

Todd Smith, Planning Director
Planning and Environmental
Review



Troy Givans, Director
Department of Community
Development

County of Sacramento

August 11, 2025

Cheryle Hodge, Principal Planner
City of Sacramento
Community Development Department
300 Richards Blvd., 3rd Floor
Sacramento, CA 95811

Subject: August 12, 2025 City Council Agenda, Item #8 – County Development Project

Dear Ms. Hodge:

This letter is submitted to address inaccuracies in the staff report for Item 8 on the August 12, 2025, Sacramento City Council agenda and provide clarification. This agenda item pertains to County Development in the Natomas area and the proposed Upper Westside Specific Plan, which is currently being processed through Sacramento County as the lead agency with land use authority over the proposed project. This letter provides greater context and notes areas of disagreement to supplement your staff report and the Natomas Basin Chronology contained therein as Attachment 4 to achieve the stated goal of a comprehensive understanding by all interested parties.

Natomas Joint Vision MOU

As noted in the City's Natomas Basin Chronology, in 1993 the Sacramento County Board of Supervisors (Board) concurred with a letter signed by the City Council members stating that in the event the Natomas Vision Plan (NVP) area were to urbanize, such urbanization should occur within the City of Sacramento. Based on that information, the Board chose not to extend the Urban Services Boundary (USB) via the 1993 General Plan to include the NVP area but recognized the potential urbanization of the area. In the late 1990s, both the City and County were pursuing projects that would urbanize a substantial portion of the Natomas Basin while the City was also preparing the Natomas Basin Habitat Conservation Plan (NBHCP). Beginning in 2001, City and County staff met to discuss a process for land development and conservation in the unincorporated Natomas area. This gave rise to the City/County Joint Vision for Natomas. The two

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jurisdictions coordinated and along with input from stakeholders created the basic principles for development in the area.

On December 10, 2002, the Board and the City Council adopted a Memorandum of Understanding (MOU) establishing principles for land use and revenue sharing in the Natomas area. This agreement laid the foundation for what became known as the *Natomas Joint Vision*.

The MOU's recitals note the intent to "reach a formal conceptual agreement for broad collaboration between the City and County regarding principles for growth, revenue sharing, and permanent open space preservation", as well as the fact that the County and City have "mutual policy and economic interests in accommodating long term development", and "proactively influencing the emerging form, by guiding inevitable growth to provide for residential and employment opportunities close to the region's urban core" (MOU, p. 1). The MOU was intended to provide a "set of proposed principles that the City and County would consider when analyzing land use planning and revenue sharing in the Natomas area" (MOU p. 2, Purpose). The principles in the MOU were intended to guide further discussions and the ultimate negotiation of an agreement between the City and County (MOU p.3, Section II). However, no such agreement was ever reached.

In the early 2000s, the City and Sutter County continued revising the NBHCP in response to litigation. The final NBHCP was adopted in 2003 and again faced litigation that was concluded in 2005. One of the critical assumptions in the 2003 NBHCP was that the existing agricultural uses in the unincorporated portion of Natomas in Sacramento County would remain. However, the County did not agree to that assumption and neither the City of Sacramento nor Sutter County have land use authority in the unincorporated portion of Sacramento County, and thus could not legally require affected property owners to continue their existing agricultural land uses. This shortcoming and others were raised in Sacramento County's December 5, 2002 comments on the Draft NBHCP (Attachment 1). Over 20 years have passed since the final NBHCP was adopted and the City has consistently collected NBHCP mitigation fees during this period. However, the City has taken not acted to acquire, preserve or otherwise place under conservation easements properties within the Swainson's Hawk one-mile buffer zone from the Sacramento River or other properties with desirable habitat value within the area proposed for urban development in the Upper Westside Specific Plan.

Following adoption of the MOU, City and County staff began working collaboratively with Natomas landowners on a Broad Visioning Process. This process aimed to guide comprehensive planning and development in the Natomas Joint Vision area, with a particular focus on open space and conservation strategies as well as identification of four potential urban development "precincts". However, in 2005, the City Council decided not to move forward with the planning process for the NVP area beyond the Greenbriar annexation project that was in progress at the time. The City Council's decision to not move forward prompted landowners in two of the urban precincts to further engage with the County regarding potential development of their respective landholdings.

Consequently, the four urban development precincts were further refined with three draft land use sketches that were presented through several public workshops, culminating in

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presentations to the County Planning Commission, County Board of Supervisors, and City Council in April 2009. In December 2009, the County Executive sent correspondence to the City Manager (Attachment 2) advising the City that the County would be taking the lead on subsequent steps toward potential development.

Efforts to advance the Natomas Joint Vision were placed on hold during the update of the Sacramento County General Plan, which was completed in 2011. During the initial phases of that update in the early 2000s, it was anticipated that the City would serve as the primary urbanizing entity for the Natomas area. As that role began to shift in the late 2000s, the draft Land Use Element of the General Plan was revised to incorporate the Natomas Joint Vision Area as an overlay in the County.

The adopted General Plan describes the overlay as follows:

“On December 10, 2002, the Sacramento City Council and Board of Supervisors adopted a Memorandum of Understanding (MOU) outlining principles of land use and revenue sharing between the City and County of Sacramento for the Natomas area, setting the stage for what has come to be known as the “Natomas Joint Vision.” The “Natomas Joint Vision Study Area” overlay on the Land Use Diagram indicates the area addressed by this MOU. The cooperative effort addresses land use, economic development, and environmental opportunities and challenges in Natomas. The result will be quality development balanced with permanent open space preservation systems. Additionally, SACOG’s Blueprint shows significant development in the Natomas Joint Vision Area. Because of the MOU, the Blueprint and the importance of the Natomas Joint Vision Area to the region, the County anticipates development in portions of the Natomas Basin within the timeframe of the General Plan. **Subject to the preparation and certification of the appropriate environmental documentation, this development shall be accomplished either by an expansion of the USB, the City’s Sphere of Influence, or both.** See related policy LU-114 and Implementation Measure C in the “Regional and Local Agency Coordination” section of this Element.”

