Chapter 4
Application Process and Conditions on Covered Activities

4.1 Introduction

This chapter describes the process for the City of Woodland, City of Winters, City of Davis, City of West Sacramento, Yolo County, or the JPA (collectively referred to as Permittees) to apply for coverage of individual projects and ongoing operations and maintenance activities included as covered activities in the Yolo HCP/NCCP. This chapter also describes the conditions through which covered activities will avoid and minimize take of covered species. The application process and avoidance and minimization measures (AMMs) are included in this chapter together to provide a single location in the document where project proponents can find descriptions of all relevant requirements related to project design and implementation, with the exception of fees. HCP/NCCP fees are described in Chapter 8, Cost and Funding.

Section 4.2, Receiving Take Authorization under the Yolo HCP/NCCP, describes the process for applying to the Permittees for coverage under the Yolo HCP/NCCP. Section 4.2.1, Authorization Process, describes the authorization process under each of three categories: public projects proposed by the Permittees, private projects under the discretionary authority of Permittees, and Special Participating Entities. Section 4.2.2, HCP/NCCP Application Package, describes the required contents of the application package.

Section 4.3, Conditions on Covered Activities, describes conditions that project proponents must adopt to receive coverage under the Yolo HCP/NCCP. These conditions specify how project proponents will avoid and minimize take of covered species during implementation of covered activities and are referred to herein as AMMs. Section 4.3.1, General Project Design, describes AMMs that apply to the design of all development projects. Section 4.3.2, General Construction and Operations and Maintenance, describes AMMs that apply to all construction and operations and maintenance activities. Section 4.3.3, Sensitive Natural Communities, describes AMMs that are specific to rare or sensitive natural communities that warrant specific avoidance and minimization measures, such as the rare alkali sink natural community and other natural communities associated with wetlands. Section 4.3.4, Covered Species, describes AMMs that are specific to each covered species. Section 4.3.5, Cache Creek Area Plan Projects, describes the requirement for mining and maintenance activities under the Cache Creek Area Plan to implement applicable measures consistent with specified existing plans. Section 4.3.6, Additional Provisions Related to Conditions on Covered Activities, describes the process and conditions for a biologist to obtain approval as a qualified biologist, types of covered activities that may be exempt from AMMs, and the process for revisions to Yolo HCP/NCCP AMMs.
4.2 Receiving Take Authorization under the Yolo HCP/NCCP

4.2.1 Authorization Process

The Yolo HCP/NCCP incidental take permits (Permits) provide the Permittees with take authorization to implement covered activities, and allow the Permittees to extend this take authorization to project proponents implementing covered activities. Permittees can extend take authorization through the local development approval process as long as the covered activities comply with the applicable AMMs in this chapter. As described in Chapter 3, Covered Activities, Permittees will provide take authorization under the Yolo HCP/NCCP for covered activities in the following three categories: public projects proposed by the Permittees (Section 4.2.1.1), private projects under the discretionary authority of the Permittees (Section 4.2.1.2), and projects by non-Permittees in the Plan Area that are approved for inclusion by the JPA as Special Participating Entities (Section 4.2.1.3). The incidental take authorization process for each of these situations is explained below.

The JPA will develop the process through which applicants apply for permits in coordination with the member agencies. The JPA will develop implementation materials, including examples of how the process works. This process could include review of applications before they are complete and participating in the local Development Review Committee, to make the requirements of the JPA process known early enough to influence process design.

4.2.1.1 Public Projects Proposed by Permittees

The Permits authorize incidental take associated with public projects proposed by Permittees and covered by the Yolo HCP/NCCP. Permittees must comply with the AMMs described in this chapter for each project. The Permittees must document compliance and provide a copy of this documentation to the JPA for tracking and reporting purposes (e.g., to track the amount of take coverage the JPA has granted). The JPA will develop a form to assist the Permittees, as well as project proponents implementing covered activities, with this documentation. Permittees may consult JPA staff for technical assistance with accurate completion of the required documentation.

The process through which public projects can receive take authorization under this HCP/NCCP is shown in Figure 4-1.

4.2.1.2 Private Projects under the Discretionary Authority of Permittees

Project proponents implementing private projects that require discretionary land use approval from a Permittee will submit an HCP/NCCP application package (as described in Section 4.2.2, HCP/NCCP Application Package) to the relevant Permittee. The Permittee will undertake review of take authorization applications concurrent with California Environmental Quality Act (CEQA) environmental review. This review will include consideration of CEQA exemptions, and whether a project is covered by a prior programmatic or earlier CEQA document. To facilitate this approach, the Permittee should require that project proponents submit initial HCP/NCCP application package information as part of the land use approval application and CEQA process.

The submittal of the initial HCP/NCCP application package information during the land use approval/CEQA process allows for early identification of the various requirements of the HCP/NCCP.
that will be applicable to the proposed project. This approach also provides time for the project proponent to consider modifications to the project to minimize biological impacts, and to identify alternatives for CEQA analysis, if necessary. It also will enable the project analysis and CEQA review to incorporate and consider applicable AMM requirements from the HCP/NCCP. Based on a review of this initial information, the Permittee will develop and apply project conditions of approval specifying the HCP/NCCP AMMs and fee requirements.

The JPA will develop a checklist for evaluating HCP/NCCP applications by all Permittees prior to the first ordinance implementing this HCP/NCCP taking effect. During CEQA review of the project, the Permittee will review the HCP/NCCP application package for completeness in accordance with the checklist. The determination of completeness of the application package rests with the Permittee. Permittees may request technical assistance from the JPA staff. If the application package is not complete, the Permittee will provide a letter to the project proponent with an explanation of why it is incomplete, and the project proponent will provide the missing information to the Permittee. Once the application package is complete, the Permittee will calculate the required fees as described in Chapter 8, Cost and Funding, and consistent with the local ordinance implementing this HCP/NCCP.

The Permittee will specify all AMMs and fees as conditions of project approval, or as specified in local ordinances implementing the HCP/NCCP. The project proponent will pay fees prior to any project related ground disturbance. If the project proponent requests to contribute land in lieu of fees or requests conditions that deviate from the AMMs, such requests must be reviewed and approved by the JPA, USFWS, and CDFW, as described in Section 4.2.2.6, Item 6, HCP/NCCP Fees or Equivalent Mitigation.

The process for receiving take authorization for private projects is shown in Figure 4-2. The HCP/NCCP review process will be integrated into the established land development permit processes of the member agencies.

4.2.1.3 Projects Proposed by Special Participating Entities

Special Participating Entities (SPEs) are entities with proposed projects or activities that are not subject to the land use authority of the Permittees through the CEQA process, and therefore cannot receive coverage under this HCP/NCCP through the process described above. SPEs may include utilities or special districts that own land or provide public services. Proponents of private activities that do not require discretionary approval from the Permittees (e.g., ministerial activities, such as single-family building permits and most agricultural activities) may request coverage as an SPE. This includes farm dwellings. These entities may choose to request coverage under the HCP/NCCP as SPEs to obtain take authorization for their projects or activities. If the entity qualifies as an SPE, the JPA may issue take coverage through a Certificate of Inclusion at the JPA’s discretion. The JPA will determine eligibility for SPE status based on factors described in Section 7.2.5, Special Participating Entities, including whether the SPE can meet HCP/NCCP conditions and if the amount of take requested (i.e., acres of natural community or covered species habitat loss) is available for the project. The project also must not unduly reduce the take authorization of the Permittees.

To grant take authorization to an SPE, the JPA must establish a legally enforceable contractual relationship with the SPE. The SPE will submit a complete application package for the proposed activity directly to the JPA, with notification to the jurisdiction in which the project occurs. This application package will contain the components described in Section 4.2.2, HCP/NCCP Application
Package, and an explanation as to how the proposed activity meets the eligibility requirements for SPE status as provided in Chapter 7, Plan Implementation.

If the SPE meets the HCP/NCCP requirements and take allowance is available, the JPA will execute a contract with the SPE binding it to the relevant terms of the Permits, Implementing Agreement, and HCP/NCCP. Upon approval of the contract by the JPA Board, execution of the contract with the SPE, payment of the fee specified in the contract, and completion of any other steps required by the contract, the JPA will issue a Certificate of Inclusion to the SPE. The Certificate of Inclusion will include an attached map depicting the area, parcel number, acreage, and owner of lands to which the take authorization(s) would apply.

The JPA will provide a template of the Certificate of Inclusion to the wildlife agencies for review and approval during plan implementation, before the JPA approves the first SPE project. The JPA will track the amount of take authorization extended to SPEs against the total allowable take authorized under the Yolo HCP/NCCP. Requirements related to SPEs are further described in Section 7.2.5, Species Participating Entities.

4.2.2 HCP/NCCP Application Package

All public and private project proponents, covered by the Yolo HCP/NCCP must complete an HCP/NCCP application package. Proponents of private projects under the discretion of Permittees must submit the application to the relevant Permittee for review and approval to receive coverage under the HCP/NCCP. The project proponent is responsible for preparing the application package and conducting any necessary field surveys, if required. SPEs submit their application package to the JPA for review and approval to receive coverage under the HCP/NCCP.

The application package must contain the following items, if applicable. Each of which is described in detail in this section.

