

10 SSHCP PERMIT APPLICATION PROCESS

10.1 Introduction

This chapter explains the South Sacramento Habitat Conservation Plan (SSHCP or Plan) permit application process and provides an overview of how Land Use Authority Permittees can extend Incidental Take Permit (ITP) coverage to Third-Party Project Proponents and how the Implementing Entity can extend ITP coverage to Participating Special Entities (each of these project proponents is explained in more detail in Chapter 9, Implementation).

This chapter also describes the SSHCP permit application process for Plan Permittees, an explanation of specific requirements that must be satisfied by a project proponent prior to receiving permit coverage under the SSHCP, and SSHCP development fee or land dedication requirements.

10.2 Submittal of SSHCP Permit Applications

This section describes the process for submitting SSHCP permit applications by Third-Party Project Proponents, by Plan Permittees for their own Covered Activities, and by Participating Special Entities.

10.2.1 SSHCP Permit Applications for Third-Party Project Proponents

Third-Party Project Proponents are private project applicants proposing to implement an SSHCP Covered Activity and seeking local land use approval permits (ministerial¹ or discretionary² permits) from a Land Use Authority Permittee. The Land Use Authority Permittees have the ability to extend incidental take coverage provided by their SSHCP ITP to a Covered Activity implemented within their jurisdictions by a third party. Third-Party Project Proponents shall submit their SSHCP permit application package to the Land Use Authority Permittee that has land use jurisdiction over their proposed project. Only the Land Use Authority Permittee with land use jurisdiction over a proposed project may extend ITP coverage to that project. For example, a project proposed by a Third-Party Project Proponent within the city limits of Rancho Cordova may only be extended ITP coverage by the City of Rancho Cordova. The Land Use Authority Permittee will review the SSHCP permit application for consistency with all of the SSHCP requirements that are described in this chapter and will provide the Implementing Entity with a copy of the SSHCP requirements for tracking purposes, as discussed in Chapter 9. Should a Third-Party Project Proponent propose to provide land in fee title or provide a conservation easement in lieu of paying all or part of the required SSHCP development fees, then the

¹ A ministerial permit is a permit that requires little to no judgment on behalf of the Land Use Authority Permittee. An example of a ministerial permit is a building permit where as long as a parcel is zoned to allow the building of a structure, the applicant only needs to follow building codes to construct their project.

² A discretionary permit is a permit that requires the use of judgment by a Land Use Permittee before the permit can be issued. An example of a discretionary permit is a permit for a general plan amendment.

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Implementing Entity must also review the proposed land dedication or the easement to ensure that it is consistent with the SSHCP Conservation Strategy (Chapter 7, Conservation Strategy).

Land Use Authority Permittees issue land use approval permits for a wide range of projects, not all of which are SSHCP Covered Activities (Chapter 5, Covered Activities). Customers typically approach the information desk of the local jurisdiction (Land Use Authority Permittee) to inquire about land use approval permit requirements for their activity and the Land Use Authority Permittee will direct the customer to prepare the appropriate application. The Land Use Authority Permittee will review all applications to determine whether an activity is a Covered Activity eligible to use the SSHCP.

The Land Use Authority Permittee granting land use approval is not responsible for ensuring that a Third-Party Project Proponent complies with federal Endangered Species Act (ESA) or California Endangered Species Act (CESA) regulations. Instead, it is the responsibility of the Third-Party Project Proponent that is undertaking the Covered Activity to ensure that they have satisfied all legal requirements associated with the ESA and CESA. Many Third-Party Project Proponents implementing a covered activity may be unaware of the need to comply with ESA and CESA regulations. To ensure that Third-Party Project Proponents understand their legal obligations to comply with the ESA and CESA, each Land Use Authority Permittee will provide literature to a Third-Party Project Proponent that explains ESA and CESA regulations and how to satisfy those regulations. To use the SSHCP, the Third-Party Project Proponent must follow the SSHCP permit application process as explained in this chapter (Section 10.4, SSHCP Permit Application Processing).

