

of the Permits.

## **6. Changes in Response to a Recovery Plan**

The MAP POA, USFWS, CDFG, and NBC intend that Changes in the MAP HCP or NBHCP with respect to the location of Conservancy Lands, the proportion in Managed Marsh, and other changes necessary to adapt the MAP HCP or NBHCP to meet the purposes of a Recovery Plan for the Giant Garter Snake or Swainson's Hawk shall not require an amendment of the Section 10(a)(1)(B) Permit or Section 2081(b) Permit.

## **7. County Adoption of HCP**

At such time as the County of Sacramento adopts an HCP for unincorporated lands within the Natomas Basin which includes the MAP project area, MAP POA may choose to participate in the County's HCP, as described in Section 3.1.13 of the MAP IA.

## **IV. ALTERNATIVES TO THE PROPOSED ACTION**

Section 10(a)(2)(A)(iii) of the Endangered Species Act of 1973, as amended, requires that alternatives to the taking of species be considered and reasons why such alternatives are not implemented be discussed. These alternatives are presented as follows:

### **A. No Action Alternative**

The No Action alternative means that no Section 10(a)(1)(B) permit (incidental take permit (ITP)) would be issued for take of listed species during urban development and other activities in the Metro Air Park Project area.

This alternative would maintain the status quo of no take authorized for federally listed species. Specifically, take of the federally-listed giant garter snake would be prohibited. Since the site supports the GGS, this alternative would preclude development of the MAP project as it is currently contemplated by the County Metro Air Park Special Planning Area ordinance. It is uncertain whether, and if so, which crops would be farmed on the property. Presumably the same type of crops that have historically been farmed would continue to be farmed including rice, alfalfa, sugar beets, and pasture. It is unknown whether any lands would be returned to rice farming or whether they would be maintained in dry land crops or kept fallow.

The No Action Alternative would involve the USFWS not issuing a Section 10(a)(1)(B) permit. Under this alternative, development within the project area would be subject to detailed plant and animal surveys in order to prove presence/absence of listed species within development areas. Each proposed development project would require individual consultation and potentially uncoordinated minimization and mitigation efforts. Separate incidental take permits would need to be processed which would consume significant amounts of USFWS staff time. This alternative is contrary to the USFWS policy to encourage landowner participation in regional planning efforts where they are in place as in the Natomas Basin.

This alternative would likely result in the absence of any rice land farming in the area, resulting in continued degradation of habitat area with no resulting mitigation. It is anticipated

that farmers would believe they have little choice but to cultivate crops besides rice, most likely cotton, safflower, orchards or vineyards, which would eliminate habitat provided by rice cultivation for the giant garter snake and also significantly limit existing suitable foraging habitat for the Swainson's hawk and other covered species.

For these reasons, it is anticipated that the No Action Alternative would not protect habitat that exists today for the covered species. In fact, if habitat disappears due to changes in agricultural crop rotations, future development of this area thereafter would likely require less mitigation to mitigate for impacts to the covered species if covered species no longer occupied the area.

Under this alternative, development would likely still ultimately occur although it may be delayed as site specific developments process incidental take permits individually, or as future studies confirm that there would be no take, therefore, no need for incidental take permits on specific parcels following species extirpation.

#### **B. County as Permittee**

The NB HCP originally contemplated five permittees: the City of Sacramento, the County of Sacramento, Sutter County, Reclamation District Number 1000, and the Natomas Central Mutual Water Company. At present the County has not submitted an application for incidental take permits for the Natomas Basin. Under the NB HCP, the County of Sacramento would be the Applicant for the Section 10(a)(1)(B) permit and would become the designated permittee for all lands in the Natomas Basin that are within the unincorporated area of the County. This area includes the Metro Air Park project site. Under this alternative, the MAP Property Owners Association would delay development of the MAP project until the County obtained a Section 10(a)(1)(B) permit for areas under its jurisdiction in the Natomas Basin.

The County may use a version of the HCP similar to the City's NB HCP or could draft an HCP that is significantly different from the NB HCP. Similarly, the County could rely on the NBC to carry out mitigation under its HCP, could carry out mitigation on its own, or could use a different entity entirely.

