

Summary of Santa Clara Valley Habitat Conservation Plan

December 2010 Public Review Draft

Overview

- Applies to public and private projects in a 510,000-acre area including San Jose, South County, the Santa Cruz Mountains, and the Diablo Range
- 50-year permit term with the US Fish & Wildlife Service and the California Department of Fish and Game authorizing incidental take to comply with the federal and state Endangered Species Acts
- Provides a framework for promoting the protection and recovery of natural resources, especially endangered species and their habitats
- Rather than separately permitting and mitigating individual projects, the Plan evaluates natural-resource impacts and mitigation requirements comprehensively
- Local Partners (Permittees) include City of Gilroy, City of Morgan Hill, City of San Jose, County of Santa Clara, Santa Clara Valley Transportation Authority, and the Santa Clara Valley Water District
- Wildlife agencies provide assurances to the Permittees that no further commitments of funds, land, or water will be required to address impacts on covered species beyond that described in the Plan to address changed circumstances
- Purchase land from willing sellers using fees assessed for development—will not have eminent domain authority
- Assumes 25,865 acres of land in the study area will be developed over the next 50 years, including 8,798 acres of natural lands and rangeland and 16,159 acres of agricultural lands on the valley floor

Covered Activities

- Covered activities are those that receive endangered species incidental take coverage
- Residential, commercial, industrial, and other types of urban development
- Renovation, replacement, and upgrades of existing facilities
- Urban growth and all ground-disturbing activities that occur inside the planning limits of urban growth, including unincorporated pockets within growth boundaries
- Intensive agriculture activities that require approval consistent with local general plans including mushroom farms, commercial stables, equestrian facilities, and wineries
- Vegetation management including fuel reduction, tree removal, pruning
- Santa Clara Valley Water District activities including operations and maintenance and new projects for water supply and flood control including reservoir dam maintenance and major repairs
- Public transportation facilities, roads, highway expansion, most mass transit projects (excluding high-speed rail); rural residential development such as driveways, bridges, and access roads
- Public and private service facilities including fire stations, police stations, cultural facilities, recreational

facilities and fields, waste management facilities

- Most solar energy projects
- All activities associated with implementation of the Plan's conservation strategy

Non-covered activities

- Private sector activities that do not obtain a development, grading, building, or other construction permit (such as Ag Exempt) are not covered for incidental take and do not pay fees
- Routine and ongoing agricultural activities outside the planning limit of urban growth are not covered for incidental take and do not pay fees
- Expansion of cultivated agriculture into natural lands is not covered for incidental take and does not pay fees unless a grading permit is required
- Vineyard development that is not assessed by the County through a County permit process is not covered for incidental take and does not pay fees
- Timber harvest operations are not covered for incidental take and do not pay fees
- Installation and operation of groundwater wells are not covered for incidental take and do not pay fees
- High Speed Rail is not covered for incidental take, does not pay fees, and must obtain separate endangered species permits from Fish and Game and Fish & Wildlife Service
- Increased development due to incorporation of San Martin is not covered for incidental take and will not pay fees
- Projects that do not require local approval by the Permittees cannot be covered by the Plan

Exempted activities

- Exempted activities are exempted from the conditions of the Plan and still receive take coverage because the probability of take is so low that the cost of enforcing conditions on the projects would not provide a net benefit for the species
- Projects that do not result in ground disturbance to any land except urban-suburban, developed agriculture, or landfill and that do not result in the release of potential water quality contaminants or create wildlife barriers
- Covered activities on parcels less than 0.5 acre
- Additions to structures that result in less than 2,000 square feet of impervious surface

Endangered species permits

- The Habitat Plan transfers authority to grant endangered species take permits to the six local partners from the US Fish & Wildlife Service and the California Department of Fish and Game
- Local partners become permittees, which means they are able to permit their own projects and also provide permits for projects under their authority
- Rather than providing permits for only those projects that include endangered species take as has always been the practice, a take permit will now be issued for every application for activities

covered under the Plan, provided that the application meets the requirements of the Plan

- Does not include permits from the Army Corps of Engineers nor from the state and regional water quality control boards
- 21 species are covered including 10 plants and 11 wildlife species. The Plan does not include coverage for fish species because coverage was determined to be cost prohibitive
- Fish are not covered in this Plan but the Santa Clara Valley Water District is addressing fish in an HCP for Coyote Creek and Guadalupe River. Fish impacts in Uvas, Llagas, and other parts of the Pajaro River watershed may need a subsequent HCP.
- If another species in the area is added to the state or federal Endangered Species Lists, it won't be covered under the Plan unless the Plan is amended

Land acquisition

- Acquiring land to set aside and manage in a Reserve System is a key component of the Plan
- Lands will be acquired to meet the Plan's biological goals, which are designed to conserve and increase current populations of covered and other native species.
- Most of the land that will be acquired for the Reserve System is currently used in commercial agriculture operations, either as rangeland or cropland
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- Land acquisitions can be either in fee title or using conservation easements
- Most cultivated agricultural lands targeted for conservation by the Plan (e.g., in the Pajaro River valley) will be acquired through conservation easements
- Livestock grazing will be an important management tool in the Reserve System, so this use is likely to be compatible with the conservation goals of Plan and therefore suitable for conservation easements

Funding and Fees

- The Plan is expected to cost \$938 million in today's dollars over the 50-year term of the permit
- Fees will contribute \$548 million in funding to the Plan
- Land acquisition is the single largest cost, accounting for \$384 million over the course of the Plan
- Local funding contributions will account for \$234 million, primarily by land contributions from local land agencies, non-profits, and foundations as well as endowment investment income
- State and federal funding through grants will contribute \$156 million
- Part of the development fee pays for an endowment to fund long term management of the Reserve Area, amounting to \$178 million into perpetuity
- Development fees are as follows and will be assessed upon project approval

Fee Zone A- \$19,720

Fee Zone B- \$13,790

Fee Zone C- \$4,930

- Additional fees will be assessed for sensitive habitats as follows

Wetland Fees- Range from \$510/linear foot for streams to \$290,430/acre for seasonal wetlands

Serpentine Fees- \$65,600/acre

Nitrogen Deposition Fees- \$7.29 one-time fee per new vehicle trip created. Determined using complex formula

Requirements of the Plan

- Survey requirements for new permitted activities focus on Serpentine, riparian areas, and Burrowing Owl nest areas and land with possible kit fox dens.
- Stream setbacks would be 150 feet for fish-bearing streams outside existing Urban Service Area in areas with a slope less than 30%
- Applying for coverage under the Habitat Plan will be an additional application step with the local authority

Implementing Entity

- A new Joint Powers Authority (JPA) will be established to implement the Santa Clara Valley Habitat Conservation Plan. The Implementing Entity gets its authority from the combined authorities of the partner agencies