

## I. Purpose of the HCP

The South Sacramento Habitat Conservation Plan (SSHCP) is a regional approach to addressing issues related to urban development, habitat conservation and agricultural protection. The SSHCP will consolidate environmental efforts to protect and enhance wetlands (primarily vernal pools) and upland habitats to provide ecologically viable conservation areas. It will also minimize regulatory hurdles and streamline the permitting process for projects that engage in development activities. The SSHCP will cover 41 different species of plants and wildlife including 12 that are state or federally listed as threatened or endangered. The SSHCP will be an agreement between state/federal wildlife and wetland regulators and local land use jurisdictions which will allow land owners to engage in the "incidental take" of listed species (i.e., to destroy or degrade habitat in connection with economic activity) in return for conservation commitments from the local land use jurisdictions. These commitments will be identified prior to adoption of the SSHCP and will be fulfilled using funds from a per-acre fee paid by developers to mitigate habitat impacts from new development. These fees will be directed to both public and private mitigation sites that provide large-scale habitat preservation and limited habitat restoration opportunities.

The geographic scope of the SSHCP includes the unincorporated County area bounded by Hwy 50 to the north, the County line to the east and south; excluding the Delta, and Interstate 5 to the west. Sacramento County is seeking to partner with the incorporated cities of Elk Grove, Rancho Cordova and Galt to further advance the regional planning goals of the SSHCP.

### Key Principles

#### Develop a Habitat Conservation Plan through a process that:

- Involves all stakeholders in the study area including developers, environmentalists, agriculturists, and government agencies.
- Educates stakeholders regarding the importance of the plan, its components, and its significance to them.
- Progresses in an efficient and expeditious manner through consensus building.

### Stakeholder Goals

#### Create a Habitat Conservation Plan that:

- Ensures long-term viability to aid and enhance recovery of sensitive species in the study area by protecting an adequate quality and quantity of habitat in an integrated manner.
- Accommodates development in appropriate sites with fair and reasonable mitigation cost structure.
- Protects agricultural lands and operations from constraints associated with the plan's implementation.
- Gains the trust of all stakeholders in the permitting process by providing certainty that their interests will be considered in a fair and predictable process.
- Relies on voluntary participation through incentives that make the HCP process preferable to the existing process.

- Provides a comprehensive framework for use in linking plant and animal conservation with local land use programs, consistent with Sacramento County General Plan goals and policies.

## **II. HCP Permitting**

### **Permit Holders**

- County of Sacramento,
- City of Elk Grove,
- City of Galt,
- City of Rancho Cordova
- Possibly SMUD.

### **Permit Duration**

It is anticipated to be a 50-year incidental take permit.

### **Permit Area**

The area in which take will be authorized is referred to as the Urban Development Area (UDA). This area is defined as that portion of the SSHCP project boundary that is located within the County's Urban Service Boundary (USB) or the City limits of Elk Grove, Galt and Galt's Sphere of Influence (SOI) or Rancho Cordova. The UDA corresponds to locations that are identified for urban development by County or City General Plans.

### **Permits Requested**

#### **✓ Endangered Species Acts**

Habitat Conservation Plans are essentially Federal Endangered Species Act (FESA) permitting documents. The completed and approved SSHCP will result in an incidental take permit from the U.S. Fish and Wildlife Service for plants and animals listed under the federal act and from the Department of Fish and Game for species listed under the California Endangered Species Act (CESA). The local land use authority will be the permittee and will then in turn authorize take under discretionary projects that comply with the SSHCP requirements. Specific permits to be applied for include federal ESA Section 7 and 10 permits and a State ESA Section 2081 permit.

#### **✓ Jurisdictional Wetlands**

The County of Sacramento will seek a 404 Permit under the Clean Water Act from the U.S. Army Corps of Engineers (ACE) to allow fill of vernal pools and other wetlands for projects permitted under the SSHCP. Generally, ACE wetland permits require individual projects to avoid impacts to the maximum extent possible. Obtaining ACE approval of the SSHCP conservation and mitigation strategies which includes filling of over 300 acres of wetlands will require compelling biological justification. However, wetland permitting is deemed an essential component of the SSHCP by stakeholders in the development community. Specific permits to be applied for include the federal CWA Section 401 permit and state CWA section 401 permit.

