> parties**

Mr. Kopchik provided an update on the status of the different implementing ordinances and activities to date related to staff, developer and applicant trainings. More trainings are planned with local agency planning and engineering staff. Conservancy staff will provide support to local jurisdictions in implementation of the HCP/NCCP.

- b) **Preparing for anticipated requests to the Conservancy to extend take coverage to projects not subject the land use authority of the Cities or the County, including Caltrans project to improve a stretch of Highway 4 from Marsh Creek Road to Discovery Bay**

Mr. Kopchik provided an update on the Caltrans project (additional info provided in the meeting packet). Supervisor Piepho stated that it was helpful to have an agreement template for Participating Special Entities and indicated that it was important that when determining any

contribution to recovery surcharge for such projects above and beyond mitigation fees and staff costs, that such surcharges not drive up the costs of important public infrastructure projects.

**c) Initial wetland restoration/creation opportunities**

Ms. Fateman provided an update on the status of the wetland restoration/creation opportunities in the HCP/NCCP area. She reviewed the templates (provided in the packet) and discussed additional opportunities associated with potential future acquisitions.

It was moved and seconded (Piepho/Connelley) to accept the update. The motion passed unanimously.

**5) Consider approving the 2008 Conservancy Work Plan.**

Mr. Kopchik provided an overview of the Work Plan and changes to it from the plan presented at the October meeting. Mr. Kopchik drew the Board's attention to Task 23 related to implementation and preserve assembly. He emphasized that developing partner relationships is important to preserve assembly, as the intention, at least initially, is for the Conservancy not to hold title to any preserve properties.

It was moved and seconded (Piepho/Connelley) to approve the Work Plan. The motion passed unanimously.

**6) Consider recommendations received from stakeholders and consider initiating the Public Advisory Committee process.**

Mr. Kopchik reviewed the recommendations received from stakeholders regarding the Public Advisory Committee (PAC). The Board discussed additional avenues of recruitment for the remaining spots on the PAC.

It was moved and seconded (Piepho/Casey) to approve the stakeholder recommendations on PAC composition and operation and authorized the PAC to begin meeting. Directed staff to solicit applications for the remaining two suburban and rural resident seats via email and newspaper and provide applications received to the Governing Board for review. The motion passed unanimously.

**7) Consider the following items related to Conservancy finances:**

**a) Consider approving the 2008 Conservancy Budget.**

Mr. Kopchik reviewed the budget and provided an overview of Table I-1 and the supporting tables. There was discussion of the nature of the grants that have been awarded as well as questions regarding future property acquisition. All the grants that have been awarded will either provide funding on a reimbursement basis or will pay directly into escrow.

**b) Consider authorizing staff to execute an agreement with the East Bay Regional Park District for the provision of specific land acquisition services during 2007 and 2008.**

Mr. Kopchik discussed the working relationship with the East Bay Regional Park District and the cooperative efforts in on-going projects. The agreement will enable the Conservancy to draw on the resources and expertise of EBRPD in pursuing and proposing acquisitions of mutual interest.

**c) Consider approving standard contract form for consulting services.**

Mr. Kopchik told the Board that the standard contracting forms for consulting services had been reviewed by legal counsel.

- d) Consider authorizing staff to execute contracts for on-call biological and conservation planning services from January 1, 2008 to December 31, 2008 with Jones and Stokes for \$200,000, with H.T. Harvey & Associates for \$75,000 and with Monk and Associates for \$75,000.**

Mr. Kopchik provided background on the consultant selection process and reviewed the tasks that were anticipated to be assigned to different firms.

- e) Consider authorizing staff to execute a contract for legal services with the Resources Law Group for \$50,000.**

Mr. Kopchik reviewed the services needed from Resources Law Group.

It was moved and seconded (Piepho/Casey) to approve all items related to the Conservancy Finances. The motions passed unanimously.

- 8) Consider approving Resolution 2008-01 and authorizing measures to communicate this position in order to support working together with agencies from Placer, Santa Clara, Solano and Yolo Counties to request that the United States Congress increase overall funding of the U.S. Fish and Wildlife Service Cooperative Endangered Species Fund by \$50 million in the Fiscal Year 2009 Interior and Related Agencies Appropriations bill.**

Mr. Kopchik provided an overview and history of the relationship Contra Costa County has with the other northern California counties that are working on Habitat Conservation Planning as well as the importance of increasing federal funding for HCPs so that success such as the conservancy has had in attracting federal funds can continue.

It was moved and seconded to approve the Resolution 2008-1. The motion passed unanimously.

