



Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

PLEASE NOTE THAT THE THURSDAY, JUNE 17, 2010 LIAISON
GROUP MEETING IS FROM 1:30 TO 4:00 PM.



Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

**SANTA CLARA VALLEY HCP/NCCP LIAISON GROUP MEETING
THURSDAY, JUNE 17, 2010
SANTA CLARA VALLEY WATER DISTRICT
5700 ALMADEN EXPRESSWAY, SAN JOSE
HEADQUARTERS BUILDING BOARD CHAMBER LOBBY
1:30 TO 4:00 PM**

1. Welcome/introductions (5 minutes)---Supervisor Don Gage
2. Valley Habitat Plan Workshop (130 minutes)---Consultants, Management Team members and Attorneys Group members
Desired Outcome: Discuss major elements of the Valley Habitat Plan in the framework of two questions:
 1. Is the Draft Valley Habitat Plan a good deal for the Local Partners?
 2. Can the Local Partners afford the Plan as it has been drafted?
3. Valley Habitat Plan Schedule (5 minutes)---Ken Schreiber and David Zippin
Desired Outcome: Provide and discuss updated information on the Valley Habitat Plan schedule.
4. Valley Habitat Plan Liaison Group Meeting Schedule (5 minutes)---Ken Schreiber
Desire Outcome: Review the 2010 meeting schedule
5. Discussion with Wildlife Agency staff (5 minutes)
Desired Outcome: Share information and, when appropriate, reach common understanding regarding issues of interest.
6. Public Comments (5 minutes)
Desired Outcome: Receive comments from members of the public

Next Liaison Group Meeting: Thursday, August 19, 2010 from 4:00 to 6:00 or 7:00



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Date: June 17, 2010

AGENDA ITEM 2

TO: Governing Body Liaison Group

FROM: Management Team

SUBJECT: Valley Habitat Plan Workshop

PREPARED BY: Kenneth Schreiber, Program Manager

Purpose of this Staff Report: Provide an introduction to the Valley Habitat Plan Workshop scheduled for the June 17, 2010 Liaison Group meeting

Next Steps After Liaison Group Review: As appropriate, work will proceed on preparation of the Draft Valley Habitat Plan, Draft EIR/EIS and Draft Implementing Agreement. Issues raised in the Workshop that need follow up review by the Liaison Group will be placed on the August 19, 2010 agenda. It is anticipated that the August 19th agenda will also include discussion of the Draft Implementing Agreement and Cooperative Agreement-related issues as well as updates on Plan-related issues.

Recommendation: It is recommended that Liaison Group members discuss issues and provide direction to Local Partner staff and the Habitat Plan consultants.

Discussion: As work proceeds on the Draft Habitat Plan and Draft Implementing Agreement, members of the Local Partners' Management Team and Attorneys Group have been discussing two basic questions regarding the Plan:

1. Can the Local Partners afford the Plan as it has been drafted?
2. How do the Plan's benefits support Local Partners' interests compared to the cost of the program as drafted?

The staff discussions have identified the value of Liaison Group consideration of the questions and related information. To address these questions, the format of the Workshop will focus on the current structure of the Plan, how the Reserve System was created, the costs of implementing the Habitat Plan and the advantages and disadvantages of proceeding with the Plan.

Transmitted separately in the Liaison Group packet is the staff report on Financial Benefits for Public Sector Projects distributed at the May 27, 2010 Liaison Group meeting.

Attachments: None

Copies: Stakeholder Group



Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

June 17, 2010

AGENDA ITEM 3

To: Liaison Group

From: Kenneth Schreiber, Program Manager

Subject: Valley Habitat Plan Schedule

An update on the schedule for the VHP will be provided at the Liaison Group meeting.



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

Date: June 17, 2010

AGENDA ITEM 4

TO: Governing Body Liaison Group

FROM: Kenneth R. Schreiber, Program Manager

SUBJECT: Liaison Group Meeting Schedule

Purpose of this Staff Report: Review the Liaison Group's 2010 meeting schedule including consideration of the value of three hour meetings.

Next Steps After Liaison Group Review: Meetings will be scheduled consistent with the direction of the Liaison Group. The Liaison Group previously directed that 2010 meetings occur monthly except in July on the following dates:

- Thursday, August 19 from 4 to 6
- Thursday, September 16 from 4 to 6
- Thursday, October 21 from 4 to 6
- Thursday, November 18 from 4 to 6
- Thursday, December 9 from 4 to 6

Recommendation: It is recommended that the August 19th meeting be extended to three hours (4:00 to 7:00) and the remainder of the meeting times remain at 4:00 with the possibility of needing to schedule some meetings with more time.

Discussion: The process of shifting the Liaison Group meeting time from a 4:00 start to a 1:30 start is causing confusion. It is recommended that future Liaison Group meetings have a 4:00 start. The August 19, 2010 meeting will have significant agenda items. Extending the August meeting from a 6:00 adjournment to end at 7:00 is recommended.

Attachments: None

Copies: Stakeholder Group



Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan

June 17, 2010

To: Liaison Group

From: Kenneth Schreiber, Program Manager

Subject: Habitat Plan Financial Benefits for Public Sector Projects

The attached staff report, distributed at the May 27, 2010 Liaison Group meeting, responds to the Liaison Group's request for information on the benefits of the Valley Habitat Plan for public sector projects. At the May 27th meeting, I noted:

- Every Partner will have public projects that will need an endangered species permit (note both the table on page 2 of 8, the Partner specific staff comments on pages 3 of 8 through 8 of 8 and the list of projects in Attachments 2 through 6);
- The number of projects will vary substantially among the Partners based on the land covers within which projects occur with the greatest need for permits associated with SCVWD projects that impact water (e.g., streams, ponds, flood control channels) and/or riparian areas associated with stream and other wetland environments.
- Without the Habitat Plan, the cost, including time, of obtaining project specific permits will vary in part on the Partner's staff resources including applicable project management and biological analysis expertise.
- With the Habitat Plan, some Local Partner staff regard the biggest savings as time, certainty and the ability to write one check to cover permit costs. Without the Plan, obtaining a permit can take 1.5 to 3 or longer years with mitigation costs not certain until late in the permit process.
- Projects with impacts on areas under the jurisdiction of the U.S. Army Corps of Engineers and the applicable Regional Water Quality Control Board will need permits from these agencies in addition to the Habitat Plan (see page 5 of the staff report). Within the past year, the Corps of Engineers has indicated increasing willingness to link their permitting to a Habitat Plan. If the Corps' policies become clearer and consistent, seeking an agreement with the Corps to rely on the Habitat Plan can be pursued after Habitat Plan adoption.

Attachment: May 27, 2010 Staff Report

Cc: Stakeholder Group



Santa Clara Valley
Habitat Conservation Plan/Natural Community Conservation Plan

Date: May 27, 2010

AGENDA ITEM 3

TO: Governing Body Liaison Group

FROM: Kenneth Schreiber and Local Partner Staff

SUBJECT: Habitat Plan Benefits---Financial Benefits for Public Sector Projects

PREPARED BY: Kenneth Schreiber

Purpose of this Staff Report: Provide the Liaison Group with a response to questions about the benefits of the Habitat Plan for Local Partner projects.

Next Steps After Liaison Group Review: The information will be updated and refined as desired by the Liaison Group. Some elements of the information will be incorporated into the Plan's Executive Summary and used in Plan-related public outreach.

Recommendation: It is recommended that the Liaison Group review and discuss the information and provide direction to the staff regarding follow up work.

Discussion:

The Assignment:

The Liaison Group, on April 15, requested information on the financial benefits of the Habitat Plan for the Local Permittees. The request was raised in the context of review of 2010-11 budgets including Habitat Plan-related expenses.

The Approach:

Local Partner staff were asked to provide answers for three questions:

1. What percent of projects that their jurisdiction permits typically require species permits?
2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation?
3. How long does it typically take to procure species permits?