- **Item 1**: Project application form
- **Item 2**: Project description, vicinity map, and detail map
- **Item 3**: Land cover mapping and planning-level surveys
- **Item 4**: Verification of land cover impacts
- **Item 5**: Avoidance and minimization measure (AMM) plan
- **Item 6**: HCP/NCCP fees or equivalent mitigation

The JPA will provide templates for all application components to each Permittee prior to the first authorization for coverage under the Yolo HCP/NCCP. The JPA also will post these templates on the JPA’s website for use by Permittees, SPEs, and private project proponents and their consultants. Use of the templates will streamline the Permittee review and approval process. The Permittees may adjust the required components of the application package over time, consistent with the requirements of the Yolo HCP/NCCP. Permittees may charge a fee to recover the costs of accepting, reviewing, and processing these application packages (see Chapter 8, Cost and Funding, for details).

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1 In the event of failure to uphold the terms of the Permit, Implementing Agreement, and HCP/NCCP, the contract shall give the JPA the ability to force action by the Special Participating Entity through legal means.
4.2.2.1 Item 1: Project Application Form

The project application form\(^2\) will contain basic information about the project. The JPA will provide required forms through the web sites of the Permittees and the JPA.

4.2.2.2 Item 2: Project Description, Vicinity Map, and Detail Map

The application package will include a brief project description, vicinity map, and detail map. The project description will include the location, assessor’s parcel number, construction activity or maintenance methods, a description of the nature of the impacts (permanent or temporary), and timing (including duration) of the project or activity. The project description will be sufficient to document that it is a covered activity (Chapter 3, Covered Activities). The vicinity map will document that the project site is in the Plan Area and will include any streams or water bodies that fall within the project area. The detail map will show the fee area, also known as the area of impact. This is the area the JPA will use to determine fees, as described in Chapter 8, Section 8.4.1.2, Land Cover Fee. The detailed map must also show any relevant landforms, roads, water bodies, and existing and proposed structures that will be affected by the proposed project.

4.2.2.3 Item 3: Land Cover Mapping and Planning-Level Surveys

The project proponent will retain a qualified biologist\(^3\) to conduct planning-level surveys to identify natural communities and important elements of covered species habitat in the area of impact. Planning-level surveys provide information on the natural communities and covered species present at a project site, as necessary to comply with the AMMs (Section 4.3, Conditions on Covered Activities) and to document key resources for tracking and reporting purposes. These surveys are required for all covered activities that result in ground disturbance or other effects that could result in take of covered species or natural communities. The biologist will use survey protocols as specified in Section 4.3.

Prior to conducting surveys at the site, the biologist will review existing information, including aerial photographs, Yolo HCP/NCCP database, the most recent California Natural Diversity Database (CNDDB) records, and any other relevant sources of information. This literature and data review is intended to identify natural communities and covered species habitat or populations that are potentially present on the project site and that require specific project AMMs (Section 4.3, Conditions on Covered Activities). Based on the results of the initial information review, the biologist will conduct site-specific surveys as identified in the required AMMs to inform project design and incorporate site-specific avoidance and minimization actions. The project proponent will produce land cover mapping based on these planning-level surveys as described below.

Project proponents must include planning-level survey reports in the application package. These reports will include the following:

1. Maps, description, and acreage of the land cover types present in the area of impact (defined in Section 8.4.1.2, Land Cover Fee).

2. Maps of locations of suitable habitat and/or habitat features for covered species as defined in the covered species accounts (Appendix A).

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\(^2\) The JPA will develop this form prior to allowing permittees to use the Permits.

\(^3\) The biologist must be familiar with identifying the land cover types and covered species habitats in the Plan Area. Qualified biologist is defined in Section 4.3.6.1, Qualified Biologists
Maps of covered species occurrences based on the Yolo HCP/NCCP database and the CNDBB database, and other available information.

Results of required planning-level surveys (Section 4.3, Conditions on Covered Activities).

Each planning-level survey will be valid for up to three years after the survey is conducted. If more than three years have lapsed between the planning-level surveys and project authorization under the Yolo HCP/NCCP, the JPA will require the project proponent to update the planning-level survey to reflect current project site conditions. The JPA may choose to offer some or all of these services for a fee.

The project proponent will incorporate the required AMMs into the project design. Identification of occupied habitat or rare natural communities (e.g., alkali sink) may result in the need to modify project design as described in Section 4.3.

### 4.2.2.4 Item 4: Verification of Land Cover Impacts

Based on the maps created during planning-level surveys as described in Section 4.2.2.3, Item 3: Land Cover Mapping and Planning-Level Surveys, the project proponent must provide the acres of effect (and linear feet of impacts for stream channels) in the area of impact (defined in Section 8.4.1.2, Land Cover Fee) by land cover type (Table 2-1, Natural Communities and Other Land Cover Types). The JPA will use these calculations to track natural community and covered species habitat loss under the HCP/NCCP by land cover type. The tracking must be based on actual loss of each land cover type. See Section 7.9.2, Compliance Tracking, for appropriate data sources for effect calculations. Permittee planning staff or the JPA will verify that a qualified biologist completed the land cover mapping and calculations. Permittee planning staff will verify land cover data determinations provided by all project proponents within the Permittee’s jurisdiction, and the JPA will verify all land cover data determinations provided by SPEs. The Permittee and the JPA will verify land cover data determinations at the time applications are submitted because of the potential for land cover to change over time.

#### 4.2.2.4.1 Operations and Maintenance Activities by Permittees

Land cover mapping is not required for operations and maintenance activities conducted by Permittees. Permittees will rely on the most recent land cover map developed by the JPA to quantify land cover loss. Permittees must still implement all applicable AMMs. As such, projects with operations and maintenance activities covered by the Yolo HCP/NCCP will require planning-level surveys to determine applicable AMMs, as described in Table 4-1, Avoidance and Minimization Measures for Sensitive Natural Communities and Covered Species.

### 4.2.2.5 Item 5: Avoidance and Minimization Measure Plan

Based on the results of steps 1 and 3, above, the project proponent will identify applicable AMMs and include these in an AMM plan submitted with the application package. The project proponent will include monitoring requirements in the AMM plan and will provide the qualified biologists as needed based on requirements described in Section 4.3, Conditions on Covered Activities.

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4 Land cover mapping is required for these activities for all private project proponents and Special Participating Entity projects.
4.2.2.6 Item 6: HCP/NCCP Fees or Equivalent Mitigation

The project proponent will estimate fees based on the information provided in the items above, using a fee calculator developed by the JPA and the calculation methods described in Section 8.4.1.2, Land Cover Fee. If the project proponent proposes to purchase credits at a USFWS or CDFW-approved mitigation bank, the proponent must indicate this upon project approval. The JPA may authorize use of an approved mitigation bank or mitigation receiving site for in-county mitigation if it meets the HCP/NCCP requirements, including monitoring and adaptive management requirements, and pays all appropriate fees. Out-of-county mitigation may not rely on the Yolo HCP/NCCP for take authorization. Chapter 8, Costs and Funding, describes fees the JPA will apply to the mitigation receiving site process.

4.3 Conditions on Covered Activities

This section describes the AMMs—conditions on covered activities to avoid and minimize take of covered species—as required by the federal Endangered Species Act (FESA) (Section 10[a][2][A][ii]) and Natural Community Conservation Planning Act (NCCPA) (California Fish and Game Code [Fish & Game Code] Sections 2820[a][6] and 2820[f]).

The AMMs described in this chapter are designed to ensure consistency and provide standard and predictable requirements for project proponents. The Permittees will evaluate all projects\(^5\) respective to their authorities to ensure project proponents incorporate all applicable AMMs described in this chapter into each project prior to a JPA decision to extend take coverage under the Yolo HCP/NCCP. Chapter 7, Plan Implementation, further describes project proponent responsibilities in the application process.

Section 4.3.6.2, Exemption from Conditions, describes the types of projects that are considered exempt from the conditions on covered activities. Section 4.3.6.3, Revisions to Conditions, describes the process for revising AMMs as needed based on new scientific information and any problems that might arise during HCP/NCCP implementation related to the ability to carry out successful AMMs.

All projects that discharge dredged or fill material into waters of the United States, including federal jurisdictional wetlands, are required to obtain applicable permits (e.g., Clean Water Act Section 404 and Section 401) from the U.S. Army Corps of Engineers (Corps) and the Regional Water Quality Control Board (Regional Board). Projects that place fill, alter the bed bank or channel, or divert the flow of streams, alter portions of streams above the ordinary high water mark, alter streams that lack a nexus to navigable waters, wetlands, or lakes under the jurisdiction of the state only are required to obtain a waste discharge requirement from the Regional Board and enter into a Lake and Streambed Alteration Agreement with CDFW\(^6\). Any project that requires a permit from the Corps, Regional Board, or CDFW for impacts on streams and other aquatic areas may be subject to avoidance and minimization requirements, which may differ from the AMMs in this HCP/NCCP. The AMMs described in this chapter have been designed to be compatible with state and federal wetland

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\(^{5}\) The term project is used here as defined in CEQA: the whole of a discretionary action that has the potential, directly or ultimately, to result in a physical change to the environment (CEQA Guidelines Section 15378). This includes all phases of a project that are reasonably foreseeable, and all related projects that are directly linked to the project.
regulation. However, the AMMs do not constitute compliance with avoidance and minimization requirements of other federal, state, and local agencies that arise from legal requirements other than the federal and state endangered species acts.

