

# STAFF REPORT

**SUBJECT:** Amendments by Minor Revision

**RECOMMENDED ACTION:** Motion to Approve the Minor Revision under the SJMSCP

## DISCUSSION:

SJCOG, Inc. staff will be pursuing alterations to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) through changes, revisions and amendments with the permitting agencies per *Section 8.8 Amendments and Revisions*. The changes will range from a Clerical Change to Major Amendments based on the triggers explained in Sections 8.8.2; 8.8.3; 8.8.4 and 8.8.5 in the plan.

Based on the length of the process for minor and major amendments, staff will pursue these changes as separate actions from Clerical Changes and Minor Revisions to expedite adoptions needed for better operation of the SJMSCP. The first action will be pursuing Clerical Changes and Minor Revisions to be recommended to SJCOG, Inc’s Board with concurrence of the permitting agency representatives on the Habitat Technical Advisory Committee (HTAC) as required. The second action will be for Minor and Major Amendments to be processed at a later time (estimated for the Fall/Winter 2006) for response by the permitting agencies as stated in the plan.

One minor revision has been brought by staff with the appropriate action required under the plan (Table 1). In the list (Attachment 1), the plan alteration identifies the action staff is pursuing, the amendment topic with appropriate section under the plan and the requested amendment language to be incorporated into the plan.

**Table 1- Clerical Changes and Minor Revisions Process**

Approval Process	Amendment Requirement	Triggers for Amendment Requirement
Clerical Change	<b>Clerical changes made by the JPA in response to a written request submitted by a permittee which includes documentation supporting the proposed clerical change.</b> Annual reports (Section 5.9.1) shall include a summary of clerical changes made to the SJMSCP.	Section 8.8.2 Clerical Changes contains 3 identified items but is not limited to only those.
Minor Revision	Minor revisions include changes deriving from the SJMSCP Adaptive Management Plan (Section 5.9.4) and all other changes listed in this subsection. Minor revision do not require any amendments to the SJMSCP, the Section 10(a) or Section 2081(b), or to the SJMSCP’s Implementation Agreement, but do require documentation.	Section 8.8.3 Minor Revision subsections contains 45 identified items but is not limited to only those.

	<p><b>Minor revisions shall be approved by the JPA following approval by TAC. If TAC representatives from the Service or Department objects to or disagrees with a proposed minor revision, the JPA shall not approve the minor revisions and it shall be treated instead as a minor amendment pursuant to Sections 8.8.4 or 8.8.5. The JPA shall maintain documentation of each minor revision and list these, as required, in the annual report.</b></p>	
--	--	--

The item identified was unanimously recommended by HTAC to be forwarded to the SJCOG, Inc. Board for approval. The process for the minor revisions will not require any amendments to the SJMSCP, the Section 10(a) or Section 2081(b), or to the SJMSCP's Implementation Agreement, but do require documentation reported in the annual reporting. If recommendation by HTAC occurs and the SJCOG, Inc. Board approves the alterations, the adopted changes will take effect immediately.

*Prepared by: Steve Mayo, Senior Regional Planner  
M:\STAFFRPT\2006\May\Board\Amendments by Minor Revision*

## Attachment 1. – Requested Amendments: Minor Revision

	Action	Amendment Topic	Requested Amendment
1.	<p><b>Minor Revision</b> Section 8.8.3-11</p>	<p><b>Annual Report Due Date (Section 5.9.1)</b> The SJMSCP Annual Report is due to the Permitting Agencies by March 1<sup>st</sup> of the year succeeding the calendar year in which the subject activities were conducted.</p>	<ul style="list-style-type: none"> <li>• Extend the Annual Report due date from March 1<sup>st</sup> to April 1<sup>st</sup> <ul style="list-style-type: none"> <li>– Reduces frequent revisions to the SJMSCP Annual Report due to late information</li> <li>– Allows additional HTAC and SJCOG, Inc. review time</li> <li>– Still allows the Permitting Agencies adequate time for review and comment prior to an annual meeting date</li> </ul> </li> </ul>