Covered Activities are described in the last 67 pages of Habitat Plan Draft Chapter 2, Land Use and Covered Activities. That information has been edited to extract the public sector activities and then the text has been condensed to a high level summary that is attached to this report, Attachments 2 through 6.

The Local Partner Covered Activities:

For the purposes of the Plan, covered activities fall into seven general categories. The activities described (see attachments for detail) are those public sector activities for which incidental take authorization will be requested by the Permittees.

The activities identified in the Habitat Plan (see attachments 2 through 6) broadly define all of the different types of activities covered by the Plan. In some cases, specific projects are identified as examples to illustrate the general category. However, if a given project meets the guidelines for covered activities as described in the Plan, then that project is a covered activity.

It is expected that the Permittees will develop additional activities and projects over the course of the permit term of this Plan. To the extent that the impacts of these projects fit within the Plan's impact analysis (Chapter 4) and conservation strategy (Chapter 5) and are not expressly excluded by the Plan, these future activities and projects will also be covered by the Plan.

1. Urban Development.

This category includes projects and activities that occur inside the applicable General Plans' planning limits of urban growth but outside of in-stream areas (streams and adjacent riparian vegetation). For San José, this includes the Coyote Valley and South Almaden Valley urban reserves. Attachment 2 identifies public sector Urban Development activities.

2. In-stream Capital Projects.

The term *in-stream* is defined for the purposes of the Plan as the stream bed and bank, and the surrounding adjacent riparian corridor. This category addresses public infrastructure projects that occur within streams when a Local Partner has control over design, avoidance and minimization, and mitigation associated with the project. Attachment 3 identifies public sector In-stream Capital Projects.

3. In-stream Operations and Maintenance.

Activities within streams are those activities or projects that occur in or immediately adjacent to streams and adjacent riparian vegetation that may result in impacts on a stream or canal. The majority of identified operations and maintenance activities within and adjacent to streams are undertaken by SCVWD but all the Partners have potential in-stream operations and maintenance activities. This category includes operations and maintenance activities in the stream channel, along the stream bank, and adjacent lands at top-of-bank within the riparian corridor, including maintenance of access roads and trails. This may include activities at dams, reservoirs, and on-stream ponds. These covered activities occur in both urban and rural areas. Attachment 4 identifies public sector In-stream Operations and Maintenance activities.

4. Rural Capital Projects.

This category addresses public infrastructure projects outside the cities' planning limits of urban growth. The operation and maintenance of these projects, as well as existing facilities, are described in *Rural Operations and Maintenance*. Activities that are stream oriented and take place mostly within stream channels, such as bridge construction, are discussed separately in *In-Stream Operations and Maintenance*, and *In-Stream Capital Projects*. Rural residential development projects are discussed separately in *Rural Residential Development*. Attachment 5 identifies public sector Rural Capital Projects.

5. Rural Operation and Maintenance.

Operations and maintenance activities within streams are described separately in *In-Stream Operations and Maintenance*. Rural operations and maintenance activities outside of streams that may receive coverage under this Plan are described in Attachment 6.

6. Rural Development.

Rural development includes private development that will occur in accordance with existing general plans. This includes activities that are subject to both ministerial and discretionary approval by the County or cities. Most of this type of development is expected to be residential development in areas outside the planning limits of urban growth. Public sector projects include County projects at the Mariposa Lodge, James and Holden Ranches, and Muriel Wright Center.

7. Conservation Strategy Implementation (activities within the Reserve System).

The Plan will provide take authorization for projects and activities associated with implementation of the Plan's conservation strategy. Activity areas include Land Management Activities; Recreation---Limited Public Access; Habitat Enhancement, Restoration, and Creation; Species Surveys, Monitoring, and Research; and Emergency Activities

The Challenges of Quantification of Future Costs With and Without a Habitat Plan and a Generic Example:

Creating cost estimates faces several major challenges:

1. What is the potential for a specific activity/project needing a State and/or Federal endangered species (ESA) related permit?

The potential for a project to trigger an ESA permit ranges from very unlikely to certain. The potential is related to the nature of the site, nature of the project (e.g., stream/wetland impacts have a very high potential for needing permits; mowing grass along a road is very unlikely to trigger a permit).

2. Without a Habitat Plan, the future need for permits is greater than in the recent past. The Plan has created a large public data base on species and land cover that will become part of the project review, including environmental review, process. The Wildlife Agencies have confidence in the Plan's draft conservation strategy and are much more likely in the future to use the strategy, even if the Plan isn't adopted, as the basis for permit requirements and conditions/mitigations. Past practice of avoiding the need for an ESA permit through site-specific biological analysis (i.e., proving the lack of species presence) will be harder to accomplish especially for the Fish and Wildlife Service where the standard for an ESA permit is that the project may impact a listed species rather than will impact.
3. Calculating a project-specific ESA permitting and mitigation cost has multiple factors some of which can not be estimated or only very generally estimated. For private sector projects, the costs can be paid by development applicants but for public sector projects, the costs are an internal budget factor. The major cost factors are:
 1. The amount of consultant resources needed to address ESA issues;
 2. The amount of staff time to develop information, manage consultants and negotiate with regulatory agencies;

3. The cost of project-specific mitigation in acres of land or other requirements (including the cost of finding and acquiring land acceptable to the Wildlife Agency(s));
4. The cost of project delay, and
5. Endowment for ongoing management and monitoring

The attached May 25, 2010 memo from ICF Jones & Stokes (Attachment 1) includes Local Partner staff estimates of the need for future permits, cost information, project examples/anecdotal information and related staff observations.

Generic example: Project in an urban/suburban designated area creates an impact on California Tiger Salamander habitat that results in CDFG and FWS requiring acquisition of 10 acres of land occupied by CTS.

Without Habitat Plan:

Project delay: 1.5 to 3 years or possibly longer.

Biological and other consulting resources: likely to be at least \$15,000 and over \$50,000 is quite possible especially given the need to conduct biological surveys of potential acquisitions.

Staff time: 5 hours per week for the length of the delay (assume two years equals 500 hours at a total hourly cost of \$100 per hour equals \$50,000) plus the costs of attorneys and possibly other staff.

Acquire land: \$10,000 per acre for 10 acres (\$100,000) plus the land transaction costs.

Finding manager for land or assuming the task internally: assume direct annual cost of \$100 per acre with a fund of \$20,000 set aside for income generation.

Long-term monitoring: may be incorporated into land management but might need to be ongoing biological analysis done by agency receiving the permit for the project

With Habitat Plan:

Project delay: minimal since Habitat Plan review assumed to be done as part of environmental review; may have limits on project construction re impacts on breeding season.

Biological and other consulting costs: minimal since site assumed in Habitat Plan to be lost to future development.

Staff time: assume 20 hours for coordinating with Implementing Entity and completing Habitat Plan information (20 times \$100 per hour equals \$2,000).

Acquire land: no cost.

Pay Zone C fee on 10 acres: \$45,000; if Zone B fee, \$125,000.

Future land management and monitoring: no cost (part of the per acre fee).

Creating certainty and avoiding the hassle factor:

Several responders to the Survey noted that minimizing to avoiding the hassle associated with processing project-specific mitigations through the Wildlife Agencies is the key benefit and determining factor for pursuing the Habitat Plan. Avoiding at best, and at least minimizing, the need for wildlife consultants, outside legal resources, impacts of project delays, negotiating mitigation agreements, buying mitigation land, finding a land manager acceptable to the Wildlife Agencies, and avoiding other unforeseen species-related issues and problems has great value. Saving time and having certainty for project mitigations including costs have notable value for staff, elected officials

and the public. Calculating the cost savings obtained by reducing the amount of staff time and shortening the time to complete a project is difficult to calculate.

