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Environmental Community Proposal for Changes in the NBHCP
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- Amend the IA to clarify language to make clear that "there no longer will be a cap on fees for the acquisition of land, restoration or enhancement of habitat or the operation, maintenance and administration of the Plan" as stated in the staff report (exhibit B);

- Amend the NBHCP and IA to allow the NBHCP to return to the Council for adaptation to Recovery Plans within two years.

- City request that California Fish and Game Commission prepare a Recovery Plan for Swainson's Hawk, and City support financially the creation of a SH Recovery Plan by Fish and Game

- Amend the NBHCP to include all the mitigation commitments made in the 1994 SEIR (Resolution 94-258), adopted by the Council on May 3, 1994.

- * Include all the known nesting sites and the nesting population in the Natomas Basin (including the river side of the Garden Highway levee) in the conservation strategy in the plan;

- * Include all the mitigation measures protecting biological resources;

- * Recognize that the City of Sacramento development removes 5,000 acres of SH foraging habitat, and that additional habitat would be removed by development elsewhere in the basin;

- * Require City of Sacramento developers' fees to cover Swainson's hawk foraging habitat mitigation.

- Amend the NBHCP to require Swainson's Hawk habitat acquisition according to 1992 HCP Alternative 1 or Alternative 2.

- * City of Sacramento developers acquire 40 percent of the mitigation requirement (2200 acres at 100% owners or 4,000 acres at 10% ownership and the remainder in conservation easement); 160 acre minimum parcel size with 40 percent south of I-5;

- * guaranteed airport management of 4,000 acres as SH habitat; and

- * allocation of remaining SH habitat to developments in the counties (3,300 acres at 100% ownership or 4,500 at 10% ownership and the remainder in conservation easement)

- Preserve rather than replace habitat wherever possible; amend NBHCP to include no net loss of GGS numbers or habitat values.

- Authorize the NBC to immediately test the concepts of "managed marsh" and "narrow channel marsh" on non-rice lands before replacing known rice land habitat with conceptual wetlands.

- Guarantee canal management practices to protect the GGS

- * the key role of RD1000 and NMWC in protecting the GGS must be guaranteed — these agencies must sign on to the plan's requirements;

- * replace canal or ditch edge habitat that must be destroyed with edge habitat;

- * a review of canal management practices guidelines should be commissioned immediately from herpetologists to confirm that they do protect GGS or are amended to do so within one year;

- * suitable "safe harbor" GGS habitat linked to the drainage system now ready to be reconstructed should be in place before construction begins, to allow migration into replacement habitat (this offers an opportunity to test experimental designs for narrow channel marsh and managed marsh in the basin).

- Public review of NBHCP after 6,000 acres have been developed

- Amend the current organization of NBC bylaws to make them consistent with the new NBC role as defined in the NBHCP, including

- * Preclude NBC directors from being past or present employees, contractors, consultants [whether full or part time], or their relatives, of the Natomas Basin Conservancy;

- * Remove the provision that the NBC Board can conduct business without a meeting.

- Council should ensure that the NBHCP is managed by a reputable non-profit like Center for Natural Lands Management or The Nature Conservancy

- Correct drafting errors, contradictions and ambiguities within the documents:

- * all 1994 mitigation monitoring requirements incorporated by IA

- * transfers of land to NBC in lieu of fees for mitigation purposes should be subject to prior approval of USFWS and CDFG (Sec. 3.1.2 of IA)

- * USFWS have power to levy civil penalties for violation of permit or HCP per ESA Sec.

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- * needs a specific statement that USFWS can revoke the permit if population of wildlife subject to permit declines to the extent that continuation of permitted activity would be detrimental to the maintenance or recovery of the affected population of wildlife (50 CFR 13.28(a)(5)).

- * City or special assessment district to pay HCP costs if fees plus other revenue inadequate to complete or properly manage to USFWS and CDFG specification.

- * In the event of suspension or revocation of ESA Sec. 10 (a) permit, the City shall be financially responsible for completion and management of mitigation requirements arising from Urban Development approved, authorized, or carried out by the City within the Permit Area between the effective date of agreement and date of suspension or revocation or termination of agreement if other sources of revenue of NBC are insufficient to complete and manage the required mitigation.

- * Buffer area not to be counted as mitigation habitat land.

- * Rice farming to be covered by Permit only if managed with GGS-friendly techniques

- * Form and terms of proposed conservation easements to be specified in the HCP/IA, including what happens if permitted uses of land are no longer economical for landowner.

- * Habitat land required for any particular urban development permit will be acquired prior to commencement of ground-breaking or grubbing.

- * CDFG and USFWS to have authority to increase fees without City approval after appropriate notice, and due process.

- * Authority to USFWS and CDFG to direct modification of HCP, including fees, mitigation ratio, and location of habitat land, to accommodate Unforeseen Circumstances, Extraordinary Circumstances, Changed Biological Conditions, and/or Recovery Plan, after notice and hearing.