

Public Advisory Committee

SAN BENITO COUNTY CONSERVATION PLAN

Arielle Goodspeed, County of San Benito
Jennifer Piggott, ICF
February 22, 2023



Using Zoom

- If you need help with the Zoom platform, please raise your hand (call-in users press *9)
- To call in to the meeting:
 - Phone number: 1-877-853-5247
 - Meeting ID: 833 2949 7858
 - Password: 438097
- Please close all Apps and programs and limit other streaming or downloads
- All Planning Team and PAC members are participants and can self mute/unmute and turn video on/off
- All non-PAC and public participants are muted. Please hold your questions until the Public Comment portion towards the end of the meeting.



Meeting Ground Rules

- ACTIVELY PARTICIPATE.** Turn video on and share all relevant information and concerns.
- BEGIN WITH THE END IN MIND.** Focus on objectives and common vision.
- THINK SYNERGY.** Create cooperation, seek win/win solutions.
- SPEAK ONE AT A TIME.** Raise your hand and be professional and respectful of other people.
- ACTIVELY LISTEN.** Be open minded, first seek to understand, then to be understood.
- AVOID REDUNDANCY.** Focus on the discussion to avoid repeating.
- TAKE RESPONSIBILITY.** Meetings are not recorded verbatim, point out when a statement needs to be recorded.
- BE REASONABLE.** Use examples that can be achieved and be mindful of budget and staffing constraints.
- BE SPECIFIC.** Use examples and explain reasons behind your statements or questions.
- THINK BIG PICTURE.** Understand the difference between word-smithing and re-phrasing for clarity.
- STAY FOCUSED.** Leave non-SBCCP related issues outside the meeting.
- STRATEGIC MOMENTS.** Work together to discover strategic moments.



Meeting Objectives

- Review the purpose and goals of the San Benito County Conservation Plan (SBCCP).
- Provide responses to comments received by California Department of Fish and Wildlife (CDFW) on the Draft Planning Agreement.
- Provide answers to questions received on the SBCCP.



Agenda

1. Welcome and Meeting Procedures (Jennifer Piggott, ICF)
2. Introductions of New PAC Members
3. Review of Purpose and Goals of the SBCCP (Arielle Goodspeed, County of San Benito)
 1. PAC Q&A
4. Response to Public Comments on the Draft Planning Agreement (CDFW Staff)
 1. PAC Q&A
5. Review and Respond to Other Questions Received on the SBCCP (SBCCP Planning Team)
 1. PAC Q&A
6. Public comment
7. Next steps
 1. Next PAC Meeting: May 31, 2023 at 3:00 p.m.



Introductions of New PAC Members

- When called on by facilitator, provide 30 second introduction
- Include
 - Name
 - Affiliation
 - Interest in SBCCP and participating in the PAC
- Existing PAC and Planning Team members, please introduce yourself and provide your affiliation when called on for the first time in the meeting.





SBCCP PURPOSE AND GOALS



Purpose of the SBCCP

San Benito County is developing the SBCCP to **protect and preserve** its valuable natural resources, including sensitive species and the habitats that support them, while also supporting the County's agricultural economy and future growth.



Goals of the SBCCP

- Develop and implement a **regional approach to habitat conservation**
- **Collaborative partnerships** with landowners, Tribes, conservation organizations and others to protect and enhance County habitats and working lands
- Provide a **programmatic process** for the mitigation of impacts
- Authorize the use of **Incidental Take Permits** for development and other projects that potentially affect sensitive species and their habitats
- Provide **local control to the County** to implement a streamlined endangered species permitting process for activities to be described in the SBCCP



The SBCCP will:

- Preserve a large portion of San Benito County's natural habitat and agricultural land
- Protect listed species and their habitats with a large, interconnected reserve system
- Ensure compliance with the federal and state Endangered Species Acts
- Reduce regulatory timelines and costs
- Provide standardized mitigation and conservation for proposed projects



