

**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, August 19, 2009**

MINUTES

I. Call to Order/Introductions

Mr. Niblock called the meeting to order at 9:33 am; introductions were made.

Committee Members Present:

Dan Gifford	CDF&G
Mike Niblock	City of Stockton
David Morimoto	City of Lodi
Vicki Lombardo	City of Tracy
Charles Mullen	City of Lathrop
Duane Peterson	City of Escalon
Rick Cagulat	City of Manteca
Sheryl Prater	City of Ripon
Jeremy Terhune	Defenders of Wildlife
Jane Humes	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
Anne-Marie Poggio-Castillou	Regional Habitat Planner
Katy Castro	Office Assistant I
Douglas Leslie	ICF Jones & Stokes
Rod Attebery	Neumiller & Beardslee
Monica Streeter	Neumiller & Beardslee

Public Present:

Bill Murphy	Grupe Company
Kevin Swanson	San Joaquin County
Steve Lichliter	RD17
James Jones	EBMUD

II. Approval of July 12, 2009 Minutes:

It was moved/seconded (**Hoo/Peterson**) to approve the minutes of Wednesday, July 12, 2009. Motion passed unanimously.

III. Public Comment:

None

IV. **Consent Calendar:**

a. RD 17 Emergency Levee Project

It was moved/seconded (**Peterson/Hoo**) to approve the consent calendar. Motion passed unanimously by voice vote.

V. **SJMSCP 2010 Fees:**

Mr. Mayo discussed the SJMSCP fees. He stated that in accordance with the SJMSCP and the new financial analysis model adopted by the SJCOG, Inc. Board in late 2006 and the criteria set at the point. The development fees are calculated using a formula method Category A= Acquisition; Category B= Assessment and Enhancement, and Category C= Management. Every year staff reviews comparable Category A land sales in the county that fit certain criteria within the past two years. Categories B and C are straight CPI. The overall result in the calculations was a slight increase in the fees from 2009 to the 2010. He commented on the letter from BIA; he stated the BIA is requesting the removal of two properties from the list of comparison properties in the fee update analysis. The properties are Avena Road and E. Sargent Road. The Avena Road property is not a valid comparison property due to the orchard located on the property. The Sargeant was valid.

Mr. Peterson asked if, in the past, we have worked with properties that had this much improvement.

Mr. Mayo stated land would normally sell with these improvements but it will be addressed in the next financial analysis to improve the criteria.

Mr. Dial also commented on the letter; he stated BIA is removing the objection since the Avena property was removed. BIA wants to evaluate how significant improvements on a property would affect the sale.

Mr. Mullen suggested that fees should be reevaluated due to the economy.

Mr. Mayo stated that the sales are based on agricultural land and do not have anything to do with housing.

Mr. Niblock commented on the fees. He stated understanding the issues that many are going through and to remember, in 2006, we went through this whole dialog in which all the criteria that was built in that formula was agreed upon.

There was a lengthy discussion among committee members regarding the increase in fees.

It was moved/seconded (**Lombardo/McBride**) to recommend to SJCOG Board to approve the 2010 SJMSCP development Fees as adjusted pursuant to land sale. Motion passed by voice vote with Mr. Peterson abstaining.

VI. Nakagawa Preserve Habitat Restoration Project:

Mr. Mayo presented this returning item and gave a brief overview. He stated this item was brought back because the project is subject to prevailing wage. The restoration will take place on the southern easement are of the property. The Nakagawa family has decided to move up the restoration to a present day. Mr. Mayo discussed the portion that will be restored and also discussed the purpose of the levee.

Mr. Peterson asked why was this determined to be prevailing wage project.

Ms. Streeter stated that it is an analysis that has to do with the source of the funds and the type of project been conducted.

Ms. McBride commented that she feels strongly that this property will play a good role in the permit over all.

Mr. Mullen asked if this project has been challenged and asked about past projects.

Mr. Dial stated that when management was informed of this it was discussed with counsel to determine the risk issues. COG must comply with legal mandates.

Mr. Niblock stated that if this is related only to the public works project that only a small percent of the money collected is for enhancement projects.

It was moved/seconded (**Hoo/ McBride**) to recommend to SJCOG, Inc. Board approval of the restoration plan. Motion passed unanimously by voice vote.

VII. Mizuno Property Land in Lieu Dedication and Preserve Management Plan:

Mr. Mayo discussed the Mizuno Property. He stated the financial commitments for the Mizuno Preserve are through dedication of land in lieu of SJMSCP fees by the 181.449 acres; property currently planted in row crop. The easement area over the row and filed crop portion of the property could serve as foraging habitat for various species. There are records of Swainson's hawks and other species near the property. Improvement on the property will be herbicides, pesticides and eliminate invasive and undesirable species. The City of Stockton Public Works will be providing endowment for the preserve; the money will be set aside in a land management preserve account.

Mr. Gifford asked what COG will do with the endowment.

Mr. Mayo stated it will be use for future enhancements.

Ms. Streeter stated they are working with the land owner and Central Valley Farmland Trust to negotiate a document that says as long as both easements exist on the property, if there is ever a conflict in the terms between the AG easement and the Habitat easement, the Habitat easement will control what the land owner can do.

There was a lengthy discussion among Committee members regarding the cost of land in lieu.

It was moved/seconded (**McBride/ Lombardo**) to recommend to SJCOG, Inc. Board approval of the conservation easement dedication and approval of the preserve management plan. Motion passed unanimously by voice vote.

VIII. Other Matters of Business:

a. September 9, 2009 HTAC on Admission Day

Mr. Mayo commented on Admission Day; he asked committee members if we would still have quorum that day. The HTAC meeting will not be rescheduled since Admission Day is not a holiday for most committee members.

b. HTAC mail out follow up

Mr. Mayo followed up on the HTAC mail out. He stated the link will be going straight to the packet. Mr. Mayo stated that he wants to make sure that staff has alternates information and asked that information be provided to staff. Mrs. Castellou asked the members to provide alternates name, phone number and e-mail address.

Mr. Mayo commented on the financial analysis update; he stated they are anticipating it will be finalized by spring 2010. Mr. Mayo stated that he would like to create a committee; the first kick-off meeting will be September 9th at 8:30 a.m. He asked members to let him know by Friday if they want to be part of the committee.

Ms. McBride commented on the Bay Delta Office and the Fish and wildlife. She stated the new Bay Delta HCP will be working on aquatic and terrestrial species within the Delta. She stated they will be doing immediate transition to the new office for all new HCP. USFWS fiscal year starts on October 1st until the new office gets up and running everything will continue to go through their office.

Mr. Mayo commented on the Bay Delta HCP. He stated Bay Delta HCP it will overlap our county; he stated we have an existing permits and are jurisdiction is our county. Bay Delta HCP will have control over development projects, aquatic and terrestrial impacts and everything that falls under the legal Bay Delta. He stated the jurisdictions will have to deal with the two habitat plans. Mr. Mayo stated that this could possible create issues in the future.

Mr. Niblock asked if the decision has been finalized. He stated this will affect everything. He suggested we go back to our cities and challenge the decision.

There was a lengthy discussion regarding issues that will arise with the new Bay Delta HCP.

IX. Summary and Adjournment: The meeting was adjourned until September 9, 2009.