

3.5 "Agricultural Operations" means the production of all plants (horticulture), fish farms, animals and related production activities, including the planting, cultivation and tillage of the soil, dairying, and apiculture; and the production, plowing, seeding, cultivation, growing, harvesting, pasturing and fallowing for the purpose of crop rotation of any agricultural commodity, including viticulture, apiculture, horticulture, and the breeding, feeding and raising of livestock, horses, fur-bearing animals, fish, or poultry, the operation, management, conservation, improvement or maintenance of a farm or ranch and its buildings, tools and equipment; the construction, operation and maintenance of ditches, canals, reservoirs, wells and/or waterways used for farming or ranching purposes and all uses conducted as a normal part of such Agricultural Operations; provided such actions are in compliance with all applicable laws and regulations. The definition of Agricultural Operations shall not include any activities on state and federal property or in the MSHCP Conservation Area.

3.6 "Allowable Uses" means uses allowed within the MSHCP Conservation Area as defined in Section 7.0 of the MSHCP.

3.7 "Annual Report(s)" means the report(s) prepared pursuant to the requirements of the MSHCP as set forth in Section 6.11 of the MSHCP.

3.8 "Area Plans" means the community planning areas defined in the Riverside County General Plan. Sixteen Riverside County Area Plans are located within the MSHCP Plan Area.

3.9 "Area Plan Subunit" means a portion of an Area Plan for which biological issues and considerations and target acreages have been specified in Section 3.3 of the MSHCP.

3.10 "Biologically Equivalent or Superior Determination" means documentation that a particular project alternative will be biologically equivalent or superior to a project consistent with the guidelines and thresholds established in the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools set forth in Section 6.1.2 of the MSHCP, policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP, Additional Survey Needs and Procedures policies set forth in Section 6.3.2 of the MSHCP and the Criteria Refinement Process set forth in Section 6.5 of the MSHCP.

3.11 "Biological Monitoring Program" means the program detailing the requirements for monitoring of the MSHCP Conservation Area as set forth in Section 5.3 of the MSHCP.

3.12 "Biological Monitoring Report(s)" means the report(s) prepared pursuant to the requirements of Section 5.3.7 of the MSHCP.

3.13 "CDFG" means the California Department of Fish and Game, a department of the California Resources Agency.

3.46 "Environmental Laws" means state and federal laws governing or regulating the impact of Development activities on land, water or biological resources as they relate to Covered Species, including, but not limited to, CESA, FESA, the NCCP Act, CEQA, the National Environmental Policy Act ("NEPA"), the Federal Migratory Bird Treaty Act ("MBTA"), the Fish and Wildlife Coordination Act, the Fish and Wildlife Act of 1956, the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.), the Native Plant Protection Act (California Fish and Game Code §§ 1900 et seq.) and sections 1801, 1802, 3511, 4700, 5050 and 5515 of the California Fish and Game Code and include any regulations promulgated pursuant to such laws.

3.47 "Executive Director" means the Director of the Western Riverside County Regional Conservation Authority.

3.48 "Existing Agricultural Operations" means those lands within the MSHCP Plan Area that are actively used for ongoing Agricultural Operations, as further defined in Section 11.3 of this Agreement and Section 6.2 of the MSHCP.

3.49 "Existing Agricultural Operations Database" means the database created by the County to identify Existing Agricultural Operations, as further defined in Section 11.3 of this Agreement.

3.50 "FESA" means the Federal Endangered Species Act (16 U.S.C. §§ 1531 et seq.) and all rules and regulations promulgated thereunder, as amended.

3.51 "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

3.52 "Funding Coordination Committee" means a committee formed by the Regional Conservation Authority Board of Directors to provide input on local funding priorities and Additional Reserve Lands acquisitions.

3.53 "Habitat" means the combination of environmental conditions of a specific place providing for the needs of a species or a population of such species.

3.54 "HabiTrak" means a GIS application to provide data on habitat loss and conservation that occurs under the Permits.

3.55 "Incidental Take" means Take of Covered Species Adequately Conserved incidental to, and not the purpose of, an otherwise lawful activity, including, but not limited to, Take resulting from modification of habitat as defined in FESA and its implementing regulations.