The SBCCP **will not**:

- Approve or deny specific projects
- Replace or change the County's permitting or planning process
- Add or reduce development permitting requirements
- Weaken existing protections for listed species
- Eliminate the need for federal and state Endangered Species Act permits





DRAFT PLANNING AGREEMENT COMMENTS



Public Comments – Planning Agreement

San Benito County Natural Community
Conservation Plan and Habitat Conservation
Plan



Public Comment Period

- Open for public comment for 21 days
- November 15, 2022 through December 6, 2022

Summary of Comments Received

- Comments received during the November 30, 2022 Public Advisory Committee Meeting
- Comments sent directly to CDFW's statewide Natural Community Conservation Plan Coordinator, Sara Kern

Comments Received - Questions

- Covered Species List

- “Can we add to the Covered Species list certain critical habitat trees – specifically Valley Oak, Blue Oak and Coast Live Oak?”
 - “The number of oak trees (in particular Valley Oaks) is dropping quickly in San Benito County and we need to protect them. PG&E and Caltrans are required to re-plant any oak trees they cut down with a 50:1 ratio. It seems like these trees should be added.”
- “If, for some reason, critical Oak Tree species can’t be added to the “Covered Species” list, then can we specifically call out the need to protect these resources?”

Comments Received - Questions

- Section 5: Preliminary Conservation Objectives
 - “What is meant by “on a landscape level” in bullet point 1?”
 - “What does it mean when we say, “Identify and designate biologically sensitive habitat areas”? What is the objective here? What is the implication of an area having such a designation? Do different rules apply? I don’t think this is clear. And what are the criteria for such a designation?”

Comments Received - Questions

- Section 6.3: Independent Scientific Input
 - “Who pays for scientific input and analysis? Who performs this work? What is the expected cost?”
- Exhibit B: Natural Communities and List of Species
 - “We call out several “Tree-Dominated” habitats, but I don’t see any of these trees on the Covered Species list or addressed in any way.”

Comments Received - Questions

- Plan Area

- “In the context of defining the permit area, would certain tribal areas be excluded from the permit area?”
- “Were the cities of Hollister and San Juan Bautista engaged and what is the process for getting them to participate?”
- “What lands are defined as being under San Juan Bautista and Hollister control?”
- “Why are certain properties identified as being excluded from the plan (Rocks Ranch, Gonzalez Farm, etc.)?”

Comments Received - Questions

- Plan Area - Continued

- “Would the Permit Area include state and federal lands?”
- “Lands protected by the San Benito Agricultural Land Trust are included in the Plan Area. Will these be included in the Permit Area?”
- “Would lands covered by a conservation easement be automatically excluded?”

Comments Received - Concerns

- Tribal Resources

- Concern regarding confidentiality tied to cultural and sacred sites and how these sites will be identified and related information handled. Want to ensure confidentiality to avoid disturbance to these resources.
- Concerns related to inability of tribes to access areas of the County to identify cultural resources.

Comments Received - Concerns

- Process

- Concerns related to integration of and response to public comments.
- Concerns related to overdevelopment that may be enabled by the Plan and that the Plan will accelerate/streamline development.
- Concerns related to private landowners having a different set of rules than municipalities.
- Concerns that municipalities can opt out of Plan but private landowners can't.

Comments Received - Edits

- Resources

- “One of the most destructive activities to the natural habitat in San Benito County is the over-grazing of the land by cattle. This activity makes it nearly impossible for any new oak trees (or any trees) to regenerate. You can see the land slowly becoming deforested as older trees die each year, and virtually no new trees survive. The County is losing its bio-diversity and becoming grassland. If the purpose of this plan is habitat conservation, I think this needs to be addressed. Can this plan specifically call this out and address it?”

