



**San Joaquin County
Multi-Species
Habitat Conservation &
Open Space Plan (SJMSCP)**

**SJMSCP
Implementing
Procedures for
Local Jurisdictions**

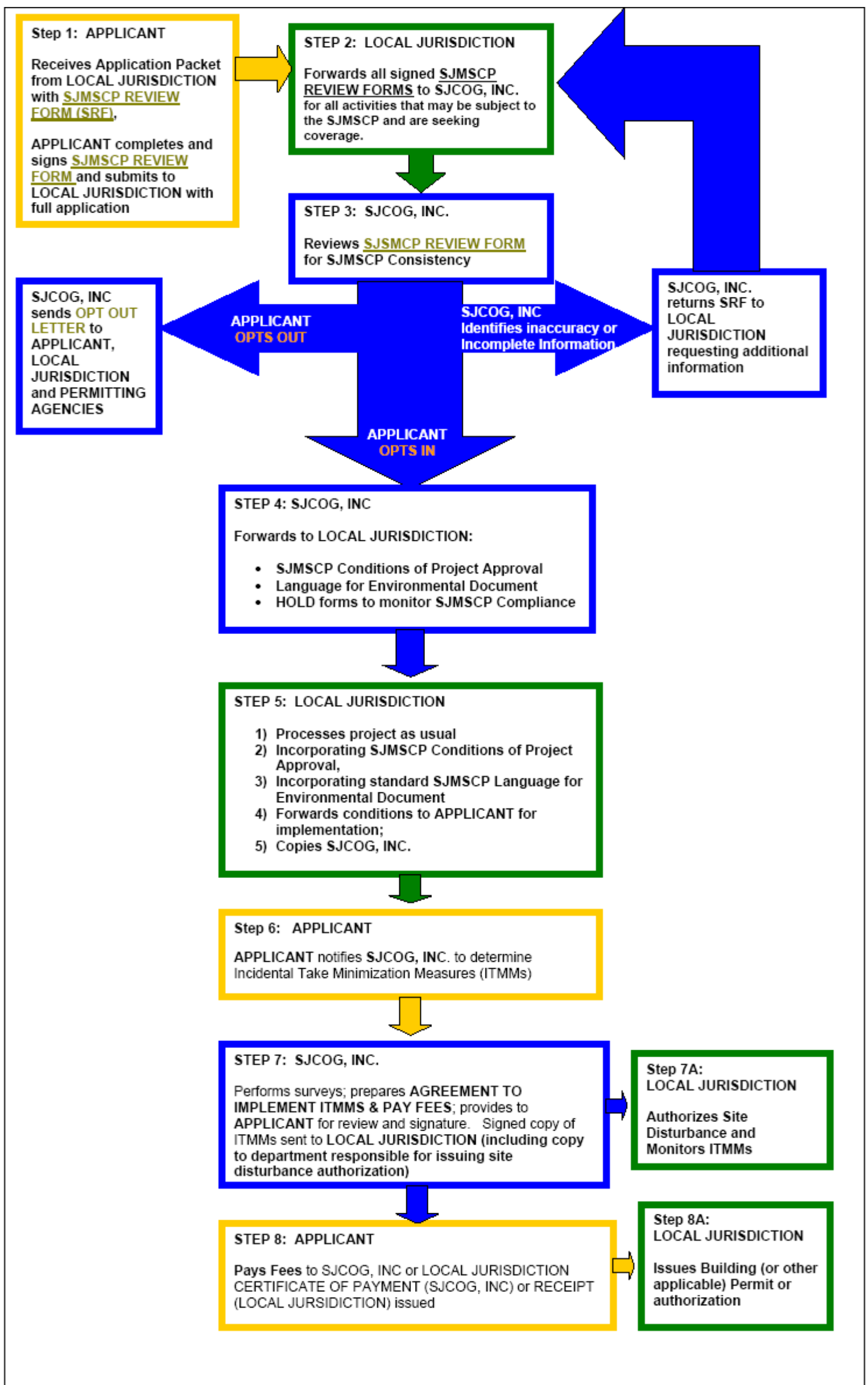
December 18, 2008



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S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1084

