

1 **CHAPTER 3 COVERED ACTIVITIES**

2 The Natural Heritage Program (NHP) Plan is designed to provide regulatory coverage
3 under the federal Endangered Species Act (ESA) and the Natural Community
4 Conservation Planning Act (NCCPA) for a broad range of ongoing and anticipated public
5 and private activities that occur within the NHP Plan Area. This chapter identifies those
6 activities that will be addressed by the NHP Plan and covered under the associated
7 regulatory permits. The potential effects of these activities on covered species, their
8 habitats, and natural communities have been evaluated as part of an overall assessment of
9 the effects of the NHP Plan, as described in Chapter ____, *Impacts and Conservation*
10 *Assessment*.

11
12 The NHP Plan sets out a Conservation Strategy that provides for the conservation and
13 management of covered species and natural communities, and includes measures to
14 ensure that impacts to covered species and their habitats from covered activities are
15 appropriately minimized and mitigated. As such, the NHP Plan provides the basis upon
16 which these activities may be undertaken in compliance with the requirements of the
17 ESA and the NCCPA, and covered under regulatory authorizations issued under Section
18 10(a)(1)(B) of the ESA and Section 2835 of the Fish and Game Code. Take
19 authorizations issued under the NHP Plan will extend to all covered activities occurring
20 within the Plan Area during the term of the permits. By covering a broad range of public
21 and private activities, the NHP Plan will help advance local land use goals and objectives,
22 and provide for a more stable and predictable regulatory environment throughout Yolo
23 County.

24
25 The members of the Joint Power Agency (JPA) will hold incidental take authorizations
26 for covered activities. The JPA consists of the following jurisdictions:

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- 29 ▪ Yolo County
 - 30 ▪ City of West Sacramento (including the Port of Sacramento)
 - 31 ▪ City of Woodland
 - 32 ▪ City of Winters
 - 33 ▪ City of Davis
 - 34 ▪ The University of California at Davis

35 *[Note to Reviewers: As the NHP Plan evolves, other parties may join the program and*
36 *receive regulatory coverage under the Plan]*

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38 These jurisdictions may convey the benefits of the incidental take authorizations to
39 individuals and entities engaged in covered activities through “certificates of inclusion”
40 or by other similar means. The recipients of these authorizations, known as “third party
41 beneficiaries,” will be covered as conditions of land use approvals or through agreement
42 with the relevant jurisdiction establishing commitment to comply with the terms of the

1 Plan. The activities presented in this chapter will be authorized as covered activities,
2 only when they are carried out by the permittees or third party beneficiaries.

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4 *[Note to Reviewers: Additional description of the mechanics of coverage will be*
5 *provided]*

7 **3.1 PERMANENT DEVELOPMENT**

8 The following activities are likely to occur within the NHP Plan Area, and may adversely
9 affect species, their habitat, or the natural communities covered by the Plan. Subject to
10 the terms and conditions of the NHP Plan, take of covered species associated with these
11 activities will be authorized by the incidental take permits issued pursuant to the Plan.

12 13 **3.1.1 Residential, Industrial, and Commercial Development**

14 The NHP Plan will provide coverage for all activities associated with locally-approved
15 public and private development, including residential, commercial, and industrial
16 projects. Local government projections indicate that growth through 2030 will be
17 concentrated within the incorporated areas of Yolo County and in a new town to be
18 established in the Dunnigan Hills area of the unincorporated County. Development in
19 these areas will include urban redevelopment and large-scale residential and associated
20 commercial development. *[Note to reviewers: Text to come, including general*
21 *description of residential, industrial and commercial development from the GP and the*
22 *general expectation about future growth beyond the GP.]* The NHP Plan Area includes
23 the lands that are expected to accommodate this growth. Figure 3-1 depicts General Plan
24 land use designations in the planning area as they relate to trends in future growth and
25 development.

26
27 The Plan also covers the development of infrastructure and improvements related to
28 public and private development, including: landscaping; roads and bridges; trails and
29 parks; lighting; underground and aerial utility and telecommunications lines; and
30 stormwater, wastewater, and water collection, storage, treatment, and conveyance
31 structures and facilities, including new water wells. Stormwater facilities include ponds
32 and basins constructed to detain or retain stormwater; channels/canals, pipes, and culverts
33 designed to route stormwater, including inflow and outflow structures; and facilities or
34 structures constructed solely for the purpose of stormwater treatment or management.
35 Wastewater facilities include pollution control facilities, effluent irrigation disposal and
36 trunk lines.