Comments Received - Edits

- Section 3: Planning Goals
 - “Recommend we change the following to say, “Allow for appropriate compatible growth and development that is consistent with applicable laws **and conservation objectives**”
 - “What does it mean by “compensation requirements” in bullet point 5?””



SBCCP QUESTIONS RECEIVED



Q: How will the project team engage with Native American tribes?

Regulatory Consultation:

- Native American tribes must be consulted during the environmental review process for the SBCCP under both federal (NEPA and Sec 106) and state (CEQA) regulations

Non-Regulatory Engagement:

- Native American tribes are important and unique stakeholders who have valuable contributions to make during plan development



Goals of Non-Regulatory Engagement with Tribes

- Early outreach and relationship-building
- Open dialogue within a framework of confidentiality
- Issue identification and solution building
- Data collection
- Integration of tribal concerns, perspectives, and knowledge into the development of the SBCCP where applicable

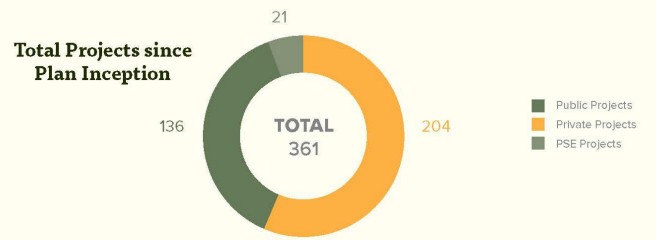


Q: Will the SBCCP increase the rate of development because it streamlines permits?

- The SBCCP does not add or reduce permitting requirements and development must be consistent with County General Plan
- Benefits include development that incorporates conservation on a regional scale
- The SBCCP will have a maximum limit on the impacts allowed under the plan
- The SBCCP will have a “stay ahead provision” that ensures impacts do not exceed conservation
- The Annual Report will track the rate of development and conservation



Figure 3. Covered Projects—Cumulative



Projects by All Reporting Periods

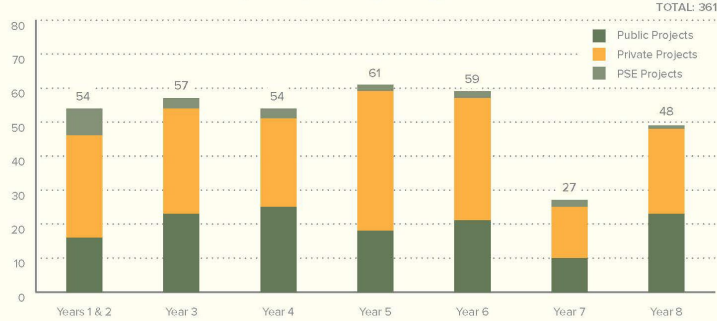
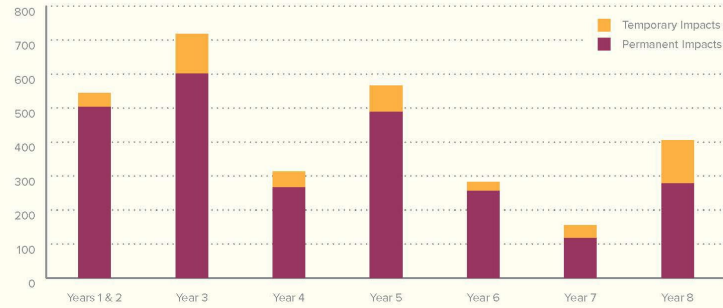


