

Santa Clara Valley Habitat Conservation Plan/ Natural Community Conservation Plan

Overview of HCP/NCCP Process

Home Builders Association
of Northern California
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SANTA CLARA VALLEY HCP/NCCP PARTNERSHIP



 Jones & Stokes

Overview Outline

- ◆ What is an HCP and NCCP?
- ◆ HCP/NCCP Origins
- ◆ Study Area
- ◆ What the Plan will do
- ◆ Benefits to Santa Clara County
- ◆ Process and Schedule
- ◆ Covered Species

What is an HCP/NCCCP?

- ◆ Habitat Conservation Plan/Natural Community Conservation Plan
- ◆ Federal/State mechanism to resolve conflicts between threatened and endangered species and development
- ◆ Plan to conserve species and habitats in exchange for permits to “take” threatened or endangered species
- ◆ What is “take”?
 - Under the Endangered Species Act (ESA), “take” is defined as “an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species.”

Santa Clara Valley HCP/NCCP Origins

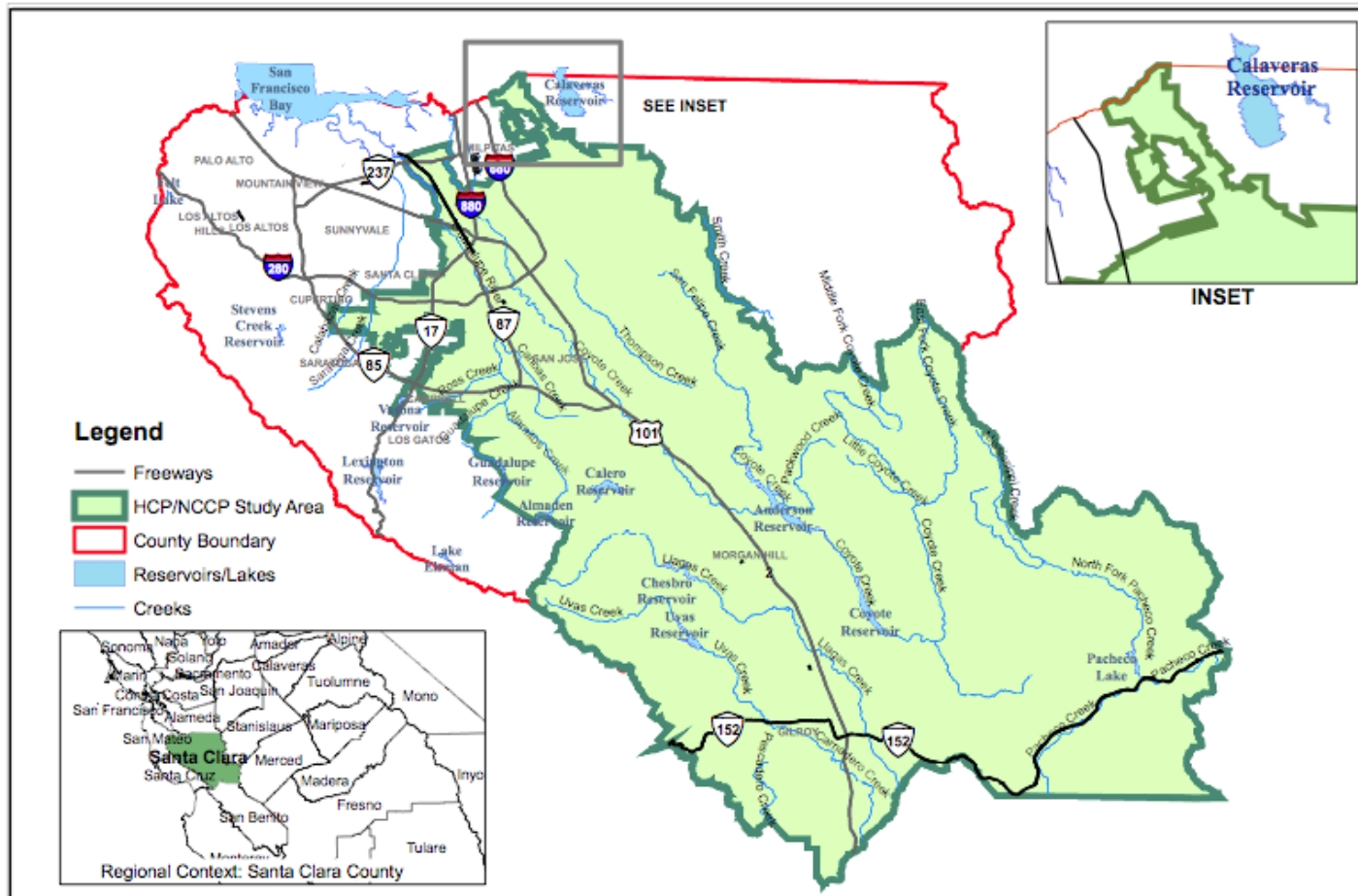
- ◆ USFWS Sect. 7 Biological Opinion (2001) requires regional HCP as condition of approval for
 - Highway 101 widening (San Jose to Morgan Hill)
 - Bailey Avenue interchange
 - Highway 85/101 interchange
 - Coyote Valley Research Park
- ◆ Original Local Partners bound by MOU (June 2004)
 - Santa Clara County
 - City of San Jose
 - Santa Clara Valley Water District
 - Santa Clara Valley Transportation Authority
- ◆ New Partners added in 2005
 - City of Gilroy
 - City of Morgan Hill
- ◆ NCCP Planning Agreement signed by all October 2005



