



COUNTY OF SAN BENITO BOARD OF SUPERVISORS

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March 20, 2018

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
P.O. Box 944209
Sacramento, CA 94244-2090
ATTENTION: Santa Clara County RCIS Comments

Re: Draft RCIS- Comment Letter

To Whom It May Concern:

The Board of Supervisors of San Benito County hereby respectfully submits the following comments for your consideration on the draft Santa Clara County RCIS. The overarching concerns raised below relate to preserving areas for future growth in San Benito County, while recognizing the goals of RCIS. The draft RCIS needs to ensure that San Benito County, by virtue of its lower land costs, does not become used for mitigating development occurring in other jurisdictions, when rightfully such mitigation should occur near the site of development. The comments are submitted as follows:

- Add provisions indicating that mitigation lands should be selected in close proximity to the projects which they mitigate.
- The County should have approval authority as to when mitigation lands can be used in San Benito County.
- The County should have approval authority as to the maximum number of acres that may be put into mitigation during any one calendar year.
- There should be some mechanism for insuring long-term fiscal neutrality to San Benito County when lands being placed in permanent mitigation in a manner which results in a lower assessed value. The County recognizes that this is a more difficult issue to solve, given the nature of the RCIS document; however, this issue should be considered along

with the merits of capping the number of acres placed into mitigation each year in each individual jurisdiction without that jurisdiction's approval.

Unless each of the foregoing items is fully addressed, the Board has deep reservations regarding the inclusion of any land within San Benito County in the Santa Clara RCIS. Identification of mitigation lands, and subsequent placement of a conservation easement on those lands, is a major land use decision that must involve review and consent by the Board. The County is concerned this new environmental constraint could potentially be used by agency staff or advocacy groups to try to litigate against, delay or block, or impose more onerous permit requirements, on any lands within San Benito County. We also believe there was insufficient consultation with the County about including any County lands within the RCIS planning area boundaries, and regarding the draft RCIS.

We believe the RCIS should not be approved as proposed; however, we would be willing to work together to assure that the next draft RCIS addresses our concerns, and could thereafter consider supporting the RCIS.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Botelho", written in a cursive style.

Anthony Botelho, Chairman

By mail and by email to: rcis@wildlife.ca.gov, RCIS@openspaceauthority.org