SJMSCP Implementation Checklist for Local Jurisdictions

- LOCAL JURISDICTION provides **SJMSCP Review Form (SRF)** to APPLICANT (See Pages 3,4)
- APPLICANT completes **SJMSCP Review Form (SRF)** and submits signed **SRF** to LOCAL JURISDICTION, if applicable
- LOCAL JURISDICTION attaches JURISDICTION'S Project Referral Notice to **SJMSCP Review Form** and forwards **SRF** to SJCOG, Inc. with site plans and maps provided by APPLICANT. **SRF** is forwarded to SJCOG, INC. **when project requires SJCOG, Inc. review** whether APPLICANT opts in or opts out of the SJMSCP.¹
- SJCOG, INC. provides LOCAL JURISDICTION with **SJMSCP RESPONSE** to **LOCAL JURISDICTION (RTLJ)**. SJCOG, INC. also forwards HOLD notices to affected departments to restrict issuance of grading, building or other permits or entitlements until SJMSCP compliance measures are met for those projects where the APPLICANT opts for SJMSCP Coverage.
- LOCAL JURISDICTION incorporates conditions of project approval, conditions for SJMSCP compliance and, *may* include standardized language for environmental documents for projects participating in the SJMSCP as provided in the **SJMSCP Response to LOCAL JURISDICTION**. If applicant has opted out of the SJMSCP or **Response to LOCAL JURISDICTION** indicates that the application is exempt, then no further action is required through SJCOG, Inc. However, SJCOG, Inc. will inform the Permitting Agencies of projects "opting out" as required by the SJMSCP Permits.
- APPLICANT provides LOCAL JURISDICTION with signed **Agreement to Implement Incidental Take Minimization Measures** (after contact with SJCOG, Inc. per conditions of project approval - previous step). LOCAL JURISDICTION monitors implementation of ITMMs and issues site disturbance authorization.
- APPLICANT pays applicable SJMSCP Fees to SJCOG, INC. or LOCAL JURISDICTION per conditions of project approval (previous step). APPLICANT provides LOCAL JURISDICTION with **CERTIFICATE of PAYMENT (SJCOG, INC)** or **Receipt of Payment** (from LOCAL JURISDICTION). LOCAL JURISDICTION issues Building Permit or equivalent authorization to proceed. (Note: This step and the previous step may be combined in certain circumstances so long as ITMMs are implemented prior to ground disturbance).

¹ **AND...for Prior Agreement Projects Only, include:**

- Copy of Biological Resources Analysis identifying approved mitigation measures for the project from approved or certified environmental document
- File-Stamped/Dated Copy of Notice of Determination or Completion approving environmental analysis



SJMSCP REVIEW FORM (SRF) INSTRUCTIONS - Page 1 of 2

SJMSCP APPLICATION/REVIEW FORM.

The SJMSCP Application/Review Form (reverse side) should be completed and submitted for all activities that are **or may be** subject to the SJMSCP – **whether the applicant is or is not seeking coverage under the SJMSCP.**

- All activities with **NO** potential to impact biological resources and **NO** ground disturbance, or which are not required to pay a SJMSCP Fee as identified on the compensation maps are not subject to the SJMSCP and the review form need not be completed.
- All activities that **MAY** have a potential to impact biological resources, or projects required to pay a SJMSCP fee must complete the SJMSCP Review Form and submit to SJCOC.

WHAT IS THE SJMSCP?

The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) provides coverage for impacts to biological resources pursuant to the California Environmental Quality Act (CEQA), the California Endangered Species Act (CESA) and Federal Endangered Species Act (FESA) and is approved and authorized by the California Department of Fish and Game and the United States Fish and Wildlife Service. Pursuant to these authorizations, applications submitted to this jurisdiction are forwarded to the San Joaquin County Council of Governments, Inc. for accounting and reporting purposes and to guide those participating in the Plan to comply with the provisions of the SJMSCP.

