



Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

**SANTA CLARA VALLEY HCP/NCCP LIAISON GROUP MEETING
THURSDAY, MARCH 21, 2013**

**SANTA CLARA VALLEY WATER DISTRICT
5700 ALMADEN EXPRESSWAY, SAN JOSE
HEADQUARTERS BUILDING BOARD CHAMBER**

4:00 to 6:00 PM

AGENDA

1. Welcome/introductions (2 minutes)---City of Gilroy Mayor Don Gage
2. Santa Clara Valley Habitat Plan Review and Approval Process (5 minutes), Ken Schreiber and Management Team.
Desired Outcome: Report to Liaison Group outcome of the Habitat Plan approval process and forthcoming steps leading to issuance of incidental take permits by the Wildlife Agencies.
 - a. Local Partner review and approval process
 - b. Plan's Addendum re Corrections, Clarifications and Updates
 - c. Wildlife Agencies review and approval process
3. Santa Clara Valley Habitat Agency Start Up Process (45 minutes), Ken Schreiber and Management Team.
Desired Outcome: Provide the Liaison Group with an overview of initial implementation-related work for the Santa Clara Valley Habitat Agency.
 - a. Timeline/schedule for Habitat Agency
 - b. First Joint Governing Board and Implementation Board Meeting Draft Agenda
 - c. Fee Schedule adoption
4. Possible Ceremonial Signing Event for the Santa Clara Valley Habitat Plan (5 minutes), Ken Schreiber and Management Team.
Desired Outcome: Receive Liaison Group guidance regarding the timing and format of a possible signing ceremony.
5. Public Comments (5 minutes)
Desired Outcome: Receive comments from members of the public.



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Date: March 21, 2013

AGENDA ITEM 2

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Santa Clara Valley habitat Plan Review and Approval Process

PREPARED BY: Kenneth Schreiber, Program Manager

Purpose of this Staff Report:

Provide the Liaison Group with an overview of the Habitat Plan approval process including forthcoming steps leading to issuance of incidental take permits by the Wildlife Agencies.

Next Steps After Liaison Group Review:

Local Partner staffs and the Wildlife Agencies will continue to work toward completing the tasks necessary to issue Habitat Plan-related incidental take permits.

Recommendation:

It is recommended that the Liaison Group review and discuss this report.

Discussion:

With the San Jose City Council's January 29, 2013 approval of the Habitat Plan and related documents, each of the six Local Partners have completed their review and adoption process. The remaining local action is approval of the Plan and related documents by the new Santa Clara Valley Habitat Agency. That action will be on the agenda of the first meeting of the Governing Board.

Staff from the Local Partners and Wildlife Agencies have been working on Plan-related corrections, clarifications and updates that were identified since publication of the Final Plan in August 2012. This material focuses on two primary areas: corrections to text, biological data and related tables, and clarifications related to issues raised by the City of San Jose. The need for an Addendum to the Final Plan has been anticipated since initial work on the Plan in 2005. The Addendum would accompany the Plan through the Wildlife Agency's review and approval process and be part of the record when the Local Partners sign the Implementation Agreement.

The California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service are proceeding with the preparation of documents necessary to complete their environmental review and document the biological and other findings that lead to issuance of an incidental take permit to each Partner and Habitat Agency. The State and federal Permits are short (5 to 9 page)

documents linking to the adopted Plan. Completion of the Permits could be done by mid-Summer.

The ability of the Local Partners to issue project-related permits under the Habitat Plan is dependent on the Local Partner adoption of Implementation Ordinances (completed), establishing the Santa Clara Valley Habitat Agency and having an approved Fee Schedule. Agenda item 3 provides detail on the work necessary for starting issuance of incidental take permits under the adopted Habitat Plan. As described in agenda item 3, the earliest issuance of permits under the Habitat Plan would be in late September 2013.

Attachments: None

Copies: Stakeholder Group and Liaison Group Information Distribution List



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Date: March 21, 2013

AGENDA ITEM 3

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Santa Clara Valley habitat Agency Start Up Process

PREPARED BY: Kenneth Schreiber, Program Manager

Purpose of this Staff Report:

Provide the Liaison Group with an overview of initial implementation-related work for the Santa Clara Valley Habitat Agency.

Next Steps After Liaison Group Review:

Local Partner staff will continue to perform the work necessary to establishing the Santa Clara Valley Habitat Agency.

Recommendation:

It is recommended that the Liaison Group and other elected officials review and discuss the staff report and provide guidance to the Management Team.

Discussion:

The Management Team is working on the tasks that are necessary to complete prior to both the first meetings of the Habitat Agency's Implementation and Governing Boards and issuance of incidental take permits. Having the first meeting of the Boards on May 16, 2013 is the current most realistic meeting date.