### ✓ **Streambed Alteration**

The SSHCP was originally envisioned to include projects requiring streambed alteration permits from the Department of Fish and Game. Subsequent discussions with DFG personnel indicate that these permits require a substantial amount of project-specific detail that might be difficult to describe in the Plan. The County of Sacramento has yet to decide about seeking a blanket streambed alteration agreement (or master streambed alteration permit should proposed legislation authorizing master agreements become law) for the SSHCP. Specific permits to be applied for include state 1601 permit.

### ✓ **CEQA and NEPA Compliance**

Part of the permitting process will be to analyze and disclose for public review the environmental impacts of the proposed actions under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Once the programmatic-level EIR/EIS has been approved, subsequent projects may rely on the biological mitigation measures provided in the programmatic document.

### **Activities Covered Under the HCP**

- **Development:** This category includes public and private residential, commercial, and industrial construction approved pursuant to county and city general plans and associated infrastructure such as, but not limited to, roads, sidewalks, bike paths, parking lots, gas, sewer, water, electric, and communication lines.
- **Transportation:** This category includes projects approved pursuant to the circulation element of county and city general plans as well as construction, extension, widening and maintenance of highways, freeways, interstates, public and private roadways, and bridges not identified within county or city general plan documents.

Specific maintenance activities within existing rights-of-way or easements include reconstruction of existing roadways, pavement resurfacing, pavement repairs, guardrail and fence repair, signage repair, traffic control device repairs, ditch clearing, tree trimming, repair or replacement of culverts/drop structures, grading of existing roadways and shoulders, repair of curbs, gutters, and sidewalks, and dust stabilization.

- **Water:** This category includes projects approved pursuant to county or city adopted master drainage plans as well as construction, installation, extension, and maintenance of surface water intake facilities, pumping plants, water treatment facilities, groundwater recharge and reclamation facilities, wells, water supply pipelines, canals, and aqueducts not identified within county or city general plans.
- **Waste Water:** This category includes projects approved pursuant to the County Sanitation District 1 Sewerage Facilities Expansion Mater Plans and Sacramento Regional County Sanitation District Interceptor Mater Plans as well as construction, installation, and maintenance of sewage treatment plants, water treatment facilities, pumping stations, force

mains, waste water pipelines including trunk and interceptor sewer lines, and jacking and receiving pits.

- Flood Control: This category includes projects approved pursuant to county or city adopted flood control plans as well as construction, installation, and maintenance of pumping stations, pressure control structures, levees, dikes, detention basins, and storm water channels that are not identified within county or city adopted flood control plans.

Specific maintenance activities within existing rights-of-way or easements include removal of debris and sediment from channels or ditches through dredging, weed abatement (application of herbicides not covered), repairs to channels, levees, dikes, and basins.

- Sanitation: This category includes construction, expansion and maintenance of landfills, transfer stations, and recycling stations.
- Public Facilities: This category includes construction and maintenance of fire stations, police stations, hospitals, schools, community centers, cemeteries, and administration centers.
- Recreation Facilities: This category includes construction and maintenance of recreation facilities such as parks, sports complexes, recreation trails, restrooms, trailheads, playgrounds, golf courses, racetracks, campgrounds and recreational infrastructure associated with education and interpretation.
- Utility Services: This category includes construction, installation, and maintenance of generating facilities, transmission substations, transmission and distribution lines, gas lines, and telecommunication lines.
- Mining: This category includes extraction of aggregate resources and construction, and maintenance of mining pits, processing sites, and aggregate transfer systems such as conveyors and access roads.
- Species Surveys and Relocation: Activities will occur that result in the loss of habitat occupied by covered plant or animal species or will cause habitat to become so degraded as to cause species to be extirpated from a given location. In this case it may be necessary and/or desirable to relocate or transplant various covered species to locations within the HCP preserve system to help ensure the preservation of that species.
- Elk Grove – El Dorado Transportation Corridor project: Details to come.