Problems and challenges with wetland permits:

Projects that impact applicable wetlands must obtain permits from the U.S. Army Corps of Engineers and the applicable Regional Water Quality Control Board (the Study Area is divided between the San Francisco Bay Area Regional Board and, for the area that flows to the Pajaro River, the Central Coast RWQCB (San Luis Obispo). In 2005/2006, discussions among the Local Partner Management Team and Liaison Group resulted in a decision to not pursue Corps of Engineers permits through the Habitat Plan. The reasons were that the activities in the Study Area do not have a high need for Corps permits and the San Francisco Corps office indicated that they were not interested in Habitat Plans, had no staff time to work on them and wouldn't attend meetings outside of San Francisco (of note is that the Sacramento Corps office has been much more receptive to regional habitat planning). The two RWQCB's have never been interested in endangered species planning via an HCP or NCCP.

Attachment 7 identifies the regulatory agencies involved with wetland-related permits. Legitimate concerns have been raised that the need for Corps and/or RWQCB permits will negatively impact the Habitat Plan in two ways: by requiring a time consuming permitting process marked by uncertainty and ill-defined costs and by having projects be double mitigated by having Habitat Plan fees and requirements and Corps and/or RWQCB mitigation requirements.

Within the past year, there are strong indications that the Washington D.C. Corps Headquarters has directed Regional Corps offices to cooperate with HCPs. How that direction will translate into a cooperative San Francisco office remains to be confirmed. John Kopchik (East Contra Costa HCP/NCCP) is attempting to link their Plan with a Regional Corps Permit so that compliance with their Plan can serve as the mitigation for Corps permits. If such an action is possible, it could be pursued after adoption of the Valley Habitat Plan. Regarding the RWQCBs, staff is not aware of any successful effort in linking an HCP/NCCP with Board permitting.

- Attachments:
1. Memo re Local Partner Cost Analysis and Benefits
 2. Urban Development Public Sector Covered Activities
 3. In-stream Public Sector Capital Projects
 4. In-Stream Public Sector Operations and Maintenance Projects
 5. Rural Public Sector Capital Projects
 6. Rural Public Sector Operations and Maintenance (Non-stream) Projects
 7. Potential Environmental Permits Required for In-Stream Projects

Copies: Stakeholder Group

Attachment 1



Memorandum

Date:	May 24, 2010
To:	Ken Schreiber, SCV HP Program Manager
Cc:	Kathryn Gaffney, ICF
From:	Karen Molinari, ICF
Subject:	SCV HP Benefits and Costs Analysis with Local Partners

To better understand the benefits and costs of pursuing the Santa Clara Valley Habitat Plan, Local Partner staff was contacted via emails, phone calls and meetings to gather information regarding project costs and benefits with and without the Habitat Plan in place. Information provided includes rough estimates to project specific data. General themes emerged as the most important benefits of the Habitat Plan:

1. Expediting permit processing
 2. Long-term certainty of expected costs, mitigation and monitoring requirements
 3. Availability of mitigation through local Reserve System
 4. One-stop-local-shop
 - Ability for one payment to address permitting obligations
 - Local control
 - Consolidated mitigation banks
- Additional benefits:
 - Increases project flexibility by not having to include mitigation on your project site
 - Creates grant funding opportunities
 - Provides an open space preservation (48,000 acres)
 - Provides long term ecosystem protection and recovery
 - Supports local general planning goals
 - Creates new recreation opportunities

Without an HCP, project proponents must:

- Pursue permits individually (project-by-project)
- Cover all costs
- Cover all mitigation and monitoring requirements, with mitigation lands difficult to find
- Wait for Wildlife Agencies to review projects, generally a lengthy and uncertain timeframe
- Navigate changing regulatory environment

Information from Local Partner representatives

Local Partner	Projects Needing Permits (%)	Costs (Time & Resources)	Project Examples/ Anecdotal information
City of Gilroy	5% of current projects	Cost: N/A* Time: ~ 2 yrs per permit	<ol style="list-style-type: none"> 15 acre development required mitigation, City bought credits from Haera Mitigation Bank for \$95,000 Composting facility expansion impacted .05 acres of wetland and took over 2 years to procure permits
City of Morgan Hill	5% of current projects	Cost: N/A* Time: ~ 1.5-2 years for permit	<ol style="list-style-type: none"> Fisher Creek project required streambed alteration/Sect 404 permit. ~ 70 acres of wetland mitigation created for \$500,000 (~\$7,000/acre)
City of San Jose	1% of all projects	Cost: 1% of project costs Time: ~ 1.5-2 years for permit	<ol style="list-style-type: none"> Coyote Creek <u>permit only</u> costs estimated at 1% of project ~\$250,000. Upper Penitencia Creek in progress
SCVWD	Most of the Flood Protection projects require permits, 20% of O&M projects require permits	Cost: varies by species, amount of land needed Time: ~ 1 year for permit	<ol style="list-style-type: none"> For freshwater wetland mitigation, the Stream Maintenance Program cost to provide 7 acres was just under \$2 M. For CRLF costs ran as high as \$250,000/acre, for a 3 acre site.
County – Overall (All Unincorporated)	7% of current projects need surveys/permits, 3% need wetland creek permits. Estimate 10% of future projects will require permits	Cost: N/A* Time: ~ 6 months to 1 year for permit	<ol style="list-style-type: none"> County site with owls in 2004---over \$1,000,000 mitigation payment Mariposa Lodge expansion impacting serpentine soils
County – Parks	For 2011, 30% of projects will require permits	Cost: N/A* Time: ~ 1.5 years for permit	<ol style="list-style-type: none"> Alviso Boat Ramp project took 1.5-2 yrs to secure permits
County – Roads & Airports	30-35% of all projects require permits and 50% of all projects engage Corps & NMFS	Cost: Mitigation costs 10-15% of project costs Time: 9 months to 2+ years	<ol style="list-style-type: none"> Uvas Creek Bridge mitigation cost \$547,600=14.1% of \$3.8M project cost.
VTA	50% require permits related to crossing streams (Corps, RWQCB, and CDFG); 25% may have endangered species issues related to creeks or other habitats (USFWS and NMFS).	Cost: Mitigation costs of \$15k-\$300k/acre Time: 1-1.5 years	<ol style="list-style-type: none"> Hwy 152/156 Interchange <ul style="list-style-type: none"> Grasslands mitigation: \$180,000 for 12 acres ~\$15,000/acre (land purchase) Mitigate wetland impacts: \$225,000/acre Consolidated Biological Mitigation Project - \$6.4 million for 20 acres ~\$300,000/acre <ul style="list-style-type: none"> To mitigate for SRA or riparian habitat: \$300,000/acre (design and construction costs)

*N/A = Not available

Question and Answer with Local Partner representatives

City Of San Jose – Darryl Boyd and Lori Moniz, Planning Department

1. What percent of projects that the city permits typically require species permits?

We estimate that approximately 1% of hundreds of City projects we do each year require species permits. The most common project requiring species permits is bridge construction over creeks and streams. Avoidance of impacting special status species is primarily achieved through project redesign thereby not requiring permits

2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation?

The Coyote Creek Trail Master Plan (2013-2016) is in its preliminary stage of development. The Master Plan is for a proposed 4.1 mile trail between Watson Park and Montague Expressway. There are a number of special status species that are known or have the potential to occur within the project area. The proposed work, which includes a culvert removal at Penitencia Creek and five (5) bridge crossings are likely to require permits. Preliminary cost estimates allow for one percent of the total cost of the project to be used for all required regulatory permits. Mitigation costs are unknown.

Another upcoming project is a project intended to restore portions of Upper Penitencia Creek and its floodplain within Alum Rock Park. The proposed project includes 12 distinct actions within Alum Rock Park. Two bridge abutment repair projects and 10 bank repair, floodplain restoration, or fish passage improvement projects. The CEQA document is in its early stages, so the anticipated costs aren't yet known.

3. How long does it typically take to procure species permits?

18 months to 2 years is a standard response.

City of Gilroy - Stan Ketchum

1. What percent of projects that the city permits typically require species permits?

Stan estimated that less than 5% of City projects have required species permits.

2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation?