Study Area

- ◆ SCV HCP/NCCCP Boundary based on
 - Watershed boundaries (Coyote, Uvas/Llagas/Pacheco)
 - Serpentine and Bay checkerspot butterfly habitat
 - Jurisdictional boundaries (San Jose, County)
 - Land use boundaries (County Parks)
- ◆ 520,000 acres

Study Area



Endangered Species Permit Process

Current Process

- ◆ Costly surveys & time consuming, uncertain agency negotiations
- ◆ Mitigation requirements & costs continue to increase over time
- ◆ Project by project basis = small, unconnected mitigation w/ inconsistent management & monitoring
- ◆ CDFG & US FWS separately issue or deny permits
- ◆ Project proponent implements costly on-or off-site mitigation and monitoring on-site before and during construction

Process With HCP/NCCP

- ◆ Clearly defined, limited and inexpensive survey requirements
- ◆ Project proponent incorporates pre-defined design elements when project occurs adjacent to open space
- ◆ Local jurisdiction processes application under the HCP/NCCP (CDFG & USFWS is never contacted)
- ◆ Pre-defined HCP/NCCP fee based on formulas (e.g. acres of impact) or land in lieu of fee option
- ◆ Project proponent implements BMPs, design measures, and limited pre-construction surveys and monitoring for covered species that may occur

What the HCP/NCCP Will Do

- ◆ **Provide permits** from USFWS, NMFS, and CDFG for “take” of listed species to Local Partners
- ◆ **Streamline projects.** Local Partner jurisdictions will extend this take authorization to applicants who meet requirements of HCP/NCCP
- ◆ **Improve mitigation.** Provide large-scale habitat and species conservation in areas of high biological value—avoid project-by-project approach
- ◆ **Provide new money.** Attract new sources of state and federal funding for conservation in Santa Clara County

What the HCP/NCCP Will Not Do

- ◆ Be the “end all” habitat or species conservation plan for Santa Clara County
- ◆ Eliminate need for projects to comply with ESA, CESA, CEQA, or other local, state, federal laws
- ◆ Solve all environmental conflicts in the County
 - Water quality?
 - Viewsheds?
 - Riparian setbacks?

Benefits & Concerns

| Interest group | Benefit | Concern |
|----------------|---|--|
| Development | Certainty of process, reduced permit costs, faster approval | May limit land use, new fees, long process |
| Landowner/Ag | Ag/ranchland preservation, new market for open space | May restrict land management, perception of more govt regs |
| Environmental | Large habitat preserves, controls urban sprawl, ongoing monitoring & adaptive management | Facilitates development, may be net loss of habitat |
| Local Agencies | Local control of ESA issues, streamline approval process for public projects and O&M, new funding sources | Long, staff intensive process, responsible for implementing plan |
| General Public | More open space, more recreational opportunities | Perception of new fee, high cost to develop and implement plan |

Benefits to Santa Clara County

- ◆ Project proponents have streamlined permitting process
- ◆ Local control over endangered species permit
- ◆ Creates more open space opportunities within the county
- ◆ Help implement County General Plan
- ◆ Protects watersheds

HCP/NCCP Schedule and Phases

| Phase | Major Deliverables | Schedule |
|-------------------------------|---|--|
| Phase 1: Baseline Data | <ul style="list-style-type: none"> ◆ Covered species and activities ◆ Land cover and land use maps ◆ Existing conditions in study area | July 2005 - June 2006 (1 year) |
| Phase 2: Conservation | <ul style="list-style-type: none"> ◆ 3 preliminary draft alternatives for conservation strategy ◆ Draft selected conservation strategy | July 2006 – Aug. 2007 (14 months) |
| Phase 3: Draft Documents | <ul style="list-style-type: none"> ◆ 1st Administrative Draft HCP/NCCP ◆ 2nd Administrative Draft HCP/NCCP ◆ Public Draft HCP/NCCP | Sept. 2007 – Aug. 2008 (1 year) |
| Phase 4: Permit Processing | <ul style="list-style-type: none"> ◆ Final HCP/NCCP and Permits ◆ Assistance with IA and Permitting | Sept. 2008 to Jan. 2009 (5 months) |

Covered Species

Currently recommend 29 species be covered by Plan:
14 wildlife species



Townsend's big-eared bat



Western pond turtle



San Joaquin kit fox



Golden eagle



Steelhead trout



Tricolored blackbird



California red-legged frog



California tiger salamander



Photo by Richard A. Arnold

Bay checkerspot butterfly



Western burrowing owl

Covered Species

15 plant species



Most beautiful
jewelflower

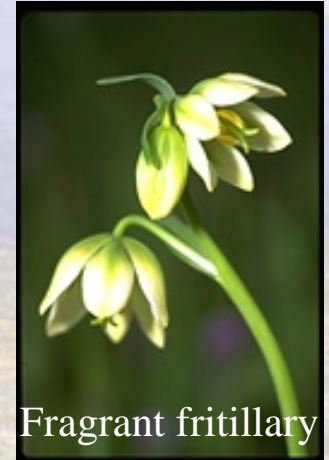


Santa Clara Valley dudleya



Smooth lessingia

© 2003 Dean Wm. Taylor



Fragrant fritillary

© 1999 California Academy of Sciences



Hall's bush mallow

© 2005 David A. Tharp



Coyote ceanothus

© 2005 Janell Hillman



Mt. Hamilton thistle



Chaparral harebell

© 2001 California Academy of Sciences

Community Meeting – May 10, 2007

- ◆ Learn more about the HCP/NCCP
- ◆ Comment on key habitat conservation planning issues such as conservation strategies, covered species and covered activities

Thursday, May 10, 2007

Morgan Hill Community and Cultural Center

17000 Monterey Road, Morgan Hill

6:30pm Open House

7:00pm – 8:30pm Presentation and Q&A

Questions & Answers

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