



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
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ARNOLD SCHWARZENEGGER, Governor  
JOHN McCAMMAN, Director



March 25, 2010

Michele McCormick, Liaison  
South Sacramento Habitat Conservation Plan  
Circle Point  
455 Capitol Mall  
Sacramento, CA 95814

Dear Ms. McCormick:

The Department of Fish and Game (DFG) has reviewed the current preliminary draft, South Sacramento Habitat Conservation Plan (Draft Plan), and wishes to offer our feedback and guidance for covered species, particularly the California threatened Swainson's hawk (*Buteo swainsoni*), within the mixed agricultural habitats primarily located in the western portion of the Draft Plan area. We intend to continue to provide additional feedback on other species and aspects of the Draft Plan in subsequent correspondence and venues.

As trustee for the State's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity the DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The DFG also considers issues as related to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712) (MBTA).

The DFG has historically worked collaboratively with Sacramento County, the cities of Elk Grove, Galt, Rancho Cordova, and the U.S. Fish and Wildlife Service, as well as other agency staff, private landowners, and concerned citizens in an open transparent manner, to provide a foundation to develop the Draft Plan. However, we've had limited involvement and input over most of the past year during the drafting of this Plan and have concerns regarding the current conservation strategy for species which depend on mixed agriculture, primarily in the western Plan Area. We are particularly concerned with impacts to cover types identified in the Draft Plan as cropland and irrigated pasture-grassland.

The DFG recently met with County staff to better understand the intended conservation strategy for the Swainson's hawk. County staff provided specific acreages for the above cover types expected to be impacted by authorized activities associated with the Draft Plan, and expected to be preserved to offset these impacts. Ultimately, the strategy presented relies on acquiring approximately 86% of all cropland and irrigated pasture-grassland within Zone 9 of the Plan Area, as well as acquiring some additional lands with these cover types in Zones 8 and 11, for impacts to these same cover types throughout the Plan Area. The DFG believes that it may be difficult to acquire nearly 86% of all cropland and irrigated pasture-grassland within Zone 9 considering the Draft Plan relies on willing sellers to acquire preserved lands, and that the Draft Plan may not adequately portray this assessment. We understand areas that currently contain cropland and irrigated pasture grassland, which are anticipated to be impacted include portions of Zones 4 and 5, and approximately a 5,000-acre area south of Kammerer Road and west of Highway 99 that is currently under study for annexation in the City of Elk Grove referred to as the proposed Elk Grove Sphere of Influence (SOI), and the City of Galt's proposed SOI.

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Inclusion of analyzing impacts to these SOI areas is an aspect of the Draft Plan that we were not aware of until our recent meeting with County Staff and review of the current Draft Plan.

Within the Plan Area, the highest densities of nesting Swainson's hawks occur within and adjacent to cover types identified in the Draft Plan as cropland and irrigated pasture-grassland in the western portion of the Plan Area (Zones 4, 5, 8, 9, 11, 12). The DFG believes that these cover types are essential to the continued persistence of the hawk within their California breeding range and any conservation strategy for this species should place high value on these cover types.

The DFG believes that the current Draft Plan's conservation strategy is not specific regarding this issue and may not ensure adequate cropland and irrigated pasture-grassland reserve lands to accommodate the Swainson's hawks adequate persistence over time in the Plan Area. Ultimately this may not meet California Fish and Game Code Section 2081(b) standards of minimizing and fully mitigating the impacts associated with the Draft Plan; a standard which must be met in order to issue the County's anticipated incidental take authorization for this species. In order to meet these standards, we recommend that the Plan accommodate and guarantee preservation and maintenance of a minimum of an equal amount of cropland and irrigated pasture-grassland to that being impacted within the Plan Area. We believe this could be accomplished by accommodating a combination of the following three suggested solutions:

- Decrease the size of the above referenced SOI's
- Decrease the take coverage area impacting cropland and irrigated pasture-grassland
- Expanding the Plan Area to increase guaranteed reserves containing cropland and irrigated pasture-grassland

We understand the difficulties involved in orchestrating the aspects necessary to produce a viable conservation plan, and hope to participate in a transparent process which involves all stakeholders and agencies when developing biological solutions associated with the Draft Plan.

Thank you for the opportunity to provide our input on this effort. If the DFG can be of further assistance, please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968.

Sincerely,



Jeff Drongesen  
Acting Environmental Program Manager

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(cc cont'd)

Ms. McCormick

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