Stan knew of one case where a 15-acre development required mitigation. The City opted to buy credits from the Haera Mitigation Bank in Alameda County. The total cost was \$95,000. He didn't know of any other specific examples of mitigation implemented by the City and the costs associated with them.

3. How long does it typically take to procure species permits?

Stan only found record of one past project that required species permits and it took about 2 years to procure permits.

Anecdotal information – Gilroy had .05 acre wetland impact for composting facility expansion and it took two years for just a Biological Opinion on CRLF from FWS.

City of Morgan Hill - Jim Rowe

1. What percent of projects that the city permits typically require species permits?
Jim estimated that less than 5% of City projects have required species projects.
2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation? *Jim knew of one example of a project associated with Fisher Creek that required a streambed alteration agreement and Section 404 permit. The project was unusual in that the mitigation was pretty extensive – about 70 acres of new wetland habitat was created at a total cost of \$500,000 (\$7,000 per acre). Of course, this is an exceptional case. Mitigation is not usually this extensive or this costly. He did identify several other projects associated with the Butterfield channel near Butterfield Blvd and the grounds associated with Institute Golf Course, for which mitigation has been implemented in the past or is currently being implemented, but he didn't know the costs associated with them.*
3. How long does it typically take to procure species permits? *For the Fisher Creek project described above, it took the City about 1.5 years to procure the permits. Jim didn't know the timeframe for obtaining permits for other projects.*

Santa Clara County Parks - Julie Mark, Acting Director, Parks & Recreation Department

1. What percent of projects that the county permits typically require species permits?
Parks projects often require permits from regulatory agencies. A scan of the proposed workplan for fiscal year 2011 shows that out of 21 projects we intend on starting, six projects will probably require permits.
2. How long does it typically take to procure species permits? *Our experience with the Alviso boat launch ramp project where permits were needed from US FWS, BCDC and Army Corps of Engineers took 18 months. This is after the property rights were first negotiated and agreed to with the State Lands Commission and US FWS.*
3. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation? *CEQA has not yet been done for these projects so it's difficult to estimate the value of mitigation that may be needed.*

Santa Clara County Roads & Airports – Dawn Cameron, Consulting Transportation Planner, County of Santa Clara Roads & Airports

1. What percent of projects that the county permits typically require species permits?
Bridges — 95%
Highway Design (Road Improvements) — 10-15%
Road Maintenance — 0%
Bridge projects represent around 25% of the total Department projects, so if you want a combined percentage for the Department, you could say 30% to 35% of all projects.
2. Overall, how often do you need to work with the Army Corps of Engineers, US Fish & Wildlife, and/or National Marine Fisheries Service (NMFS) for your projects?

Bridges — 100%

Highway Design — 20-30%

Road Maintenance — 5-10%

Overall, Department average: say around 50% of the time.

3. How long does it typically take to procure species permits? *Anywhere from 9 months to 2+ years. Depends on whether Agencies request more studies.*

4. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation? *Estimate 10-15% of overall project costs. Replacement of Stevens Creek Bridges on Stevens Canyon Road (37C0576 & 37C0577) required Fish & Game permit and required Mitigation & Monitoring plan in the same watershed. Open Space property up stream of the projects was selected. We are in the final design and expected to advertise soon for the winter season planting. Cost of the construction estimated to be \$250k, CE estimated cost \$50k, PE estimated costs are in the \$125k range, R/W Engineering \$25k, Monitoring & Reporting for 10 yrs, \$ 90,000, Total cost estimate \$540k (+/- 15%) not including cost for permit, preparation of environmental studies by the consultants ,or survey work done by the County staff.*

Themes heard from Department staff:

- *We do not expect the HCP to save the County money in delivering road and bridge projects (in other words, it will not necessarily reduce project costs). The primary interest the Department has in the HCP is in relieving the projects (mostly bridge projects) from having to find mitigation sites. Having a reserve system or mitigation bank to buy into will save a lot of grief even if the cost to the project is the same because of the fees.*

- *Costs for some projects may actually increase due to the Habitat Plan. As you will note above, Road Maintenance has not had to acquire permits for ESA and only has to work with the Resource Agencies for culvert replacement in waterways (not for standard road maintenance that stays within the existing road footprint). The Habitat Plan is placing additional requirements on Road Maintenance that may increase project delivery costs even if no ESA permit would be required for the work. Some of this increased cost they were likely to face in any case to meet new NPDES requirements, but it is hard to say if it would be as much.*

- *The Bridge Design group in particular is not sure if the HCP will save them any time in the actual permitting process. The Habitat Plan only provides permit coverage from USFWS and CDFG, but permits are still needed from the NMFS, Corps, and/or Water District. Plus, nearly all of the bridge projects (and most road improvements) use federal grant sources, so Section 7 will apply to the projects.*

The above all reflects discussions with County Roads and Airports Department staff over the last two years. Our comments are not mean to downplay the incredible value of the reserve system/mitigation bank in project delivery. It is a huge benefit that makes it worthwhile to County Roads & Airports for the HCP to be adopted but the Department is not expecting the HCP to save project costs or project delivery times.

1. What percent of private development projects that the county permits typically require species permits? *Up to 7% of current projects need surveys/permits, approximately 3% need wetland creek permits. Estimated future approximately 10% of all projects will require permits. Refer to October 21, 2009 HLUET Committee Packet and Presentation.*
2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation? *N/A*
3. How long does it typically take to procure species permits? *For the projects required to go through a Section 7 process, observed 6 months to 1 year process. For the one project observed needing to go through Section 10 process, to date still in process and has taken over 4 years.*

County permits residential homes in the hills 40 permits/year for 50 years = 2,000 permits

1. How many need permits? *Based on past projects, below 7%. Could expect this to increase over time (more development in more sensitive areas) to over 10%.*
2. How much time and money is spent pursuing permits? *N/A*

Santa Clara Valley Transportation Authority – Ann Calnan, Senior Environmental Planner

1. How much do you think you will spend procuring species permits for your covered activities without the benefit of the Habitat Plan?

Based on budgets and actuals for the larger VTA mitigation projects, this is what I get:

Wrigley Creek Improvement Project - \$5m for approximately 1,600 linear feet of stream

- *To mitigate streams in linear feet: \$3,000 linear foot (design and construction costs, consultant fees, plants, VTA labor, etc.)*

Consolidated Biological Mitigation Project - \$6.4 m for 20 acres

- *To mitigate for SRA or riparian habitat: approximately \$300,000/acre (design and construction costs)*

Hwy 152/Hwy 156 Interchange - ~\$180,000 for 12 acres of grassland for kit fox, CTS and RLF

- *To mitigate grasslands with special status species presumed present: \$15,000 acre (land purchase)*
- *To mitigate wetland impacts: \$225,000 acre (purchase from Pajaro Wetland Bank)*

The biggest benefit of the HCP is being able to write one check to meet all permitting obligations.

