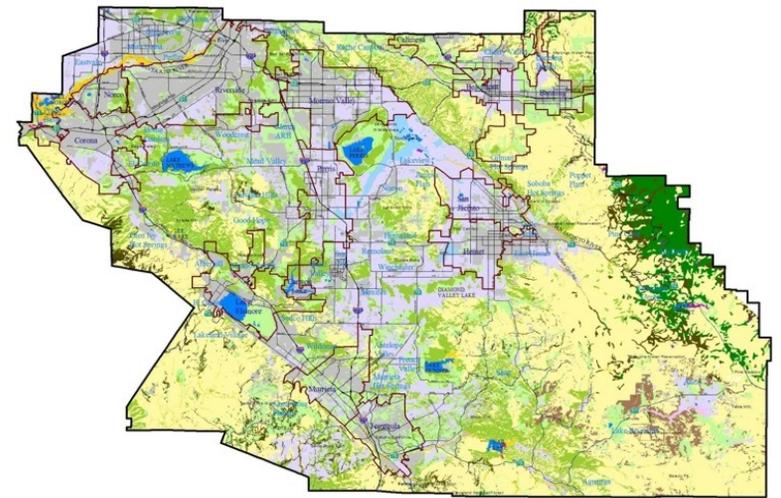


Western Riverside County Multiple Species Habitat Conservation Plan

Permittee Implementation Guidance Manual



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LIST OF ACRONYMS

APN	Assessor's Parcel Number
BMPs	Best management practices
CASSA	Criteria Area Species Survey Area
CDFG	California Department of Fish and Game
DBESP	Determination of Biologically Equivalent or Superior Preservation
ERP	Expedited Review Provision
GIS	Geographic information system
GPS	Global positioning system
HANS	Habitat Acquisition and Negotiation Strategy
IA	Implementing Agreement
JPA	Joint Powers Authority
MBTA	Migratory Bird Treaty Act
MSHCP	Multiple Species Habitat Conservation Plan
NCCP	Natural Community Conservation Planning Act
NEPSSA	Narrow Endemic Plant Species Survey Area
OHV	Off-highway vehicle
PQP	Public/Quasi-Public
RCA	Regional Conservation Authority
RCHCA	Riverside County Habitat Conservation Agency
RMOC	Reserve Management Oversight Committee
USFWS	United States Fish and Wildlife Service



SECTION 1

INTRODUCTION

1.1 PREAMBLE

This manual is intended to be used by Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Permittees to better understand the requirements for Plan implementation. Permittee planning staff should use this manual to properly apply MSHCP requirements throughout the planning process.

1.2 THE MSHCP

The County of Riverside Board of Supervisors approved the Draft Western Riverside County MSHCP on June 23, 2003. Each of the 14 cities within western Riverside County subsequently approved this document over the following several months. The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) issued “take” permits to the County, 14 cities, and other agencies (the “Permittees”) in June 2004, per the federal Endangered Species Act (16 U.S.C. 1531 et seq.) Section 10(a)(1)(b) and California Natural Community Conservation Planning Act (NCCP) (California Fish and Game Code, Section 2800 et seq.), respectively. The granting of take permits in effect “transferred” the obligation of endangered species land use and conservation planning from federal and state agencies to local authorities. The MSHCP serves as the guiding document for implementation of the conservation goals and objectives and of associated land use planning parameters now required of local Permittees.

The Western Riverside County Regional Conservation Authority (RCA) is a Joint Powers Authority (JPA) that was established to oversee implementation of the MSHCP. One of the RCA’s obligations under the MSHCP is to assist the Permittees with MSHCP implementation. Therefore, the RCA has prepared this Implementation Guidance Manual to assist with interpretation and clarification of key components and concepts of the MSHCP related to public facility project and local land use planning.

1.3 MANUAL DEVELOPMENT/UPDATE PROCESS

As MSHCP implementation occurs, issues, questions, and clarifications will arise, and general agency information, policies, and procedures will be modified over time. This manual is, therefore, a living document. The RCA is the author of the manual and will remain the clearinghouse for updates and revisions. An MSHCP contact person has been designated for each Permittee. On a periodic basis, each Permittee’s contact will be sent an update packet, complete with slip pages and manual modification instructions. Please see Appendix A for the RCA’s current Implementation and Guidance Manual contact.



SECTION 2

IMPLEMENTATION ROLES

2.1 INTRODUCTION

Successful implementation of the MSHCP requires both a local administrative structure and effective coordination with state and federal partners. Implementation will include executing, monitoring, and reporting coordinated MSHCP Reserve Assembly activities; accumulating and distributing funds; managing and monitoring MSHCP Conservation Area lands; and ensuring Permittee compliance with the MSHCP. Toward that end, the MSHCP sets forth a “Cooperative Organizational Structure” that aims to facilitate cooperation among the Permittees and the Wildlife Agencies and ensures that MSHCP conservation area management and monitoring will be consistent across jurisdictional boundaries. The Cooperative Organizational Structure also creates roles and responsibilities for elected officials. It should be noted that this Cooperative Organizational Structure does not supersede, limit, or otherwise negate the responsibilities assumed by the parties as set forth in the MSHCP and associated Implementing Agreement (IA).

2.2 REGIONAL CONSERVATION AUTHORITY

The Western Riverside County RCA is a JPA that was established to oversee implementation of the MSHCP. The RCA’s responsibilities are spelled out in detail in Section 6.6.2 of the MSHCP. Duties of the RCA include:

- Land acquisition/donation/fee title or conservation easement dedication management and administration
- Land management
- Biological resource monitoring in the MSHCP preserve
- MSHCP mitigation fee collection and management.

The RCA will also:

- Administer the agency budget and funding strategies
- Review the development of covered activity projects within the MSHCP criteria cells
- Assume duties and responsibilities of the Riverside County Habitat Conservation Agency (RCHCA) pursuant to the Long-Term Stephens’ Kangaroo Rat Habitat Conservation Plan, as appropriate
- Convey take authority to entities, utilizing the Participating Special Entity provision in the Plan
- Administer the operation of boards and committees set up by the MSHCP
- Serve as custodian of records related to MSHCP implementation
- Oversee and monitor MSHCP clerical changes, amendments, and criteria refinements
- Assist with resolving implementation questions, concerns, or disputes.

A complete list of RCA staff members and their associated roles is included in Appendix A.



2.3 PERMITTEES

The Permittees include the County of Riverside, the 14 cities within the Plan Area (Beaumont, Banning, Calimesa, Corona, Canyon Lake, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Temecula), the Riverside County Flood Control and Water Conservation District, the Riverside County Parks and Open Space District, Riverside County Waste Management, the Riverside County Transportation Commission, California State Parks, Caltrans, and the RCA. Specific obligations of each Permittee (as spelled out in the MSHCP and the IA) are described below.

COUNTY OF RIVERSIDE AND CITIES. As described in Section 13.2 of the IA, the County and Cities are obligated to be active participants in the MSHCP implementation process. A summary of the obligations specific to local implementation includes:

- Adopt and maintain an ordinance or resolution and amend their General Plans as appropriate to implement the requirements of the MSHCP for public and private development projects
- Participate in MSHCP governance, including providing representation on the RCA Board of Directors and Reserve Management Oversight Committee
- Collect the Local Development Mitigation Fee or other relevant fees
- Comply with the Habitat Acquisition and Negotiation Strategy (HANS) process as described in the MSHCP to ensure that local obligations are met for the Reserve Assembly
- Comply with “Other Plan Requirements,” including Section 6.1.2 (Riparian/Riverine and Fairy Shrimp Habitat), Section 6.1.3 (Narrow Endemic Plants), Section 6.3.2 (Criteria Area Survey Species), and Section 6.1.4 (Urban/Wildlands Interface Guidelines)
- Comply with Section 7.0 (siting and design guidance and Best Management Practices (BMPs) for covered activities)
- Transmit project information to the RCA for JPR of all projects within criteria cells and comply with the JPR process (Meet and Confer/Elected Official’s Ad Hoc Committee processes, as appropriate)
- Take necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of project approvals for public and private projects, including compliance with the MSHCP, the MSHCP Permits, and the IA.

A complete list of Permittee staff member contacts is included in Appendix A.

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT. As described in Section 13.4 of the IA, the Riverside County Flood Control and Water Conservation District is obligated to be an active participant in the MSHCP implementation process. A summary of the obligations specific to implementation includes:

- Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements include compliance with: (1) the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (2) the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the



MSHCP, (3) the requirements of Section 7.3.7 of the MSHCP, (4) the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (5) the BMPs and the siting and design criteria as set forth in Section 7.0 and Appendix C of the MSHCP. The requirements also include conducting surveys as set forth in Section 6.3.2 of the MSHCP.

- Contribute mitigation through payment of 3% of total capital costs for a covered activity. Such payment may be offset through acquisition of replacement habitat or creation of new habitat for the benefit of covered species, as appropriate. Such mitigation shall be implemented prior to impacts to covered species and their habitats.
- Manage land owned or leased within the MSHCP Conservation Area that has been set aside for conservation purposes pursuant to a management agreement to be executed between Riverside County Flood Control and CDFG.
- Participate as a member of the Reserve Management Oversight Committee (RMOC).
- Carry out all other requirements of the MSHCP, the MSHCP permits, and the IA.

RIVERSIDE COUNTY PARKS AND OPEN SPACE DISTRICT. As described in Section 13.5 of the IA, the Riverside County Parks and Open Space District is obligated to be an active participant in the MSHCP implementation process. A summary of the obligations specific to implementation includes:

- Adopt and maintain resolutions as necessary to implement the requirements and fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements include compliance with: (1) the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (2) the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the MSHCP, (3) the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (4) the BMPs and all other requirements of Section 7.0 and Appendix C of the MSHCP. The requirements also include conducting surveys as set forth in Section 6.3.2 of the MSHCP.
- Contribute to Plan implementation and the Reserve Assembly as determined by County Parks for covered activities, including one or both of the following: (1) acquisition of replacement habitat at a 1:1 ratio that is biologically equivalent or superior to the property being disturbed or (2) payment of Local Development Mitigation Fees as established by the County for commercial and industrial development. Such contribution shall occur prior to impacts to covered species and their habitats.
- Manage and monitor land owned or leased within the MSHCP conservation area that has been set aside for conservation purposes pursuant to Section 5.0 of the MSHCP; funding for such management and monitoring shall be provided pursuant to Section 8.0 of the MSHCP.
- Carry out all other requirements of the MSHCP, the MSHCP permits, and the IA.
- Participate as a member of the RMOC.

RIVERSIDE COUNTY WASTE MANAGEMENT. As indicated in Section 13.6 of the IA, Riverside County Waste Management must:

- Adopt and maintain resolutions as necessary to implement the requirements and fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements



include: (1) contribution of landfill tipping fees as set forth in Section 8.5 of the MSHCP, (2) compliance with the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (3) compliance with the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the MSHCP, (4) conducting surveys as set forth in Section 6.3.2 of the MSHCP, (5) compliance with the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (6) compliance with the BMPs and all other requirements of Section 7.0 and Appendix C of the MSHCP.

- Manage land owned within the MSHCP conservation area that has been set aside for conservation purposes pursuant to Section 5.0 of the MSHCP; funding for such management shall be provided pursuant to Section 8.0 of the MSHCP.
- Carry out all other requirements of the MSHCP, the MSHCP Permits, and the IA.

RIVERSIDE COUNTY TRANSPORTATION COMMISSION. As indicated in Section 13.7 of the IA, the Riverside County Transportation Commission is obligated to:

- Adopt and maintain ordinances or resolutions as necessary to implement the requirements and fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements include compliance with: (1) the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (2) the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the MSHCP, (3) the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (4) the BMPs and the siting and design criteria as set forth in Section 7.0 and Appendix C of the MSHCP. The requirements also include conducting surveys as set forth in Section 6.3.2 of the MSHCP.
- Contribute mitigation in the amount of \$153 million from Measure “A” funds for covered activities as described in Section 8.5.1 of the MSHCP. Such contribution shall occur proportionately prior to impacts to covered species or their habitats.
- Carry out all other requirements of the MSHCP, the MSHCP permits, and the IA.

CALTRANS. As indicated in Section 13.8 of the IA, Caltrans’ obligation under the MSHCP is to:

- Implement the necessary requirements to fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements include compliance with: (1) the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (2) the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the MSHCP, (3) the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (4) the BMPs and the siting and design criteria as set forth in Section 7.0 and Appendix C of the MSHCP. The requirements also include conducting surveys as set forth in Section 6.3.2 of the MSHCP.
- Contribute to the assembly of the Additional Reserve Lands through acquisition of two Conservation Land Areas pursuant to Section 8.4.4 of the MSHCP within the first 8 years of the Permits: one area of approximately 2,000 acres in the eastern portion of the Criteria Area, and one of approximately 1,000 acres in the western portion of the Criteria Area. These areas shall, if at



all feasible, be acquired in close proximity to new highway projects, improvement projects for existing highways, or wildlife movement corridors. The precise locations of the Conservation Land shall be determined in consultation with the Wildlife Agencies. The funds utilized by Caltrans for the acquisition of the Conservation Land will be funded by the State Transportation Improvement Program.

- Transfer and fund three positions within CDFG for the management and monitoring of Additional Reserve Lands. Two positions would be assigned primarily to management and one position to biological monitoring. Caltrans would be required to enter into an interagency agreement with CDFG within 180 days of Permit issuance and prior to any take associated with Caltrans covered activities. As an alternative, Caltrans may establish an endowment account pursuant to Section 8.4.4 of the MSHCP.
- Enter into a conservation banking agreement with the Wildlife Agencies within 12 months of issuance of the Permits. Such an agreement will provide appropriate assurances to Caltrans regarding any unused mitigation credits for covered activities in the event that the Permits are terminated, revoked, or suspended.
- Carry out all other requirements of the MSHCP, the MSHCP permits, and the IA.

CALIFORNIA STATE PARKS. As outlined in Section 13.9 of the IA, State Parks must do the following per the MSHCP:

- For Non-Off-Highway Vehicle (OHV) activities, implement the necessary requirements to fulfill the purposes of the Permits, the MSHCP, and the IA for covered activities. Such requirements include compliance with: (1) the policies for the protection of species associated with riparian/riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP, (2) the policies for the protection of narrow endemic plant species as set forth in Section 6.1.3 of the MSHCP, (3) the urban/wildlands interface guidelines as set forth in Section 6.1.4 of the MSHCP, and (4) the BMPs and the siting and design criteria as set forth in Section 7.0 and Appendix C of the MSHCP. The requirements also include conducting surveys as set forth in Section 6.3.2 of the MSHCP.
- For OHV activities, and prior to construction of the OHV park, contribute 3,000 acres of Additional Reserve Lands in the Badlands within the criteria area as mitigation for impacts associated with up to 600 acres of active riding areas resulting from the establishment of a State Vehicular Recreational Area in the Badlands. As discussed in Section 7.3.6 of the MSHCP, the actual disturbed active riding area could expand by 100 acres for each additional 500 acres of habitat conserved within the criteria area in the vicinity of the State Vehicular Recreation Area.
- For Non-OHV activities, as set forth in Section 8.4.4 of the MSHCP, State Parks' take authorization for covered activities is contingent on the preparation of unit management plans, which will reflect the scope of work and State Parks' obligation to manage and monitor land within the MSHCP conservation area, pursuant to Section 5.0 of the MSHCP. The unit management plans must be reviewed and approved by the Wildlife Agencies.
- As provided in Sections 5.0 and 8.4.4 of the MSHCP, provide for the management and monitoring of the 3,000 acres of Additional Reserve Lands and any additional mitigation lands as described above. State Parks will perform management and monitoring by: (1) establishing an



endowment with CDFG to fund two positions for management and monitoring, (2) transferring and funding two positions within CDFG, or (3) dedicating and funding two State Parks positions for management and monitoring. One position will be assigned primarily to management and the other position to the MSHCP biological monitoring team. The estimated annual funding in current dollars for the two positions (salary and benefits for two staff environmental scientists, plus support funds) is \$250,000.

- Participate as a member of the RMOC.
- Carry out all other requirements of the MSHCP, the MSHCP Permits, and the IA (including Section 7.3.6 of the MSHCP).

2.4 WILDLIFE AGENCIES

U.S. FISH AND WILDLIFE SERVICE (USFWS). Section 14 of the IA outlines the obligations of the USFWS. Several obligations are unrelated to local MSHCP implementation and are, therefore, excluded from this manual. The USFWS has the following obligations for MSHCP implementation:

- ***Implementation Assistance.*** The USFWS shall provide staff to serve on appropriate committees and shall ensure, to the extent possible, staff participation in discussions and meetings with the other parties to make certain that the implementation of the IA is consistent with findings upon which the Section 10(a) Permit is based. The USFWS shall cooperate with the Permittees in obtaining additional funding from sources, including existing and future state and federal grant programs and existing and future bond issues.
- ***Section 7 Consultations.*** The USFWS shall process Section 7 consultations in an expedited manner for projects that have been deemed consistent with the Plan following completion of the local MSHCP consistency process.
- ***Migratory Bird Treaty Act.*** The MSHCP take permit constitutes a Special Purpose Permit per the Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703 et seq.). The MSHCP requires periodic renewal of the Special Purpose Permit (i.e., renewal depends on full compliance with the MSHCP take permit). If a project is consistent with all provisions of the MSHCP, lawful take of MSHCP covered species or their habitat protected by the MTBA will not result in violation of the MBTA.