ARE MY ACTIVITIES SUBJECT TO THE SJMSCP?

Below is a general description of the types of activities subject to the SJMSCP. If subject to the SJMSCP, participation in the SJMSCP is voluntary. For activities that are **or may be** subject to the SJMSCP, **if the applicant elects to “opt out” of SJMSCP coverage the applicant shall complete the SJMSCP Review Form** and work with the Local Jurisdiction and the Permitting Agencies (California Department of Fish and Game and the U.S. Fish and Wildlife Service) to establish alternative measures for mitigating impacts to biological resources.

Not Subject to SJMSCP

All activities with **NO** potential to impact biological resources and **NO** ground disturbance or which are **NOT** required to pay a SJMSCP Fee as identified on the compensation maps are **not subject to the SJMSCP and the SJMSCP Review Form need not be completed.** These include but are not limited to:

- | | | |
|---------------------------------------|-------------------------------------|------------------------------------|
| ALCOHOL SALES PERMIT | ELECTRICAL | PLUMBING |
| BOARDING UP WINDOWS AND DOORS | ELECTRICAL SERVICE CHANGE | GAS LINE |
| CODE ENFORCEMENT | MISC COMMERCIAL/ RESIDENTIAL | MISCELLANEOUS PLUMBING |
| HOUSING CODE VIOLATIONS REPAIR PERMIT | PHOTOVOLTAIC SYSTEM | WATER HEATER |
| MINOR VARIANCE | FIRE | RESIDENTIAL |
| COMMERCIAL | CHIMNEY LINER | ADDITION/REMODEL PERMIT** |
| AWNING/CANOPY | FIRE ALARM/MONITORING SYSTEM | AWNING/CANOPY |
| GOVERNMENT BUILDING | FIRE INSERT | AUXILIARY |
| REMODEL/MECHANICAL | FIRE SPRINKLERS | BUILDING/SHED/STORAGE** |
| MISCELLANEOUS MECHANICAL | HOOD & DUCT FIRE SUPPRESSION SYSTEM | REROOF PERMIT |
| OPERATION/REPAIR/MAINTENANCE | FOUNDATION REPAIR PERMIT | STUCCO/SIDING PERMIT |
| REMODEL PERMIT | FUEL TANKS | SWIMMING POOL SOLAR |
| REROOF PERMIT | GARAGE/BUILDING CONVERSION | SWIMMING POOL/SPA PERMIT |
| STORAGE RACKS | HISTORIC PRESERVATION PERMITS | SOLAR HEATING/ROOF TOP |
| TENANT IMPROVEMENT | HVAC | SIGN PERMIT (ATTACHED TO BUILDING) |
| DEFERRED SUBMITTAL | OUTDOOR/LANDSCAPING** | STREET NAME PERMIT |
| DEMOLITION: | IRRIGATION CONTROL | VAPOR RECOVERY SYSTEM |
| COMMERCIAL/ RESIDENTIAL | OUTDOOR KITCHEN | WINDOW REPLACEMENT |
| ELEVATION/MASTER PLAN | PATIO/DECK/PATIO | WOOD/GAS STOVE |
| | COVER/ENCLOSURE | |
| | RETAINING WALL/FENCE | |

***IF WITHIN EXISTING APPROVED SUBDIVISION*

May be Subject to SJMSCP

All activities that **MAY** have the potential to impact a biological resource, or projects required to pay a SJMSCP fee **must complete the Review Form and submit it to SJCOC.** These activities include but are not limited to:

