



San Benito County Conservation Plan Public Advisory Committee

February 9, 2022

Prepared By:
Arielle Goodspeed and ICF

Agenda

1. Call to Order
2. Public Comment
3. Announcements(s)
 - A. San Benito County Conservation Plan Contract Award to ICF
 - B. Public Advisory Committee representatives from the Developer and Environmental communities wanted
 - C. New Public Advisory Committee member(s)
4. Action Item(s)
 - A. Adopt August 2, 2021, minutes
 - B. Rename ADHOC Committee to SBCCP Public Advisory Committee
5. SBCCP - ICF project team, roles, and responsibilities
6. Public Advisory Committee purpose and guidelines
7. HCP/NCCP and HCP/NCCP CEQA/NEPA process and project timeline
8. Adjourn



Public Comments



Announcements

- ▶ San Benito County Conservation Plan Contract Award to ICF
- ▶ Public Advisory Committee representatives from the Developer and Environmental communities wanted
- ▶ New Public Advisory Committee member(s)
 - Betsy Dirks (County Supervisor, District One)
 - Andy Hsia-Coron (Environmental Representative)



Action Items

- ▶ Adopt August 2, 2021, minutes
 - Minute update: corrected spelling of Valentin Lopez
- ▶ Rename ADHOC Committee to SBCCP Public Advisory Committee



ICF Project Team Leadership

- ▶ David Zippin, PhD, Project Director
- ▶ Aaron Gabbe, PhD, Project Manager
- ▶ Bernadette Clueit, Deputy Project Manager
- ▶ Jennifer Piggott, Lead Facilitator
- ▶ Tiffany Mendoza, Public Outreach Lead



Brief Overview of HCPs and NCCPs

- ▶ Presented by Aaron Gabbe, ICF



Federal Endangered Species Act (ESA)

- ▶ Purpose and policies:
 - Purpose: Conserve ecosystems and species that depend on those ecosystems
 - Policies: Federal agencies should use existing authorities to conserve species and cooperate with state programs



Federal ESA Section 9: Prohibited Acts

- ▶ Prohibition: All persons are prohibited from importing, exporting, *taking*, transporting, or selling fish and wildlife species listed as endangered under federal ESA
- ▶ Take: Action of or attempt to hunt, *harm*, harass, pursue, shoot, wound, capture, kill, trap, or collect a species
- ▶ Harm: Any act which actually kills or injures species, including *significant habitat modification* or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering



An Exception to Federal ESA Section 9

- ▶ Section 10:
 - Primary mechanism to securing an exception is development of a *habitat conservation plan (HCP)*
 - Product is an *incidental take permit (ITP)* that binds the applicant to the terms and conditions of the HCP



California Endangered Species Act

- ▶ Endangered and Threatened Species: Prohibition against commerce and taking of state-listed endangered and threatened species
- ▶ Take: Hunt, pursue, catch, capture, or kill or attempt to hunt, pursue, catch, capture, or kill:
 - Unlike Federal ESA definition it does not include harm, injury or harassment



California State Take Authorization

- ▶ Incidental Take Permits – Section 2081(b):
 - Take incidental to otherwise lawful activities
 - Individual projects
- ▶ Landscape-scale:
 - *Natural Community Conservation Planning Act (NCCP Act)*



Natural Community Conservation Planning Act

- ▶ Natural Community Conservation Plan:
 - Similar in structure to an HCP, but with additional requirements
 - Typically regional (e.g., county-wide)
 - Can be issued for both listed and non-listed species
 - Provides for mitigation and additive conservation
 - Requires “measurements to determine if mitigation and conservation measures are being implemented *roughly proportional* in time and extent to the impact on habitat or covered species”
 - Consequence of not maintaining rough proportionality is permit revocation



Types of HCPs

▶ Project HCPs:

- Single applicant
- Large or small scale, single or multiple species
- Short or long duration

▶ Regional HCPs:

- Multiple applicants, multiple species
- Large scale
- Long duration
- Programmatic