CALIFORNIA DEPARTMENT OF FISH AND GAME (CDFG). Section 15 of the IA outlines the obligations of the CDFG. Several obligations are unrelated to local MSHCP implementation and therefore are excluded from this manual. The CDFG has the following obligations for MSHCP implementation:

- ***Implementation Assistance.*** CDFG shall provide staff to serve on appropriate committees and shall ensure that staff are available for informal discussions and meetings with the other Parties to make certain that the implementation of the IA is consistent with, and will not render invalid, any findings upon which the NCCP Permit is based. To the extent consistent with its legal authorities, CDFG shall cooperate with the Permittees in obtaining additional funding from sources including existing and future state and federal grant programs and existing and future bond issues.



- **Regulatory Consultations.** Except as otherwise required by law, CDFG shall not recommend or seek to impose through consultation with other public agencies any mitigation, compensation, or habitat enhancement requirements regarding impacts to covered species that exceed the requirements prescribed in and pursuant to the MSHCP and the IA, including, without limitation, comments offered by CDFG in the context of any California Environmental Quality Act (CEQA) process associated with approvals for covered activities.

2.5 STAKEHOLDER AND ADVISORY BOARDS

The MSHCP's Cooperative Organizational Structure outlined several boards and committees responsible for assisting and/or overseeing the RCA and MSHCP implementation in general. The following sections include a summary of each committee's function, membership, and other general information. Appendix A includes a current list of each committee's membership.

2.5.1 RCA Board of Directors

ROLE. The RCA Board of Directors (RCA Board) is the body of elected officials charged with overseeing operation of the RCA. The RCA Board shall provide the primary policy direction for the implementation of the MSHCP and shall provide opportunities for public participation in the decision-making process.

MEMBERSHIP COMPOSITION. Designated members of the Riverside County Board of Supervisors and an elected official from each of the 14 cities shall comprise the RCA Board. Please see Appendix A for a current list of RCA Board members and associated roles.

MEMBERSHIP TERM. The MSHCP indicates that RCA Board members may be appointed for a multiple-year term or for multiple terms, as appropriate, given the complexities of the MSHCP.

KEY GUIDELINES. Each member of the RCA Board shall have one vote at meetings. The MSHCP allows the RCA Board to conduct voting based upon a weighted system (similar to that allowed pursuant to Section 130053.7 of the California Public Utilities Code). The MSHCP allows the RCA Board to establish a procedure for the Directors to appoint an alternate member to the Board to represent a regular member of the Board who is absent.

ADMINISTRATION. Meetings of the RCA Board are open to the public. See Appendix A for standing meeting dates, agenda item submittal deadlines, agenda and meeting minute posting guidelines, and RCA staff administrative contact(s).

2.5.2 RCA Executive Committee

ROLE. The Executive Committee shall oversee RCA administrative functions and staff functions; recommend staff positions, job descriptions, and salaries; and consider such other matters as are delegated to it by the RCA Board. It should be noted that this committee was formed by the RCA Board by resolution; its roles, membership composition, and function are, therefore, not outlined in the MSHCP. **NOTE:** The Executive Committee was formerly titled the Administrative Committee.



MEMBERSHIP COMPOSITION. The Executive Committee shall be appointed by the Chairperson and ratified by the RCA Board. The Committee shall be composed of seven members, either two or three of whom will represent the County. The Commission's Board Chairperson, Vice Chairperson, and past Chairperson, if any, shall be members of the Committee. Please see Appendix A for a list of current RCA Executive Committee members.

ADMINISTRATION. Meetings of the RCA Executive Committee are open to the public. See Appendix A for standing meeting dates, agenda item submittal deadlines, agenda and meeting minute posting guidelines, and RCA staff administrative contact(s).

2.5.3 Funding Coordination Committee

ROLE. The Funding Coordination Committee shall provide recommendations to the Board on funding priorities and strategies for MSHCP conservation area acquisitions. Additionally, the Committee shall provide a forum to discuss land acquisition priorities of the USFWS and CDFG and acquisitions by other entities using non-local sources of revenue.

MEMBERSHIP COMPOSITION. The Funding Coordination Committee shall be appointed by the RCA Executive Committee members and will consist of representatives from the USFWS, CDFG, and the RCA. The Planning Directors, or designated representatives, shall participate in the Funding Coordination Committee as appropriate. Appendix A provides a current list of Funding Coordination Committee Members.

ADMINISTRATION. Meetings of the Funding Coordination Committee are open to the public. See Appendix A for standing meeting dates, agenda item submittal deadlines, and agenda and meeting minute posting information.

2.5.4 Reserve Management Oversight Committee

ROLE. As outlined in Section 6.6.4 of the MSHCP, the Reserve Management Oversight Committee shall serve as the intermediary between the Reserve Managers and the decision-making function of the RCA.

MEMBERSHIP COMPOSITION. As indicated in Section 6.6.4, the RCA Executive Director shall serve as the chair of the Reserve Management Oversight Committee. The Committee shall consist of at least nine members, including: USFWS, CDFG, the Riverside County Regional Parks and Open Space District, the Bureau of Land Management, the U.S. Forest Service, the California Department of Parks and Recreation, the Riverside County Flood Control and Water Conservation District, the RCA, the County of Riverside, Cities (if applicable), and up to five additional private or public agencies or entities that own or manage land within the MSHCP conservation area appointed by the RCA. Appendix A provides a current list of the Reserve Management Oversight Committee members.

ADMINISTRATION. Meetings of the Reserve Management Oversight Committee are open to the public. See Appendix A for standing meeting dates, agenda item submittal deadlines, and agenda and meeting minute posting guidelines.



2.5.5 Independent Science Advisors

ROLE. As outlined in MSHCP Section 6.6.7, the Independent Science Advisors shall serve at the request of the RCA Executive Director and assist in the MSHCP implementation process, provide recommendations based on the best available scientific information concerning scientific aspects of the Plan, and coordinate with Reserve Managers.

MEMBERSHIP COMPOSITION. Section 6.6.7 indicates that the Independent Science Advisors be appointed by the RCA Executive Director, along with input from the Reserve Management Oversight Committee. The Independent Science Advisors may be independent, associated with educational institutions or public agencies, members of a non-profit organization, or employees of biological science firms. Appendix A provides a current list of the Independent Science Advisors.

ADMINISTRATION. The RCA shall sponsor an annual workshop for the Independent Science Advisors. See Appendix A for standing workshop dates, purpose of the workshop, and RCA staff administrative contact(s).

2.5.6 Stakeholders' Committee

ROLE. This committee shall review implementation plans from a stakeholder perspective and perform such other duties as directed by the RCA Board of Directors. **NOTE:** The Stakeholders' Committee is referred to as the Implementation and Guidance Committee in the MSHCP.

MEMBERSHIP COMPOSITION. Undefined.

ADMINISTRATION. Meetings of the Stakeholders' Committee are open to the public. See Appendix A for standing meeting dates, agenda item submittal deadlines, and agenda and meeting minute posting guidelines.

2.5.7 Elected Officials' Ad Hoc Committee

ROLE. As outlined in Section 6.6.2E of the MSHCP, the Ad Hoc Committee is responsible for resolving outstanding issues regarding the project's compliance with the MSHCP that the RCA staff and Permittee representatives fail to resolve at the MSHCP Compliance Meet and Confer.

MEMBERSHIP COMPOSITION. The Ad Hoc Committee is made up of elected officials representing the RCA and Permittee. Appendix A provides an outline for selection of the Ad Hoc Committee.

ADMINISTRATION. See Appendix A for committee operation information.

SECTION 3

MSHCP CONSISTENCY DETERMINATION PROCESS

3.1 PERMITTEE IMPLEMENTATION REQUIREMENTS

Successful implementation of the MSHCP requires that Permittees adhere to the guidelines and requirements outlined in the MSHCP and the Implementing Agreement (IA). The following documents or ordinances apply to key implementation components of the MSHCP and are outlined for Permittees' reference.

3.1.1 MSHCP Adoption

Each City adopted an ordinance that officially adopted the MSHCP as a local planning tool/program.

3.1.2 Local Development Mitigation Fee

In order to finance the MSHCP program, each local Permittee (Cities and County) approved an ordinance imposing the Local Development Mitigation Fee. It should be noted that the Local Development Mitigation Fee will be increased on an annual basis in order to keep pace with inflation. Non-local Permittees (such as the Riverside County Transportation Commission, Caltrans, State Parks, the Riverside County Waste Management, and the Riverside County Flood Control and Water Conservation District) and local Permittees' public infrastructure projects are not subject to the Local Development Mitigation Fee, but rather to monetary contributions as described in Section 13 of the IA.

3.1.3 Implementing Agreement/MSHCP Commitment Obligation

Section 13 of the IA indicates that each Permittee is obligated to follow the implementation directives described in the MSHCP. Specific implementation directives include:

HANS PROCESS OBLIGATION. Section 6.1.1 of the MSHCP and Section 13 of the IA state that each local Permittee will utilize the Habitat Acquisition Negotiation Strategy (HANS) process or a similar method to ensure compliance with Reserve Assembly (cell criteria) and "Other Plan Requirements."

3.2 MSHCP CONSISTENCY DETERMINATION PROCESS

The Permittees are obligated to review each private development or discretionary project application and public infrastructure project to determine consistency with the MSHCP, regardless of whether it is located in a criteria cell. Several processes have been outlined in the MSHCP and are further clarified below.

3.2.1 Public Facilities

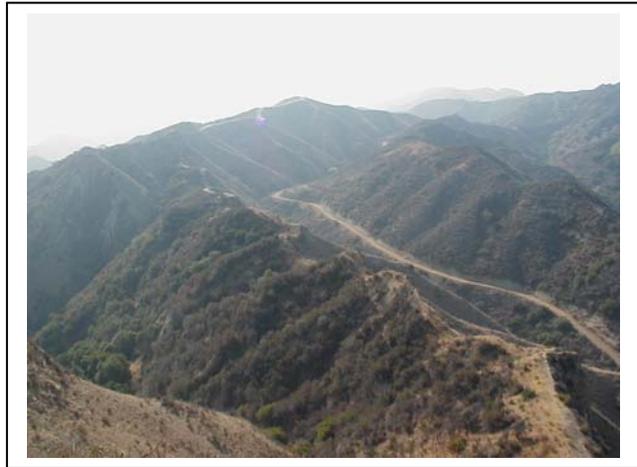
The development of new public facilities or modifications to existing public facilities (i.e., circulation element roadways) are contemplated as "Covered Activities" in the MSHCP and are described in MSHCP Sections 7.3.4–9. Covered activities receive take authorization through the MSHCP, provided that certain



specifications, siting and design criteria, and general avoidance guidelines are followed, as outlined in Section 7.0 of the MSHCP. Covered activities contemplated by local Permittees (all Permittees except for State Parks and Caltrans) that are within the criteria area must be reviewed by the Permittee and the RCA through the Joint Project Review process (see outline of JPR process in Section 3.2.3.1). Public facilities would likely fall into one of the four categories listed below. The process appropriate for each category is outlined below.

3.2.1.1 Within Existing Public/Quasi-Public Lands

In the event that a Permittee elects to use property currently depicted as Public/Quasi-Public (PQP) Lands on the MSHCP Plan Map (see Figure 3-1 of the MSHCP) in a way that alters the land use such that it would not contribute to Reserve Assembly (see Section 4.1 of this Implementation Guidance Manual), that Permittee will locate and acquire or otherwise encumber replacement acreage at a minimum ratio of 1:1. The Permittee must make findings that the replacement acreage is biologically equivalent or superior to the existing property, as set forth in Section 6.5 of the MSHCP. This



“PQP Trade-Out” process must be approved by the RCA and, once agreed upon by the Permittee and RCA, sent to the Wildlife Agencies for final concurrence. Once all parties agree that the trade-out land is biologically equivalent or superior, the RCA-managed PQP database will be modified to reflect the trade-out and replacement lands.

3.2.1.2 Within Criteria Area

The MSHCP designates approximately 300,000 acres where the 153,000-acre habitat preserve can be assembled. The MSHCP depicts this 300,000-acre area through “Criteria Cells” (roughly based on U.S. Geological Survey quarter sections). The ultimate MSHCP reserve will be assembled in the “Criteria Area,” which is the sum total area of all criteria cells. Because the criteria area is the location of the ultimate MSHCP reserve, additional project review requirements apply (see additional discussion of criteria area requirements in Section 4 of this Implementation Guidance Manual).



Section 6.6.2E of the MSHCP indicates that in order to assist the local Permittees in meeting the conservation goals of the Plan, local Permittees proposing infrastructure projects that have the potential to affect connectivity of habitat within the criteria area will consult with the RCA at the pre-design stage regarding the size, location, and configuration of wildlife crossings pursuant to the guidelines in Section 7.5.2 of the MSHCP. This will ensure that project designs proceed in concert with MSHCP requirements before extensive financial resources have been spent.

3.2.1.3 Outside Criteria Area

A covered activity that is outside of the criteria area has take authorization for covered species and their associated habitat per the MSHCP. These projects must comply with “Other Plan Requirements” (see Sections 3.2.3.1 and 4 of this Manual), as set forth in the MSHCP. These projects are not required to go through the JPR process. These projects pay a portion of the total capital improvement budget as a Local Mitigation Fee per MSHCP requirements.



3.2.1.4 Non-Permittee Public Projects (Participating Special Entity)

As outlined in Section 11.8 of the IA, any public facility provider (such as a utility company or a public district, including, but not limited to, a school, water, or irrigation district) that operates facilities and/or owns land within the Plan Area (and is therefore referred to as a "Participating Special Entity") may request take authorization for its activities. Such activities must comply with the terms and requirements of the permits, the MSHCP, and the IA in order to take advantage of the Participating Special Entity provision of the MSHCP.

The Participating Special Entity will submit a complete application for the proposed activity to the RCA; the application will contain a detailed description of the proposed activity, a map indicating the location of the proposed activity, an analysis of the project’s relationship to the MSHCP in terms of the Reserve Assembly, and the results of survey and mapping as required pursuant to Section 6.3 of the MSHCP (see Section 4 of this Manual for further discussion of the Reserve Assembly and “Other Plan Requirements”).

RCA and Wildlife Agency staff will review the application within 30 days of receipt of the complete application. If RCA staff, with the concurrence of the Wildlife Agencies, finds that the proposed activity complies with all terms and



requirements of the MSHCP, the permits, and the IA, the RCA shall issue a Certificate of Inclusion upon completion or fulfillment of all appropriate requirements, and the proposed activity shall be deemed a covered activity.

In the event the proposed activity crosses the MSHCP Conservation Area, RCA staff must make a finding prior to issuance of a Certificate of Inclusion and supported by adequate evidence that the activity will result in a biologically equivalent or superior alternative to the MSHCP Conservation Area. The Certificate of Inclusion shall depict on an attached map the lands by parcel number, acreage, and owner to which the proposed Take Authorization(s) would apply. In the event that the proposed activity does not comply with the terms and requirements of the permits, the MSHCP, and the IA, and/or compromises the viability of the MSHCP Conservation Area, RCA and Wildlife Agency staff shall meet with Participating Special Entity representatives to attempt to reach a mutually agreeable solution.

Participating Special Entities will also contribute to Plan implementation through payment of a fee based upon the type of proposed activity, which shall be applicable to activities in the Plan Area. For regional utility projects that will be constructed to serve private development, such as major trunk lines, Participating Special Entities will pay a fee in the amount of 5% of total capital costs or take such other actions as may be agreed to by the RCA and the Wildlife Agencies. For such activities that will result in only temporary impacts and disturbance, Participating Special Entities will pay a fee in the amount of 3% of total capital costs or other appropriate measures as may be agreed to by the RCA and the Wildlife Agencies. Public district or agency projects that will be constructed to serve public development, such as new schools and treatment plants, will be designed and implemented pursuant to the criteria as described in Section 3.3 of the MSHCP and all other requirements of the MSHCP, including payment of a fee equivalent to the Local Development Mitigation Fees (utilizing commercial and/or industrial development fee rates). Obligations of this Participating Special Entity provision must be complied with prior to disturbance of any covered species and/or their habitat.

3.2.2 Single-Family Homes

MSHCP Section 7.3.2 states that development of an individual single-family home or mobile home on an existing legal parcel is a covered activity within the criteria area, in accordance with existing land use regulations. This special provision is referred to as “Expedited Review Provision” (ERP). Specific siting and design measures may apply if the existing lot has sensitive biological resources on site. Siting on an existing lot is determined by factors such as access, topography/terrain, zoning development standards including setbacks, soil types, presence of earthquake fault lines, leach fields, presence of oak trees, and location of lot within a high fire hazard area.



