



Biological Resources and the Natomas Basin

The Natomas Basin supports diverse biological resources. Sutter County, through its planning and building process, enforces various conditions that identify and provide protection for sensitive biological resources in the basin.

Protection of Biological Resources

There are two primary sources of conditions that the County enforces for the protection of biological resources:

- Projects requiring discretionary entitlements are evaluated under the California Environmental Quality Act (CEQA). As part of this process, project sites are reviewed for the presence of sensitive biological species, with the adoption of mitigation measures to respond to any significant effects that would occur as a result of development.
- The County is a party to the Natomas Basin Habitat Conservation Plan (NBHCP), which has as one of its purposes the implementation of a conservation strategy to protect the 22 species covered by the NBHCP. The NBHCP includes provisions for the assessment of conditions at project sites, and implementation of steps for avoidance and minimization of impacts on the covered species.

In addition, the California Department of Fish and Wildlife (CDFW) provides input to the County as a trustee agency pursuant to CEQA (CEQA Guidelines section 15386) and reviews and comments on environmental documents, and makes recommendations to avoid, minimize and mitigate potential impacts on resources held in trust for the people of California. The County has committed to coordinating with resource agencies, including the CDFW, in efforts to protect sensitive biological resources.

As part of the CEQA review of any proposed project, the County determines whether the project could have a potentially significant effect on biological resources. If so, input is obtained from a qualified biologist regarding the presence of sensitive species and/or habitat, potential effects of the project, and mitigation measures that may be implemented to reduce the significance of the effect. The County adopts a mitigation monitoring plan (MMP) when the project approval includes mitigation measures.

The CEQA review for projects located in the Natomas Basin includes review and implementation of the provisions of the NBHCP. In addition to provisions regarding the conservation strategy itself, the NBHCP imposes requirements on Sutter County and land developers for the purpose of implementing the conservation strategies of the NBHCP. The NBHCP identifies the take

avoidance and minimization measures to be followed in connection with initiation of construction activities. If the activity involved is the original construction on the site, the NBHCP requires a pre-construction survey by a qualified biologist to determine the status and presence of, and likely impacts to, all covered species on the site.

Submittal of the pre-construction survey is one of several required steps toward obtaining a Development Permit that allows grading within the Natomas Basin subject to the NBHCP.

Re-Initiation of Development

In some cases, development activity is resuming on parcels that have been graded and improved, with substantial delays in construction activity at the site. If the applicant proposes changes in the project that require discretionary review by the County, the County would proceed with CEQA review, which would include a new assessment of conditions on the site, including review of the presence of habitat and sensitive species. Even if no such changes are requested, and the applicant is simply seeking grading or building permits, the County has the responsibility to: (1) enforce the provisions of the MMP as they relate to the project, including any requirements for site surveys; (2) enforce the avoidance and minimization provisions of the NBHCP; and (3) coordinate with the resource agencies, including the CDFW, relating to potential effects on protected biological resources.

In most cases, the applicant will assist the County in its efforts by employing a qualified biologist to visit the project site and provide a report that identifies any habitat or species at the site that would be protected, confirming the manner in which the analysis was conducted, and recommending the avoidance and minimization measures that should be followed by the County and applicant. These recommendations should be consistent with the MMP, NBHCP and the guidance of the resource agencies. The report should include confirmation regarding payment of NBHCP fees, a CNDDDB report for occurrence of burrowing owl in the vicinity, and other information (e.g., time of day for visits) that relate to issues covered in the CDFW staff report.

It is anticipated that sites that have been graded and improved with infrastructure will provide no meaningful habitat for most of the covered species (e.g., Giant garter snake), but this should be confirmed in the report. Many sites will, however, provide habitat for the burrowing owl, and in such cases the biologist should include procedures for the conduct of surveys that are consistent with the Natomas Basin HCP.

Questions regarding these requirements may be directed to:

Sutter County's HCP Designee:
Arwen Wacht, Principal Planner
(530) 822-7400 or awacht@co.sutter.ca.us