

**SAN BRUNO MOUNTAIN AREA
HABITAT CONSERVATION PLAN TRUSTEES' MEETING**

**DRAFT MINUTES
July 12, 2010**

The meeting convened at 1:06 p.m. in the Board of Supervisors' Conference Room, 400 County Center, Hall of Justice, Redwood City.

TRUSTEES PRESENT: David Boesch, Clay Holstine, Patricia Martel, Barry Nagel

STAFF PRESENT: John Nibbelin, David Holland, Gary Lockman, Samuel Herzberg, Brenda Bennett

OTHERS: John Ferreira, Autumn Meisel, Mike Forbert, Ken McIntire, Doug Allshouse, Jake Sigg

1. Oral Communications

Mr. Ken McIntire, San Bruno Mountain Watch, submitted a "Wandering Weed Ranger Proposal" to the Trustees related to developing a weed ranger certification program that would permit regular hikers to remove invasive weeds when hiking and how those activities might be reported.

There was general consensus for staff to take the proposal to the Technical Advisory Committee (TAC) for review.

2. Consideration of Minutes of March 24, 2010

Minutes were approved by unanimous consensus.

3. Consideration of Draft White Paper RE: Section 10 (a) Permit for the San Bruno Mountain Habitat Conservation Plan

Director Holland said at the last meeting staff was asked to look at what would happen upon the expiration of the U.S. Fish and Wildlife Services (USFWS) Section 10 (a) Permit (Permit). He said in the draft White Paper three options were considered: 1) Do Nothing; 2) San Bruno State and County Park Master Plan; and 3) the San Mateo County Parks HCP Amendment.

Trustee Holstine said the draft paper was well-done and focused on the management of the Mountain. He said he had questions about the legal impacts of the expiration of the Permit on individual parcels located on the Mountain. Deputy County Counsel Nibbelin said he would review and advise. Trustee Boesch asked about the status of

discussions with USFWS. Director Holland said he had placed a call to USFWS and had not yet received a response, but he was prepared to press them to get a response. Trustee Boesch suggested the TAC further consider the issues around the expiration of the Permit. Director Holland said the TAC would be asked to make recommendations regarding the Permit. Trustee Holstine said the Trustees would need to take action on an application for a Section 10 (a) permit.

Mr. McIntire submitted a letter to the Trustees from San Bruno Mountain Watch documenting the group's position on the draft White Paper. He said San Bruno Mountain Watch would favor renewing a permit for restoration and weed control but did not see the need for the same permit to cover buildings. He said there needed to be public process for the Permit decision making. It was noted that the TAC meetings were public meetings.

Mr. Allshouse suggested that County Counsel clarify the legal ramifications of renewing or not renewing the Permit before the TAC met to discuss. Deputy County Counsel Nibbelin said he would work with Director Holland on identifying issues related to the expiration or renewal of the Permit.

Trustee Holstine said direction was needed from USFWS as to whether they would accept a permit that protected some uses but not the private property interest. He said outreach should be made to those property owners of individual parcels that might be impacted by a decision to not renew the permit.

Ms. Miesel said another function of the Permit provided for basic maintenance operations and emergency responses that might result in takes.

4. Consideration of and Action on Budget for FY 2010-2011

Director Holland reviewed the revised budget dated July 12, 2010 with the Trustees. He said there was sufficient funding available to do the optional task of the Oxalis pes-caprae Control for FY 2010-11.

There was a short discussion about the timing of the funds from the developer and the need for an agreement between the City of Brisbane and the County of San Mateo related to those funds. Deputy County Counsel Nibbelin said he would contact the City's Attorney. It was noted that next year's budget was expected to have reduced carryover fund balance and that a \$4,000,000 endowment from Brookfield Homes would be received sometime in the next two years the interest from which may be used to offset annual HCP expenses.

Director Holland said he had discussed with County Counsel Murphy that small claims cases would be made against two or three of the property owners who have not paid the HCP obligation for many years and with settlement in favor of the County, the department would then request settlement from the rest of the property owners who are delinquent in their payment of the HCP fees.

Trustee Boesch asked if there had been any changes in the consultants' rate structure. Ms. Miesel said there was an increase in some of TRA's rates but those rates had been charged to other customers for the past several years, and the increases were not across the board. Mr. Forbert noted there were no rate changes in the contract proposed by Westcoast Wildlands. He said there was a typographical error on the Work Scope that he would amend and resubmit as the charge per hour for spraying services was \$47.50 and not \$470.50 as shown.

The Trustees approved by consensus the proposed FY 2010-2011 budget including the optional Oxalis Control task. Approved budget attached.

5. Consideration of and Action on Contract with Thomas Reid Associates (TRA Environmental Services) for FY 10-11

6. Consideration of and action on contract with Westcoast Wildlands for FY 10-11

Trustees Action: M/S Holstine/Martel to approve the agreements between the County and Thomas Reid Associates and Westcoast Wildlands for FY 2010-11 to include the optional Oxalis Control task.

7. Scheduling of Next Meeting

Directed Holland said he expected the Trustees would need to meet near the beginning of 2011 to allow the TAC time to work on matters related to the Permit.

Trustee Boesch suggested that the next Trustees meeting be held at a location closer to one of the other Trustee's offices. Trustee Martel offered to host the next Trustees meeting at the City of Daly City's offices.

Meeting adjourned at 1:30 p.m.