Avoidance and minimization measures are grouped into five categories. AMMs for General Project Design (Section 4.3.1) and General Construction and Operations and Maintenance (Section 4.3.2) will apply to most covered activities. AMMs for sensitive natural community (Section 4.3.3) and covered species (Section 4.3.4) will apply only to those covered activities with those natural communities or covered species (or habitat for those covered species) present or likely on site. The final AMM category applies only to covered aggregate mining projects and restoration in Cache Creek (Section 4.3.5).

### 4.3.1 General Project Design

The following measures apply generally to all covered activities for designated sensitive natural communities and covered species. These measures involve adjusting project footprints or incorporating design measures to avoid and minimize effects on natural communities and covered species.

**AMM1 Establish Buffers.** Project proponents will design projects to avoid and minimize direct and indirect effects of permanent development on the sensitive natural communities specified in Table 4-1 (herein referred to as sensitive natural communities) and covered species habitat specified in Table 4-1 by providing buffers as stipulated in the relevant sensitive natural community AMMs (Section 4.3.3) and covered species AMMs (Section 4.3.4). On lands owned by the project proponent, the project proponent will establish a conservation easement consistent with Section 5.4.1.3, Land Protection Mechanisms to permanently protect the buffer if that land is being offered in-lieu of development fees as described in Section 4.2.2.6, Item 6: HCP/NCCP Fees or Equivalent Mitigation. The project proponent will design buffer zones adjacent to permanent residential development projects to control access by humans and pets (AMM2 Design Developments to Minimize Indirect Effects at Urban-Habitat Interfaces).

Where existing development is already within the stipulated buffer distance (i.e., existing uses prevent establishment of the full buffer), the development will not encroach further into the space between the development and the sensitive natural community.

This AMM does not apply to seasonal construction buffers for covered species, which are detailed for each species in Section 4.3.4, Covered Species.

A lesser buffer than is stipulated in the AMMs may be approved by the JPA, USFWS, and CDFW if they determine that the sensitive natural community or covered species is avoided to the extent consistent with the project purpose (e.g., if the purpose of the project is to provide a stream crossing or bridge replacement, the project may encroach into the buffer and the natural community or species habitat to the extent that is necessary to fulfill the project purpose).

**AMM2 Design Developments to Minimize Indirect Effects at Urban-Habitat Interfaces.** For development projects implemented adjacent to non-agricultural natural communities and covered species habitats, project proponents will incorporate urban-habitat interface elements into project design to minimize the following indirect effects of the development on adjacent habitat areas.

1. Noise and visual disturbances that diminish the ability of covered and other native wildlife species to use the habitat.
Increased numbers of pets (e.g., dogs, cats) that can result in harassment and mortality of covered and other native wildlife species.

Increased levels of direct habitat disturbances associated with increased human access to habitats (e.g., destruction of vegetation and injury or mortality of wildlife associated with use of off-road vehicles).

Escape or planting of invasive nonnative plants.

This AMM does not apply to developments constructed adjacent to existing developed lands.

The project proponent will implement the following urban-habitat interface design elements and activities, as applicable, to each discretionary project.

- Place roads or other non-residential space, such as parks or greenbelts, rather than lots at the urban-natural community interface. Benefits of this may include reduction of incidence of pets entering the natural communities.

- Design roads, bike paths, and trails to discourage entry of humans and pets into adjacent natural communities and to promote citizen policing at the natural community periphery.

- Establish barriers that discourage entry of humans and pets into natural community areas.

- Design fences to prevent pets from escaping yards into adjacent natural communities, control entry and dumping of trash into adjacent natural communities, and when appropriate, shield adjacent natural communities from visual disturbances that may interfere with normal wildlife behavioral patterns.

- Fence new public roads associated with developments to prevent unauthorized public access into habitat areas and to effectively direct wildlife to specially designed crossing structures.

- Design development drainage systems and implement appropriate best management practices to avoid changes to overland flow and water quality in natural community areas, including stream courses.

- Design development lighting to avoid projecting light into adjacent natural community areas. For lights at or near the urban-natural community interface, use low-glare lighting to minimize lighting effects on natural communities.

### 4.3.2 General Construction and Operations and Maintenance

The following measures apply to covered activities for all natural communities and covered species. The applicants will incorporate these measures into construction or operations and maintenance procedures to avoid and minimize effects on natural communities and covered species.

**AMM3 Confine and Delineate Work Area.** Where natural communities and covered species habitat are present, workers will confine land clearing to the minimum area necessary to facilitate construction activities. Workers will restrict movement of heavy equipment to and from the project site to established roadways to minimize natural community and covered species habitat disturbance. The project proponent will clearly identify boundaries of work areas using temporary fencing or equivalent, and will identify areas designated as environmentally sensitive. All construction vehicles, other equipment, and personnel will avoid these designated areas.
**AMM4 Cover Trenches and Holes during Construction and Maintenance.** To prevent injury and mortality of giant garter snake, western pond turtle, and California tiger salamander, workers will cover open trenches and holes associated with implementation of covered activities that affect habitat for these species, or design the trenches and holes with escape ramps that can be used during non-working hours. The construction contractor will inspect open trenches and holes prior to filling, and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.

**AMM5 Control Fugitive Dust.** Workers will minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.

**AMM6 Conduct Worker Training.** All construction personnel will participate in a worker environmental training program approved/authorized by the JPA and administered by the project proponent. The training will provide education regarding sensitive natural communities and covered species and their habitats, the need to avoid adverse effects, state and federal protection, and the legal implications of violating the FESA and NCCPA Permits. The training may be accomplished through the distribution of informational materials with descriptions of sensitive biological resources, photographs of covered species, and regulatory protections to construction personnel prior to initiation of construction work.

**AMM7 Control Night-Time Lighting of Project Construction Sites.** Workers will direct all lights for night-time lighting of project construction sites into the project construction area and will minimize the lighting of natural habitat areas adjacent to the project construction area.

**AMM8 Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Areas.** Project proponents should locate construction staging and other temporary work areas for covered activities in areas that will ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they will be located either in areas that do not support habitat for covered species or that are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land). Construction staging and other temporary work areas located outside of project footprints will be sited in areas that avoid adverse effects on the following:

- Serpentine, valley oak woodland, alkali sink, vernal pool complex, valley foothill riparian, and fresh emergent wetland land cover types.
- Occupied western burrowing owl burrows.\(^7\)
- Nest sites for covered bird species and noncovered raptors during the breeding season.

Additionally, project proponents will follow specific AMMs for sensitive natural communities (Section 4.3.3, Natural Communities) and covered species (Section 4.3.4, Covered Species) for temporary staging and work areas. For establishment of temporary work areas outside of the project footprint, project proponents will conduct surveys to determine if any of the biological resources listed above are present.

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\(^7\) Occupied means at least one burrowing owl has been observed occupying the burrow within the last three years. Occupancy of a burrow may also be indicated by owl sign at the burrow entrance, including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site (CDFG 2012).
Within one year following removal of land cover, project proponents will restore temporary work and staging areas to a condition of equal or greater covered species habitat function than the affected habitat. Restoration of vegetation in temporary work and staging areas will use clean seed mixes approved by the JPA that are free of noxious plant species seeds.

4.3.3 Sensitive Natural Communities

The following AMMs apply to sensitive natural communities. These AMMs are summarized in Table 4-1, Avoidance and Minimization Measures for Sensitive Natural Communities and Covered Species. AMMs for the natural communities not included below but providing covered species habitat are described in Section 4.3.4, Covered Species.

**AMM9 Establish Buffers around Sensitive Natural Communities.** The buffers for each sensitive natural community are as follows.

- **Alkali prairie and vernal pools:** The area necessary to provide the hydrologic conditions necessary to support the wetlands within these natural communities.

- **Valley foothill riparian:** 100 feet from canopy drip-line. If avoidance is infeasible, a lesser buffer or encroachment into the sensitive natural community may be allowed if approved by the JPA based on the criteria listed in AMM1. Transportation or utility crossings may encroach into this sensitive natural community provided effects are minimized and all other applicable AMMs are followed.

- **Lacustrine and riverine:** 25 feet from the top of banks. If any of the sensitive natural communities listed above are located adjacent to the lacustrine and riverine natural community, the buffer will be consistent with the requirements for the adjacent sensitive natural community and comply with Fish and Game Code Section 1602.

- **Fresh emergent wetland:** 25 feet from the edge of the natural community.

**AMM1 Establish Buffers** provides additional details for buffers around natural communities. Additional buffers may be necessary for covered species, as described below in Section 4.3.4, Covered Species.

