



# Yolo Habitat Conservancy

County of Yolo • City of Davis • City of Winters • City of West Sacramento  
City of Woodland • University of California, Davis

To: Gary Sandy, Chair  
Members of the Board

From: Alexander Tengolics  
Executive Director

Re: Approve amendment to Special Participating Entities policy

Date: May 16, 2022

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## **REQUESTED ACTION:**

Approve amendment to Special Participating Entities policy (Attachment A)

## **BACKGROUND:**

Special Participating Entities (SPEs) include entities that, among other things, are not subject to the jurisdiction of the Yolo HCP/NCCP Permittees. SPEs may conduct or initiate projects or continue ongoing activities within the Permit area that may affect listed species and require take authorization from U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. SPE applications are brought to the Board of Directors for approval prior to receiving take authorization for their projects to ensure the availability of take coverage and that approving the take authorization would not preclude member agency projects from receiving coverage through the Yolo HCP/NCCP in the future.

The proposed amendment to the Special Participating Entity policy is included as Attachment A. The policy amendment distinguishes between local SPEs that have projects anticipated in the Yolo HCP/NCCP Chapter 5, Effects Analysis, and those non-local entity SPEs that were not contemplated in the effect analysis but could receive coverage if the Conservancy determines the project meets the criteria for coverage. It is YHC's policy to seek Board approval for all projects seeking SPE authorization. For those SPE projects specifically anticipated in the Yolo HCP/NCCP (i.e., levee improvements by Yolo County Flood Control and Water Conservation District and reclamation district operations and maintenance activities, as indicated in the HCP/NCCP Table 3-2; and conservation strategy implementation as described in the HCP Section 3.5.4), Board approval is required, but staff recommends such projects not be subject to the cost recovery charge.

The Conservancy has been approached by local entity SPEs and learned that the cost-burden of mitigation fees and the contribution to recovery charges are too costly for local entities to use the Yolo

HCP/NCCP as the vehicle for take authorization. By removing the cost recovery charges for SPEs with acreages contemplated in the effects analysis, the project requests would only need to pay any mitigation fees associated with the project, which will contribute to the YHC reserve system establishment, and allow for the projects to receive streamlined permitting in-line with the spirit of the Yolo HCP/NCCP.

Staff recommend that the Board of Directors approve the amendment to the Special Participating Entities policy so that a framework for evaluating SPE authorization requests can be formalized and to reduce the financial burden on local SPEs who provide a public service to the communities across the Plan area so those SPEs can utilize the streamlined permitting offered by the Yolo HCP/NCCP.

**ATTACHMENTS:**

**Attachment A.** Special Participating Entity Policy Amendment