CEQA Review

Many private Third-Party Project Proponent Covered Activities will require a land use approval and be subject to the California Environmental Quality Act (CEQA).³ For such Covered Activities, review of SSHCP permit applications should generally be undertaken concurrently with the CEQA environmental review. To facilitate this approach, the Land Use Authority Permittee should generally request that Third-Party Project Proponents submit an SSHCP permit application package as part of the land use approval application and CEQA process.

There are many benefits to preparing the SSHCP permit application package early in the planning process. First, submitting an SSHCP permit application package during the land use approval/CEQA process will illustrate the various requirements of the SSHCP on the proposed project, and provide time for the project proponent to change the project description or to identify alternatives for CEQA analysis. Second, it will enable the CEQA document to refer to the project-specific requirements as identified in the SSHCP permit application. Finally, it will enable the local jurisdiction to provide early review of the SSHCP permit application for

³ Some projects may also be subject to consistency with the Delta Plan if they fall within the Delta Plan area. Their consistency with the Delta Plan would be determined during CEQA review.

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completeness. Based on a review of this initial information and a determination of SSHCP requirements, the Land Use Authority Permittee can establish conditions of approval specifying SSHCP conditions and SSHCP development fee requirements.

Each Land Use Authority Permittee is responsible for ensuring that Covered Activities, upon issuance of a take permit, fully comply with the terms of the Plan.

10.2.2 Pre-Application Procedures

Prior to submitting an SSHCP permit application package, Third-Party Project Proponents are encouraged to meet with their appropriate Land Use Authority Permittee or, if the applicant is a Participating Special Entity, the Implementing Entity. The purpose of the pre-submittal meeting is to allow the Land Use Authority Permittees to explain what information must be assembled for a specific project in support of the SSHCP permit application.

Pre-application meetings are also recommended if an applicant is proposing land dedication to offset all or a portion of their mitigation requirements. The SSHCP has strict criteria for siting Preserves, and not all land within the SSHCP Plan Area is suitable for establishing SSHCP Preserves. In addition, SSHCP Preserves must be designed so that they comply with SSHCP Avoidance and Minimization Measures (AMMs). Meeting early in the application process to discuss these criteria is strongly recommended to avoid delays in project approvals should land dedications not meet the criteria set forth in the SSHCP. A Land Use Authority Permittee or the Implementing Entity may require a fee for these pre-submittal meetings and/or pre-submitted project proposal review.

10.2.3 SSHCP Permit Applications for Plan Permittees

As discussed in Chapter 1, Introduction, and Chapter 9, the Plan Permittees are the County of Sacramento, City of Galt, City of Rancho Cordova, Sacramento County Water Agency, the Capital Southeast Connector Joint Powers Authority, and the Implementing Entity. The Plan Permittees can use SSHCP ITPs for Covered Activity public projects that they implement. A Plan Permittee is responsible for ensuring compliance with all elements of the Plan and will complete an SSHCP permit application package following the SSHCP permit application process explained in this chapter (Section 10.4). Each Plan Permittee will need to establish an internal process for ensuring that their projects are in compliance with the elements of the Plan.⁴ Because each Plan Permittee conducts project design and review differently, the SSHCP does not propose a single process that must be followed by all Plan Permittees. The completed SSHCP permit application package will be submitted to the Implementing Entity so that the project can be tracked for compliance monitoring purposes. Because each Plan Permittee is a signatory to the

⁴ Plan Permittee projects will also have to comply with CEQA, which could include individual project-level environmental documents and determinations of consistency with regional plans, such as the Delta Plan.

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SSHCP ITP, they have incidental take coverage for their own Covered Activity projects and do not need to request ITP coverage from the Implementing Entity. However, the Implementing Entity will review Plan Permittee SSHCP permit application packages for consistency with the Plan and may provide comments if necessary.

10.2.4 SSHCP Permit Applications for Participating Special Entities

Incidental take coverage may be extended to Participating Special Entities as defined in Chapter 9. Participating Special Entities include but are not limited to special districts, utilities, and land use jurisdictions that are not Plan Permittees. Participating Special Entities that desire incidental take coverage under the SSHCP ITPs must submit an SSHCP permit application package to the Implementing Entity for processing and approval following the SSHCP permit application process explained in this chapter (Section 10.4).

