

Pre-Construction Protocols

Natomas Basin

Habitat Conservation Plan

Attached is a checklist related to preparing a complete pre-construction survey for a proposed urban development project in the Natomas area subject to the 2003 Natomas Basin Habitat Conservation Plan (NBHCP).

Submittal of a pre-construction survey is one of several required steps toward obtaining and Urban Development Permit that allows grading within the Natomas Basin subject to the HCP. For questions about the urban development permitting process -- including pre-construction surveys -- within the City of Sacramento, please contact:

- Cheryle Hodge at (916) 808-5971, chodge@cityofsacramento.org

All pre-construction surveys shall be submitted to the City of Sacramento, Community Development Department.

The City is the point of contact for HCP matters and will provide the completed pre-construction survey to each of the following:

- U.S. Fish and Wildlife Service (Attn: Adam Stewart);
- California Department of Fish and Wildlife (Attn: Dylan Wood);
- Sutter County (Attn: Doug Libby);
- Natomas Basin Conservancy (Attn: John Roberts)

The pre-construction survey will generally include:

- I. Project Description;
- II. Results of the Biological Survey;and
- III. Conservation Measures.

A pre-construction survey is needed a minimum of 30 days and a maximum of 6 months prior to grading or otherwise disturbing the site. The requirement to provide a pre-construction survey applies to both public and private development projects.

If this survey is the first pre-construction survey the biologist has prepared for the NBHCP, a resume of qualifications should be submitted to USFWS and CDFW with the complete pre-construction survey.

For NBHCP, conservation measures are to be implemented as conditions of urban development permits, as well as for projects sponsored by the respective land use agency (NBHCP §V-1).

The purpose of the pre-construction survey is to determine the status, presence of, and likely impacts to covered species. Wildlife Agency-approved biologists shall conduct the surveys and must implement the conservation measures outlined in the NBHCP, unless otherwise approved by the Wildlife Agencies. Because of concerns regarding Swainson's hawk, conducting the pre-construction survey at least 30 days prior to construction activities is especially important for construction projects that are initiated near riparian and tree groves and when work will commence in spring or early summer.

Surveys and recommended conservation measures are provided to the permitting agency (City of Sacramento), Sutter County, CDFW, and the USFWS. Based upon the results of the pre-construction survey, the land-use agencies identify appropriate conservation measures. Reconnaissance level surveys may indicate that species-specific surveys are not necessary. It is the permittee's (i.e., the City and Sutter) responsibility to ensure the appropriate surveys have been conducted and that appropriate conservation measures are being implemented.

Note: Plant surveys must be appropriately timed so that the plants will be identifiable, if present.

The pre-construction survey must include:

1. The name of the project.
2. The exact location and size (acres) of the project within the City/Sutter's permit area. Include a map. Something on the scale of the maps in the Implementation Agreement should be sufficient.
3. The dates and types of survey(s) conducted.
4. A description of the site. Describe current land uses, habitats on site, habitats adjacent to the site such as canals, waterways, trees, riparian areas, and shrub-scrub. Is it grasslands, wetlands (includes both jurisdictional and non-jurisdictional), row crops, pasture, rice, etc.? Are there seasonal wetlands or vernal pools? What are the adjacent land uses? Past land uses should also be described to the extent possible since those uses may have some bearing on the species that could occur on site. Any species observed on site should be described and noted.
5. Recorded special status species occurrences including: a description of known occurrences on the site and on adjacent sites, known California Natural Diversity Database (CNDDDB) records on site and on adjacent sites, occurrences from previous biological monitoring results (contact the Natomas Basin Conservancy for this information), records published in the NBHCP. Be sure to note the nearest localities of Swainson's hawk nest trees, giant garter snake records, even if not on the project site.
6. A statement as to whether or not there are any vernal pools, swales, or other seasonal wetlands capable of supporting vernal pool associated species (i.e. Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Colusa grass, Sacramento Orcutt grass, slender Orcutt grass, Midvalley Fairy Shrimp, Legenere, Bogg's Lake Hedge-Hyssop, western spadefoot toad, and California tiger salamander) within 250 feet of project activities. If so, additional surveys and/or mitigation may be necessary. See sections V.A.4, V.A.5.k-m, and V.A.5.p for further info.

7. A statement as to whether or not the proposed project is within 200 feet of any potential giant garter snake aquatic habitat (i.e., contains water between May 1 and October 1 – does not have to be wet the entire time). This also includes canals and ditches operated by RD 1000 and Natomas Central Mutual Water Company. If so, see NBHCP § V.A.5.a.
8. A statement as to whether or not there are any Swainson's hawk nests within ¼ mile and/or within ½ mile of the project site. If either, see NBHCP §V.A.5.b. If any trees are on site or in the vicinity, the surveys must be timed to detect Swainson's hawk nesting.
9. A statement as to whether or not there are any elderberry shrubs with stems measuring greater than one inch in diameter at ground level within 1000 feet of proposed project activities. If so, see NBHCP §V.A.5.c. The applicant may need to mitigate separately with the Service.
10. A statement as to whether or not there are any tricolor nests within 500 feet of the proposed project. If so, see NBHCP §V.A.5.d.
11. A statement as to whether or not there are any Aleutian Canada geese on-site. If so, see NBHCP §V.A.5.e.
12. A statement as to whether or not there are any white-faced ibis nest sites within ¼ mile of proposed project activities. If so, see NBHCP § V.A.5.f.
13. A statement as to whether or not any loggerhead shrike nest sites are within 100 feet of proposed project activities. If so, see NBHCP § V.A.5.g.
14. A statement as to whether or not any burrowing owl burrows are within 300 feet of proposed project activities. Relocation of affected owls may be necessary. If so, see NBHCP § V.A.5.h.
15. A statement as to whether or not there are any bank swallow nest sites within 250 feet of proposed project activities. If so, see NBHCP § V.A.5.i.
16. A statement as to whether or not there is any Sanford's arrowhead or delta tule pea habitat on-site. If so, see NBHCP § V.A.5.n and V.A.5.o.
17. Conclusions of surveys and research: report those special status species that do occur or could potentially occur on site, as well as those species that could be affected by project activities. For example, birds nesting in proximity (see species-specific information for a definition of proximity) to the site. The report should include a description of activities that may affect covered species. These conclusions should be based upon your responses to items 4-16 above.
18. Recommendations: the consulting biologist should recommend those avoidance and minimization measures appropriate to the habitats on or adjacent to the site, the species that may occur on site, and the types of activities that could affect special status special (dewatering canals prior to filling; installing one-way doors on owl burrows; following timing restrictions near an active nests; etc.). These conclusions should be based upon your responses to items 4-17 above.
19. A statement of how many acres of mitigation will be provided.

Notes: When addressing nesting bird species, consulting biologists must actually survey for the birds. For example item 10 asks if there are any tricolor blackbird nests within 500 feet of the project site. In addition to consulting CNDDDB and other data sources, the biologist should actually look for tricolor blackbirds within 500 feet of the project site. Do not just rely on known localities.

All observations of covered species should be reported to CNDDDB by the consulting biologist.

As stated above and in the NBHCP, it is up to the permitting agency (the City) to ensure that the appropriate surveys are being conducted and therefore, that the appropriate minimization measures will be implemented. The person issuing the urban development permit needs to read the report, ensure that all the necessary information has been included in the report, and ensure that the mitigation and minimization actions are consistent with observations on the property.

All planning staff should rely upon the April 2003 Final Natomas Basin Habitat Conservation Plan and the June 2003 errata to the HCP to assist them in reviewing pre-construction surveys.