

**Proposition 68 Projects for The Natomas Basin Conservancy (TNBC)
Projects Listed in Priority Order
1-23-19 Draft**

1. **Proposal:** Land acquisition project to expand protected habitat for the Giant garter snake (GGS) and Swainson’s hawk, both protected under the state and federal endangered species acts. Funding would enable TNBC to acquire smaller parcels of land to hold as future mitigation land. Funding would be used to acquire and maintain a pool of land qualified as mitigation land under the Natomas Basin Habitat Conservation Plan (NBHCP) and Metro Air Park Habitat Conservation Plan (MAPHCP). The acquisitions would be made in advance of HCP requirements to facilitate small mitigation needs, typically by smaller projects, that are otherwise unable to secure necessary mitigation land -- mostly because of the lack of qualified small-parcel availability. In addition to the GGS and Swainson’s hawk, this project will facilitate continued successful implementation of the NBHCP and MAPHCP, both of which provide for mitigation of 22 species listed under the state and federal endangered species acts.

Request: \$3 million

Authorization: Section 80132(a)(2) “Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that promote the recovery of threatened and endangered species.”

Granting Entity: Wildlife Conservation Board

2. **Proposal:** Research project to develop “best methods” for control of Eurasian water-milfoil, an invasive plant which is having a devastating impact on managed marsh lands. Eurasian water-milfoil has entered the Natomas Basin of California and threatens the functionality of managed marsh and created wetlands owned and managed by the Natomas Basin Conservancy for the benefit of the Giant garter snake, Pacific pond turtle and other species covered under the Natomas Basin Habitat Conservation Plan. These and other species that are a part of the Plan are protected under the state and federal endangered species acts. Eurasian water-milfoil was recently named the number one biggest aquatic invasive threat by the Western Governors’ Association.
This project would provide funding for the assessment of the extent of Eurasian water milfoil in the Natomas Basin, recommend ways to keep it from undermining the functionality of the managed marsh complexes built and managed there for habitat purposes, and provide funds to address the threat on TNBC mitigation lands and associated water conveyance structures over a two-year period as a pilot project. Learnings from the effort would be

shared with other habitat land managers in the state since Eurasian water-milfoil is becoming an increasing biological pest. **Request:** \$235,000
Authorization: Section 80132(a)(6) “Projects to control invasive plants or insects that degrade wildlife corridors or habitat linkages, inhibit the recovery of threatened or endangered species, or reduce the climate resilience of a natural system.”

Granting Entity: Wildlife Conservation Board

- 3. Proposal:** Project to enhance surface water availability to promote adaptability to climate change and improve water management flexibility for the protection of species listed under the state and federal endangered species acts by operating the necessary conveyance of surface water facilities from the Natomas Central Mutual Water Company service area to managed marsh complexes within The Natomas Basin Conservancy’s habitat land complexes, which are managed in compliance with the Natomas Basin Habitat Conservation Plan. **Request:** \$165,000

Authorization: Section 80132(a)(7)

Granting Entity: Wildlife Conservation Board

- 4. Proposal:** Predation management project to research and control devastating predators within the mitigation lands held under the Natomas Basin Habitat Conservation Plan which have been preying upon species covered under the state and federal endangered species acts. This applies mostly for the Giant garter snake, an aquatic snake, which has been subject to predation by river otters that have adapted to the managed marsh mitigation lands owned and managed by the Conservancy. **Request:** \$80,000

Authorization: Section 80114(a)(1)

Granting Entity: Natural Resources Agency

- 5. Proposal:** Project to improve local watershed management and water quality throughout the managed marsh complexes at and adjacent to Fisherman’s Lake on habitat lands held under the Natomas Basin Habitat Conservation Plan (NBHCP) by identifying pollutants being introduced into the facilities from surface waters and thus harming aquatic species covered under the NBHCP. After identifying the pollutants, their likely impact on NBHCP-covered species will be characterized and recommendations to mitigate these impacts on the NBHCP-covered species will be developed. **Request:** \$90,000

Authorization: Section 80114(a)(1) – see above

Granting Entity: Natural Resources Agency

6. **Proposal:** Project to improve climate adaptation and resilience of natural systems within habitat lands held under the Natomas Basin Habitat Conservation Plan by installing a well to address drought and extreme weather cycles so that groundwater would be available to irrigate the Plan's managed marsh complexes. The installation of solar energy production facilities will be included to reduce fossil fuel-generated energy consumption in the operation of the well. **Request:** \$90,000
Authorization: Section 80132(a)(3) "Projects to improve climate adaptation and resilience of natural systems."
Granting Entity: Wildlife Conservation Board

The projects below were previously prioritized as #3 and #8. They are now on hold awaiting further information:

- A. **Proposal:** Proposal to accomplish restoration, development and protection of a critical cross-habitat corridor to facilitate habitat connectivity for the Giant garter snake (GGS), a protected species under the federal and state endangered species acts, and other species via a culvert or similar structure under Highway 99 in south Sutter County in cooperation with the Sacramento Area Flood Control Agency and the Natomas Central Mutual Water Company. **Request:** \$5 million
Authorization: Section 80132(a)(1)
Granting Entity: Wildlife Conservation Board
- B. **Proposal:** Proposal to prepare engineering plans and an implementation strategy for construction of a culvert under Highway 99 to enable east/west movement of the Giant garter snake, a protected species under the federal and state endangered species acts, to promote genetic diversity and enhanced climate resiliency of the species.
Request: \$95,000
Authorization: Section 80111(a) "Five million dollars (\$5,000,000) shall be available for the development of regional conservation investment strategies that are not otherwise funded pursuant to Section 800 of the Streets and Highways Code or any other law."
Granting Entity: Wildlife Conservation Board

Proposal to Promote the Acquisition of Critical Habitat Property

Background Support Statement 1-2-2019 DRAFT

Background: Land conservancies throughout California are unable to pay more than the appraised value of property due to various constraint placed on the use of public funds for land acquisition. As a rule, the sales price must be supported by an appraisal. This creates a situation where conservative appraisals are causing conservancies to lose out on sensitive habitat due to the desire of owners to maximize their return on the property and their knowledge that market dynamics are causing properties to sell for prices which are greater than appraised values.