- 9) Adjourn to next Governing Board meeting on March 19, 2008.**

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** March 19, 2008  
**TO:** Governing Board  
**FROM:** Conservancy Staff  
**SUBJECT:** Presentation by Ted Radke on Proposal to Renew EBRPD Measure AA

---

**RECOMMENDATION**

ACCEPT presentation by Ted Radke, Vice-President of the East Bay Regional Park District Board of Directors, on the proposal to renew Measure AA to continue funding for park acquisition and capital projects.

**DISCUSSION**

The voters of Alameda and Contra Costa County approved Measure AA in 1988, authorizing the East Bay Regional Park District (“EBRPD”) to sell general obligation bonds for the purpose of funding acquisition of new parks and developing capital facilities on new and existing parks. A portion of the funding went to cities and counties to pay for their park needs. Revenues from Measure AA are nearly exhausted and EBRPD is considering placing a measure on the November General Election ballot to renew Measure AA such that additional bonds could be sold and additional funds could be raised. This action would continue but not increase the property owners’ tax obligations. Vice President Radke will provide an overview of the proposed measure and the relationship to the HCP/NCCP.

CONTINUED ON ATTACHMENT:  X  YES  
ACTION OF BOARD ON \_\_\_\_\_ APPROVED AS RECOMMENDED \_\_\_\_\_  
OTHER \_\_\_\_\_

**VOTE OF BOARD MEMBERS**

UNANIMOUS  
AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED \_\_\_\_\_  
*DENNIS M. BARRY, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY*

BY: \_\_\_\_\_, DEPUTY

(This page intentionally left blank.)

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** March 19, 2008  
**TO:** Governing Board  
**FROM:** Conservancy Staff  
**SUBJECT:** Update on HCP/NCCP Implementation

---

**RECOMMENDATION**

ACCEPT update from staff on aspects of implementing the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (“HCP/NCCP”), including:

- a) 2008 Fee Adjustments
- b) Initiation of Public Advisory Committee
- c) Extension of take coverage to covered activities
- d) Wetland restoration program

**DISCUSSION**

**Item a:** The East Contra Costa County HCP/NCCP and the HCP/NCCP Implementing Ordinances adopted by the participating cities and the County provide for the automatic adjustment of HCP/NCCP Mitigation Fees each year on March 15 pursuant to price indices. Conservancy staff is charged with calculating the annual fee adjustments and informing the cities and the County of the adjusted fees. The fee adjustments for 2008 are summarized in the attached table. These fees take effect on March 15, 2008 and remain in affect through March 14, 2009. Local agencies have been notified of the fee adjustments and the website has been updated.

As shown in the attached table, the HCP/NCCP Development Fees decreased 3.04% from the 2007 fees. The Wetland Mitigation Fees increased by 3.27%. Development Fees are adjusted according to a formula that includes both a Home Price Index (HPI) and a Consumer Price Index (CPI). The Wetland Mitigation Fees are adjusted according to a CPI. For 2007, the change in the HPI was -7.17% and the change in the CPI was 3.27%. Table 9-7 of the HCP/NCCP provides more information on the indices and the adjustment formulas.

CONTINUED ON ATTACHMENT: <input checked="" type="checkbox"/> YES	
ACTION OF BOARD ON _____ APPROVED AS RECOMMENDED _____	
OTHER _____	
<b><u>VOTE OF BOARD MEMBERS</u></b>	
<input type="checkbox"/> UNANIMOUS	I HEARBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.  ATTESTED _____ <i>DENNIS M. BARRY, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY</i>  BY: _____, DEPUTY
AYES: _____	
NOES: _____	
ABSENT: _____	
ABSTAIN: _____	

**Item b:** Consistent with the Board action on February 6, 2008, Conservancy staff sent invitations to serve on the Conservancy's Public Advisory Committee ("PAC") to the 10 agencies and individuals selected by the Board for the stakeholder seats (agency representatives do not have assigned seats as they are always welcome to attend and participate as are interested members of the public). Staff convened the first meeting of the PAC on February 14, 2008. Nine of the 10 invited organizations were represented at the meeting and one organization indicated that it did want to participate but was unable to provide a representative for that meeting. A number of agency representatives and other interested individuals also attended and participated in the meeting. Solicitation of interested individuals to serve on the remaining two seats allocated for suburban and rural residents of the Plan area is underway and staff intends to provide a candidate pool to the Governing Board in June.

At the PAC meeting, staff provided a general update on progress with Plan implementation and answered numerous questions. The meeting was very productive and laid the groundwork for future involvement by the PAC in making recommendations on implementation questions. The PAC reviewed its mandate and discussed approaches for performing this mandate. The PAC also posed a number of questions for staff. Many questions and comments centered on whether the Conservancy had adequate staffing. Staff responded that the approved Conservancy Budget provides funding for one additional full time employee and that efforts to secure such an employee are underway. Staff also made clear that the approved Budget and Work Plan are structured to employ a partnership approach to accomplish key tasks such as land acquisition and management. Likewise, the Conservancy relies on the work of consultants to perform specialized duties. Other questions related to the challenges of securing approved grant funds before the funds expire. Staff summarized the significant work underway to access approved grant funds and request more. The PAC also discussed its future activities and indicated a strong interest in incorporating field trips into their regular business. Such field trips would be focused on acquisition and restoration projects. One challenge identified by staff and the PAC is incorporating the input of the PAC in the land acquisition process. This is difficult because the Governing Board should maintain confidentiality with respect to real property negotiations.

