



EAST CONTRA  
COSTA COUNTY  
HABITAT  
CONSERVANCY

City of Brentwood

City of Clayton

City of Oakley

City of Pittsburg

Contra Costa County

# Public Advisory Committee

Thursday, November 12, 2020 at 1:00 p.m.

To slow the spread of COVID-19, the County Health Officer's Shelter Order prevents public gatherings. In lieu of a public gathering, the Public Advisory Committee meeting will be accessible via tele-conference to all members of the public.

The Public Advisory Committee meeting may be accessed either online or by telephone:

<https://cccouny-us.zoom.us/j/96699696889>

Meeting ID: 966 9969 6889

OR

888-278-0254 followed by access code 198675##

Persons who wish to address the Public Advisory Body during public comment or with respect to an item that is on the agenda may do so either online or by telephone. If accessing the meeting online, request to speak by clicking the "raise hand" function. If accessing the meeting by telephone, request to speak by dialing #2.

## Agenda

### 1) **Introductions**

Attendees are invited (but not required) to introduce themselves. This is also an opportunity for committee members (and meeting participants) to provide updates on their organization's activities.

### 2) **Public comment on items not on the agenda**

Public comments will also be accepted on each agenda item during discussion of that item. (3 minutes each)

### 3) **Consider approving the Meeting Record from the East Contra Costa County Habitat Conservancy ("Conservancy") Public Advisory Committee ("PAC") meeting on August 13, 2020\***

The Draft Meeting Record is attached for review.

### 4) **General Update on recent actions of the Governing Board**

The complete Board agenda and packet from December and past meetings are posted on the Conservancy's website at: <http://www.co.contra-costa.ca.us/depart/cd/water/HCP/Meetings/GB.html>

Topics include:

- Conservancy operational updates during the Shelter in Place
- Recently permitted Participating Special Entity projects
- Other activities

### 5) **Looking ahead to 2021\***

PAC members will review and discuss the draft 2020-21 Work Plan and make recommendations. See attached DRAFT 2020-21 Conservancy Work Plan.

### 6) **Conduct annual review of the composition of the PAC\***

Consider recommendations to the Board on this matter.

**7) Set the Calendar of 2020 PAC meetings**

The PAC meets the 2<sup>nd</sup> Thursday of the month, quarterly on the schedule provided here: February 11, May 13, August 12, and November 11 from 1 p.m. - 3 p.m, location TBD. The May meeting is usually a field trip, though the field trip is tentative given current COVID-19 guidance.

**2:30 Adjourn.**

**\*Indicates there are attachments provided for the item.**

If you have questions about this agenda or desire additional meeting materials, you may contact Maureen Parkes of the Contra Costa County Department of Conservation and Development at 925-674-7831. The Conservancy will provide reasonable accommodation for persons with disabilities planning to participate in this meeting who contact staff at least 72 hours before the meeting.

# Public Advisory Committee

## **\*Draft Meeting Record\***

Thursday, August 13, 2020 at 1:00 p.m.

### 1) Introductions

#### *Committee Attendees:*

Private Permit Seekers	Conservation Advocates	Landowners/ Agriculturalists	Suburban/Rural Residents
<b>East Bay Leadership Council:</b> Laura Case	<b>California Native Plant Society:</b> Leslie Hunt	<b>Margaret Kruse:</b> Present	<b>Arnica MacCarthy:</b> Present
<b>Discovery Builders Inc.:</b> Absent	<b>Friends of Marsh Creek Watershed:</b> Absent	<b>California Farmland Trust:</b> Charlotte Mitchell	<b>Sharon Osteen:</b> Present
<b>Building Industry Association – Bay Area:</b> Lisa Vorderbrueggen	<b>Save Mount Diablo:</b> Juan Pablo Galvan	<b>Contra Costa County Farm Bureau:</b> Absent	<b>Mary Helen Nicolini:</b> Present

#### *Others in attendance:*

Abigail Fateman, Conservancy Staff  
Joanne Chiu, Conservancy Staff  
Allison Cloney, Conservancy Staff  
Maureen Parkes, Conservancy Staff  
Andrea Boertien, California Department of Fish and Wildlife  
Marcia Grefsrud, California Department of Fish and Wildlife  
Shawn Smallwood

2) **Public comment on items not on the agenda.** *Ms. Fateman invited comments/updates from attendees. There were no comments or updates.*

3) **Consider approving the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Public Advisory Committee (“PAC”) meeting on May 14, 2020.\*** *The Draft Meeting Record is attached for review. The Meeting Record was approved.*

4) **General Update on recent actions of the Governing Board.**

The complete Board agenda and packet from December and past meetings are posted on the Conservancy’s website at: <http://www.co.contra-costa.ca.us/depart/cd/water/HCP/Meetings/GB.html>

Topics include:

- Conservancy operational updates during the Shelter in Place
- Recently permitted Participating Special Entity Projects
- Acquisition update

*Ms. Fateman talked about the Conservancy operational updates during the Shelter in Place, highlighted recently permitted Participating Special Entity projects, noted that the Conservancy is looking at acquisitions and restoration projects and Preserve monitoring is continuing as normal. Ms. Chiu provided an update on the acquisition of the Bloching Property, a three-acre inholding parcel, which closed escrow on July 31, 2020.*