The Metro Air Park project has all local land use approvals and delaying development while waiting for the County to obtain its own ITP is expected to result in multi-year delays to project construction. This alternative is not carried forward for detailed analysis because the County has not come forward with a proposed HCP that covers the Metro Air Park project site or expressed any recent interest in participating in the NBHCP or similar HCP. Thus MAP does not consider the above alternative to be a feasible option.

#### **C. Reduced Development On-Site**

This alternative would result in reduced development of the MAP site. The land use plan for this alternative would be the same as the proposed HCP alternative with the exception of the size of the golf course. The 18-hole golf course situated on approximately 279 acres would be reduced to a 140-acre 9-hole golf course. This would reallocate 140 acres on-site for the re-creation of habitat as a mitigation area for covered species.

This 140-acre mitigation area, managed consistent with the reserve goals of the NBC and the proposed HCP alternative, would be anticipated to be situated within the golf course area depicted in Figure 2. Such a mitigation area would comprise about seven percent of the project site. The interrelationship of this area with drainage and water quality protection facilities for the site would assure the existence of suitable year-round water supplies necessary to provide habitat for covered species.

On-site habitat preservation is generally a preferable means of mitigating impacts to covered species when natural habitat features on an impact site are not easily established at other locations (i.e., certain types of wetlands, large rock outcropping nesting sites, etc.).

The Metro Air Park site does not contain natural habitat for covered species because the site historically has been converted entirely to cultivated agriculture during which conversion all natural habitat was eliminated. On-going intensive agricultural activities up to the present day have, for the most part, prevented the reestablishment of natural habitat on-site. Covered species have persisted on-site only to the extent they have adapted to life within cultivated fields and man-made ditches. Based upon the costs involved, re-creation of habitat on-site as a result of reduced development was considered as an alternative means to offset impacts to covered species.

There may be certain biological advantages to creation of habitat lands on-site. One such advantage could be that protection of a certain number of individuals of the covered species actually occurring on the Metro Air Park site from take might result in retention of a segment of the population that may later be determined to be particularly significant for biological reasons that are unknown today. Another advantage might be that a population segment preserved on-site would be isolated from other populations to a certain degree which might insulate the preserved population from disease or other catastrophic event to which other population segments are exposed.

Except for some limited connectivity to the site drainage system, the 116-acre mitigation area would not contribute to the larger habitat reserves being developed in the Natomas Basin by the NBC. Although, MAP POA mitigation fees would provide for the establishment of roughly 800 acres of off-site mitigation land which would be part of the NBC reserve system.

The 116 acres of on-site mitigation habitat is not located off-site away from intensive urban activities, vehicular traffic, pollution that can cause continued and unmanaged take of covered species. This problem is likely to be further compounded because of this mitigation area's location near an area of intensive human activity (i.e., the 9-hole golf course), several perimeter roadways, and State Highway 99/70.

In fact, because an on-site mitigation area would be surrounded by urban development it should be anticipated that adverse urban "edge effects", including intrusion/predation by: feral pets (i.e., primarily cats and dogs); alien plant or animal species (i.e., water hyacinth, predatory fishes, etc.); garden and commercial herbicides, pesticides, fertilizers, detergents, petroleum substances, other chemically laden runoff and eroded soils; young and adult human pedestrians and those upon horseback or motorized vehicles (i.e., dirt bikes, ATVs, 4x4 vehicles, etc.); changes in site hydrology due to adjacent urban activities of various types; and other adverse effects will occur.

The MAP HCP which imposes mitigation fees on each acre of development that will be used to purchase large, permanently protected and managed habitat reserves for the GGS offers a conservation strategy that assures that lands in the Natomas Basin continue to sustain viable populations of GGS over the long term in the face of the strong urban development pressures in the basin.

The acquisition of 200 acres of protected SH reserve lands accompanied by the obligation to plant fifteen (15) nest trees and permanently manage the reserve lands for the benefit of the hawk, is a more viable conservation strategy than simply leaving the single nest tree currently on the MAP POA lands in place as the lands around it convert from foraging habitat to urban uses. Such a reserve, managed in perpetuity for the Swainson's hawk, would support many more nest trees that could be used by more than just this one pair of birds.