3.56 "Independent Science Advisors" means the biologists, conservation experts and others that may be appointed by the Regional Conservation Authority Executive Director to provide

3.78 "New Agricultural Land" means acreage converted to Agricultural Operations after the Effective Date of this Agreement, as described in Section 11.3 of this Agreement and Section 6.2 of the MSHCP.

3.79 "New Agricultural Lands Cap" means a designated maximum number of acres of New Agricultural Land within the Criteria Area, as described in Section 11.3 of this Agreement and Section 6.2 of the MSHCP.

3.80 "Non-Contiguous Habitat Block" means a block of habitat not connected to other habitat areas via a Linkage or Constrained Linkage.

3.81 "No Surprises Assurances " means that, provided Permittees are implementing the terms and conditions of the MSHCP, this Agreement, and the Permit(s), the USFWS can only require additional mitigation for Covered Species Adequately Conserved beyond that provided for in the MSHCP as a result of Unforeseen Circumstances in accordance with the "No Surprises" regulations at 50 Code of Federal Regulations, sections 17.22(b)(5) and 17.32(b)(5) and as discussed in Section 6.8 of the MSHCP.

3.82 "Other Species" means species not identified as Covered Species under the MSHCP.

3.83 "Participating Special Entity" means any regional public facility provider, such as a utility company, a public district or agency, that operates and/or owns land within the MSHCP Plan Area and that applies for Take Authorization pursuant to Section 11.8 of this Agreement.

3.84 "Party" and "Parties" mean the signatories to this Agreement, namely the Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans, State Parks, USFWS and CDFG and any other city within the Plan Area that incorporates after the Effective Date of this Agreement and complies with Section 11.6 of this Agreement.

3.85 "Permits" means, collectively, the Section 10(a) Permit and NCCP Permit issued by the Wildlife Agencies to Permittees for Take of Covered Species Adequately Conserved pursuant to FESA, CESA and the NCCP Act and in conformance with the MSHCP and this Agreement.

3.86 "Permittees" mean the Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans and State Parks.

3.87 "Plan Area" means the boundaries of the MSHCP, consisting of an approximately 1,966 square-mile area in western Riverside County, as depicted in Exhibit "B" attached.

3.88 "Plan Participants" means the Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans and State Parks and others receiving Take Authorization under the Permits.

described in Section 6.6.7 of the MSHCP ("Independent Science Advisors"). The Independent Science Advisors shall be qualified biologists and conservation experts, with expertise in the Covered Species and their habitats. The Independent Science Advisors, if appointed, shall be retained for a term not to exceed twelve (12) months and report to the RCA Executive Director.

B. Duties and Responsibilities. The Independent Science Advisors shall have the duties and responsibilities as set forth in Section 6.6.7 of the MSHCP.

11.3 MSHCP Coverage of Agricultural Activities.

11.3.1 Definition of Agricultural Operations. "Agricultural Operations" means the production of all plants (horticulture), fish farms, animals and related production activities, including the planting, cultivation and tillage of the soil, dairying, and apiculture; and the production, plowing, seeding, cultivation, growing, harvesting, pasturing and fallowing for the purpose of crop rotation of any agricultural commodity, including viticulture, apiculture, horticulture, and the breeding, feeding and raising of livestock, horses, fur-bearing animals, fish, or poultry, the operation, management, conservation, improvement or maintenance of a farm or ranch and its buildings, tools and equipment; the construction, operation and maintenance of ditches, canals, reservoirs, wells and/or waterways used for farming or ranching purposes and all uses conducted as a normal part of such Agricultural Operations; provided such actions are in compliance with all applicable laws and regulations. Execution of this Agreement shall not constitute such compliance.

The use of pesticides is regulated by the state and federal Environmental Protection Agencies. Take associated with pesticide use is addressed in FESA Section 7 consultations between USFWS and United States Environmental Protection Agency. The MSHCP will not be interpreted as imposing greater regulatory requirements than those existing prior to issuance of the Permits. The MSHCP will not impose new or additional restrictions on Agricultural Operations adjacent to the MSHCP Conservation Area, except as set forth in Section 6.1.4 of the MSHCP. The definition of Agricultural Operations and therefore, Take Authorization, shall not extend to any activities on federal property.