- Low-Effect HCPs



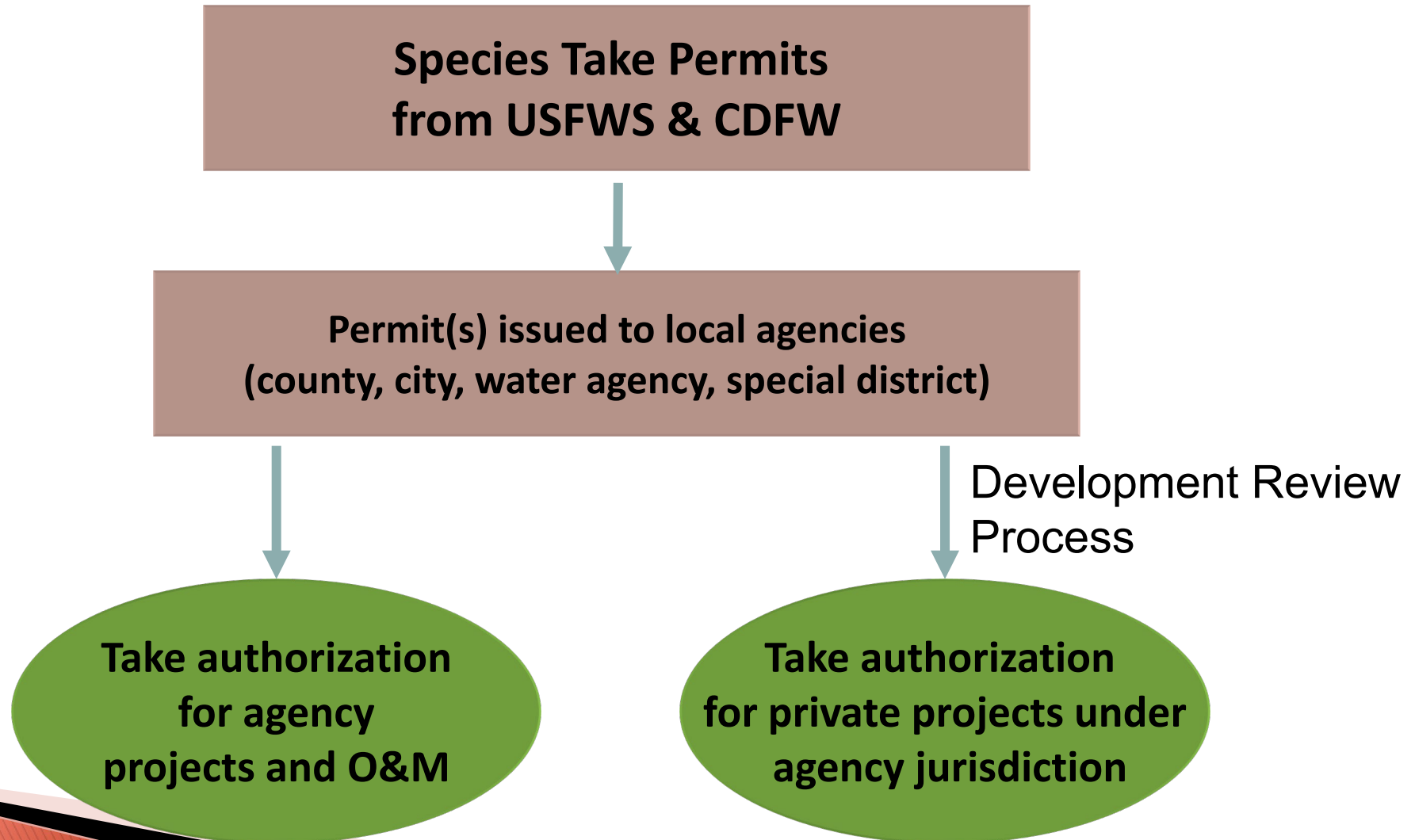
Types of HCPs (Cont.)