The County’s Natomas-specific growth policy, LU-114, states:

“It is the policy of Sacramento County that development and open space preservation in the Natomas Joint Vision Overlay Area occur in a comprehensive, responsible and cohesive manner that best addresses land use, economic development and environmental opportunities and challenges in Natomas.”

As part of the 2011 General Plan update, the County also adopted a new criteria-based growth management strategy, including policies LU-119 and LU-120, governing expansion of the Urban Policy Area (UPA), and LU-127, governing expansion of the Urban Services Boundary (USB). The 2030 General Plan growth management approach focuses on design, quality, and performance. The growth management criteria, Land Use Element Policies LU-119 and LU-120, address complex growth issues amidst extreme economic fluctuations and sweeping regulatory changes. LU-119 and LU-120 were developed in collaboration with Sacramento Area Council of Governments (SACOG) staff, the State of California Office of the Attorney General, environmental interests and other stakeholders with the primary objective of reducing Vehicle Miles Travelled (VMT) and associated greenhouse gas emissions and requiring projects to

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include: (1) sufficiently high densities to support transit; (2) infrastructure, including transit, that is put in place at the same time the project is developed; (3) a jobs-housing balance that reduces the need for long commutes and ensures lower VMT; (4) a network that enables residents to walk, ride bicycles, or take transit to their jobs and schools; and (5) a reasonable amount of mixed-use development.

On February 7, 2012, the Board of Supervisors initiated a master planning process known as the *Northwest Master Plan*, independent of the City of Sacramento. This effort included a proposed General Plan amendment to expand both the USB and UPA within the Natomas Joint Vision area. Although the County was leading this effort, City of Sacramento staff actively participated in regular meetings with the County staff and major landowners, with the landowners paying the cost for City staff to participate in meetings through approximately 2014 when City staff was directed internally to stop participating.

In the years that followed, planning efforts evolved into multiple, individual master planning initiatives led by landowners and project proponents in the four potential urban precincts identified in the draft land use sketches presented to the Board and City Council in 2008/2009. This transition led to the initiation of the *Upper Westside Specific Plan* by the Board on February 26, 2019, pursuant to Sacramento County Code (SCC) Section 21.14 and General Plan policies LU-114, LU-119, and LU-120. Similarly, in November 2015, the Board initiated the *North Precinct Specific Plan*, which was later renamed the *Grandpark Specific Plan*. That effort was eventually revised, and on February 25, 2025, the Board initiated two separate applications: the *Grandpark Southwest Specific Plan* and *Grandpark Trails Specific Plan*.

Each of these Specific Plans is at a different stage in the master planning process. The Upper Westside Specific Plan is the most advanced. On June 23, 2025, the Planning Commission voted (4-yes, 0-no, 1-absent) to recommend that the Board approve the Specific Plan and its associated documents, including the Final Environmental Impact Report (FEIR), the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program. The FEIR was published on June 11, 2025 and the City of Sacramento was notified of this publication as required by CEQA. The FEIR includes the County's responses to the City's comments on the Draft EIR, which are notably absent from the City's staff report package published on August 7, 2025. The FEIR, including responses to all comments received on the Draft EIR, is available on the Upper Westside project page on the County's website:

<https://planning.sacounty.gov/PlansandProjectsIn-Progress/Pages/UpperWestsideSpecificPlan.aspx>

Staff is now preparing the project for final consideration by the Board. Throughout the Specific Plan preparation and hearing process, County staff has engaged the community, outside agencies, and other jurisdictions, including the City, through robust outreach and engagement efforts, issue-specific coordination meetings, and formal distributions of the project including Notices of Preparation and Notices of Availability.

County staff also included the City on the Notice of Preparation and Notices of Availability, keeping City staff informed about the project as it progressed, and facilitated numerous coordination meetings with City staff on various topics including water supply, the Natomas Basin Habitat Conservation Plan, and the general County master plan

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process. City staff were also involved in the review of early drafts of the land use plan and Specific Plan and they provided technical input on the transportation analysis.

The City's disengagement in discussions necessary to develop the agreement originally envisioned in the MOU regarding development and conservation in Natomas as well as the City's failure to pursue annexation in the area prompted the departure from the collaborative framework originally envisioned under the 2002 MOU. Collectively, the General Plan update, which incorporates the overall intent of the MOU, and subsequent City Council and Board actions, including the initiation of independent, County-led master planning efforts consistent with the County's adopted growth management strategy, memorialize this shift. Consequently, when analyzing development in Natomas now, the County considers the concepts articulated in the MOU but understands they are merely "proposed principles", not binding contractual obligations.

The Upper Westside project achieved the maximum score of 24 out of 24 points in LU-120's criteria-based standard relative to residential density, proximity to amenities, transit access, transit frequency, and proximity to employment. The transportation analysis demonstrates that the project's Vehicle Miles Traveled (VMT) is below the County's adopted significance thresholds of 85 percent of the regional average and among the lowest VMT of all the County's master planned areas. These facts effectively demonstrate that the MOU's intent of "proactively influencing the emerging form, by guiding inevitable growth to provide for residential and employment opportunities close to the region's urban core" is achieved with this project through implementation of the County's adopted General Plan policies.