10.3 Determining Master Plan Consistency with the SSHCP

Due to the large area that a master plan⁵ encompasses, Third-Party Project Proponents initiating master plans are required to consult with their respective Land Use Authority Permittee about SSHCP requirements early in the master plan process. Ensuring that the master plan complies with the requirements and provisions of the SSHCP will reduce the likelihood of project delays. In order for a master plan to use the local Land Use Authority's SSHCP ITPs to satisfy ESA and CESA requirements, a master plan must be designed to comply with the requirements of the SSHCP.

Early consultation with the Land Use Authority Permittee and Implementing Entity will:

- Ensure that all SSHCP AMMs are addressed by the master plan.
- Ensure that on-site avoidance areas and Preserves are planned in appropriate locations to satisfy SSHCP Conservation Strategy requirements.

Master Plan Area Specific Avoidance and Minimization Measures

Third-Party Project Proponents undertaking a Covered Activity that occurs within a proposed master planned area will follow the same SSHCP permit application process outlined in this chapter for Third-Party Project Proponents. It should be noted that some master plans have specific avoidance and minimization measures that apply only to that master plan area (see Appendix K). These avoidance and minimization measures must be addressed in the SSHCP permit application.

⁵ A master plan is a document that broadly defines land use, circulation, and infrastructure for a specific area (master plan area) and includes implementation measures that guide how development within the master plan area will occur. The requirements for master plans can be fulfilled by a variety of planning tools, including specific plans, comprehensive plans, special planning areas, or any combination thereof.

10.4 SSHCP Permit Application Processing

The applicant will submit an SSHCP permit application package for review and approval by the Land Use Authority Permittee or Implementing Entity, depending on what type of applicant is submitting the application, following the process described in this section.

10.4.1 Timing of SSHCP Permit Application Submittal

All applicants seeking ITP coverage under the SSHCP must obtain that coverage prior to any ground-disturbing activity; however, they can also obtain coverage earlier by the following means:

- a. In conjunction with any Plan Permittee discretionary review
- b. For ministerial projects, prior to the issuance of any building or grading permit
- c. In the absence of building or grading permits, prior to the Covered Activity being performed

10.4.2 Components of the SSHCP Permit Application Package

Applicants must include the data, documentation, and/or exhibits as described in this section as part of the SSHCP permit application package. Land Use Authority Permittees designate, and may amend, the form and timing in which the following information must be provided; however, the required content of the SSHCP permit application package will remain the same for all Land Use Authority Permittees. Land Use Authority Permittees may charge a fee to recover costs associated with review and processing of the SSHCP permit application. Applicants are responsible for the costs associated with preparation of the SSHCP permit application, including surveys. Forms for the SSHCP permit application package will be made available by the Land Use Authority Permittees or the Implementing Entity. The SSHCP permit application includes the components specified in the following subsections.

10.4.2.1 Applicant Information

This part of the application should include the applicant's name and contact information, property owner's name and contact information, and names and contact information for any consultants preparing materials in support of the SSHCP permit application.

10.4.2.2 Project Description and Map

The project description must include a written description of the location of the project site, including Assessor's Parcel Number(s), as well as a written description of all activities proposed within the project site, specifying which of the activities are thought to be Covered Activities under the SSHCP. Include a map illustrating the exact location of the project site, location of

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proposed Covered Activities, and location of avoidance areas or on-site Preserves, if applicable, within the project site.