**AMM10 Avoid and Minimize Effects on Wetlands and Waters.** Project proponents will comply with stormwater management plans that regulate development as part of compliance with regulations under National Pollutant Discharge Elimination System (NPDES) permit requirements. Covered activities that result in any fill of waters or wetlands will also comply with requirements under Section 404 of the Clean Water Act and State Water Resources Control Board (State Board) and Regional Board regulations. Other than requirements for buffers, minimizing project footprint, and species-specific measures for wetland-dependent covered species, this HCP/NCCP does not include specific best management practices for protecting wetlands and waters because they may conflict with measures required by the Corps, State Board, Regional Board and CDFW.
### Table 4-1. Avoidance and Minimization Measures for Sensitive Natural Communities and Covered Species

<table>
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<tr>
<th>Covered Species or Sensitive Natural Community</th>
<th>Planning Level Surveysa</th>
<th>Design Requirementsb</th>
<th>Preconstruction Surveysc</th>
<th>Construction and Operations and Maintenance Requirementsd</th>
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<td><strong>Sensitive Natural Communities</strong></td>
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<tr>
<td>Alkali sink and vernal pool complex (AMM9 and AMM10)</td>
<td>Map natural community in and within 250 feet of project footprint.</td>
<td>Design project to avoid this natural community by including a minimum 250 feet buffer zone from the edge of the natural community (including the supporting hydrologic area), unless there is an intervening hydrologic barrier.</td>
<td>None</td>
<td>See design requirements.</td>
</tr>
<tr>
<td>Valley foothill riparian (AMM9 and AMM10)</td>
<td>Map natural community in and within 100 feet of project footprint.</td>
<td>Design project (with the exception of transportation or utility crossings) to avoid this natural community by including a minimum 100-foot permanent buffer zone from the canopy drip-line (the farthest edge on the ground where water will drip from the tree canopy), determined based on the outer boundary of the tree canopy). A lesser buffer or encroachment into the natural community may be allowed if approved by the JPA based on the criteria listed in AMM1 and all covered species AMM are followed.</td>
<td>None</td>
<td>See design requirements.</td>
</tr>
<tr>
<td>Lacustrine and riverine (AMM9 and AMM10)</td>
<td>Identify streams, rivers, lakes, and ponds in and within 25 feet of project footprint.</td>
<td>Design development (with the exception of transportation or utility crossings) to include a minimum 25-foot permanent buffer zone (setback easement) from the top of bank along both sides of all natural (i.e., not including manmade ditches and canals) perennial and intermittent (excluding ephemeral) stream corridors. Any riparian habitat within this 25-foot buffer will be avoided and protected consistent with AMM8 Avoid and Minimize Effects of Construction Staging Areas and Temporary Work Areas. If an aquatic feature provides habitat for California tiger salamander setbacks will be consistent with AMM14.</td>
<td>None</td>
<td>See design requirements.</td>
</tr>
<tr>
<td>Fresh emergent wetlands (AMM9 and AMM10)</td>
<td>Map natural community in and within 25 feet of project footprint.</td>
<td>Design project to avoid this natural community by including a minimum 25 feet buffer zone from the edge of the natural community (including the supporting hydrologic area), unless there is an intervening hydrologic barrier.</td>
<td>None</td>
<td>See design requirements.</td>
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<tr>
<td><strong>Plants</strong></td>
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<tr>
<td>Palmate-bracted bird’s beak (AMM11)</td>
<td>Identify and quantify (in acres) suitable habitat (as defined in Appendix A, Covered Species Accounts) in and within 250 feet of project footprint. If suitable habitat is present, conduct survey within this habitat for palmate-bracted bird’s beak, consistent with CDFW guidance (California Department of Fish and Game 2009) or most current guidance. Survey period: February 15–July 31.</td>
<td>Design project to avoid activity within 250 feet of occupied habitat, unless a shorter distance is determined to avoid effects and approved by the JPA.</td>
<td>None</td>
<td>See design requirements.</td>
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<td><strong>Invertebrates</strong></td>
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<tr>
<td>Valley elderberry longhorn beetle (AMM12)</td>
<td>Identify and map all elderberry shrubs in and within 100 feet of project footprint that have stems greater than 1 inch in diameter at ground level. For mapped shrubs that cannot be avoided, quantify the number of stems greater than 1 inch in diameter at ground level, and identify any such stems with valley elderberry longhorn beetle exit holes, consistent with USFWS (1999a) guidelines. Survey period: Year-round</td>
<td>Design project to avoid mapped elderberry shrubs. To avoid effects on shrubs, a setback of at least 100 feet from any elderberry shrubs measuring 1 inch or greater in diameter at ground level is required, and protective measures are required consistent with USFWS (1999a) guidelines. All restoration projects will avoid removal of elderberry shrubs.</td>
<td>None</td>
<td>Prior to construction, the project proponent will transplant elderberry shrubs identified within project footprint that cannot be avoided, and quantify affected stems, as described in greater detail in AMM12 (Section 4.3.4, Covered Species) and in Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle).</td>
</tr>
<tr>
<td>Covered Species or Sensitive Natural Community</td>
<td>Planning-Level Surveys</td>
<td>Design Requirements</td>
<td>Preconstruction Surveys</td>
<td>Construction and Operations and Maintenance Requirements</td>
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<tr>
<td><strong>Amphibians</strong></td>
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<tr>
<td>California tiger salamander (AMM13)</td>
<td>For projects outside urban planning units, identify and quantify (in acres) suitable aquatic and upland habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint, and avoid this buffer area if possible. No buffer is necessary inside urban planning units. If a project outside an urban planning unit as designed will not avoid aquatic habitat by at least 500 feet, either conduct visual and dip-net surveys consistent with CDFW protocol (California Department of Fish and Game 2003), or assume presence. Survey period: After rainfall.</td>
<td>Design project to avoid any disturbance in California tiger salamander Critical Habitat Unit 1. If species is present or assumed to be present in aquatic habitat, design the project to avoid adverse effects within 500 feet if outside urban planning units. Some removal of aquatic habitat or lands within 500 feet of aquatic habitat may be allowed if consistent with Take Limits provided in this HCP/NCP.</td>
<td>None.</td>
<td>See design requirements.</td>
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<td><strong>Reptiles</strong></td>
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<td>Western pond turtle (no specific AMM)</td>
<td>Identify species habitat (as defined in Appendix A, Covered Species Accounts) within project footprint. No design requirements are specified for western pond turtle; follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described above.</td>
<td>No design requirements specified for western pond turtle; follow design requirements for the valley foothill riparian and lacustrine and riverine natural communities described above.</td>
<td>None</td>
<td>None</td>
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| Giant garter snake (AMM14)                  | Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 200 feet of project footprint. Avoid development in habitat. For avoidance, there must be no activity in or within 200 feet of aquatic habitat. | For construction, if habitat cannot be avoided, conduct clearance surveys using USFWS (1997) protocol within 24 hours prior to construction activities. If construction activities stop for a period of 2 weeks or more, conduct another preconstruction survey within 24 hours of resuming activity. No surveys required for operations and maintenance unless material spoils will be placed anywhere other than an existing material spoils site, within giant garter snake habitat. | For construction:  
  - Restrict construction to snake’s active season.  
  - Dewater aquatic habitat and allow snake’s to leave area prior to construction.  
  - Confine land clearing to minimum area necessary to facilitate construction activities.  
  - Provide environmental awareness training.  
  - Employ best management practices.  
  - When possible, restrict construction to snake’s active season.  
  - Provide environmental awareness training.  
  - Limit channel clearing to one side along at least 80% of the linear distance of canals and ditches during each maintenance year.  
  - Confine land clearing to minimum area necessary to facility construction activities.  
  - Place removed material in existing dredged material spoil sites. If no existing sites, only place spoils where preconstruction surveys confirm snake is not present.  
  - See Section 4.3.4, Covered Species, for further details. |
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<tr>
<th>Covered Species or Sensitive Natural Community</th>
<th>Planning-Level Surveys</th>
<th>Design Requirements</th>
<th>Preconstruction Surveys</th>
<th>Construction and Operations and Maintenance Requirements</th>
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<tr>
<td><strong>Birds</strong></td>
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<tr>
<td>Swainson’s hawk and white-tailed kite (AMM15)</td>
<td>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 1,300 feet of project footprint. Identify suitable nest trees.</td>
<td>Avoid potential nesting trees, with 1,300 foot setbacks from the trees, to the extent practicable.</td>
<td>For construction, if activity would occur within 1,300 feet of nesting habitat, conduct preconstruction surveys for active nests consistent with Swainson’s Hawk Technical Advisory Committee (2000). Survey period: March 15–August 15. For operations and maintenance, if activity involves pruning or removal of suitable nest trees, conduct preconstruction surveys for active nests consistent with Swainson’s Hawk Technical Advisory Committee (2000). Survey period: March 15–August 15.</td>
<td>For construction, from March 15 to August 30, no activity within 1,300 feet of active nests (as identified through preconstruction surveys), unless a qualified biologist has determined that the young have fledged and the nest is no longer active, or unless the JPA, USFWS, and CDFW agree to a lesser buffer distance. For operations and maintenance, if occupied nest sites are present within 1,300 feet, tree pruning and removal will be deferred until the nest is no longer being used by adults and young, at which time the tree(s) may be pruned or removed.</td>
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<tr>
<td>Western yellow-billed cuckoo (AMM16)</td>
<td>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project as designed will not avoid habitat by 500 feet (or a lesser distance if approved by the JPA), and if there are no breeding records for the species within 0.25 mile of the site from the previous 3 years, conduct planning-level surveys consistent with Laymon (1998) to determine if an occupied territory is present. Survey period: June 15–August 10</td>
<td>For construction projects, avoid or minimize activities within 500 feet of suitable nesting habitat. If the covered activity will encroach within 500 feet of habitat and an occupied territory is identified during planning-level surveys, or there are records of the species occurring within 0.25 mile of the activity within the last 3 years, the project must be designed to avoid activities within 500 feet of suitable nesting habitat unless a shorter distance is approved by the JPA. For operations and maintenance activities, follow the same requirements as for construction unless activity does not remove habitat or occur during nesting season (June 1–August 30). If activity does not remove habitat or occur during the nesting season, no design requirements are necessary.</td>
<td>For construction, if activity within 500 feet of nesting habitat (whether or not active nests were discovered during planning-level surveys) must occur between June 1 and August 30, conduct preconstruction surveys consistent with Laymon (1998) during the same season that the activity occurs. For operations and maintenance, same as above unless activity does not remove habitat and happens outside the nesting season.</td>
<td>From June 1 to August 30, avoid activity within 500 feet of active nests (as identified through preconstruction surveys).</td>
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</table>
Covered Species or Sensitive Natural Community | Planning-Level Surveys | Design Requirements | Preconstruction Surveys | Construction and Operations and Maintenance Requirements
---|---|---|---|---
Western burrowing owl (AMM17) | Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If the activity will occur in western burrowing owl habitat, a qualified biologist will conduct planning-level surveys for occupied habitat consistent with CDFW guidelines for phase II burrow surveys (California Department of Fish and Game 2012). Survey period: February 1–August 31 during the breeding season, and December 1–January 31 during nonbreeding season. | Design project to minimize activities in the vicinity of occupied burrows, consistent with Table 4-2. | If burrows cannot be avoided consistent with Table 4-2, a qualified biologist will conduct preconstruction surveys up to 30 days prior to construction to identify active burrows in the area of impact (defined in Section 8.4.1.2, Land Cover Fee). | Avoid all nest sites during the breeding season (February 1–August 31) consistent with Table 4-2. Construction may occur inside the disturbance buffer if the project proponent develops an avoidance minimization, and monitoring plan as described in AMM18 Minimize Take and Adverse Effects on Habitat of Western Burrowing Owl (Section 4.3.4, Covered Species). Avoid all occupied burrows outside the breeding season (February 1–August 31) consistent with Table 4-2 unless specific criteria are met as described in Section 4.3.4. A qualified biologist will monitor the site as described in Section 4.3.4. Passive relocation may be implemented as described in Section 4.3.4. From April 1 to July 15, avoid activity within 500 feet of active nests (as identified through preconstruction surveys) unless a lesser distance is approved by the JPA, USFWS, and CDFW.