We appreciate the opportunity to provide this greater context to the City Council for their consideration. Please feel free to contact me at smithtodd@saccounty.gov should you have any questions.

Sincerely,

Todd Smith
Planning Director

Attachment 1: County comments on Draft NBHCP, December 5, 2002

Attachment 2: County Executive correspondence to City Manager, December 29, 2009



COUNTY OF SACRAMENTO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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December 5, 2002

Field Supervisor
United States Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

RE: Comments on Draft EIR/EIS, Draft Natomas Basin HCP
State Clearinghouse No. 1997062064

Dear U.S. Fish and Wildlife Service:

Thank you for the opportunity to comment on the revised Natomas Basin Habitat Conservation Plan (NBHCP) and the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) prepared in conjunction with the draft plan. The enclosed matrix contains detailed comments on both documents, with an emphasis on technical and policy concerns and suggested areas for clarification or further analysis, particularly in the areas of land use, public safety, and water resources. The following comprises additional comments of the County of Sacramento on both documents, with a focus on general economic and policy concerns.

68-1 The NBHCP is crafted to support the issuance of "incidental take" permits to the City of Sacramento and the County of Sutter. Such permits are authorized to allow an otherwise lawful undertaking, which could result in incidental harm to an endangered species. In this instance, the otherwise lawful activity supported by the incidental take permits to be issued is the development of property within the City of Sacramento and the County of Sutter. While such permits will protect development activities of individual landowners, the permittees will be the City and the County. Against this general background, there are a several potential shortcomings within the NBHCP and the permits that it is intended to support.

Land Uses

68-2 The NBHCP relies upon the assumption that "...consolidated . . . large, biologically viable units with connectivity between individual reserve units..." will be acquired. Without landowners willing to sell their properties to the Natomas Basin Conservancy (NBC) at a price the NBC can afford to pay, such acquisitions will not occur. Insofar as the NBC does not possess powers of eminent domain, it is unclear from the NBHCP how such acquisition will occur. Instead, there appears to be an assumption that existing land uses, other than that acreage which the NBHCP acknowledges will develop, will continue. Yet, this assumption relates, in large measure, to property over which no permittee has current jurisdiction.

Field Supervisor
 United States Fish and Wildlife Service
 December 5, 2002
 Page 2

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Further, the strategy envisioned by the NBHCP relies extensively on continued rice farming within the Natomas Basin, even to acquiring conservation easements over existing rice farms. However, owners of such operations may discontinue rice farming at any time without a permit from any governmental entity, and without obtaining an incidental take permit. Water shortages or the escalating cost of this resource render rice farming infeasible. Impacts from such potential operational decisions are not discussed in the draft NBHCP or the EIR/EIS.

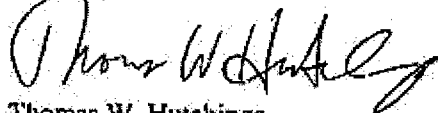
Financing

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In connection with an incidental take permit and the related conservation plan, the permittees, City of Sacramento and County of Sutter, must "...ensure that adequate funding for the plan will be provided." Funding for the NBHCP relies upon a system of "mitigation" fees to be imposed on developers within the County and the City. The system of "mitigation" fees to support the NBHCP does not amount to financial assurance from the City of Sacramento or the County of Sutter. Such a system is dependent upon the continuing economies of development, which may or may not occur. Absent development, there is no fee and no continuing income to the NBC, other than investment interest.

The enclosed specific comments note significant, on-going obligations of the NBC for which more than interest earnings may be required. The County of Sacramento appreciates this opportunity to comment on the proposed NBHCP and the accompanying EIR/EIS.

Sincerely,



Thomas W. Hutchings
 Planning Director

AMW/GR

Enclosure

cc: Vicki Campbell, Division Planning, Conservation Planning - US FWS
 Jenny Marr, Wildlife Biologist, California Department of Fish and Game
 Robert Thomas, City Manager - City of Sacramento
 Gary Stonehouse, Planning Director - City of Sacramento
 Carol Shearly, Natomas Manager, Planning Department - City of Sacramento
 Paul Junker, Pacific Municipal Consultants
 Terry Schutten, County Executive
 Robert Ryan, County Counsel
 Hardy Acree, Director of Sacramento Airport System
 Robert Leonard, Assistant Director of Airports
 Dennis Yeast, Director of Environmental Review and Assessment

**COMMENTS ON
 DRAFT NATOMAS BASIN HABITAT CONSERVATION PLAN (NBHCP), JULY 2002
 AND
 DRAFT ENVIRONMENTAL IMPACT REPORT (EIR/
 ENVIRONMENTAL IMPACT STATEMENT (EIS), AUGUST 2002
 SUBMITTED BY COUNTY OF SACRAMENTO
 November 27, 2002**

Comments on Draft Natomas Basin HCP

Note: HCP=Habitat Conservation Plan, NBHCP= Natomas Basin Habitat Conservation Plan, City = City of Sacramento; SH = Swainson's Hawk; GGS = Giant Garter Snake, Airport or SMF = Sacramento International Airport, TNBC = The Natomas Basin Conservancy, USFWS=United States Fish and Wildlife Service, Garden Highway SPA = Garden Highway Special Planning Area.