- 5) **Presentation: Dog Detections of Bat and Bird Fatalities at Wind Farms in the Altamont Pass Wind Resource Area, Shawn Smallwood.** This is a study that was funded in part through a grant from the Conservancy. *Shawn Smallwood presented on dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area and answered questions from the meeting attendees. Ms. Fateman will provide a link to Mr. Smallwood's studies to all who are interested.*
  
- 6) **Annual Report\*:** Short update presentation highlighting the Conservancy's 2019 activities. The complete 2019 Annual Report is available on the Conservancy's website at [www.cocohcp.org](http://www.cocohcp.org). PAC to provide feedback on the draft Year in Review document *Abby Fateman provided an update on the annual report and the draft Year in Review document. Ms. Fateman asked PAC members to provide feedback on the draft Year in Review document prior to the next ECCCHC Governing Board meeting.*

**2:30 Adjourn.**

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
<b>Program Administration (General)</b>		
1	<p>Increase public awareness of the Plan and provide opportunities for involvement in the implementation of the Plan by the public, interested agencies, and others.</p> <p>Public Advisory Committee (PAC) meetings were held quarterly via teleconference and video conference to comply with the County Health Officer's Shelter in Place Order. Conservancy staff conducted individual outreach to increase committee member meeting attendance.</p> <p>The Conservancy continued to publicize activities via its website and email lists.</p> <p>Created the 2019 "Year in Review" document to accompany the 2019 Annual Report, which provides a graphical, easy-to-digest summary of Plan status and accomplishments related to project permitting, wetland coordination, land acquisition, habitat restoration and creation, funding, and partners. The document was made available electronically on the Conservancy's website and noticed by email.</p> <p>The Conservancy participated in two public meeting hosted by the Knightsen Town Advisory Council, providing information, and receiving comments on the proposed Knightsen Restoration Project on the Nunn property. The Conservancy secured funding for additional outreach efforts to the community on the restoration project. The Conservancy maintained a web page specifically for the Knightsen Restoration Project, with the purpose of informing the community and public on the project and providing updates.</p> <p>The PAC reviewed and provided comprehensive feedback on the Neighboring Landowner Assurances letter and an implementation policy related to renewable energy facilities outside the UDA. Staff is considering comments on both documents and will bring the Governing Board for final approval in early 2021.</p>	<p>PAC meetings will continue to be held quarterly with a field trip/site visit in the spring, as COVID restrictions permit. Conservancy staff will continue to monitor PAC attendance and increase communication to enhance committee engagement.</p> <p>The Conservancy will continue using the website to communicate with the public and will update the website based on new requirements for public agencies. The Conservancy will pursue greater media coverage of Plan activities to improve awareness by the public at-large.</p> <p>A "Year in Review" document will be prepared for 2020 to accompany the 2020 annual report.</p> <p>Conservancy staff will continue to organize resource identification field trips for land managers. Staff will coordinate with Save Mount Diablo and East Bay Regional Park District (EBRPD), and the California Native Plant Society (CNPS) on opportunities for docent led hikes on Preserve System properties. (Note this effort is contingent on COVID -19 safety restrictions.)</p> <p>Conservancy staff and the PAC will update the Conservancy Science and Research Grant Program and prepare for it to be released in 2021, after which the PAC will review new applications for the program, and award grant funding according to the revised RFP, and review project progress on a biennial basis. COVID restrictions may affect access to Preserve System properties and may impact the timing of the grant program.</p> <p>Staff will coordinate with partner agencies to develop press releases as opportunities present themselves.</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>		<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
			Staff will continue to coordinate and collaborate with Save Mount Diablo, EBRPD, and CNPS on property hikes, events, and volunteer opportunities, as COVID restrictions permit.
2	Develop a Conservancy Volunteer Program and Implement Volunteer Activities.	Conservancy staff collaborated with Save Mount Diablo staff and volunteers to manage and monitor the Ang Riparian Restoration Project.	Staff will continue to coordinate with Save Mount Diablo and other volunteer groups and organizations to implement plant material collection and plant maintenance on restoration sites.
3	Develop and maintain annual budgets and work plans. Prepare and submit an annual report to CDFW and USFWS.	Conservancy staff prepared the 2021 annual budget and the 2021 Work Plan for Board discussion in December 2020.  Conservancy prepared the 2019 Annual Report and finalized that report in the summer of 2020.	Conservancy staff will prepare the 2022 annual budget and 2022 Work Plan for Board discussion in December 2021.  The Conservancy will prepare and publish the 2020 Annual Report.
4	Calculate the amounts of automatic annual fee adjustments and distribute these calculations to Permittees by March 15 of each year, in accordance with Chapter 9 of the HCP/NCCP.	The calculations for the 2020 automatic annual fee adjustments were performed and applied to the Conservancy's fee schedule and the cities/County fee schedule (the HCP/NCCP permittees are on two different fee schedules due to the Conservancy having approved the 2011 Periodic Fee Audit in July 2011 but action by cities and the County on fees is pending).	Conservancy staff will perform the calculations for the 2021 automatic annual fee adjustments.  Adopt the Year-Ten fee audit. Urban Economics conducted the Year-Ten Fee Audit and Nexus Study in 2017, which includes an analysis on funding for post-permit term costs.
5	Pursue State, Federal, foundation and other grants to assist in funding preserve acquisition and other implementation tasks.	Conservancy staff continued to research grant funding opportunities throughout 2020. Conservancy staff submitted a pre-proposal for federal land acquisition funding from the FY20 grant program of the Cooperative Endangered Species Conservation Fund (Section 6). Staff submitted a one-year extension request for the awarded FY17 federal grant, currently set to expire August 31, 2021. Conservancy staff also submitted funding applications to the CDFW Local Assistance Grant (LAG) Program for continued management and restoration activities on the Upper Hess Creek and Campos properties.	Conservancy staff will continue to research and apply for grant funding, which may continue to make up a significant portion of the funding for implementation of the HCP/NCCP in 2021. Staff intends to apply for additional land acquisition grant funding from the Cooperative Endangered Species Conservation Fund.  Staff will continue to track new State funding opportunities through resource bonds and other local funding sources.

