



MSHCP Basics Training 2022

Preserving our open space heritage • Protecting our economy • Building our future



The Plan

Provides CEQA and federal and state Endangered Species Act mitigation for impacts to 146 covered species thru compliance with the Plan.

- No more single project approach via federal and state Endangered Species Acts and CEQA.



Governing Documents

MSHCP documents - Volume I, Parts 1 and 2,
Contains all the primary implementing information and
processes

MSHCP documents available online at:

<https://www.wrc-rca.org/document-library/>

Online information and mapping:

RCA MSHCP Information Tool

<https://www.wrc-rca.org/rcamaps/>

Permittee Responsibilities

Implement the MSHCP:

- Ensure all private and public projects that are discretionary, as defined by CEQA, are consistent with MSHCP
- All public and private discretionary projects in Criteria Area are sent to the RCA for Joint Project Review
- MSHCP consistency and CEQA – parallel processing; incorporate into CEQA document

Permittee Responsibilities

- Report all Losses (i.e., grading/building permits) and Gains (i.e., easements or fee title of lands coming into the Reserve) to the RCA.
- Collect and remit MSHCP mitigation fees to RCA

Wildlife Agencies Responsibilities

- CDFW and USFWS have permit authority
- Reviews JPRs and all DBESPs
- Provide acquisition funding to complete the MSHCP Reserve



RCA Responsibilities

- Provide MSHCP guidance to Permittees
- Perform Joint Project Review (JPR)
- Track Losses (grading/building) and Gains (acquisitions)
- Collect Fees
- Purchase and accept Conservation Land
- Manage and monitor Conservation Lands

Key to MSHCP Consistency



1. Species Survey Requirements
2. Section 6.1.2 Riparian/Riverine and Vernal Pool Resources
3. Covered Roads & Trails
4. Reserve Assembly
5. Section 6.1.4 Urban Wildland Interface
6. MSHCP Consistency Report
7. Determination of Biologically Equivalent or Superior Preservation (DBESP)
8. PQP/ARL Replacement Equivalency
9. Joint Project Review (in Cells Only)
10. Criteria Refinements
11. Minor Amendments
12. Major Amendments

Species With Survey Areas

- Section 6.1.3 - Narrow Endemic Plant Species Survey Area
- Section 6.3.2 - Additional Survey Needs and Procedures

Criteria Area Species Survey Area (Plants)

Amphibian Species Survey Area

Burrowing Owl Survey Area

Mammal Species Survey Area



Species With Survey Areas

- RCA MSHCP Information Tool for Species Surveys

On RCA website under Maps – Interactive
RCA/MSHCP Map

Species With Survey Areas

- Step 1 – Are there any species survey areas on the property?
- Step 2a – If no, document in MSHCP consistency documentation. This confirms it has been looked at.
- Step 2b – If yes, then a habitat assessment is needed
 - If no habitat, then document for MSHCP consistency.
 - If yes, then focused survey(s) is needed and results documented in MSHCP consistency document.
 - If long-term conservation value and cannot be avoided – DBESP is triggered
 - If no long-term conservation value document, no DBESP is triggered. Important to provide clear justification of why there is no long-term conservation value.

Section 6.1.2 – Riparian/Riverine and Vernal Pools

- No survey areas
- Applies to all projects within the entire Plan area
- Encompasses:
 - Riparian/Riverine Habitat
 - Vernal Pools
 - Fairy Shrimp (suitable habitat includes more than just vernal pools)
 - Riparian Birds
 - Other 6.1.2 Species

