

| <b>DRAFT 2008 CONSERVANCY WORK PLAN</b>         |   |  |  |  |
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|   | <b>TASK</b>   | <b>TIME FRAME</b><br>Recommended in<br>Chapter 8 of HCP/NCCP | <b>STATUS</b><br>(completion date)   | <b>ACTIONS TAKEN or PLANNED</b>  |
| <b><i>HCP/NCCP Administration (general)</i></b> |   |  |  |  |
| 1   | Establish HCP/NCCP Governing Board  | 0-6 Months   | Completed<br>(Spring 2007)   | <i>East Contra Costa Habitat Conservancy Governing Board was established in April 2007. Held first meeting and elected officers on May 9, 2007.</i>  |
| 2   | Hire Implementing Entity Executive Director   | 0-6 Months   | Addressed a<br>different way<br>(Spring 2007)                                | <i>The Joint Exercise of Powers Agreement that formed the Conservancy provides that the County Community Development Director shall serve as Conservancy Secretary and provide staff support to the Conservancy unless and until a decision is made to secure staff support from another source. John Kopchik has been directed by the Community Development Director to continue to serve as the lead staff on the HCP/NCCP program.</i>                              |
| 3   | Hire key administrative staff of Implementing entity or secure agreements or contacts with other organizations to fulfill these roles   | 6 Months - 1 Year  | On-going<br>(Winter 2008)  | <i>One staff person was hired by County to provide staff support to the Conservancy in the beginning of September 2007, but has subsequently left and will need to be replaced. Contracts with Jones and Stokes and resources law group are also recommended to assist the Conservancy.</i>  |
| 4   | Provide opportunities for involvement in the implementation of the Plan by the public, science advisors, interested agencies, and others.   | N/A  | On-going<br>(Initiate PAC by<br>start of 2008)                               | <i>The process for initiating the Public Advisory Committee (PAC) process was before the Board in October for consideration. Former members of and participants in the Coordination Group process on December 6 to make recommendations on the composition of the PAC. The Board will consider these recommendations and appoint the PAC at its December meeting. Other committees, including the science advisors, may be initiated in 2008, depending upon need.</i> |
| 5   | Establish HCP/NCCP Implementation web site.   | 6 Months - 1 Year  | On-going<br>(January 2008)   | <i>The website is being converted from the HCPA's website to the Conservancy's website. New website will include all needed forms and will be updated regularly based on Plan implementation.</i>  |
| 6   | Develop and maintain annual budgets and work plans  | N/A  | On-going<br>(approval before<br>start of 2008)                               | <i>Conservancy staff prepared drafts of both the annual budget and the work plan for Board discussion in October 2007. The Board will consider these items for approval at their December meeting. These items, particularly this Work Plan, could be adjusted during the year by the Board.</i>   |
| 7   | Calculate the amounts of automatic annual fee increases and distribute these calculations to the cities and the county by March 15 of each year, in accordance with Chapter 9 of the HCP/NCCP | N/A  | 2007adjust-<br>ment complete.<br>2008<br>adjustment<br>planned for<br>March. | <i>Conservancy staff calculated the 2007 adjustments based on the formulas in the HCP and distributed the new fee amounts to the cities and the county for incorporation in the ordinances. The Development Fee amounts increased 4.5 percent from the amounts published in 2006 and the Wetland Mitigation Fee amounts increased 3.2 percent. The calculations will be performed again in March 2008.</i>   |