An application for the issuance of (1) a grading permit for an individual single-family home on an existing lot or (2) a site preparation permit for a mobile home on an existing lot within the criteria area is subject to review against the MSHCP conservation criteria, solely in order to determine the location of a building footprint area and any necessary access road(s) on the least sensitive portion of the lot. The Permittee may require that a habitat assessment be prepared to assist in determining the most appropriate location for the area of disturbance and any necessary access road(s). A habitat assessment, for purposes of this single-family home provision, shall include mapping of the vegetation at sufficient detail to identify sensitive areas. Upon completion of the review, the Permittee shall determine the location of the area of disturbance and the location of necessary road(s). Necessary firebreaks must be included within the area of disturbance. The area of disturbance and area of conservation should be

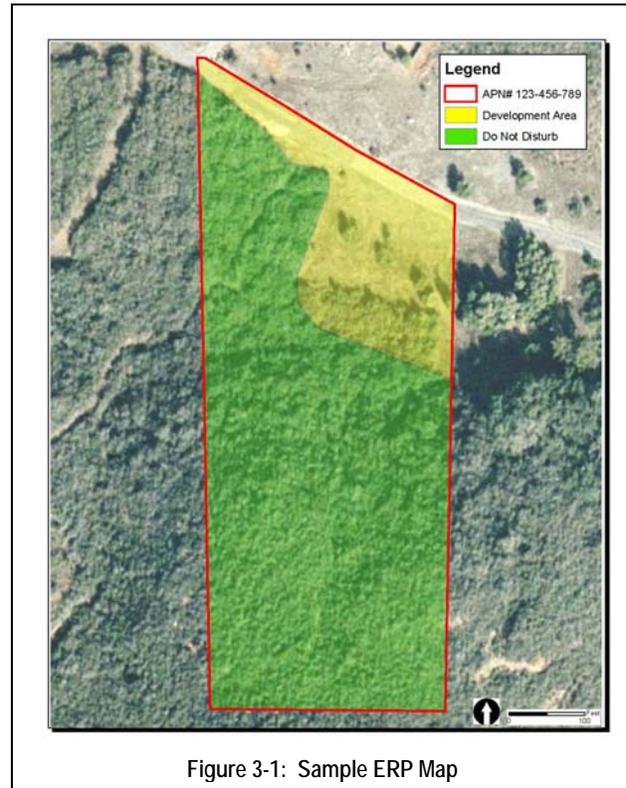


Figure 3-1: Sample ERP Map

mapped either through the Permittee's GIS system or via a hard-copy map that is attached to the grading or site preparation permit. Figure 3-1 represents a sample map delineating the development and no impact areas on an existing lot. The RCA utilizes these maps during preparation of the MSHCP Annual Report.

If during the review period it is determined that all or some of the property may benefit assembly of the MSHCP Conservation Area, the Permittee (with assistance from the RCA, as necessary) may negotiate with the property owner to acquire the lot, or a portion thereof, or determine which incentives may apply in order to establish a conservation easement over the property. If upon completion of the project review the Permittee is unable to reach agreement with the property owner concerning the acquisition of the entire lot or a conservation easement over a portion of the lot, the property owner may proceed with the processing of the grading or site preparation permit application in accordance with the Permittee's determination of the least sensitive portion of the lot.

3.2.3 Development Projects

Development projects (i.e., privately sponsored projects seeking approval from a Permittee) can be divided into two categories based on their location within the Plan Area: within the MSHCP Criteria Area and outside of the Criteria Area. The MSHCP consistency process for each scenario is outlined below.

3.2.3.1 Within Criteria Area

Determining consistency with the MSHCP for projects that are located within the criteria area (i.e., within a criteria cell) consists of analyses relating to two main topics: Reserve Assembly and “Other Plan Requirements.”

STEP 1: Project Consistency Analysis of Reserve Assembly

This analysis includes review of the project’s relationship on three geographic levels, beginning with the largest and ending with the smallest Reserve design feature. All projects within the criteria area must be reviewed for consistency with the following three reserve units: (1) cores and linkages, (2) Area Plans and subunits, and (3) criteria cells. Assistance with determination of consistency with these three Reserve units is further discussed in Section 4.0 of this Implementation Manual.

The HANS process outlines a methodology for Permittees to utilize in order to negotiate for set-aside or purchase of areas needed for conservation (Reserve Assembly). Permittees may utilize incentives such as density bonuses or waivers of other local impact fees in return for conservation of a portion of a project site deemed important for MSHCP Reserve Assembly.

STEP 2: Project Consistency Analysis of “Other Plan Requirements”

In addition, the project’s relationship with Reserve design (cores and linkages, Area Plans and subunits, and criteria cells), must be reviewed to determine consistency with the following MSHCP provisions:

- Section 6.1.2, Riparian/Riverine Requirements
- Section 6.1.3, Narrow Endemic Plant Species Requirements
- Section 6.3.2, Additional Survey Needs and Procedures
- Section 6.1.4, Urban/Wildland Interface Guidelines.



Section 4.0 of this Implementation Manual provides direction and helpful hints for determining consistency with these requirements.

STEP 3: Joint Project Review Process

Once the Permittee has independently reviewed the proposed project and made a determination of consistency/inconsistency with the MSHCP, the project is reviewed by the RCA through the JPR process. The JPR process is described in Section 6.6.2E of the MSHCP. To ensure that the requirements of the

MSHCP permits, the MSHCP, and the IA are properly adhered to by all Permittees, projects within criteria cells (general area where MSHCP Reserve is to be assembled), shall be reviewed by the RCA (acting as an oversight authority) through the JPR process.

The JPR process is illustrated in Flow Chart 3-1.

JPR PROCESS NOTES/CLARIFICATIONS

JPR Application Materials. A complete JPR package includes the following materials:

- Complete RCA JPR application form (see Appendix C for RCA JPR Application Forms).
- Project description.
- Complete list of APNs.
- Project site plan (including a clear delineation of areas intended for development and conservation, as applicable). A project site plan can include a plot plan or a tentative tract map if the map *clearly* delineates where development and conservation (for purposes of MSHCP Reserve) will be located.
- All biological resource technical reports, studies, or notes that assisted the Permittee with preparing the MSHCP Findings of Consistency/Inconsistency (note that because the RCA does not visit a project site, clear documentation of all biological resources, including maps and associated written analysis of conclusion, is imperative).
- Permittee's MSHCP Consistency/Inconsistency Findings.

Without the above items, the RCA does not have sufficient information to review the project. If insufficient information is submitted by the Permittee, the project will be placed "on hold", as outlined in Flow Chart 3-1, Step A, until sufficient information is submitted to the RCA.

Determination of Biologically Equivalent or Superior Preservation (DBESP) Review Timeframe. If a project requires a DBESP, the DBESP must be submitted with the JPR application materials for the RCA's review. Although the MSHCP states that the Wildlife Agencies have up to 60 days to review the DBESP, the RCA will complete review of the DBESP within the 14-day JPR review period as outlined in Flow Chart 3-1.

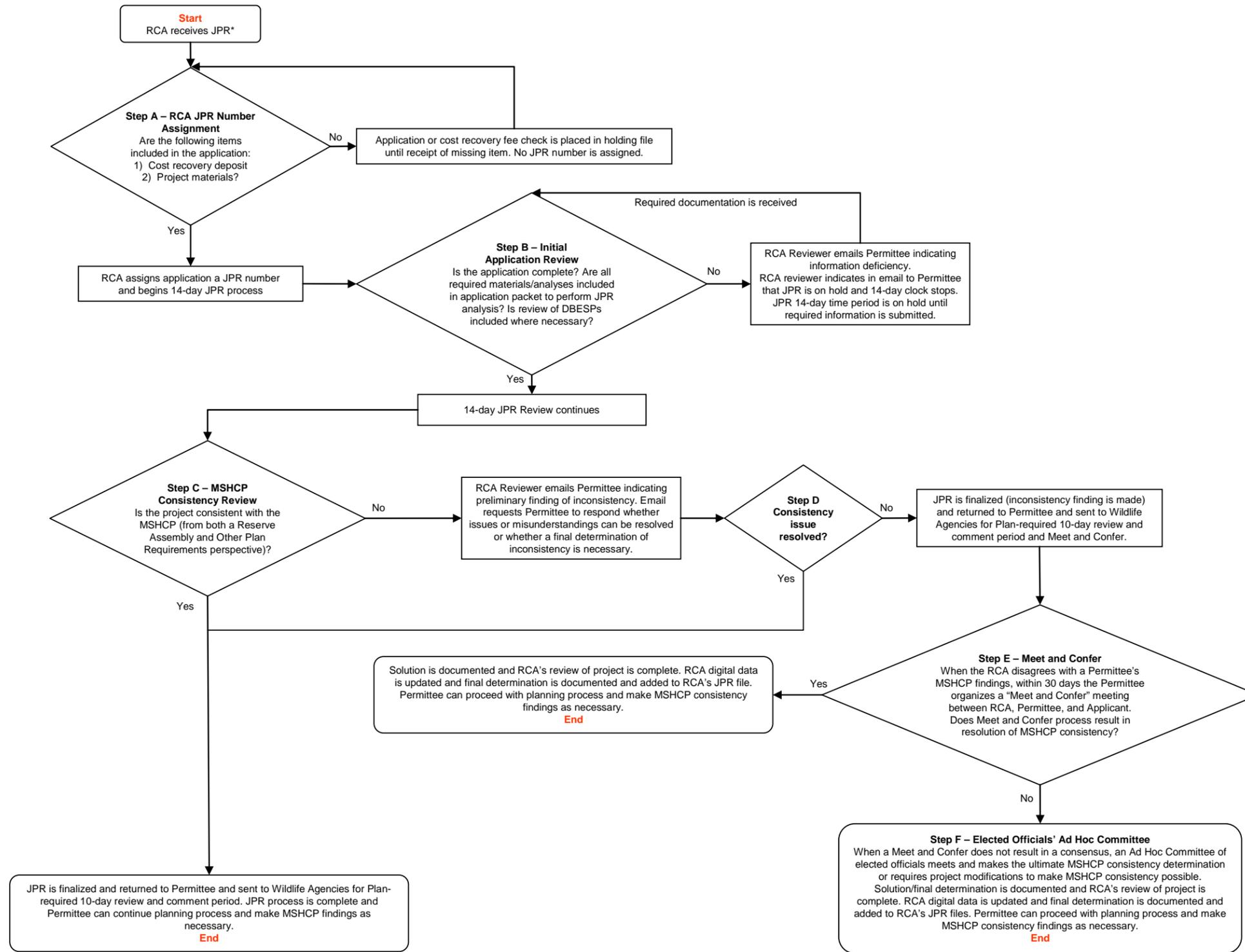
NOTE

See Section 4.1 of this Manual for further discussion of DBESPs.

Project Modifications Post-JPR Finalization. If a project is revised and the revision would have an impact on the conservation assumed in the JPR, the RCA must re-review the project and modify the JPR. For filing and administrative purposes, a new JPR number will be issued to the revised project. The RCA Reviewer will inform the RCA GIS Analyst that the new JPR number supersedes the old JPR in terms of development/conservation land. The RCA Reviewer will indicate that a prior JPR was completed on the project in the JPR log. When projects are revised, the most recent JPR number will always supersede previous JPR numbers in the RCA's database systems. A revised project would receive the same 14-day JPR review period as previously afforded. The process outlined in Flow Chart 3-1 will be followed for revised projects.



Flow Chart 3-1: JPR Process



* A JPR is required or requested (as outlined in Policy 4.4.1, above) for the project.

SECTION 3.0
MSHCP CONSISTENCY DETERMINATION PROCESS

RCA Correspondence. All Permittee correspondence shall be conducted via written methods as much as possible (i.e., letters or email). A correspondence log shall be included in each JPR file to document all correspondence with the Permittee and others as necessary. If meetings or phone conversations related to the project occur, a summary shall be included in the correspondence log.

RCA Coordination/Correspondence with Applicant/Applicant's Representative. Out of respect for the Permittee's local land use authority, the RCA's interaction with the Applicant or Applicant's Representatives will be limited to Cost Recovery Deposit collection or refund activity. Once the JPR process has officially commenced, coordination and discussion with the Applicant or Applicant's Representative shall be strictly prohibited. If the Applicant or Applicant's representative inquires about a project's JPR status, the RCA Reviewer will send written correspondence indicating status to the Permittee and electronically carbon copy the Applicant or Applicant's Representative.

Meet and Confer Process (Step E in Flow Chart 3-1). If the RCA disagrees with the Permittee's Preliminary MSHCP Findings, a "Meet and Confer" meeting shall be called between the RCA, Permittees, and Applicant no more than 30 days after the RCA returns its MSHCP Consistency Comments. This meeting is a setting for all parties (i.e., RCA, Permittee, and Applicant/Applicant's Representative) to meet and attempt to reach a consensus for MSHCP consistency. Once a consensus is reached, the RCA will prepare MSHCP Comments and return them to the Permittee. If all parties agree that the project is consistent, the Permittee shall proceed with preparing MSHCP Findings for use in the entitlement/approval process.

Elected Officials' Ad Hoc Committee Process (Step F in Flow Chart 3-1). If disagreement regarding a project's consistency with the MSHCP remains after the Meet and Confer Process (outlined above), the project shall proceed to the Elected Officials' Ad Hoc Committee (Ad Hoc Committee). This committee holds a hearing where members of the Ad Hoc Committee determine the ultimate conclusion of a project's consistency with the MSHCP. The Permittee, Applicant, and RCA staff shall attend this meeting and may be called upon to present their respective MSHCP consistency determination. The decision of the Ad Hoc Committee is final; the Permittee's MSHCP Findings must reflect the decision of the Ad Hoc Committee (i.e., a project's ultimate MSHCP consistency determination must reflect the Ad Hoc Committee's ultimate decision). If a meaningful revision to the project is proposed, the project may be resubmitted to the Permittee and repeat the JPR process as outlined in Flow Chart 3-1 in an attempt to reach an alternative to the MSHCP consistency determination made by the Ad Hoc Committee. If the project is not found consistent through the resubmittal process, the findings of the Ad Hoc Committee are final.

STEP 4: Permittee Prepares MSHCP Findings

Once the JPR process is complete, the Permittee may prepare MSHCP Findings for inclusion in final project entitlement or approval documents/staff reports. Findings of MSHCP consistency/inconsistency cannot be made until the JPR process is complete.



3.2.3.2 Outside Criteria Area

All projects must be reviewed for consistency with the MSHCP on some level. Projects that are located outside of the criteria area are subject to Steps 2 and 4, as outlined in Section 3.2.3.1 of this Manual. Projects that are outside of the criteria area do not need to comply with Step 1 (Reserve Assembly Consistency Determination) or Step 3 (JPR), as JPR only applies to projects within criteria cells. See Section 4.0 of this Manual for further discussion of “Other Plan Requirements” and how to determine if a project is consistent with such requirements. Appendix D includes a sample of MSHCP Findings prepared for a project located outside of the criteria area.

3.3 RELATIONSHIP TO THE STEPHENS’ KANGAROO RAT HABITAT CONSERVATION PLAN (HCP)

As outlined in the MSHCP, the conservation provisions and ultimate habitat reserve areas outlined in the 1996 Stephens’ Kangaroo Rat HCP stand as written, approved and adopted. The MSHCP provides coverage for the Stephens’ kangaroo rat within all remaining areas within the MSHCP Study area that are not outlined in the 1996 Stephens’ Kangaroo Rat HCP. Payment of the Stephens’ Kangaroo Rat HCP Fee continues to be required.

SECTION 4

MAKING CONSISTENCY DETERMINATIONS

4.1 BIOLOGICAL CONSISTENCY DETERMINATION TOOLS

This section of the Implementation Manual provides guidance for determining a proposed project's consistency with a range of biological requirements that apply throughout the Plan Area. Within the Plan area, the requirements vary by location. For example, *all* projects requiring a discretionary action on the part of a Permittee are subject to the Riparian/Riverine, Vernal Pool and Fairy Shrimp Policy (Section 4.1.1 below), *some* projects are subject to specific species survey requirements depending on whether the project is located within the species survey area (Section 4.2 below), and *some* projects that are within the Plan Area (i.e. those projects that are located within the MSHCP criteria area) must comply with MSHCP Reserve Assembly requirements (Section 4.4 below). **Every project requiring a discretionary action in Western Riverside County needs to demonstrate Plan compliance. A project's location outside the criteria area does not mean that MSHCP compliance is not necessary.**

Consistency Determinations should be made on all applicable sections of the Plan for all projects. Those MSHCP Sections that pertain to individual project review include:

- Riparian/Riverine, Vernal Pool, and Fairy Shrimp Requirements of the MSHCP (Section 6.1.2)
- Species Survey Requirements (Sections 6.1.3 and 6.3.2 of the MSHCP)
- Reserve Assembly Requirements within the Criteria Area (Section 3 of the MSHCP)
- Delhi Sands Flower-Loving Fly Provisions (Table 9-2 of the MSHCP) (*does not apply to Cities*)
- Urban/Wildlands Interface Guidelines (Section 6.14 of the MSHCP).

Each of these Plan sections has specific requirements that should be followed and documented to demonstrate full compliance. This section of the Implementation Manual includes guidance that the Permittees can follow to ensure compliance with these MSHCP requirements.