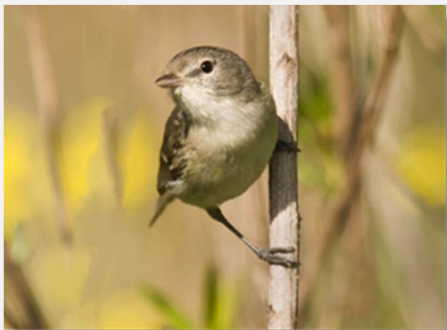


Riparian/Riverine & Vernal Pools

- Step 1: Site reviewed for presence of Riparian/Riverine and Vernal Pool resources.
 - If present, needs to be delineated by a qualified biologist
- Step 2:
 - If resource is present and cannot be avoided, prepare a DBESP Report
 - If avoidance is feasible, legal mechanism ensuring avoidance in perpetuity is necessary (e.g., deed restriction)
 - For Vernal Pools, avoidance includes the supporting watershed

Rip/Riv/VPs – Species that require Surveys

- Fairy Shrimp and Riparian Birds (least Bell's vireo, southwestern willow flycatcher, yellow billed cuckoo)
- First step, assess site for presence of suitable habitat
- If suitable habitat, conduct protocol-level surveys (e.g., two seasons for fairy shrimp)
- If species present and habitat cannot be avoided, prepare a DBESP