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| 8  | Prepare and submit annual report to CDFG and USFWS   | Required by March 15 following first full year of implementation | Planned (March 2009)               | <i>No annual report is due for 2007 or 2008. However, Conservancy staff has started creating the initial incidental take vs. preserved acres tracking system which will be an integral part of the annual report.</i>  |
| 9  | Pursue State and Federal Grants to assist in funding preserve acquisition and other implementation tasks   | N/A  | On-going                           | <i>Conservancy staff will continue to research and apply for available grant monies which make up a significant portion of the funding for implementation of the HCP/NCCP. Approved grants are listed in Table III-1 in the Budget discussion under item 7. Additional grants submitted or proposed at this time are: (a) a \$6 million request to USFWS for a FY08 Federal Section 6 land acquisition grant (submitted), (b) a grant requesting \$700,000 from the U.S. Bureau of Reclamation under the Central Valley Project Conservation Program for land acquisition.</i> |
| 10   | Administer grants already awarded  | N/A  | On-going                           | <i>Substantial staff time is required to prepare grant contracts, invoices, and required periodic grant reports for the many grants already received. Staff will continue with these duties for current and future grants. The largest grants received, the Section 6 grants, will be administered through the Wildlife Conservation Board and funds must be sought and received acquisition by acquisition.</i>   |
| 11   | Provide accounting services for the Conservancy  | N/A  | On-going                           | <i>Duties include processing all requests for payment, making deposits, tracking all account activities, providing summary reports as needed, and ensuring that fees are tracked and expended in compliance with the Mitigation Fee Act.</i>   |
| 12   | Pursue regional permits and permitting programs for jurisdictional wetlands and waters with the appropriate state and federal agencies to help ensure coordination between implementation of the HCP and the implementation of state and federal wetlands regulations. | N/A  | On-going (end of 2008)             | <i>This process started early in the development of the HCP. Much of the important work to achieve this goal has been accomplished. Measures in the HCP for wetlands have been designed to address species needs and, to greatest extent possible, meet the requirements of wetlands regulations. In late 2007, staff will reassemble the working committee of staff and state and federal wetland regulators and seek to develop an interagency agreement for wetlands conservation and permitting and one or more regional wetland permits.</i>                              |
| <b>HCP/NCCP Administration (permit issuance)</b> |  |  |                                    |  |
| 13   | Pass local ordinances to implement HCP/NCCP (cities and County)  | 0-6 Months   | Complete (October-November)        | <i>This task is for the cities and the County. Conservancy staff has provided assistance to the cities and the County in the crafting of ordinances. The cities and the County approved the ordinances in October and November. The ordinances are scheduled to take effect January 15-18, 2008.</i>   |

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| 14 | Develop checklists and other materials for local planners to ensure compliance by each project receiving coverage under the Plan.   | 0-6 Months   | On-going (by January 15)                     | <i>Draft checklist and materials were provided to Permittee staff on September 6, 2007 for review and comment and were revised based on comments received. Additional review and revision is planned.</i>   |
| 15 | Develop template survey report that may be used by project proponents as a guide and by local jurisdictions to evaluate the completeness of the survey reports they review  | 0-6 Months   | On-going (by January 15)                     | <i>Draft planning survey template was provided to Permittee staff on September 6, 2007 and to the Governing Board in October 2007 for review and comment. It was revised based on comments received and reissued for december 6 training. Additional review and revision is planned.</i>  |
| 16 | Assist local jurisdictions with training staff to review and process HCP/NCCP applications. Assist local jurisdictions to ensure that project proponents comply with the provisions of the Plan, including performance of required avoidance, minimization and mitigation measures. | 0-6 Months   | On-going (by January 15)                     | <i>First staff training session occurred at September 6, 2007 permittee meeting and will continue at monthly meeting of city, County and Conservancy staff. A large training session for multiple staff at each jurisdiction was held on December 6, 2007. There will also be an information session for builders and developers concerning the operations of the HCP/NCCP on January 9, 2008. Conservancy staff has started to develop a brochure explaining the process for applying for and receiving take authorization. Conservancy staff will remain available to local jurisdictions for assistance and technical support on as needed basis</i> |
| 17 | Provide each participating local jurisdiction with detailed maps of fee zones and land cover so the can process and evaluate HCP/NCCP applications  | 0-6 Months   | On-going                                     | <i>At the request of city staff, Conservancy staff prepared detailed maps of fee zones for inclusion in city ordinances. If requested, Conservancy will continue to provide mapping and GIS support to implementation of the HCP by local jurisdictions.</i>  |
| 18 | Begin receiving and reviewing applications for a coverage under the HCP/NCCP and collecting development fees.   | 0-6 Months   | Planned (expected to start January 15, 2008) | <i>City, County and Conservancy staff have yet to review applications as the local ordinances have yet to take effect. Ordinances will take effect on January 15 and January 18, 2008. The Conservancy's role will be limited to assisting the cities and the County, considering offers of land in lieu of development fees, considering other special circumstances set forth in Chapter 8.7.1 of the HCP and considering applications of Participating Special Entities (see item 20 below).</i>   |
| 19 | Prepare report documenting the expected benefits of the HCP/NCCP to non-covered special-status species to provide streamlining for future CEQA documents  | 6 Months - 1 Year  | Planned (complete by end of 2008)            | <i>Conservancy staff recommend commissioning a review of the habitat and mitigation needs of special status species and compare these to the habitat and mitigation needs of covered species. This report could be referenced by future CEQA documents for public and private projects to streamline the analysis of biological impacts. The ecological consulting contracts recommended on December 19, 2007 would enable performance of this task.</i>  |