4.2 RIPARIAN/RIVERINE, VERNAL POOL, AND FAIRY SHRIMP HABITAT (SECTION 6.1.2 OF THE MSHCP)

Section 6.1.2 of the MSHCP specifies the requirements for protection of species associated with three key resources:

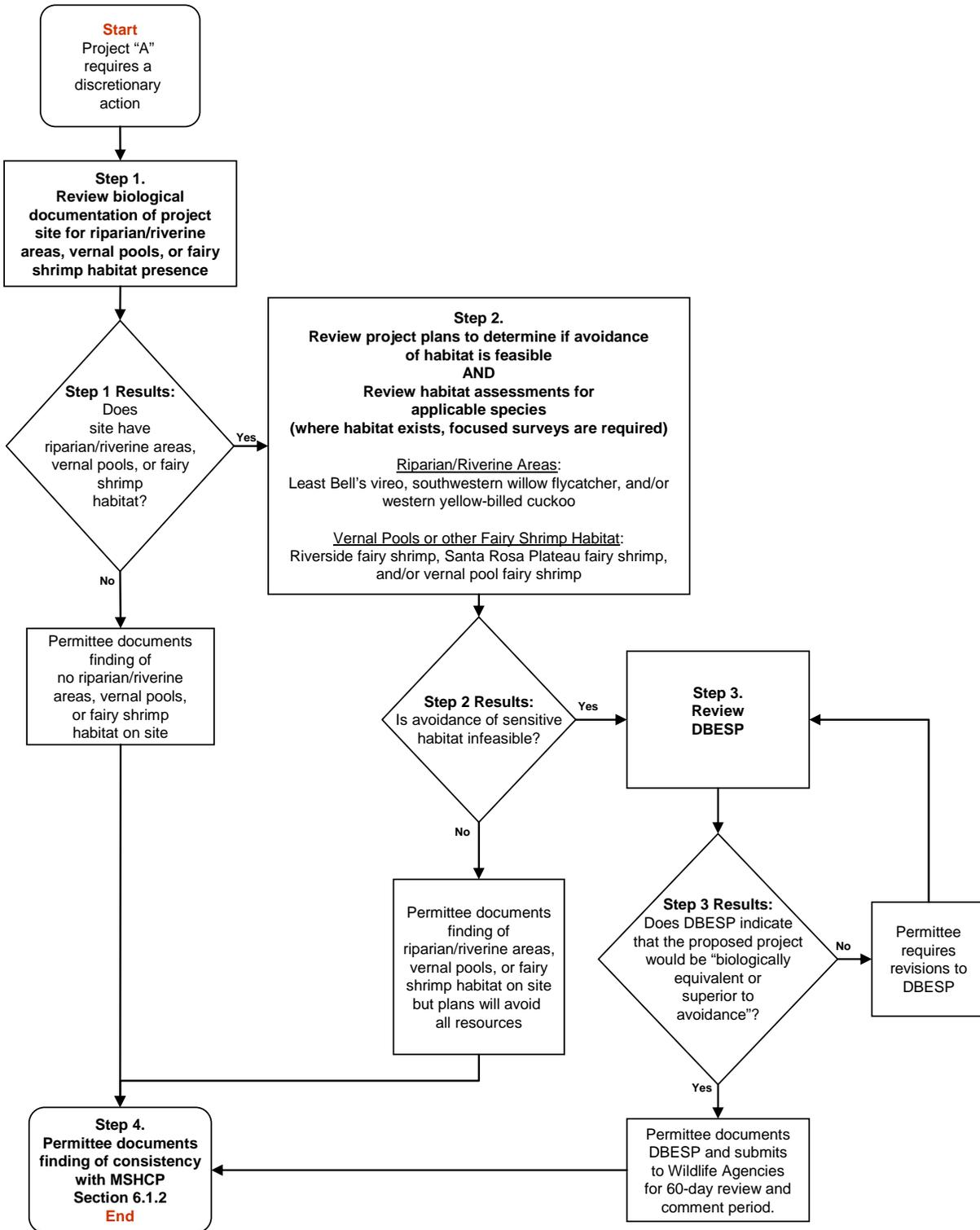
- 1) Riparian/riverine areas
- 2) Vernal pools
- 3) Fairy shrimp habitat.

The protection of these areas applies to the entire MSHCP area and is, therefore, **NOT** limited to the Criteria Area.

Flowchart 4-1 maps the process of making a consistency determination with the MSHCP Riparian/Riverine, Vernal Pool, and Fairy Shrimp procedures. Descriptions of the steps in the flowchart follow.



Flowchart 4-1. Process for Consistency Findings with Section 6.1.2, MSHCP
Riparian/Riverine, Vernal Pool, and Fairy Shrimp Habitat Guidelines



STEP 1: Determine if Riparian/Riverine, Vernal Pool, and/or Fairy Shrimp Resources Are Located on Site

Riparian/Riverine Resources

Riparian/riverine resources can include:

- Areas containing riparian vegetation.
- Riverine areas (streams) that do not contain riparian vegetation, but that have water flow for all or a portion of the year, and contain biological functions and values that contribute to downstream habitat values for covered species inside the MSHCP Conservation Area.

Where the above descriptions apply, an area is **NOT** riparian/riverine if it is also an:

- Area that was artificially created by human activity.

However, if it is determined to be artificially created by human activity, it **WILL** be considered riparian/riverine subject to MSHCP analysis if it is one of the following:

- Wetlands created to provide wetlands habitat (i.e., mitigation sites)
- Created open waters (i.e., Lake Perris)
- Wetlands created from the alteration of natural stream courses (an example would be a redirected, and/or channeled natural stream) (MSHCP, p. 6-22).

NOTE

Riparian/riverine and vernal pool/fairy shrimp habitat requirements apply to the entire MSHCP Area. These requirements are **NOT** limited to the Criteria Area/criteria cells. Permittees must ensure that **EVERY** project is consistent with this policy regardless of its location.

Riparian/Riverine Resources

Lands that contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens and that occur close to or depend upon soil moisture from a nearby fresh water source; also, areas with fresh water flow during all or a portion of the year.

Vernal Pools

In order to determine if a site has vernal pools, the site should be evaluated by a qualified biologist familiar with vernal pool characteristics. Vernal pools can be described as:

- Seasonal wetlands in depressional areas that during the wet season have three indicators:
 - Soils specific to vernal pools (clay soils)
 - Vernal pool indicator species
 - Hydrology.



The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by-case basis. Such determinations should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records.

Because vernal pools normally lack these indicators during the dry season, determination of vernal pools must be made by a qualified biologist on a case-by-case basis, and usually must be made when indicators are present during or soon after the wet season. Determinations of presence/absence of vernal pools should include a description of soils, vegetation, hydrology, and recent rainfall.

Where the above descriptions apply, an area is **NOT** considered a vernal pool under the MSHCP where it is also the following:

- An area that was artificially created by human activity:
 - Vernal pools created to provide vernal pool habitat (i.e., mitigation sites)
 - Vernal pools created from the alteration of natural vernal pools.

Vernal Pools

Seasonal wetlands in depressional areas that during the wet season have three indicators: soils specific to vernal pools (clay soils), vegetation, and hydrology.

Fairy Shrimp Habitat

The MSHCP stipulates that “for Riverside, vernal pool and Santa Rosa fairy shrimp, mapping of stock ponds, ephemeral pools, and other features shall also be undertaken as determined appropriate by a qualified biologist.”

This means that, for each site, a biologist needs to determine whether the area includes suitable habitat for:

- Riverside fairy shrimp
- Vernal pool fairy shrimp
- Santa Rosa Plateau fairy shrimp.

The determination of the presence or absence of fairy shrimp habitat must be made by a qualified biologist on a case-by-case basis, usually during or soon after the wet season, and should include a description of soils, vegetation, hydrology, and recent rainfall.

Fairy shrimp habitat that was artificially created **IS** considered fairy shrimp habitat per the MSHCP. It is important to note that areas that are the direct result of human activity (e.g., tire ruts and stock ponds) may be suitable habitat for listed fairy shrimp and are, therefore, **NOT** exempt from MSHCP requirements.

Fairy Shrimp Habitat

Habitat for Riverside fairy shrimp, vernal pool fairy shrimp, and/or Santa Rosa Plateau fairy shrimp.

The documentation used by Permittees to determine whether a site includes riparian/riverine areas, vernal pools, or fairy shrimp habitat must:

- Be prepared by a qualified biologist
- Describe the natural environment on site and include sufficient details and analysis to support a conclusion that riparian/riverine areas, vernal pools, or fairy shrimp habitat are/are not located on site
- Include sufficient details and analysis, such as documentation of historic and current hydrologic regime, vegetation descriptions, on-site soil characterization (not just relying on historic soils surveys), and mapping of the locations of riparian/riverine areas, on-site vernal pools, or fairy shrimp habitat in relation to the proposed development footprint/disturbance area.

STEP 1 Results:

- a. If there are no riparian/riverine areas, vernal pools, or fairy shrimp habitat on site → go to **STEP 4**.

OR

- b. If the site includes riparian/riverine areas, vernal pools, or fairy shrimp habitat → go to **STEP 2**.

STEP 2: Review Documented Riparian/Riverine Areas, Potential Sensitive Riparian Bird Species, Sensitive Fairy Shrimp Species, and Planned Impacts

Where riparian/riverine areas, vernal pools, or fairy shrimp habitat exist on site, the following documentation must be prepared in order for a project to have adequately addressed Section 6.1.2 compliance:

- A description of the functions and values of the riparian/riverine areas, vernal pools, or fairy shrimp habitat
- Quantification of the acreage of the riparian/riverine areas, vernal pools, or fairy shrimp habitat on the site and the acreage of such resources that would be impacted by the proposed project
- A detailed map of the location of the riparian/riverine areas, vernal pools, or fairy shrimp habitat, as well as a map showing the proposed impacted areas overlaid on these resources.



- Determination of whether the riparian/riverine area includes suitable habitat for the following species (and details to support such a determination):

- Least Bell's vireo
- Southwestern willow flycatcher
- Western yellow-billed cuckoo.

Focused surveys are required where suitable habitat is present for any of the above-listed species. All focused surveys should be conducted by a qualified biologist, follow an accepted protocol, and be fully documented. Avoidance is required where species are present. A Determination of Biological Equivalent or Superior Preservation (DBESP) specific to the species habitat impacted is required where avoidance is not feasible. (For more information on how to prepare a DBESP, see Step 3 below and Appendix D, Example DBESP.)

NOTE

Focused surveys must be conducted within 1 year of project processing (i.e., surveys must be less than 1 year old in order to be considered valid).

- Determination of whether the vernal pools or potential fairy shrimp habitat include suitable habitat for the following species (and details to support such a determination):

- Riverside fairy shrimp
- Santa Rosa Plateau fairy shrimp
- Vernal pool fairy shrimp.

Focused surveys are required where suitable habitat is present for the above-listed species. All focused surveys should be conducted by a qualified biologist and be fully documented. Avoidance is required where species are present. A DBESP specific to the species habitat impacted is required where avoidance is not feasible. (For more information on how to prepare a DBESP, see Step 3 below and Appendix D, Example DBESP.)

- Documentation on avoidance of all riparian/riverine areas, vernal pools, or fairy shrimp habitat on site. Permittees shall ensure that projects first avoid and then minimize direct and indirect effects to riparian/riverine areas, vernal pools, and fairy shrimp habitat (MSHCP, p. 6-24). Where avoidance of riparian/riverine areas, vernal pools, or fairy shrimp habitat is not feasible, additional MSHCP requirements (DBESP) apply. See Step 3 below.

STEP 2 Results:

- a. If avoidance of riparian/riverine areas, vernal pools, or fairy shrimp habitat is *feasible* and avoidance is achieved → go to **STEP 4**.

OR

- b. If avoidance of riparian/riverine areas, vernal pools, or fairy shrimp habitat is *infeasible* → go to **STEP 3**.



STEP 3: Prepare Determination of Biologically Equivalent or Superior Preservation (DBESP)

As stated on p. 6-24 of the MSHCP, “If an avoidance alternative is not Feasible and a practicable alternative is instead selected... determination of biologically equivalent or superior preservation shall be made by the Permittee to ensure replacement of any lost functions and values of habitat as it relates to Covered Species.”

The MSHCP requires that a DBESP include:

- A definition of the project site
- A written project description, demonstrating why an avoidance alternative is not possible
- A written description of biological information available for the project site, including results of resource mapping
- Quantification of unavoidable impacts, including direct and indirect effects, to riparian/riverine areas and vernal pools associated with the project
- A written description of project design features and mitigation measures that reduce effects, such as edge treatments, landscaping, elevation difference, and minimization and/or compensation through restoration or enhancement
- A finding demonstrating that although the proposed project would not avoid impacts, with proposed design and compensation measures, it would be biologically equivalent or superior to that which would occur under an avoidance alternative without these measures, based on one or more of the following factors:
 - Effects on conserved habitats
 - Effects on the species listed above under the heading “Purpose” in Section 6.1.2
 - Effects on riparian linkages and functions of the MSHCP Conservation Area.

In summary, each DBESP should:

- Describe in detail (i.e., map, qualify, and quantify) the resources present, the resources to be impacted by the proposed project (both direct and indirect), and the acres proposed to mitigate for the proposed impacts
- Include a finding that the proposed project would be biologically equivalent or superior to the avoidance alternative.

See Appendix D for an Example DBESP.

STEP 3 Results:

- a. If the Permittee finds that the proposed project, with unavoidable impacts and compensation measures, would be biologically equivalent or superior to the avoidance alternative → go to **STEP 4**.

OR

- b. If the Permittee finds that the proposed project, with unavoidable impacts and compensation measures, would **NOT** be biologically equivalent or superior to the avoidance alternative → the Permittee shall prepare or require the Applicant to prepare an adequate DBESP and return to **STEP 3**.
-

STEP 4: Final Determination of Compliance with MSHCP Section 6.1.2

The Permittee must make a determination of compliance with the MSHCP Riparian/Riverine, Vernal Pool, and Fairy Shrimp Habitat Guidelines (MSHCP, Section 6.1.2). Proper analysis and documentation (including all necessary DBESPs) will enable the Permittee to assess a project and make a final determination of compliance with Section 6.1.2. The Permittee compliance determination must be made during project planning and before project approval. Placing a condition on an Applicant to comply with any portion of Section 6.1.2 after project approval does not allow the Permittee to make complete MSHCP findings during the project approval process. The Implementing Agreement (IA) outlines Permittee obligations, which include making complete MSHCP consistency findings before project discussion by decision makers.

4.3 SPECIES SURVEY REQUIREMENTS (SECTIONS 6.1.3 AND 6.3.2 OF THE MSHCP)

The MSHCP requires that additional data be collected during Plan implementation for certain species within areas of potential habitat. The species needing additional data collection are listed in the MSHCP in Section 6.1.3, Protection of Narrow Endemic Plant Species, and in Section 6.3.2, Criteria Area Plant Species, Amphibian Species, Burrowing Owl, and Mammal Species. The Plan includes mapped survey area boundaries for these species, the Narrow Endemic Plant Species Survey Area (NEPSSA), MSHCP Figure 6-1; the Criteria Area Species Survey Area (CASSA), MSHCP Figure 6-2; the Amphibian Species Survey Areas, MSHCP Figure 6-3; the Burrowing Owl Survey Area, MSHCP Figure 6-4; and the Mammal Species Survey Area, MSHCP Figure 6-5. The plant survey areas are broken into groups depending on potentially occurring habitat for each plant. Within these survey areas, the Plan requires that all private and public projects provide site-specific focused surveys where suitable habitat is present. Therefore, habitat assessments are required, at a minimum, for projects located within these survey areas for applicable species. To determine if a site is within one or more species survey areas, use the Report Generator (see Step 1 below). Then follow the additional steps below as they apply.

NOTE

For projects requiring MSHCP JPR (projects within the MSHCP Criteria Area), the analysis and final determination of compliance with Section 6.1.2 must also be submitted with the JPR packet to the RCA.



Flowchart 4-2 (following page) outlines the process of making a consistency determination with the MSHCP Species Survey requirements.

STEP 1: Determine if Site is within One or More Species Survey Areas

The Plan includes the survey boundaries for the NEPSSA in MSHCP Figure 6-1, the CASSA in MSHCP Figure 6-2, the Amphibian Species Survey Area in Figure 6-3, the Burrowing Owl Survey Area in Figure 6-4, and the Mammal Species Survey Area in Figure 6-5. For ease of reference, MSHCP figures are included in this document as Appendix E.

STEP 1: Results

- a. If the site is NOT within a species survey area → go to **STEP 7**.

OR

- b. If the site is within a species survey area → go to **STEP 2**.

