

AMENDED

RESOLUTION NO. 2003-290

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 13 2003

RESOLUTION ADOPTING THE FINAL 2003 NATOMAS BASIN HABITAT CONSERVATION PLAN (NBHCP) AND APPROVING THE NBHCP IMPLEMENTATION AGREEMENT (IA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE IMPLEMENTATION AGREEMENT AND RELATED DOCUMENTS NECESSARY TO OBTAIN INCIDENTAL TAKE PERMITS FROM THE US FISH AND WILDLIFE SERVICE AND CALIFORNIA DEPARTMENT OF FISH AND GAME

WHEREAS, on December 11, 2001, the City Council by Resolution Number 2001-821 directed the City Manager to prepare the necessary documentation including the appropriate environmental documents under the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA), to prepare and submit a revised Natomas Basin Habitat Conservation Plan and Implementation Agreement, with an application to the federal and state wildlife agencies for incidental take permits.

WHEREAS, the City Manager and City staff have prepared both a draft and final Natomas Basin Habitat Conservation Plan and Implementation Agreement and have submitted the NBHCP and the Implementation Agreement to all required public and wildlife agencies for agency and public review and comment.

WHEREAS, the City Manager and City staff have prepared both Draft and Final Environmental Impact Report and Environmental Impact Statement (EIR/EIS) documents in accordance with all substantive, analytical and procedural requirements under CEQA.

WHEREAS, the City Council has certified the Final EIR/EIS for the NBHCP project as adequate under the requirements of CEQA and further has adopted Findings of Fact and Statements of Overriding Considerations with respect to the Final EIR/EIS for the NBHCP.

WHEREAS, the City Council has further adopted all feasible mitigation measures to reduce the impacts of implementation of the NBHCP and has prepared and adopted the Mitigation Monitoring Plan for the NBHCP EIR/EIS.

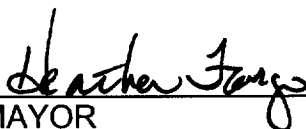
CITY CLERK USE ONLY


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NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:

- 1 The 2003 Final Natomas Basin Habitat Conservation Plan (NBHCP) is hereby approved and adopted by the City Council subject to the modifications set forth below for the purposes of obtaining a Section 10(a)(1)(B) Permit from the U.S. Fish and Wildlife Service and to the extent modifications to the City's existing Section 2081 Permit are approved by the California Department of Fish and Game. The City Council adopted the NBHCP as amended by the following modifications:
 - a. Eliminate the Out of Basin ("Area B") Mitigation Option so that no Mitigation Land may be acquired in Area B,
 - b. Include a provision in the NBHCP, as necessary, to allow the City to exercise its discretion through a resolution approved by City Council to require developer/ land owners to dedicate Mitigation Land in lieu of payment of the Land Acquisition Component of the Mitigation Fee prior to issuance of an Urban Development Permit, and
 - c. Incorporate a conservation measure in the NBHCP related to Swainson's hawk nest tree preservation that states: "Annually, prior to Swainson's hawk nesting season (March 15 to September 15) and until buildout of the City's Permit Area has occurred, the City of Sacramento will notify each land owner of any property on which a Swainson's hawk nest tree is present, and will identify the nest tree, and alert the owner to the specific mitigation measures prohibiting the owner from removing the nest tree;"
- 2 The 2003 NBHCP Implementation Agreement is further approved by the City Council and the City Manager is authorized to execute said agreement or an agreement substantially in accordance with such agreement subject to the modifications described in Section 1 above, and
- 3 The City Manager is further authorized to prepare any application forms and documents as may be necessary in the event further incidental take authorizations are deemed necessary by the California Department of Fish and Game.


MAYOR

ATTEST:

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