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, October 14, 2009

MINUTES

I. Call to Order/Introductions

Mr. Niblock called the meeting to order at 9:36 am; introductions were made.

Committee Members Present:

Mike Niblock	City of Stockton
Vicki Lombardo	City of Tracy
Charles Mullen	City of Lathrop
Lantz Rey	City of Manteca
Duane Peterson	City of Escalon
Ken Zuidervaart	City of Ripon
John Beckman	BIA Delta
Jeremy Terhune	Conservation
Ellen McBride	USFWS
Ray Hoo	SJC Community Development

SJCOG Staff/Consultants Present:

Steve Dial	Deputy Executive Director/CFO – SJCOG, Inc. Treasurer
Steve Mayo	Senior Habitat Planner
Katy Castro	Office Assistant I
Monica Streeter	Neumiller & Beardslee

Public Present:

Bill Bromann	Arnaiz Company
Andrea Grenier	Grenier & Associates, Inc.
Rick Crowe	CH2MHILL
Sarah Madams	CH2MHILL
John Kopchik	ECCC Habitat Conservation
Abby Fateman	ECCC Habitat Conservation
Krystal Hinojosa	ECCC Habitat Conservation
Ed Warner	NCPA

II. Approval of September 9, 2009 Minutes:

Mr. Mayo commented on one correction to the minutes; Rod Attebery was not present at the last meeting.

It was moved/seconded **(Beckman/Rey)** to approve the minutes of Wednesday, September 9, 2009. Motion passed by voice vote.

III. Agenda Revision:

Mr. Mayo requested to remove Item No. 6 of the Agenda and bring it back to the November 4, 2009 HTAC meeting.

It was moved/seconded **(Beckman/McBride)** to approve to move Item No. 6 to the November HTAC special meeting. Motion passed by voice vote.

IV. Public Comment:

None

V. Consent Calendar:

a. UPRR Rail Yard Project

b. Raverty Winery Project

It was moved/seconded **(Beckman/Lombardo)** approval of the recommendation to SJCOG, Inc. to allow the UPRR Intermodal Facility Expansion Project and Raverty Winery Project to participate in the SJMSCP. Motion passed by voice vote.

VI. Lodi Energy Center Project and GGS Buffer Reduction:

Mr. Mayo commented on the Lodi Energy Center Project; he stated there is two parts to this project. The first is allowing the project to participate because some of the project's impacts will be on unmapped land. The second part is revision is the alteration of the Giant Garter Snake buffer.

The project would mitigate agricultural impacts as required under the SJMSCP but voluntary mitigate the GGS buffer reduction area at 3:1 for upland loss for the GGS specie. This is due to the permanent disturbance the project will create from impacts placed within the 200 foot buffer area. The project proponent has requested a reduction in the buffer to a 30 foot setback.

Mr. Beckman asked if the permitting agency have any issues with this project.

Ms. McBride stated she spoke to Mr. Gifford from Fish and Game and they did not have any issues or concerns.

Mr. Werner commented on his meeting with City of Lodi. He stated City of Lodi was involved with their decision and stated NCPA thinks that this decision is fair.

Mr. Jeremy pointed out that the NCPA project is also combusting natural gas helping reduce air pollution.

It was moved/seconded **(Beckman/McBride)** approval of two actions. The first is the recommendation to SJCOG, Inc. Board to allow the Lodi Energy Center Project to participate in the SJMSCP. Second is the recommendation of alteration of the Giant Garter Snake buffer; with correction 30 rather than 35 foot Buffer setback. Motion passed by voice vote.

VII. <u>Other Matters of Business:</u>

a. Department of Fish and Game CEQA Fees:
Mr. Mayo stated that Department of Fish Game sent notices to the County, City of Stockton, and the City of Manteca regarding Notices of Determination (NOD) filings. He stated recently Mr. Drongesen from DFG head quarters notified them that the receipt from the SJMSCP for DFG fees used in the past is no longer being accepted and all signatory agencies to the SJMSCP should be paying the associated DFG NOD fees. He commented on the 'No Surprises Rule' and stated we are going to rely on that rule. Fish and Game will be coming to the November HTAC meeting to discuss this issue after the internal meeting with DFG staff.

Mr. Niblock commented on his past conversation with Mr. Gifford on this matter. He stated there is past correspondence between SJCOG and Fish and Game regarding this issue.

Mr. Lantz requested something in writing regarding resolution between SJCOG and Fish and Game.

A lengthy discussion ensued among committee members about concerns regarding CEQA fees.

b. November HTAC Date 11/4:
Mr. Mayo commented on the special HTAC meeting that will be held on November 4. He stated the meeting has been moved due to Veteran's Day and to determined if there will be a quorum, committee members need to let staff know if they will be attending.

VIII. Summary and Adjournment: The meeting was adjourned until November 4, 2009.