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

Conservancy Work Plan: 2020 Summary and 2021 Work Plan		
Task	Actions Taken in 2020	Actions Proposed for 2021
	Grants made up a significant portion of the funding for implementation of the HCP/NCCP in 2020. \$105,000 in state Proposition 84 funded one Preserve System acquisition project in 2020.	
6	<p>Administer grants already awarded.</p> <p>At the end of 2020, approximately \$XX million in grant funds remained from awarded grants to the Conservancy.</p> <p>The Conservancy has \$2 million remaining in out federal grant from the Cooperative Endangered Species Conservation Fund for land acquisition, which will expire in 2021. A one-year extension has been requested.</p> <p>The Conservancy expended approximately \$200,000 of a CDFW LAG award through the Wildlife Conservation Board for planning work at the Roddy Ranch Golf Course, and approximately \$300,000 of a Delta Conservancy Prop 1 grant for planning work at the Knightsen Wetland Restoration project.</p>	Conservancy staff will continue to utilize existing awarded grants in the most efficient manner in 2021.
7	<p>Coordinate with other regional HCPs and pursue a legislative program that will aid the Conservancy's implementation of the Plan.</p> <p>The Conservancy continues to participate in the coalition of northern California HCP and NCCPs (Northern California Conservation Planning Partners).</p> <p>The Conservancy also continued active participation with the California Habitat Conservation Plan Coalition (CHCPC), which coordinates efforts across the state to improve funding opportunities for HCP/NCCPs, promotes coordination of wetlands permitting with HCPs, and shares lessons learned among HCPs. The Conservancy's Executive Director serves on the Steering Committee of the CHCPC.</p> <p>At the national level, the Conservancy continued to take a leadership role in the National HCP Coalition (NHCP) with the Executive Director serving on the Board of Directors and as the Program Chair for the national meeting. The National Habitat Conservation Plan Coalition's sixth Annual Meeting was modified from its original format (3 days, hosted in Austin,</p>	<p>Continue to participate in the CHCPC to pursue common policy objectives and to learn from the experiences of other HCPs.</p> <p>Attend the NCCPP conference, NHCP conference, and CHCPC meetings in 2021. Participate as a member of the Board of the NHCP. Chair the program committee to coordinate the NHCP's seventh Annual Meeting to be held in Austin, Texas.</p> <p>Implement the 2021 Legislative Platform, including an emphasis on Section 6 funding levels in Congress, accessing Proposition 84 and Proposition 68 funds through the Wildlife Conservation Board, and coordinating species and wetlands permitting. Work with other HCPs to explore challenges associated with creating effective endowments to fund long term management, including potential obstacles to reasonable rates of investment return.</p> <p>Continue to assist Antioch with development of the Antioch HCP/NCCP which could be coordinated with the ECC</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

	<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
		<p>Texas) to an online event (two 4-hr days). Over 400 participants registered for the event.</p> <p>Through these coalitions, the Conservancy implemented the 2020 Legislative Platform. The Executive Director attended the annual CHCPC/NHCPC legislative trip to Washington DC in February and intensively collaborated with CHCPC on efforts to restore funding for the Section 6 program, working with Congressman McNerney who lead efforts in the House of Representatives.</p> <p>Continued to work with the City of Antioch to engage in an HCP/NCCP planning process. The City and its consulting team completed an admin draft of the HCP/NCCP.</p>	<p>HCP/NCCP, leading to more consistent permitting in the region and perhaps cost efficiencies.</p> <p>Explore new state funding available through Cap and Trade revenues and Resource Bonds. Coordinate with other NCCPs to direct funding to Plan implementation.</p>
8	Provide accounting services for the Conservancy.	Continued to manage Conservancy finances. An audit was conducted on the 2019 Financial Statements. The auditor's written statements were presented to the Governing Board and filed with appropriate agencies.	Finances will continue to be managed consistent with the approved Budget for 2021. The 2022 Budget will be prepared at the end of the year. Day-to-day management of debits and deposits will continue. The Conservancy will conduct an audit of the 2020 Financial Statements. The auditor's written statements will be presented to the Board.