▶ Regional HCPs:

- When local jurisdictions receive take authorization, they can extend take coverage to:
 - Departments of their jurisdiction
 - Private applicants under their control
- Increases local control
- Creates large-scale “mitigation program”



Regional HCP/NCCPs: How They Work



HCP and NCCP Assurances: No Surprises Rule

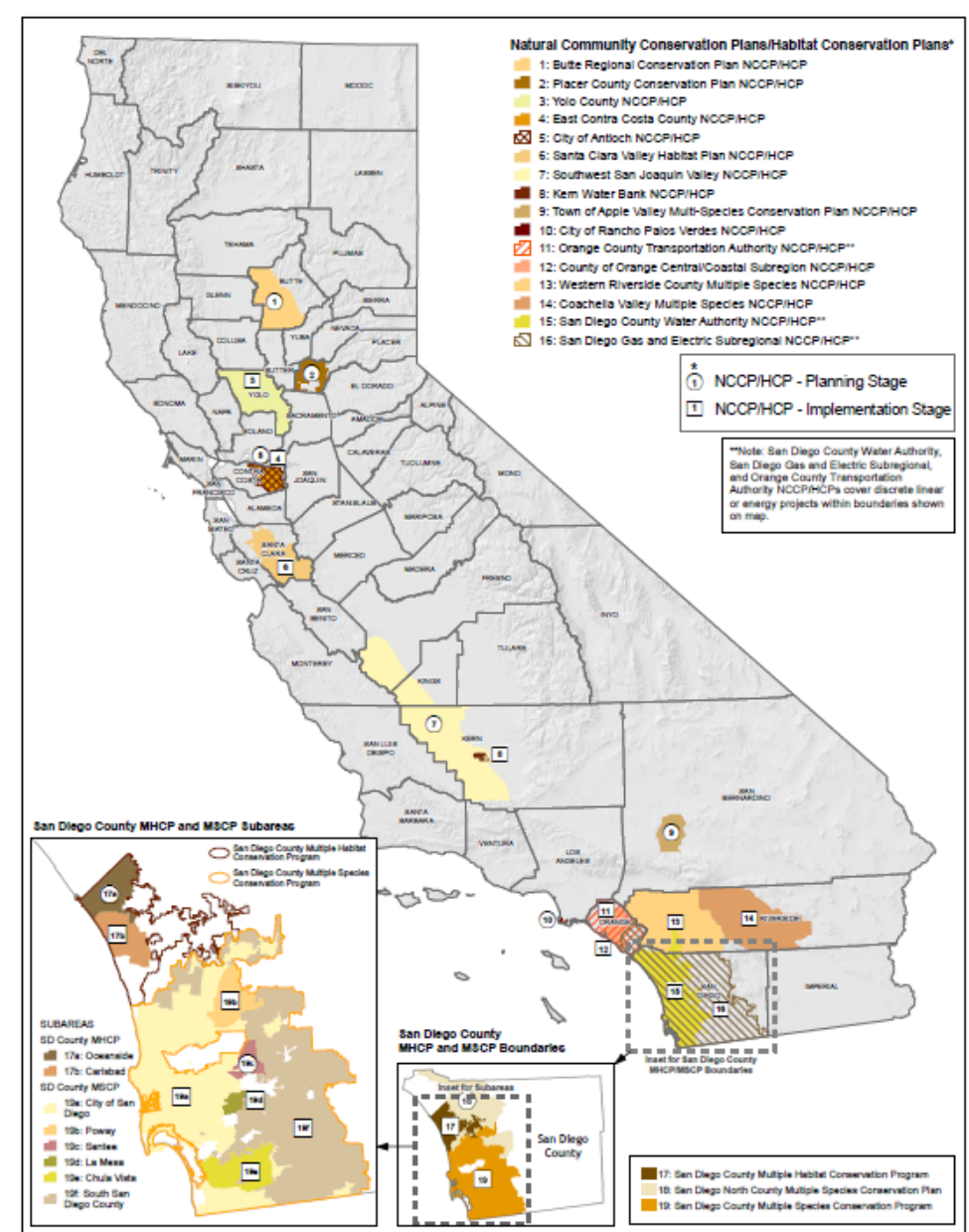
- ▶ Provides assurance to permit holders in the case of changed or unforeseen circumstances
- ▶ Changed Circumstances:
 - Changes affecting species or geographic area covered in a plan *that can be reasonably anticipated* by plan developers and USFWS or NMFS (e.g., new species listings, fire, climate change, or other foreseeable disturbance)
- ▶ Changed Circumstances Provided for in the Plan:
 - Permittee must implement remedial measures for changed circumstances identified in the plan

HCP and NCCP Assurances: No Surprises Rule

(Cont.)