10.4.2.3 Land Cover Type Map, Wetlands Delineation, and Modeled Species Habitat Map

Applicants will submit an SSHCP land cover type map, wetland delineation (if applicable; see Step 2), and a map depicting modeled species habitat found on the project site (if applicable; see Step 3). Applicants may request that the SSHCP Land Cover Type and modeled species habitat maps be prepared by the Land Use Authority Permittee or the Implementing Entity for the project site using the SSHCP Land Cover Baseline Map and the modeled species habitat maps. The Land Use Authority Permittee or the Implementing Entity may require a fee for this service. Wetland delineations must be prepared by an individual or firm qualified to prepare them. All maps will be prepared using geographic information system (GIS) technology and all shapefiles will be provided to the Land Use Authority Permittee or the Implementing Entity for tracking purposes. These maps will be prepared according to the following steps:

- **Step 1** – A map of SSHCP land cover types for the project site will be generated using the SSHCP Land Cover Baseline Map. This is accomplished by placing the project boundary over the SSHCP Land Cover Baseline Map. If the SSHCP Baseline Land Cover Map shows an SSHCP aquatic land cover type (see Chapter 3, Biological Resources Setting, Table 3-1, SSHCP Land Cover Types within the Plan Area) present on the project site, the process proceeds to Step 2. If the SSHCP Baseline Land Cover Map does not show an SSHCP aquatic land cover type present on the project site, then the process proceeds to Step 3.
- **Step 2** – If SSHCP aquatic land cover types are present on the project site, then a wetland delineation and report will be prepared. When a U.S. Army Corps of Engineers (USACE)-verified and valid (i.e., non-expired) delineation for a project site already exists, that delineation can be used. Waters⁶ (including wetlands) found to be present on site must be classified using the nomenclature system developed for the SSHCP (see Appendix E). The wetland delineation will follow the minimum standards set forth by the Sacramento District USACE and State Water Quality Control Board at the time of the delineation. The wetland delineation and report will map and quantify all SSHCP aquatic land cover types on the project site, which will then be used to help prepare a biological letter report (see paragraphs following Step 4).
- **Step 3** – A map of modeled species habitat for the project site will be generated using the modeled species habitat maps found in Chapter 3, Section 3.4, Covered Species Habitat Models. This is accomplished by placing the project boundary over each of the modeled

⁶ As defined in 33 CFR 328 or 40 CFR 230.2(s).

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species habitat maps. If modeled species habitat is present on the project site, the process proceeds to Step 4.

Maps of modeled species habitat will need to be prepared only for the following species:

- Giant gartersnake (*Thamnophis gigas*)
 - Western pond turtle (*Actinemys marmorata*)
 - California tiger salamander (*Ambystoma californiense*)
 - Western spadefoot (*Spea hammondi*)
 - Tricolored blackbird (*Agelaius tricolor*)
 - Swainson's hawk (*Buteo swainsoni*)
 - Greater sandhill crane (*Grus canadensis*)
 - Western burrowing owl (*Athene cunicularia*)
 - Cooper's hawk (*Accipiter cooperii*)
 - Loggerhead shrike (*Lanius ludovicianus*)
 - Northern harrier (*Circus cyaneus*)
 - White-tailed kite (*Elanus leucurus*)
 - Western red bat (*Lasiurus blossevillii*)
- **Step 4** – Provide results of species surveys. If modeled species habitat is found on the project site for any of the species listed in Step 3, then species surveys must be conducted consistent with the procedures described in Chapter 5, Section 5.4.2, Covered Species Take Avoidance and Minimization Measures, unless that section does not require surveys for the species. Species surveys are also required for all SSHCP covered plant species as described in Chapter 5, Section 5.4.2, if wetlands are present on the project site.

The Land Use Authority Permittee or Implementing Entity will prepare a biological letter report that quantifies the current terrestrial and aquatic SSHCP land cover acreages and compares them to the SSHCP Land Cover Baseline Map. The biological letter report will also document acreage of modeled species habitat for each species and will document the results of species surveys.

The Land Use Authority Permittee or the Implementing Entity will use these reports to finalize the site-specific land cover type map to be used for calculating impacts to SSHCP land cover types and for calculating SSHCP development fees (refer to Section 10.7, SSHCP Development Fees and Land Dedication). Note that USACE wetland delineations may not map some aquatic habitat features that are considered aquatic habitat for endangered species (i.e., swales). Aquatic features

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not delineated on wetland delineations but present on the project site as verified by aerial photos or on-the-ground surveys will be included in the final site-specific land cover type maps that will be used when calculating impacts and preservation. Any aquatic habitat features not identified by the USACE wetland delineation will not be subject to compensatory mitigation (e.g., re-establishment/establishment) objectives or measures of this Plan.