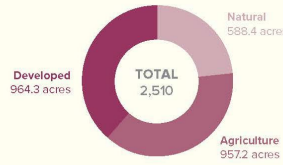
Figure 5. Covered Projects—Cumulative

Acres of Impact by All Reporting Periods



Permanent Impacts

TOTAL ACRES = 2,510 | TOTAL FEET (STREAMS) = 2,962
See breakdown below



Temporary Impacts

TOTAL ACRES = 731 | TOTAL FEET (STREAMS) = 4,600
See breakdown below

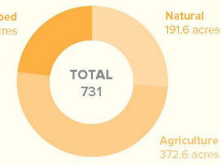
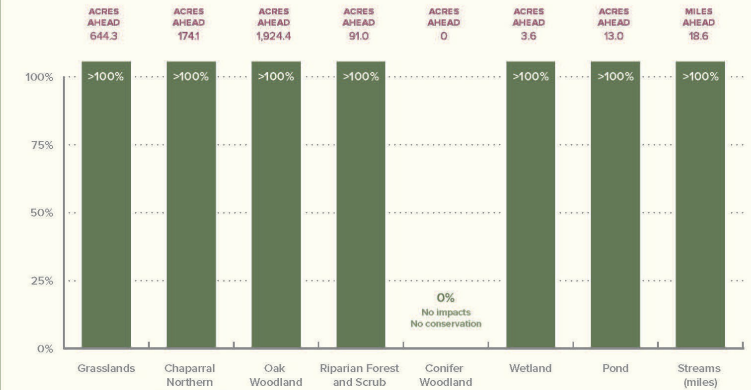