2. Do you have an idea of what level of mitigation will be required? *Similar to above*

Santa Clara Valley Water District – Debra Caldon, Watershed Unit Planning Manager

1. What percent of projects that their jurisdiction permits typically require species permits? *Most all of the major Flood Management Projects in the District CIP require Incidental Take Authorization under ESA; CESA take is needed at least 50% of the time. Exceptions include very minor projects (culvert replacement, etc.) in low value habitat sites (i.e., areas with concrete channels, or urbanized areas with little native cover) which rarely need take authorization. Few of the O & M activities on pipelines and dams have impacts on special status species, with the exception of very sensitive areas on the dam faces and known special status sps. habitats; so only about 20 % of these activities require “take permits.”*
2. For projects that require mitigation, do you have an idea of how much it costs to implement the mitigation? *If by ‘mitigation’ you mean meeting the terms and conditions of specific biological opinions issued on a project, we have estimated various costs based on the type of habitat or species in question, and the amount of habitat that needs to be replaced. For CRLF we have estimated costs to run as high as \$250,000/ acre -- for a 3 acre site. This would include land acquisition, Resource Mgmt Plan prep, monitoring and endowment for 50 years. Smaller requirements have larger per acre costs because there’s not such a large site to spread the fixed costs. For freshwater wetland mitigation, the Stream Maintenance Program cost to provide 7 acres was just under \$2 M.*

Assuming this distribution of costs, a rough estimate of the overall Section 7 Consultation cost of flood control projects can be made:

$$\begin{aligned} \text{Low Cost} &= \text{Project cost} \times 3\% \times 0.6 \\ \text{High cost} &= \text{Project cost} \times 7\% \times 0.6 \end{aligned}$$

For example, a project costing \$10 million would have a Section 7 Consultation cost of:

$$\begin{aligned} \text{Low:} &= \$10,000,000 \times 0.03 \times 0.6 = \$180,000 \\ \text{High} &= \$10,000,000 \times 0.07 \times 0.6 = \$420,000 \end{aligned}$$

San Jose and VTA can provide some better numbers regarding Serpentine Soil Species Habitat on Kirby Ridge that was acquired to mitigate for HWY 101 and other developments.

3. How long does it typically take to procure species permits? *I have advised staff to allow a minimum of 6 months (after we submit a biological assessment) but 12 months is probably more realistic unless there are existing BOs for that species in close proximity to a project.*

Kathryn Gaffney, ICF

- Biggest savings is time and certainty!
- Avoid having to pay for project-by-project mitigation or having to monitor your mitigation
- Increases project flexibility by not having to include mitigation on your project site
- Any project affecting wetland/pond will likely require a federal and/or state permit
- The Plan, after adoption, should consider pursuing an in-lieu-fee instrument with the Corp that allows Plan mitigation to be used for Corps mitigation requirements.
- Many covered activities described in Chapter 2 will likely need a species permit:
 - Any bridge project ~ 270 projects
 - Flood protection

- Levee construction
- Landfill expansion
- Road projects
- Development in sensitive hillside areas

ATTACHMENT 2----Urban Development Public Sector CoveredActivities

Public sector activities include:

- Transportation facilities including sidewalks, bike paths, paved and unpaved roads, bridges, culverts, and transit facilities.
- Public service facilities.
- Recreational facilities such as parks, sports centers, campgrounds, trails, and associated infrastructure including roads, bridges, parking areas, and restrooms.
- Public and private utilities.
- City water delivery and storage facilities.
- Stormwater management facilities such as storm sewer systems, nonpoint source reduction, outfalls, and drainage improvements.
- Waste-management facilities including sewage-treatment plants, sanitary sewer systems and rehabilitation, water recycling, recycling centers, transfer stations.
- Vegetation management including fuel reduction including hand and mechanized removal and controlled burns, tree removal and pruning, grazing activities, exotic vegetation control/removal, hazardous tree work, weed abatement, algae control in ponds.
- Hazardous material remediation for, and restoration related to, abandoned dumps (e.g., Singleton Landfill).

Attachment 3---In-Stream Public Sector Capital Projects

Non-SCVWD projects:

In-stream capital projects and activities may be undertaken by any of the Permittees but most activities will be SCVWD projects. Non-SCVWD projects will most likely be related to bridges, culverts and creekside trails. The categories of activities include:

- Construction or reconstruction of flood protection projects and maintenance of associated access roads (see discussion in following section).
- Reconstruction of levees.
- Three Creeks Habitat Conservation Plan geomorphic rehabilitation and gravel program.
- Reconstruction, realignment, and decommissioning of SCVWD canals.
- Dam-related capital projects.
- In-channel groundwater recharge facilities.
- Bridge construction, replacement, and major repair including vehicular, train, and pedestrian bridges.
- Bridge construction in County parks including vehicular bridges, multi-use bridges, footbridges, puncheons, and rock bridges (i.e., rocks placed across a small stream along a single-track trail).
- Culvert installation.
- Creekside trail projects and associated bridges.
- Implementation of SCVWD's Dam Instrumentation Project for the SCVWD dams within the study area.

SCVWD

More specific SCVWD activities include:

1. Flood Protection Projects

Coyote Watershed

Berryessa Creek—Limits of Jurisdiction¹ to Old Piedmont Road.

Coyote Creek—U.S. 101 to Metcalf.

Coyote Creek—I-280 to U.S. 101.

Fisher Creek—Bailey Avenue to Limits of Jurisdiction.

Mid-Coyote Creek—Montague Expressway to I-280.

Quimby Creek—Thompson Creek to Limits of Jurisdiction.

Sierra Creek—Berryessa Creek to Limits of Jurisdiction.

South Babb Creek—Lower Silver Creek to upstream.
Upper Penitencia Creek—Coyote Creek to Dorel Drive.
Upper Silver Creek—U.S. 101 to Coyote Creek.
Upper Silver Creek—U.S. 101 to Silver Creek Road.

Guadalupe Watershed

Alamitos Creek—Guadalupe River to Almaden Dam.
Arroyo Calero—Alamitos Creek to Calero Dam.
Canoas Creek—Guadalupe River to Cotle Road.
Los Gatos Creek—Kirk Dam to Lark Avenue.
Randol Creek—Alamitos Creek to Bret Harte Drive.
Ross Creek—Guadalupe River to Kirk Avenue.

Uvas Watershed

Gavilan Creek—Uvas Creek to Headwaters.
Uvas-Carnadero Creek—Pajaro River to Watsonville Road.

Llagas Watershed

East Little Llagas Creek—U.S. 101 to Limits of Jurisdiction.
Jones Creek—Llagas Creek to Alamias Creek.
Lions Creek—Sta 102+00 to Headwaters.
Upper Llagas Creek.
West Little Llagas Creek—Wright Avenue to Llagas Road.

2. Levee Reconstruction---SCVWD

SCVWD owns or maintains approximately 91 miles of levees or similar flood reduction facilities. Approximately 50 miles of these levees are within the study area. Reconstruction of 10 miles of the approximately 50 miles of levees are covered by this Plan..

Coyote Watershed

Berryessa Creek (approximately 0.4 miles).
Coyote Creek (approximately 1 mile).
Thompson Creek (approximately 0.5 mile).
Upper Penitencia Creek (approximately 1.1 mile).

Guadalupe Watershed

Alamitos Creek (approximately 3.6 miles)
Canoas Creek (approximately 0.5 miles).
Guadalupe Creek (approximately 1.5 miles).
Guadalupe River (approximately 2.9 miles).

Los Gatos Creek (approximately 1.8 miles).

Randol Creek (approximately 0.5 mile).

Uvas Watershed

Uvas Creek (approximately 2.2 miles).

Llagas Watershed

Jones Creek (approximately 0.6 mile).

Llagas Creek (approximately 0.8 mile).

Lower Llagas Creek (approximately 2.4 miles).

Levees Near Llagas Creek (approximately 5.9 miles).

Lions Creek (approximately 0.5 miles).

West Branch Llagas Creek (approximately 1.1 miles).

3. Canal Reconstruction, Realignment, and Decommissioning

- Almaden-Calero Canal
- Coyote Canal
- Coyote Canal Extension
- Coyote-Alamitos Canal
- Vasona Canal

4. Three Creeks HCP In-Stream Capital Projects

The primary capital projects associated with the Three Creeks HCP are safety retrofit of five of SCVWD's six dams in the north portion of the study area (Almaden, Anderson, Calero, Guadalupe, and Vasona dams) and the Three Creeks HCP conservation program.

The Three Creek HCP Conservation Program includes five main components that will receive take coverage under this Plan.

- Geomorphic Rehabilitation
 - Ogier Ponds separation from the channel.
 - Coyote Percolation Pond separation from the channel.
 - 2,000 linear feet of geomorphic rehabilitation in the Coyote Creek Watershed.
 - Lake Almaden juvenile passage remediation to isolate juvenile salmonids emigrating downstream from the 32-acre abandoned quarry/lake.
 - 2,000 linear feet of geomorphic rehabilitation in the Guadalupe River Watershed.
- Gravel Program
 - Anderson Dam to below Coyote Percolation Pond (9 miles).