The Local Land Use Authority Permittee or the Implementing Entity will also determine whether anthropogenic⁷ land cover type conversion has occurred since baseline⁸ conditions were established. If anthropogenic land cover type conversion has occurred, SSHCP development fees shall be based on impacts to the land covers described on the SSHCP Land Cover Baseline Map. This step will also include a determination of whether reclamation of a disturbed site (e.g., mine site reclamation) has occurred since the SSHCP Land Cover Baseline Map was documented. In that case, SSHCP development fees will be based on impacts to the reclaimed land cover.

10.4.2.4 Proposed Land Dedication Map and Report

If an applicant is proposing land dedication to offset all or a portion of their development fees, the Implementing Entity must determine whether the proposed land dedication is consistent with SSHCP AMMs described in Chapter 5, Section 5.4, Conditions on Covered Activities, and with the biological goals and objectives described in Chapter 7 (Table 7-1, Biological Goals, Measurable Objectives, and Conservation Actions). It should be noted that the SSHCP has fairly strict criteria that must be adhered to when siting Preserves, and it is possible that a site proposed for land dedication will not meet the criteria for an SSHCP Preserve. If it is determined that a land dedication proposal is not consistent with the requirements of the SSHCP, the applicant may wish to work with the Implementing Entity to find alternative sites that will support the SSHCP conservation strategy.

An applicant must provide the following information in support of a land dedication proposal:

1. An exhibit(s) showing the proposed location of the Preserve(s) as well as existing and potential Preserves on adjacent parcels (the Implementing Entity or Land Use Authority Permittee can provide information concerning existing and potential Preserves);
2. A report describing each land cover type using the nomenclature system developed for the SSHCP (see Appendix E) and the acres of each land cover type; and

⁷ Of, relating to, or resulting from the influence of human beings on nature.

⁸ To establish baseline conditions, acreages will be calculated using that version of the SSHCP Land Cover Type Map in existence as of the date the SSHCP permit was issued to the Plan Permittees by the U.S. Fish and Wildlife Service. See Chapter 3 for a description of the SSHCP Land Cover Type Map.

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3. A written explanation as to how the proposed Preserve is consistent with SSHCP AMMs described in Chapter 5, Section 5.4, and the biological goals and objectives described in Chapter 7 (Table 7-1).

In addition, the applicant must execute an agreement with the Implementing Entity that gives the Implementing Entity or its contractors permission to access the site and to conduct any additional fieldwork necessary to evaluate the site for its suitability as a Preserve. The Implementing Entity may charge a fee to conduct any fieldwork necessary to evaluate the site.

10.4.2.5 Description of How the Project Complies with SSHCP Avoidance and Minimization Measures

The project proponent shall document how the proposed project will comply with SSHCP AMMs described in Chapter 5, Section 5.4. See the SSHCP AMMs worksheet attached to the SSHCP permit application package.

10.4.2.6 Proposed Mitigation

The project proponent will state how they intend to mitigate for impacts that result from their project (i.e., on-site preservation, off-site land dedication, payment of an SSHCP development fee, proof of mitigation bank credits, or some combination thereof).

10.4.2.7 Description of How the Project Complies with Requirements for Protection of Cultural Resources and Tribal Consultation

USACE, SHPO, and ACHP may potentially develop a cultural resources management plan as a basis for establishing a programmatic memorandum of agreement for compliance with the requirements of the NHPA Section 106 process. Compliance with such a plan would ensure that no NRHP-listed eligible or potentially eligible resources would be affected by Covered Activities subject to CWA Section 404 permits. If that plan is not developed, or for Covered Activities that are not subject to CWA 404 permitting requirements, a project proponent of a ground-disturbing activity, including habitat re-establishment or establishment in the Preserve System, must ensure that cultural resources potentially occurring in these areas are properly evaluated and protected. In consultation with the Implementing Entity, the project proponent will prepare a Cultural Resources Management Plan to ensure that implementation of the Covered Activity would not result in significant impacts to historic properties, cultural resources, or tribal resources. This plan could be prepared as part of the CEQA review for a Covered Activity, or as a separate plan for Covered Activities that are not subject to CEQA review. The plan would consist of the following:

