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July 15, 2021

Mayor and City Council
City Hall
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Via Email

Council Agenda, July 27, 2021 Expansion of NBHCP Permit Area

City-Sacramento LAFCo Memorandum of Understanding (MOU) for the Processing of the Airport South Industrial Project File ID: 2021-00731

Location: Unincorporated Natomas area south of I-5, extending from Powerline Road on the west to the City of Sacramento city limits on the east, and south to the West Drainage Canal.

Dear Mayor Steinberg and Councilmembers:

We urge you to delay consideration of the proposed LAFCo MOU until you have an approved Memorandum of Understanding with the wildlife agencies for the process you will follow to comply with the Natomas Basin Habitat Conservation Plan (NBHCP) while considering annexation of 450 acres outside your permit area. The NBHCP is a contract between the City and state and federal wildlife agencies that sets the terms of its permits to develop in Natomas. The purpose of the Plan is to preserve the populations of threatened wildlife in the Basin while allowing some City and Sutter County development. This contract states that "Because the effectiveness of the NBHCP's Operating Program is based upon CITY limiting total development to 8,050 acres within the City's permit area . . . , approval by either CITY or SUTTER of future urban development outside of their respective Permit Areas would constitute a significant departure from the Plan's Operating Conservation Program."

Since it has been nearly 20 years since this Plan was adopted by the Council, we recommend the Council hold a public workshop on the NBHCP as the first order of business in this matter. It is important that the City consider its obligations and the challenges the Natomas Basin Conservancy (NBC) faces in implementing this conservation program before initiating a major change.

The NBHCP Implementation Agreement (IA) provides that "CITY agrees not to approve more than 8,050 acres of Authorized Development and to ensure that all Authorized Development is confined to CITY's Permit Area as depicted on Exhibit B. . . ." (see attached).

The City also agreed that "in the event this future urban development should occur, prior to approval of any related rezoning or pre-zoning, such future urban development shall trigger a reevaluation of the Plan and Permits, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits to the permittee for that additional development and/or possible suspension or revocation of [Permit]. . ." ((IA 3.1 (a))

Absent an agreement with the wildlife agencies about the process for complying with these terms in the NBHCP, the MOU with LAFCo to process annexation conflicts with and jeopardizes the success of the Natomas Basin Habitat Conservation Plan. We recommend the City engage the wildlife agencies in review of these requirements, and prepare and adopt a plan for meeting the requirements. This is especially important because the wildlife agencies have already permitted an additional City development of 577 acres in the Basin beyond the original permit area (Greenbriar).

We urge you to reach a detailed understanding with the wildlife agencies on each step of "the reevaluation of the Plan and Permits, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits". We urge that the Council approve the process agreed upon before moving forward to enable consideration of annexation.

This is an issue of public concern and merits public discussion and hearing. We urge the City to complete these steps before consideration of the annexation process at LAFCo.

Please note that Chapter 3, Section 56375 (7) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishing LAFCo requirements that in the case of annexation:

"(7) The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and pre-zoning of the city. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed "

Please keep us informed of any future public hearings on this proposal.

Thank you for your attention to this important environmental issue in the City of Sacramento.



Ralph Propper
President of ECOS



Heather Fargo
Mayor of Sacramento 2000-2008



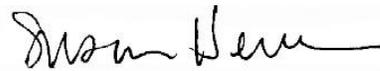
Barbara Leary
Chair, Sacramento Group, Sierra Club



Rob Burness
CoChair Habitat 2020



William F. Bianco
Pres., Sacramento Audubon Society



Susan Herre
ECOS President-elect



James P. Pacht
Friends of the Swainson's Hawk
Legal Chair, Sierra Club MLC



Judith Lamare
Friends of the Swainson's Hawk

attachment: copy of page 1 of IA and Exhibit B

- c: H. Chan, City Manager
Cheryle Hodge, New Growth Manager
John Roberts, Natomas Basin Conservancy
City Clerk

2003 NBHCP
1 A.

AGREEMENT

FOR AND IN CONSIDERATION of the recitals set forth above, which are incorporated by reference herein, the covenants set forth herein, and other considerations, the receipt and adequacy of which is hereby acknowledged, the Parties hereto agree as follows:

2 DEFINITIONS

Terms used in this Agreement with reference to the ESA shall have the same meaning as those same terms have under the ESA, or in regulations adopted by the USFWS, and terms used in this Agreement with reference to CESA, shall have the same meaning as those same terms have under CESA, or regulations adopted by CDFG. Capitalized terms used in this Agreement shall have the defined meanings specified in the NBHCP as attached hereto as Exhibit A and incorporated herein into this Agreement. Where additional terms are used in this Agreement, definitions are included within the applicable text. Any amendments to the definitions contained in this Agreement shall be deemed automatically to be amendments to the definitions contained in the NBHCP.

3 OBLIGATIONS OF THE PARTIES

3.1 CITY and SUTTER.

3.1.1 Limitation on Total Development in Natomas Basin and Individual Permit Areas. The NBHCP anticipates and analyzes a total of 17,500 acres of Planned Development in the Natomas Basin, 15,517 acres of which constitutes Authorized Development within CITY and SUTTER. (An additional 1,983 acres of development is allocated to the Metro Air Park project in Sacramento County under the Metro Air Park Habitat Conservation Plan and is analyzed within the NBHCP.) CITY agrees not to approve more than 8,050 acres of Authorized Development and to ensure that all Authorized Development is confined to CITY's Permit Area as depicted on Exhibit B to this Agreement). SUTTER agrees not to approve more than 7,467 acres of Authorized Development and to ensure that all Authorized Development is confined to SUTTER's Permit Area as depicted on Exhibit C to this Agreement). The Parties further agree:

(a) Because the effectiveness of the NBHCP's Operating Conservation Program is based upon CITY limiting total development to 8,050 acres within the CITY's Permit Area, and SUTTER limiting total development to 7,467 acres within SUTTER's Permit Area, approval by either CITY or SUTTER of future urban development within the Plan Area or outside of their respective Permit Areas would constitute a significant departure from the Plan's Operating Conservation Program. Thus, CITY and SUTTER further agree that in the event this future urban development should occur, prior to approval of any related rezoning or pre-zoning, such future urban development shall trigger a reevaluation of the Plan and Permits, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits to the permittee for that additional development, and/or possible suspension or revocation of CITY's or SUTTER's Permits in the event the CITY or SUTTER violate such limitations.

(b) For purposes of the NBHCP and this Agreement, CITY agrees that although the West Lakeside Annexation area is proposed by the landowners to be annexed to the CITY, this area currently is located within Sacramento County and is outside of the County's Urban Services Boundary and the City's Sphere of Influence, and it is not included in the 8,050 acres of Authorized Development or within the CITY's Permit Area. Thus, CITY agrees that in the event this annexation occurs, it shall, prior to approval of any rezoning or pre-zoning associated with such annexation, trigger a reevaluation of the Plan, a new effects analysis, potential amendments and/or revisions to the Plan and Permits, a separate conservation strategy and issuance of Incidental Take Permits to the City for that additional urban development, and/or possible

Baseline Map - Exhibit B City of Sacramento