- Almaden Dam to Lake Almaden (7 miles).
- Guadalupe Dam to the confluence with Alamitos Creek (5 miles).
- Camden Avenue Drop Structure downstream to the confluence with the Guadalupe River (3 miles).
- Reservoir Re-Operation Provisions
- Upper Penitencia Creek Management Program
- Supplemental Flow Program

5. Dam-Related Capital Projects

Dam Safety Retrofit

This Plan covers the retrofit of seven SCVWD dams (Almaden, Anderson, Calero, Guadalupe, and Vasona dams that are also part of the 3 Creeks HCP and Uvas, and Chesbro dams that are located in the Pajaro Watershed and thus not part of the 3 Creeks HCP). County Parks operates six smaller dams; five on Grant Lake at Grant Park, and one on Sandywool Lake in Ed R. Levin County Park. As dams within the study area age and as safety design standards become more rigorous, it is reasonable to anticipate that some substantial safety retrofits will be required for each of SCVWD's and County Park's dams.

- Strengthening the upstream embankment.
- Strengthening the downstream embankment.
- Strengthening the dam internally.

6. SCVWD In-Channel Groundwater Recharge Facilities

Ford Road Groundwater Recharge Pond

Church Avenue Groundwater Recharge Ponds

All Partners

1. New Bridge Construction and Replacement/ Rehabilitation of Existing Bridges

All of the Local Partners operate and maintain bridges within the study area. The lifespan of a typical bridge is approximately 50 years. Therefore, over the course of the 50-year permit term, it is expected that every bridge within the study area will likely need major repair or replacement.

2. Streamside Trails and Crossings

Attachment 4---In-Stream Public Sector Operations and Maintenance

Non-SCVWD

For stream segments not maintained by SCVWD through the Stream Maintenance Program, most of the activities listed below will be conducted by the cities, County Parks, and County Roads and Airports.

- Facility maintenance such as trail repair; trash removal; installation of fences; accumulated sediment removal (see following section for additional discussion); trail, road, and culvert repair or replacement; and minor bridge repair.
- Storm system maintenance including clearing outlets in order to ensure unrestricted storm water flow. Work may entail trimming vegetation and/or clearing sediment around drain outlets.
- Storm damage repair and flood prevention projects including drainage improvements.
- Natural resource protection such as small bank stabilization projects (less than 100 feet), restoration to reduce erosion, and removal of debris deposited during flooding.
- Small-scale erosion control projects or storm damage prevention projects that do not create new permanent hardscape on the creek bank or channel. This category includes temporary flood-fighting activities to prevent storm damage (e.g., sandbagging).
- Operation and maintenance of flood protection facilities such as armored creeks, bypass channels, levees, access roads, and detention ponds.
- Fish screen installation and removal of fish barriers such as in-stream concrete low-flow crossings and culverts.
- Vegetation management for exotic species removal, such as removal of giant reed, and planting of native vegetation.
- Vegetation management for public safety hazards including fire management.
- Stream gage station maintenance upstream of reservoirs.
- Operations and maintenance of water utility/water supply facilities including flashboard or inflatable dams, diversion structures, groundwater recharge ponds, gauges, etc.
- Sediment removal, including mercury remediation incidental to the sediment removal.

Sediment Removal and Mercury Remediation

Sediment removal activities undertaken as part of routine stream maintenance that also remove mercury from streams and are conducted by Local Partners other than SCVWD are covered by this Plan¹.

Santa Clara Valley Water District

SCVWD has in place or is developing other permitting programs to obtain necessary incidental take permits for operation and maintenance activities. In 2002 SCVWD received permits to implement the Stream Maintenance Program which provides ESA coverage for routine stream maintenance. The non-routine stream maintenance activities described below are covered only by this Plan. Certain activities covered under the Three Creeks HCP are also covered by this Plan as described in this chapter. SCVWD is also currently developing a Dam Maintenance Program (described below). Implementation of the Dam Maintenance Program is a covered activity under both the Three Creeks HCP and the Habitat Plan as pertains to their respective study areas.

1. Three Creeks HCP Conservation Program Operations and Maintenance Actions

Reservoir Re-Operation Provisions

- Modification of reservoir releases at Anderson, and Guadalupe reservoirs to provide for May 1–October 31 steady state releases of cold water from the reservoir hypolimnion.
- Modification of reservoir releases at Anderson, Calero, Almaden, Guadalupe, and Lexington-Vasona reservoirs to provide for November 1–April 30 base flows adequate to enhance upstream passage of anadromous fish.
- Modification of reservoir releases at Anderson, Calero, Almaden, and Guadalupe reservoirs to provide for two five-day pulse flows of 50 cfs each year when reservoir storage is available to do so.
- Modification of reservoir operations to provide for ramping of release at all reservoirs.

¹ SCVWD's Stream Maintenance Program provides coverage for minor mercury remediation associated with sediment removal.

2. Upper Penitencia Creek Management Program
3. Supplemental Flow Program
4. Reservoir Operations under DSOD Interim Storage Restrictions
5. Recharge Operations and Maintenance
6. Proposed Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds
7. Dam Maintenance Program

SCVWD's Dam Maintenance Program identifies operations and maintenance activities required to maintain the 10 dams, as well as Coyote Percolation and Rinconada percolation ponds, within SCVWD jurisdiction. Eight of these dams—Almaden, Anderson, Calero (including Calero main, auxiliary, and Fellows Dike), Chesbro, Coyote, Guadalupe, Uvas, and Vasona— and Coyote Percolation pond are located within the study area. Implementation of the Dam Maintenance Program for the eight dams located in the study area and for Coyote Percolation pond is covered by this Plan. County Parks maintains two dams, Sandywool Lake dam and Grant Lake dam, consistent with dam safety requirements implemented on SCVWD dams. Maintenance of these two dams is a covered activity under this Plan. Dam and reservoir maintenance activities are described below.

Dam and Reservoir Maintenance

Vegetation Removal

Seepage Collection System

Burrowing Rodent Control

Maintenance of Access to All Facilities

Sediment Management

Other Management

8. Non-Routine Stream Maintenance---SCVWD

The SCVWD Stream Maintenance Program permits cover “routine” maintenance, as defined by those permits. The Stream Maintenance Program permits do not cover “non-routine” activities, so these activities are covered by the Valley Habitat Plan. Non-routine stream maintenance activities performed by SCVWD for water supply and flood protection include:

- One-time extensive (approximately 50%) vegetation removal, including removal of trees larger than 6 inches in diameter, in the Lower Llagas flood control channel to restore flood protection capacity. This activity is currently outside the scope of the Stream Maintenance Program; however, once this project is conducted and overall vegetation in the channel is reduced, this reach will be maintained under the Stream Maintenance Program.

- Repairs to canals including bank stabilization, sediment removal, and vegetation management not otherwise permitted by the Stream Maintenance Program (e.g., in serpentine vegetation areas and during the wet season). Wet season work would only be required in cases where the canal filled with sediment during winter storms and delaying removal of the sediment until the summer could result in canal failure or flooding of nearby homes.

Attachment 5---Rural Public Sector Capital Projects

Rural capital projects and activities that are covered under the Plan are listed below.

- Rural transportation projects including bicycle and pedestrian improvements (see description in following section).
- Development of or upgrades to new County Parks' facilities (described below).
- Renovation, replacement, and upgrades of existing facilities.
- Closures of trails, roads, and other infrastructure (such as stock ponds) in public open space (excluding the Reserve System).
- Facility development, renovation, and expansion including offices, office drainage improvements, and visitor centers.
- Water supply projects (see description below).
- Stormwater management facilities including a detention basin proposed by Morgan Hill outside of its planning limits of urban growth.
- Capital improvement projects by County Parks and the Open Space Authority (see description below).
- Kirby Canyon landfill development (see description below).
- Implementation of the South County Airport Master Plan (see description below).