Least Bell’s vireo (AMM18) | Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project as designed will not avoid habitat by 500 feet (or a lesser distance if approved by the JPA, USFWS, and CDFW), and if there are no breeding season (or nesting) records for the species within 0.25 mile of the site from the previous 3 years, conduct planning level surveys consistent with USFWS (2001) to determine if an occupied territory is present. Survey period: April 1–July 15 | For construction projects, avoid or minimize activities within 500 feet of suitable nesting habitat. If the covered activity will encroach within 500 feet of habitat and an occupied nest is identified during planning-level surveys, or there are records of the species occurring within 0.25 mile of the activity within the last 3 years, the activity must be designed to avoid activities within 500 feet of suitable nesting habitat unless a shorter distance is approved by the JPA, USFWS, and CDFW. For operations and maintenance activities, follow the same requirements as for construction unless activity does not remove habitat or occur during nesting season (April 1–July 15). If activity does not remove habitat or occur during the nesting season, no design requirements are necessary. | For construction, if activity within 500 feet of nesting habitat (whether or not active territories were discovered during planning-level surveys) must occur between April 1 and July 15, conduct preconstruction surveys consistent with USFWS (2012) during the same season that the activity occurs. For operations and maintenance, same as above unless activity does not remove habitat and happens outside the nesting season. | From April 1 to July 15, avoid activity within 500 feet of active nests (as identified through preconstruction surveys) unless a lesser distance is approved by the JPA, USFWS, and CDFW.

Bank swallow (AMM19) | Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 500 feet of project footprint. If project cannot avoid nestig habitat by 500 feet, conduct visual surveys to determine if an active colony is present. CDFW will be notified of any active colony located during surveys. Survey period: March –August 15. If project as designed will not avoid nesting habitat by 500 feet, check records maintained by JPA and CDFW to determine if bank swallow nesting colonies that have been active within the previous 5 years. Operations and maintenance activities or other temporary activities that do not remove nesting habitat and do not occur during the nesting season (March 1 – August 15) do not need to conduct nest surveys, and do not need to implement any additional avoidance measure for this species. If active colony is present or has been present within the last 5 years, design project to avoid adverse effects within 500 feet of the colony site(s) unless a shorter distance is approved by the JPA, USFWS, and CDFW based on site-specific conditions. | For construction projects, avoid or minimize activities within 500 feet of suitable nesting habitat. If the covered activity will encroach within 500 feet of habitat and an occupied nest is identified during planning-level surveys, or there are records of the species occurring within 0.25 mile of the activity within the last 3 years, the activity must be designed to avoid activities within 500 feet of suitable nesting habitat unless a shorter distance is approved by the JPA, USFWS, and CDFW. For operations and maintenance activities, follow the same requirements as for construction unless activity does not remove habitat or occur during nesting season (April 1–July 15). If activity does not remove habitat or occur during the nesting season, no design requirements are necessary. | For construction, if activity within 500 feet of nesting habitat (whether or not active territories were discovered during planning-level surveys) must occur between April 1 and July 15, conduct preconstruction surveys consistent with USFWS (2012) during the same season that the activity occurs. For operations and maintenance, same as above unless activity does not remove habitat and happens outside the nesting season. | From March 1 – August 15, no activity within 500 feet of nesting colony that has been active within the last 5 years (as identified through planning-level surveys and record search) unless approved by the JPA, USFWS and CDFW. From July 31 to April 14, a buffer distance of less than 200 may be applied if approved by the JPA, USFWS, and CDFW.
<table>
<thead>
<tr>
<th>Covered Species or Sensitive Natural Community</th>
<th>Planning-Level Surveys(^a)</th>
<th>Design Requirements(^b)</th>
<th>Preconstruction Surveys(^c)</th>
<th>Construction and Operations and Maintenance Requirements(^d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tricolored blackbird (AMM20)</td>
<td>Identify and quantify (in acres) species habitat (as defined in Appendix A, Covered Species Accounts) in and within 1,300 feet of project footprint. If project as designed will not avoid nesting habitat by 1,300 feet, conduct planning-level surveys consistent with Kelsey (2008) to determine if an active colony is present. Survey period: March 1–July 30. If project as designed will not avoid nesting habitat by 1,300 feet, check records maintained by JPA to determine if tricolored blackbird nesting colonies that have been active within the previous 5 years.</td>
<td>If active colony is present or has been present within the last 5 years, design project to avoid adverse effects within 1,300 feet of the colony site(s) unless a shorter distance is approved by the JPA, USFWS, and CDFW based on site-specific conditions.</td>
<td>None</td>
<td>From March 1 to July 30, no activity within 1,300 feet of nesting colony that has been active within the last 5 years (as identified through planning-level surveys and record search).</td>
</tr>
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</table>

\(^a\) Planning-level surveys are described in Section 4.2.2.3, Item 3: Land Cover Mapping and Planning-Level Surveys and Land Cover Mapping.

\(^b\) This column only includes sensitive natural community or species-specific design requirements, summarized from Sections 4.3.3, Sensitive Natural Communities and 4.3.4, Covered Species. Additional design requirements are described in Section 4.3.1, General Project Design.

\(^c\) While planning-level surveys are conducted well in advance of initiating the project and are used to inform project design, preconstruction surveys are conducted immediately prior to initiating the project, within time windows specified for each relevant covered species, to determine necessary construction-related avoidance and minimization measures (e.g., setbacks from an active Swainson’s hawk nest until the young have fledged).

\(^d\) This column only includes sensitive natural community or species-specific design requirements, summarized from Sections 4.3.3, Sensitive Natural Communities and 4.3.4, Covered Species. Additional construction and operations and maintenance requirements are described in Section 4.3.2, General Construction and Operations and Maintenance.
4.3.4 Covered Species

The AMMs described in this section pertain specifically to covered species.

The Yolo HCP/NCCP does not include specific AMMs for western pond turtle. The 100-foot setbacks from the valley foothill riparian natural community and 25-foot setbacks from the fresh emergent wetland and the riverine and lacustrine natural community are expected to minimize adverse effects on western pond turtle.

**AMM11 Minimize Take and Adverse Effects on Palmate-Bracted Bird’s Beak.** Palmate-bracted bird’s-beak is covered by the Yolo HCP/NCCP only for the removal of suitable habitat, and not for the removal of palmate-bracted bird’s beak plants. This AMM ensures compliance with this provision. To determine if palmate-bracted bird’s-beak is present and could be affected, the project proponent will conduct a planning-level survey for this species for any covered activities to be conducted within 250 feet of suitable habitat (as defined in Appendix A, Covered Species Accounts). The survey will be conducted during the period from February 15 to July 31, and will be consistent with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (California Department of Fish and Game 2009).

