

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, May 13, 2009

MINUTES

I. Call to Order/Introductions

Mr. Niblock called the meeting to order at 9:34 am; introductions were made.

Committee Members Present:

Brad Lange	Agriculture
Gary Stockel	Ag Department
John Beckman	BIA of Delta
Dan Gifford	CDF&G
Mike Niblock	City of Stockton
David Morimoto	City of Lodi
Vicki Lombardo	City of Tracy
Ken Zuidervaart	City of Ripon
Duane Peterson	City of Escalon
Lantz Ray	City of Manteca
Jane Humes	Conservation
James Jones	EBMUD
Ellen McBride	USFWS
Ray Hoo	SJC Community Development

SJCOG Staff/Consultants Present:

Andrew Chesley	Executive Director – SJCOG, Inc. President
Steve Dial	Deputy Executive Director/CFO – SJCOG, Inc. Treasurer
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
Katy Castro	Office Assistant I

Public Present:

Chika Kato	Kyoho Manufacturing California
Michael Locke	San Joaquin Partnership
Erika Hollander	City of Manteca
Jennifer Buckman	Somach Law Firm

II. Approval of April 8, 2009 Minutes:

It was moved/seconded (**Hoo/Morimoto**) to approve the minutes of Wednesday, April 8, 2009. Motion passed unanimously.

III. Agenda Revision:

Mr. Attebery requested for a new item to be added to the agenda. He explained that under the Brown Act Section 54954.2 the committee has the ability to add an item upon two thirds majority vote of the members present.

Mr. Mayo briefly discussed the Kyoho Substation and Transmission Lines Project; he stated that the Project is in the City of Stockton and there is a tight window for construction. Kyoho Substation and Transmission are contracted with Pacific Gas and Electric. PG&E is dictating the time frame in which the project needs to be completed. If the project does not come through there will be requirements changing possible measures. Kyoho Substation & Transmission asked staff to bring the item to HTAC so that HTAC could take action immediately

It was moved/seconded (**Peterson/Beckman**) to approve to add to the agenda the Kyoho substation and transmission line project to the HTAC agenda. Motion passed by 2/3 vote.

IV. Public Comment:

Mr. Jane Humes extended an invitation to Waldo Music Festival on May 31, 2009.

V. Consent Calendar:

a. Stonum Vineyard Project

It was moved /seconded (**Beckman/Hoo**) to approve the Consent Calendar as submitted. Motion passed unanimously by voice vote.

VI. Kyoho Substation Transmission Line Project:

Mr. Mayo presented on the Kyoho Substation and Transmission Line Project. He stated Kyoho Substation and Transmission Line Project is located in Stockton, southeast of State Highway Route 99 and Farmington Road in the Central Zone. This project includes the construction of a new power substation at the KHMCA plant and new 115kV transmission line extending from PG&E's existing 115kV lines located south of the site. The project location is Agriculture and Urban habitat type and therefore; the project applicant will mitigate for the disturbance of 10.194 acres of Agriculture and 1.033 acres of Urban Habitat land acres no sooner than 30 days prior to issuance of a building permit.

Mr. Mayo explained that there is a nesting pair of burrowing owls identified by the SJMSCP biologist on a neighboring property west of the project location. The roadway separating the owl nest and the project site is a common thorough faire for agricultural machinery. The

requirement of the 75 meter buffer would impact the first pole placement site associated with the project. Mr. Mayo stated this would cause the causing the project and PG&E to be delayed, therefore stopping the ability to tie into the existing power lines. Mr. Mayo explained that the reduction of the buffer would be located at the west side of the project adjacent to the roadway. The project shall provide a 25 meter protective buffer to be located on the project side of the roadway with the length of 240 feet until the fledglings are capable of independent survival, and are not occupying the burrow.

Mr. Locke explained that the process for tying in the transmission lines. He stated it will take two weeks to put the poles in, bring the wire of the transmission, and connected the system. Mr. Locke stated that PG&E is responsible for the construction of this project.

It was moved/seconded (**Rey /Morimoto**) to approve a revision of Incidental Take Minimization Measures for Burrowing Owl Buffer. Motion passed unanimously by voice vote.