Covered Roads

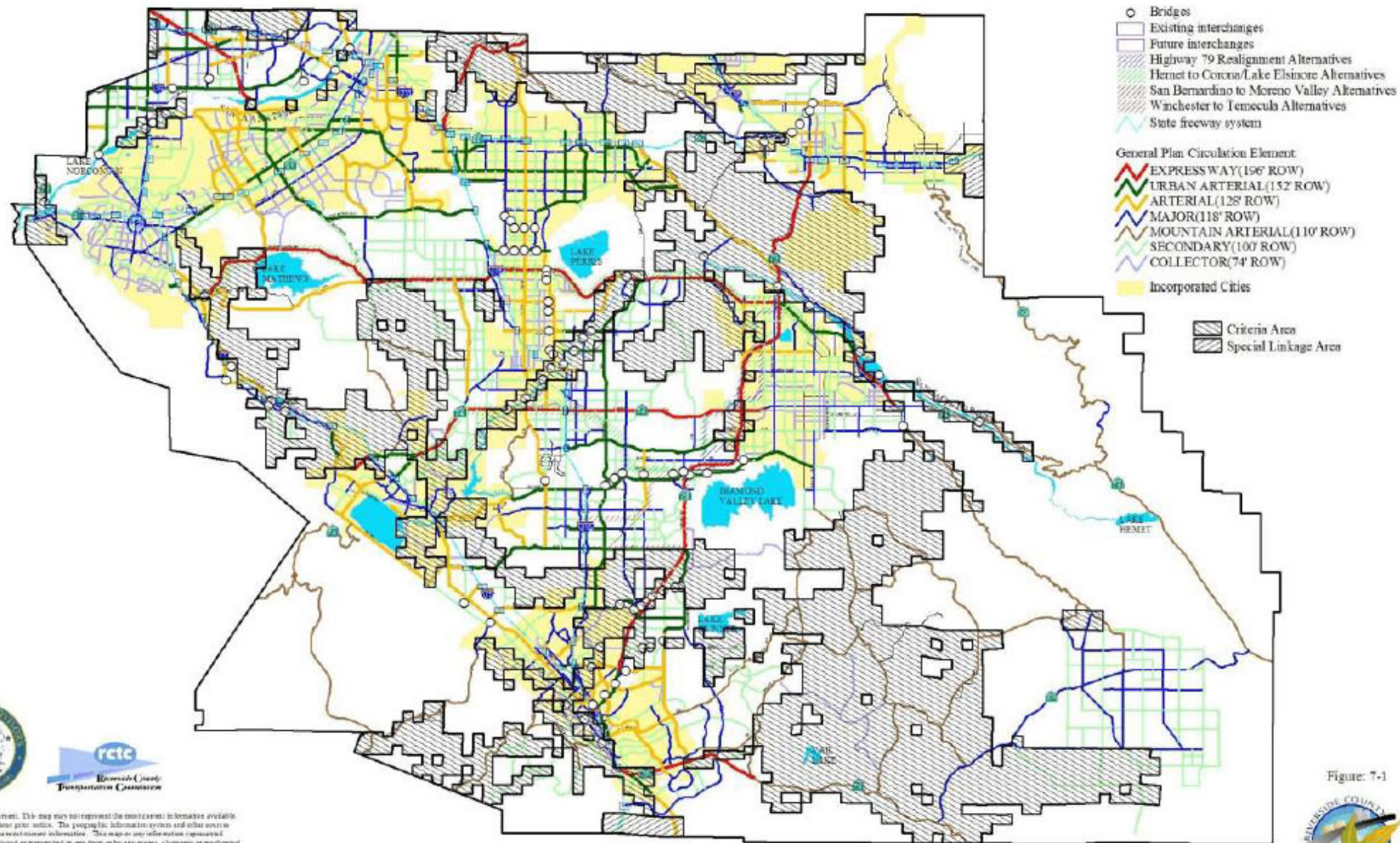


Figure 7-1



General Plan Circulation Element With Criteria Area



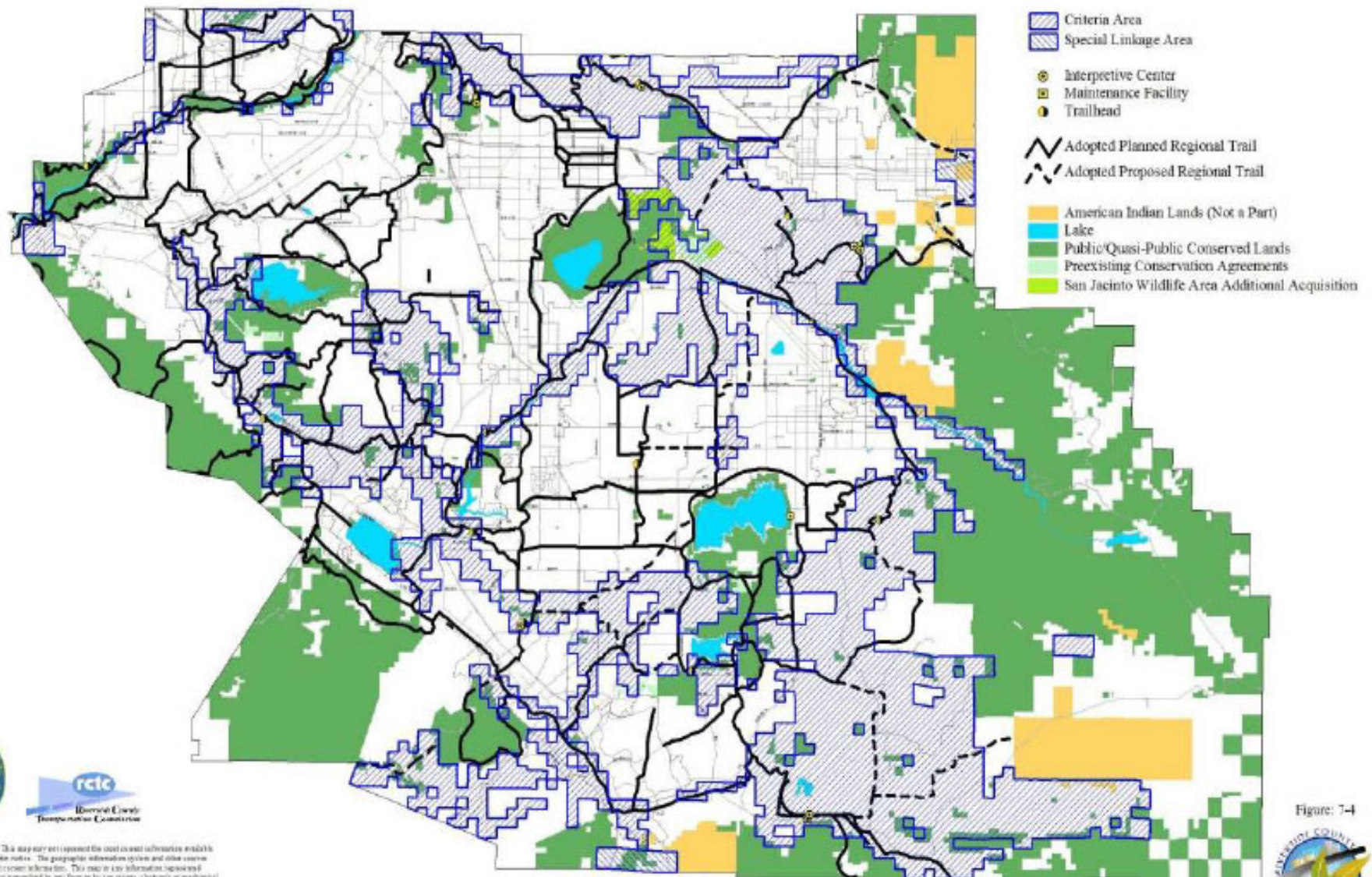
This map is a draft document. It may not represent the most current information available and may be revised without prior notice. The geographic information system and other sources used in the preparation of this map are not guaranteed. This map is for informational purposes only. It shall not be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording.