- | | |
|---|---|
| ALL NEW RESIDENTIAL/COMMERCIAL/INDUSTRIAL CONSTRUCTION
(i.e.: MULTI UNIT DWELLINGS/MANUFACTURED HOME/HOTEL/MOTEL) | GRADING PERMIT |
| ALL UNMAPPED/ANNEXATION PROJECTS | INFILL DEVELOPMENT (NEW) |
| BANK/OUTFALL/DETENTION BASIN CONSTRUCTION/REPAIR | RESIDENTIAL/COMMERCIAL/INDUSTRIAL |
| BLANKET UTILITY ENCROACHMENT PERMIT | INFRASTRUCTURE IMPROVEMENTS |
| COMMERCIAL/INDUSTRIAL ADDITIONS | MISC COMMERCIAL (NON BLDG) |
| ENTITLEMENTS INCLUDING BUT NOT LIMITED TO: | PARKING LOT (NEW/EXPANSION) |
| CONDITIONAL USE PERMITS | RESIDENTIAL |
| SUBDIVISION MAP | ACCESSORY BUILDING/STORAGE SHED PERMIT ** |
| SITE DEVELOPMENT/IMPROVEMENTS | DETACHED GARAGE/CARPORT** |
| TENTATIVE PARCEL MAP | ROAD IMPROVEMENT PROJECT |
| GOVERNMENT BUILDING NEW /ADDITION | SIGN (STAND ALONE) |
| GOVERNMENT MISC | TEMPORARY STRUCTURES (ALL) |
| | TOWER/ANTENNA/MONOPOLE/POWER POLE |

***OUTSIDE APPROVED SUBDIVISION*

All Activities or Projects subject to the SJMSCP that have NOT undergone review by SJCOC, Inc., completed biological assessment, and paid applicable SJMSCP Fees will not receive SJMSCP coverage.



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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SJMSCP REVIEW FORM (SRF) – Page 2 of 2

Complete, Sign and Submit with all Applications

Applicant Name: _____

Address: _____

Phone/Fax: _____

E-Mail: _____

Local Jurisdiction or Lead Agency/Permittee (check one):

- Escalon
- Lathrop
- Lodi
- Manteca
- Ripon
- Stockton
- Tracy
- San Joaquin County
- SJCOG
- Caltrans
- SJAFCA
- SSJID
- SEWD
- EBMUD
- Other: _____

Local Jurisdiction/Lead Agency Contact: _____

Project Title: _____
(per referral notice/advisory agency notice)

Project Description: _____

Current Site Use: _____

Project Location: _____

Assessor Parcel #s: _____

Total Acres: _____ Is an Army Corp. 404 Permit required? Y_____ N_____

A. ALL APPLICANTS, check ONE of the following:

1. I, we, **DECLINE** coverage pursuant to the SJMSCP. I, we, understand that declining coverage pursuant to the SJMSCP will require undertaking negotiations with the Local Jurisdiction and Permitting Agencies to avoid potential significant adverse impacts to biological resources where such impacts may occur. I, we, verify that the information contained in this application is true and correct.
2. I, we, **REQUEST COVERAGE** pursuant to the SJMSCP. I, we, understand that this project may be subject to Habitat Technical Advisory Committee review and approval to gain coverage pursuant to the SJMSCP **and that signing this form constitutes authorization for SJCOG, Inc. representatives to enter the subject property for the purposes of assessing biological resources and compliance with the SJMSCP.** I, we, verify that the information contained in this application is true and correct.

Applicant Signature Printed Name Date

Landowner Signature (if different from applicant) Printed Name Date

B. ALL APPLICANTS: Attach the following information (including those opting OUT of the SJMSCP)

- This form, signed
- Location Map(s) and Map(s) or Site Plan(s)

FOR LOCAL JURISDICTION USE ONLY:

LOCAL JURISDICTION: Attach the following information (including those opting OUT of the SJMSCP)

- This form, signed
- Location Map(s) and Map(s) or Site Plan(s)

Prior Agreement Projects Only, include:

- Copy of Biological Resources Analysis identifying approved mitigation measures for the project from approved or certified environmental document
- File-Stamped/Dated Copy of Notice of Determination or Completion approving environmental analysis



Submit to:
SJCOG, Inc.
Attn: Habitat Conservation Planning Division
555 E. Weber Ave.
Stockton, CA 95202-2804
(209) 468-3913 / www.sicog.org



S J C O G, Inc.