The primary issues reviewed below are:

1. Airspace development needs of the Airport as it relates to the limit of 17,500 acres development in the basin
2. Water usage, wetlands, and the attractiveness of NBHCP mitigation lands to migrating waterfowl and other bird species, and the potential increase in conflicts with aircraft
3. Land Uses

Page(s)	Issue	Comment	Concern
I-1, II-1	A detailed description of Natomas Basin, "defined as the area, inside the peripheral levees, and extends to the toe of the levee on the Basin side of the boundary levees", was not provided until Chapter II.	It would be helpful if a detailed description were included on the first page of Chapter I.	After reading the Introduction and looking at Figure 1, Regional Location, it appears that the Basin extends to the Sacramento River, but the definition of the area on page II-1 infers that this is not the case.
I-1, I-2, II-2 & throughout document	On page I-1, the plan discusses "loss of habitat values incidental to take of Covered Species" caused from "urban development". During the discussion of departures from the Operating Conservation Plan in the last paragraph on page I-2, "any additional urban development" is used and then followed by "any development". On page III-1, the discussion turns to "any development in excess of that authorized by this HCP" would trigger an amendment to the NBHCP.	The plan seems to use the word "urban development", "any urban development", and "any development" interchangeably throughout the document. These can mean different things to different people. Please clarify.	Do the phrases mean the same type of development? Is the development in question changing agricultural lands to "urban" uses? Or does it literally mean any new building including agricultural barns, primary residences, farm workers dwellings, etc.? If the definition includes all building permits, then "allowed development" under existing zoning in the unincorporated area of Sacramento County may not have been taken into consideration as "development".

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	Page(s)	Issue	Comment	Concern
G8-7	I-2, I-5, I-7, I-34, VII-4 – Table VII-1	"...the NBHCP's effect analysis account for a combined total of 17,500 acres of planned development occurring in the Natomas Basin (i.e., 15,517 acres within the City and Sutter County's permit areas and 1,983 acres of Metro Air Park (MAP) development in Sacramento County."	Acres development proposed includes the entire 17,500 acres (the limit of developable acreage considered by USFWS for the livelihood of the GGS). The designation of acreage between permittees fails to account for the likelihood of expansion at Sacramento International Airport (the Airport), which lies in the Natomas Basin.	The Airport is currently conducting a Master Plan for Sacramento International Airport, which includes Terminal and Airfield development. The HCP and USFWS need to consider the intentions of the Airport before designating the entire 17,500 acres.
G8-8	I-5, I-12	Use of acronyms.	What does "MAP" mean (used in the third paragraph)? A casual reader may not know it stands for Metro Air Park.	The first time an acronym is used, the full spelling should precede it. In this instance, MAP was not defined until page I-12.
G8-9	I-6 and Attachment A, p. 4.	"For purposes of the NBHCP, although the West Lakeside Annexation is proposed by the landowners to be annexed to the City of Sacramento, this area is currently located within Sacramento County and is not included in the 8,050 acres of Authorized Development or within the City's permit area." The proposed Implementation Agreement states that annexation of West Lakeside shall trigger reevaluation of the Plan and potential amendments and/or Plan and Permit revisions.	West Lakeside is not included in the City's 8,050 acres of Authorized Development or Permit Area. This potential development would also affect the total developed acreage. If the West Lakeside project is annexed into the City of Sacramento, the effects of this developed acreage will further push the limit of 17,500 acres.	See relative to Master Plan and Airport development above.
G8-10	I-11	The "Potential Permittees" section states that the County of Sacramento could obtain coverage under the NBHCP or under a similar HCP. "If the County of Sacramento considers new projects within the unincorporated area of the Natomas Basin in Sacramento County, the County may need to address mitigation for biological impacts via amendments to this NBHCP or through..." an HCP similar to the NBHCP.	This would require an HCP amendment and issuance of separate ITPs.	More specific language is needed in this section to enable the Airport to, as an institution to potentially become involved in designating its acreage needs.
G8-11	I-30	"The NBHCP, in making its estimate of the total additional urban development which would take place in the Plan Area during the next 50 years, took into account the land disturbance that will occur within the MAP project area (1,983 acres...)"	The NBHCP, in making its estimate, did not include potential development at the Airport.	See comments relative to Master Plan and Airport development above.
G8-12	I-36	Agricultural activities are included in the section "O. Activities Not Covered by the NBHCP".	What type of agricultural activities would require participation in the NBHCP or other HCP? Does the NBHCP require on-going agricultural activities to be covered by an HCP? Are on-going agricultural activities exempt from this type of process?	Farming currently occurs in the Natomas Basin. Without describing what types of agricultural activities are allowed, it gives the impression that all agricultural activities require some sort of HCP.

	Page(s)	Issue	Comment	Concern
G8-13	II-1	The definition of the Natomas Basin area provided in the first paragraph, last sentence, is not clear.	The definition is confusing. Part of the description includes the wording "Basin side of the boundary levees". How is a layperson to understand the "Basin side" in the definition of the "Natomas Basin"?	If the waterside of the levee and the Garden Highway are not included in the Natomas Basin, it needs to be clearly stated. This area is the unincorporated portion of Sacramento County is designated Residential, Commercial/Recreation and Open Space development according to Sacramento County's Garden Highway SPA, adopted in 1978.
G8-14	I-18	There is no "Figure 305".	The Active Swainson's Hawk Nests is Figure 13, but the text states "Figure 305" in the first sentence of the first paragraph under "Numbers, Distribution and Ecology in the NBHCP area."	
G8-15	II-18	This paragraph is confusing. It begins discussing nesting in the Natomas Basin and then switches to areas outside Natomas Basin, finishing with areas inside the Basin.	Clarify where the 35 nest sites are along the Sacramento River (22 on the east side and 13 on the west side). Are these inside the Natomas Basin or outside? Are those on the west side in Yolo County and those on the east side in Sacramento County?	The area between the Sacramento River and landside toe of the levee are not included in the Natomas Basin. The paragraph, as it is currently structured, is confusing and gives the impression that the area described above is included in the Natomas Basin.
G8-16	II-18	Swainson's Hawk Zone	Where is the "Swainson's Hawk Zone" mentioned in the fourth paragraph under "Numbers, Distribution and Ecology in the NBHCP Area"?	
G8-17	III-1	First sentence, last paragraph. "Any development in excess of that authorized by this HCP would not have take coverage under this HCP and such take coverage would require an amendment to the HCP and permits including an update assessment of impacts and mitigation measures."	Please clarify what development, and by whom, requires amendment of the NBHCP. Does additional development, not proposed by the NBHCP, require an amendment to the NBHCP or completion of a separate HCP?	Isn't creation of a separate HCP for additional development in excess of that proposed by the NBHCP an option for both existing permittees and non-participants? Some may consider any construction (i.e. agricultural barn) to constitute such development, but it may not need an incidental take permit if it isn't impacting a listed species and is in an area under jurisdiction of a non-permittee.