1 0 1 2 3 Miles

June 17, 2003

Covered Trails (Regional)



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Map created by: [Name]

Planned Trails With Criteria Area

Figure 7-4



Covered Roads/Trails

Subject to:

- Sec. 6.1.2 Riparian/Riverine and Vernal Pool Policies
- Sec. 6.1.3 and 6.3.2 - Species surveys in mapped survey areas if suitable habitat will be impacted
- Urban/Wildlands Interface
- Joint Project Review for projects in Criteria Cells only
- For Roads - Compliance with Section 7.5; siting, design, construction and wildlife movement guidelines
- For Trails – Compliance with Section 7.4.2 - Guidelines for the Siting and Design of Trails and Facilities

What Is The Purpose of the Reserve Assembly Analysis?

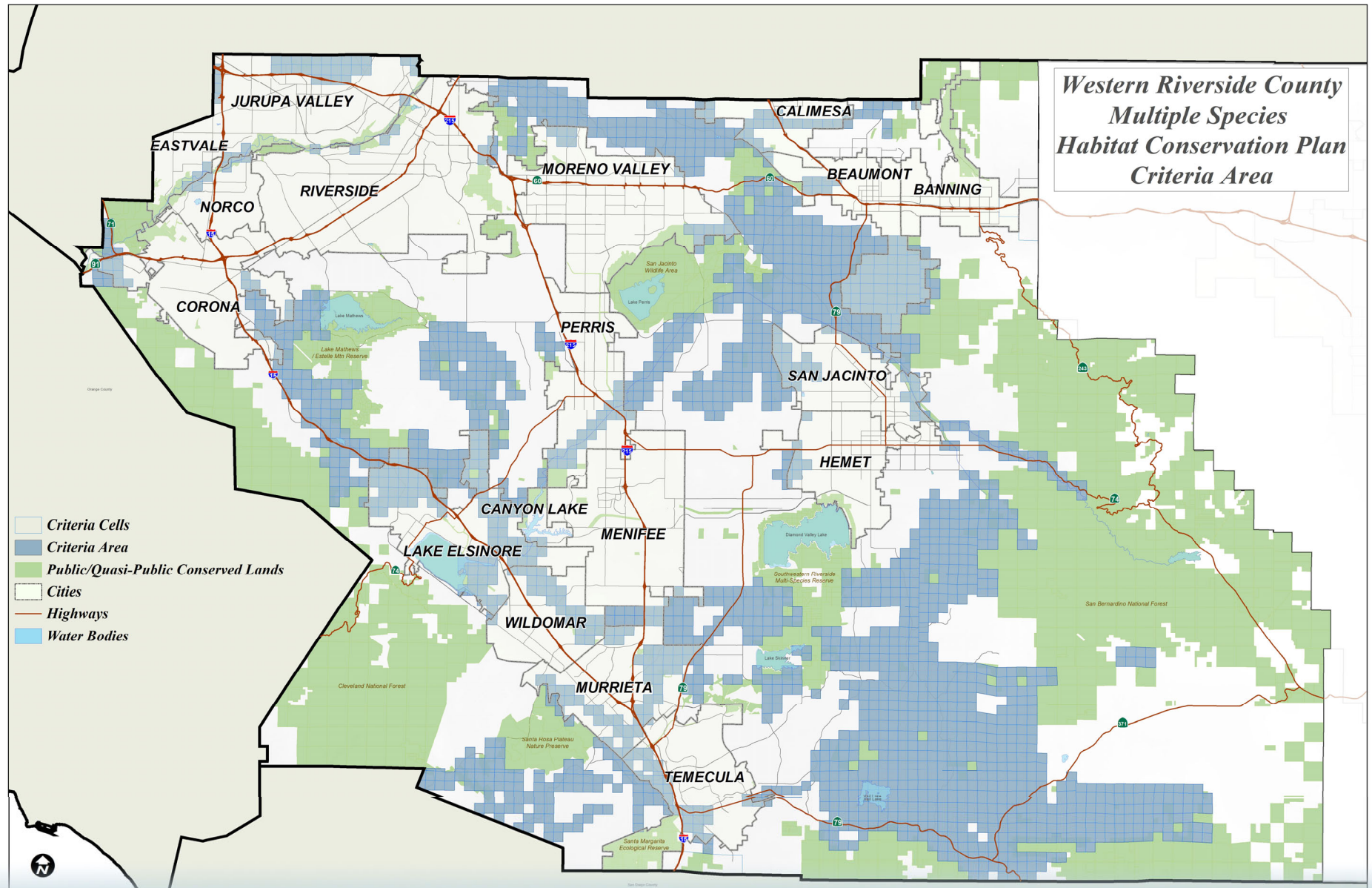
IN A NUTSHELL:

- ❖ To determine what portion, if any, of the property is needed to complete the MSHCP reserve.
 - 153,000-acres target
- ❖ Only occurs in Criteria Cells thru HANS/Joint Project Review