- ▶ Unforeseen Circumstances:
 - Changes affecting species or geographic area covered in a plan that *could not have been reasonably anticipated* by plan developers and USFWS and that result in substantial adverse change in the status of a covered species
- ▶ Permittee not required to implement remedial measures for unforeseen circumstances
- ▶ USFWS may require additional conservation measures *if measures do not involve commitment* of additional land, water, or financial compensation, or additional restriction on land use, water, or other natural resources

California NCCPs



NCCP: Natural Community Conservation Plan (California Fish and Game Code §2800) (<https://www.wildlife.ca.gov/Conservation/Planning/NCCP>)
 HCP: Habitat Conservation Plan (Federal Endangered Species Act Section 10) (<http://www.fws.gov/endangered/what-we-do/hcp-overview.html>)



Conservation plans may be in various stages of review, and subject to change. In some cases, boundaries have not been submitted by participants, and are estimated locations.

Data Sources: California Department of Fish and Wildlife, Kern Water Bank, Orange County, Dudek, Orange County Transportation Authority, Contra Costa County, San Diego Association of Governments, Santa Clara Valley Habitat Agency, Placer County, Kern County, San Diego County Water Authority, Coachella Valley Association of Governments.

Projection: Teale Albers, units in meters, NAD83. D.Mastali 20190402

PAC Membership

- ▶ Diverse group of stakeholders representing larger stakeholder communities:
 - Local Government
 - Environmental
 - Agriculture
 - Recreation
 - Development
 - Tribal
 - Others?



PAC Purpose

- ▶ **Advisory (vs. Decision-making)**
 - Ensure positive outcomes and support from affected stakeholder communities
 - Inform the development of a quality SBCCP that meets San Benito County's biological conservation goals and reflects community interests and concerns
- ▶ **Non-technical**
 - Role is to provide relevant, community and industry information/data, not expert analysis
- ▶ **To review, consider, and comment on SBCCP documents as they are developed**
 - Working in an environment of mutual respect and to be objective, balanced, and constructive



Anticipated Timeline for Phase 1

	2022				2023				2024
<i>Phase 1</i>	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Public and Stakeholder Outreach	*	*	*	*	*	*	*	*	*
Prepare Planning Agreement									
GIS Data Development and Analysis									
Design and Implement Independent Science Advisory Process				*	*				
Strategic Planning and Initial Draft Chapters									
Develop 1 st Administrative Draft HCP/NCCP Chapters									
Develop Incidental Take Permit Material									
CEQA/NEPA Early Planning									

* = Meeting



Anticipated Timeline for Phases 2 and 3

	2024			2025				2026
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Phase 2								
Stakeholder Engagement and Participation			*	*	*	*	*	*
SBCCP Document Preparation								
Prepare 2 nd Administrative Draft SBCCP (all chapters & appendices)								
Prepare Public Review Draft SBCCP					PR			
Prepare Final SBCCP								
Implementing Agreement								
Permit Issuance								
Phase 3								
Complete Administrative Draft CEQA/NEPA Documentation								
Gathering of Existing Data and Documents								
Prepare Drafts of All Local, State, and Federal Notices								
Participate in Scoping Meetings and Public Hearings	*	*						
Prepare Working Draft EIR/EIS								
Prepare Administrative Draft EIR/EIS								
Prepare Public Review Draft EIR/EIS					PR			
Prepare Final CEQA/NEPA Documentation								
Prepare Administrative Draft Final EIR/EIS								
Prepare Pre-Print Final EIR/EIS								
Prepare and Distribute Final EIR/EIS								



PR = Public Review



Thank You

Questions