Rural Transportation Projects

Rural transportation projects and activities covered under this Plan include the following types of projects.

- County and VTA projects outside of the planning limits of urban growth and listed in Table 2-6. This includes highway expansion, highway intersection upgrades, mass transit projects, and new road connection, extension, widening, and major realignment projects. Projects may include trails for pedestrian and bicycle use.
- County roadway safety and operational improvement projects to roads including shoulder widening and minor straightening of curves, and to intersections and driveway entrances including constructing new turning lanes, adding signals, and lengthening existing turning lanes. Projects may improve access for pedestrian and bicycle use.
- Channel modifications incidental to stream bank stabilization and road restoration.

County Roads has identified three new road extensions or connections in the study area and outside of the planning limits of urban growth. These projects include:

- a connection of DeWitt Avenue to the West Edmundson Avenue / Sunnyside Avenue intersection near Morgan Hill (0.4 miles);

- a connection on Center Avenue between Omar Avenue and Buena Vista Avenue near Gilroy, requires a new stream crossing (0.2 miles); and
- a connection between Center Avenue and Hill Road across Maple Avenue immediately south of Morgan Hill (0.2 miles).

These projects will be conducted in conjunction with other road improvements. All other projects will occur along existing roads.

Two additional County road extension projects fall within or on the border of the planning limits of urban growth. These include the following projects:

- an extension of McKean Road to Almaden Expressway near the South Almaden Urban Reserve (0.2 miles) inside the planning limit of urban growth for San José; and
- an extension on Hill Road from Half Road to East Main Avenue (0.4 miles) and new connection of Peet Road to Half Road (0.2 miles) inside the planning limit of urban growth for Morgan Hill.

South County Airport Expansion Per Adopted Master Plan

- Extending the runway.
- Realigning the runway and taxi lanes.
- Constructing a new air traffic control tower.
- Expanding the capacity for hangars, tiedowns, and fixed base operators.
- Expanding fuel storage and dispensing areas.
- Adding wash racks.
- Remodeling airport facilities and terminal buildings including parking areas and access roads.
- Expanding existing stormwater detention basins.
- Replacement of the existing septic system with a package wastewater treatment plant.
- Relocating the existing animal shelter.
- Upgrading lights and signage.

Kirby Canyon Landfill Development

Permits and mitigation for wetland impacts in Fill Areas 3 and 4 of the planned 311-acre landfill have not been authorized.

Future development of Fill Areas 3 and 4 at Kirby Landfill are covered activities in this Plan for the covered species not already addressed in the existing biological opinions for the site (i.e., all species covered by this Plan except Bay checkerspot butterfly, California red-legged frog, and Santa Clara Valley dudleya).

Off-Channel Groundwater Recharge Ponds

To enhance its water supply infrastructure and to meet future anticipated demand, SCVWD may construct additional groundwater recharge ponds (also called percolation ponds). SCVWD anticipates that up to four new, off-stream groundwater recharge ponds and associated conduits will be installed within the study area over the course of the permit term. Three of these sites will be located along the valley floor within Morgan Hill and to the south in San Martin.

County Parks Projects

The County Parks projects and activities covered by this Plan include the following.

- Trail and fire road development, and installation of related infrastructure such as bridges, staging areas, restrooms, parking lots, and signage.
- Development of borrow sites for materials used for trail structures (e.g., rock) or restoration projects (e.g., clay for wetland substrate). Whenever possible, borrow sites will be used to create habitat for covered species (e.g., a pond for California tiger salamander). Location of borrow sites will be within County parks, but exact locations are unknown at this time. County Parks will avoid sensitive land-cover types. Over the permit term, County Parks estimates that borrow sites will require up to 3 acres. Borrow sites will be primarily sited in grassland areas that support conversion to wetland or pond habitat once borrow materials are excavated. If County Parks creates ponds for the improvement of covered species, soil removed may be stockpiled and stored for future use to reduce the need for additional borrow pits at future times.
- Development of regional recreation opportunities and supporting infrastructure including group and family picnic areas, drive-in campgrounds, back-country camp areas, a regional swimming facility, nature/education centers, historic and cultural resources, disc golf courses, an 18-hole golf course and club house, sport fields, off-leash dog parks, dog runs, road and mountain bicycle park, fishing ponds, events pavilions, shade structures, hang gliding/paragliding landing sites, urban edge farming, agricultural marketing area (i.e., expanded produce stand, farmers market area, retail café, and parking), community gardens, research and demonstration gardens, youth agricultural areas, staging areas including restrooms, equestrian staging areas including water troughs, parking, operations and maintenance facilities and buildings, ranger facilities, multiple use areas, public art installations, gateway sites (e.g., trailheads, park entrances, kiosks), paved and dirt roads, seating (e.g., benches), landscaping, fencing, irrigation, water tanks, interpretive signage, sewer, water, and other utilities.
- Capital improvements to existing trail systems including reconstruction, realignment and, in areas where the use is compatible, the addition of separate single-use trails (e.g., equestrian trails). These improvements also include trail restoration in areas where abandoned trails are no longer in use.
- Capital improvement expansion or rehabilitation of existing facilities including campgrounds, equestrian camping sites, day-use picnic sites, staging areas, parking, restrooms, entry and gateway sites (e.g., trailheads, park entrances, kiosks), buildings, landscaping, irrigation, fencing, interpretive signage, sewer, water, and other utilities.

- Restoration, enhancement, and/or rehabilitation of habitat including riparian, wetlands, ponds, grassland, and oak woodland natural communities outside of the Reserve System (restoration and enhancement within the Reserve System on County Park lands is described in Section 2.3.8 below).
- Installation of fish screens at Parkway Lakes, Cottonwood Lake, and Spring Valley to prevent movement of fish in and out of these lakes and to support recreational fishing opportunities.
- Construction of stock ponds or spring boxes¹ for cattle management and installation of wells to supply stock ponds outside of the Reserve System (restoration and enhancement within the Reserve System on County Park lands is described in Section 2.3.8 below). Spring boxes will be preferred over wells. Up to 40 wells or spring boxes may be constructed for use in County parks.
- Reconstruction of pond dams or spring boxes to maintain water levels and facility functioning.
- Replacement of the water delivery system at Jackson Ranch. This includes excavation and replacement of the existing system.

County Parks estimates it will construct outside of the planning limits of urban growth approximately 20 miles of fire road; 25 miles of unpaved, single-track trail; 3 miles of paved service roads; 7 miles of paved multi-use trail; and 10 miles of paved roads. This does not include roads and trails that are part of a larger site development (e.g., nature center, large picnic areas, pavilions, golf course, etc.). County Parks estimates it will construct outside of the planning limits of urban growth approximately 300 non-bridge water crossings (e.g., single-track trail crossings), 20 large bridges (i.e., one-or two-way automotive use), and 30 small bridges and puncheons (i.e., footbridges). County Parks estimates it will conduct larger-scale site development projects (e.g., nature center, large picnic areas, pavilions, golf course, etc.) outside of the planning limits of urban growth requiring approximately 1,700 acres.

City of San José

Alum Rock Park Riparian Management Plan including:

- Hillside instability and landslide prevention.
- Streambank erosion.
- Riparian and aquatic habitat restoration and enhancement.
- Facility upgrades.

Open Space Authority Projects

Over the permit term, the Open Space Authority anticipates constructing up to 10 miles of new fire roads, up to 5 miles of new multi-use trails, up to three staging areas which would include a parking area, a pit toilet, and trailhead kiosk up to two new bridges and five new culverts.

