



APPROVED
BY THE CITY COUNCIL

JUN 25 1996

OFFICE OF THE
CITY CLERK

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**CITY OF SACRAMENTO
CALIFORNIA**

OFFICE OF THE CITY MANAGER

915 I STREET, SUITE 301
SACRAMENTO, CA 95814

916-264-7223
FAX 916-264-8161

June 17, 1996

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AUTHORIZATION TO SUBMIT THE NATOMAS BASIN HABITAT
CONSERVATION PLAN AND IMPLEMENTATION AGREEMENT TO THE
UNITED STATES FISH AND WILDLIFE SERVICE AND CALIFORNIA
DEPARTMENT OF FISH AND GAME FOR FURTHER PROCESSING.

LOCATION AND COUNCIL DISTRICT: North Natomas Project, District 1.

RECOMMENDATION:

Staff recommends that Council approve the attached Resolution directing staff to:

- Submit applications to the federal and state wildlife agencies for further processing;
- When approved by the wildlife agencies, return to Council to consider adoption of the Plan and Implementation Agreement

CONTACT PERSON: Terence W. Moore, Special Projects Manager, 264-5530

FOR COUNCIL MEETING OF: June 25, 1995

SUMMARY:

Conditions of the Federal 404 Permit for SAFCA's North Area Local Project require that a Habitat Conservation Plan (HCP) be implemented for the Natomas Basin. The attached Resolution, if adopted, directs the City Manager to assist SAFCA in making the necessary applications to the federal and state wildlife agencies.

If the HCP and Implementation Agreement (IA) are approved by the wildlife agencies, the Resolution directly staff to present the approved documents to Council for its consideration and possible adoption.

COMMITTEE/COMMISSION ACTION: None

BACKGROUND:

On June 20, 1996 a workshop was conducted with Council to explain the HCP and IA. Council was also briefed on the schedule for the processing of the HCP and IA by the federal and state wildlife agencies. If adopted, the attached resolution authorizes staff to begin assisting SAFCA in preparing the necessary documents for application to the wildlife agencies as follows:

- Review draft documents with the wildlife services prior to application;
- Assist SAFCA in preparing application documents;
- City Manager will sign application on behalf of the City
- Coordinate with the wildlife agencies during the permit application process.

CEQA/NEPA documents for the HCP will be available for public review during the application period.

In the event that the wildlife agencies approve the application, staff will present the approved documents to City Council for its consideration and possible adoption, together with appropriate environmental review.

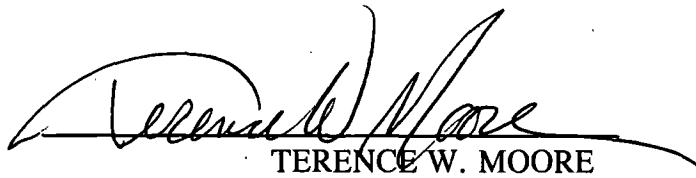
FINANCIAL CONSIDERATIONS: There are no financial impacts resulting from the application.

ENVIRONMENTAL CONSIDERATIONS:

By this Resolution, Council is not committing the City to adoption of the HCP or IA, but rather is committing the City only to consider adoption , at a future date, and only after appropriate CEQA/NEPA environmental review.

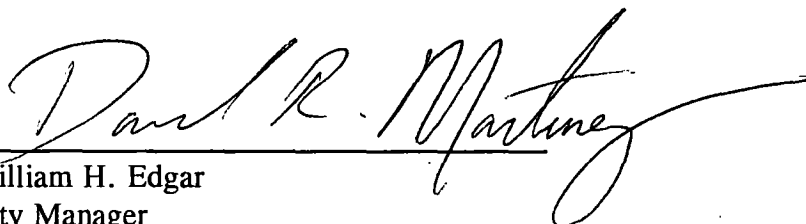
MBE/WBE: Not applicable to this report.