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| 20   | Develop policies, a template agreement and application form for Participating Special Entities (entities with projects not subject to the land use authority of the cities or the County) so they may receive take authorization through the Plan. | N/A  | On-going (early 2008)              | <i>Conservancy Staff has initiated work on this in cooperation with Resources Law Group and a template agreement and certificate of inclusion for Participating Special Entities (PSEs) is in the Board's december packet. CALTRANS has initiated discussions with the Conservancy regarding the potential to cover impacts of Highway 4 improvements near Discovery Bay through the HCP. Conservancy staff has also suggested at the concept level some policies for covering PSEs.</i>   |
| 21   | Establish GIS and other databases to track land acquisitions and HCP/NCCP impacts  | 6 Months - 1 Year  | On-going (Winter 2008)             | <i>Conservancy staff is working to establish one or more databases to track and cross tabulate the amount of acres of various types of impacts and the amount of acres of various types of conservation to provide a compliance monitoring function pursuant to the state and federal permits. Staff may track both in a GIS database in order to provide maps and analysis and in a non-GIS database in order to maintain redundant tracking system and to track actual acres reported rather than acres estimated by the GIS. The best approach is still being evaluated.</i>  |
| <b>Preserve Acquisition and Management</b> |  |  |                                    |  |
| 22   | Acquire land to meet Jump Start guidelines as described in Chapter 8.  | 0-6 Months   | On-going                           | <i>As described in Chapter 5 and Table 5-15, the HCP sets forth the goal of acquiring about 500 acres before the state and federal permits are issued. As described in Table 5-21 and Figure 5-12, 2,383 acres of land have already been acquired prior to permit issuance. The acquisition goal has essentially been met, but for these lands to be credited as part of the HCP Preserve System and count toward land preservation requirements, permanent preservation and management of these lands must be assured. For some of these lands, that simply means that the proposed conservation easement needs to be recorded. For others, it requires that the Conservancy work with the owner to record an easement or deed restriction and ensure management consistent with the HCP.</i> |

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| 23 | Continue to acquire land to assemble Preserve System and Meet Stay Ahead requirements as described in Section 8.6.1  | 1-5 Years   | Planned                     | <p><i>Conservancy staff will continue to meet with acquisition partners such as the East Bay Regional Park District, Save Mount Diablo, Agricultural-Natural Resource Land Trust of Contra Costa County, Contra Costa Water District, the Natural Heritage Institute, cities such as the Cities of Oakley and Brentwood with potential preserves in their boundaries and private mitigation banks to learn of their current acquisition efforts and explore opportunities for partnering.</i></p> <p><i>Conservancy staff proposes the following general approach to land acquisition in the first year: (a) seek partners willing to be responsible for assisting with the fund-raising and willing to be the land owner and land manager or easement holder (or to find another entity to serve that role) so that the Conservancy can avoid actually owning and managing land or easements in perpetuity, (b) maintain an "Open Door Policy" and be willing to consider proposals from a range of partners, (c) once a prospective partner has found a willing landowner and established a price, the Conservancy should evaluate the cost effectiveness of the acquisition in achieving HCP goals, develop a proposed acquisition cost-share and strategy for ensuring management and monitoring, evaluate the pros and cons of the overall package and consider approving or disapproving Conservancy participation in the acquisition.</i></p> <p><i>A verbal update and discussion on this critical component of HCP implementation is planned for October 17. The Board may use this opportunity to ask questions and provide guidance to staff on the land acquisition approach.</i></p> |
| 24 | Develop a mutually agreeable programmatic strategy with East Bay Regional Park District (EBRPD) to collaborate on land acquisition and management in the HCP area. | N/A   | Planned                     | <p><i>EBRPD has approved the HCP and Implementing Agreement and is a committee with the other local agencies. EBRPD is also implementing its Master Plan and is buying land in the HCP area for park and open space purposes. Developing a mutually agreeable strategy will help to ensure that the land acquisition and management goals of EBRPD's land program and the similar goals of the HCP are implemented in a coordinated manner (this goal is set forth in Section 13.6 of the Implementing Agreement).</i></p> <p><i>Conservancy staff and EBRPD staff have been discussing partnership opportunities and believe, for the time-being, that partnership opportunities should be addressed case by case because the details are numerous and specific to the parcel in question. Ensuring permanent protection and management for lands already purchased by EBRPD may present an early opportunity to develop such a case by case partnership. However, Conservancy staff is recommending that an agreement be approved with EBRPD regarding cost share of land acquisition due diligence (see agenda item 7).</i></p>  |

