



TO: Implementation Board

FROM: Gerry Haas, Principal Planner

SUBJECT: Resolution Accepting Second California Department of Fish and Wildlife Planning Assistance Grant for a Major Amendment to the Santa Clara Valley Habitat Plan

RECOMMENDED ACTION:

If approved, this action would replace a previous action by the Governing Board, which noted an incorrect grant award amount.

- 1) Adopt a resolution accepting a second award from, and entering into a grant agreement with, the State of California Department of Fish and Wildlife (CDFW) for a Planning Assistance Grant. The Planning Assistance Grant has been awarded to fund the Habitat Plan Amendment (Project) in the amount of up to \$650,000.
- 2) Appoint the Executive Officer or designee as agent for the Santa Clara Valley Habitat Agency to ensure all grant related tasks for the Project are completed.

BACKGROUND: On January 20, 2022, the Habitat Agency shared a presentation with its Joint Governing and Implementation Board, which detailed the need for a major amendment to the Habitat Plan. At the subsequent Implementation Board meeting that same day, staff shared a report requesting that the Implementation Board authorize the Executive Officer to execute a consultant services agreement with ICF, the consultant selected to assist the Habitat Agency with preparation of the amendment. The Implementation Board approved the \$1,470,860 Scope of Work and authorized the Executive Officer to execute the consultant services agreement with ICF. The report also included reference to a CDFW Planning Assistance Grant (Grant #1) that was approved in the amount of \$850,000 to assist with the Plan Amendment preparation and completion. Grant #1 was approved by the Governing Board on March 15, 2022.

Grant #1 will fund a significant amount of the cost to amend the Habitat Plan up to and including the bulk of the analysis and preparation of all draft documents. However, it would not cover the entire cost

to complete the Amendment. Certain end tasks would not be funded by Grant #1, including completion of the Final Amendment and the Final Supplemental Environmental Impact Statement/Report. Therefore, the Habitat Agency took advantage of the same grant program in the following year to apply for a second Planning Assistance Grant. As requested in the grant application the funding would contribute to the completion of the Plan Amendment, the Final EIR/EIS and even some optional tasks to supplement the revised Plan. Supplemental tasks include application form upgrades, database assistance and potential development of a new website platform.

On October 12, 2022, the Habitat Agency was informed that the United States Fish & Wildlife Service, the granting agency, notified the Director of California Department of Fish and Wildlife, the grant administrator, (Attachment A) that the Habitat Agency's second Planning Assistance Grant application was approved for processing and would be awarded when CDFW completes processing of the application, resulting in a final Grant Agreement. To complete processing, CDFW requires that the Habitat Agency provide a Resolution to accept Grant #2 and that the Executive Officer enter into an Agreement to honor the terms of the Grant.

On January 19, 2023, the Governing Board adopted a Resolution to accept this second Planning Assistance Grant. The Resolution stated the Grant was awarded for \$800,000. While the Federal Grant which has been awarded is, in fact, \$800,000, the funding is authorized through CDFW, and for their effort to manage and assist with the Grant implementation, they will retain \$150,000. Therefore, the amount of funding the Habitat Agency will receive for this Planning Assistance Grant will be \$650,000.

The Habitat Agency recommends that the Implementation Board adopt a Resolution (Attachment B) to accept Grant #2, authorize the Executive Officer to execute the Grant Agreement and appoint the Executive Officer to act as agent in all matters pertaining to the Grant Agreement.

FISCAL IMPACT: The Scope of Work (SOW) anticipates the cost of the Plan Amendment will be \$1,470,860 but could exceed that amount if some optional tasks identified in the SOW (and mentioned above) are added. The Grant that is the subject of this proposed Resolution would fund up to \$650,000 of the final Habitat Plan Amendment. This \$650,000 will be added to the previously approved \$850,000 Planning Assistance Grant. For Grant #2, the Habitat Agency will contribute \$187,000 in matching funds, achieved through the contribution of staff time. Additionally, Valley Water will contribute approximately \$40,000 of funding to add new lands for coverage and to include their Stream Maintenance Program as a covered activity under the Habitat Plan. The San Jose Water Company will contribute \$40,000 to cover the cost of adding that agency as a new co-permittee under the Plan Amendment. The resulting \$267,000 of match amounts to 25% of the Grant #2 final award.

ATTACHMENTS:

Attachment A – Resolution

Attachment B – Grant Award Notification

ATTACHMENT A

RESOLUTION

RESOLUTION NO. I-2023-_____

RESOLUTION OF THE IMPLEMENTATION BOARD OF THE SANTA CLARA VALLEY HABITAT AGENCY (GRANTEE) AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDS FOR THE NONTRADITIONAL SECTION 6 (FY 2022) SANTA CLARA HABITAT CONSERVATION PLAN AMENDMENT PROJECT

WHEREAS, certain planning assistance Section 6 grant funds are made available annually on a competitive basis by the California Department of Fish and Wildlife (CDFW) for Natural Community Conservation Planning (NCCP) Programs highest priority implementation tasks; and

WHEREAS, the grants are awarded pursuant to guidelines established by the CDFW for determination of project eligibility for funds; and

WHEREAS, procedures established by the CDFW require the Grantee to certify by resolution the approval to apply for, and accept, grant funds, and provide authorization to enter into an agreement with the CDFW to implement high priority activities related to the NCCP Program; and

WHEREAS, Grantee submitted a proposal for financial assistance to support the planning phase of an amendment (Project) to the over 500,000-acre Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (NCCP) (Plan), originally adopted in 2012; and