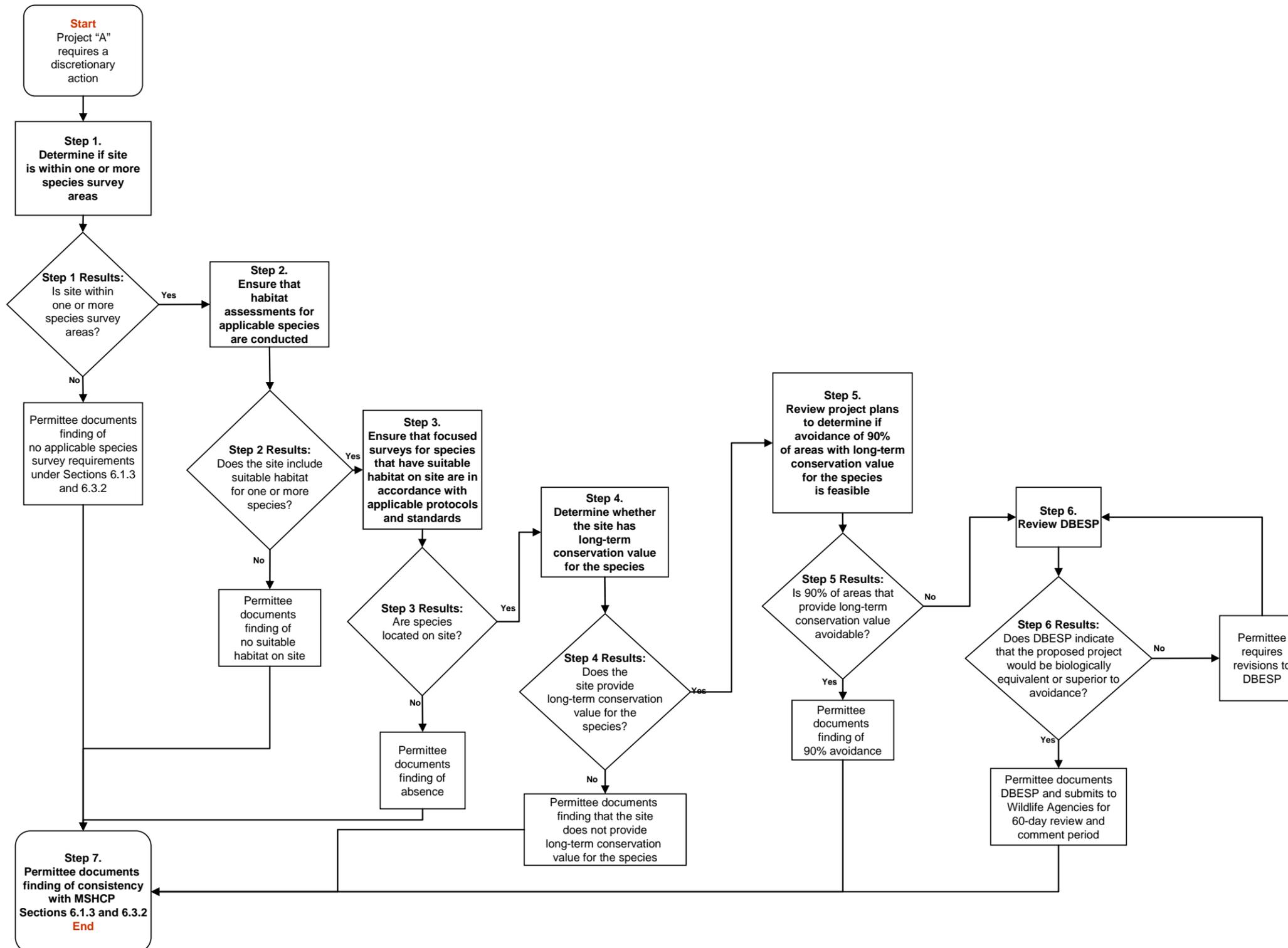
HINT

To determine whether a proposed project is within a species survey area, use the county's online report generator tool:

<http://www.rctlma.org/gis/rciprepgen.html>

You will need applicable Assessor's Parcel Numbers (APNs) to utilize this tool.

Flowchart 4-2. Process for Consistency Findings with Sections 6.1.3 and 6.3.2, MSHCP Species Survey Requirements



STEP 2: Suitable Habitat Determination

For proposed project sites within one or more survey areas, a habitat assessment is required for each species. The habitat assessments shall:

- Be conducted by a qualified biologist
- Include the methodology of the habitat assessment, as well as details such as the date, time, and site conditions at the time of the survey and precipitation data for the year (note that habitat assessments may be conducted year-round, with the exception of habitat assessments for vernal pool plant species, which must be conducted during or immediately after the rainy season; see p. 6-31 of the MSHCP)
- Include a conclusion on whether the site has suitable habitat specific to each species required
- Include sufficient details describing the site to support the conclusion made for each species
- Include, where suitable habitat is present:
 - A description of the habitat present
 - Quantification of the acreage of the habitat
 - A map of the location of the habitat.
- Include focused surveys in the event that impacts are proposed within areas of suitable habitat.

NOTE

A biologist must make a determination if suitable habitat exists on site. If a biologist chooses to characterize habitat suitability as low, medium, or high, a low habitat suitability characterization means suitable habitat is present and, therefore, focused surveys are required.

Focused surveys are required when the project proposes impacts in areas where suitable habitat is present (Step 3). Focused surveys are not required if suitable habitat on site would be completely avoided. In cases where suitable habitat exists that would be completely avoided, the project materials must document both the suitable habitat on site and the boundary of the project impacts, including indirect impacts.

STEP 2: Results

- a. If the site does NOT include suitable habitat for any species OR if the site includes suitable habitat for one or more species and will be completely avoided → go to **STEP 7**.

OR

- b. If the site includes suitable habitat for one or more species → go to **STEP 3**.



STEP 3: Focused Survey Requirements

Where suitable habitat exists on site in areas proposed for project impacts, focused surveys are required and must:

- Be conducted by a qualified biologist.
- Include sufficient details describing the survey methods, including:
 - The established accepted protocol followed (for species for which protocols and/or standards or guidelines have been established)
 - The dates, times, and temperatures of the site visit(s)
 - The amount of recent rainfall.
- Include, where species are present:
 - A description of the location of the species found
 - A map showing the location of the species found.

NOTE

Focused plant surveys must be conducted during the appropriate blooming season. See MSHCP Table 6-1 (pp. 6-32 to 6-37) for helpful information regarding habitat descriptions, soils, and blooming periods.

Permittees should review the focused surveys for adherence to the above requirements. Where survey results are positive and species were found on site, projects with the potential to affect these species shall be subject to avoidance, minimization, and mitigation strategies (see Step 4).

STEP 3: Results

- a. If the project will NOT impact the survey species → go to **STEP 7**.

OR

- b. If the project impact area includes one or more survey species → go to **STEP 4**.
-

STEP 4: Long-Term Conservation Value Determination

Where surveys reveal presence of a species, the MSHCP requires that 90% of the area on site that has long-term conservation value be avoided. Therefore, a determination of whether the site has long-term conservation value for the species must be made. Characteristics of an area with long-term conservation value are specific to each species. The consulting biologist must determine if the specific conditions on the site indicate long-term conservation value. Considerations include, but are not necessarily limited to:

- Population size
- Condition of habitat
- Relative connectivity to, proximity to, or isolation from areas proposed for conservation.



A qualified biologist must determine long-term conservation value. The MSHCP requires 90% of the areas providing long-term conservation value be avoided. A DBESP is required if it is not feasible to avoid 90% of the population (see Step 5).

STEP 4: Results

- a. If the site does NOT provide long-term conservation value for the species → go to **STEP 7**.

OR

- b. If the site provides long-term conservation value for the species → go to **STEP 5**.
-

STEP 5: 90% Avoidance Requirement/Equivalency Finding

For areas with long-term conservation value, 90% of the areas that provide long-term conservation value must be avoided. To demonstrate that the requirement has been met, an Equivalency Finding must be prepared that includes the following:

- A definition of the project site
- A written project description
- A written description of biological information available for the project site, including the results of species surveys
- Quantification of unavoidable impacts, including direct and indirect effects, to species associated with the project, documenting that the threshold will be met
- A written description of project design features that reduce indirect effects, such as edge treatments, landscaping, elevation differences, and minimization and/or compensation through restoration or enhancement
- A summary conclusion including findings of consistency with the 90% avoidance threshold (MSHCP, p. 6-40).

NOTE

The Equivalency Finding should clearly demonstrate that 90% avoidance will occur and should include project design measures, such as shielded lighting, to reduce indirect effects.

STEP 5: Results

- a. If 90% of the area having long-term conservation value will be avoided → go to **STEP 7**.

OR

- b. If 90% of the area having long-term conservation value CANNOT be avoided → go to **STEP 6**.

STEP 6: Review Determination of Biologically Equivalent or Superior Preservation (DBESP)

If 90% of the area providing long-term conservation value cannot be avoided, a DBESP must be prepared. As stated on p. 6-41 of the MSHCP, “Determination of Biologically Equivalent or Superior Preservation shall be made if making the equivalency findings is determined to be infeasible.”

NOTE

Prior to Permittee approval of a DBESP and associated project, the Wildlife Agencies (USFWS and CDFG) shall be provided copies of the DBESP, which initiates a 60-day review and comment period.

The MSHCP requires that a DBESP include:

- A definition of the project site
- A written project description, demonstrating why an avoidance alternative is not possible
- A written description of biological information available for the project site, including results of resource mapping
- Quantification of unavoidable impacts, including direct and indirect effects, to riparian/riverine areas and fairy shrimp habitat associated with the project
- A written description of project design features and mitigation measures that reduce effects
- A finding demonstrating that, although the proposed project would not avoid impacts, proposed design and compensation measures would be biologically equivalent or superior to that which would occur under an avoidance alternative without these measures, based on one or more of the following factors:
 - Effects on conserved habitats
 - Effects on the species listed above under the heading “Purpose”
 - Effects on riparian linkages and functions of the MSHCP Conservation Area.

In summary, each DBESP should:

- Describe in detail (i.e., map, qualify, and quantify) the resources present, the resources to be impacted by the proposed project (both direct and indirect), and the area proposed for mitigation for the impacts
- Include a finding that the proposed project would be biologically equivalent or superior to the avoidance alternative.

See Appendix D for an example DBESP.



STEP 6: Results

- a. If the Permittee finds that the proposed project, with unavoidable impacts and compensation measures, would be biologically equivalent or superior to the avoidance alternative → go to **STEP 7**.

OR

- b. If the Permittee finds that the proposed project, with unavoidable impacts and compensation measures, would NOT be biologically equivalent or superior to the avoidance alternative → the Permittee shall prepare or require the Applicant to prepare an adequate DBESP and return to **STEP 6**.
-

STEP 7: Consistency Determination with Survey Species Requirements

The Permittee must make a determination of compliance with the MSHCP Species Survey Requirements (MSHCP, Sections 6.1.3 and 6.3.2). Proper analysis and documentation (including all necessary DBESPs) will enable the Permittee to assess a project and make a final determination of compliance with Sections 6.1.3 and 6.3.2. The Permittee compliance determination must be made during project planning and before project approval. Placing a condition on an Applicant to comply with any portion of Section 6.1.3 or 6.3.2 after project approval does not allow the Permittee to make complete MSHCP findings before the project approval process. The MSHCP IA outlines Permittee obligations, which include making complete MSHCP consistency findings before project discussion.

NOTE

For projects requiring MSHCP JPR (projects within the MSHCP Criteria Area), the analysis and final determination of compliance with Section 6.1.3 and 6.3.2 must also be submitted to the RCA with the JPR application materials.

4.4 DELHI SANDS FLOWER-LOVING FLY PROVISIONS (TABLE 9-2 OF THE MSHCP)

To meet MSHCP conservation objectives for the Delhi Sands flower-loving fly, conservation strategy options are included in the Species Objectives for this species (see MSHCP Table 9-2, p. 9-29). Choices include adherence to Objectives 1A, 1B, and 1C. The areas impacted by the fly survey requirements are within the unincorporated areas of Riverside County; specifically, within the northwestern area of the Plan Area. Riverside County has elected to implement Objective 1B, which requires that where projects are located within the approximately 5,100 acres of mapped Delhi Soils within the Plan Area and suitable habitat for this species is located on site, focused surveys must be conducted in accordance with the USFWS 1996 “Interim General Survey Guidelines for the Delhi Sands Flower-Loving Fly.” This

NOTE

This section does **NOT** apply to cities. If city boundaries change due to annexation of a portion of the Delhi Soils area, these requirements may apply to said city.



requirement does not apply to projects located within MSHCP Criteria Cells 21, 22, and 55 in Subunit 3 of the Jurupa Area Plan.

Focused surveys are to be conducted by a qualified biologist if suitable habitat is present. If the focused surveys reveal that the site is occupied, 75% of the mapped soils shall be conserved. If the suitable habitat is not consistent with the mapped soils, then 75% of the suitable habitat shall be conserved. The USFWS will be given 60 days to review and comment on the surveys. If 75% conservation is not feasible, conservation may be required at a ratio of 3:1 within the areas identified in Objective 1A, in accordance with USFWS review and approval.

- Once conservation of 220 acres of habitat is achieved through the survey methods listed above, surveys will no longer be required.
- Surveys are not required within MSHCP Criteria Cells 21, 22, and 55 in Subunit 3. Instead, 50 acres of additional reserve lands will be acquired within the areas described in Objective 1A (see MSHCP Table 9-2 for full discussion of Objective 1A).

NOTE

See MSHCP Figure 9-10, Delhi Sands Flower-Loving Fly Soils within Criteria Area, to determine a site's relationship to mapped Delhi Soils.

NOTE

Survey protocol for this species requires two seasons of surveys to confirm absence.

Permittees shall review projects for compliance with the MSHCP Delhi Sands flower-loving fly requirements. The Permittee's determination of consistency with Delhi Sands flower-loving fly survey requirements should be included in the Permittee's MSHCP Findings.

4.5 RESERVE ASSEMBLY REQUIREMENTS WITHIN THE CRITERIA AREA (SECTION 3 OF THE MSHCP)

Coverage for the 146 species identified in the MSHCP is based on the establishment of a 500,000-acre Conservation Area, approximately one third of which will be assembled from private land acquisitions and donations and through the land-development entitlement process ("Additional Reserve Lands"). The MSHCP is a 100% criteria-based plan, meaning that hard-line reserve areas are not identified, but rather the required conservation is described at various levels of detail. The Additional Reserve Lands are proposed to be assembled from an area known as the Criteria Area, which is nearly twice the total land acreage of the Additional Reserve Lands. Therefore,

HINT

To determine whether a proposed project is within the Criteria Area, use the county's online report generator tool: <http://www.rctlma.org/gis/rcipreportgen.html>

You will need all applicable APNs to utilize this tool.



SECTION 4.0

MAKING CONSISTENCY DETERMINATIONS

flexibility in the Reserve Assembly is provided through the Plan. However, careful analysis is necessary to ensure that the Additional Reserve Lands will provide the level of conservation that was the basis for species coverage.

The Plan's criteria are stipulated in requirements that range from broad qualitative planning objectives to more specific quantitative acreage and geographic requirements, and are based on available data that include species data, soils mapping, vegetative mapping, and conservation biology principles. The requirements should be considered when implementing the Plan to ensure that MSHCP objectives are met. The Plan describes conservation both broadly (cores and linkages) and more specifically (criteria cells and cell groups). When followed properly, the MSHCP Criteria Area requirements will ensure that the Additional Reserve Lands will serve the form and function described in the MSHCP.

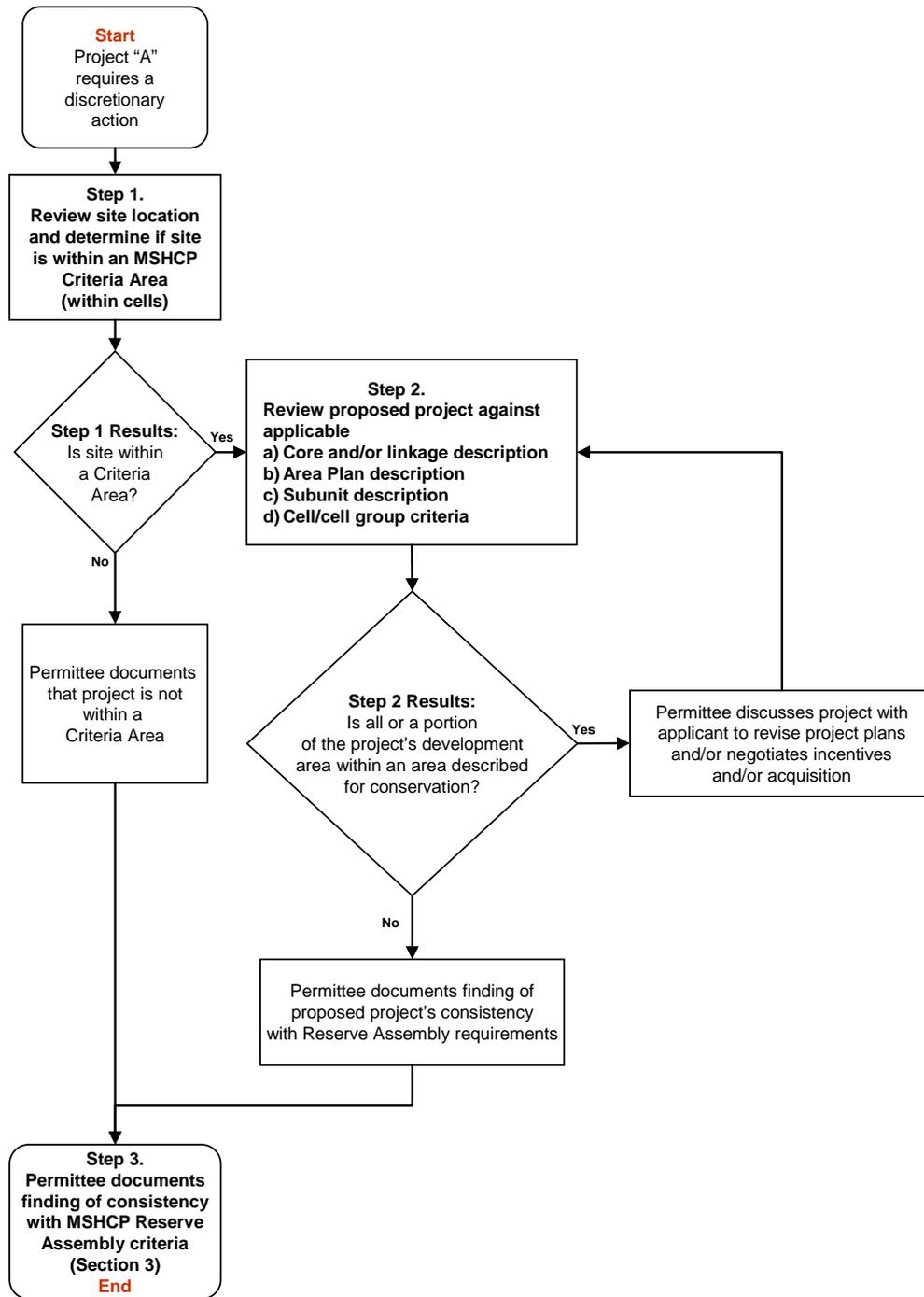
Complying with the MSHCP is a multi-step process. For projects that are within the Criteria Area, Permittees must make a determination of whether the project is consistent with MSHCP Reserve Assembly objectives. This section reviews the Criteria Area requirements and how Permittees can make consistency determinations for projects within the Criteria Area.