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SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)

To: **Planner Name, Jurisdiction**

From: SJCOG, Inc. Staff

Date: **Date**

Local Jurisdiction Project Title: **Project Title**

Local Jurisdiction Project Number: **Jurisdiction Project**

Assessor Parcel Number(s): **APN NUMBER**

Total Acres to be converted from Open Space Use: **.ACREAGE**

Habitat Types to be Disturbed: **HABITAT TYPE**

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear **PLANNER:**

SJCOG, Inc. has reviewed application **XXX**.

PROJECT DESCRIPTION AND LOCATION

LOCAL JURISDICTION is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). **The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.** Although participation in the SJMSCP is voluntary, Local Jurisdictions/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project is subject to the SJMSCP. The APPLICANT has signed an **SJMSCP Review Form** requesting coverage pursuant to the SJMSCP. All of the following are required for coverage pursuant to the SJMSCP:

LOCAL JURISDICTION:

The local jurisdiction is responsible for:

A. Conditions of Project Approval

Include **EITHER** both Conditions #1 & #2 **OR** Condition #3 as condition(s) of project approval, as appropriate:

- 1. Prior to any site disturbance (ground or vegetation disturbance);** the **APPLICANT** shall notify **SJCOG, Inc.** and schedule a pre-construction survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (**ITMMs**). The **LOCAL**

JURISDICTION shall not authorize any form of site disturbance until it receives an **AGREEMENT TO IMPLEMENT ITMMS** from **SJCOG, INC.**, signed by the **APPLICANT**, **and ITMMS are implemented.**

2. **Prior to issuance of a Building Permit, APPLICANT** shall contact **SJCOG, INC.** or **LOCAL JURISDICTION** to determine appropriate SJMSCP fees. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit (See Appendix).** A Building Permit shall be issued only after payment of appropriate fees (or approved alternative) by **APPLICANT** to the **LOCAL JURISDICTION** or **SJCOG, INC.** as evidenced by a **Certificate of Payment** or **Verification of Payment to the Local Jurisdiction (e.g., Receipt)** authorizing issuance of a permit **and implementation of ITMMS** prior to any ground disturbance.
2. **Prior to issuance of a (Final Map, or ?), APPLICANT** shall notify **SJCOG, Inc.** and schedule a pre-construction survey, to be performed by an SJMSCP biologist, to determine applicable Incidental Take Minimization Measures (**ITMMS**). The **LOCAL JURISDICTION** shall not authorize any form of site disturbance until it receives an **AGREEMENT TO IMPLEMENT ITMMS** from **SJCOG, INC.**, signed by the **APPLICANT and implements ITMMS**; **AND APPLICANT** shall contact **SJCOG, INC.** or **LOCAL JURISDICTION** to determine appropriate SJMSCP fees. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit (See Appendix A).** (**Type of Entitlement**) shall be (**issued, filed**) only after payment of appropriate fees (or approved alternative) by **APPLICANT** to the **LOCAL JURISDICTION** or **SJCOG, INC.** as evidenced by a **Certificate of Payment** from **SJCOG, Inc.** or **Verification of Payment to the Local Jurisdiction (e.g., Receipt)** authorizing issuance of a permit **and implementation of ITMMS** prior to any ground disturbance.

B. If preparing an environmental document, you may include the following language:

The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (555 E. Weber Avenue, Stockton, CA 95202) or online at: www.sjcoq.org.

APPLICANT:

The Applicant is responsible for contacting SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)
- Pay appropriate fee based on SJMSCP findings. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit (see Appendix).**
- **Implementing Incidental Take Minimization Measures prior to site disturbance**
- Receive a Certificate of Payment and release the required permit

An SJMSCP HOLD has been forwarded to the appropriate departments at the Local Jurisdiction informing them to NOT authorize ground disturbance, issue building permits or other authorizations until the preceding conditions have been met in compliance with the SJMSCP.