37 38 **3.1.2 Public and Private Infrastructure**

39 Public and private infrastructure development not associated with specific development
40 projects are also covered under the Plan. This type of development typically involves
41 public works projects or projects that serve the broader community. These projects
42 include, but are not limited to: the construction of roadways and bridges; natural gas,

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- 1 Figure 3-1, Land Use Designations (figure to come)**

1 electric and alternative energy production (e.g., solar power generation facilities),¹
2 storage, and conveyance facilities; aviation, railway, bus, and other transportation-related
3 facilities; landfill, recycling and composting facilities; underground and aerial
4 telecommunications lines; cell phone/wireless communication facilities; lighting; cable
5 television lines; stormwater, wastewater, flood control (e.g. levee construction),
6 detention/retention basins, and water collection, storage, treatment, and conveyance
7 facilities; bank stabilization and levees; and public buildings.

8
9 A number of Port of Sacramento projects, including a Primafuel biodiesel plant, Sacport
10 Terminal (tank farm), Project Zebra, Project Alpha, and Seaway International Trade
11 Center (370 acres of maritime/industrial development on Southport side) are anticipated
12 and covered by the Plan. *[Note to reviewers: More specific descriptions of projects to*
13 *come.]*

14 **3.1.3 Agricultural Conversion and New Facilities Used in Agricultural Operations**

15 New conversion of uncultivated lands to cultivated agricultural uses within the NHP Plan
16 Area is expected to occur during the period of the NHP, but at minimal levels. *[Note to*
17 *Reviewers: Text to come providing estimate of how much additional land area is*
18 *expected to be converted to agriculture.]* The Plan affords coverage for the conversion of
19 open space lands to irrigated or cultivated agricultural or to livestock uses. This category
20 of activities also includes the development of new agriculture-related facilities and
21 structures that occur in currently undeveloped areas or that expand the footprint of
22 existing development, and the construction of infrastructure associated with such
23 facilities and structures. Examples of such facilities, structures, and infrastructure include
24 fences, barns, corrals, stables, storage buildings, other agricultural primary and accessory
25 structures, animal waste facilities, wells, irrigation ditches, water storage, water pipelines,
26 and utilities. *[Note to reviewers: Text to come to provide an estimate/limit on the extent*
27 *of such new development on agricultural lands]*

28 29 **3.1.4 Recreational Facilities and Use**

30 Development of new recreational facilities (both passive and active) is covered activities.
31 Such facilities include, but are not limited to, athletic fields, child play structures, activity
32 nodes and active play areas, barbeque areas, community gardens, tennis courts, swim
33 facilities, marina facilities, mooring docks, fishing piers, racetracks, golf courses,
34 performance arenas/sports centers, playgrounds, picnic areas, beach areas, nature centers,
35 trails, campsites, overlooks/view platforms, parks, pavilions, restrooms, shade structures,
36 and recreation centers. Infrastructure and amenities associated with these facilities, such
37 as access roads, utilities, signage, landscaping, trash receptacles, lighting, and drinking
38 fountains, are also covered.

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¹ The NHP Plan, however, does not provide coverage for wind energy development projects. The potential impacts to bird species associated with these type projects appreciably differ from impacts associated with the activities covered by the Plan. Measures have not been included in the Conservation Strategy to address these types of impacts.

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3.1.5 Water Monitoring/Measuring Facilities

New water monitoring-related facilities covered by the NHP Plan include installation of water measurement devices, scientific measuring devices, and water quality monitoring stations.

3.2 OPERATIONS AND MAINTENANCE AND OTHER ONGOING ACTIVITIES

This section describes operation and maintenance activities and other ongoing activities that are covered by the NHP Plan. These activities are generally related to existing agricultural operations and the operation of new and existing infrastructure and other facilities, which includes maintenance, repair, and replacement of these facilities. Most of these activities occur as a matter of routine, or on a regularly-scheduled, normal and standard basis, or in accordance with regulatory requirements. The following discussion defines general categories of operations and maintenance (O&M) activities that are covered by the NHP Plan.