Figure 12. Stay-Ahead Compliance for Natural Communities

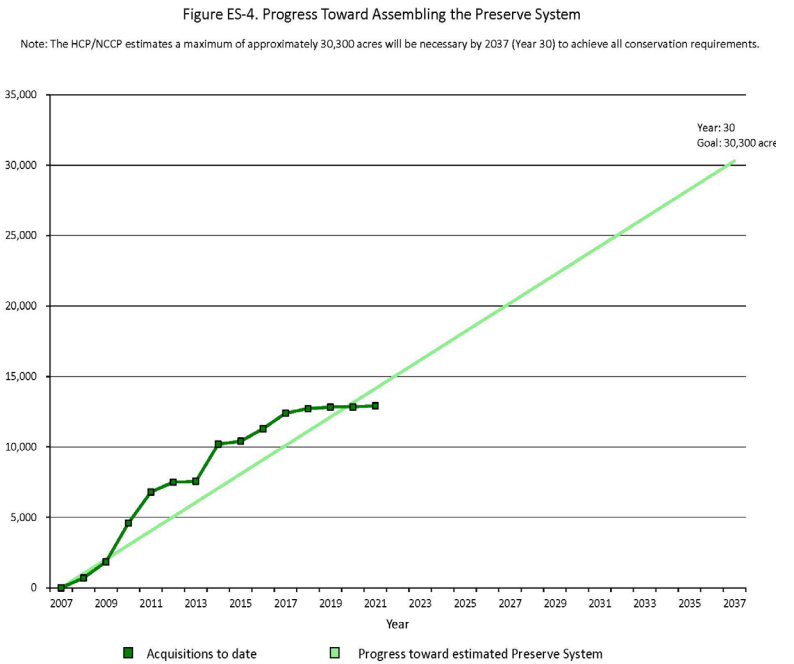
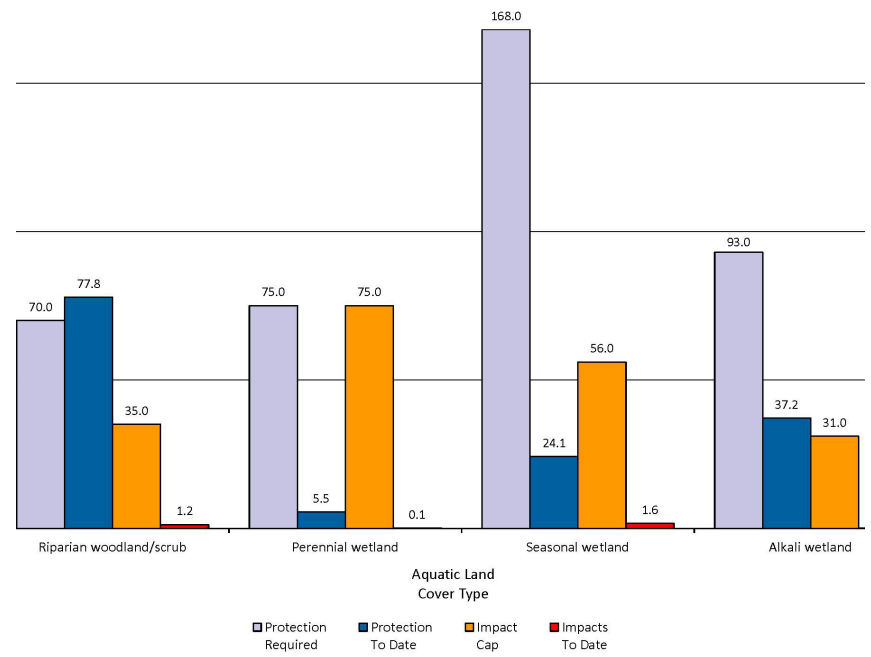
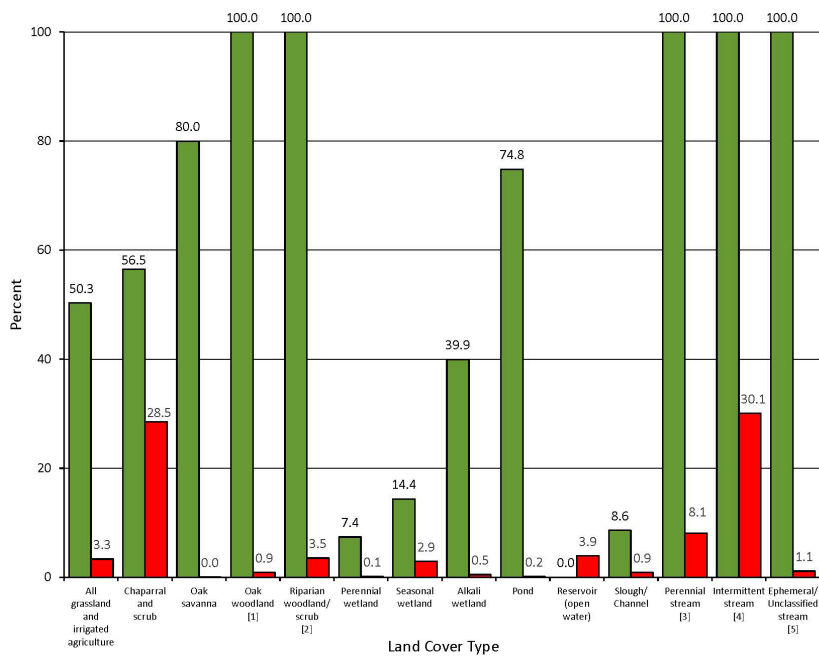


Notes

Stay-Ahead is tracked by natural community rather than land cover type to allow for flexibility in Reserve System assembly. Compliance is tracked as a proportion of conservation achieved/expected compared to impacts incurred/expected.
 Acres Ahead = (Conservation Achieved) – (Conservation Required).
 Conservation Required = (% of Allowable Impacts Accrued) / (Conservation Total).

Examples from Other Plans - SCVHCP





[East Contra Costa County HCP/NCCP Annual Reports](#)