	Page(s)	Issue	Comment	Concern
G8-18	III-4	"The residual rice straw in the fields after harvesting is typically burned, plowed under or flooded. Flooding to dispose of rice straw is becoming more prevalent as the practice of burning rice straw is being phased out due to air quality prohibitions. In addition to rotting the rice stubble, flooded rice fields provide wetland habitat for ducks, geese, and other migratory waterfowl."	The NBHCP proposed habitat types of 25% managed marsh, 50% rice production, 25% upland (page I-17).	<p>While rice has been produced in the valley since 1940, flooding of rice fields to eliminate stubble has only been prevalent since the early 1990's. In that period, Sacramento International Airport has sustained an increase in wildlife strikes to Aircraft of over 300%.</p> <p>Whereas the FAA designates an acceptable level of wildlife strikes at 1-strike/10,000 operations, the Airport had reported 1.3 strikes per 10,000 operations in 1990. Wildlife strikes increased steadily to 5.3 strikes per 10,000 operations in 1998.</p> <p>The NBHCP habitat types intend to "memorialize" rice production in lands around the Airport. This is a concern as it will increase the possibility of aircraft/bird conflicts and memorialize these uses as part of the plan.</p> <p>In addition to the threat to human lives associated with an accident resulting from a bird strike, airlines incur significant expense and lost revenue associated with aircraft downtime to repair wildlife strike damage.</p>
G8-19	III-11	Although the permits are not relying on Airport buffer lands as mitigation for effects with the Natomas Basin, retaining these lands in agricultural uses will contribute to the overall success of the NBHCP conservation strategies for the Covered Species.	As such, the Airport should receive some mitigation credit toward Airport development interests since retaining Airport owned land in agriculture and/or limiting its use contributes to the success of the NBHCP.	In addition to a lack of consideration of Airport development interests in the 17,500 acreage calculations, the NBHCP assumes that no development will occur on Airport buffer lands, thereby reserving development for participating jurisdictions relative to the 17,500. This precludes Airport land use decisions on Airport-owned property and precludes potential for its use as mitigation property for anticipated Airport development from the Master Plan.
G8-20	III-12, Table III-3	Notes Airport Land Plan Uses as "unspecified"	This connotes that no further development of the Airport is contemplated.	Growth of regional economy and air travel will obviously necessitate expansion.

G8-21	[<table border="1"> <tr> <th>Page(s)</th><th>Issue</th><th>Comment</th><th>Concern</th></tr> <tr> <td>III-13</td><td>Third sentence, first paragraph. "Sacramento County General Plan Land Use Map"</td><td>Please replace with "Sacramento County General Plan Land Use Diagram".</td><td></td></tr> <tr> <td>III-13</td><td>Second to last sentence, first paragraph. "All land outside of these policy areas is designated for retention as Agricultural Cropland by the Sacramento County General Plan."</td><td>This is incorrect. The majority of the land is designated as Agricultural Cropland, but there are areas near the current City of Sacramento limits in the southwest portion of the Basin designated for Agricultural-Residential uses and Commercial & Office uses.</td><td>Assumptions regarding "development" should reflect the existing land use designations. The underlying zoning of these areas allow for certain types of development that do not provide the nexus for local governments to initiate CEQA or federal review.</td></tr> <tr> <td>IV-1</td><td>First sentence, last paragraph. "Current development approvals, City and County general plans and community plans, and other plans (including MAP) are the basis for estimating development rates anticipated in the Basin, the resulting habitat loss expected from the Covered Activities authorized by the incidental take permits, and for evaluating the corresponding environmental impacts pursuant to NEPA and CEQA."</td><td>Does the reference to the "City and County general plans and community plans" refer to only City of Sacramento and Sutter County or does it also include Sacramento County's General Plan?</td><td> <p>If it includes Sacramento County's General Plan, the development rates and environmental impacts should be re-evaluated due to the misinterpretation of Sacramento County's General Plan Land Use Diagram. This area of Sacramento County includes Agricultural Cropland as well as Agricultural-Residential and Commercial & Offices land use designations.</p> <p>If it does not include the existing land uses designations (which allows some construction/development outright without environmental review for all three land use designations) as shown in the Sacramento County General Plan, how can the plan adequately address the additional environmental impacts to the Basin that the proposed covered urban development creates?</p> </td></tr> <tr> <td>IV-12, Figure 20</td><td>Out-of-Basin Reserves</td><td>The land area between the Sacramento River and the landside toe of the levee is out of the Natomas Basin per the definition provided on page II-1. It has not been identified as "Out-of-Basin Mitigation Area" or Area "B" on page IV-12 or on Figure 20.</td><td>According to the draft plan "up to 20% of the reserve lands may be established in 'Area B'". The land area between the Sacramento River and the landside toe of the levee is not within the definition of Area B. It should not be included in the definition of the Swainson's Hawk Zone as shown on Figure 13.</td></tr> </table>	Page(s)	Issue	Comment	Concern	III-13	Third sentence, first paragraph. "Sacramento County General Plan Land Use Map"	Please replace with "Sacramento County General Plan Land Use Diagram".		III-13	Second to last sentence, first paragraph. "All land outside of these policy areas is designated for retention as Agricultural Cropland by the Sacramento County General Plan."	This is incorrect. The majority of the land is designated as Agricultural Cropland, but there are areas near the current City of Sacramento limits in the southwest portion of the Basin designated for Agricultural-Residential uses and Commercial & Office uses.	Assumptions regarding "development" should reflect the existing land use designations. The underlying zoning of these areas allow for certain types of development that do not provide the nexus for local governments to initiate CEQA or federal review.	IV-1	First sentence, last paragraph. "Current development approvals, City and County general plans and community plans, and other plans (including MAP) are the basis for estimating development rates anticipated in the Basin, the resulting habitat loss expected from the Covered Activities authorized by the incidental take permits, and for evaluating the corresponding environmental impacts pursuant to NEPA and CEQA."	Does the reference to the "City and County general plans and community plans" refer to only City of Sacramento and Sutter County or does it also include Sacramento County's General Plan?	<p>If it includes Sacramento County's General Plan, the development rates and environmental impacts should be re-evaluated due to the misinterpretation of Sacramento County's General Plan Land Use Diagram. This area of Sacramento County includes Agricultural Cropland as well as Agricultural-Residential and Commercial & Offices land use designations.</p> <p>If it does not include the existing land uses designations (which allows some construction/development outright without environmental review for all three land use designations) as shown in the Sacramento County General Plan, how can the plan adequately address the additional environmental impacts to the Basin that the proposed covered urban development creates?</p>	IV-12, Figure 20	Out-of-Basin Reserves	The land area between the Sacramento River and the landside toe of the levee is out of the Natomas Basin per the definition provided on page II-1. It has not been identified as "Out-of-Basin Mitigation Area" or Area "B" on page IV-12 or on Figure 20.	According to the draft plan "up to 20% of the reserve lands may be established in 'Area B'". 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G8-22]																							
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G8-25