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
9	<p>Pursue regional permits and permitting programs for jurisdictional wetlands and waters with the appropriate state and federal agencies to help ensure coordination between implementation of the HCP/NCCP and the implementation of state and federal wetlands regulations.</p> <p>The Sacramento District of the U.S. Army Corps of Engineers (USACE) issued a Regional General Permit (RGP) linked to the HCP/NCCP in May 2012. A total of 25 public and private projects have been permitted under the RGP since it was approved. The USACE also approved a short-term mechanism which relies on the Conservancy's existing restoration projects to enable payment of HCP fees by applicants to satisfy USACE regulatory requirements. This interim procedure will continue as approved for use until the adoption of an In-Lieu Fee Instrument by the USACE and Conservancy to formalize the Fee program and procedures.</p> <p>The Conservancy was invited to work with the Water Boards in drafting a programmatic certification of the RGP that would address the state wetland regulatory process and that work is in progress. The State Water Board has also expressed interest in participating in development of the In-Lieu Fee Instrument (ILF). Initial ILF documents have been drafted and a framework was submitted to the USACE in 2019. In late 2020 the USACE has indicated a willingness re-start the process to develop an ILF program in advance of having to renew RGP 1.</p>	<p>Pursue completing regional permitting instruments including 401 Water Quality Certification of the RGP (or other equivalent regional permitting device) from the Water Board as well as the development and execution of an ILF to link the Conservancy's mitigation and conservation activities to implementation of the various new permits.</p>
<b>Program Administration (HCP/NCCP Permitting Program)</b>		
10	<p>Develop and update the template Planning Survey Report (PSR) Application.</p> <p>Additional review and revision is on-going based on experiences with projects that have used the PSR application template as well as modifications based on new policies and requirements.</p>	<p>Continue to use and update the new template, as necessary. Continue to receive feedback from permit seekers.</p>
11	<p>Provide training to local jurisdictional staff on HCP/NCCP applications. Assist local jurisdictions to ensure that project proponents comply with</p> <p>Staff continued to coordinate with local jurisdictions to discuss updates and HCP/NCCP application processing and continued to provide assistance and permitting support in 2020.</p> <p>Staff held regular virtual meetings with the Contra Costa County Public Works Department, Environmental Unit Staff, to</p>	<p>Coordination, training, and outreach efforts will continue in 2021.</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

Conservancy Work Plan: 2020 Summary and 2021 Work Plan			
Task	Actions Taken in 2020	Actions Proposed for 2021	
	the provisions of the Plan, including performance of required avoidance, minimization and mitigation measures.	assist with facilitation of HCP/NCCP applicability to the County's many road and flood control projects.	
12	<p>Implement Permitting Program: Process applications for coverage under the HCP/NCCP, tracking performance of required avoidance, minimization and mitigation measures.</p>	<p>The Conservancy reviewed and approved <b>six</b> applications by Participating Special Entities (PSEs) for take coverage under the HCP/NCCP and oversaw implementation of agreements.</p> <p>The Conservancy assisted local jurisdictions with their take coverage activities by providing technical input and by reviewing over 45 PSR applications.</p> <p>The Conservancy reviewed and approved construction monitoring reports submitted by covered activities and worked with numerous project proponents on their avoidance and minimization procedures in cases where species were present.</p>	Efforts are on-going and will continue throughout Plan implementation.
13	<p>Prepare report documenting the expected benefits of the HCP/NCCP to non-covered special-status species to provide streamlining for future CEQA documents.</p>	<p>This task was completed in 2015. The report titled "Assessment of Plan Effects on CEQA Species" was reviewed by the Board and the Public Advisory Committee. The Board approved the document in April 2015. The report is available on the Conservancy's website.</p> <p>In 2020, an Appendix B was prepared that addresses an additional 3 plants, 2 invertebrates, 2 fish, and 1 mammal to the 2015 analysis. The final report and appendix can be referenced in future CEQA documents for individual covered projects and may enable these analyses to be completed more efficiently and effectively.</p>	None
14	Expand GIS database to track land acquisitions and Permitting Program database to track projects, impacts, and take coverage.	Staff maintained the GIS database, covered projects tracking database, and the land acquisitions database throughout 2020.	Staff will continue to maintain and improve the GIS and covered project tracking databases. Efforts are on-going and will continue in 2021.