11.3.2 Take Authorization for Existing Agricultural Operations. The Take Authorizations shall apply to those lands within MSHCP Plan Area actively being used for ongoing Agricultural Operations for at least one of the last five (5) years preceding the Effective Date of this Agreement ("Existing

Agricultural Operations"). A time period of less than one year or growing season may be appropriate for certain crop types, at the RCA's sole discretion, if supported by adequate factual evidence. Existing Agricultural Operations shall be exempt from payment of the Local Development Mitigation Fee or other mitigation measures, except as specifically set forth in Section 11.3.5 below. The Take Authorization shall become effective as to Existing Agricultural Operations upon their inclusion into the County database as set forth below and issuance and receipt by the RCA of a Certificate of Inclusion or other appropriate written mechanism, which will occur solely for the purpose of documenting acknowledgment of Take Authorization and ensuring compliance with the Permits, the MSHCP and this Agreement. (See Exhibit "F" attached.) The County Agricultural Commissioner will administer Certificates of Inclusion for Agricultural Operations under the direction of the RCA. Existing Agricultural Operations may change agricultural crop type and continue to receive Take Authorization, provided all requirements of this section have been met. Change in Agricultural crop type will not count towards the 10,000 New Agricultural Lands Cap and does not trigger application of the MSHCP Criteria. Conversion from grazing or pastureland uses to a tilled crop shall not fall within the definition of Existing Agricultural Operations. Excluding the conversion of grazing or pasture land uses to a tilled crop from the definition of Existing Agricultural Operations shall not be interpreted as having any precedential effect.

11.3.3 Verification of Existing Agricultural Operations. In order to verify the location of the Existing Agricultural Operations, the County will establish a database identifying Existing Agricultural Operations on or before the Effective Date of the MSHCP ("Existing Agricultural Operations Database"). The Existing Agricultural Operations Database shall include parcel numbers, acreage, ownership/operation names and mailing addresses. The County shall submit the information contained in the Existing Agricultural Operations Database to the RCA and the Wildlife Agencies on an annual basis and shall include a map or other representation identifying parcels containing Existing Agricultural Operations. A Certificate of Inclusion or other written mechanism shall be completed to obtain Take Authorization, which will occur solely for the purpose of documenting acknowledgment of Take Authorization and ensuring compliance with the Permits, the MSHCP and this Agreement. (See Exhibit "F" attached.)

11.3.4 Addition of Existing Agricultural Operations Database. Upon written request by a property owner, operator or other appropriate party, property not included in the Existing Agricultural Operations Database shall be added based upon a determination by the RCA that such land falls within the definition of Existing Agricultural Operations. The written request must be

1) submitted to the RCA within sixty (60) months of the Effective Date of this Agreement; and 2) supported by adequate factual evidence which may include, but is not limited to, the following information or other information acceptable to the RCA: a) agricultural permits obtained from, and/or registrations filed with the County, State of California or other appropriate public agency; b) an approved Agricultural Grading/Clearing Exception Form as defined in County Ordinance No. 457; c) business, tax and property records; d) Agricultural Preserve and Williamson Act contract information; or e) aerial photographs and other relevant business records and information. Parcels of forty (40) acres or less may be added to the Existing Agricultural Operations Database and, thus, receive Take Authorization within forty-eight (48) months of the Effective Date of this Agreement provided good cause can be shown why a written request was not submitted within the sixty (60) month period set forth in this section. The burden is solely upon the property owner, operator or other appropriate party to provide adequate information to the RCA in a timely manner to allow inclusion into the Database. Once the RCA has determined that property should be added to the database, the information submitted to the RCA pursuant to this section in support thereof shall be considered conclusive proof of Existing Agricultural Operations. The County and the RCA shall strictly maintain the confidentiality of documents and other information submitted in connection with verifying Existing Agricultural Operations to the maximum extent permitted under the California Public Records Act, or any other relevant statute or regulation. The RCA shall consider such requests to add land to the Existing Agricultural Operations Database and make a determination within thirty (30) days of receipt of the written request.