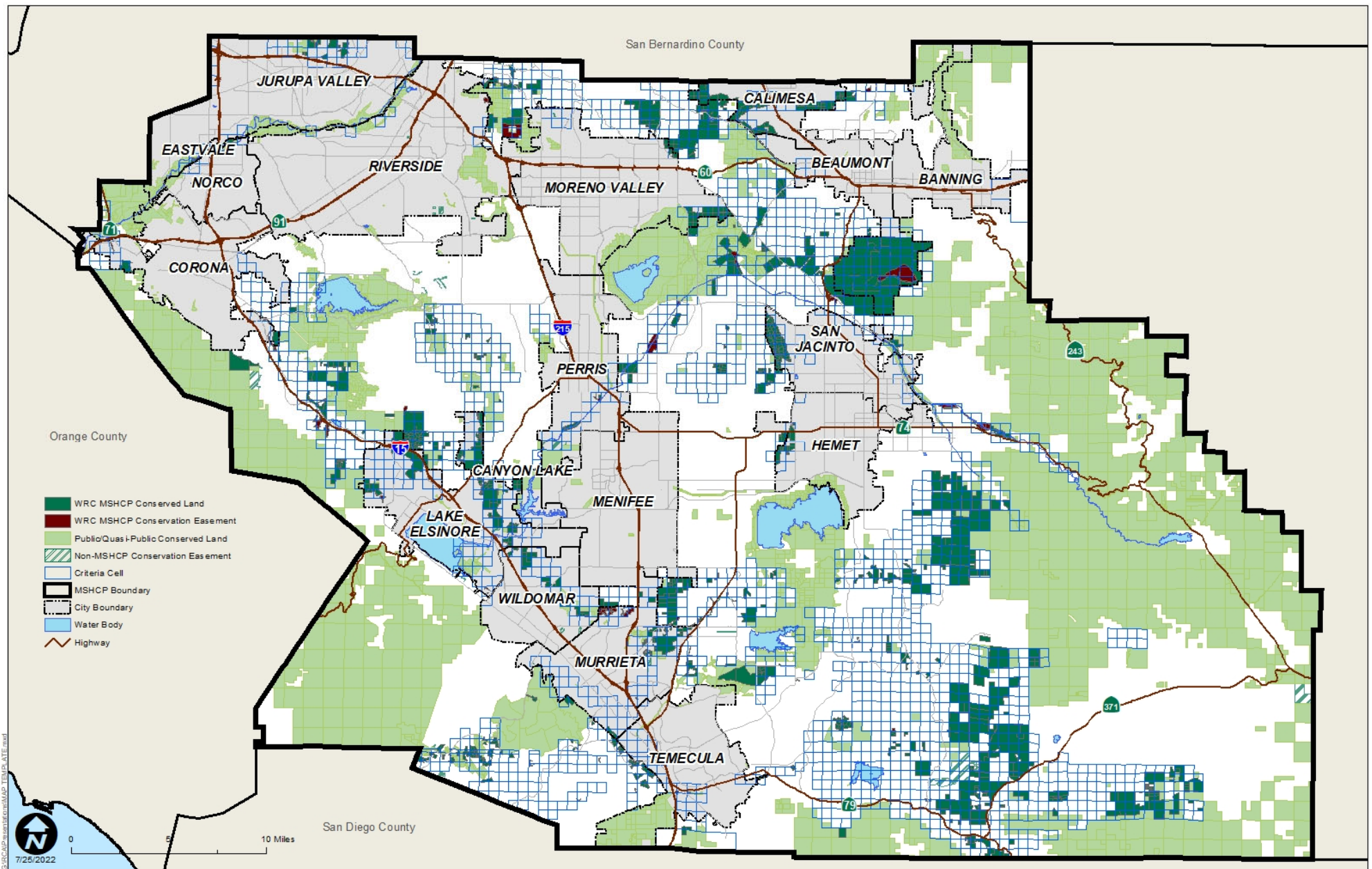
The Numbers

- The Reserve needs to equal 500,000 acres
- **PQP** lands came in at inception of the Plan and equal 347,000 acres.
 - Don't count towards the 153,000-acre goal
- **ARL** (Additional Reserve Lands) assembled thru JPR (w/ the RCA) & state and federal funding – managed for covered species