WHEREAS, the Project will evaluate 10 special-status species for inclusion in the Plan, including federally-listed and candidate species, state fully protected species, and state species of special concern, and will also evaluate expanding the Plan area to include the unincorporated portions of Santa Clara County, which will protect and/or enhance additional occupied and suitable habitat for the Plan's existing covered species; and

WHEREAS, the Project also will evaluate revising existing "take" limits of covered species, address administrative changes (such as correcting discrepancies), clarify language, and provide more guidance on topics such as the covered plant occurrences, as well as also evaluate adding new co-permittees to the Plan; and

WHEREAS, total Project cost, if some optional activities are included, is anticipated to be in excess of \$1 million; funding is from the CDFW in the amount of \$650,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Implementation Board of the Santa Clara Valley Habitat Agency approves the filing of the application for planning assistance for the Project in the amount of \$650,000.00 and accepts the grant awarded.

BE IT FURTHER RESOLVED that the Implementation Board of the Santa Clara Valley Habitat Agency appoints its Executive Officer, or designee, as agent to conduct all

negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

ADOPTED by the Implementation Board of the Santa Clara Valley Habitat Agency on May 18, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JENNIFER CARMAN
Chair, Implementation Board
Santa Clara Valley Habitat Agency

ATTEST:

IVAN CARMONA-TORRES
Deputy Secretary
Santa Clara Valley Habitat Agency

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Implementation Board of the Santa Clara Valley Habitat Agency, duly noticed, and held according to law on May 18, 2023.

Date: _____

EDMUND SULLIVAN
Executive Officer
Santa Clara Valley Habitat Agency

ATTACHMENT B

SECTION 6 PLANNING GRANT ANOUNCEMENT LETTER



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Southwest Regional Office
2800 Cottage Way, Room W-2606
Sacramento, California 95825-1846



IN REPLY REFER TO:
FWS/R8/2022 NTS6 Selection Announcement

Chuck Bonham, Director
California Department of Fish and Wildlife
715 P Street
Sacramento, CA 95814

Transmitted Electronically

Dear Director Bonham:

We are pleased to inform you of proposal selections for the FY 2022 Cooperative Endangered Species Conservation Fund, Habitat Conservation Plan (HCP) Land Acquisition, Recovery Land Acquisition and Conservation Planning Assistance programs. The following list identifies the selected projects that will be processed and approved for award. You will note that we are conditionally approving an additional \$5.42 million for two HCP Land Acquisition once anticipated fund recoveries become available. We will separately notify your grant administrative staff when those funds are available for obligation.

Habitat Conservation Plan Land Acquisition Program	
Title	Federal \$
Santa Clara Valley HCP/NCCP	\$6,000,000
East Contra Costa County HCP/NCCP	\$4,080,000
Carlsbad Habitat Management Plan, Northwest San Diego County Multiple Species Habitat Conservation Program	\$1,827,800
Chula Vista Multiple Species Conservation Program Subarea Plan: Phase 1	\$13,000,000
Western Riverside County Multiple Species HCP	\$4,391,156
Seascape Uplands HCP: Larkin Valley Salamander Conservation Project	\$3,700,000
Coachella Valley Multiple Species HCP/NCCP	\$456,420
Total	\$32,998,956
*Coachella Valley Multiple Species HCP/NCCP	\$2,143,580
*Yolo HCP/NCCP: Giant Garter Snake Easement Acquisition	\$3,280,000
*Subject to Availability of Funds	\$5,423,580
Recovery Land Acquisition Program	
Title	Federal \$
Purisima Hills Conservation Easement Project	\$3,611,197

Director Bonham
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Transmitted Electronically

Conservation Planning Assistance	
Title	Federal \$
Santa Catalina Island Fox Habitat Conservation Plan	\$186,428
Santa Clara Valley HCP/NCCP Plan Amendment	\$800,000
East Contra Costa County HCP Plan Amendment	\$402,000
Sweetwater Authority NCCP/HCP	\$275,000
Livermore HCP	\$700,000
Total	\$2,363,428

For your reference, we have enclosed a copy of our Director's memorandum announcing the National allocation amounts for these grant programs and identification of successful FY 2022 projects throughout the country.

The US Fish and Wildlife Service (Service) Regional office will coordinate with the appropriate local Service Fish and Wildlife Office to complete all required environmental compliance. Your staff, especially project coordinators, may be contacted by Service staff to assist in completing the environmental compliance documentation associated with these awarded projects. Approval of the grant documents and completion of the regulatory compliance documentation will allow the Service to obligate funds to your agency. If you have any questions, please contact Becky Miller, at (916) 978-6185 or by email at becky_miller@fws.gov.

We look forward to another productive series of endangered species conservation projects in California which will contribute towards the conservation and recovery of species and their habitats.

Sincerely,

Paul Souza
Regional Director

Enclosure

cc: John Donnelly, Executive Director, CWCB
Joseph Navari, Supervising Land Agent, CWCB
Sara Kern, Conservation Planning Branch, CDFW
Dan Applebee, Nongame Program, CDFW
Nicole Viehman, Federal Assistance Section, CDFW
Scott Sobiech, Carlsbad FWO
Steve Henry, Ventura FWO
Mike Fris, Sacramento FWO
Rachel Henry, Acting for: Pacific Southwest Regional Office
Karen Jensen, Pacific Southwest Regional Office
Michael Piazzoni, Pacific Southwest Regional Office

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