VII. Tracy Holly Sports Park Project:

Mr. Mayo introduced the next two projects as the first to go through the newly adopted Unmapped Land Use Process. Mrs. Castellou presented the Holly Sugar Sports Park project. She stated the project consist of a total 282 acres, and is located outside of the northern boundary of the City of Tracy, between Corral Hollow and Tracy Blvd. The project propose is to construct up to 16 soccer groups, up to five softball fields of various size for various age groups, up to four football fields, one football/ soccer stadium, and up to three play areas. Mrs. Castellou explained that in order to grant coverage under the SJMSCP, the project was subject to the Unmapped Land Use process. A project proponent seeking coverage for a project in this category shall comply with the following procedure.

- Submit a Complete Biological and signed reimbursement agreement.

She explained that upon SJCOG determination that the checklist was completed; Staff hired ICFJ&S for a peer review of the checklist, and confirmed the finding that the proposed project is consistent with the SJMSCP and the Biological Opinion. Mr. Leslie concerns are the two items; Burrowing Owls and cities page 145 of the Biological Opinion.

Mrs. Castellou stated SJMSCP coverage for a project in this category shall only be granted if the TAC, with the concurrence of the representatives of the Permitting Agencies, is able to determine the project is consistent with the SJMSCP and the Biological Opinion.

Mr. Gifford commented on G2- Burrowing Owls Section of the checklist. He stated there are recorded accounts of Burrowing Owls in this area. He said the checklist is incorrect when it states that this project will not impact the Burrowing Owls. He also commented on the statement on unmapped projects in the Transition zone; stating this has not been analyzed by the Biological Opinion and the Plan needs to be amended.

Mr. Attebery stated that if there is no urgency of the project he recommends that the item be brought back for the next meeting.

It was moved/seconded (**Gifford/ McBride**) that this item be brought back next meeting. Motion passed unanimously by voice vote.

VIII. Pillsbury Estates Project:

Mrs. Castellou presented on the Pillsbury Estates Project. She stated that the Pillsbury Estate Project consist of a total of 80 acres and is located S. Manteca Road west and Pillsbury Road east. The project is bordered on the south by Evans Estates which was approved by the SJCOG Inc. Board as a contingency acre project in August of 2005. Pillsbury Estates would subdivide 80 acres into single family residences, with 274 units and one existing home.

Mrs. Castellou explained in order to grant coverage under the SJMSCP, the project was subject to the Unmapped Land Use Process. A project proponent seeking coverage for a project in this category shall comply with the following procedure (Section 8.2.1(10) Unmapped Project Process:

- Completion of the Biological checklist and a signed reimbursement agreement.

Mrs. Castellou explained that upon determination that the Checklist was completed, Staff hired Monk & Associates to conducted a Peer Review of the Checklist. Monk & Associates reviewed the completed Checklist and confirmed the finding that the proposed project is consistent with the SJMSCP and the Biological Opinion.

Mrs. Castellou explained that coverage for a project in this category shall only be granted if the TAC, with the concurrence of the representatives of the permitting agencies, is able to determine the project is consistent with the SJMSCP and the Biological Opinion.

Staff considers the project to be within the guidelines of the Unmapped Land Use Process. The project is consistent with the SJMSCP and the Biological Opinion. Staff proposes a motion to recommend approval to the SJCOG, Inc. Board for coverage under the SJMSCP utilizing the Unmapped Land Use Process.

Mr. Peterson commented he was unhappy with the report from Monk & Associates.

Mr. Mayo stated that the checklist will be reviewed.

It was moved/seconded (**Beckman /Lange**) to approve Pillsbury Estates Project. Motion passed unanimously by voice vote.

IX. Nakagawa Preserve Habitat Restoration Project:

This item will be pulled and brought back at a later time.

X. Other Matters:

a. Bay Delta Conservation Plan- Update

Mr. Mayo stated that there is a proposal for a new habitat conservation program that will be covering the Bay Delta region. Mr. Mayo stated that the new HCP will cover five portions of counties; Yolo County, Sacramento, Solano, Contra Costa and San Joaquin County. He stated there has been a large change in scope and it will become a full blown HCP/NCCP which covers not only aquatic but terrestrial. The issue is that a permanent habitat conservation plan has already been establish. There will be a conflict since the Delta covers 1/3 of our county. He stated that there are already permits, rules and guidelines that we have to follow and cannot be changed. The two plans will overlap.

XI. Summary and Adjournment: The meeting was adjourned until June 10, 2009.