11.3.5 Expansion of Existing Agricultural Operations (Permit Required).

Expansion of Existing Agricultural Operations of similar use requiring a County or City discretionary permit or other discretionary authorization as defined in the County's agricultural zones set forth in Riverside County Ordinance No. 348 or relevant City land use regulation shall receive Take Authorization under the Permits, provided the requirements set forth in this Section are met. If the expansion requires a County or City discretionary permit or other discretionary authorization and occurs within the Criteria Area, then the Criteria shall be applied and appropriate mitigation imposed. Such projects shall not be subject to the Criteria and mitigation requirements if construction and operation disturbance and impacts are confined solely to the existing building footprint, i.e., limited to those areas that have been recently and consistently disturbed and have little or no habitat value. If the expansion requires a County or City permit or other discretionary authorization and occurs outside the Criteria Area, then the Criteria shall not be applied. However, the policies for the Protection of Narrow Endemic

Plant Species and Riparian/Riverine Areas and Vernal Pools, requirements as set forth in Sections 6.1.2 and 6.1.3 of the MSHCP shall be applied and additional surveys required, as set forth in Section 6.3.2 of the MSHCP, if appropriate. Such projects shall not be subject to these requirements if construction and operation disturbance and impacts are confined solely to the existing building footprint. Expansion of Existing Agricultural Operations shall be subject to the HANS process or other applicable Implementation Mechanism. The following activities will not be subject to the terms and conditions of the MSHCP:

- A. Well drilling permits for agricultural operations and private consumptive uses.
- B. Any permits related to livestock keeping for agricultural operations.
- C. Any permits related to legal pesticide and fertilizer use.
- D. Any permits related to farm outbuildings for agricultural operations; Farm outbuildings are defined as structures limited to two walls, such as tractor sheds and fruit and vegetable stands.

11.3.6 New Agricultural Lands. As set forth in Section 11.3.4, all Agricultural Operations on parcels included on the Existing Agricultural Operations Database that do not require a County or City discretionary permit or other discretionary authorization will receive Take Authorization as Existing Agricultural Operations without the need to comply with the Criteria or MSHCP mitigation requirements. The Take Authorization will be applied to a limited number of new lands to be used for Agricultural Operations (including Expansion of Existing Agricultural Operations not requiring a discretionary permit or other discretionary authorization), or subsequently determined to be converted to agricultural use, after the Effective Date of this Agreement consistent with the goals of the MSHCP ("New Agricultural Lands"). The Take Authorization may be applied to up to 10,000 acres of New Agricultural Lands within the Criteria Area during the term of the MSHCP ("New Agricultural Lands Cap"). The Take Authorization shall apply to New Agricultural Lands that fall within the New Agricultural Lands Cap, as allowed to increase pursuant to the amendment process set forth in Section 6.10 of the MSHCP, upon: 1) submission and approval of an Agricultural Grading/Clearing Exception Form as set forth in Riverside County Ordinance No. 457; and 2) either a) execution of a Williamson Act contract covering the New Agricultural Lands; or b) County or City approval of any other mechanism providing equal or better assurance that the proposed New Agricultural Lands will be used for Agricultural Operations. In all

instances, issuance of a Certificate of Inclusion or other written instrument must occur prior to Take Authorization. The County will process all Agricultural Grading/Clearing Exception Forms pursuant to the requirements of Riverside County Ordinance No. 457.

In the event that Development is subsequently proposed for property that has been designated as New Agricultural Lands, such Development will not be considered by the County or appropriate City for at least a five-year period following the inclusion of such property on the Existing Agricultural Operations Database. In limited cases of documented severe economic hardship, beyond the control of the property owner or operator as determined by the appropriate Permittee, the five-year period may be waived upon completion of a Minor Amendment to the MSHCP. This five-year requirement shall not be applicable to projects: 1) currently within an agricultural zone established by Ordinance No. 348, 2) whose building footprint will be wholly within property previously tilled as part of the Existing Agricultural Operations, 3) new agricultural activities including agricultural leases on properties for which a Development project has been approved, and 4) agricultural leases on property that is not identified for conservation in the context of the MSHCP Criteria.

Potential lessees could use information developed as part of the MSHCP to assist in determining whether property to be leased for agricultural uses would conflict with the MSHCP. It was determined that such a conflict would not exist if: 1) the property is on the agricultural database; 2) the property is outside the Criteria Area; or 3) the property is not identified as desirable for conservation by the MSHCP Criteria. The County Agricultural Commissioner working as appropriate with Local Permittees can assist lessees in making these evaluations by using the initial project review process incorporated in HANS. Take Authorization may be applied to unlimited new lands for Agricultural Operations outside the Criteria Area.