The best approach to sustaining viable populations of the covered species in the Natomas Basin over the long term is through the implementation of a regional conservation strategy that provides for the acquisition of sizable interconnected habitat blocks throughout the basin managed for the benefit of the Covered Species while allowing the urbanization of other lands to proceed.

Apart from its limited biological value, removing portions of the project from development would compromise the financial integrity and feasibility of the MAP plan. Several of the current owners in MAP have owned their property since the late 1960's, when Sacramento Metropolitan Airport opened and the County of Sacramento designated the property as Air port Related – Industrial. Most of the current owners have owned their property since the mid-1980's. At that time it was anticipated MAP would be developed within a few years; but the 1986 floods delayed the project's development. The MAP property owners organized in 1989 to form the Metro Air Park Association (MAPA). Over 70% of the acreage participated financially through monthly assessments. The remaining acreage did not participate financially, but has been historically supportive of the MAPA's efforts.

For the next three years, scoping studies were completed, appropriate land uses were identified, and allocation of land uses among owners were completed. An application to amend the General Plan and Community Plan designations of the property to a mix-use industrial-business park was submitted to the County of Sacramento for processing in 1991. The MAP Draft EIR was circulated in 1992. The Final EIR was certified in 1993 and a Special Planning Area ordinance was adopted August 1993 as County Ordinance No. 93-0045 (MAP Ordinance) which included a circulation plan and lot exhibit consistent with the zoning. Since then the MAP ordinance has been amended twice in 1998 (98-0002 and 98-0020).

In February 1998, the County approved the tentative subdivision map for MAP. In September 1998, the County Board of Supervisors approved the formation of the MAP Community Facilities District (CFD) No. 1998-1 to proceed with the planning and design related to the infrastructure described in the Master Facilities Plan. The total cost of this work was funded by proceeds from Mello-Roos bonds that were issued in December 1998 in the amount of \$5.31 million.

On September 26, 2000, the County Board of Supervisors approved the MAP Public Facilities Master Plan that described all roadways, drainage, water supply systems, and sanitary

sewer systems needed for the full build out of MAP. This Master Plan required the review and concurrence of Natomas Mutual Central Water Company, Reclamation District 1000, Natomas Basin Conservancy, Cal-Trans, Federal Highways Administration, Federal Aviation Administration, Regional Transit, Sacramento County Department of Transportation, Sacramento County Public Works Agency, Sacramento County Regional Sanitation District, Sacramento County Community Sanitation District -1, Sacramento County Water Resources Division, Sacramento County Water Agency, and others.

To date the owners have spent over \$3.5 million and assumed \$5.3 million of Mello-Roos debt to implement MAP. Eliminating a portion of the project from development would infeasibly increase development costs on the remaining landowners, undermine the financial structure created to develop and implement the project, and would require modification of the land use plan or master facility plan for MAP and result in significant delays, one or more of which are expected to render the project infeasible.

The tentative subdivision map from Sacramento County which allows development to proceed, is scheduled to expire on February 23, 2003. Any changes to the project at this point in the process would require that several plans, including the Master Facility Plan and Master Facilities Financing Plan, be redone. The work necessary to revise and again obtain approval of new plans would surely exceed the February 23, 2003 expiration date for the map. If the tentative map expires, the project's conditions of approval and mitigation measures would become null and void and all implementing agreements with the agencies would no longer apply to allow development or species mitigation to occur.

Furthermore, now that the Sacramento County Board of Supervisors has approved the Facilities Financing Plan in September 2000, and the owners have completed the Mello-Roos bond tax election and incurred over \$5.3 million in debt, should the project be changed and the Financing Plan revised, this would void the county's approvals and the Mello-Roos bond election would have to be reinitiated all over again to amend the plan. The procedures necessary to carry out this election would surely exceed the February 23, 2003 subdivision map expiration date. In addition, the Mello-Roos bond buyers are finalizing complex Bond Purchase Agreements with Sacramento County and any change to the Facility Plan or Facilities Financing Plan at this time, would allow the bond purchasers the opportunity to reconsider their bond purchases and withdraw support for the project, leaving the project totally infeasible without adequate funding for either development or species mitigation.