The project proponent will avoid sites on which habitat is intact and palmate-bracted bird’s beak has been located within any of the last 15 years (Appendix A, Covered Species Accounts, Figure A-1); the project proponent also will avoid any new occurrences of this species identified during planning-level surveys. Avoidance will require a 250-foot setback from the current or historical occupied habitat, unless a shorter distance is determined to avoid effects and is approved by the JPA, USFWS, and CDFW.

**AMM12 Minimize Take and Adverse Effects on Habitat of Valley Elderberry Longhorn Beetle.** The project proponent will retain a qualified biologist familiar with valley elderberry longhorn beetle and evidence of its presence (i.e., exit holes in elderberry shrubs) to identify suitable habitat, during planning-level surveys, and map all elderberry shrubs in and within 100 feet of the project footprint that are greater than 1 inch in diameter at ground level. To fully avoid take of valley elderberry longhorn beetle, the project proponent will maintain a buffer of at least 100 feet from any elderberry shrubs with stems greater than 1 inch in diameter at ground level. For elderberry shrubs that cannot be avoided with a 100-foot setback, the qualified biologist will quantify stems greater than 1 inch in diameter at ground level and indicate whether each such stem has valley elderberry longhorn beetle exit holes, consistent with Section 6.4.2.4.1, Valley Elderberry Longhorn Beetle.

For elderberry shrubs that cannot be avoided, the project proponent will quantify the number of stems greater than 1 inch in diameter to be affected and the presence or absence of exit holes, for the JPA to plant stems or cuttings on a riparian restoration site consistent with Sections 6.4.2.4.1, Valley Elderberry Longhorn Beetle). Additionally, prior to construction, the project proponent will transplant elderberry shrubs identified within the project footprint that cannot be avoided. The project proponent will transplant the shrubs into a location in the HCP/NCCP reserve system that has been approved by the JPA. Elderberry shrubs outside the project footprint but within the 100-foot buffer will not be transplanted.

Transplanting will follow the following measures.

1. **Monitor:** A qualified biologist will be onsite for the duration of the transplanting of the elderberry shrubs to ensure the effects to elderberry shrubs are minimized.
2. **Timing:** The project proponent will transplant elderberry plants when the plants are dormant, approximately November through the first two weeks of February, after they have lost their leaves. Transplanting during the non-growing season will reduce shock to the plant and increase transplantation success.

3. **Transplantation procedure:**
   a. Cut the plant back 3 to 6 feet from the ground or to 50% of its height (whichever is taller) by removing branches and stems above this height. Replant the trunk and stems measuring 1 inch or greater in diameter. Remove leaves remaining on the plants.
   
   b. Relocate plant to approved location in the reserve system, and replant as described in Sections 6.4.2.4.1, *Valley Elderberry Longhorn Beetle*.

**AMM13 Minimize Take and Adverse Effects on Habitat of California Tiger Salamander.** The project proponent will retain a qualified biologist to identify any suitable aquatic and upland habitats for California salamander (as defined in Appendix A, *Covered Species Accounts*) present in and within 250 feet of the project footprint, during planning-level surveys. The qualified biologist will also assess whether critical habitat could be affected by the covered activity.

All covered activities will provide a 250-foot setback from aquatic California tiger salamander habitat. If a covered activity is outside Critical Habitat Unit 1, and as designed will not avoid aquatic habitat by at least 250 feet, the project proponent will either conduct visual and dip-net surveys consistent with CDFW protocol during the period for November 1 to May 15 (California Department of Fish and Game 2003), or assume presence. If the species is present or assumed to be present, the covered activity will not remove aquatic habitat until at least four new breeding habitat occurrences are discovered or established in the Plan Area and protected in the Plan Area. After the four new occurrences are protected and with concurrence of USFWS and CDFW, up to three occurrences discovered within project footprint may be affected. The breeding habitat may not be removed if USFWS and CDFW determine that the covered activity would remove a significant occurrence of this species that is necessary to maintain the genetic diversity or regional distribution of the species. This AMM applies to California tiger salamander aquatic habitat and surrounding uplands as defined by reference to the setbacks described above: it does not apply to cultivated agricultural lands (i.e., agricultural lands other than grazing lands) or other low value upland habitat for California tiger salamander.

**AMM14 Minimize Take and Adverse Effects on Habitat of Giant Garter Snake.** The project proponent will avoid effects on areas where planning-level surveys indicate the presence of suitable habitat for giant garter snake. To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and will maintain a permanent 200-foot non-disturbance buffer from the outer edge of potentially occupied aquatic habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the following measures to minimize effects of construction projects (measures for maintenance activities are described after the following bulleted list).

- Conduct preconstruction clearance surveys using USFWS-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of 2 weeks or more, conduct another preconstruction clearance survey within 24 hours of resuming construction activity.
Restrict all construction activity involving disturbance of giant garter snake habitat to the snake’s active season, May 1 through October 1. During this period, the potential for direct mortality is reduced, because snakes are expected to actively move and avoid danger.

In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.

Provide environmental awareness training for construction personnel as approved by the JPA. Training may be implemented through the distribution of approved brochures and other materials that describe resources protected under the Yolo HCP/NCCP and methods for avoiding effects. If a live giant garter snake is encountered during construction activities, immediately notify the project’s biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the work day to ensure the snake is not harmed or, if it leaves the site, does not return. The qualified biologist will work with the JPA, USFWS and CDFW to redirect the snake away from the disturbance area within 3 days of reporting the snake’s presence at the construction site to USFWS and CDFW.

Employ the following management practices to minimize disturbances to habitat.

- Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.
- Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes or other wildlife will be permitted.

Ongoing maintenance covered activities by local water and flood control agencies typically involve removal of vegetation, debris, and sediment from water conveyance canals, as well as re-sloping, rocking and stabilizing the canals that serve agricultural water users. Maintenance of these conveyance facilities typically can only occur from mid-January through April when conveyance canals and ditches are not in service by the agency, although some drainages are used for storm conveyance during the winter and are wet all year. This timing is during the giant garter snake’s inactive period when they may be using underground burrows and are the most vulnerable to take, as they are unable to move out of harm’s way. Maintenance activities, therefore, will be limited to the giant garter snake’s active season (May 1 to October 1) when possible. All personnel involved in maintenance activities within giant garter snake habitat will first participate in environmental awareness training for giant garter snake as described above for construction related activities. To minimize the take of giant garter snake, the local water or flood control agency will limit maintenance of conveyance structures located within modeled giant garter snake habitat (Appendix A, Covered Species Accounts) to clearing one side along at least 80% of the linear distance of canals and ditches during each maintenance year (e.g., the left bank of a canal is maintained in the first year and the right bank in the second year). To avoid collapses when resloping canal and ditch banks composed of heavy clay soils, clearing will be limited to one side of the channel during each maintenance year.
For channel maintenance activities conducted within modeled habitat for giant garter snake, the project proponent will place removed material in existing dredged sites along channels where prior maintenance dredge disposal has occurred. For portions of channels that do not have previously used spoil disposal sites and where surveys have been conducted to confirm that giant garter snakes are not present, removed materials may be placed along channels in areas not occupied by giant garter snake and where materials will not re-enter the canal due to stormwater run-off.

Modifications to this AMM may be made with the approval of the JPA, USFWS, and CDFW.

**AMM15 Minimize Take and Adverse Effects on Habitat of Swainson’s Hawk and White-Tailed Kite.** The project proponent will retain a qualified biologist to conduct planning-level surveys to identify any nesting habitat present within 1,300 feet of the project footprint.

If a construction project cannot avoid potential nest trees (a tree at least 20 feet in height) by 1,300 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent with guidelines provided by the Swainson’s Hawk Technical Advisory Committee (2000). The biologist will conduct the surveys during the period from March 1 to August 15. If active nests are found during preconstruction surveys, no activity likely to cause reproductive failure or nest abandonment will occur within 1,300 feet of the active nest between March 1 and August 30 unless a qualified biologist has determined that the young have fledged and the nest is no longer active, or unless the JPA, USFWS, and CDFW agree to a shorter buffer distance.

For covered operations and maintenance activities that involve pruning or removal of a potential Swainson’s hawk nest tree, the project proponent will conduct preconstruction surveys consistent with guidelines provided by the Swainson’s Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 1 and August 30 within 1,300 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

**AMM16 Minimize Take and Adverse Effects on Habitat of Western Yellow-Billed Cuckoo.** The project proponent will retain a qualified biologist to conduct planning-level surveys to assess whether habitat for western yellow-billed cuckoo (as defined in Appendix A, Covered Species Accounts) is present within 500 feet of covered activities. If habitat is present, the project proponent will redesign the project to avoid or minimize activities within 500 feet of western yellow-billed cuckoo habitat. If the activity will encroach within 500 feet of habitat and there are no breeding (or nesting) season records for the species within 0.25 mile of the covered activity within the previous 3 years, a qualified biologist will conduct planning-level surveys for active nests consistent with Laymon (1998), during the period from June 1 to August 30. Operations and maintenance activities that do not occur during the breeding season (June 1 to August 30) and do not remove western yellow-billed cuckoo habitat are not required to conduct surveys or record searches, and no further avoidance or minimization is necessary for such activities.

If an occupied territory is discovered during planning-level surveys, or there is a record of the species occurring within 0.25 mile of the covered activity within the previous 3 years, the project proponent will design the project to avoid activities within 500 feet of suitable habitat unless the JPA, USFWS, and CDFW approve a shorter distance.