The PAC meets quarterly. The next meeting is scheduled for May 8 at 1 p.m.

**Item c:** Conservancy staff has been busy performing its role with respect to the process for issuing take authorization to covered projects. In addition to the trainings discussed at the Board's February 6 meeting, a training session in Brentwood for project review staff was held on February 29. A training session for local agency engineers and public works staff was held on March 11. Staff remains available for additional trainings as needed or requested.

The slow housing market has probably been responsible for the relatively low number of private development project proposals being received by local agencies so far this year. However, each city and the County do have some projects that are being processed consistent with the HCP or are being reviewed to see if the HCP applies. Significant rural infrastructure projects of Conservancy member agencies that are in the process of performing studies to seek take coverage through the HCP include the Vasco Road safety project and the James Donlan Blvd. extension in Pittsburg. Projects by other public agencies that are exploring the process for pursuing take coverage through the HCP include the Caltrans project to widen lanes on Highway

4 between the Byron area and Discovery Bay, the State Route 4 Bypass Authority project to widen segment 2 of the Bypass in Brentwood and the EBART project.

Upcoming tasks related to granting take authorization include helping the wildlife agencies to implement a system for the wildlife agencies to provide up-front approval of biologists who project proponents can use to perform those challenging biological monitoring/species handling tasks that are required in the HCP to be performed by biologists approved by the wildlife agencies. Another task is to develop a map of streams in the HCP inventory area to assist with implementation of the HCP's stream setback provisions, as required by the HCP. Staff anticipates bringing a draft map to the PAC in May and to the Board in June.

**Item d:** Conservancy staff has continued to work with East Bay Regional Park District staff and with consultants Jones and Stokes and Monk and Associates to pursue wetland restoration and creation opportunities that can be constructed this year. Two parcels recently acquired by East Bay Regional Park District are being considered: the Lentzner property at the south end of the Black Diamond Mines Regional Preserve and a recent acquisition on the north side of the Vasco Caves property.

Staff and consultants are currently in the process of developing conceptual restoration plans for wetland restoration/creation projects on these properties. Next steps include evaluating the feasibility, cost, constraints and potential restoration outcomes of these potential projects. Staff will proceed with additional planning, design and design review for the projects best suited for potential construction this summer. Staff intends to make recommendations at the June Governing Board meeting on appropriations, contracts and associated agreements that will be necessary to construct this summer/fall.

**Attachments:**

- Table entitled, "Annual Adjustment of East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan ("HCP/NCCP") Mitigation Fees"

**Annual Adjustment of East Contra Costa County Habitat Conservation Plan / Natural  
Community Conservation Plan ("HCP/NCCP") Mitigation Fees**

FEE TYPE	YEAR <sup>1</sup>		% Change <sup>2</sup>
	2007	2008	
<b>Development Fees (per acre)</b>			
Zone 1	\$12,457	\$12,078	-3.04%
Zone II	\$24,914	\$24,155	-3.04%
Zone III	\$6,229	\$6,039	-3.04%
<b>Wetland Mitigation Fees (per acre, except as noted)</b>			
Riparian woodland/scrub	\$60,004	\$61,969	3.27%
Perennial wetlands	\$82,111	\$84,799	3.27%
Seasonal Wetland	\$177,908	\$183,731	3.27%
Alkali wetland	\$168,433	\$173,947	3.27%
Ponds	\$89,480	\$92,409	3.27%
Aquatic (open water)	\$45,266	\$46,748	3.27%
Slough/ Channel	\$102,113	\$105,455	3.27%
Streams 25 feet wide or less - fee per linear foot	\$489	\$505	3.27%
Streams greater than 25 feet wide - fee per linear foot	\$737	\$761	3.27%

Notes:

1) Fee amounts indicated for each calendar year are valid from March 15 of that year until March 14 of the subsequent calendar year. 2008 fees are valid from March 15, 2008 until March 14, 2009.

2) Development Fees are adjusted according to a formula that includes both a Home Price Index (HPI) and a Consumer Price Index (CPI). The Wetland Mitigation Fees are adjusted according to a CPI. For 2007, the change in the HPI was -7.17% and the change in the CPI was 3.27%. See Table 9-7 of the HCP/NCCP for more information.