Respectfully submitted,



TERENCE W. MOORE
Special Projects Manager

RECOMMENDATION APPROVED:



for: William H. Edgar
City Manager

RESOLUTION NO. 96-337

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
JUN 25 1996
OFFICE OF THE
CITY CLERK

**A RESOLUTION AUTHORIZING THE CITY
MANAGER TO ASSIST SACRAMENTO
AREA FLOOD CONTROL AGENCY IN SUBMITTING AN APPLICATION
TO THE UNITED STATES FISH AND WILDLIFE
SERVICE AND THE CALIFORNIA DEPARTMENT
OF FISH AND GAME FOR INCIDENTAL TAKE PERMITS
AND AUTHORIZATIONS UNDER THE STATE AND FEDERAL
ENDANGERED SPECIES ACTS FOR DEVELOPMENT IN
THE NORTH NATOMAS COMMUNITY
PLAN AREA**

WHEREAS:

A. At the time that the City Council approved the North Natomas Community Plan Update on May 3, 1994, by Resolution No. 94-259, the Council certified the Supplemental EIR for that project, and adopted the Mitigation Monitoring Plan developed during the environmental review process.

B. The Supplemental EIR identified significant adverse impacts, as a result of the project, to the habitat important to the Giant Garter Snake, a federally listed species, and the Swainson's Hawk, a state listed species, as well as other special status species.

C. Among the mitigation measures specified for those impacts was participation by developing landowners in a habitat conservation plan for the Natomas Basin.

D. The Sacramento Area Flood Control Agency ("SAFCA"), as a condition of a permit issued to it by the U.S. Army Corps of Engineers in connection with the North Area Local Project, is required to establish a habitat conservation plan for the Natomas Basin.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

E. SAFCA, in conjunction with the City of Sacramento, the County of Sacramento, and the County of Sutter, has facilitated the development of a draft multi-species habitat conservation plan called the Natomas Basin Habitat Conservation Plan ("HCP"), and an implementation agreement ("IA"), for the purpose of submitting the HCP and IA with an application for incidental take permits and authorizations, to the U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

F. SAFCA has, by its official Board of Directors' action, resolved to pass the HCP and IA along to the three land use agencies, for their consideration.

G. Before proceeding with the significant work and substantial expense associated with preparation of the environmental documentation needed to support consideration of the HCP/IA, the City Manager, city staff, and SAFCA desire to establish that the City Council would in fact consider adoption of the HCP at some future date upon preparation of the necessary environmental and other supporting documentation. Pursuant to CEQA, its implementing guidelines, and applicable appellate court decisions, CEQA compliance is not necessary in order to obtain such broad policy guidance with respect to a prospective project, or to deny or reject a project.

H. The action to be taken by the City Council, in considering the HCP and IA, is limited to directing the City Manager to assist SAFCA in preparation and presentation of the application, together with appropriate environmental review.

I. When the HCP and IA are presented by SAFCA with the application, full and complete review, at the appropriate level, of those documents under NEPA and CEQA will be conducted.

J. In the event that the federal and state agencies approve the application, the HCP and IA will be forwarded to the City Council for the purpose of considering whether to approve those documents for implementation in the North Natomas Community Plan Area, and satisfaction of the requirements of the mitigation monitoring plan, as specified above.

K. In adopting the ordinances establishing the impact and other development fees for the North Natomas Community Plan Area, the Council established a "placeholder" fee which all developing lands within that Area must pay, based upon city staff's estimate of a reasonable fee which could result from the establishment of a Natomas Basin HCP. Upon establishment of such an HCP, the actual fee will be set, and those who have paid the estimated fee will have their fee adjusted so that additional amounts owing will be paid, or credits due will be given. The HCP and IA, as proposed, are fee-based, and thus conform to adopted council policy with respect to fees in the North Natomas Community Plan Area.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

1. The City Manager is directed to assist SAFCA in the preparation of the necessary documentation, including appropriate NEPA and CEQA environmental review, to allow SAFCA to submit the HCP and the IA, with an application to the federal and state wildlife agencies for incidental take authorizations and permits, for their consideration.

2. In the event that the state and federal wildlife agencies approve the application, together with the HCP and IA, and determine that incidental take permits and authorizations will be issued, the City Manager is directed to present the approved documents to the City Council for its consideration and possible adoption, accompanied with appropriate environmental review.

3. By this resolution, the City Council is not committing the City to adoption of the HCP or IA, but rather is committing the City only to consideration of adoption of the HCP and IA at a future date, and only after appropriate environmental review has been conducted.

Mayor

ATTEST:

City Clerk

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____