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| 25 | Conducting pre-acquisition surveys of potential acquisitions to determine their biological value for the HCP  | N/A   | Planned                            | <i>The HCP requires that planning surveys similar to those conducted by developers also be conducted on potential additions to the Preserve System to establish that the property proposed for acquisition will help to meet HCP requirements.</i>  |
| 26 | Create template Conservation Easement Deeds and Deed Restrictions and other protective covenants to speed-up addition of land to the Preserve System and to protect the interests of the Conservancy in land it acquires.   | N/A   | On-going (early 2008)              | <i>Conservancy staff is working with Resources Law Group to develop draft templates of these documents. The Draft Easement and Deed Restriction Templates would be adapted case by case to bring parcels into the Preserve System, but having a template will make this process much more efficient and consistent. Conservancy staff is also working on drafting protective covenants that could be recorded with certain acquisitions and held by the Conservancy to provide the conservancy with a mechanism to enforce its conditions for participating in land acquisition. The intent is for these covenants to be extinguished or transferred when the Conservancy ceases to exist (in other words, the intent is not to encumber the Conservancy with a permanent asset). Drafts of these documents or provisions will be shared with potential acquisition partners and with the Public Advisory Committee to receive comment before being approved by the Board. These documents probably will require periodic updating.</i> |
| 27 | Develop and begin to implement a strategy for funding the long term management of the Preserve system before 50% of the authorized take under the maximum urban development area is used or before the end of year 15 of implementation, whichever comes first. Provide progress reports on this matter in the Annual Report. | Year 15 or when half of the impacts have occurred, whichever comes first. | Planned                            | <i>Though not required immediately, Conservancy staff recommend starting now to explore opportunities for ensuring the funding of operations and management of the preserves after the 30 year permit term. This issue will also come up with each prospective acquisition and should be considered and addressed on a case-by-case basis until a general approach is established.</i>  |

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| 28                                   | Develop system-wide and site-specific management plans for the Preserve System and individual preserves.                 | 1-5 Years   | Planned (late 2008)         | <p><i>Conservancy staff will work closely with biological experts and acquisition partners to assist in developing preserve management plans for each of the preserves. To avoid developing management plans parcel by parcel, conservancy staff will seek to develop interim management prescriptions and complete full management plans when enough parcels have been acquired to provide a logical management unit, consistent with the requirements of the HCP (2 years is generally the maximum time allowed, unless a plan for a nearby parcel is deemed adequate). Conservancy staff will also begin the process for scoping the development of system-wide plans, including the Recreation Plan (HCP requires this no more than 3 years after the first parcel is added to the Preserve System and before 25% of the Preserve System is assembled) and the Exotic Species Control Plan (HCP requires this no more than 2 years after the first parcel is added to the Preserve System).</i></p>  |
| <b>Preserve Restoration/Creation</b> |  |   |                             |  |
| 29                                   | Begin habitat restoration and creation design and additional environmental compliance for habitat restoration if needed. | 1-5 Years   | On-going (early 2008)       | <p><i>Like land acquisition, habitat restoration and creation will be a key program area for the Conservancy. If restoration and creation of jurisdictional wetlands and waters does not keep pace with impacts, the ability to mitigate such impacts by paying a fee will be suspended (the HCP provides that the Conservancy has until the second annual report to "get ahead"). To reflect the importance of early restoration and creation, Conservancy staff has been working with Jones and Stokes to perform a reconnaissance-level survey of wetland restoration opportunities. Lands being surveyed include those lands already acquired by a public agency, lands to be preserved pursuant to an agreement with the wildlife agencies or known to Conservancy staff as a property in negotiation for potential acquisition by a conservation organization. Such information may inform future conservancy decisions on land acquisition opportunities and my help Conservancy staff to partner with the current and future owner of the property to develop detailed restoration plans and begin the environmental review process.</i></p> |

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| 30 | Implement habitat restoration and habitat creation projects. | 1-5 Years   | Pending<br>(Possibly summer or early fall 2008) | <p><i>As explained above, Conservancy staff has started working on a process in which to implement wetland restoration/creation projects. The process to implement a project would normally would take roughly 2 years to implement from start to finish, based on the time of year when the project is started (because the restoration cannot be initiated in the wet season). The general process is as follows: (a) Develop a list of suitable restoration sites after conducting a "fatal flaw" analysis on potential sites (see above), (b) select sites and secure land/access for restoration/creation, (c) provide a conceptual restoration plan, (d) complete site-specific restoration plans, (e) secure permits, (f) initiate construction and construction monitoring, and (g) complete construction and start performance monitoring. To get the earliest start possible on such work, staff is exploring the possibility of pursuing several restoration projects on a very rapid time-frame in 2008 and possibly constructing the projects in 2008. Staff will report further at the December Board meeting.</i></p> |