### III. Conservation Strategy

The conservation strategy for the SSHCP provides for the conservation of 41 covered species and their six habitat types so as to aid recovery of the species, fully mitigate for the impacts of covered activities on the species and their habitats, and provide a regional approach to the

avoidance, minimization and mitigation of impacts on the Waters of the United States. It is based on the concepts of conservation biology and landscape ecology, the ecological needs of the covered species and the nature, quality and geographical distribution of the different habitat types. The strategy includes requirements for:

- Preservation of species populations and habitat, in a preserve system;
- Conservation of stream corridors and some swale systems that drain into streams;
- Conservation of landscape linkages between the preserves and between east-county grasslands and south-county agricultural areas;
- Restoration or enhancement of habitat to offset impacts on specific species and habitats;
- Restoration or enhancement of habitats to increase suitable habitat for and contribute to the recovery of covered species;
- Enhancement of preserved lands to maximize the functions and values of habitats for covered species and;
- Avoidance or minimization of impacts on covered species populations and habitat.

### Summary of Conservation Strategy Acreages

Habitat	Acres Conserved			Acres Restored		
	Inside UDA	Outside UDA	Total	Inside UDA	Outside UDA	Total
Overall	9,541	57,193	66,734	0	1,511	1,511
Vernal pools	310	930	1,240	0	310	310
Other wetlands	901	1,325	2,226	0	901	901
Streams	12 linear miles	43 linear miles	55 linear miles	0	0	0
Riparian	1,130	2,276	3,406	0	186	186
Grasslands	0	9,202	9,202	0	0	0
Vernal Pool Grasslands	7,000	24,638	31,638	0	0	0
Oak Woodlands/Savannah	0	4,114	4,114	0	114	114
Croplands	200	14,708	14,908	0	0	0

The acreages conserved and restored reflect both mitigation for covered activities and additional actions to aid species' recovery

**General Conservation Assumptions**

- Half of the remaining Vernal Pools that are not already protected within the UDA will be permitted for take and half will be protected (approximately 310 acres of take and 310 acres for preservation within the UDA)
- Will allow approximately 47,300 acres of development
- Will protect approximately 66,735 acres
- A majority of preservation will be accomplished through the protection of habitat located outside of the UDA (roughly 80% protected outside of the UDA).
- A majority of the land to be protected will be acquired via conservation easement.
- Mitigation Ratios will not exceed 1:1
- Additional acreage will be funded through grants or other funding sources

**IV. Funding**

The overall development fee is estimated to be **\$29,401** per acre. It must be noted that this fee is based on a flat fee structure and the final fee structure is more than likely going to be a tiered fee structure. The tiered fee structure will set a base fee for impacts to upland habitat types and a surcharge for wetland or riparian impacts that are generally more expensive to mitigate due to increased mitigation ratios and additional restoration costs. There are four components that make up the overall development fee.

- The land acquisition component which is estimated to be **\$22,201** per acre.
- The habitat restoration, creation, and enhancements component which is estimated to be **\$1,141** per acre.
- The management and monitoring component which is estimated to be **\$2,488** per acre.
- The plan administration component which is estimated to be **\$3,571** per acre.

**South Sacramento HCP - Economic Analysis**  
**Table 11-8: Summary of Funding Requirements**

<b>Cost Category</b>	<b>Total Cost (HCP Timeframe)</b>	<b>Average Annual Cost (HCP Timeframe)</b>	<b>Average Annual Cost (Ongoing - Year 51+)</b>
Land Acquisition	\$1,050,114,085	\$21,002,282	\$0
Restoration & Enhancement	\$53,985,569	\$1,079,711	\$0
Management & Monitoring	\$150,033,758	\$3,000,675	\$5,883,677
Plan Administration	\$199,516,746	\$3,990,335	\$6,936,020
<b>Total:</b>	<b>\$1,453,650,159</b>	<b>\$29,073,003</b>	<b>\$12,819,697</b>

## **V. Plan Implementation**

### **JPA**

While numerous issues still need to be resolved concerning the nature of the implementing structure it is likely that the local jurisdictions will form a JPA. The JPA will be responsible for ensuring compliance with the conditions of the incidental take permit issued by the USFWS. The JPA will be made up of representatives from local participating land use jurisdictions and will oversee the implementing entity.