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
<b>Preserve Acquisition and Management</b>		
15	<p>Continue to acquire land to assemble Preserve System and meet Stay Ahead requirements as described in Section 8.6.1</p> <p>The Conservancy and EBRPD added one property to the Preserve System. The Conservancy and EBRPD acquired the 3-acre Bloching property on July 31, 2020. The property is located along Morgan Territory road and is adjacent to the Moss Rock and Schwartz Preserve System properties.</p> <p style="background-color: yellow;">As part of a land in-lieu of fee agreement with a developer, the Conservancy and EBRD acquired the Nortonville Strip property for the Preserve System, located along Kirker Pass Road.</p> <p>The Conservancy continued to coordinate with California Department of Parks and Recreation for the transfer of the Viera North Peak property.</p>	<p>Conservancy staff will continue to work with acquisition partners. EBRPD has been the primary partner and detailed coordination and cost-sharing will continue. The Conservancy will continue to coordinate with other potential partners such as Save Mount Diablo, State Parks, Contra Costa Water District, Agricultural-Natural Resource Land Trust, California Farm Land Trust, cities such as Oakley and Brentwood with potential preserves in their boundaries and private mitigation banks to learn of their current acquisition efforts and explore opportunities for partnering.</p> <p>The Conservancy will continue following general approach to land acquisition used in previous years: (a) seek partners such as EBRPD willing to be responsible for assisting with the fund-raising and willing to be the land owner and land manager or easement holder (or to find another entity to serve that role) so that the Conservancy can avoid actually owning and managing land or easements in perpetuity, (b) maintain an "Open Door Policy" and be willing to consider proposals from a range of partners, (c) once a prospective partner has found a willing landowner and established a price, the Conservancy should evaluate the cost effectiveness of the acquisition in achieving HCP/NCCP goals, develop a proposed acquisition cost-share and strategy for ensuring management and monitoring, evaluate the pros and cons of the overall package and consider approving or disapproving Conservancy participation in the acquisition.</p>
16	<p>Develop a mutually agreeable programmatic strategy with EBRPD to collaborate on land acquisition and</p> <p>EBRPD is implementing its Master Plan and is buying land in the inventory area for park and open space purposes. Voters approved EBRPD's Measure WW in 2008, providing significant new capital to support this work. Continuing to partner with EBRPD will help to ensure that the land acquisition and management goals of EBRPD's land program and the similar goals of the HCP/NCCP are implemented in a coordinated manner (this goal is set forth in Section 13.6 of the Implementing Agreement). Conservancy staff and EBRPD staff have been discussing partnership opportunities and believe, for the time-being, that partnership opportunities should be addressed case by case because the details are numerous and specific to the parcel in</p>	

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>		<i>Actions Taken in 2020</i>		<i>Actions Proposed for 2021</i>	
	management in the HCP area.	question. Coordination has been excellent so far and numerous agreements have been completed to address specific acquisition and restoration projects.			
17	Conduct pre-acquisition assessments and post-acquisition detailed biological assessments of potential acquisitions to determine their biological value for the HCP.	Conservancy staff and consultants developed protocols and practices for a phased and more streamlined approach to this task that defers the most expensive field work until after property is purchased. In 2020, post-acquisition assessments of Preserve System lands included detailed, thorough surveys for wetlands and covered plants.		In 2021, the pre- and post-acquisition assessments and resource inventories will continue. These surveys are essential to ensure HCP/NCCP requirements are met.	
18	Create template Conservation Easement Deeds and Deed Restrictions and other protective covenants to speed-up addition of land to the Preserve System and to protect the interests of the Conservancy in land it acquires.	<p>The restrictive covenant template was approved in 2015 and has been recorded on all Preserve System acquisitions. A conservation easement template was approved by USFWS and CDFW to be used on properties not owned by EBRPD.</p> <p>Neighboring landowner assurances letters were sent to owners of properties within 1-mile of new Preserve System lands.</p> <p>Staff has worked with the PAC and partners to revise and update the neighboring landowner assurances letter template.</p>		<p>Recording of the required restrictive covenants on Preserve System lands held in fee by EBRPD will continue in 2020 as preserve system acquisitions continue.</p> <p>Staff anticipates recording the first conservation easement of the Preserve System on an upcoming property.</p> <p>Neighboring landowner assurances letters will continue be sent to owners of properties within 1-mile of new Preserve System lands.</p>	
19	Develop and begin to implement a strategy for funding the long-term management of the Preserve System before 50% of the authorized take under the maximum urban development area is used or before the end of year 15 of implementation, whichever comes first. Provide progress reports on this matter in the Annual Report.	<p>At the October Governing Board meeting, the Conservancy Board authorized staff to enter into an Endowment Agreement with Regional Parks Foundation.</p> <p>Initial deposits into the endowment account came from two funding sources – the California Wildlife Foundation and the EBRPD. The California Wildlife Foundation transferred \$1,997,000 into the endowment account in October. The Conservancy Board approved a Lease Revenue Allocation Agreement with East Bay Regional Park District, and as part of that agreement, EBRPD transferred lease revenue to the Conservancy to be deposited in the Endowment Account. Deposits from these sources amounted to \$3,100,556.</p>		<p>Deposits into the endowment account will continue in 2021. Additional work includes development of management plans which help in improving estimates in the HCP/NCCP of long-term management costs.</p> <p>The Conservancy will continue to work with EBRPD on a strategy for the reporting and use of lease revenues on Preserve System lands.</p>	