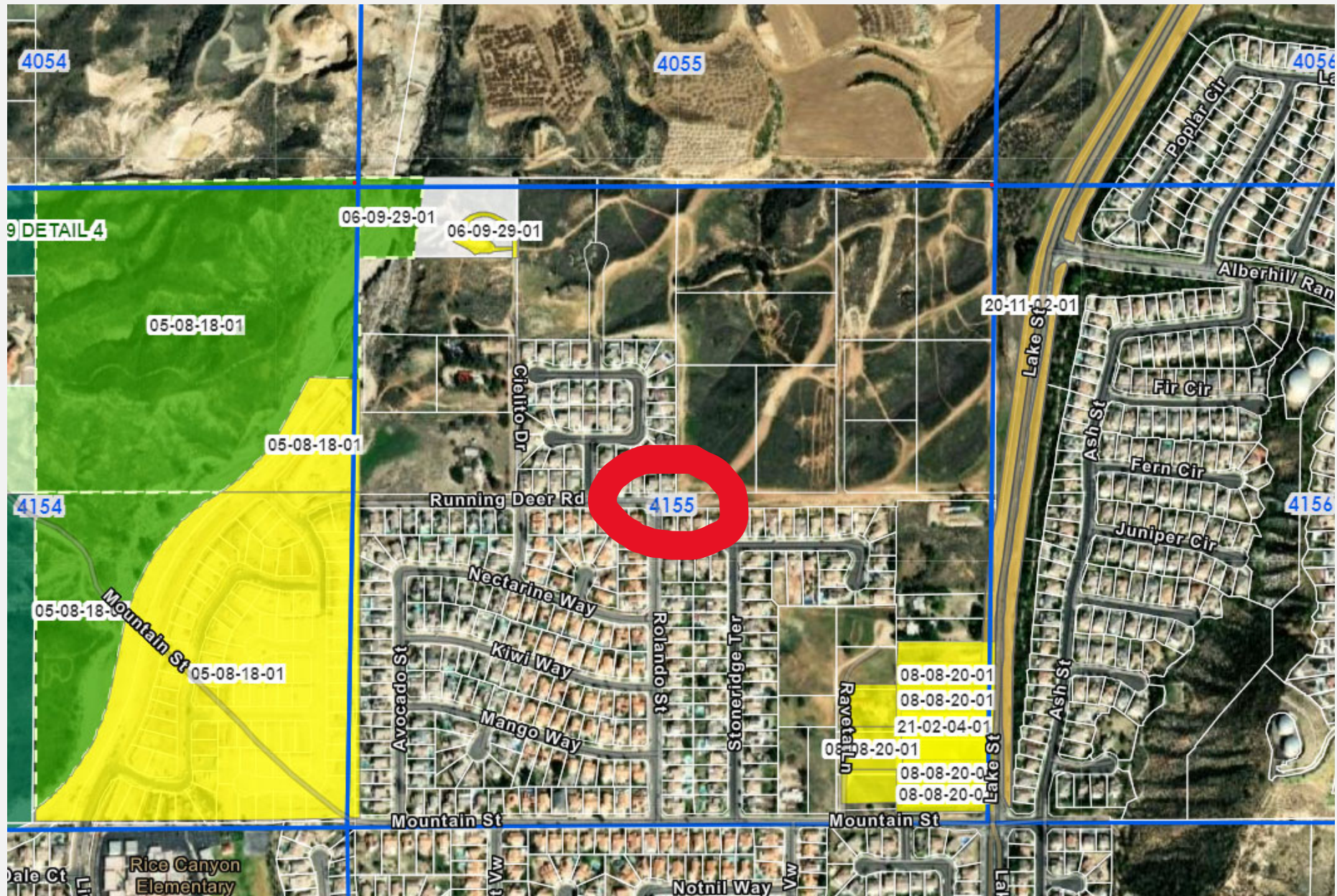
The Plan Area & Criteria Area



How the Reserve is Taking Shape



Reserve Assembly – Example



Cell 4155

What does the Criteria say?

Conservation within this Cell will contribute to assembly of Proposed Core 1. **Conservation within this Cell will focus on coastal sage scrub and chaparral habitat.** Areas conserved within this Cell will be connected to coastal sage scrub habitat proposed for conservation in Cell Group T to the north and in Cell #4156 to the east. **Conservation within this Cell will range from 20%-30% of the Cell focusing in the northeastern portion of the Cell.**

Reserve Assembly Analysis Considerations

- GIS Layers for approved and pending JPRs, ARL, PQP Lands, and Covered Roads needed for Reserve Assembly analysis are available from RCA upon request
 - Remember – JPRs do not expire.
- Information regarding any other planned development, not yet submitted for JPR

Section 6.1.4 Urban Wildland Interface Guidelines (UWIG)

Applies where development is near Conservation Areas (future and existing) that may create edge effects. MSHCP Consistency document and CEQA document should address:

- Drainage
- Toxics
- Lighting
- Noise
- Invasives
- Barriers/Fencing
- Grading\Land development



DOCUMENTING MSHCP CONSISTENCY

Basics to MSHCP Consistency

- ❖ Is the project a Discretionary Action?
- ❖ Is the project for a single-family home on a legal lot AND in a cell?