Problem: Conservancies are unable to acquire needed habitat for species protected under state and federal endangered species acts in dynamic near-urban areas.

Proposed Solution: Pass legislation authorizing not-for-profit Conservancies to acquire sensitive habitat land at greater than appraised value where specified conditions exist and where specified requirements are met.

Arguments in Support: The use of public funds to acquire real estate typically requires the selling price of the subject property not exceed an appraised value. In near-urban areas, land needed for critical habitat preservation is in competition with land targeted for urbanization. In such cases, land sellers hold expectations their property will sell at prices typical of dynamic real estate markets. Where habit conservation plans (HCPs) exist on the rural-urban fringe, further efforts to acquire additional critical habitat land are most often frustrated by urban price expectations. To effectively continue implementation of HCPs in such settings, land must be acquired where a premium over appraised value is allowed, especially where strategic acquisitions are necessary for biologic integrity. This bill affords The Natomas Basin Conservancy (TNBC) an opportunity to effectively compete for land intended for use as mitigation land under the Natomas Basin Habitat Conservation Plan (NBHCP) and the Metro Air Park Habitat Conservation Plan, and which meets the land acquisition criteria in those HCPs. The bill is necessary to enable TNBC to compete for land acquisition in the dynamic and highly competitive real estate market in the Natomas Basin of California.

Proposed Legislation

Acquisition of Property by Non-profit Conservancies

Section 1. Section XXX is added to the Public Resources Code to read:

XXX. A not-for-profit conservancy Which is an approved 501(c)(3) entity for federal tax purposes may acquire sensitive habitat land at greater than the appraised value where the following specified conditions exist and where specified requirements are met.

- (a) Where habit conservation plans (HCPs) exist on the rural-urban fringe
- (b) Where further efforts to acquire additional critical habitat land have been frustrated by urban price expectations
- (c) Where strategic acquisitions are necessary to protect and enhance biologic integrity and diversity

XXX.1 Where the board of directors of the conservancy makes a finding in an open public meeting that the requirements of Section XXX have been met, the conservancy may purchase sensitive habitat land at greater than the appraised value.

Legislative Counsel Opinion Request:

Is The Natomas Basin Conservancy (TNBC) eligible to be listed for a direct appropriation in a future Park/Water Bond in the same fashion as the conservancies listed for direct appropriation in Proposition 68 (Section 80110, Public Resources Code)?

Background:

TNBC is a 501(c)(3) non-profit entity. The purpose of TNBC is to implement The 2003 Natomas Basin Habitat Conservation Plan (NBHCP) and the Metro Air Park Habitat Conservation Plan (MAPHCP).

Web site: www.natomasbasin.org

Proposed Legislation

Appropriation to the Natomas Basin Conservancy

For

**Construction of a Video Surveillance System for Enhanced Security and
Biological Monitoring on the Natomas Basin Conservancy**

Please draft a bill making an appropriation of \$150,000 to the Natomas Basin Conservancy, a 501(c)(3) charitable organization, for a project to construct a Video Surveillance System for Enhanced Security and Biological Monitoring on the Natomas Basin Conservancy.

From: **Michael Arnold** marnold@mjarnold.com 
Subject: The Natomas Basin Conservancy (TNBC)
Date: January 30, 2019 at 2:57 PM
To: **Harold, Alex** Alex.Harold@asm.ca.gov, **darin.walsh@sen.ca.gov**, **Lipper, Kip** Kip.Lipper@SEN.CA.GOV
Cc: **John Roberts** jroberts@natomasbasin.org, **Kristian Foy** kfoy@mjarnold.com

MA

Hello Alex, Darin and Kip.

Thanks so much for meeting with John Roberts and me this morning. The meetings were very helpful.

Attached are electronic versions of some of the documents we left with you this morning, in case you need them in that form.

Also attached is SB 470 (Wright), (Chapter 659, Statutes of 2013) and the section of law (Gov Code 52201) put in place by that bill regarding the sale of property for less than fair market value. Perhaps not this year, but our hope is that we may be able to do something like SB 470 for critical habitat property where certain criteria and safeguards are met.

Follow-up:

1. We will do a **write up of a budget proposal** for the “Video Surveillance System for Enhanced Fire Safety, Security and Biological Monitoring on the Natomas Basin Conservancy.” We will emphasize the fire safety aspect of the proposal and mention the wild land fire threat faced in TNBC when cars are burned for insurance scam purposes. We will also ask SMUD for support of this idea.
2. **Tour for Legislative staff and members.** We will arrange for a tour this spring or early summer for members and staff (capitol and district staff). TNBC is extremely impressive. The tour will be both educational and enjoyable for all who participate.

Thanks again for your time today. We really appreciate it! TNBC is a jewel for the Sacramento region and enhancing the ability for this entity to achieve its goals is definitely in the public interest.

Michael Arnold
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Proposition 68
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Critical Habitat
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