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>		<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
20	Develop management plans for the Preserve System and individual preserves.	<p>After the PAC reviewed the Vasco Hills/Byron Vernal Pools Preserve Management Plan (PMP) and referred it to the Conservancy Board for consideration and approval in 2018, the Governing Board approved the PMP on December 3, 2018. Subsequently, in 2019, EBRPD requested revisions to the recreation plan, a section of the PMP. The Conservancy has been working with EBRPD and the wildlife agencies throughout 2020 to finalize that section of the PMP.</p> <p>The Conservancy began work with EBRPD on developing a second management plan that would include the Preserve System properties in the Black Diamond Mines area.</p>	<p>Finalize the Vasco Hills/Byron Vernal Pools PMP in 2021.</p> <p>Drafting additional preserve management plans covering other portions of the Preserve System will continue in 2021.</p>
21	Implement management plans for the Preserve System and individual preserves.	<p>With preserve management planning in progress and numerous recently-acquired properties to assess, preserve management activities generally continued past practices. EBRPD institutes new grazing leases as lands are acquired. EBRPD and the Conservancy coordinated on an as-needed basis with efforts such as milk thistle eradication, rare plant propagation, fuel management, potential riparian exclosures, livestock watering systems, needed culvert replacements, and failing spring boxes. EBRPD conducted day to day management of the Preserve System, including ranger patrols, fire and law enforcement supervision, supervision of grazing tenants, maintaining and replacing fences and gates and addressing hazards to people and wildlife in the new preserves.</p>	<p>Interim management procedures will continue and expand as management plans are completed. With significant blocks of Preserve System lands now assembled, management obligations will increasingly need to be addressed, though land contiguity will improve efficiency.</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
22	<p>Prepare an Exotic Plant Control Plan to address exotic and invasive plants on Preserve System lands.</p> <p>After acquiring the former Roddy Ranch Golf Course property in 2018, weed management activities have taken place throughout 2019 and 2020 in preparation for future restoration and recreation planning of the site.</p> <p>Exotic plant control activities have been planned and implemented on a project-by-project basis until preserve management plans and the system-wide Exotic Plant Control Program are developed.</p>	<p>The initial Exotic Plant Control Program will be developed as an element within the Vasco Hills/Byron Vernal Pools Preserve Management Plan and subsequently be expanded. This plan will likely be based on and coordinated with existing policies and programs such as the EBRPD's Integrated Pest Management Plan.</p>
23	<p>Prepare Recreation Plans to address recreational uses on Preserve System lands.</p> <p>Recreation needs, opportunities, and constraints were identified as land has been acquired. The Vasco Hills/Byron Vernal Pools Preserve Management Plan has been developed, including a comprehensive evaluation of, and planning for, public access. See Task #20 for additional information.</p> <p>EBRPD started recreation planning for the Clayton Ranch Area which is contiguous with Black Diamond Mines Regional Preserve.</p>	<p>Experience thus far with implementing the Plan suggests that it may not be advisable to have a separate and detailed system-wide recreation plan as the details of recreation are better evaluated and planned for in the context of the more localized preserve management plans. Therefore, the recreation plan is a component of the larger preserve management plans.</p>
<b>Habitat Restoration/Creation</b>		
24	<p>Design habitat restoration and creation projects and perform additional environmental compliance for habitat restoration, if needed.</p> <p>Habitat restoration and creation continues to be a key program area for the Conservancy. If restoration and creation of jurisdictional wetlands and waters does not keep pace with impacts, the ability to mitigate such impacts by paying a fee will be suspended. Likewise, progress on this task is an essential foundation to completion of efforts to coordinate wetlands permitting with the HCP/NCCP. Staff worked with consultants and other partners to assess acquisitions for restoration opportunities.</p> <p>Conservancy staff worked with consultants to continue development of the Knightsen Wetland Restoration and Flood</p>	<p>Conservancy staff will work with EBRPD, consultants, and other partners to assess new acquisitions for restoration opportunities and to explore and develop restoration concepts for future restoration projects.</p> <p>The Knightsen Wetland Restoration and Flood Protection Project will continue to move forward with additional studies and selection of a preferred alternative.</p> <p>Restoration planning at the former Roddy Ranch Golf Course will continue.</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

Conservancy Work Plan: 2020 Summary and 2021 Work Plan		
<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
	<p>Protection Project. Conceptual alternatives were developed and the process of selecting a final design started.</p> <p>Restoration planning work at the former Roddy Ranch Golf Course started in 2020. This is being done in partnership with EBRPD and coordinated with a public access planning process.</p>	
25	<p>Implement habitat restoration and habitat creation projects.</p> <p>An additional four ponds in the Vasco area were repaired – these ponds were damaged in the 2016/2017 winter storms.</p> <p>Livestock water systems were installed or repaired on the Ang property. These systems help disperse livestock more evenly across rangelands to benefit species.</p>	<p>The wetland restoration project on the Campos and Casey properties is anticipated to move forward to construction in 2020/2021.</p> <p>The final pond that was damaged in the 2016/2017 winter storms will move to construction in 2021.</p> <p>The Conservancy will complete the restoration design and permitting work on the Campos and Casey properties for implementation in 2021.</p> <p>The Conservancy will continue to work with EBRPD and FEMA to repair remaining damaged stock ponds.</p>
<b>Monitoring and Adaptive Management Program</b>		
26	<p>Design Monitoring and Adaptive Management Program.</p> <p>Preserve monitoring and adaptive management measures were developed as part of development of the Vasco Hills/ Byron Vernal Pools Preserve Management Plan. A draft of this plan was reviewed as part of the 2018 Science Advisor process and was also provided to USFWS and CDFW in early 2018. In addition, the Conservancy designed adaptive management measures for restoration projects. No subsequent actions were taken in 2020.</p>	<p>Work on this effort will continue through 2021 as we begin implementation of preserve management plans.</p>
27	<p>Monitoring and adaptive management of restoration projects and new preserves.</p> <p>The previously constructed restoration projects were monitored throughout 2020. The monitoring of these projects continued.</p> <p>EBRPD led the effort to secure funding to study longhorn fairy shrimp in the Vasco region. The Conservancy is a partner on this effort. This research effort started in late 2016. The 2020</p>	<p>Monitoring on all projects will continue (10 projects total). The Souza 1, Souza 2 and Lentzner Spring sites have met success criteria, and monitoring effort will decrease in intensity and focus on invasive species eradication and monitoring of site stabilization. Full monitoring of all other projects will continue.</p>

