



Santa Clara Valley Habitat Agency

Advance Notification for Plant Impacts Policy

1. PURPOSE

The Santa Clara Valley Habitat Plan (Habitat Plan) identifies preservation of several plant species as critical and limits the number of instances when covered plant occurrences that can be impacted during the permit term, and requires protection of one or more occurrences prior to impact. Section 8.6.1, *Stay-Ahead Provision*, requires the protection of covered plant occurrences to occur prior to impacts.¹ To ensure compliance with this provision, Condition 20, *Avoid and Minimize Impacts to Covered Plants*, requires covered plant surveys, accurate documentation of covered plant occurrences and their condition, and tracking of impacts on covered plant occurrences (Habitat Plan pages 6-76 to 6-79). Condition 19, *Plant Salvage when Impacts are Unavoidable*, provides the Habitat Agency the opportunity to salvage seeds or individual plants that will be impacted by covered activities (Habitat Plan pages 6-74 to 6-76). In order for the Co-Permittees to ensure that the Stay-Ahead provision for covered plants is met, the Habitat Agency must have sufficient time to engage in plant salvage or conduct plant protection activities.

In this policy, the Habitat Agency sets forth its process by which project proponents notify the Habitat Agency of pending impacts on any covered plant occurrences. Notification should be made as early as possible to avoid project delays and ensure the terms of the permit are met.

2. SCOPE

This policy applies to all project proponents seeking take coverage under the Habitat Plan for covered activities that will impact a covered plant occurrence.

3. POLICY

Project proponents will notify the Habitat Agency of pending covered plant occurrence impacts prior to submitting their final Habitat Plan application or reporting package to ensure sufficient take coverage is available for the proposed impacts. Project proponents must submit the results of the covered plant surveys

¹ Table 5-16 of the Habitat Plan summarizes plant occurrence protection requirements.

per the terms of Condition 20 and their construction schedule. The Habitat Agency will use this information to confirm available take for the covered plant occurrence, advance potential acquisition opportunities, or begin planning plant salvage activities per the terms of Condition 19, if appropriate.

The documentation provided must describe the methods and results of the required plant surveys. The condition of the occurrence must be described according to the guidelines in Section 5.3.1, *Land Acquisition and Restoration Activities*, subheading *Incorporating Covered Plant Species* (Habitat Plan pages 5-44 to 5-48). The Habitat Agency must ensure that occurrences protected within the Reserve System are in as good or better condition than those lost to covered activities.

If the Habitat Agency has not yet protected the necessary number of covered plant occurrences, then the project proponent will be required to avoid the impact to the covered plant occurrence, or protect another covered plant occurrence in order to receive take authorization under the Habitat Plan.

4. DEFINITIONS

Term: Stay-Ahead provision

Definition: To comply with California Fish and Game Code 2820(b)(3)(B), the Habitat Plan's conservation strategy must be implemented at or faster than the rate at which impacts on habitats or covered species occur so that conservation always stays ahead of impacts and rough proportionality is maintained between impacts and conservation measures. The Stay-Ahead provision applies to each covered plant species separately (i.e., impacts on and conservation of covered plant occurrences cannot be aggregated for purposes of meeting the Stay-Ahead provision) (see Habitat Plan Table 5-16).

Term: plant occurrence

Definition: Under the Habitat Plan, a plant occurrence is defined as a group of individuals that are separated by at least 0.25 mile from other groups or individuals of the same species or subspecies. However, for Santa Clara Valley dudleya, a distinct occurrence is ecologically a group of individuals on a rock outcrop. These rock outcrops often occur less than 0.25 mile from one another. A different definition of an occurrence was used for this species because of its unique clumped distribution on rock outcrops.

In order for a plant occurrence to qualify as protected under the Plan, there must be a buffer of at least 500 feet between the occurrence and adverse land uses. Adverse land uses include permanent land uses that could endanger the long-term viability of the plant occurrence, including urban development, landfills, and other intensive land uses (see Habitat Plan Section 5.3.1, *Land Acquisition and Restoration Actions*, page 5-43).

Term: impacts to covered plants

Definition: Covered plant occurrences are considered impacted if the occurrence is removed or a qualified biologist determines that occurrence viability will be reduced as a result of covered activities, as further described in Habitat Plan Chapter 6, Condition 20. If a qualified biologist determines that the long-term viability of a covered plant occurrence will be reduced by implementation of covered activities, the loss must be offset

by protection, management, and monitoring of covered plant occurrences in the Reserve System prior to impacts (see Habitat Plan Section 6.6.2, *Covered Plant Species*, page 6-78).