If you have any questions, please call (209) 468-3913.

cc: Applicant



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

FROM: SJCOG, Inc. Staff

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) Implement Incidental Take Minimization Measures (ITMMs) PRIOR to site disturbance. Do not authorize site disturbance **until receipt of a signed Agreement to Incidental Take Minimization Measures (ITMMs) AND verification that all applicable ITMMs have been implemented.**
- 2) Pay SJMSCP fees. **Fees shall be paid in the amount in effect at the time of issuance of Building Permit (see also Appendix).** Do not issue a (Type of Entitlement or Authorization) **until receipt of a Certificate of Payment or Verification of Payment to the Local Jurisdiction (e.g., Receipt) AND verification that all applicable ITMMs have been implemented prior to ground disturbance.**

Project Title: _____

Landowner: _____

Applicant: _____

Assessor Parcel #s: _____

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: _____

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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OPT OUT LETTER

DATE

Brent Ives
CHAIR

Larry Hansen
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

Susan Jones
US Fish and Wildlife Service
2800 Cottage Way, W-2605
Sacramento, CA 95825

Dan Gifford
Senior Biologist
CA Department of Fish and Game
519 West Locust Street
Lodi, CA 95240

Re: **PROJECT NAME AND LOCAL AGENCY PROJECT NUMBER**

SJCOG, Inc. staff has been notified by **PROJECT NAME/LOCAL AGENCY** on **DATE** regarding the condition of approval on the project and participation under the SJMSCP. The project proponent elected NOT to participate under the SJMSCP and will pursue mitigation for the project with the permitting agencies.

Our staff is notifying you that this project will no longer be considered participating in the county wide habitat participation plan and will be removed from the project listings under the plan.

Sincerely,

STEVE MAYO
Senior Regional Planner

cc: Local Jurisdiction
Applicant
Rod Attebery, Neumiller & Beardslee



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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SJMSCP AGREEMENT TO INCIDENTAL TAKE MINIMIZATION MEASURES & FEES

Project Name: _____

Assessor Parcel Number(s): _____

Date: **DATE**

Findings: Potential habitat for **XXX**

Total Disturbed Acres Anticipated: **ACRES**

Habitat Types to be Disturbed: **HABITAT TYPE**

Project Jurisdiction: **JURISDICTION**

CONDITIONS

Prior to Issuance of a Building (or XXXXX) Permit:

1. Please pay the appropriate fee to the City of **XXX** for the disturbance of **HABITAT TYPE** Habitat Lands. **Fees shall be paid in the amount in effect at the time of issuance of a Building (or XXXX) Permit (See Appendix A).**

Note: If fees are not paid prior to January 1st, 20XX the project will be subject to an annual fee adjustment, and the fee above will no longer be applicable.

Within 24 hours before ground disturbance:

2. **Pre-construction surveys for the giant garter snake will be conducted prior to ground disturbance within 200 feet of potential giant garter snake habitat to ascertain the need and extent of construction setback necessary to minimize impacts to this habitat. See attached map.**

Within 14 calendar days before ground disturbance:

3. Notify SJCOG, Inc. of plans to commence ground disturbance to allow for preconstruction surveys for the burrowing owl. If burrowing owls are found,

During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site shall be evicted from the project site by passive relocation as

described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed.

Prior to commencing ground disturbance:

4. The construction team shall meet with SJCOG, Inc. to discuss minimization measures designed to avoid impacts to burrowing owls. SJCOG Inc.'s biologist shall be present at the meeting to conduct burrowing owl education. [Alternatively, SJCOG, Inc. will be present at the preconstruction meeting undertaken by (Jurisdiction) prior to site disturbance with prior notification by (Jurisdiction)]
5. The construction team shall meet with SJCOG, Inc. to discuss minimization measures designed to avoid impacts to giant garter snakes. SJCOG Inc.'s biologist shall be present at the meeting to conduct giant garter snake education. [Alternatively, SJCOG, Inc. will be present at the preconstruction meeting undertaken by (Jurisdiction) prior to site disturbance with prior notification by (Jurisdiction)]

