

Santa Rosa Plain Conservation Strategy Implementation Committee

Minutes for Meeting of February 20, 2008, 9:00 a.m.

Item 1: Call to Order, Roll Call, and Approval of Minutes

Roll Call: Margaret Pennington, Joan Vilms, Mike Reilly, Jake Mackenzie, Warin Parker, Dan Schurman, Bob Anderson, Marc Kelley (all Santa Rosa representatives are in Korea)

Staff Members: Pete Parkinson, PRMD; Steve Shupe, Sonoma County Counsel; Cay Goude, Fish & Wildlife Service (FWS); Liam Davis and Scott Wilson, Department of Fish & Game (DFG)

Approval of January 16, 2008 Minutes: Consensus; approved as submitted

Item 2: Review and discussion of process and funding to complete the Implementation Plan (Attachment: Cost Estimate from LSA Consultants)

Pete Parkinson: At the last meeting you asked us to get a ball park cost estimate of what it would take to bring this project to the finish line and it includes three main components. One is the preparation of the Adaptive Management component of the Implementation Plan. Second, some time devoted to Project Management, essentially to take over the work that Steve Shupe and I have been doing with the Committee, and finally to complete the Environmental Review process. I think that the estimate speaks for itself. LSA is a consulting firm that we have used on a number of occasions for various projects. They have a fair amount of familiarity with issues here in the Santa Rosa Plain and some familiarity with the Santa Rosa Plain Conservation Strategy so they're not coming at it completely blind.

Several comments on this. I believe their estimate of \$96,000 to do the EIR is significantly low. I would not be surprised if the figure is at least double that for several reasons. One is (and this has come up a few times here at Committee meetings) that I do think there is going to be some additional biological work to be done, in more of a peer review context if nothing else. A lot of that is going to be around agricultural activities and minor project activities which, as you know, were not really dealt with in a very robust way in the Strategy itself. I think that's going to take some additional time and effort.

I also think there is likely to be some heavy public interest and involvement in this as the implications of implementing the Strategy get unrolled. As we know, the maps that are out there in terms of who's got to

mitigate where and what the mitigation requirements are going to be, haven't really been fully vetted in the public forum and I think we are going to get a lot more interest around that as the process rolls forward. It also wouldn't surprise me, frankly, if we got some challenges to the CEQA process, based on the Section 7, MOU method that the Committee is pursuing as opposed to a HCP process.

All the factors combined with just our general experience in dealing with a lot of Environmental Impact Reports – I can't remember the last time we had one less than \$150,000. I think the chances are that it's going to be significantly more.

Jake: So, that would bring the grand total to around half a million dollars?

Pete: Right. I really think that's the minimum you're looking at.

I asked the consultant what the additional cost would be if this were to become a Habitat Conservation Plan (HCP), rather than the Section 7, MOU. He felt it would be an additional \$200,000 to \$250,000 to cover that. The reasons he gave for that were three things. One is that an HCP generally requires a very extensive alternatives analysis; a biological alternatives analysis that is much more robust than what you typically get in a CEQA document. The second reason being that doing an HCP would, over on the federal and NEPA side of things, require an Environmental Impact Statement as opposed to an Environmental Assessment (which the \$96,000 estimate is based on). The gentlemen from LSA also felt that the more robust financial plan that you need to have as part of an HCP would also increase the costs of that preparation.

One last thing I wanted to talk about in relation to this are cost share issues. (A document: *Cost Estimate – Fee Proposal – CTS Implementation Plan, June 8, 2007*, was passed out.) This was distributed to the Committee back in June 2007 and Chuck Regalia from the City of Santa Rosa prepared it. This has to do with the cost share among the various jurisdictions to get this work done. Coincidentally, it is based on a cost of \$500,000. I still think that the amounts are in the ball park. One thing – the basic split here, if you will, is the County covering about 25% of this and the Cities of Rohnert Park, Cotati, and Santa Rosa covering the remaining 75%, with the vast bulk of that being covered by the City of Santa Rosa. The thing that I want to call your attention to was the assumption, when this was done, that the County's share was at \$125,000 with the 'in-kind' contributions from the work that Steve and myself are doing and I need to let you know that we have about spent that already on this effort.

With that, Mr. Chairman, are there any questions?

Jake: Thanks for that report and reminding us of the June 2007 cost estimate. Any Committee members have questions?

Mike Reilly: John Sawyer, the last couple of months, has been having discussions within the City to find out what their level of interest and commitment is to moving forward to this, relative to a cost share. Do we have any information at all about that? It's unfortunate they are not here today.

Pete: Other than the fact that he's not here, and the City has not definitely made any decisions on that, according to an email I got the other day from Chuck, that's all the information I have.