[Note to Reviewers: A more complete definition of O&M will be added to the above]

3.2.1 Operations and Maintenance of Residential, Industrial, and Commercial Development Areas

The Plan covers the operation, rehabilitation, replacement, repair and maintenance of structures, landscaping, and improvements that does not increase the development “footprint” (i.e., development aerial extent or location) of the existing developed sites. These include, but are not limited to, residences, commercial and industrial structures, driveways, parking areas and garages, outbuildings, bridge crossings, culverts, fences, barns, corrals, sidewalks, curbs, gutters, and other associated infrastructure and improvements. Activities associated with these improvements may include, but are not limited to, mowing, gardening, tree maintenance and removal, resurfacing, repair, rehabilitation, irrigation, lighting, and signage. The Plan will also cover activities related to fire control, including the maintenance of fire breaks and fuel management actions.

3.2.2 Operations and Maintenance of Public and Private Infrastructure

The operation, maintenance, repair, rehabilitation, and replacement of public and private infrastructure and related facilities that support private development or serve the general public are covered by the Plan. Such infrastructure includes highways, roads, bridges, culverts, bus stops, rail line, and other transportation infrastructure; water and other service-related facilities, including flood control (e.g. levee construction) and stormwater management facilities, levees, water wells; water, and wastewater storage, treatment, conveyance, and disposal facilities; creek bank stabilization, dam modification or removal; natural gas, electrical, alternative energy, and telecommunications infrastructure; landfill, compost, and recycling facilities; and airport infrastructure.

1 Operations and maintenance may involve grading, and resurfacing of existing developed
2 lands; construction, repair, rehabilitation, and maintenance of guard rails; signage;
3 installation of safety devices/safety barriers; road sweeping, lighting; drainage measures
4 associated with roads; maintenance, repair and rehabilitation, including necessary
5 modifications, of ditches/conveyance facilities, back-slopes, and shoulders; vegetation
6 control/removal, seeding, mowing, planting, weed and dust management; fence repair;
7 striping; curbing; utility line and facilities repair; and fire hydrant maintenance. The Plan
8 will also cover activities related to fire control, including the maintenance of fire breaks
9 and fuel management actions.

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11 Alternative energy operations and maintenance include solar facility maintenance
12 activities, such as cleaning facilities and suppression and management of vegetation.
13 Operation and maintenance of windfarms are not covered by the Plan.

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15 Water-related activities operations and maintenance are described below in section 3.2.5.

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17 *[Note to reviewers: Assuming Port activities are included above, related O&M activities*
18 *will be provided here upon receipt of additional information.]*

21 **3.2.3 Agricultural Operations and Maintenance Activities**

22 Ongoing agricultural activities involve practices customary and necessary for the
23 continuation of existing agricultural operations. These activities include, but are not
24 limited to: animal grazing; crop rotation and conversion (from one crop to another, does
25 not include the conversion of natural habitats); planting and harvesting, including
26 plowing, seeding, fertilizing, irrigating, and cultivating; fence installation; vegetation
27 management, including burning, mowing, and invasive weed and pest control; and minor
28 drainage modification.

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30 This category also includes the operation, rehabilitation, replacement, repair and
31 maintenance of existing agricultural related structures and infrastructure, including but
32 not limited to: fences; barns; corrals; stables; storage buildings; other agricultural primary
33 and accessory structures; animal waste facilities; wells; irrigation facilities (e.g., stock
34 ponds, ditches, pumps, diversions, conveyance); road grading; road construction;
35 water/wastewater storage, conveyance, treatment, and disposal; utilities; and animal
36 waste treatment and disposal.

37
38 Agricultural practices for research of new tools and techniques on existing agricultural
39 lands at the University of California, Davis, are covered activities.

41 **3.2.4 Recreational Facilities Operations and Maintenance Activities**

42 The NHP Plan covers the use, management, operations, rehabilitation, replacement,
43 repair, and maintenance of recreational facilities. These facilities include, but are not
44 limited to, golf courses, parks, trails, campgrounds, recreation centers, arenas,
45 performance centers, racetracks, fairgrounds, athletic fields, playgrounds, picnic areas,

1 overlooks, marinas, boat docks, equestrian areas, community gardens, tennis courts, swim
2 facilities, fishing piers, beach areas, nature centers, pavilions, restrooms, and shade
3 structures. Repair, maintenance, and replacement of signage, landscaping, trash
4 receptacles, lighting, drinking fountains, and infrastructure necessary to support these
5 facilities are also covered. For example, such activities include maintenance of
6 paved/unpaved surfaces, including parking lots and access roads, landscape maintenance,
7 and vegetation management.