Attachment 6---Rural Public Sector Operations and Maintenance (Non-stream)

- Utility line or facility operations and maintenance inside the Reserve System (except for The Pacific Gas and Electric Company [PG&E], which is preparing its own HCP for operations and maintenance; see Section 2.4, *Projects and Activities Not Covered by This Plan*, below) as described below.
- Vegetation management including fuel reduction using prescribed burns, grazing activities, exotic vegetation control/removal, hazardous tree work, abatement of hazardous vegetation, and algae control in ponds.
- Maintenance of infrastructure and facilities including buildings, roads, utilities (septic, water, power systems), and stormwater treatment. This maintenance includes vegetation management, turf management, paving, and landscaping around infrastructure and facilities.

Activities conducted by individual Local Partners are identified below.

Santa Clara Valley Water District

SCVWD operations and maintenance activities outside of streams (i.e., in upland areas) that will receive coverage under this Plan include the following.

- Operations and maintenance of pump stations, operations yards, utility yards, and corporation yards including storing sediment, and truck access.
- Off-stream groundwater recharge sites and associated facilities. Activities may include removal of sediment and vegetation and maintenance of associated roads, diversion structures, and catwalks. Sediment removal will affect up to 20 square yards at each facility. This Plan covers facilities maintenance that occurs on average once every 5 years (Arnold pers. comm.).
- Maintenance of water supply facilities including buildings, rain gages, pipelines, and turnouts (Pipeline Maintenance Program is described below).
- Rain Gage Maintenance

Pipeline Maintenance Program

- Almaden Valley Pipeline.
 - Anderson Force Main.
 - Calero Pipeline.
 - Campbell Distributary.
 - Central Pipeline.
 - Coyote-Madrone Pipeline.
 - Cross Valley Pipeline.
 - East Pipeline.
 - Main Avenue Pipeline.
 - Milpitas Pipeline.
-

- Mountain View Distributary.
- Pacheco Conduit and Pacheco Tunnel.
- Parallel East Pipeline.
- Penitencia Force Main.
- Rinconada Force Main.
- Santa Clara Conduit and Tunnel.
- Santa Clara Distributary.
- Santa Teresa Force Main.
- Snell Pipeline.
- Stevens Creek Pipeline.
- Sunnyvale Distributary.
- West Pipeline.
- Uvas-Llagas Transfer Pipeline.

County of Santa Clara

Rural operations and maintenance activities conducted by the County of Santa Clara outside streams that may receive coverage under this Plan are listed below.

- Maintenance, repair, and rehabilitation of County roads and road shoulders.
 - Maintenance of infrastructure associated with roads including drainage ditches, culverts, and retaining walls.
 - Operations, maintenance, and fire protection of rural juvenile detention facilities (e.g., James Ranch and Muriel Wright Center), medical treatment facilities (e.g., Mariposa Lodge), the Santa Clara County Justice Training Center (also known as Holden Ranch), and the Santa Clara County Weapons Training Center (also known as the Sheriff's Firing Range).
 - Operation, maintenance, and management of County parks.
 - County Parks management of natural resources including grassland, oak woodland, and riparian natural communities; protection and enhancement of freshwater resources; erosion control; sensitive species management and monitoring outside of the Reserve System. Management may include prescribed burns, mechanical fuel removal, invasive vegetation management, manual labor, herbicide use, bullfrog management, feral pig removal, management of other exotic nuisance species, and managed grazing.
 - County Parks management and maintenance of ponds and spring boxes.
 - County Parks dam maintenance including [burrow management](#), [vegetation removal](#), [dam repairs](#), and [dam facility repairs \(short of dam reconstruction which is described above in Section 2.3.3\)](#).
 - Removal of infrastructure (e.g., building structures, roads, trails, stock ponds) for public safety, resource protection, and park management.
-

- Use of County parks.
- Vegetation management for exotic species removal and native vegetation plantings including the use of livestock grazing and prescribed burns.
- Trail maintenance including grading, clearing, brushing, erosion control, paving, re-paving, abandonment, and restoration.
- Pest abatement to manage rodents, insects, and disease, and weed abatement to manage fire hazards outside the Reserve System including removal of dead and dying wood, trees, and vegetation in agricultural areas.
- Surveys and monitoring to support management decisions outside of the Reserve System (monitoring within the Reserve System is described in Section 2.3.8 below).
- Enhancement and restoration projects outside of the Reserve System.
- Removal of fish barriers (such as low flow crossings) and installation of fish screens.
- Maintenance of water delivery systems (e.g., at Jackson Ranch). This includes maintenance of in-stream structures that have a screened pipe that pulls water from a local stream into the property.
- Activities associated with the maintenance of large facilities including golf courses, large event facilities, and sports complexes.
- Equestrian facilities and uses including equestrian stables, equestrian centers, trails, manure management, and horse grazing activities.
- Minor remediation projects (less than 1.0 acre) for spills, illegal dumping, fuel/chemical storage, and firing ranges.

Open Space Authority

Operations and maintenance activities conducted by the Open Space Authority in all of their preserves are covered by this Plan. Maintenance activities may include the following.

- Vegetation management, including fuel reduction using prescribed burns, grazing activities, exotic vegetation control/removal, hazardous tree work, abatement of hazardous vegetation, and algae control in ponds.
 - Invasive wildlife species management, including feral pig and bullfrog management.
 - Rehabilitation, not including removal, of existing stock ponds that have degraded due to severe erosion or dam failure.
 - Road and/or trail closure or realignment due to erosion problems or close proximity to sensitive land-cover types.
 - Activities associated with the maintenance of facilities including small structures, paving, and landscaping.
 - Maintenance of infrastructure facilities including buildings; roads (paved and unpaved); and utilities (septic, water, power systems).
-

Potential Environmental Permits Required

Players

- U.S. Army Corps of Engineers (Corps)
- Regional Water Quality Control Board (RWQCB)
- California Department of Fish and Game (CDFG)
- United States Fish and Wildlife Service (USFWS)
- National Marine Fisheries Service (NMFS)
- State Historic Preservation Office (SHPO)

Permits for Waters of the U.S. Projects

U.S. Army Corps of Engineers

Jurisdiction is within waters of the U.S. The supporting processes for Corps permitting that have Corps jurisdiction include:

- U.S. waters delineation,
- Preconstruction Notice or Individual Permit application,
- Endangered Species Act Section 7 (implemented by NMFS for impacts to listed fish) AND/OR Endangered Species Act Section 10 (for SCV Habitat Plan covered species),
- National Historic Preservation Act (NHPA) Section 106 (implemented by SHPO),
- CWA Section 401 Water Quality Certification (implemented by RWQCB), and
- National Environmental Policy Act (NEPA) compliance (for individual permits).

Regional Water Quality Control Board

Jurisdiction is top-of-bank to top-of-bank; if riparian is affected, RWQCB may take jurisdiction to the outer edge of riparian. The project will also require compliance with the following requirements that are within the jurisdiction of the San Francisco RWQCB or Central Coast RWQCB.

- CWA Section 401 Water Quality Certification, and
- CWA Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for discharge of stormwater from construction sites.

California Department of Fish and Game

Jurisdiction is to the outer edge (dripline) of the riparian corridor. The California Department of Fish and Game issues the following permits.

- Streambed alteration agreements, and
- California Endangered Species Act OR Natural Community Conservation Planning Act (if affecting state listed species).

Permits for Waters of the State Projects

These are projects that do not have a federal nexus.

Regional Water Quality Control Board

Jurisdiction is top-of-bank to top-of-bank; if riparian is affected, RWQCB may take jurisdiction to the outer edge of riparian. The project will require compliance with the following requirements that are within the jurisdiction of the San Francisco RWQCB or Central Coast RWQCB.

- Waste Discharge Requirements, pursuant to California's Porter-Cologne Water Quality Control Act.

California Department of Fish and Game

Jurisdiction is to the outer edge (dripline) of the riparian corridor. The California Department of Fish and Game issues the following permits.

- Streambed alteration agreements, and
- California Endangered Species Act OR Natural Community Conservation Planning Act (if affecting state listed species).

U.S. Fish and Wildlife Service

If the project may affect a federal listed species.

- ESA Section 10 (HCP; addressed by the SCV Habitat Plan for covered species).