### **Implementing Entity**

The implementing entity is likely to be a conservancy that is established to oversee the day to day implementation of the HCP. Such duties include land or easement acquisitions, monitoring and management of preserved lands, maintenance of the preserve system and general administrative functions.

### **Science Advisory Committee**

As the plan is implemented there are likely to be issues that require the expertise of conservation biologists, ecologists and lands management professionals. This is especially true of the SSHPC as we will rely heavily on adaptive management to guide preserve implementation.

### **Base Implementation Structure**

The HCP implementation structure will employ a two tier system. The first tier addresses mitigation of upland habitat-types such as grasslands, woodlands and croplands. The second tier addresses mitigation of wetland and riparian related habitat-types. The following will be applicable to all projects that meet the parameters of a covered activity as defined in the Covered Activities Chapter of the HCP and where the habitat type is not one that is exempt from take (Mine Tailings).

Projects less than 40 acres in size may chose to pay a fee or provide land or an easement to satisfy mitigation requirements. Projects that impact 40 acres or more must provide land or easements unless other conditions exist as described in “Mitigation Requirement By Cover-Type”. Each project must protect no less than 25% of that projects required mitigation within the UDA. This shall remain in effect until all land acquisition measures for habitat conservation within the UDA are achieved.

### **VWADI Category Criteria for take of Vernal Pool Wetlands**

Take of vernal pool wetlands within a Category 1 or 2 LAU must be replaced with vernal pool wetlands of the same category or lower. (i.e. loss of vernal pools within a Category 1 LAU must result in the preservation of Vernal Pools within a Category 1 LAU; loss of vernal pools within a Category 2 LAU must be mitigated by preserving vernal pools within a Category 2 or 1 LAU).

Take of vernal pool wetlands within a Category 3, 4 or 5 LAU can be replaced with vernal pool wetlands of any Category. Additional credit will not be given for protecting lower category LAU's than those taken.

To encourage protection of vernal pool wetlands within high value Category 1 and 2 LAU's within the UDA; an increased impact mitigation ratio will be applied to vernal pool wetlands that are contained within these categories until the mitigation requirements for each zone or sub-zone have been achieved. Vernal Pool wetlands within Category 1 LAU's must be mitigated at a ratio of 7:1, for every acre lost six acres must be protected. Vernal Pool wetlands within Category 2 LAU's must be mitigated at a ratio of 6:1; for every acre lost five acres must be protected.

Likewise vernal pool wetlands within Category 1 and 2 LAU's that are within the UDA will be given a higher mitigation credit. Each vernal pool wetland preserved within a Category 1 or 2 LAU will be given a 1.5:1 credit (i.e. for every 2 vernal pool wetland acres preserved within Category 1 or 2 LAU's three acres will be credited).

### **Easement or Land Dedication in Excess of Compensation Requirements**

In instances where land or easements are decided to the implementing entity and are in excess of what is required to compensate for impacts, credits will be provided to the landowner. (i.e. a project is required to provide 90 acres of cropland habitat but wishes to dedicate an easement on a 100 acre parcel. The extra 10 acres of cropland mitigation will be held by the HCP implementing entity in a reserve account to be used or sold by the entity that provides the easement.)

### **Minimum Parcel Size for Acquisition by Implementing Entity**

Since smaller parcels are typically more expensive to acquire and manage the HCP Implementing Entity will not be permitted to acquire parcels smaller than 20 acres in size without authorization to do so by the SSHCP Governing Board. The Governing Board can authorize the purchase of smaller parcels only if the purchase is necessary to protect an existing occurrence of a SSHCP covered species.

### **Mitigation by Cover-Type**

Typically a project over 40 acres in size will be expected to mitigate for the loss of each cover-type that is impacted by providing the same cover-type in fee title land or easement to the implementing entity. This can be problematic however, if a project is impacting a relatively small portion of any given cover-type especially when land delivery is required.

Projects over 40 acres in size can elect to pay a fee for impacts to Riparian Woodland, Riparian Scrub, Valley Oak Woodland, Freshwater Marsh, Seasonal Wetlands and Cottonwood Woodlands. This is allowed under the HCP as the nature of loss for the aforementioned cover-types is likely to be very small for most projects and the land delivery mitigation requirement may not be practical to offset these impacts.