9 **3.2.5 Water-Related Operations and Maintenance Activities**

10 The Plan covers ongoing water-related management activities that may not be related to
11 operation and maintenance actions associated with residential, industrial and commercial
12 development (see Section 3.2.1) or for public and private infrastructure (Section 3.2.2.).
13 These activities include the operation, maintenance, repair, rehabilitation, and
14 replacement of levees, dams, reservoirs, water diversion facilities, gates, checks,
15 flapgates, culverts, road crossing and other flow control features; groundwater recharge
16 programs, management of flood control channels, reservoirs and other flood control
17 facilities to control velocity, volume, or timing of water flow/water levels; channel
18 modifications which may include the installation of geomorphic controls such as vanes,
19 weirs, walls and step pools; paving; sediment control; removal of downed trees or other
20 vegetation that may increase flooding hazards; cleaning, repair, maintenance of facilities
21 within stream channels/riparian corridors; urban stream restoration; bank
22 stabilization/erosion control and repair; and maintenance and repair of existing
23 roads/emergency access.

24 The ongoing operation and maintenance activities associated with new water monitoring
25 and measuring devices is also included.

26 **3.2.6 Inspection of Property**

27 The Plan covers inspection of property by foot, bicycle, horse, truck, off-highway
28 vehicle, or other means as is usual and customary.

30 **3.2.7 Settling Basin Operations and Maintenance Activities**

31 The Plan covers the continued operation, maintenance, repair, and rehabilitation of the
32 Cache Creek settling basin, which currently provides large scale pollution and sediment
33 control. Activities associated with the settling basin include construction and
34 maintenance of a training channel and levee; incremental removal of the existing training
35 levee; raising the outlet weir; vegetation clearing; levee maintenance; sediment removal;
36 and enlarging the basin.

38 **3.2.8 Mining Site Operations and Maintenance Activities**

39 The Plan covers off-channel surface mining on existing mine sites with authorized on-
40 going mining activity, that involve the mining of minerals by removing overburden and

1 mining directly from the mineral deposits (such as sand and gravel mining), open-pit
2 mining of minerals naturally exposed, mining by the auger method, dredging and
3 quarrying, or surface work incidental to an underground mine. Site reclamation and
4 restoration activities within approved mine sites are also covered activities. *[Note to
5 reviewers: Additional text to follow, clarifying extent of coverage]*
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8 **3.3 IMPLEMENTATION OF NHP PLAN CONSERVATION** 9 **MEASURES**

10 Activities that will be implemented pursuant to the NHP Plan, including the
11 implementation of the Conservation Strategy, are covered by the Plan.

12 Habitat management is an integral component of the NHP Plan, and will occur in
13 accordance with the provisions of the Plan. The NHP Plan covers all management and
14 monitoring activities undertaken for the purpose of implementing the Plan. Covered
15 activities include habitat assessments and population surveys; habitat management
16 activities to maintain suitable habitat conditions; establishing and maintaining fuel
17 management zones at the wildland/urban interface; restoration, enhancement, and
18 creation of habitats; direct population management of covered species (e.g., species
19 translocation and reintroduction of species into suitable habitats); control of invasive non-
20 native species; scientific investigation into species' biological characteristics; and all
21 other management and monitoring activities prescribed by the Plan.
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23 **3.4 EMERGENCY ACTIVITIES**

24 The NHP Plan covers emergency activities necessary to prevent and/or minimize loss of
25 human life or property, critical infrastructure, or sensitive natural resources. Emergency
26 activities may occur in response to flooding, water distribution, water quality, wastewater
27 conveyance, severe erosion, fire, hazardous waste control, other natural disasters and
28 accident response. By their nature, these events cannot be planned for or directed to
29 areas with less sensitive resources. Emergency activities may be associated with water
30 distribution, power supply, wastewater collection, conveyance and treatment, bridges,
31 and other infrastructure.
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33 Emergency actions include, but are not limited to: repairs of imperiled or broken utility
34 lines, or utility failures; repairs of structures damaged by floods where such repairs
35 cannot be delayed due to the imminent loss of life or property; cleanup of spilled
36 hazardous materials and/or waste; repair, replacement, and/or removal of failed structures
37 and associated facilities; repair of structures that are in imminent danger of serious
38 damage or failure; protection of structures and property from flooding; repair of irrigation
39 ditch failures; cleanup and stabilization of landslides, slope failure, and debris flows; fire
40 suppression; snow removal activities outside of road rights-of-way when necessary;
41 response to accidents; emergency road closures and reroutes; cleanup of tree blow downs;
42 removal of beaver dams that may cause immediate flooding of facilities; repair of head
43 gates; repair of dams; and emergency sedimentation and erosion control activities.