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ENVIRONMENT: Group aims to revive salamander strategy

\$500,000 needed to fund environmental studies; 'a lot of money at stake'

by [Jeff Quackenbush](#)
Staff Reporter

SANTA ROSA – A novel private-public effort to restore California tiger salamander and other protected species in a large area of central Sonoma County and allow for some construction may be coming out of hibernation less than a month after the seven-year effort was nearly dead for lack of public funds and uncertainty about the regulatory outcome.

Much of that uncertainty remains, according to public officials involved in the process. However, last week homebuilders and private property owners also involved in the Santa Rosa Plain Conservation Strategy effort pledged to come up with an estimated \$500,000 to pay for environmental analysis needed to implement the plan.

Members of the Santa Rosa Plain Conservation Strategy Implementation Committee – made up of local government officials, state and federal regulators, environmental groups, homebuilders and farmers – met last Wednesday to discuss whether to move forward with the strategy and who would pay for it.

The Sonoma County Board of Supervisors on June 24 voted to stop work on the implementation of the strategy because main civic backers of the effort, Santa Rosa and the county, couldn't pay for the remaining environmental studies and the potential for changes in federal environmental policy after the November election.

The board would have to have adequate assurances of private funding to consider reactivation of the implementation committee, according to Mike Reilly, committee vice chairman and county supervisor for the West County area where much of the salamander breeding areas are concentrated.

"It's up the private sector now," Mr. Reilly said.

Property owners in the salamander range have been prodding along the "cooperative conservation" venture embodied in the strategy since the emergency listing of the salamander in Sonoma County in 2002. Some want to keep the strategy viable to avoid potential high costs and delays associated with a more conventional approach to habitat protection, according to Carolyn Wasem, whose environmental policy consulting firm represents a number of large local property owners and builders.

"There is a lot of money at stake here," she said. "It's important not only to the species but also to the economic vitality of the community to keep this strategy alive."

Though there's no firm time frame for bringing the matter back to the board of supervisors, those interested in reviving the strategy want to do so in the next month or two.

The strategy, completed in December 2005, would create a relatively new arrangement between local governments and regulators. Proponents of construction projects in the habitat range of the salamander would be able to mitigate certain species impacts by purchasing "credits" in some 4,000 acres of conservation areas. The range encompasses 17,400 acres mostly west of Highway 101 from south of Cotati north to Windsor.

That unique arrangement, and indications over the past year from regulators that a more conventional and court-tested route of completing a habitat conservation plan, or HCP, for the salamander range, worried some local public officials about potential for legal liability.

Now, some members of the committee will talk with regulators to find out whether the fully implemented strategy, an HCP or a hybrid will be preferable, according to Mr. Reilly.

In the meantime, a programmatic biological opinion the U.S. Fish & Wildlife Service completed last November in conjunction with the strategy can be invoked for most projects on the Santa Rosa Plain because there is usually seasonal wetland on a given property, according to wildlife service spokesman Al Donner.

Also, work on the strategy and the opinion has taken environmental analysis needed to turn the strategy into legal agreements closer to reality than many realize, he said.

However, for small housing developments, additions to homes or other projects that don't have viable wetlands but are near a salamander breeding pool, the ability to tap into the relatively straightforward ratios for how many acres of conservation bank credits need to be purchased for each acre impacted is complicated.

That's why backers of the conservation strategy are looking to an endangered species protection agreement, known as a low-impact habitat conservation plan, to provide project proponents with similar predictability in mitigation requirements as is provided under the biological opinion.

One of the first of those habitat conservation plans to come along since the conservation strategy implementation stalled is the Sonoma County Office of Education's proposal for a 21,000-square-foot special-needs school on Dutton Avenue southwest of Santa Rosa. The plan was published in the Federal Registers on July 3 and the comment period is to end Aug. 4.

The document references the conservation strategy and the interim habitat mitigation ratios of the biological opinion. In this case, two acres' worth of credits would be needed for each acre disturbed on the 4.43-acre property. Though the property doesn't have viable wetlands, it is in the range of Sebastopol meadowfoam, and two salamanders were found. Mitigation is estimated to cost \$1.1 million.

A lingering question in the conservation strategy is what to do with agricultural operations in the range of the salamander, according to Bob Anderson of United Winegrowers for Sonoma County and an implementation committee member.

Farming groups have been pursuing potential for property owners to enter safe harbor agreements with the wildlife service to reward property owners with protection from legal liability for changes to species habitat if they are using a number of environmentally friendly land-management practices.

However, such agreements historically have been for preservation and enhancement of habitat rather than for operations that may impact habitat, according to Mr. Donner.

Another unknown is whether the Center for Biological Diversity, which has sued the wildlife service several times over the salamander listing and has been calling for designation of critical habitat, has filed a notice to sue again. Last year, the center claimed that the wildlife service's exclusion of the 17,400 acres under the conservation strategy was "arbitrary and capricious."