"In reliance on the Section 10(a)(1)(B) Permit issued by the United States Fish and Wildlife Service and the Section 2081(b) Incidental Take Permit issued by the California Department of Fish and Game, JURISDICTION has consulted with and agreed to allow coverage pursuant to the SJMSCP for the PROJECT NAME, its successors, agents and assigns pursuant to the "Implementation Agreement for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan" which will allow the PROJECT NAME, its successors, agents and assigns to construct, operate and maintain the Project commonly known as the PROJECT NAME and located on ASSESSORS PARCEL NUMBER which could result in a legally permitted Incidental Take of the SJMSCP Covered Species in accordance with and subject to the terms and conditions of the PROJECT NAME approved by JURISDICTION (Attached). This Certification applies only to activities on the subject parcel(s) which are carried out in full compliance with the approved plans for the PROJECT NAME, Section 10(a)(1)(B) Permit, and Section 2081(b) Incidental Take Permit conditions."

I have read, acknowledge, and agree to the preceding conditions:

APPLICANT NAME by

Date

Please Print Name Here

Attachment
Incidental Take Minimization Measures
Burrowing Owls and Giant Garter Snakes

Incidental take minimization measures for the following species are required, because they are known to occur in the vicinity of the project site, and the project site could become suitable for these species if current habitat conditions are not maintained.

5.2.4.8 Giant Garter Snake

- A. Full avoidance of giant garter snake known occupied habitat is required in compliance with Section 5.5.9 (C) for the following SJMSCP Covered Activities with the potential to adversely affect the GGS and which have not been mapped: golf courses; religious assembly; communications services; funeral; internment services; public services - police, fire and similar; projects impacting channel or tule island habitat; major impact projects including landfills, hazardous waste facilities, correctional institutions and similar major impact projects; recreational trails and campgrounds, recreational outdoors sports clubs; utility services, museums and similar facilities. Known occupied habitat for the giant garter snake is that area west of I-5 on Terminous Tract, Shin Kee Tract, White Slough Wildlife Area, and Rio Blanco Tract. New sites identified during the life of the SJMSCP as confirmed habitat sites for the giant garter snake shall be considered known occupied sites for the purposes of this section.
- B. For areas with potential giant garter snake habitat, the following is required. Potential GGS habitat elements are described in SJMSCP Section 2.2.2.2 and exist in the Primary Zone of the Delta and the Central Zone contiguous with known occupied habitat in the White Slough area north to the San Joaquin/Sacramento County line and south to Paradise Cut; in the Central Zone east of Stockton in Duck Creek, Mormon Slough, Stockton Diverting Canal, Little John's Creek, Lone Tree Creek, and French Camp Slough (wherever habitat elements are present); and the Southern Central Zone and Southwest/ Central Transition Zone including the area east of J4 from the Alameda-San Joaquin County Line to Tracy and area south of Tracy and east of Interstate 580 to the east edge of Agricultural Habitat Lands east of the San Joaquin River.
1. Construction shall occur during the active period for the snake, between May 1 and October 1. Between October 2nd and April 30th, the JPA, with the concurrence of the Permitting Agencies' representatives on the TAC, shall determine if additional measures are necessary to minimize and avoid take.
 2. Limit vegetation clearing within 200 feet of the banks of potential giant garter snake aquatic habitat to the minimal area necessary. **Per attached map(s)**
 3. Confine the movement of heavy equipment within 200 feet of the banks of potential giant garter snake aquatic habitat to existing roadways to minimize habitat disturbance. **Per attached map(s)**
 4. Prior to ground disturbance, all on-site construction personnel shall be given instruction regarding the presence of SJMSCP Covered Species and the importance of avoiding impacts to these species and their habitats.
 5. In areas where wetlands, irrigation ditches, marsh areas or other potential giant garter snake habitats are being retained on the site:
 - a. Install temporary fencing at the edge of the construction area and the adjacent wetland, marsh, or ditch;
 - b. Restrict working areas, spoils and equipment storage and other project activities to areas outside of marshes, wetlands and ditches; and
 - c. Maintain water quality and limit construction runoff into wetland areas through the use of hay bales, filter fences, vegetative buffer strips, or other accepted equivalents.
 6. If on site wetlands, irrigation ditches, marshes, etc. are being relocated in the vicinity: the newly created aquatic habitat shall be created and filled with water prior to dewatering and

destroying the pre existing aquatic habitat. In addition, non predatory fish species that exist in the aquatic habitat and which are to be relocated shall be seined and transported to the new aquatic habitat as the old site is dewatered.

