

**San Joaquin Multi-Species Habitat Conservation and Open Space Plan
Habitat Technical Advisory Committee
San Joaquin Council of Governments
555 East Weber Ave.
Stockton, CA 95202
Wednesday, February 11, 2008**

MINUTES

I. Call to Order/Introductions

Mr. Niblock called the meeting to order at 9:33 a.m. Self-introductions were made.

Committee Members Present:

Duane Peterson	City of Escalon
Jane Humes	Conservation
Tendai Mtunga	City of Lathrop
David Morimoto	City of Lodi
Lantz Rey	City of Manteca
Mike Niblock	City of Stockton
Ken Zuidervaart	City of Ripon
Vicki Lombardo	City of Tracy
Dan Gifford	Dept. of Fish and Game
Ray Hoo	SJC Community Development
Susan Jones	U.S. Fish and Wildlife
Ellen McBride	U. S. Fish and Wildlife
Gary Stockdale	SJ County Agricultural Commissioner's Office

SJCOG Staff/Consultants Present:

Steve Dial	Deputy Executive Director/CFO
Steve Mayo	Senior Habitat Planner
Anne-Marie Poggio-Castillou	Regional Habitat Planner
Douglas Leslie	ICF Jones & Stokes
Rod Attebery	Neumiller & Beardslee
Monica Streeter	Neumiller & Beardslee

Public Present:

Bill Murphy	Grupe Company
Devra G. Kleiman, Ph.D.	Zoo-Logics, LLC
Jill Tirnauer	Management Systems International

II. Approval of December 3, 2008 Minutes

It was moved/seconded (**Hoo/Morimoto**) to approve the minutes of Wednesday, December 3, 2008. Motion passed unanimously.

III. Public Comment

None

IV. Consent Calendar

a. J&M Equipment

It was moved /seconded (**Hoo/Rey**) to approve recommendation to SJCOG, Inc. to allow the above projects to participate in the SJMSCP. Motion passed unanimously.

V. Public Hearing for the Mizuno Preserve Dedication

Mr. Mayo briefly went over the Mizuno Farm Property which is a 230+/- acre property located west of South Airport Way to the southwest of Manteca and is bordered by the San Joaquin River on the west in the Central Zone. The property is located just north of the Cabral Island Preserve and Alegre Preserve and northwest of the Seegers Preserve held by SJCOG, Inc. and is an active row and crop operation, which serves as foraging habitat for several SJMSCP covered species. He explained that this will be a land in lieu property, instead of fee. The easement will cover approximately 200+/- acres of land of which a portion is understood to be entering into an agricultural easement to be held by Central Valley Farmland Trust. There will be minor enhancements planned for the site and there is an opportunity to work with excellent land stewards. He further explained that this project will be one of the first easements that will have an agricultural easement first and then a habitat easement. This will be the first one of our easements which will be considered stacked.

Mr. Dan Gifford questioned if there was a project attached to the easement if there was a cost savings. Mr. Mayo explained that there is tentatively no project associated with this easement acquisition.

Mr. Gifford asked if there would be any conflicts with having stacking. Mr. Attebery stated that there would be no conflict because a condition of the approval will require the agricultural easement holder to subordinate to the habitat easement. He further stated that staff is still working on the documents and how this will all work in conjunction with one another.

Mr. Gifford asked what type of enhancements will be needed for this project. Mr. Mayo explained that enhancements will be appropriate for the property and maybe help with issues the land owner faces with ongoing agricultural activities.

Mr. Bill Murphy, with the Grupe Company, discussed future projects that the Grupe Company will developing and how this easement may be used to mitigate for that project.

The public hearing was opened and subsequently closed. There was no public comment.

VI. Opus West Project Incidental Take Minimization Measures Alteration

Mr. Mayo discussed that there has been a change on the ITMM's for the Opus West development project for GGS. In December 2007, SJCOG, Inc. staff met with the Opus West development project to discuss participation in the SJMSCP. Discussion at the meeting entailed requirements pursuant to the plan for impacts to potential habitat of covered species but focused primarily on the giant garter snake (GGS) which is federally listed. The outcome

of the meeting was for the project proponent to consider seeking an alteration to the standard GGS buffer requirement of 200 feet under the SJSMCP from edge of potential habitat water ways for the specie.

Over the course of the following months, the project consulted with USFWS and SJCOG, Inc. staff regarding impacts to the potential GGS habitat. SJCOG, Inc. provided initial incidental take minimization measures (ITMM) to the project proponent containing the standard 200 foot set-back language to be implemented around the water ways asserted to be potential GGS habitat. As construction commenced in the spring of 2008, the Opus project building plans would require impeding on the standard 200 foot set-back described in the ITMM under the habitat plan. This would become an infraction to the signed SJMSCP ITMM. Opus West moved forward with the project building as shown on the site plans with buildings, curbs, gutters and parking areas impeding within the 200 foot set-back areas. As SJCOG, Inc. staff became aware of the infringement to the GGS buffer area, the matter was forwarded for resolution with USFWS for resolution.

Mr. Mayo explained that after multiple meetings between the parties to resolve the matter, Opus West project representatives entered into a settlement agreement with the USFWS regarding impacts to the GGS habitat but SJCOG, Inc. was not a party to the agreement that was made with the Opus West project and USFWS. The agreement would remove responsibility of GGS coverage from the SJMSCP permit and provide agreed measures between USFWS and Opus for impacts to GGS habitat on the project in both minimization measures and mitigation requirements. All other species will be provided coverage under the habitat plan as provided in the revised ITMM for the Opus West project. The agreement was satisfactory to all parties.

This item was for discussion only. No action was taken.

VII. SJMSCP 2008 Annual Report Draft

Mr. Mayo stated this is the first draft of the 2008 Annual Report. He explained that it does not include the fourth quarter for the City of Manteca, so they will be included in the second draft. He briefly went over key items in the report. He discussed the land use and total acreage, which was mitigated under the plan in 2008. He went over each table in the report and discussed the information. The Draft report will need revisions to reflect the 2009 fees. Any written comments are requested by February 27, 2009.

Mr. Mike Niblock complimented staff on the comprehensive report and hard work.

This was an informational item only

VIII. Summary and Adjournment

There being no further business to, the meeting was adjourned at 10:14 am until March 11, 2009.