New Agricultural Lands shall be exempt from the payment of any impact mitigation fee or other mitigation measures imposed by the MSHCP, except as set forth in Section 11.3.5. The cap on New Agricultural Lands acreage is intended to accommodate expansion of Agricultural Operations while providing a mechanism for accounting for Take within the Criteria Area. It is not to be interpreted as restricting the expansion of agricultural land uses in the Plan Area. The New Agricultural Lands Cap will only apply until Reserve Assembly is complete, which is estimated to be approximately twenty-five (25) years from Permit issuance.

11.3.7 Increase in New Agricultural Lands Cap. The RCA shall monitor the acreage amount of New Agricultural Lands and the County shall add the parcel numbers, acreage and ownership information for the New Agricultural Lands to the Existing Agricultural Operations Database. An annual report containing this information shall be submitted to the Wildlife Agencies. By 2004, a map reflecting the location of New Agricultural Lands and their relationship to the Criteria Area shall be created and submitted to the Wildlife Agencies. This map shall be digitized and compatible with existing GIS systems. This map will be updated in 2005 and 2010. After 2010, the Parties shall agree when the preparation of future updated maps is appropriate. When the RCA determines that approximately 70% of the New Agricultural Lands Cap within the Criteria Area has been converted to New Agricultural Lands, the RCA shall seek approval of an amendment from the Wildlife Agencies to increase the New Agricultural Lands Cap. The Wildlife Agencies shall use reasonable efforts to expeditiously consider and, if appropriate, approve said request. A Minor Amendment may be appropriate to increase the New Agricultural Lands Cap if it meets the requirements for a Minor Amendment pursuant to Section 6.10.2 of the MSHCP and Section 20.4 of this Agreement and if it can be demonstrated to the satisfaction of the Wildlife Agencies that such an increase does not: 1) preclude Reserve Assembly, 2) significantly increase the cost of MSHCP Conservation Area management or assembly, and 3) preclude achieving Covered Species conservation and goals.

When the RCA determines that approximately 70% of the New Agricultural Lands Cap within the Criteria Area has been converted to New Agricultural Lands, then the County Agricultural Commissioner will provide written notice mailed to each owner of parcels five acres or larger zoned for agricultural use of record with the County Assessor's Office and to each of the landowners on the Master Index and on the Index of the Agricultural Land Conversions, and will publish a full-page advertisement and a legal notice in the Press Enterprise and the Californian once per week for four consecutive weeks, that: 1) includes information that Take Authorizations for conversions of non-agricultural lands to agricultural lands are in jeopardy of being exceeded, 2) explains the potential legal consequences of taking a listed species without the necessary Take Authorization, and 3) describes the procedure that the RCA will follow for applying for an amendment to the MSHCP to cover agricultural land conversions in excess of the New Agricultural Lands Cap and opportunities for affected landowners to participate in the process. Every five (5) years, the RCA in conjunction with the County Agricultural Commissioner shall review the status of the New Agricultural Lands Cap acreage amount and the need to begin processing a Plan amendment to increase the Cap.

17.0 THIRD PARTY TAKE AUTHORIZATION

17.1 Authorization. Upon execution of this Agreement by the Parties and the issuance of the Permits by the Wildlife Agencies, the Permittees may allow the Take of Covered Species Adequately Conserved by landowners, developers, farming interests and other private and public entities undertaking Covered Activities. Such Covered Activities must be under the direct control of the Permittees in conformance with approvals granted by the Permittees or carried out in conformity with a Certificate of Inclusion or other written mechanism and in compliance with this Agreement, the Permits and the MSHCP. As set forth in Section 11.0 of this Agreement, Permittees shall include as a part of any discretionary or certain City Ministerial Approvals, Certificate of Inclusion or other written mechanism a condition requiring compliance with the Permits, the MSHCP and this Agreement, and describes the Take Authorization granted. Such property owners, developers, farming interests, private entities and other Plan Participants shall receive Take Authorization provided they are in full compliance with all requirements of this Agreement, the MSHCP, the Permits, the Implementation Mechanism adopted by Permittees, issued entitlements and all other applicable requirements.

17.2 Agricultural Activities. Take Authorization shall be extended to Agricultural Operations upon issuance of a Certificate of Inclusion as set forth in Section 6.2 of the MSHCP and Section 11.3 of this Agreement. Such Agricultural Operations shall receive Take Authorization provided they are in full compliance with all requirements of this Agreement, the MSHCP, the Permits, and all other applicable requirements.