The Liaison Group should discuss the use of the third Thursday of the month for JPA meetings. Late afternoon on the third Thursday is the time that has worked best for the Liaison Group. Every effort to find an alternative date and time has floundered because of meeting conflicts. Thus Management Team assumes the third Thursday starting in May. Eventually, Governing Board meetings will occur two or three times per year. For at least the first six months, it is assumed that the Implementation Board will need to meet monthly.

The first meeting is assumed to be a Joint Implementation Board and Governing Board meeting. Attached is a Draft Agenda for the first meeting. Considering and taking action on the range of agenda items lends itself to having both Boards meeting at the same time. Management Team will review the attached agenda at the Liaison Group meeting.

In addition to all the Plan related actions that have already been taken, being able to use the Plan to issue approvals of specific public and private sector projects requires:

- establishment of a functional implementing entity (the Santa Clara Valley Habitat Agency);
- receipt of permits from the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service;
- having a effective impact fee schedule; and
- having all the Local Partners, including the Habitat Agency and the two Wildlife Agencies, sign the Implementing Agreement.

The first meeting of the Habitat Agency is targeted for May 16th. State and federal permits are most likely to be issued during the Summer. The fee schedule is the critical path to being able to use the Habitat Plan for permitting the biological impacts of projects. The adoption of development impact fees must follow procedures set out in the California Code. Attachment #2 is the fee schedule adoption process using the May 16th meetings of the Implementation and Governing Boards for the first fee schedule-related action. If the Habitat Agency initiates the fee process on May 16th, the Fee Schedule would be effective on or about Wednesday, September 18. Signing the Implementing Agreement should be scheduled for a time close to the Fee Schedule effective date.

Attachments: #1---Draft Santa Clara Valley Habitat Agency Governing Board and Implementation Board Agenda
#2--- SCVHP Fee Adoption Process and Timeline

Copies: Stakeholder Group and Liaison Group Information Distribution List

Attachment #1

D r a f t
SANTA CLARA VALLEY HABITAT AGENCY
GOVERNING BOARD
IMPLEMENTATION BOARD
NOTICE OF SPECIAL MEETING
AND AGENDA

Thursday, xxxxxxxxxxxxxxxx, 2013

3 p.m.

[location]

A special meeting of the Governing Board of the Santa Clara Valley Habitat Agency, and of the Implementation Board of the Santa Clara Valley Habitat Agency, is hereby called for the above-described time and place. The agenda for the meeting is as follows:

1. Roll Call – for both Governing Board and Implementation Board

2. Election of Presiding Officers for Each Board

Recommended Actions:

- a. Election of Chair and Vice Chair by Governing Board
- b. Election of Chair and Vice Chair by Implementation Board

3. Public comments: Items not on the Agenda.

Members of the public may address the Governing Board and Implementation Board concerning any item not on this agenda and within the subject matter jurisdiction of the Boards. Public comments are limited to 2 minutes. With limited exceptions, the Boards are prohibited from discussing or taking action on any item not appearing on the posted agenda.

4. Report on Status of Santa Clara Valley Habitat Plan and State and Federal Permits, and on Formation of the Santa Clara Valley Habitat Agency

Recommended Action: Accept Report

5. Designation of Secretary for the Santa Clara Valley Habitat Agency

Recommended Action:

Appointment, by Governing Board, of XXXX as Secretary for the Agency, with direction to present to Implementation Board, at its next meeting, a contract with XXX for these services, effective from February 1, 2013, through xxxx, 2013.

6. Appoint Interim Executive Officer for the Santa Clara Valley Habitat Agency

Recommended Action:

Appointment, by Implementation Board, of Ken Schreiber as Interim Executive Officer, with direction to present to Implementation Board at its next meeting a contract with Land Use Planning Services, Inc. for these services, effective from February 1, 2013, through xxxx.

7. Appoint [Interim?] Legal Counsel for the Santa Clara Valley Habitat Agency

Recommended Action:

Appointment, by Implementation Board, of [Interim] Legal Counsel, with direction to present to Implementation Board, at its next meeting, a contract with the selected Legal Counsel for these services, effective from February 1, 2013, through xxxx, 2013.

8. Appoint County of Santa Clara to provide Financial Services for the Santa Clara Valley Habitat Agency

Recommended Action:

Appointment, by Implementation Board, of County of Santa Clara for Interim Financial Services, with direction to present to Implementation Board, at its next meeting, a contract with the County of Santa Clara for these services, effective from February 1, 2013, through xxxx, 2013.