G8-26

G8-27

Page(s)	Issue	Comment	Concern
IV-17	Water Regime: "...Water will be maintained within the managed marsh during the period when rice fields dry down."	As August 1 st through September 30 th is traditionally a dry period in the Sacramento valley, it is unclear what "natural" conditions are being created for the focused species at that time of year.	Federal Aviation Administration (FAA) Advisory Circular No: 150/5200-33 discusses "Hazardous Wildlife Attractants on or Near Airports". This Advisory Circular (AC) provides guidance on locating certain land uses having the potential to attract hazardous wildlife to or in the vicinity (within five miles) of public-use airports. The Airport is concerned that the creation of flooded areas in late summer/early fall will be an early season attractant for migrating waterfowl. Once established as an attractive stopover and wintering habitat, SCAS is concerned that this watering practice could also increase attraction to subsequent migrating flocks. SCAS is also concerned that this watering practice could also create an incentive for migrating waterfowl to become "resident" by reducing the dry season and helping create year-round conditions that are attractive to waterfowl.
IV-21	First sentence, last paragraph. "The NBHCP's primary strategies to mitigate impacts to the Swainson's hawk caused by Authorized Development is to avoid of (typo?) development in the Swainson's Hawk Zone..."	Neither the City of Sacramento nor Sutter County currently authorize development or have jurisdiction in the Swainson's Hawk Zone where it intersects with Sacramento County. A more accurate statement would be that the Natomas Basin Conservancy would avoid development in any lands they acquire in the Swainson's Hawk Zone or to add "avoid development in the Swainson's Hawk Zone inside Sutter County and the City of Sacramento", leaving out any reference to the unincorporated area of Sacramento County.	Sacramento County is not a participant or permittee in the NBHCP. However, Sacramento County has jurisdiction over the land inside the unincorporated area of Sacramento County adjacent to the Sacramento River. The current land use designations allow for certain types of construction to occur (i.e. primary dwellings, barns, sheds, etc.) through the local building permit process. These building permits for "allowed uses" do not provide the nexus for environmental review.
IV-21, Figure 13	Swainson's Hawk Zone	Please provide a definition of the land area covered by the Swainson's Hawk Zone. Figure 13 does not provide a clear view of the boundaries.	

ITEM NO.

P. 09

	Page(s)	Issue	Comment	Concern
G8-28	VI-40, Revision Example 13.	States: "Any other modifications to the NBHCP that are consistent with the biological the NBHCP that the USFWS..."	Words are missing. The reader is left to guess the meaning.	Without correct, accurate interpretation of this potential revision type cannot be made.
G8-29	Throughout the document	The plan does not clearly state who or what entity is responsible for updating the NBHCP if a separate HCP is completed within the Natomas Basin.		