Jake: I plan to contact Mr. Sawyer when he returns from Korea and ask him to make sure that when he comes to the March meeting that they have given some consideration to this. The work of our Committee is not going to be marching forward very rapidly unless we resolve this issue.

Margaret Pennington: I have a question about the difference between funding the HCP versus the MOU. I'm referring back to this draft that we had from Fish & Wildlife Service, November 2006, which was that matrix showing the different options that we might pursue. At that time the MOU option, No. 1, if I'm reading this correctly, and I thought that the Fish & Wildlife Service said they thought it was very likely that the MOU options would need an EIS. Can we get some clarification on that?

Pete: Cay?

Cay Goude: Based on what we know of the significant effect and basic controversy, public interest can also trigger an EIS.

Joan Vilms: For budget purposes I see that the County offsets the work that's already been done but if we are indeed going to go forward with this, whatever future in-kind contributions probably should show up there as well because, unless you guys disappear, the meter is going to be running, the County is going to be incurring costs and it would be good to see them captured.

Mike Reilly: In my reading of what's before us, it would take staff in-kind, plus another \$125,000 minimum to be able to carry out this plan because there're assuming some County in-kind here, but they're also saying their dollar amounts at half a million are going to require a cash contribution as well.

Joan: They're offsetting their prep of Implementation Plan with their \$125,000, it cancels out, it doesn't allow any future money, right?

Pete: Supervisor Reilly's right. What we're talking about doing – the purpose of LSA's cost estimate – is what would it cost in terms of dollars (that somebody's going to have to come up with) to get this whole thing to a finish line. We are looking at a half million dollars minimum to do that. That doesn't include what we've already spent in terms of our in-kind services and you're right, Joan, in that there would still be in-kind contributions. I don't think it would be \$125,000 from this point and going forward. We're going to talk about shifting some of that work to a consultant but someone's got to manage the consultants' contracts and still deal with some of the logistics of moving forward.

Jake: It would seem to me that we're going to wait to hear back from the City of Santa Rosa and I think, in terms of this discussion, it would also be useful to hear back from the Board of Supervisors in terms of this 25% of cash as opposed to in-kind. I think that's what this discussion is all about. The question is, when should we try to have this resolved by? I would hope to hear back from Santa Rosa at our March meeting and I don't know if it's possible to hear back from the County by the March meeting.

Mike Reilly: It should be.

Jake: I appreciate very much getting the LSA stuff laid out like this – it puts some reality to these monies. Dan, in terms of the Adaptive Management Plan, I think I can appropriately ask you, although we don't have a specific item on the agenda, is there any further progress with the Adaptive Management Plan or are you now waiting to see what's going to happen with this fiscal question?

Dan Schurman: I think that's where our Committee came to. We wanted to see what was the fate of, not just the fiscal question, but the whole process. If we were spending a lot of time on something that was going to be turned around and handed over to a consultant or abandoned altogether. We didn't feel like it was a wise use of our time. A lot of questions were raised at our Subcommittee and I don't know if it's now time for this conversation, but looking at these numbers and likelihood of getting this kind of useful financial support – is there a second look at doing an HCP and making us eligible for federal grants to recover these costs. Is that something that the Committee wants to talk about or not? That certainly got discussed at our Subcommittee. At some point, we'd assume that the city councils are being asked to pay for this.

Jake: I think that's correct and I think that up until this point in time we've continued to believe as a Committee that we're moving in a direction of an MOU, under Section 7. I realize that the HCP question has come up, but there is no indication from our technical advisors (from the US Fish & Wildlife Service and California Department of Fish & Game) that our MOU approach is not going to pass muster. I don't know if there are any

comments from our technical advisors, but I'm operating under the assumption that we're operating under an MOU process.

Dan: A part of this is if Santa Rosa comes back and says, no, we're not going to pay \$350,000 for this process, maybe we ought to...

Jake: Then maybe we do, but unfortunately because of schedules and Mr. Regalia's absence today, which is probably due to the fact that his principals are not here and we have our observer, Dr. Smith, here to report back to Santa Rosa, then I think we really need for Santa Rosa to address this issue seriously and I know you'll relay that, Dave, back to your colleagues in Santa Rosa.

Hearing no other comments, we will ask that we continue this item to our next agenda.

Does Cotati have any comments they would like to make at this time?

Diane Thompson, City Manger, City of Cotati: We are still working toward the Strategy at this time; we will report back. No specific comments at this time.

Jake: It will be extremely useful for the Committee, I know that John Guardino has reported to us that he had hoped he would have comments by February but lacking those today, it would be very helpful to hear from Cotati at our March meeting.

Diane: We're working on that.

Item 3: Report from Agricultural Activities Subcommittee

Bob Anderson: I can be brief. There was no meeting.

Jake: Any developments since the last meeting?

Bob: No developments.

Item 4: Public Comment on Issues Not on the Agenda

None

Meeting Adjourned.