



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: Receive presentation and approve Yolo HCP/NCCP Temporary Impact Policy

Date: January 23, 2023

REQUESTED ACTION:

Receive presentation and approve Yolo HCP/NCCP Temporary Impact Policy

BACKGROUND:

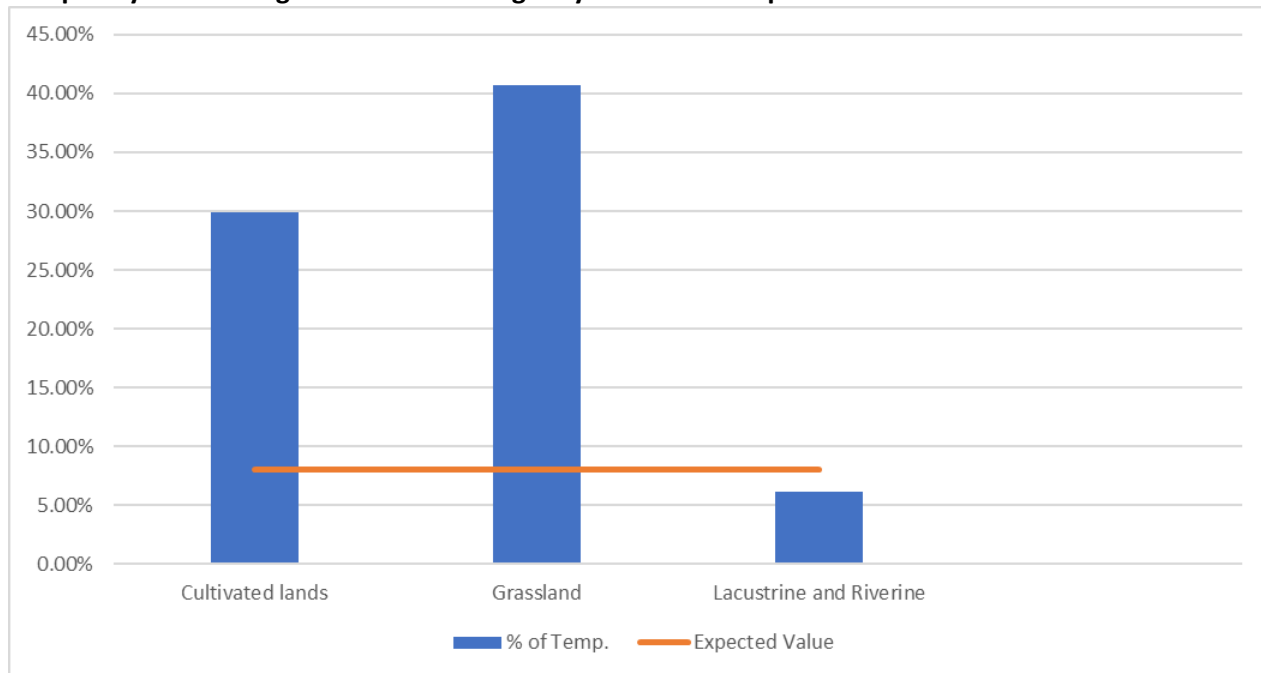
Chapter 3, *Covered Activities*, of the Yolo HCP/NCCP describes a wide range of ongoing activities and projects that will be covered by the Yolo HCP/NCCP and permits. When the permittees developed the Yolo HCP/NCCP, each Member Agency provided the YHC with information on the amounts and locations of covered activities anticipated during the 50-year permit term. When possible, Member Agencies provided spatially explicit data regarding their anticipated covered activities, distinguishing between permanent and temporary impacts of natural community and habitat loss. For covered activities that were not spatially explicit, the YHC coordinated with Member Agencies to develop assumptions about the acres and locations of each activity. The YHC then combined the acres of spatially explicit activities and activities that were not spatially explicit to come up with anticipated loss of each natural community type and covered species habitat type. The acreages were used to establish caps on the amount of permanent and temporary loss allowed under the Yolo HCP/NCCP. These caps are specified in Yolo HCP/NCCP Chapter 5, *Effects on Covered Species and Natural Communities*, Table 5-1 for natural communities and Table 5-2 (a and b) for covered species.