If an activity occurs within 500 feet of suitable habitat during the breeding season, regardless of whether or not a qualified biologist detected the species during planning-level surveys or there are
records for the species in the area, a qualified biologist will conduct preconstruction surveys consistent with Laymon (1998) during the same season that the activity occurs. If the biologist finds active territories (i.e., presence of a singing male), the project proponent will avoid activity within 500 feet of suitable habitat contiguous with the territory from June 1 to August 30.

*AMM17 Minimize Take and Adverse Effects on Habitat of Western Burrowing Owl.* The project proponent will retain a qualified biologist to conduct planning-level surveys to identify western burrowing owl habitat (as defined in Appendix A, *Covered Species Accounts*) within or adjacent to (within 500 feet of) a covered activity. If habitat for this species is present, additional surveys for the species by a qualified biologist are required, consistent with CDFW guidelines (California Department of Fish and Game 2012).

If burrowing owls or suitable burrowing owl burrows are identified during the planning-level survey, the project proponent will minimize activities that will affect occupied habitat. Occupied habitat is considered fully avoided if the project footprint does not impinge on a designated nondisturbance buffer around the suitable burrow. For occupied burrowing owl nest burrows, this nondisturbance buffer could range from 150 to 1,500 feet (Table 4-2, *Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls*) depending on the time of year and the level of disturbance based on current guidelines (California Department of Fish and Game 2012). Activities that involve heavy equipment would be expected to constitute medium to high levels of disturbance for the species. The project proponent may qualify for a reduced buffer size based on existing vegetation, human development, and land use, if agreed upon by CDFW (California Department of Fish and Game 2012).

### Table 4-2. Recommended Restricted Activity Dates and Setback Distances by Level of Disturbance for Burrowing Owls

<table>
<thead>
<tr>
<th>Time of Year</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1–August 15</td>
<td>600</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>August 16–October 15</td>
<td>600</td>
<td>600</td>
<td>1,500</td>
</tr>
<tr>
<td>October 16–March 31</td>
<td>150</td>
<td>300</td>
<td>1,500</td>
</tr>
</tbody>
</table>

If the project does not fully avoid direct and indirect effects on nesting sites (i.e., if the project cannot adhere to the buffers described above), the project proponent will retain a qualified biologist to conduct preconstruction surveys to document the presence or absence of western burrowing owls that could be affected by the covered activity. Prior to any ground disturbance related to covered activities, the qualified biologist will conduct the preconstruction surveys in areas identified in the planning-level surveys as having suitable burrowing owl burrows, consistent CDFW preconstruction survey guidelines (California Department of Fish and Game 2012). The qualified biologist can conduct the preconstruction surveys any time within 30 days prior to construction.

If the biologist finds evidence of western burrowing owls during the breeding season (February 1 to August 31), the project proponent will avoid all nest sites as specified in Table 4-2 during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). Construction may occur inside of the disturbance buffer, during the breeding season, if the nest is not disturbed.
and the project proponent develops an AMM plan that is approved by the JPA prior to project construction based on the following criteria:

- The JPA approves the AMM plan provided by the project proponent.
- A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same qualified biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.
- If the qualified biologist identifies a change in owl nesting and foraging behavior as a result of construction activities, the qualified biologist will report this information to the JPA within 24 hours and the JPA will require that these activities immediately cease within the non-disturbance buffer. Construction cannot resume within the buffer until the adults and juveniles from the occupied burrows have moved out of the project site.
- If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use by owls, the project proponent may remove the non-disturbance buffer. If the burrow cannot be avoided by construction activity, the biologist will excavate and collapse the burrow to prevent reoccupation after receiving approval from the wildlife agencies.
- If evidence of western burrowing owl is detected outside the breeding season (September 1 to January 31), the project proponent will establish a non-disturbance buffer around occupied burrows consistent with Table 4-1, as determined by a qualified biologist. Construction activities within the disturbance buffer are allowed if the following criteria are met to prevent owls from abandoning important overwintering sites.
  - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
  - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
  - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the buffer.
  - If the owls are gone for at least 1 week, the project proponent may request approval from the JPA that a qualified biologist excavate and collapse usable burrows to prevent owls from reoccupying the site, if the burrow cannot be avoided by construction activity. After all usable burrows are excavated, the buffer will be removed and construction may continue.

Monitoring must continue as described above for the nonbreeding season as long as the burrow remains active.

A qualified biologist will monitor the site consistent with the requirements described above to ensure that buffers are enforced and owls are not disturbed. The passive relocation (i.e., exclusion) of owls has been used in the past in the Plan Area to remove and exclude owls from active burrows during the nonbreeding season (Trulio 1995). Exclusion and burrow closure will not be conducted during the breeding season and will not be proposed until all possible avoidance and minimization actions are considered. If the JPA determines that passive relocation is necessary, the project proponent will develop a burrowing owl exclusion plan in consultation with CDFW biologists. The methods will be described as described in the species monitoring guidelines (California Department of Fish and Game 2012). This may include the installation of one-way doors in burrow entrances by
a qualified biologist during the nonbreeding season. These doors will be in place for 48 hours, and monitored twice daily to ensure owls have left the burrow, after which the biologist will collapse the burrow to prevent reoccupation. Burrows will be excavated using hand tools. During excavation an escape route will be maintained at all times. This may include inserting an artificial structure such as piping into the burrow to prevent collapsing until the entire burrow can be excavated and it can be determined that no owls are trapped inside the burrow. The JPA may allow other methods of passive relocation, based on best available science, if approved by the wildlife agencies. Artificial burrows will be constructed prior to exclusion and will be created less than 300 feet from the existing burrows on lands that are protected as part of the reserve system.

**AMM18 Minimize Take and Adverse Effects on Least Bell’s vireo.** The project proponent will retain a qualified biologist to conduct planning-level surveys to determine if habitat for the least Bell’s vireo (as defined in Appendix A, Covered Species Accounts) is present within 500 feet of covered activities. If habitat is present, the project proponent will redesign the project to avoid or minimize activities within 500 feet of least Bell’s vireo habitat. If the activity will encroach within 500 feet of habitat and there are no breeding season records for the species within 0.25 mile of the covered activity within the previous 3 years, the qualified biologist will conduct planning-level surveys for active territories consistent with USFWS (2001) guidelines, during the breeding season (April 1 to July 15). Operations and maintenance activities that do not occur during the breeding season and do not affect least Bell’s vireo habitat are not required to conduct surveys or record searches, and no further avoidance or minimization is necessary for such activities.

1. If an occupied territory is discovered during planning-level surveys, or there is a record of the species occurring within 0.25 mile of the covered activity within the previous 3 years, the project proponent will design the project to avoid activities within 500 feet of suitable habitat unless the JPA, USFWS, and CDFW approve a shorter distance.

1. If an activity occurs within 500 feet of suitable habitat during the breeding season, regardless of whether or not the species was detected during planning-level surveys or there are records for the species in the area, a qualified biologist will conduct preconstruction surveys consistent with USFWS (2001) guidelines during the same season that the activity occurs. If active territories are found, the project proponent will avoid activity within 500 feet of the habitat from April 1 to July 15. This buffer may be reduced with approval from the JPA, USFWS, and CDFW.

1. If an active territory is present, the project proponent will maintain a 500-foot non-disturbance buffer around the habitat during the breeding season (generally, late February through late August).

1. The project proponent will avoid disturbance of previous least Bell’s vireo territories (up to 3 years since known nest activity) during the breeding season unless the disturbance is to maintain public safety. Least Bell’s vireo uses previous territories, and disturbance during the breeding season may preclude birds from using existing unoccupied territories.

1. The required buffer may be reduced in areas where barriers or topographic relief are sufficient to protect the nest from excessive noise or other disturbance. JPA staff will coordinate with the wildlife agencies and evaluate exceptions to the minimum nondisturbance buffer distance on a case-by-case basis.

1. If occupied territories are identified, a qualified biologist will monitor construction activities in the vicinity of all active territories to ensure that covered activities do not affect nest success.
AMM19 Minimize Take and Adverse Effects on Habitat of Bank Swallow. The project proponent will retain a qualified biologist to identify and quantify (in acres) bank swallow habitat (as defined in Appendix A, Covered Species Accounts) within 500 feet of the project footprint. If a 500-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the JPA and CDFW to determine if bank swallow nesting colonies have been active on the site within the previous 5 years. If there are no records of nesting bank swallows on the site, the qualified biologist will conduct visual surveys during the period from March 1 to August 31 to determine if a nesting colony is present.

For operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (September 1 to February 28), it is not necessary to conduct a record search, planning and preconstruction surveys, or any additional avoidance measures.

If an active bank swallow colony is present or has been present within the last 5 years within the planning-level survey area, the JPA, USFWS and CDFW will be notified and the project proponent will design the project to avoid adverse effects within 500 feet of the colony site(s) unless a shorter distance is approved by the JPA, USFWS, and CDFW based on site-specific conditions.