## Conservancy Work Plan: 2020 Summary and 2021 Work Plan

<i>Task</i>	<i>Actions Taken in 2020</i>	<i>Actions Proposed for 2021</i>
	<p>field season was delayed due to COVID work restrictions and a low rain year.</p> <p>The Conservancy will continue the Western burrowing owl population study in the Vasco-Byron area in 2020.</p> <p>Two projects are underway through the Conservancy’s Science and Research program: 1) Ecological Requirements and Conservation Priorities for Golden Eagles in Eastern Contra Costa County and 2) Chytrid study on California tiger Salamander and California red-legged frog in Los Vaqueros Watershed.</p>	<p>The EBRPD-led research effort to study longhorn fairy shrimp will continue in 2021.</p> <p>The Conservancy will continue the Western burrowing owl population study in the Vasco-Byron area in 2021.</p> <p>The research projects funded through the Conservancy Science and Research Grant Program started work in 2017 and 2018 will continue through 2020. Applications for new projects will be evaluated in 2020 for work to begin in 2021.</p>

DRAFT

**DRAFT – for PAC Review**

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** December 11, 2020  
**TO:** Governing Board  
**FROM:** Public Advisory Board and Conservancy Staff (Abigail Fateman)  
**SUBJECT:** 2020/2021 Public Advisory Committee (PAC)

**RECOMMENDATION**

Consider the following actions related to the Conservancy’s Public Advisory Committee:

- a) **REVIEW the composition of the Conservancy’s PAC, attendance of Committee Members, and provide recommendations; and**
- b) **ACCEPT update on the Public Advisory Committee’s activities in 2020.**

**DISCUSSION**

**PAC Background and Role**

Pursuant to requirements in the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (“HCP/NCCP” or “Plan”), the Governing Board initiated the Public Advisory Committee (“PAC”) in February 2008 and established a quarterly meeting schedule. The PAC reports to the Governing Board and provides input to the Governing Board and Conservancy staff on many aspects of Plan implementation. The PAC is responsible for reviewing and commenting on the general implementation processes of the HCP/NCCP including the expenditures of funds for conservation activities, the general process for issuing take coverage to covered activities, the management of Preserve System lands, and adaptive management and the adherence to Plan commitments. The PAC is to operate by consensus, but when consensus cannot be reached, the various positions will be reported to the Governing Board.

The Board action establishing the PAC requires the composition of the PAC to be reviewed annually.

CONTINUED ON ATTACHMENT: Yes  
ACTION OF BOARD ON: Dec. 11, 2020 APPROVED AS RECOMMENDED: \_\_\_\_\_  
OTHER: \_\_\_\_\_

**VOTE OF BOARD MEMBERS**

     UNANIMOUS

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.

ATTESTED  
\_\_\_\_\_  
*John Kopchik, SECRETARY OF THE EAST CONTRA COSTA COUNTY HABITAT CONSERVANCY*

BY: \_\_\_\_\_, DEPUTY

## DRAFT – for PAC Review

### ITEM (a)

**Review the composition requirements of the PAC, attendance of Committee Members, and provide recommendations.**

#### PAC Composition

The composition of the PAC is described in Chapter 8 of the Plan and includes three representatives from each of the four stakeholder groups listed below. The current composition of the PAC includes:

Private permit seekers, (e.g., private developers or their representatives)

- Discovery Builders
- East Bay Leadership Council
- Building Industry Association of the Bay Area

Conservation advocates, (e.g., established organizations that represent members in the inventory area)

- California Native Plant Society
- Friends of Marsh Creek Watershed
- Save Mount Diablo

Private landowners and/or agriculturalists, or their representatives

- Margaret Kruse (landowner representative)
- California Farmland Trust (previously the Brentwood Agricultural Trust)
- Contra Costa County Farm Bureau

People representing suburban and rural residents of the Plan area

- Mary Helen Nicolini (Resident of the City of Oakley)
- Sharon L. Osteen (Resident of the City of Clayton)
- Arnica McCarthy (Resident of the City of Pittsburg)

Staff members from interested public agencies and members of the public are welcome to attend and participate in committee meetings and discussions.

Four PAC member seats are set to expire in December 2020. The Governing Board, at their October 2018 meeting, regarding the renewal of terms, provided guidance to staff to invite those PAC members with expiring seats who have met the attendance requirements to continue for another term. Staff followed this guidance for 2018 and 2019. Following this guidance again, Conservancy staff communicated with those members who have terms expiring in December 2020 (Building Industry Association - Bay Area, Save Mount Diablo, California Farmland Trust and Arnica McCarthy) and they all indicated that they are interested in continuing to serve on the PAC. The new term expiration date for these seats is December 2024. This is reflected on the attached PAC Membership and Rotation Schedule.

**Commented [AF1]:** Confirmed interested in continuing: BIA and SMD. Still waiting to hear from CFT and Arnica.

#### PAC Member Attendance

At its meeting in December 2016, the Governing Board established an attendance policy and set terms for the seats on the PAC. The policy requires PAC members/member organizations to attend 3 of the 4 scheduled meetings annually. If a member/member organization misses two or more meetings, the Board will be notified, and at the next available Board meeting consider

## DRAFT – for PAC Review

opening the position for applications. This policy has provided clarity to staff and PAC members and has had the intended effect of increasing attendance, and thus the ability of the PAC to engage meaningfully on more Conservancy activities.