Through the first four years of plan implementation, 49 projects received streamlined permit coverage under the Yolo HCP/NCCP. 41 projects were permitted by member agencies and 8 projects were permitted by the YHC as Special Participating Entities (SPEs). SPEs are projects proposed by agencies not subject to approval by Member Agencies, who request coverage under the Yolo HCP/NCCP through a Certificate of Inclusion and requires Board of Directors approval. After review of the permanent and temporary take impacts for the first 49 projects and activities, YHC staff understood that a higher than anticipated amount of temporary take was issued over the first several years of Yolo HCP/NCCP implementation. The table below includes the three landcover types' maximum allowable temporary acreage losses allowed through the 50-year permit and the figure shows their utilization rate through the first four years of plan implementation.

Maximum Allowable Temporary Loss

Natural Community	Acres
Cultivated lands	203
Grassland	28
Lacustrine and riverine	31

Temporary Loss Acreage Utilization through 4-years of Plan Implementation



Temporary loss is defined as the alteration of land cover for less than one year that allows the disturbed area to recover to pre-project or ecologically improved conditions within one year (e.g., prescribed burning, construction staging areas) of completing construction. Ecologically improved means that the site’s ability to provide ecological functions is improved compared to its condition prior to disturbance caused by a covered activity or project. Any natural community or species habitat loss associated with a covered activity that has a duration exceeding one year, or that has a duration of less than one year but takes more than one year to recover immediately following construction, is considered a permanent loss for the purpose of this analysis. Some natural communities do not include temporary take caps because the anticipated impacts would not meet the definition (e.g., riparian or woodland natural communities would take more than one year to recover, therefore the impacts to these types of natural communities are treated as permanent).

To address the higher than anticipated amount of temporary impact, YHC staff consulted with ICF to prepare a set of policies to help ensure that the YHC will not exhaust of temporary impact acres far before



the end of the Yolo HCP/NCCP 50-year permit term. The policies and their justification are described below and in greater detail in Attachment A.

1. Restrict SPE authorizations for temporary impacts to cultivated lands and grasslands, provide local non-member agencies authorizations for such impacts on a case-by-case basis;
2. Assess temporary cultivated lands disturbance to determine whether there is an impact.

By limiting or restricting the use of temporary impacts for SPEs, the policy will reserve those acreages for the Member Agencies who contributed to the development of the HCP/NCCP and allow, in some instances, local non-member agencies (e.g. reclamation districts). This approach dovetails with the YHC Board approved amendment to the SPE policy that differentiates between local and non-local SPEs. The second policy aims to provide clarity in when an actual *impact* occurs on cultivated lands, this determination will be made by a YHC qualified biologist. The typical impact area (permanent and temporary) is measured on where ground disturbance occurs, but standard agricultural practices involve also ground disturbing activities, so qualified biologists will evaluate whether the project or activity impacts are equivalent or less than agricultural activities. If the biologist determines that the activities' impacts are equivalent of less than standard agricultural practices then the disturbance acreages will not count as temporary or permanent loss.

Staff recommends the Board approve both policies more fully described in Attachment A, as they align with existing YHC policies related to SPEs and project permitting, and so that the YHC can ensure that temporary take acreages described in Yolo HCP/NCCP Chapter 5, *Effects on Covered Species and Natural Communities*, are not allocated far before the end of the Yolo HCP/NCCP 50-year permit term. Staff will continue to monitor temporary take utilization and will report back to the Board if additional restrictions or limitations may be necessary.

ATTACHMENTS:

Attachment A. Yolo HCP/NCCP Temporary Impact Policy