7. If wetlands, irrigation ditches, marshes, etc. will not be relocated in the vicinity, then the aquatic habitat shall be dewatered at least two weeks prior to commencing construction.
8. Pre-construction surveys for the giant garter snake (conducted after completion of environmental reviews and prior to ground disturbance) shall occur within 24 hours of ground disturbance.
9. Other provisions of the USFWS Standard Avoidance and Minimization Measures during Construction Activities in Giant Garter Snake Habitat shall be implemented (excluding programmatic mitigation ratios which are superseded by the SJMSCP's mitigation ratios).

5.2.4.15 Burrowing owls

The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the Project Proponent should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:

- A. The Project Proponent may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.
- B. Alternatively, if burrowing owls are not known or suspected on a project site and the area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:

The Project Proponent may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the following approved methods to prevent reoccupation of the project site. Detailed descriptions of these methods are included in Appendix A (of the SJMSCP), *Protecting Endangered Species, Interim Measures for Use of Pesticides in San Joaquin County*, dated March, 2000:

1. Anticoagulants. Establish bait stations using the approved rodenticide anticoagulants Chlorophacinone or Diphacinone. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
2. Zinc Phosphide. Establish bait stations with non-treated grain 5-7 calendar days in advance of rodenticide application, then apply Zinc Phosphide to bait stations. Rodenticides shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
3. Fumigants. Use below-ground gas cartridges or pellets and seal burrows. Approved fumigants include Aluminum Phosphide (Fumitoxin, Phostoxin) and gas cartridges sold by the local Agricultural Commissioner's office. NOTE: Crumpled newspaper covered with soil is often an effective seal for burrows when fumigants are used. Fumigants shall be used in compliance with U.S. Environmental Protection Agency label standards and as directed by the San Joaquin County Agricultural Commissioner.
4. Traps. For areas with minimal rodent populations, traps may be effective for eliminating rodents. If trapping activities are required, the use of, shall be consistent with all applicable laws and regulations.



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

555 East Weber Avenue • Stockton, CA 95202 • (209) 468-3913 • FAX (209) 468-1084

CERTIFICATE OF PAYMENT

C-###-##

This Certificate of Payment serves as acknowledgement for payment of development fees pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan. The project and fee amount paid are provided below.

Project: PROJECT NAME

Assessor Parcel Number: ###-###-##

Project Jurisdiction: CITY

Project Impact(s): ACRES AND VEGETATION TYPE

Payment Date: DATE

Fee Amount: \$FEE for the disturbance of VEGETATION TYPE at the rate of \$FEE no greater than 30 days prior to pulling the building permit.

Total Amount Paid= \$X.XX

Certificate Prepared By: SJCOG Inc. STAFF

Payment Received By Signature: _____

Print Name: SJCOG Inc. STAFF

Date: DATE

cc: Building Department, Other _____

Appendix A

Calculating and Paying Fees

Fee Calculations

Fee calculations shall be based on **gross acreage of the total project site**.

For land divisions, fees shall be based on the total gross acreage of the original parcel divided by the number of lots created. For example, a four acre site is divided into four, one-acre sites. SJMSCP Fees for construction on each lot shall be based on one gross acre of conversion.

SJCOG, INC. shall continue to work with LOCAL JURISDICTIONS employing multipliers to phase out that approach in favor of this gross acreage approach to calculating SJMSCP fees.

Fee Payments

Fees shall be paid in the amount in effect at the time of issuance of Building Permit.

For mining operations and public projects, fees shall be paid at initiation of ground disturbance.

For schools, fees shall be paid prior to certificate of occupancy.