Flowchart 4-3 maps the process of making a consistency determination with MSHCP Reserve Assembly requirements.

Criteria Area = Area covered by cells = Areas subject to HANS and JPR = Area within which the Additional Reserve Lands will be assembled.



Flowchart 4-3. Process for Consistency Findings with Criteria Area Requirements
(Section 3 of MSHCP)



4.5.1 Cores and Linkages

The MSHCP Conservation Area is comprised of existing and proposed cores and linkages, including extensions of existing cores, constrained linkages, and non-contiguous habitat blocks (see Section 3.2.3 of the MSHCP). See Figure 4-1, “Schematic Cores and Linkages Map” (MSHCP Figure 3-2). The cores and linkages together provide a cohesive habitat reserve of major habitat blocks as well as connections between those habitat blocks for species migration and genetic flow. The existing cores and linkages consist of public/quasi-public lands (which have already been conserved). The proposed cores and linkages represent the Additional Reserve Lands to be assembled to complete the reserve. The MSHCP includes a description of each core and linkage, the contribution it is expected to make as part of the MSHCP Conservation Area, rough dimensional characteristics, and the planning species for which it will provide conservation. This data should be reviewed during the planning process to understand the broad context of the MSHCP criteria and to ensure that planning decisions will help to further the broad purpose of the MSHCP and not conflict with reserve configuration requirements. Annotated examples are provided throughout this section to demonstrate the analysis required to review a proposed project for MSHCP Reserve Assembly consistency.

Core – A block of habitat of appropriate size, configuration, and vegetation characteristics to generally support the life history requirements of one or more covered species.

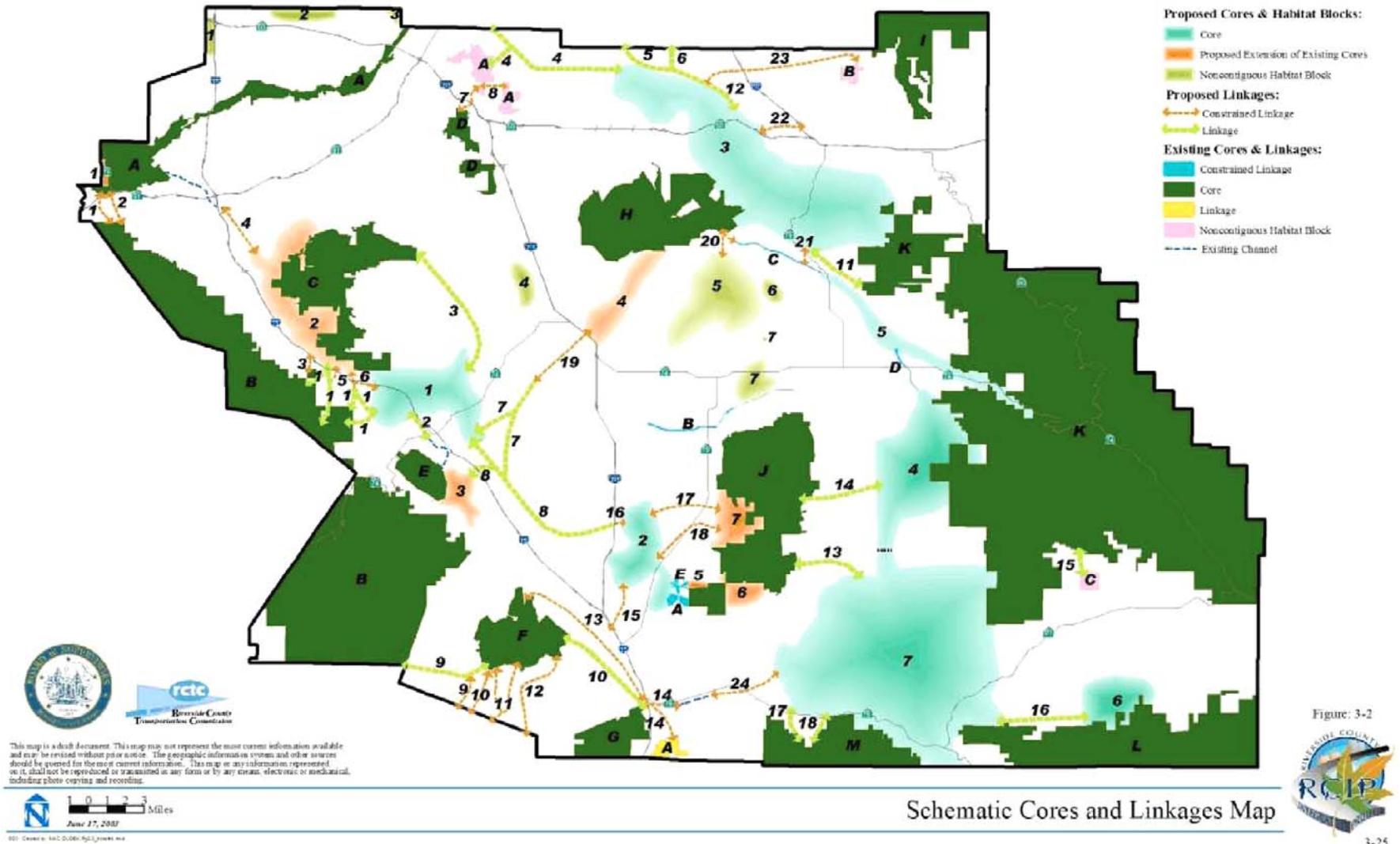
Extension of Existing Core – A block of habitat contiguous with an existing core area which serves to provide additional habitat for species in the adjacent existing core and to reduce exposed edge.

Non-Contiguous Habitat Block – A block of habitat not connected to other habitat areas via a linkage or constrained linkage, but important for specific planning species.

Linkage – A connection between core areas with adequate size, configuration, and vegetation characteristics to generally provide for live-in habitat and/or provide for genetic flow for identified planning species.

Constrained Linkage – A constricted connection expected to provide for movement of identified planning species between core areas, where options for assembly of the connection are limited due to existing patterns of use.

Figure 4-1. Schematic Cores and Linkages Map (Figure 3-2 in MSHCP)



Proposed Core 1

EXAMPLE

The Permittee should, when considering proposed projects that would be within or near the core's boundary, assess whether such projects would be consistent with the purpose of the core or would interfere with the core's ability to fulfill its defined functions.

Proposed Core 3 is shown on Figure 4-1 (Figure 3-2 of the MSHCP). The description of the core includes a table (MSHCP, p. 3-61) listing several aspects of Proposed Core 1. The table below demonstrates how this information should be used when considering a proposed project's relationship to the Reserve Assembly.

Approximate Dimension Data for Core					Approx. Distance to Nearest Connected Core (miles)	Planning Species	Adjacent Proposed General Plan Land Use	Major Covered Activities Potentially Affecting Core
Approx. Total (ac.)	Approx. Edge (ac.)	Approx. Interior (ac.)	Approx. Perimeter/Area Ratio (ft/ac)					
7,470	1,120	6,350	30	0*	coastal California gnatcatcher, cactus wren, tri-colored blackbird, southwestern willow flycatcher, Munz's onion and many-stemmed dudleya	City (Lake Elsinore), Rural Mountainous Community Development, Open Space/Conservation	I-15, Hemet to Corona/Lake Elsinore CETAP Corridor	

Note: * This Core is contiguous with Existing Core C.

1. **Approximate Dimension Data for Core.** The Permittee should use these data to verify the expected size and configuration of the core to assist in interpretation of the more specific cell criteria. The approximate perimeter/area ratio, calculated using the approximate edge and approximate interior, indicates the extent that the core may be subject to edge effects or impacts associated with adjacent development. The higher the ratio, the more vulnerable the core is to edge effects. The MSHCP includes requirements to minimize edge effects in Section 6.1.4. These requirements are discussed further in Section 4.7 of this Implementation Manual.
2. **Planning Species.** The Permittee should review the core's planning species and consider the proposed project's impacts on these species and their habitats.
3. **Adjacent Proposed General Plan Land Use.** The Permittee should review the core's adjacent proposed General Plan land uses to understand the proposed conservation in the context of community planning and surrounding existing and proposed land uses.
4. **Major Covered Activities Potentially Affecting Core.** The Permittee should consider the implications that the major covered activities within the core may have on the proposed project and on the assembly of the core in conjunction with the covered activities.



Proposed Linkage 3

EXAMPLE

When considering proposed projects that would be within or near this linkage, the Permittee should assess whether such projects would be consistent with the purpose of the linkage or interfere with the ability of the linkage to fulfill its MSHCP-defined functions.

Proposed Linkage 3 is shown in Figure 4-1. The description of the linkage includes a table (MSHCP, p. 3-99) listing the dimensional data, planning species, adjacent proposed General Plan land uses, and major covered activities within Proposed Linkage 3. The table below demonstrates the applicability of this information during Plan implementation.

PROPOSED LINKAGE 3						
Approximate Dimension Data for Linkage				Planning Species	Adjacent Proposed General Plan Land Use	Major Covered Activities Potentially Affecting Linkage
Approx. Total (ac.)	Approx. Edge (ac.)	Approx. Interior (ac.)	Approx. Perimeter/Area Ratio (ft/ac)			
5,550	930	4,620	32	Quino checkerspot butterfly, Munz's onion, many-stemmed dudleya, brodiaea, bobcat, Stephens' kangaroo rat, Belding's orange-throated whiptail, southern California rufous-crowned sparrow and Bell's sage sparrow	Rural, Rural Mountainous, Community Development, Open Space/Conservation	None

1. **Approximate Dimension Data for Linkage.** The Permittee should use these data to verify the expected size of the linkage to ensure that projects are not approved that would hinder meeting the planned width of the linkage and the approximate acreage goal. The approximate perimeter/area ratio, calculated using the approximate edge and approximate interior, indicates the extent that the perimeter may be subject to edge effects or impacts associated with adjacent development. The higher the ratio, the more vulnerable the linkage is to edge effects. The MSHCP includes requirements to minimize edge effects in Section 6.1.4. These requirements are discussed further in Section 4.7 of this Implementation Manual.
2. **Planning Species.** The Permittee should review the linkage's planning species and consider the proposed project's impacts on these species and their habitats.
3. **Adjacent Proposed General Plan Land Use.** The Permittee should review the linkage's adjacent proposed General Plan land uses to understand the proposed conservation in the context of community planning and surrounding existing and proposed land uses.
4. **Major Covered Activities Potentially Affecting Core.** The Permittee should consider the implications that the major covered activities within the linkage may have on the proposed project and on the assembly of the linkage in conjunction with the covered activities.



Proposed Constrained Linkage 18

EXAMPLE

When considering proposed projects that would be within or near the constrained linkage’s boundary, the Permittee should assess whether such projects would be consistent with the purpose of the constrained linkage or would interfere with the ability of the linkage to fulfill its MSHCP-defined functions.

The description of the constrained linkage includes a table (MSHCP, p. 3-90) listing the dimensional data, planning species, adjacent proposed General Plan land uses, and major covered activities within Proposed Constrained Linkage 18. The table below summarizes Reserve Assembly information that should be used during Plan implementation.

PROPOSED CONSTRAINED LINKAGE 18						
Approximate Dimension Data for Linkage				Planning Species	Adjacent Proposed General Plan Land Use	Major Covered Activities Potentially Affecting Linkage
Approx. Total (ac.)	Approx. Edge (ac.)	Approx. Interior (ac.)	Approx. Perimeter/Area Ratio (ft/ac)			
310	250	60	146	bobcat, Los Angeles pocket mouse	Community Development	Washington Street, Briggs Road, SR-79

1. **Approximate Dimension Data for Constrained Linkage.** The Permittee should use these data to verify the expected size of the constrained linkage to ensure that through the planning process projects will not generally preclude meeting the planned width of the linkage and the approximate acreage goal. The approximate perimeter/area ratio, calculated using the approximate edge and approximate interior, indicates the extent that the perimeter may be subject to edge effects or impacts associated with adjacent development. The higher the ratio, the more vulnerable the constrained linkage is to edge effects. The MSHCP includes requirements to minimize edge effects in Section 6.1.4. These requirements are discussed in Section 4.7 of this Implementation Manual.
2. **Planning Species.** The Permittee should review the constrained linkage’s planning species and consider the proposed project’s impacts on these species and their habitats.
3. **Adjacent Proposed General Plan Land Use.** The Permittee should review the linkage’s adjacent proposed General Plan land uses to understand the proposed conservation in the context of community planning and surrounding existing and proposed land uses.
4. **Major Covered Activities Potentially Affecting Core.** The Permittee should consider the implications that major covered activities or existing covered activities may present to Reserve Assembly.



4.5.2 Area Plans

In order to provide a broad organizational framework and subdivision of the descriptions of the Conservation Area, the MSHCP uses the County's General Plan Area Plan boundaries as planning units (see MSHCP Section 3.3 and Figure 4-2, "Area Plans and City Boundaries"). Though the Area Plan boundaries are not biologically based, they relate to jurisdictional boundaries and so enable the Permittees to understand the Plan's criteria and ultimate conservation acreage objective as it applies to their corporate and community boundaries. Specific target conservation acreage ranges have been established for each Area Plan. The MSHCP also lists the Cities within each Area Plan and the target conservation acreages for each. Permittees should utilize the Area Plan acreage goals as a broad measure of the proposed project's relationship to Reserve Assembly.

4.5.3 Area Plan Subunits

The MSHCP further breaks the Area Plans into subunits. The subunits relate to plan features (core, linkage, etc.) and include only the portions of the Area Plans that are within the Criteria Area. For each subunit, the Plan specifies target acreage ranges for conservation within the subunit, planning species, and biological issues and considerations that should be considered when reviewing projects within the subunits.

The example below walks through the MSHCP conservation goals described for the Pass Area Plan, specifically Subunit 3, San Timoteo Creek. See Figure 4-3, "the Pass Area Plan," for a graphical representation of the Pass Area Plan.

4.5.4 Cell/Cell Group Criteria

The MSHCP further describes conservation goals in the context of cells and cell groups. In certain instances, the cells are grouped and conservation goals are described for a number of cells. The Plan describes the core or linkage that each cell/cell group is in and the types of habitat to be conserved (e.g., vernal pools, coastal sage scrub), the adjacent habitats that the cell/cell group habitat is to connect, and the general location and target percentage acres of the cell/cell group that should be conserved. The MSHCP also lists the cells and cell groups within the subunit (Section 4.1.4).

Cell – Each cell roughly corresponds to a U.S. Geological Survey quarter section and consists of approximately 160 acres.



The Pass Area Plan, Subunit 3 – San Timoteo Creek

EXAMPLE

The MSHCP lists the total target conservation acreage of 22,510 to 27,895 acres for the Pass Area Plan (see MSHCP, pp. 3-241; also Figure 4-3, “The Pass Area Plan”). Approximately 13,970 acres are existing public/quasi-public lands. Therefore, within the Pass Area Plan, the additional target conservation acreage is 8,540 to 13,925 acres. The Cities of Banning, Beaumont, and Calimesa are entirely within the Pass Area Plan, as well as unincorporated areas of the County. The target acreage for the City of Banning is 50 to 90 acres. The target acreage for the City of Beaumont is 5,440 to 9,060 acres. The target acreage for the City of Calimesa is 1,240 to 2,240 acres. The remaining target acreages apply to the unincorporated areas of Riverside County. The cores and linkages within the Pass Area Plan include:

- Proposed Constrained Linkage 22
- Proposed Constrained Linkage 23
- Proposed Linkage 12
- A portion of Proposed Core 3
- A portion of Proposed Linkage 6
- A portion of Existing Core I
- A portion of Existing Core K
- A portion of Existing Noncontiguous Habitat Block B

The MSHCP describes the San Timoteo Creek subunit (MSHCP, pp 3-244-246; also Figure 4-4, “Cells and Cell Groups within Subunit 3 – San Timoteo Creek within the Pass Area Plan”). The target acreage for additional Reserve lands within the subunit is 1,865 to 2,455 acres. The planning species for the subunit are: Bell’s sage sparrow, Cooper’s hawk, least Bell’s vireo, loggerhead shrike, southwestern willow flycatcher, white-tailed kite, yellow-breasted chat, yellow warbler, bobcat, Los Angeles pocket mouse, mountain lion, San Bernardino kangaroo rat, Stephens’ kangaroo rat. The biological issues and considerations for the subunit are:

- Maintain wetlands for purposes of connection and wildlife dispersal, as well as wetland species conservation.
- Maintain a contiguous connection between potential conservation in San Bernardino County and the proposed Badlands Core Area.
- Maintain winter roosts for white-tailed kite.
- Maintain core and linkage habitat for bobcat.
- Maintain linkage area for mountain lion.
- Maintain linkage area for Stephens’ kangaroo rat.
- Determine potential for scattered populations of San Bernardino kangaroo rat along San Timoteo Creek.
- Determine presence of potential Core Area for Los Angeles pocket mouse in San Timoteo Creek.



