



San Benito County Conservation Plan

Public Advisory Committee

Workshop #3

Meeting Notes

Wednesday, November 30, 2022, 3:00 pm PST

SBCCP PAC Committee Members in Attendance: San Benito County Planning Commissioner **Robert Gibson**, Amah Mutsun Tribe Representative **Valentin Lopez**, Business and Landowner Representative **Rachel Reed**, Local Ranch Owner Representative **David Cole**, Small Business Representative **Kristina Chavez Wyatt**, Member of the Public Representatives **Sara Steiner**, **Jeff Micko**, and **Robb Rodriguez**

SBCCP Planning Team Members in Attendance: County Resource Management Agency Principal Planner **Arielle Goodspeed**, ICF SBCCP Project Manager **Bernadette Clueit**, ICF SBCCP Deputy Project Manager **Rose Kronberg**, ICF SBCCP Lead Facilitator **Jennifer Piggott**, ICF SBCCP Public Outreach Lead **Tiffany Mendoza**; U.S. Fish and Wildlife Service (USFWS) Senior Fish and Wildlife Habitat Conservation Plan Coordinator **Rachel Henry**, USFWS Senior Fish and Wildlife Biologist **Mark Ogonowski**, California Department of Fish and Wildlife (CDFW) Central Region Supervisor, Senior Environmental Scientist **Craig Bailey**, CDFW Central Region Senior Environmental Scientist **Renee Robison**, CDFW Central Region Senior Environmental Scientist, Natural Community Conservation Plan Program Coordinator **Sara Kern**

Other Attendees: Stefanie Kramer, Steve Wittry, Steve Loupe, Betty R., Sara Keeler (CDFW), Karminder Brown (San Benito Working Landscapes Group), Ken Griffin, Point Blue Conservation Science, Canyon CoyoteWoman, Jeff Phillips (USFWS), Juan Estrada (Green Foothills), Lynn Overtree (San Benito Ag Land Trust), Mary Hsia-Coron, two individuals on call-in numbers.

1. **Welcome** (Jennifer Piggott, ICF)
2. **Meeting procedures and ground rules** (Jennifer Piggott, ICF)
3. **Introductions**

4. Project status updates

- a. Planning Agreement (Sara Kern, CDFW)
 - Presented overview of the NCCP process and where the planning agreement fits in, and announced that the planning agreement is available for public review.
 - PAC Q&A
 - i. Valentin Lopez and others (David Cole, Sara Steiner) requested a link to the website with the planning agreement.
 - ICF Team will send this out to the PAC members.
 - ii. David Cole expressed concern about the public review process and specifically if the comments or proposed edits will be considered or addressed.
 - CDFW responded that all comments will be reviewed and commenters are welcome to propose edits.
- b. Plan and Permit Areas (Bernadette Clueit, ICF)
 - Presented the plan and permit area boundaries, making clear the distinction between the HCP and NCCP definitions of said boundaries and that these are proposed, preliminary boundaries that will change during the SBCCP development (the permit area in particular).
 - PAC Q&A
 - i. Valentin requested clarification on how confidentiality of sacred sites is handled and how tribes can get access to sacred sites.
 - ICF described that there are rules under CEQA/NEPA and Section 106 for consultation with tribes and how and what information should and can remain confidential. During the Plan development process, the project team will work with tribal partners one on one so that only what is appropriate is shared with others. For the access issue, in general, the County can work with willing landowners to acquire reserve system lands. In that process we can identify priority areas where we take this issue into consideration. This is an important conversation to be had.
 - ii. David C. requested further clarification on if tribal lands would be excluded from the permit area.
 - ICF explained that the permit area is defined as areas where the county has land use authority. So tribal lands/reservations which are under federal land use authority are currently excluded. There is only one small parcel of BIA trust land in the County.
 - Valentin confirmed ICFs statement, and added that cultural sites are still there. The Tribe's priority is to protect them and keep them confidential.
 - David followed up by requesting clarification on whether lands are excluded only because they are federal, not because they are cultural.
 - USFWS confirmed David's statement and added that no areas are excluded because of cultural resources, and further clarified that lands with cultural significance may not be marked on a