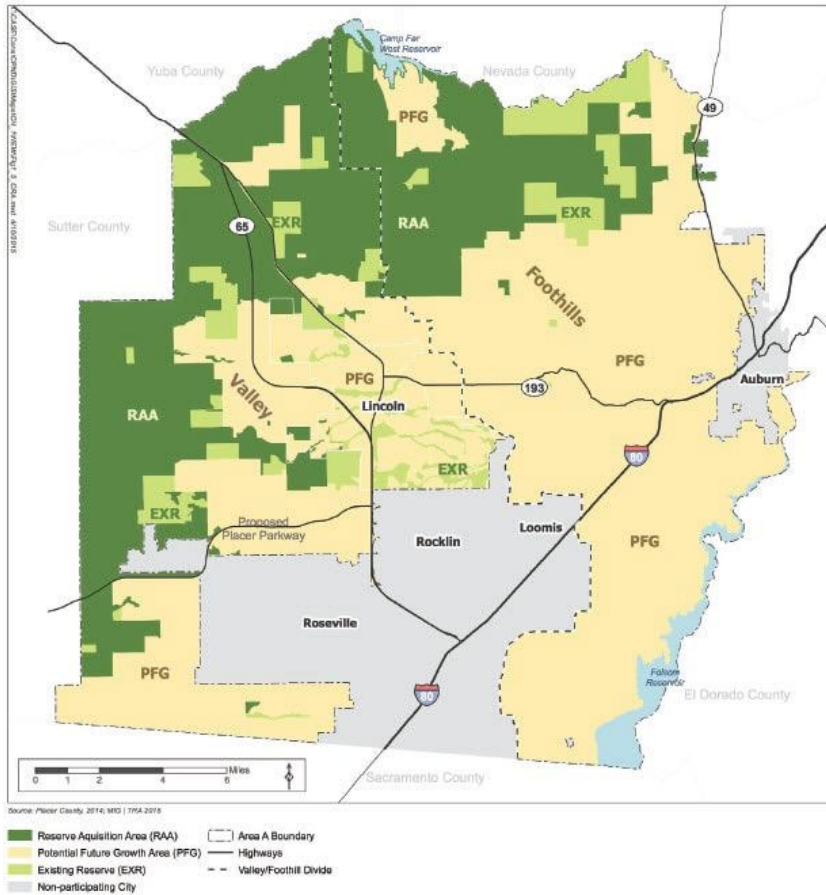
Examples from Other Plans - ECCC



Q: Why are the cities not participating in the plan and how will that affect the plan?

- Development of and participation as a Permittee in an HCP/NCCP is a voluntary action
- Hollister and San Juan Bautista were approached about joining the SBCCP as Co-Permittees
- Outreach will continue to multiple entities as SBCCP covered activities are identified
- Valley Transit Authority has expressed interest in participating in the SBCCP





[Placer County Conservation Program](#)

- Plan area includes western Placer County and specific conservation areas in neighboring Sutter County
- City of Lincoln is a co-permittee with Placer County
- Cities of Auburn, Loomis, Rocklin, and Roseville are not in the plan area
- Other co-permittees include Placer County Water Agency and South Placer Regional Transportation Authority

Examples from Other Plans - PCCP



Q: Can anyone opt out of participating in the SBCCP?

- Choosing to permit a project or activity through an HCP/NCCP is a voluntary action
- Seeking an Incidental Take Permit is a voluntary action
- Opting out of the SBCCP does not mean that incidental take permits are not required
- Unauthorized take of a federal or state listed species is a violation of the ESA and CESA



Q: Why were certain properties excluded from the SBCCP permit area?

- The permit area is preliminary and has not been finalized
- The permit area needs to include all lands where the impacts of the covered activities will occur
- The permit area must be under the control of the permittee (County)
- Federal, state, local, and protected lands for which the County does not have land use authority are currently outside the permit area
- All lands within the County will be evaluated for inclusion as plan development progresses





PUBLIC COMMENT



Public Comment

- Use raise hand feature in Zoom if you are a member of the public (i.e., not a PAC or Planning Team member) and you wish to provide a comment or ask a question.
- If you called in from a phone, type *9 to raise your hand.
- Please limit comments to 3 minutes per person.
- Comments/questions must address agenda items and/or the SBCCP



Next Steps

- 2023 Q2 Public Advisory Meeting on Wednesday May 31, 3:00 pm
- For more information, please contact the SBCCP Project Team at:
 - SBCCP@cosb.us