Figure 4-3. The Pass Area Plan

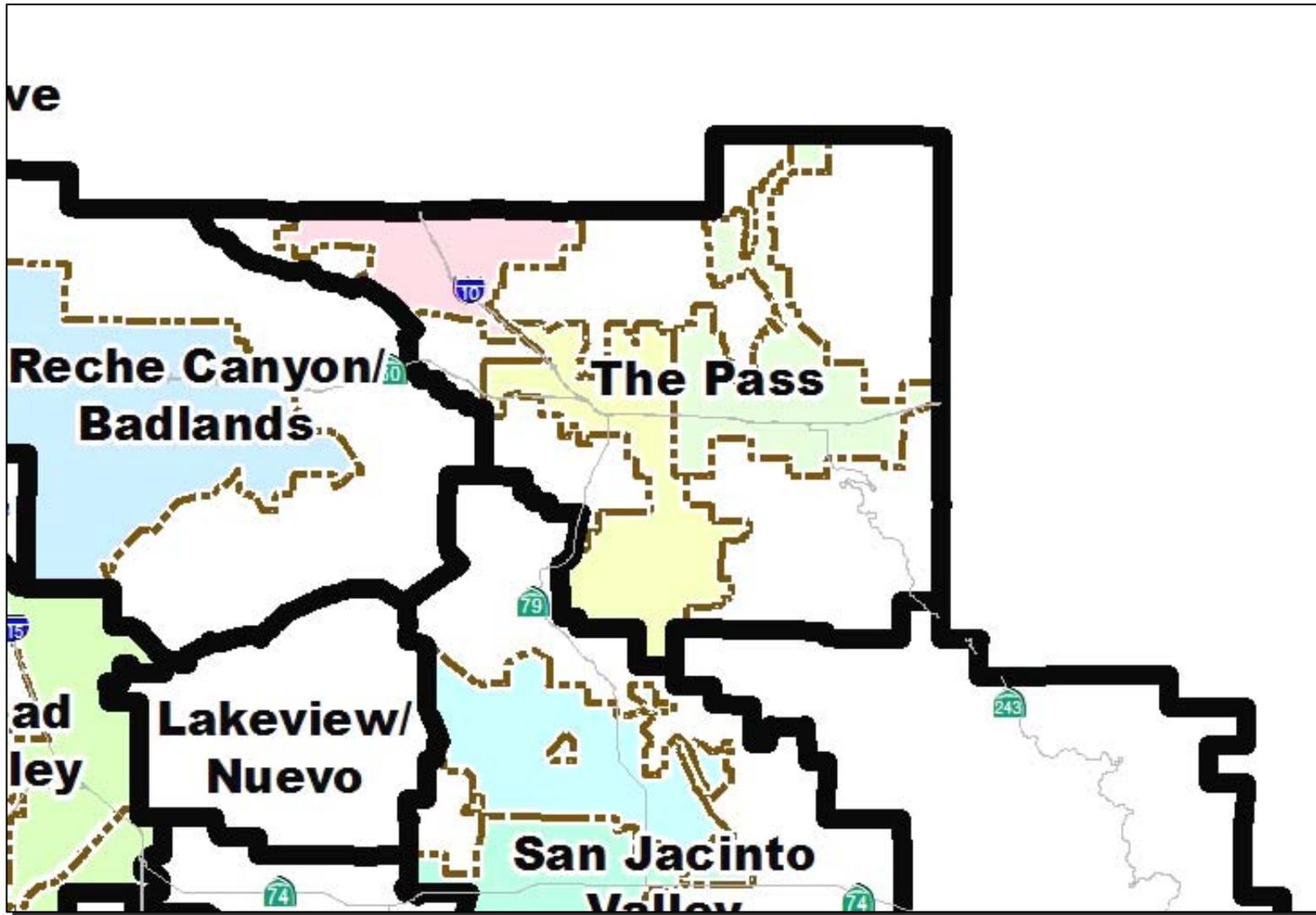


Figure 4-4. Subunit 3 – San Timoteo Creek within the Pass Area Plan

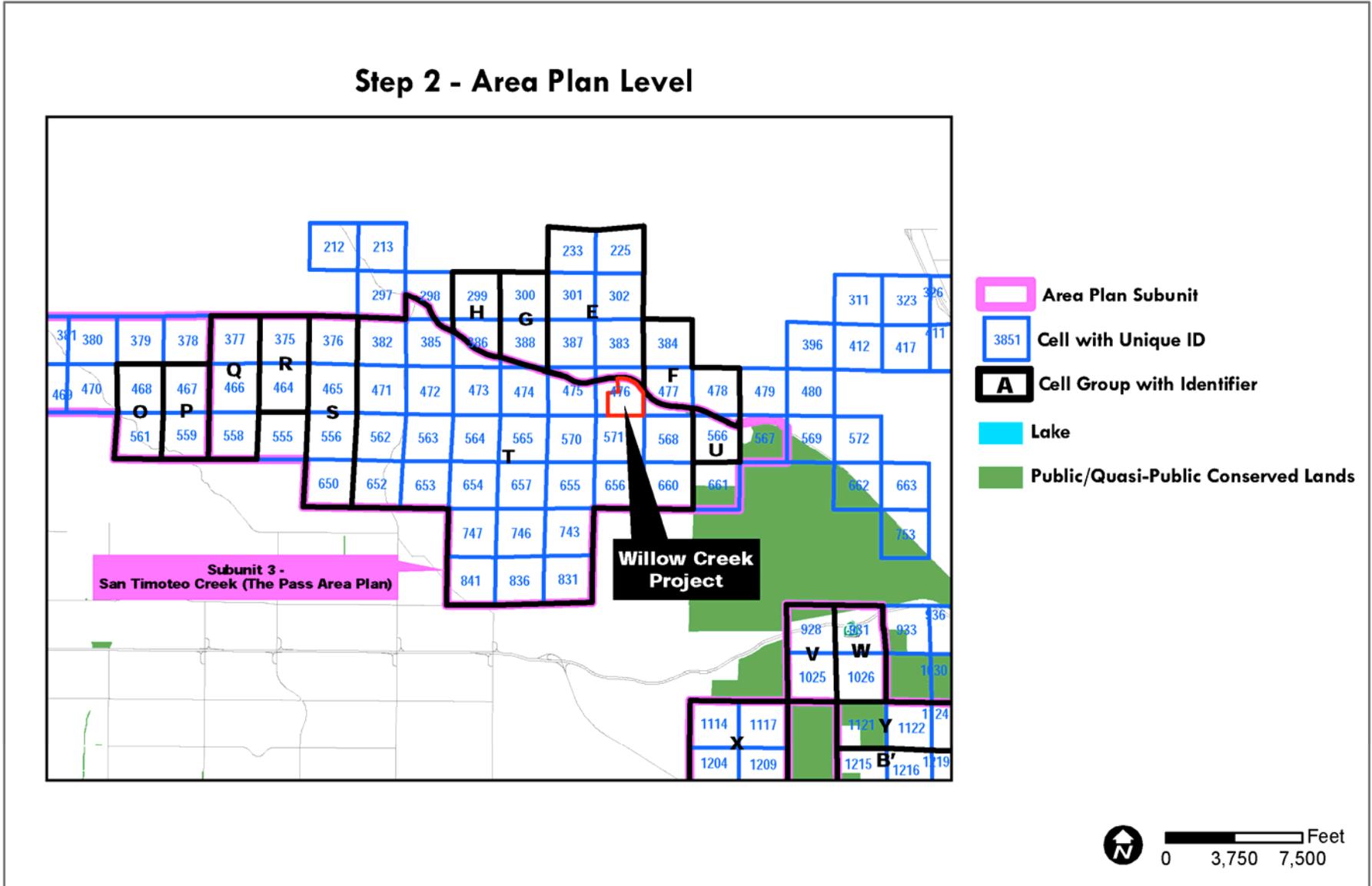
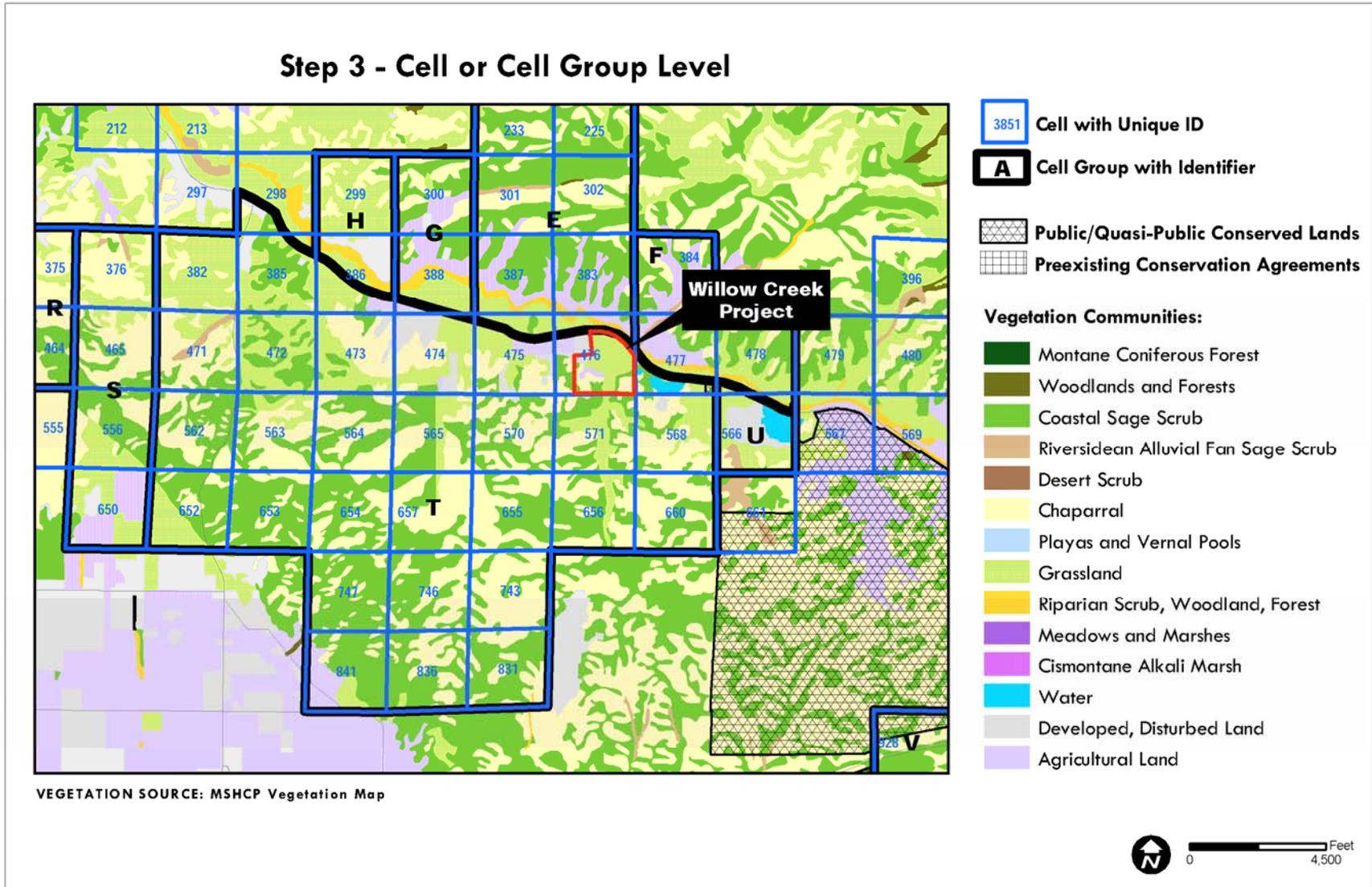


Figure 4-5. Cell Group T Located within Subunit 3 – San Timoteo Creek



The Pass Area Plan, Subunit 3, Cell Group E

EXAMPLE

Figure 4-5 provides a graphical representation of Cell Group E. Cell Group E and the criteria for Cell Group E are discussed below.

1. **Cell Group E within Subunit 3.** Note that the cell group is related geographically to the surrounding cell groups and to the Reche Canyon/Badlands Area Plan to the south.
2. **Description of Cell Group K within Subunit 1.** Note that the cell group consists of Cells 225, 233, 301, 302, 383, 387, 475, and 476. The Permittee should consider the implications that a proposed development or conservation project within the cell group may have on the MSHCP criteria for the cell group. For example, a development project that is proposed on 5 acres of riparian scrub, chaparral and woodlands in the southern portion of the cell group would not be consistent with the criteria and would likely need to be conserved in its entirety. However, a development project that is proposed on 1 acre of heavily disturbed land in the northern portion of the cell group would be consistent with the criteria. Proposed development that includes the described habitat types and/or is partially within the area described for conservation often requires a contribution of a portion of the project to the MSHCP Conservation Area. The Permittees should not approve projects that conflict with the criteria. The MSHCP includes a process—Habitat Acquisition Negotiation Strategy (HANS)—that addresses instances where project proponents and Permittee staff do not agree on the application of the criteria to a specific project. For more information on HANS, see Section 3.2.1 of this Implementation Manual.

4.5.5 Determination of Consistency with Criteria Area Requirements

Based on the analysis outlined above, for projects located within the Criteria Area, Permittees must make a determination of whether each proposed project is consistent with Criteria Area requirements. Before a Permittee can approve a project that is within the Criteria Area, that project must undergo Joint Project Review (JPR) by the RCA. A Consistency Determination with supporting documentation for all requirements within Chapter 4 of this document (including Sections 4-1-4.3) comprises a completed Joint Project Review (JPR) submittal package. The RCA has 14 days to review the JPR package, complete a finding of consistency, and send the findings to Permittee staff (with exception for submittals that are incomplete). Simultaneous with submittal of the RCA's findings of consistency to the permittee, the RCA will send their findings to the wildlife agencies.

Where the RCA does not find that a proposed project is consistent with the Criteria Area Requirements, the Permittee and RCA will engage in the Meet and Confer process to resolve consistency issues.



Figure 4-6. Criteria for the Pass Area Plan

SUB UNIT	CELL GROUP	QUADRAT NUMBER	USGS SECTION	QUARTER SECTION	CRITERIA
1	J	3654	14	NE	
1	J	3751	15	SW	
1	J	3752	15	SE	
1	J	3753	14	SW	
1	J	3756	14	SE	
1	K	3746	18	SE	Conservation within this Cell Group will contribute to assembly of Proposed Linkage 1. Conservation within this Cell Group will focus on chaparral, Riversidean alluvial fan sage scrub, riparian scrub, woodland and forest habitat and agricultural land. Areas conserved within this Cell Group will be connected to chaparral and Riversidean alluvial fan sage scrub proposed for habitat in Cell Group D to the north, to chaparral habitat proposed for conservation in Cell #3745 and #3844 both to the west and to chaparral, woodland and forest habitat proposed for conservation in Cell Group R to the south. Conservation within this Cell Group will range from 70%-80% of the Cell Group focusing in the northwestern portion of the Cell Group.
1	K	3846	19	NE	
1	L	3658	13	NW	Conservation within this Cell Group will contribute to assembly of Proposed Core 1. Conservation within this Cell Group will focus on coastal sage scrub, chaparral and grassland habitat. Areas conserved within this Cell Group will be connected to coastal sage scrub habitat proposed for conservation in Cell Group J to the west, to upland habitat proposed for conservation in Cell Groups, P and Q to the south and to existing PQP Lands also to the south. Conservation within this Cell Group will range from 75%-85% of the Cell Group focusing in the western portion of the Cell Group.
1	L	3671	17	NW	
1	L	3672	13	NE	
1	L	3673	18	NE	
1	L	3685	18	NW	
1	L	3759	13	SW	
1	L	3767	13	SE	
1	L	3774	18	SE	
1	L	3775	18	SW	



4.6 URBAN/WILDLANDS INTERFACE GUIDELINES (SECTION 6.14 OF THE MSHCP)

Section 6.1.4 of the MSHCP presents guidelines intended to reduce the indirect effects of development on areas described for conservation. Permittees must consider these guidelines when contemplating development within or near the criteria cells or other sensitive habitats, such as public/quasi-public reserves or other areas set aside for conservation purposes. Permittees should consider the following guidelines during the development review process:

- **Drainage:** Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area.
- **Toxics:** Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
- **Lighting:** Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated into project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
- **Noise:** Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
- **Invasives:** Consider the invasive, non-native plant species listed in *Table 6-2* of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features. MSHCP Table 6-2 has been included in Appendix E for reference purposes.
- **Barriers:** Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas.

NOTE

Projects requiring Joint Project Review must include the measures incorporated into the project to reduce impacts to conservation areas associated with edge effects in the Permittees' draft MSHCP Findings.



Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.

- **Grading:** Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area.