17.3 Timing of Take Authorization. Authorization of Take for Third Parties shall occur upon issuance of a grading permit by a Local Permittee or issuance of a Certificate of Inclusion by the RCA or other Local Permittee. Alternatively, as an incentive to convey property needed for inclusion in the MSHCP Conservation Area and for which monetary compensation will not be provided, Third Party Take Authorization may be granted upon project approval and property conveyance. In order to obtain this early Take Authorization, the conveyance must occur within forty-five (45) days after project approval. Any subsequent suspension or revocation of Permits terminating Third Party Take Authorization will not be applicable to the Take Authorization granted upon the project's approval, provided the property has been conveyed and all other mitigation obligations have been satisfied, except where such Take Authorization will jeopardize a Covered Species Adequately Conserved and listed under FESA and/or CESA. In this event, the provisions of Section 17.5 of this Agreement would be triggered. No grading permit or Certificate of Inclusion shall be issued by a Local Permittee until all mitigation requirements imposed by that Permittee through the Implementation Mechanism have been fully satisfied or are guaranteed to occur within a set time frame as approved by the Permittee. In the event that such mitigation requirements have not been satisfied prior to issuance of grading permit or Certificate of Inclusion, the applicant and the Permittee shall enter into an agreement setting forth the terms and conditions of MSHCP compliance and appropriate remedies for non-compliance. The Take Authorization conferred by the Permittees to the Third Parties shall be for the length of time, and run concurrently with, the specific

land development approval or other entitlement or approval granted by the Permittees and the term of the Permits.

17.4 Effect of MSHCP Amendments on Third Parties. Amendments or other revisions to the MSHCP, subsequent to the granting of Take to a Third Party by a Permittee, shall not affect the Take conferred upon a Third Party or the level of compensation required unless the Third Party, the Wildlife Agencies and the affected Permittee all agree to such amendment or revision.

17.5 Effect of Revocation or Suspension of Permits on Third Parties. In the event that one or more of the Wildlife Agencies revoke or suspend all or a portion of the Take Authorization allowed under the Permits, and provided the affected Permittee continues to carry out its obligations under the MSHCP, this Agreement and the Permits, the Take Authorization and other assurances granted to Third Parties Granted Take Authorization by the Permittees will remain in effect as to each individual Third Party Granted Take Authorization prior to the revocation or suspension unless USFWS or CDFG determines that continuation of the Permits with regard to Take by Third Parties Granted Take Authorization would likely jeopardize a species listed under FESA and/or CESA. In this event, the RCA, applicable Permittee(s), Third Parties Granted Take Authorization and Wildlife Agencies, shall meet and confer pursuant to the provisions in Section 23.6 of this Agreement. If these parties cannot reach a mutually satisfactory resolution, the Wildlife Agencies may revoke or suspend all Take Authorization under the MSHCP for that listed species. In this event, all Local Permittees, Third Parties Granted Take Authorization and Participating Special Entities would be eligible for full or partial refund from the RCA or other appropriate Permittees of any mitigation contribution, as appropriate, except to the extent that Take had already occurred. The RCA or other applicable Permittee will issue a notice to all potentially affected property owners that Take Authorization for that listed species is no longer valid under the Plan.

17.6 Effect of No Surprises Assurances on Third Parties. Pursuant to the No Surprises Rule, the Wildlife Agencies shall not require the commitment of additional land or financial compensation or other mitigation from the Permittees and the Permittees will not require such commitments from a Third Party pursuant to the MSHCP and this Agreement beyond those measures imposed on the Third Party by the Local Permittee in accordance with the MSHCP and this Agreement, unless agreed to by the Third Party. The Parties acknowledge that additional measures may be required for a species that is not a Covered Species, as described in Section 9.2 of the MSHCP.

17.7 Retention of Enforcement Authority Over Third Parties. The Parties reserve the right to enforce all applicable federal, state, or local laws against persons or entities which engage in unlawful land development activity without obtaining proper permits and approvals. The Parties further reserve the right to enforce all applicable federal, state, or local laws against Third Parties conducting land development activities within the Plan Area not in compliance with project approvals pursuant to the MSHCP. Local Permittees have the obligation to enforce conditions of project approval as described in Section 13.0 of this Agreement.