- map if a Native American tribe does not wish to make the information public.
- iii. Robert Gibson requested clarification on whether only federal or state lands would be excluded from the permit area.
 - ICF: the driving factor for the permit area is where the covered activities would occur. Right now lands in the California Protected Areas database are not considered to be part of the permit area because they are already protected, although lands in conservation easements or land trusts could have use in the mitigation strategy further down the line. The project team will evaluate all these lands for future inclusion.
 - USFWS clarified that lands that fall within the jurisdiction of Hollister and San Juan Bautista will not fall within the permit area unless the cities decide to participate in the Plan.
 - iv. Robert, Rachel Reed, and David asked for clarification on whether the cities can choose to be a part of the HCP/NCCP and if they have been engaged. And, could the cities expand by annexing land, and would that land then be excluded from the plan as well?
 - ICF confirmed that the cities can choose to participate but have chosen not to do so as of this time. The cities can annex land that was previously in the unincorporated area of the county so long as that is consistent with their General Plans, and that land would no longer be a part of the plan if the cities are not plan participants. One outcome of the HCP/NCCP is to streamline permitting, so that could encourage the cities to participate in the plan.
 - USFWS added that if the cities expand, they will still need to comply with the state and federal regulations and will need permits for any impacts to ESA listed species. In addition, as part of the annexation process, they will need to go through environmental review under CEQA and will need to evaluate the impacts of the annexation to any existing HCP/NCCP as part of the CEQA evaluation. For now, the cities have declined participation.
 - v. David expressed concern that annexing lands would be a loophole to stay out of the permit area, and further concern about overdevelopment, requesting clarification on whether an HCP/NCCP is making it easier to develop by streamlining development.
 - Arielle Goodspeed: Even though the cities do not want to partner with us at this stage, that could change down the road. We hear the concern about streamlining development, but an HCP/NCCP also provides for conservation at a regional scale which allows for greater conservation benefits as opposed to project-by-project mitigation without the Plan.
 - USFWS: Development needs permits either way, whether participating in the Plan or not. USFWS is only responsible for ESA compliance. Development permits are issued by the County and need to be consistent with the County General Plan.

- CDFW: Addressing David’s concern about the cities, we agree that it would be ideal if they choose to participate, but as stated before, participation in the Plan is voluntary.
- vi. David: Is there data that shows if development accelerates after a plan is implemented and can we get that information? Will it spur development because it is easier to get permits?
- USFWS clarified that mitigation requirements for projects will be the same with the Plan. Mitigation and conservation are benefitted by conservation easements, and it opens up opportunities for conservation funding for properties such as ranches in the south county. This process is always done collaboratively with landowners.
 - ICF added that mitigation and conservation are more meaningful through an HCP/NCCP because we can design a reserve system with habitat connectivity across a larger landscape. Individual project-by-project permits do not take this into consideration. ICF also committed to looking into whether there are data available on rates of development after similar plans have been completed.
- vii. David asked if he could opt out of the plan as a private landowner.
- CDFW: Yes, private landowners can opt out, but if the landowner then needs an Incidental Take Permit for a specific project, they would have to negotiate their own individual permit and mitigation. This would be more time consuming than going through an HCP/NCCP. Also, a plan gets a lot of the decision making down to a local level.
- viii. David requested clarification on why specific properties, for example, Rocks Ranch, are on not in the permit area. Further, what qualifies as mitigation, and are properties in conservation easements not allowed to do any development?
- ICF: The reason for not considering some private lands as part of the permit area right now are because they are listed in the California Protected Areas Database and are owned in fee and protected for parks and open space already. Similarly, lands already in a conservation easement that restricts development are areas where it is unlikely that there will be development and impacts from covered activities. This could mean for example being part of a mitigation bank. Those areas are already protected but will be considered for inclusion in the conservation strategy as plan development progresses.
 - USFWS added that mitigation banks are protected under conservation easements. Development is not allowed in these areas, so we would not cover them. We do not currently have all the specifics of these particular conservation easements, but if they allowed development of any type that might impact a listed species, they would need an Incidental Take Permit to do so.

- CDFW added that if the conservation easement would allow a lot of development that land may be included in the permit area in the future.
- c. WayPoint data demonstration (Emma Brenneman, ICF)
 - Presented overview of the purpose of this tool and how to use it.
 - i. Jeff Micko requested clarification as to whether the maps show all the protected areas in the county.
 - ICF responded that the maps show publicly available information and protected areas are based on the California Protected Areas Database.
 - ii. David expressed concern that the Pinnacles National Park boundary does not look correct.
 - ICF responded that all comments and concerns about the WayPoint map are welcome and can be sent to Bernadette (Bernadette.Clueit@icf.com).
- d. Next steps for SBCCP Development (Arielle Goodspeed, County of San Benito)
 - Described that land cover mapping and development of the covered activities list are the next steps. As well as more functionality on the SBCCP website.
 - PAC Q&A
 - i. No comments.

5. Public comments

- a. Kristina Wyatt: notified group that she was in attendance as a member of the PAC.
- b. Renee R: Please provide comments on the Draft Planning Agreement through the public review process described earlier in the meeting. CDFW is looking forward to receiving input.
- c. Mark O. provided a process suggestion for the project team to provide information on the general ideas and issues discussed at the next PAC meeting or in materials between now and then.
 - Craig B: appreciated the conversation. We discussed today a proposed permit area and things will change. In the future we could talk about how development works under an HCP/NCCP, and how endowments are set up.
 - Jennifer/Arielle: thank you to all for the questions and great discussion tonight.
 - Mark: Just want to add, we have covered a lot of foundational ideas, and only started answering these questions. Please send further questions our way. Address questions to Bernadette and she will ensure they are brought back for discussion.
 - Jennifer: Our goal is for everyone to gain understanding and move forward between meetings.

6. Next steps

- a. Next PAC Meeting, February 22, 2023, 3:00 PM
- b. Please look at the Draft Planning Agreement and send your comments to Sara Kern at CDFW on or before December 6th.

7. Action Items:

- a. ICF Team will send out a link to the website with the Draft Planning Agreement to the PAC members.