Comments on Draft EIR/EIS for Draft Natomas Basin HCP

The primary issues reviewed below are:

1. Water supply may not be sufficient to continue sustaining rice cultivation compared to the value of the water for urban uses due to continued high growth in population, households, and jobs in the Sacramento region.
2. Swainson's Hawk Zone may preclude development within 1-mile of Sacramento River, therefore impacting SMP.
3. Impact of increase in flight operations

	Page(s)	Issue	Comment	Concern
G8-30	4-30	Change in land use acreage resulting from planned development.	Assumes that "Airport" acreage will decline by 39 acres.	It is implicitly assumed that SMF will not need additional acreage. In reality, additional acreage may be needed.
G8-31	ES-7, ES-8	Loss of Marsh Habitat, Sec. 4.4; marsh habitat will decline 8,512 acres because of authorized development.	The proposed mitigation measure: the development review process in the City and Sutter County will include a provision that projects capable of supporting jurisdictional wetlands will result in no net loss of wetlands, and will ensure that wetland functions and values will be maintained.	The proposed mitigation measure may be difficult to attain, and could preclude some projects. The only option in some cases may be to mitigate outside the Basin.
G8-32	4-32, 2-17, 4-22	Adequacy of water supply	EIR states "Reserves would be acquired with stipulation that adequate water supply is available to serve the anticipated needs (e.g. managed marsh, upland). EIR states (p. 4-22) that the "...Conservancy is not expected to experience water supply deficiencies as it purchases lands and develops habitat reserves."	It may be unrealistic to assume availability of a dependable water supply to support managed marshes and rice fields. The demand for water sparked by population growth and shortages elsewhere, coupled with the worsening economics of rice farming, may induce farmers and water suppliers such as Natomas Mutual to sell their water. See endnotes i and ii.
G8-33	4-33	Create high quality managed marsh in preserves in perpetuity.	Strategy to offset loss of wetland acreage by creating 2,187 acres of new marsh. Is preferable to rice fields as habitat.	There may not be sufficient water supply available because of growing urban use demands. (See "Adequacy of water supply" above.)

G8-34

G8-35

G8-36

Page(s)	Issue	Comment	Concern
4-71; Fig. 2-5 (after p. 2-22).	Swainson's Hawk Zone: A corridor extending 1 mile East from Sac River levee, between the river and Natoma Cross Canal in the north and where I-80 crosses the river in the south.	Plan assumes no net loss of SH nesting habitat in the Zone. EIR states, "...no development in the Swainson's Hawk Zone would be permitted under the Proposed Action..." (p. 4-71). Also states, "The Proposed Action's primary strategy to mitigate impacts to SH is avoidance of development in the SH Zone and acquisition of upland habitat inside the SW Zone" (p. 2-21).	The zone intersects SMF to the north and south, and includes most of the SMF buffer territory. There may be future circumstances that could necessitate removing potential nesting sites in this area to maintain aircraft operating safety or to expand airport operations. Also, existing zoning in the unincorporated portion of Sacramento County between the Sacramento River and the Garden Highway (zoned the Garden Highway SPA) and the remainder of the unincorporated area inside the Swainson's Hawk Zone permits certain types of development outright as an allowed use. There is no nexus for environmental review for the allowed uses and construction may occur (i.e. primary dwellings, barns, sheds, etc.) through the local building permit process.
ES-15	Noise	The EIR only evaluated the noise impact during construction of habitat reserves.	The potential noise impact on the development that will occur in the 17,500 acres of planned urban development from aircraft operations was not evaluated. (It may be hard to so, however, because the precise areas for development are not identified in the EIR.)
ES-17; 4-159 - 64. See bird strike zone map, Fig. 4-2, after p. 4-160.	Public Health and Safety impact within bird-strike zones of SMF; Sec. 4.11.	(1) EIR states "less-than-significant" public health and safety impacts will result from creation of habitat reserves within bird-strike zone because of the similarity of habitat-reserve management with existing land uses, and that "...the concentration of waterfowl would not substantially change within the safety zones of SMF." (2) EIR states (p. 4-160) that "Under the Proposed Action, many existing rice fields within these zones (critical 5-, 2- and 1-mile zones of the airport) (including directly north of the airport) would be purchased for future habitat management; however land uses would not be changed." (3) EIR states that habitat reserves could be established north of SMF, and that such reserves can actually attract fewer waterfowl than rice fields. (4) EIR states that hunting programs in flocking areas of most concern to SMF could be beneficial. (5) EIR states (p. 4-164) that Proposed Action will not interfere with implementing SMF Wildlife Management Plan "...on airport property."	(1) This blanket statement may not be realistic, without including specific measures to reduce waterfowl attraction in water bodies. ²¹ It depends to some degree on where TNBC establishes reserves and their design. The non-significant finding seems to conflict with the statement on p. 4-160 that "The substantial acreage of rice lands north of SMF and in the general vicinity of the airport is a concern because of the heavy use of flooded rice fields by ducks and geese during the winter." It also overlooks potential increase in birdstrikes resulting from increased air traffic paralleling the region's population and economic growth. The "proposed Action" could forestall the Airport's ability to serve a growing region. ULI reports that job growth in the Sacramento region will be 29% between 2000 and 2010, exceeding both the state and national rates. (2) The EIR cannot assume that existing rice fields north of SMF, especially within 5 miles, will be purchased for future habitat management, when the County already owns all the land west of Powerline Rd and south of the Sacramento-Sutter County line (within the 2-mile bird strike zone). (3) Conversion of rice fields to habitat on County land would result in loss of agricultural lease revenue to the county. (4) Allowing gun use under aircraft approach and departure airspace may not be advisable in light of the events of 9-11-01, and may also conflict with FAA safety and security requirements issued since that date. (5) What boundaries did EIR assume for "Airport Property": just the 2,940 acres that comprises the Aircraft Operating Area, or did it also include the 2,497 acres of buffer land? (Note: SMF is comprised of 5,439 total acres.)

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G8-37

Page(s)	Issue	Comment	Concern
ES-8	Loss of GGS habitat	The plan would result in a net loss of 1,950 acres of GGS habitat (8,512 - 6,562).	This could stimulate increased requirements by resource agencies in terms of other projects and activities that could affect GGS habitat.