1. Establishment of an Area of Potential Effect for the proposed Covered Activity.

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2. A summary of known resources in the Area of Potential Effect that are currently listed in the National Register of Historic Places, California Register of Historic Places, or local historic registries.
3. Identification of areas of cultural sensitivity in the Area of Potential Effect based on consultation with the Native American Heritage Commission (Sacred Lands file check) and potentially affected tribes (identified by the Native American Heritage Commission).

10.5 Review for Completeness

The Land Use Authority Permittee will compare the Project Application Package against a Project Review Checklist, to confirm that all SSHCP requirements have been met, including requirements such as setbacks and other AMMs. The Land Use Authority Permittee's review process may be subject to the processing time and requirements of the Permit Streamlining Act (Government Code Section 65920 et seq.). For most projects, the Land Use Authority Permittee or Implementing Entity will review the SSHCP permit application package for completeness within 30 days of receipt of a complete SSHCP permit application package. The Land Use Authority Permittee or Implementing Entity may extend the review period for large or potentially complex projects up to an additional 30 days by providing written notice to the applicant. The Land Use Authority Permittee or Implementing Entity may continue to extend the review period after written notice until the Land Use Authority Permittee or Implementing Entity deems that an SSHCP permit application package is complete.

The Land Use Authority Permittee or Implementing Entity is also authorized to close SSHCP permit applications when they determine that the applicant has failed to provide requested information within a reasonable period. In such an event, the Land Use Authority Permittee or Implementing Entity shall provide written notice that the SSHCP permit application will be closed within 30 days unless all required materials are submitted.

10.6 Assessment of Impacts on SSHCP Land Cover Types

After a complete SSHCP permit application has been submitted, the involved Land Use Authority Permittee or the Implementing Entity shall prepare an assessment of SSHCP natural land cover type impacts that would result from the project.

10.6.1 Method for Calculating Impacted Acreage

The Land Use Authority Permittee or Implementing Entity will prepare an impact assessment that identifies the location and amount of each SSHCP natural land cover type that will be directly or indirectly impacted as a result of implementing a Covered Activity. Direct impacts will be calculated by overlaying the Covered Activities map generated as described in Section 10.4.2.2, Project Description and Map, onto the finalized site-specific land cover type map

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generated as described in Section 10.4.2.3, Land Cover Type Map, Wetlands Delineation, and Modeled Species Habitat Map.

Indirect impacts are only calculated for three SSHCP land cover types: Vernal Pool, Swale, and Stream/Creek Vernal Pool Invertebrate Habitat (VPIH) (see Chapter 6, Effects Assessment and Level of Take, Section 6.5, Effects of Covered Activities on Land Cover Types). A Vernal Pool is considered indirectly impacted if more than 10% of its watershed is removed. Swales and Streams/Creeks (VPIH) are considered indirectly impacted when a Swale or Stream/Creek (VPIH) land cover type feature intersects a vernal pool that is directly impacted. Note that if any portion of a wetland land cover type is directly impacted, then the entire feature is considered to be directly impacted. Vernal Pool watershed maps prepared by the SSHCP will be used to determine when an indirect impact has occurred. Indirect impacts will be calculated by overlaying the map of Covered Activities onto the SSHCP watershed map.

The impact assessment will include both a map depicting the area of impact and table(s) quantifying the acres of impact to each land cover type. The results will be used to determine the required mitigation to offset impacts.

10.6.2 Appealing the Impact Assessment

An applicant has the right to appeal the impacts assessment made by a Land Use Authority Permittee or the Implementing Entity. Written objections must be filed with the Land Use Authority Permittee or the Implementing Entity within 30 calendar days of receiving the initial impact assessment, and must be accompanied by data supporting the appeal, such as surveys, aerial photos, maps, or resource agency-verified delineations. The Land Use Authority Permittee or the Implementing Entity has 30 calendar days from the receipt of the appeal to respond. Disagreements that cannot be resolved between the Land Use Authority Permittee staff or the Implementing Entity staff and applicants will be decided by the Land Use Authority Permittee's planning director or the executive director of the Implementing Entity.