Flowchart 4-4 maps the process of making a consistency determination with the MSHCP Urban/Wildlands Interface Guidelines

4.6.1 Consistency Determination for Urban/Wildlands Interface Guidelines

The Permittee must make a determination of compliance with the MSHCP Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP):

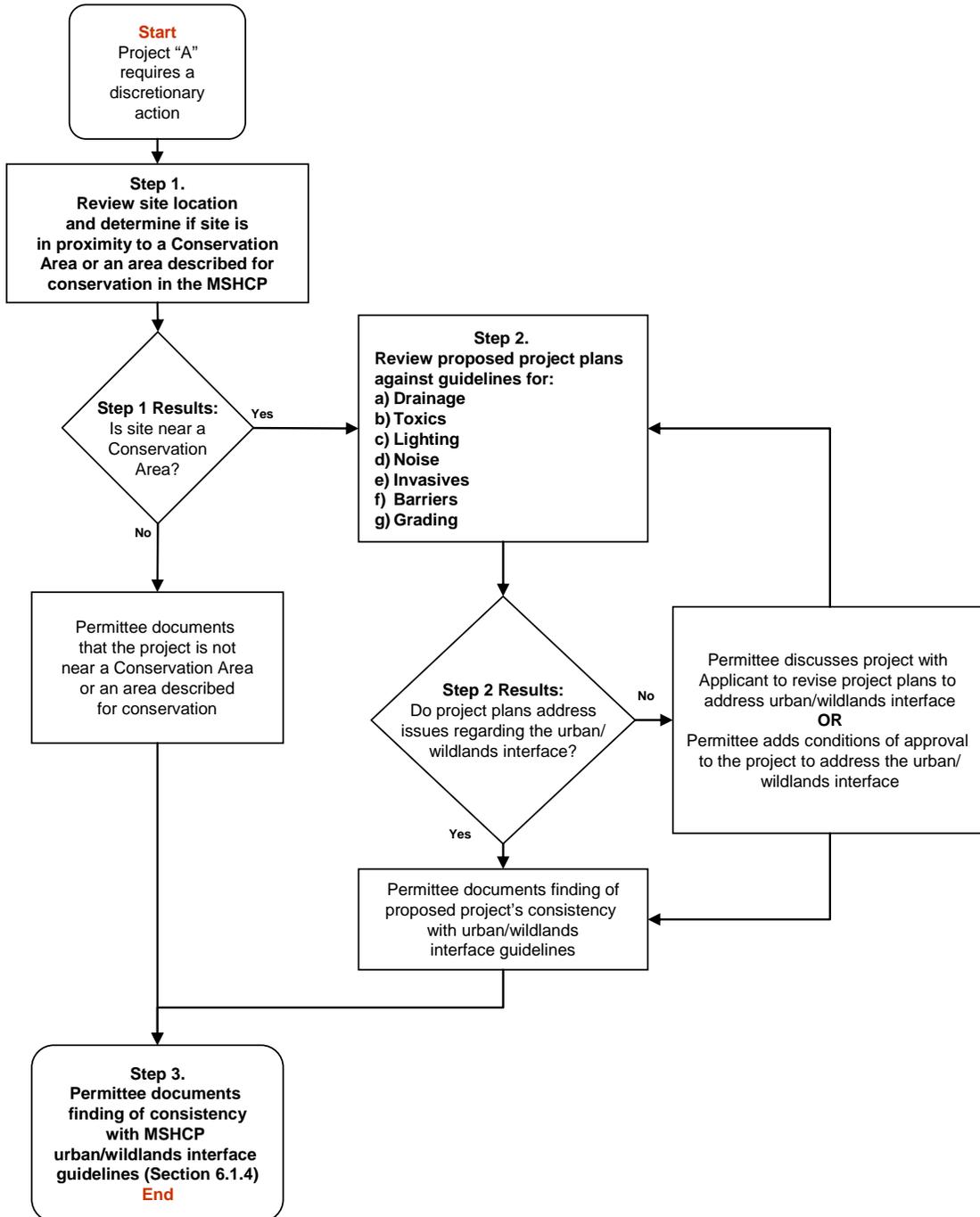
- A project might not be located in close proximity to areas that are currently within or proposed for conservation as a part of the MSHCP Conservation Area. Therefore, the guidelines contained in Section 6.1.4 are not applicable and the Permittee should note this.
- For projects located in close proximity to areas that are within of proposed for conservation as part of the MSHCP, the Permittee should review the project plans relative to the guidelines above and make a consistency determination.

4.7 MAKING A FINAL CONSISTENCY DETERMINATION

All projects in Western Riverside County requiring a discretionary action by a local permittee must be reviewed for consistency with the MSHCP. Consistency determinations and MSHCP Consistency Findings must be prepared for any said project. Projects located outside of criteria cells, while not subject to reserve assembly requirements of the MSHCP nor JPR, must be analyzed for MSHCP consistency by the local Permittee. Complete MSHCP findings must be made for the MSHCP **prior** to project approval.

SECTION 4.0
MAKING CONSISTENCY DETERMINATIONS

Flowchart 4-4. Process for Consistency Findings with Urban/Wildlands Interface Guidelines (Section 6.1.4 of MSHCP)



SECTION 5

ANNUAL REPORTING

5.1 MSHCP ANNUAL REPORTING REQUIREMENT

Successful implementation of the MSHCP requires that all Permittees adhere to the guidelines and requirements outlined in the MSHCP and IA. As indicated in Section 6.6.4 of the MSHCP, the Reserve Management Oversight Committee (RMOC) is responsible for the overall preparation of the MSHCP Annual Report. In the past, as well as foreseeable future, the RMOC has delegated the task of preparation of the Annual Report to RCA staff.

As spelled out throughout the MSHCP and IA, at a minimum, the MSHCP Annual Report must include the following items:

- Reserve Assembly activities in relation to the rough step formulas presented in Section 6.7 of the MSHCP and in accordance with species-specific Objective 1B of the Delhi Sands flower-loving fly
- Acres authorized for disturbance within the Plan Area during the reporting period
- Single-family and mobile home activity within the Criteria Area for the preceding year and cumulatively occurring as a result of the Expedited Review Provision (ERP) for these activities presented in Section 6.1.1 of the MSHCP
- New or expanded agricultural operations within the Criteria Area for the preceding year and cumulatively occurring under the processes identified in Section 6.2 of the MSHCP
- Minor administrative/clerical amendments approved during the reporting period in accordance with the procedures described in Section 6.10.2 of the MSHCP
- Ongoing management and monitoring activities highlighting issues of concern and proposed remedies/actions
- Documentation concerning funding/collection of mitigation fees.

5.2 PERMITTEE DATA SUBMITTAL REQUIREMENTS

5.2.1 Required Data

Preparation of the MSHCP annual report requires submittal of areas authorized for disturbance (i.e., habitat “losses”) and public works activity data from each Permittee (local Permittees, including the cities the County, and other Permittees, such as Caltrans and RCTC). The MSHCP requires that an annual report of Plan implementation activities be prepared by the RCA. Three types of data must be collected from each Permittee: (1) habitat loss data, (2) public works projects, and (3) ERP projects. As noted in Section 5.2.3 of this Manual, as of 2007, all data must be submitted to the RCA on a *quarterly* basis.

HABITAT LOSS DATA. The RCA keeps track of habitat “losses” to assist with the Rough Step, Area Plan/Subunits, and Jurisdiction acreage calculations. The loss of habitat occurs on the date the grading or building permit is issued. Therefore, if a grading or building permit was issued in 2006, the grading/land disturbance (i.e., habitat loss) that is attributed to the issuance of this permit must be reported in the 2006



annual report loss data. The RCA must receive loss data for all land within a City/County's jurisdiction; loss calculation is not limited to criteria cells.

PUBLIC WORKS PROJECTS. Public works projects, such as new road construction, facilities, or other infrastructure, need to be reported by each Permittee. For annual reporting purposes, a project should be reported to the RCA when a construction contract is approved by the governing body (i.e., City Council). Public works project submittal data must consist of a brief project description (i.e., widening of Main Street from a 2- to 4-lane road from 1st Avenue to 12th Avenue).

EXPEDITED REVIEW PROVISION PROJECTS. The ERP is an exemption from the MSHCP for projects that consist of construction/placement of one single-family home or one mobile home on an existing legal lot (i.e., if subdivision of land is required, the ERP provision cannot be utilized) (see Section 3.2.2 of this Manual). If a landowner decides to utilize this provision, the City or County must identify the least sensitive portion of the property and limit development to this least sensitive portion of the lot. The ERP exemption applies within the MSHCP cell criteria. The MSHCP requires that all projects that take advantage of the ERP exemption must be reported in the Annual Report. Submittal requirements must consist of a list of properties that took advantage of this exemption and an accompanying map that shows the area of the lot authorized for disturbance and the area of the lot that was to be avoided. See Appendix D for a sample map depicting the avoidance and development areas for a lot utilizing the ERP provision.

5.2.2 Data Submittal Format

The RCA recommends that a "MSHCP Data Submittal" project team be assembled within each City. Depending on the City's organizational structure and data/permit tracking system, members of the team should likely include, but not be limited to, a representative from Planning, Information Technology, and GIS.

One of the two following formats must be used by each Permittee (Cities or County) to report annual report data: (1) manual format or (2) GIS format. The RCA much prefers to receive habitat loss and ERP data in a GIS format but will accept a manual format from Cities that do not have GIS capabilities. Public works projects are accepted in a manual format.

MANUAL FORMAT. Project information and attributes (e.g., APN, address, permit/approval type) with permit/project number must be digitally submitted (via email or CD) in an Excel file. See Appendix F for a sample excel file format. Paper copies of each Plot Plan/Tract/Parcel Map must be annotated on a City index map for RCA reference purposes. If a grading permit specified that an area was to be preserved, that area should be clearly delineated on the map. If the project was to preserve portions of the site and the RCA does not receive mapped information indicating the location of preserved areas, the RCA must assume that the entire site was graded. This may erroneously over-report habitat losses, which is detrimental to all Permittees and the overall health/legitimacy of the MSHCP program and may jeopardize the Section 10(a)(1)(b) Take Permit.

All project information for projects that take advantage of the ERP exemption must be submitted on a separate Excel spreadsheet. Similar to habitat loss data mapping requirements, a map must be provided for each project that takes advantage of this exemption; the map must show the area that can be developed



(least sensitive portion of the lot) and the area that must be preserved (most sensitive portion of the lot). Each area on the map should be clearly delineated. The location of each ERP exemption should be noted on the City index map.

Public works projects should be listed on an Excel spreadsheet and digitally transmitted to the RCA. The RCA needs a short project description statement (i.e., construction of Main Street from 1st Avenue to 12th Avenue) and a boundary of the project. This could include the top plan sheet showing the extent of the project. Note: if the Permittee would rather submit the boundary of the project via a GIS file delineating the polygon/area of impact of the project, this is acceptable. Please indicate in the Excel spreadsheet the boundary map type (i.e., hard-copy map or GIS file titled example.shp).

GIS FORMAT. Permit information and attributes attached to polygon (not points) representing the project in GIS format (ESRI polygon shapefile format) with a Projected Coordinate System: NAD 1983 StatePlane Zone 6). Please note the requirement to identify areas of disturbance and conservation for single-family homes/mobile homes subject to the ERP review process.

GIS AND EXCEL DATA ATTRIBUTES DESCRIPTIONS

GIS and Excel Data Attributes Descriptions

- **Permit_ID** Data type: String Width: 12
Internal tracking number for the grading or building permit each Permittee assigns on the project. The County or City all use different numbers or identification codes to identify the permit.
- **PermitDate** Data type: Date Width: 8
Date that the permit, either Building or Grading, was issued by the Permittee of the MSHCP. For purposes of the report, this represents the date of loss on the parcel or area that was approved for development even though the project may have been approved by the Board or Council at a previous date.
- **PermitType** Data type: String Width: 20
The Permittees' type code or description of the permit activity. For example, if this was a Building permit (e.g., SFR, SFD, Industrial) or a Grading permit (e.g., BGR, Prec Grade, Grading, Rough Grade).
- **Applicant** Data type: String Width: 50
Owner of the parcel or project. This may be a developer, engineering firm, contractor, or, in the case of SFR (Single Family Residence) or mobile home, the owner.
- **ProjectNam** Data type: String Width: 50
This describes the development activity on the parcel or project. In the cases of subdivisions, the tentative tract number as assigned by the County Surveyor may be present. In some cases, the recorded MB may be listed. This may include building descriptions and type as well as developer names. In general, it describes what type of project was approved with the permit that was issued by the County or City.
- **APN** Data type: String Width: 10



Assessors Parcel Number at the time the permit for grading or building was issued. This attribute is not always present and in many cases only serves as a historical reference, since APNs are changed as part of the development process. Current Land Ownership records must be reviewed for the current owner of the land.

- Street_Nam Data type: String Width: 254

This field is the street name of the parcel address.

- Street_Num Data type: Number Width: 19

This field is the number of the parcel address to go with the street name. It must be in format that will support geo-coding.

- Area Data type: Float Width: 12 Number of decimals: 4

Area in internal units squared for the project or parcel represented by the polygon shape. This field is used by dividing it by 43560 to calculate the acres field.

- Acres Data type: Float Width: 12 Number of decimals: 4

Indicates the total size of the acres for the project or parcel.

- Conserve Data type: String Width: 25

Value on each portion of the polygon for ERP projects/permits representing either Conserve or Develop or Area of Disturbance or No Disturbance.

Shape File Attributes Notes

County or Cities' standard GIS files maintained as part of the local development tracking process may contain additional attributes, such as the construction firm or engineer and associated contact addresses. Submittal of this additional, non-required information to the RCA is not problematic, as the RCA must review the data sets as part of the annual report data preparation process and standardize/collapse the data into a single, Plan Area-wide database. Extraneous information contained in local Permittee's data submittal GIS files can be eliminated at the time of submittal by RCA staff.

5.2.3 Additional Data Submittal Information

TIMING. Beginning with the 2007 Annual Report, Permittees are required to submit the above data on a quarterly basis (e.g., 2007 Q1 data must be submitted by April 30, 2007; 2007 Q2 data must be submitted by July 31, 2007). Quarterly submittal of data will allow the RCA additional opportunities to run the analyses outlined in Section 5.1 of this Manual to assist with implementation activities and policy decisions.

QUESTIONS/COMMENTS. Please refer to Appendix D for a current list of MSHCP Annual Report contacts. Questions, comments, or suggestions regarding Annual Report preparation should be directed to these individuals.

SECTION 6

FEE COLLECTION AND REPORTING

6.1 FEE REQUIREMENTS

MSHCP Section 8.5 states that the County and the Cities shall adopt fee ordinances establishing Local Development Mitigation Fees that will be a primary source of MSHCP Program funding. The County and the Cities shall transmit all collected Local Development Mitigation Fees to the RCA on at least a quarterly basis. Appendix B includes a sample Fee Submittal Spreadsheet. Appendix A notes the RCA contact for any MSHCP Mitigation Fee questions.

DEVELOPMENT PROJECTS. As stated in Section 8.5, the fee ordinance adopted by the Cities and the County will provide for an annual Consumer Price Index (CPI) adjustment based upon the CPI (per criteria for “All Urban Consumers in the Los Angeles-Anaheim-Riverside Area”), measured as of the month of December in the calendar year which ends in the previous Fiscal Year. As noted in Section 8 of the MSHCP, the fee may be reevaluated and revised should it be found to insufficiently cover mitigation of new development. The MSHCP indicates that at the time of MSHCP adoption (2003-2004), a fee of \$1,500 per residential unit (or an equivalent fee per acre) and \$4,800 per acre of commercial or industrial development shall be imposed. Appendix B includes a list of each Permittee’s current Local Development Mitigation Fee schedule.

As set forth in Section 8.5.1 of the MSHCP, the Riverside County General Plan creates several incentive plans that can aid in the conservation of lands through non-acquisition means, including payment of a density bonus fees by developers. The incentive program enables developers to acquire the right to develop an additional 25% of units (i.e., increase density) in exchange for conservation of additional land on their project site. Through conservation of land described for conservation in the MSHCP, the developer is “buying” a density bonus. The Density Bonus Fee is anticipated to be \$3,000 to \$5,000 per additional unit; however, it is up to each Permittee to outline per local development fee structures. This program offers a significant incentive to developers when compared with the typical cost of creating a new buildable lot.

PUBLIC FACILITY PROJECTS. As outlined in the MSHCP, public facility projects must contribute a portion of their overall project budget toward MSHCP mitigation obligations. The following percentages should be used for each type of project:

- **Within Existing Public/Quasi-Public Lands.** When development is proposed in PQP Land, the Permittee must ensure than a replacement property of similar or greater biological value is located and purchased/donated to accommodate for the loss of the designated PQP Land. There is no fee system or fee payment associated with a “Public/Quasi-Public Trade-Out” action.
- **Within the Criteria Area.** Public facility projects that are “Covered Activities” as defined in Section 7.0 of the MSHCP shall pay a percentage of capital costs as a contribution to the MSHCP program.



- **Non-Permittee Public Projects (Participating Special Entities).** For regional utility projects that will be constructed to serve private development, such as major trunk lines, Participating Special Entities shall pay a fee in the amount of 5% of total capital costs or take such other actions as may be agreed to by the RCA and the Wildlife Agencies. For such activities that will result in only temporary impacts and disturbance, Participating Special Entities shall pay a fee in the amount of 3% of total capital costs or other appropriate measures as may be agreed to by the RCA and the Wildlife Agencies. Public district or agency projects that will be constructed to serve public development, such as new schools and treatment plants, shall be required to pay a fee equivalent to the Local Development Mitigation Fees (utilizing commercial and/or industrial development fee rates) or take other appropriate actions as may be agreed to by the RCA and the Wildlife Agencies.



SECTION 7

REFERENCES CITED

7.1 REFERENCES CITED

California Public Utilities Code.

Endangered Species Act of 1973. 16 U.S.C. 1531 et seq.

Long-Term Stephens' Kangaroo Rat Habitat Conservation Plan.

Migratory Bird Treaty Act of 1918. 16 U.S.C. 703 et seq.

Natural Community Conservation Planning Act of 1991. California Fish and Game Code 2800 to 2840.

Riverside County General Plan.

Stephens' Kangaroo Rat HCP. 1996.

Western Riverside County Multiple Species Habitat Conservation Plan. 2003.

Western Riverside County Multiple Species Habitat Conservation Plan Implementing Agreement. 2003.