¹ The Urban Land Institute's (ULI) 2002 publication, *Economic and Demographic Trends in California*, forecasts that California will grow between 2000 and 2010 by 6 million people and 2 million households. The 4-county Sacramento region is the fastest growing in the state. ULI's 2002 report, *Putting the Pieces Together: State Actions to Encourage Smart Growth in California*, further estimates that the state population will grow by 12 million between 2000 and 2020, and 24 million by 2040.

² A report published jointly by the California Air Resources Board and the CA Dept. of Food and Agriculture states that a hypothetical rice farmer using typical farming methods in 1998 would have gained a cash net profit of \$274/acre, but including non-cash costs would have reduced the profit to just \$98/acre. Excluding revenue of \$172/acre from the Agricultural Transitional Program subsidy would have resulted in a net cash profit of just \$102/acre, and a net loss if non-cash expenses are included (imputed cost of capital invested in land, equipment and farmer's own labor). These payments will cease in 2003, making rice farming an even more precarious financial endeavor, and therefore subject to fluctuations in the cost of water. The cost of rice farming has risen since the 1991 Rice Straw Burning Reduction Act, with the cost of burning averaging \$2/acre compared to \$36/acre for incorporating straw into soil. Source: 1999 Report to the Legislature, *Progress Report on the Phase Down of Rice Straw Burning in the Sacramento River Valley Air Basin*. California Air Resources Board and California Department of Agriculture, February 2000.

³ FAA Advisory Circular 150/5200-33, 5/1/97, recommends the following separator criteria for sites that may attract wildlife hazardous to aircraft operations: (a) distance of 10,000 feet (almost 2 miles) from an airport's aircraft movement areas, loading ramps, or aircraft parking areas; and (b) a distance of 5 statute miles from aircraft approach or departure space. Such wildlife attractants include wetlands and wetland mitigation projects that may attract hazardous wildlife. This issue is important because aircraft collisions with wildlife annually cost the civil aviation industry \$300 million, and over 500,000 hours of aircraft down time (USDA, *Wildlife Management at Airport*, 1999, p. 1). Also, in the 1960s, 4-engine aircraft comprised 75% of the U.S. fleet of passenger, but by 2008 the number of 2-engine aircraft is expected to reach 90%.

County Executive
Terry Schutten



County of Sacramento

Board of Supervisors
Roger Dickinson, District 1
Jimmie R. Yee, District 2
Susan Peters, District 3
Roberta MacGlashan, District 4
Don Nottoli, District 5

December 29, 2009

Mr. Ray Kerridge
City Manager
City of Sacramento
915 I Street, 5th Floor
Sacramento, CA 95814

**RE: County of Sacramento and Natomas Landowner Group
Natomas Joint Vision**

Dear Ray:

This correspondence is being sent to ensure that the Sacramento City Mayor and City Council remain informed about the status of discussions between the County of Sacramento and the Natomas Landowner Group.

We appreciate the on-going collaboration by County and City representatives on the Natomas Joint Vision project. Our respective staff members have worked cooperatively towards the completion of the initial phases of the work program (Phases I through III). We now look forward to addressing the challenging issues in the Phase IV process.

As you are aware, Sacramento County has a pending Board hearing on the Natomas Joint Vision project scheduled for 2:00 p.m. on January 13, 2010. This discussion will address the continuing work by the three parties, the City of Sacramento, the County of Sacramento, and the Natomas Landowner Group. Recent milestones have included initiation of the "Phase II - Broad Vision Process" with the goal of engaging in a land planning exercise to:

- Create a special and unique place
- Assure quality and consistency in development projects
- Capitalize on existing assets – airport, freeways, river, farmland
- Locate and employ exemplary cases of urban design complementing (and enhancing) habitat preservation

This Broad Vision Process culminated in the presentation of several conceptual sketches both to the City Council and County Board of Supervisors and initiation of a Technical Phase III effort in April of 2009.

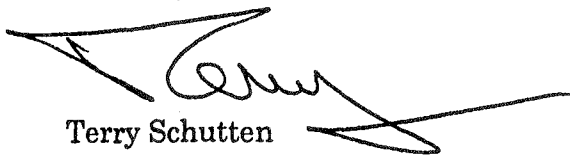
The Technical Phase III began with a series of hearings with non-participating property owners within the unincorporated portion of the County. Much of the focus of this phase has been on the formation of a team of consultants engaged by the Landowner Group to prepare background technical information that will form the basis for the development of a new or amended Habitat Conservation Plan (HCP).

In a succession of meetings between the City, County, and the Natomas Landowner Group, the Landowner Group has expressed its desire to progress towards completion of major milestones. The County of Sacramento currently is in a position to move forward with a Phase IV effort. Therefore, County staff will recommend to the Board of Supervisors the following actions at the hearing on January 13, 2010:

- Adopt a resolution of intent to engage in a formal process for preparation of a habitat conservation plan (HCP);
- Adopt a resolution to initiate proceedings for a Special Planning Area land use zone that can facilitate a number of the Natomas Joint Vision objectives, specifically the habitat conservation and airport protection; and
- An amendment to the County's Specific Plan Ordinance that may allow a concurrent specific plan to be prepared if accompanied by a County initiated change to the General Plan.

Should you have any questions regarding these recommendations, please contact Paul Hahn, Administrator, Municipal Services Agency at 916-874-5889.

Sincerely,



Terry Schutten

c: Members, Board of Supervisors
Members, City Council
Steven C. Szalay-Interim County Executive
Hardy Acree-Director of Airports
William J. Hatch-W. Hatch Interests, Inc.
John Dangberg-Assistant City Manager, City of Sacramento
Scott Mende-New Growth Manager