10.7 SSHCP Development Fees and Land Dedication

Once a project receives a draft compliance determination letter, the Plan Permittee (or, if the applicant is a Participating Special Entity, the Implementing Entity) will calculate SSHCP development fees based on the project impacts (see Section 10.6, Assessment of Impacts on SSHCP Land Cover Types). Once impacts are calculated they must be reported to the Implementing Entity so they can be tracked for compliance with the Plan's stay-ahead provision (see Chapter 9, Section 9.4.6.1, Land Cover Type Groupings for Jump-Start and Stay-Ahead Provisions). SSHCP development fees are subject to automatic adjustments (see Chapter 12, Economics Analysis and Funding Program, Section 12.4.3.2, Development Fee Adjustment Program) to allow for fluctuating land values and other mitigation-related costs. Annual adjustments will be made on or before March 15 of each calendar year, and other adjustments

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may be made during periodic audits. Table 12-5, Development Fees Used in the SSHCP Economic Model, in Chapter 12 sets forth the initial SSHCP development fee structure.

10.7.1 SSHCP Development Fees

SSHCP Development Fee Payment Timing

Mitigation for Covered Activity project impacts, whether through payment of the SSHCP development fee or land dedication, must occur prior to land disturbance. For master planned projects, an applicant can choose to pay SSHCP development fees for a unit of land to be impacted (a phase or portion of a larger project) rather than paying SSHCP development fees for the full project area at one time. Project proponents that pay SSHCP development fees in advance of issuance of SSHCP permits are subject to provisions of the “catch-up fee ordinance” as described in Chapter 9, Section 9.7.3, “Catch-Up Fee” Ordinance. This ordinance states that if a project proponent pays SSHCP development fees prior to issuance of an SSHCP permit and SSHCP development fees increase before the SSHCP permit is issued, the project proponent will pay the difference between what was originally paid and the amount of the SSHCP development fee increase. Fee payments are final and nonrefundable and remove any need for land dedication in lieu of SSHCP development fees.

10.7.2 Land Dedication in Lieu of SSHCP Development Fees

As described in Chapter 9, Section 9.4.4, Land Dedication in Place of SSHCP Fees, applicants will be allowed to dedicate land or easements instead of paying SSHCP development fees. If an applicant proposes to dedicate land or an easement and the Implement Entity determines that a proposed land dedication is acceptable for incorporation into the Preserve System, then the “land purchase” component of the SSHCP development fee can be reduced at a 1:1 ratio (see Chapter 12 for a complete breakdown of SSHCP development fee components). The remaining components of the SSHCP development fee will remain unchanged, as they are used to fund management and monitoring, Plan administration, and other features of the Plan. Land dedication in lieu of paying the land purchase component of the SSHCP development fee is only awarded after the Implementing Entity has approved of the land dedication and recordation of a conservation easement or transfer of fee title to the Implementing Entity has occurred.

The Implementing Entity will calculate the amount of habitat land cover type that can be used to reduce the SSHCP development fee commensurate with the land cover types found on the proposed dedication site. Applicants must follow the process for land dedication as described in Section 10.4.2.4, Proposed Land Dedication Map and Report.

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Dedication of Land in Excess of Required Mitigation

If more land is dedicated than is required to offset impacts, an SSHCP Land Cover Credit can be generated. For a description of how SSHCP Land Cover Credits are generated, see Chapter 9, Section 9.4.4.

10.8 SSHCP Permit Authorization Issuance

Depending on the type of applicant, the Land Use Authority Permittee or the Implementing Entity will issue written authorization allowing them to engage in Covered Activities once all required SSHCP development fees have been paid, land dedications or easements have been received (if applicable), and conditions or mitigation terms have been satisfied. The Land Use Authority Permittee shall provide a copy of the project material for all projects it approves to the Implementing Entity for entry into the SSHCP database.

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