### 2020 Attendance

NAME/ORG	2/13	5/14	8/13	11/20	Total Meetings Attended
<i>Private Permit Seekers</i>					
East Bay Leadership Council	1	1	1		3
Discovery Builders	1	0	0		1
Building Industry Associations – Bay Area	1	1	1		3
<i>Conservation Advocates</i>					
CA Native Plant Society – East Bay	1	1	1		3
Friends of Marsh Creek Watershed	1	0	0		1
Save Mount Diablo	1	1	1		3
<i>Private Landowners and/or Agriculturalists</i>					
Margaret Kruse	1	0	1		2
California Farmland Trust	1	0	1		2
Contra Costa Farm Bureau	1	0	0		1
<i>Suburban or Rural Residents of the Plan Area</i>					
Arnica MacCarthy	1	1	1		3
Sharon Osteen	1	1	1		3
Mary Helen Nicolini	0	0	1		1
<b>Total Attendance at Each Meeting</b>	11	6	9		

PAC meetings in 2020 have differed greatly from years past. Due to restrictions on in-person group gatherings due to COVID-19 safety measures, the PAC met once in person (February) and the remaining meeting were held by teleconference or video conference. Many PAC members do not usually use this technology and there have been challenges related to participation and attendance. **Due to several challenges encountered in 2020 (staff changes of PAC member agencies as well as adjustments to new technology needs), the PAC recommends waiving the attendance requirement for 2020.**

### PAC's 2020 Recommendations

**The annual review of PAC representation was discussed during the PAC meeting on November 12, 2020. Given the new attendance policies adopted in late 2016 and implemented in 2017, and guidance provided by the Board, the PAC recommends to maintain the attendance policy and seat rotation as established by the Board, with an exception for 2020 attendance.**

## **DRAFT – for PAC Review**

### **ITEM (b)**

#### **Update on Public Advisory Committee Activities in 2020**

The PAC has met quarterly since 2008 and has received presentations, discussed Conservancy issues, and developed policy positions on a range of items. Many items on PAC agendas are informational and/or are updates of issues discussed at Governing Board meetings. The PAC agendas are attached for reference and a summary of the items discussed is included below.

- Governing Board updates
- Conservancy restoration project updates
- Conservancy project permitting updates
- Acquisition updates
- Three Creeks Parkway Restoration Project
- Review of Neighboring Landowner Notification Letter
- Presentation: Dog Detections of Bat and Bird Fatalities at Wind Farms in the Altamont Pass Wind Resource Area, Shawn Smallwood.
- Conservancy Annual Reporting
- Work Plan review (annually)
- Review proposed industrial solar permitting policy (November 2020)
- Review of PAC membership and policies (annually)

### **ATTACHMENT**

- PAC Membership and Rotation Schedule - 12/11/2020

**PAC Membership and Rotation Schedule\***

PAC-12/12/2019

		Term Expiration	Term Expiration	Term Expiration
	<b>Private Permit Seekers</b>			
<b>PS Seat 1</b>	East Bay Leadership Council	12/2018	<b>12/2022</b>	12/2026
<b>PS Seat 2</b>	Discovery Builders	12/2019	<b>12/2023</b>	12/2027
<b>PS Seat 3</b>	Building Industry Association - Bay Area	<b>12/2020</b>	12/2024	12/2028
	<b>Conservation Advocates</b>			
<b>CA Seat 1</b>	CA Native Plant Society - East Bay	12/2018	<b>12/2022</b>	12/2026
<b>CA Seat 2</b>	Friends of Marsh Creek Watershed	12/2019	<b>12/2023</b>	12/2027
<b>CA Seat 3</b>	Save Mount Diablo	<b>12/2020</b>	12/2024	12/2028
	<b>Private Landowners and/or Agriculturalists (or their representatives)</b>			
<b>PL Seat 1</b>	Contra Costa Farm Bureau	12/2018	<b>12/2022</b>	12/2026
<b>PL Seat 2</b>	Margaret Kruse	12/2019	<b>12/2023</b>	12/2027
<b>PL Seat 3</b>	California Farmland Trust	<b>12/2020</b>	12/2024	12/2028
	<b>Suburban or Rural Residents of the Plan area</b>			
<b>PR Seat 1</b>	Sharon Osteen	12/2018	<b>12/2022</b>	12/2026
<b>PR Seat 2</b>	Mary Helen Nicolini	12/2019	<b>12/2023</b>	12/2027
<b>PR Seat 3</b>	Arnica MacCarthy	<b>12/2020</b>	12/2024	12/2028

Note: New appointees take over an existing seat and the term expiration remains with the seat.

\* Term Expirations continue on 4-year cycle.

**Official 2017 (and forward) PAC attendance policy:**

All PAC members/member organizations are required (annually) to attend 3 of the 4 scheduled meetings. If a member/member organization misses 2 or more meetings, the Board will be notified, and at the next available Board meeting consider opening the position for applications. The Committee member/member organization will have the opportunity to reapply for the open position.