AMM20 Minimize Take and Adverse Effects on Habitat of Tricolored Blackbird. The project proponent will retain a qualified biologist to identify and quantify (in acres) tricolored blackbird nesting and foraging habitat (as defined in Appendix A, Covered Species Accounts) within 1,300 feet of the footprint of the covered activity. If a 1,300-foot buffer from nesting habitat cannot be maintained, the qualified biologist will check records maintained by the JPA to determine if tricolored blackbird nesting colonies have been active in, or within 1,300 feet of, the project footprint within the previous 5 years. If there are no records of nesting tricolored blackbirds on the site, the qualified biologist will conduct visual surveys to determine if an active colony is present, during the period from March 1 to July 30, consistent with protocol described by Kelsey (2008).

Operations and maintenance activities or other temporary activities that do not remove nesting habitat and occur outside the nesting season (March 1 to July 30) do not need conduct planning or construction surveys, or implement any additional avoidance measures.

If an active tricolored blackbird colony is present or has been present within the last 5 years within the planning-level survey area, the project proponent will design the project to avoid adverse effects within 1,300 feet of the colony site(s) unless a shorter distance is approved by the JPA, USFWS, and CDFW. If a shorter distance is approved, the project proponent will still maintain a 1,300-foot buffer around active nesting colonies during the nesting season, but may apply the approved lesser distance outside the nesting season.

4.3.5 Cache Creek Area Plan Projects

AMM21 Implement Performance Standards of the Off-Channel Mining Plan and the Cache Creek Resources Management Plan. In addition to the applicable AMMs described above, aggregate mine operators will implement all of the applicable performance standards of the Off-Channel Mining Plan (Yolo County 1996). Channel maintenance and restoration in Cache Creek will require implementation of all applicable performance standards of the Cache Creek Resources Management Plan and Cache Creek Improvement Program (Yolo County 2002).
4.3.6 Additional Provisions Related to Conditions on Covered Activities

4.3.6.1 Qualified Biologist

Qualified biologists will conduct several types of surveys and monitoring for the Yolo HCP/NCCP including species surveys, planning-level habitat surveys, preconstruction surveys, construction monitoring, and effectiveness monitoring conducted on the reserve system. This requirement applies to all monitoring described in this Plan that calls for a qualified biologist, including conditions on covered activities described in this chapter and effectiveness monitoring described in Chapter 6, Conservation Strategy.

Qualified biologists are those biologists who have the experience, education, and training necessary to perform the tasks described in the Yolo HCP/NCCP accurately and in an unbiased fashion. The term qualified biologist is used generically to mean a biologist who is trained to perform the given task; such a person is, more specifically, a wildlife biologist, botanist, or biological consultant trained in both wildlife biology and botany. Training must be in the field to which the task is related. For example, a wildlife biologist may not perform a covered plant survey or delineate land covers for a project application unless the individual is also competent in those fields.

If the task does not have the potential to result in take of covered species (e.g., land cover mapping, or monitoring the compliance of construction crews), applicants (or Permittees) may choose their own biologists to conduct these specialized tasks.

If the task has the potential to result in take of covered species (e.g., handling a California tiger salamander, establishing perimeters around an active nest or burrows, or conducting effectiveness monitoring described in Section 6.5, Monitoring and Adaptive Management), the biologist must be approved by the JPA prior to conducting such tasks. To be approved, these biologists must provide the JPA with credentials demonstrating that he or she has an understanding of the monitoring protocols, data collection techniques, and handling procedures for the covered species. Upon JPA approval, the JPA will maintain a list of pre-approved qualified biologists who may conduct monitoring work for a 5-year period. Individuals who are not pre-approved by the JPA to conduct monitoring with the potential for take may conduct monitoring if they have a valid recovery permit for the species that they are monitoring. In either case, the biologist will possess all of the qualifications that would otherwise be required under a recovery permit.

4.3.6.2 Exemptions from Conditions

Some covered activities under the Yolo HCP/NCCP do not disturb the ground or have little or no measurable effect on the covered species or natural communities. Since the probability of take is so low, the need to enforce conditions on the projects and activities specified below would not provide a net benefit for species. Therefore, these covered activities are not subject to the conditions described in this chapter. Project proponents will report quantifiable natural community and covered species habitat losses associated with activities exempt from conditions of the Yolo HCP/NCCP in the Application Package (Section 4.2.2, HCP/NCCP Application Package) (the JPA will not track effects that cannot be quantified). Although these covered activities are exempted from the conditions, all of these activities that are described as covered in Chapter 3, Covered Activities, will receive take coverage under the Yolo HCP/NCCP.
The JPA will determine whether an activity qualifies for an exemption based on land cover types mapped for the Yolo HCP/NCCP at the time of permit issuance and the nature of covered activities previously permitted on the site.

Many of the covered activities exempt from the conditions in this chapter may also be exempt from the land cover fees, as described in Chapter 8, Section 8.4.1.2, Land Cover Fee.

The following activities and projects are exempt from all of the conditions in this chapter, and the JPA will not track these activities.

- Ministerial activities/projects.
- Activities/projects over which the permittees have no discretionary authority or control, unless covered as an SPE.
- Projects that do not result in ground disturbance, do not result in release of potential water quality contaminants, and do not create new wildlife barriers.
- Any covered activity described in Chapter 3, Covered Activities, that occurs on developed land cover types as verified in the field, unless the activity may affect nearby mapped or unmapped stream, riparian, pond, or wetland land cover types, or removes trees during the nesting season, or the activity is located in a stream setback.
- Routine infrastructure maintenance by Permittees or SPEs occur inside an urban planning unit (Planning Units 19, 20, 21, or 22), and that do not affect stream, riparian, ponds, or wetland land cover types.
- Natural community and species habitat enhancement activities implemented as a component of the Yolo HCP/NCCP conservation strategy, if such activity is determined by a qualified biologist to have no adverse direct or indirect effects on sensitive natural communities or covered species habitat.
- Activities that are not covered by the Yolo HCP/NCCP.

The following activities are also exempt from all conditions in this chapter, but the JPA will track land cover losses when they occur on land cover types that constitute natural communities or covered species habitat.

- Covered activities on parcels of 0.5 acre or less as long as no stream, riparian, pond, vernal pool, alkali sink, or wetland land cover type is within the parcel.

A project proponent of a covered activity in this HCP/NCCP will not be required to comply with the conditions in this chapter or pay any HCP/NCCP fees if the proponent of the activity provides written confirmation to the JPA that the CDFW and USFWS have determined that the activity is not subject to CESA and ESA, respectively; or has already received the necessary take authorizations under CESA and ESA; or has otherwise complied with CESA and ESA. An activity will be deemed to be in compliance with CESA and ESA by the JPA and thus be exempt from the conditions in this chapter and otherwise comply with the Yolo HCP/NCCP if the proponent provides the following.

- Letters from both USFWS and CDFW that specifically refers to the activity and states that the activity is not likely to result in take of any federally or state listed species and will not preclude successful implementation of the conservation strategy for all covered species, or
A copy of an incidental take permit issued by CDFW for the activity, and/or copies of incidental take statements or incidental take permits issued by USFWS that authorize the incidental take associated with the proposed activity under the CESA and/or FESA, as applicable.

4.3.6.3 Revisions to Conditions

The JPA may revise conditions on covered activities, including avoidance and minimization measures identified for certain covered activities and species-specific measures, over the course of the permit term based on problems that may arise during implementation, and through the adaptive management process based on results of implementation. The wildlife agencies will review proposed revisions to conditions and respond within 45 days. The JPA will not adopt revised conditions until they are approved by the wildlife agencies. Allowing such revisions will ensure that out-of-date or unsuccessful avoidance and minimization measures do not persist and that best available science can be incorporated into the conditions as appropriate for the Yolo HCP/NCCP.

The JPA may also update survey protocols during the permit term, based on changes to the accepted protocol, with the concurrence of CDFW and USFWS.

Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas.
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Permittee determines project is a **covered activity**

Permittee **conducts land cover mapping** (Section 4.2.2.3), and **applicable planning surveys** (Section 4.2.2.3 and Table 4-1, 2nd column)

Permittee **incorporates design changes** into project, if feasible, to avoid and minimize adverse effects (Table 4-1, 3rd column)

Permittee **conducts land cover mapping (Section 4.2.2.3) and applicable planning surveys** (Section 4.2.2.3 and Table 4-1, 2nd column)

Permittee **incorporates design changes** into project, if feasible, to avoid and minimize adverse effects (Table 4-1, 3rd column)

**FESA Section 7 consultation required?**

- Yes
  - Federal Agency consults with USFWS and/or NMFS
  - **Biological Opinion issued by USFWS consistent with Yolo HCP/NCCP requirements**

- No
  - Permittee **submits HCP/NCCP Application Package** to JPA

  Permittee **pays HCP/NCCP Fees to JPA or conducts own mitigation subject to JPA approval in lieu of some fees** (Chapter 8)

  Permittee **conducts Preconstruction Surveys, if required** (Table 4-1, 4th column)

  Permittee **applies Avoidance and Minimization Measures, if required** (Section 4.3)

  Permittee **builds project or conducts O&M**

  Permittee **implements construction-related measures** (Table 4-1, 5th column)

* Other permits may require different mitigation than required by the Yolo HCP/NCCP.

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**Figure 4-1**

Process for Project Compliance with HCP/NCCP for Public Projects (by Permittees)
Figure 4-2
Process for Project Approval under Yolo HCP/NCCP for Private Projects Covered by Plan and Special Participating Entities