9. Establish Time and Place for Regular Meetings, Business Location and Custodian of Records

Recommended Actions:

- A. Adoption of Resolution 2013-G-01 by Governing Board
- B. Adoption of Resolution 2013-I-01 by Implementation Board

10. Approve Conflict of Interest Code for the Agency

Recommended Action:

Adoption of Resolution 2013-G-02 by the Governing Board

11. Approve CEQA Guidelines for the Agency

Recommended Action:

Adoption of Resolution 2013-G-03 by the Governing Board

12. Approval of Documents Regarding the Santa Clara Valley Habitat Plan

Recommended Action:

Adopt Resolution 2013-G-04 of Governing Board:

(a) approving Memorandum of Understanding (MOU) among the Agency, the County of Santa Clara, the City of San Jose, the Santa Clara Valley Water District, the Santa Clara Valley Transportation Authority, the City of Gilroy, the City of Morgan Hill, and the Santa Clara County Open Space Authority,

(b) Making Required CEQA Findings and Adopting the Mitigation Monitoring and Reporting Program,

(c) Approving the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan,

(d) Approving the Implementing Agreement, and

(e) Directing Interim Executive Officer to take necessary steps on behalf of the Agency to submit a permit application to US Fish and Wildlife Service and Calif. Dept. of Fish and Wildlife

13. Initiate inclusion of the Santa Clara Valley Habitat Agency in the application for a Corps of Engineers Regional General Permit

Recommended Action:

Direct the Interim Executive Officer to take necessary steps on behalf of the Agency to submit a permit application to the U.S. Army Corps of Engineers for a Regional General Permit under Section 404 of the Federal Clean Water Act

14. Initiate Process to Establish Mitigation Fees

Recommended Action:

Implementation Board recommends date of fee ordinance public hearing and considering adoption. Governing Board sets the date of fee ordinance public hearing and considering adoption.

15. Information on forthcoming agenda items

Recommended Action: Receive report on 2012-2013 (FY 13) and 2013-2014 (FY 14) budgets, Public Advisory Committee, Technical Advisory Committee, legislative agenda and work on preparation of User's Manual, template application package, template biological survey report and Participating Special Entity template agreement.

16. Adjournment

Attachment #2

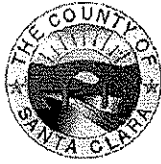
SCVHP Fee Adoption Process and Timeline
Updated March 21, 2013

The process for adoption of development impact fees is regulated by the State of California. Fees are adopted via an ordinance and a resolution each of which has a variety of minimal review times.

The earliest initial JPA Implementation and Governing Board meeting date is assumed to be May 16, 2013. Starting on May 16th and having meetings on the third Thursday of the month would have the fee schedule effective on Wednesday, September 18.

The following table identifies the required steps and target dates for considering and adopting the Habitat Plan's Fee Schedule.

| Meeting and/or action | Action/effective date | May 16, 2013 start with all meetings on third Thursday |
|---|---|--|
| First Implementation Board meeting | Recommend fee ordinance public hearing/date of considering adoption | Thursday, May 16 |
| First Governing Board meeting | Set fee ordinance public hearing/date of adoption | Thursday, May 16 |
| Mail notice to any interested party who request notice (minimum 14 days before public hearing) | | No later than Wednesday, June 5 |
| Publication of notice for 10 days before initial consideration of the fee ordinance (two notices published five days apart) | | No later than Monday, June 10 |
| Make Nexus Study and fee ordinance documents available to public (minimum of 10 days before public hearing) | | No later than Monday, Feb 11 |
| Second Implementation Board meeting--- Public Hearing | Review and recommend fee ordinance---what form of action? | Thursday, June 20 |
| Second Governing Board meeting--- Public Hearing | Review and approve first reading of fee ordinance | Thursday, June 20 |
| Third Governing Board meeting | Adopt ordinance; adopt fee resolution | Thursday, July 18 |
| File CEQA notice | | Friday, July 19 |
| Ordinance takes effect | 30 days after second reading | Monday, August 19 |
| Resolution takes effect 60 days after adoption | 60 days after adoption | Wednesday, September 18 |



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Date: March 21, 2013

AGENDA ITEM 4

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Possible Ceremonial Signing Event for the Santa Clara Valley Habitat Plan

PREPARED BY: Kenneth Schreiber, Program Manager

Purpose of this Staff Report:

Receive Liaison Group guidance regarding the timing and format of a possible signing ceremony.

Next Steps After Liaison Group Review:

The Management Team will take follow up actions.

Recommendation:

If the Liaison Group wishes to have a ceremonial event celebrating the approval of the Habitat Plan, it is recommended that the Management Team be requested, in coordination with the Wildlife Agencies, to provide the Implementation Board with specific recommendations including possible dates, locations and participants.

Discussion:

Completion of the Habitat Plan, receipt of State and federal permits and the start of implementation are a set of major events coming after years of work. Celebrating these events is appropriate. The timing of a ceremony is critical. There is likely to be a multi-month gap between when State and federal permits are completed and the effective date of the Habitat Agency's fee schedule. A ceremony should be timed to occur close to the availability of project-related permits. The information in the staff report for agenda item 3 would indicate a September/October target for a celebratory event.draft

Attachments: None

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