Single-Family Home – Special Approach

ERPs = Expedited Review Process for Single Family Homes
(MSHCP Vol. I, Section 7.3.2)

- Applies to one single-family home only on one legal lot
- Place home in *least environmentally sensitive* location. The remainder is expected to be avoided
- Consider Reserve Assembly in home placement
- Provide conservation where possible for the undeveloped balance
- No other surveys or MSHCP requirements apply
- Provide ERP disturbance and avoidance areas to RCA annually
- Local Mitigation Development Fee applies

Steps to MSHCP Consistency Discretionary Projects – Step 1

Step 1 – MSHCP Consistency Report

- ❖ A qualified biologist(s) perform field analysis + surveys (if applicable).
- ❖ Reporting – go to online template for discussion
 - Existing Conditions
 - Impact Analysis
 - Urban Wildlands Interface
 - Project Conditions
 - DBESP needed?

Step 2 to MSHCP Consistency

Step 2 - DBESP Report - triggered when impacts to following are proposed:

- Section 6.1.2 - Riparian/Riverine Areas and Vernal Pools
- Section 6.1.3 – Narrow Endemic Survey Plant
- Section 6.3.2 – Any of the below Additional Survey Species

Criteria Area Species Survey Area (Plants)

Amphibian Species Survey Area

Burrowing Owl Survey Area

Mammal Species Survey Area

- Go to online template for discussion

Basic Elements of DBESP

DBESP should:

- Identify resource and impacts
- Document why the impact can't be avoided
- Address how the impacts will be offset by proposing benefits (equivalent or superior to avoidance of current conditions)
- Important to differentiate between permanent and temporary impacts.
- Resource documentation and impacts need to be detailed.

Rip/Riv DBESP (for Habitat and/or Species)

- What are the habitat functions and values being affected (describe pre-and post-project F&V)?
- Document how project design (minimization) and compensation measures are biological equivalent, or superior to avoidance
- CDFW streambed jurisdiction generally equivalent to MSHCP riparian/riverine.

Typical Section 6.1.2 DBESP Mitigation

- Establishment
- Re-establishment
- Enhancement
- Preservation



- Use of Mitigation Banks or In-Lieu Fee program credits OK if w/in Plan area
- Limited RCA-owned land available for mitigation use
- RCA hosts monthly pre-application mtgs w/ USFWS, CDFW, RWQCB and USACE to facilitate streambed impact and mitigation coordination.

Sections 6.1.3 and 6.3.2 Mitigation

DBESP mitigation *may* include:

- Restoration
- Creation
- Relocation/Translocation
- Preservation



Burrowing Owl DBESP Mitigation

- **Active Relocation** – requires preparation of Relocation Plan, review, approval, and coordination with RCA and Wildlife Agencies, including State banding permit office and Federal MBTA office. This would only be part of a mitigation package. Movement of owls would not meet the equivalency standard needed by the DBESP process.
- **Eviction/Passive Relocation** – can be acceptable for projects that do not meet the long-term conservation value metrics
 - Suitable conserved habitat and natural or artificial burrows w/in 75-100m (need available refuge)
 - Coordinate with USFWS and CDFW on all evictions

Step 3 to MSHCP Consistency

Step 3 – PQP/ARL Equivalency Report

- When impacts are proposed to PQP or existing ARL
 - Replacement lands
 - No net loss in acreage
 - No net loss in biological function and value to the MSHCP Reserve
- RCA for guidance and approach

Step 4 to MSHCP Consistency

Step 4 – You as the Permittee review and determine MSHCP consistency

- MSHCP Consistency Report
- DBESP Report (if applicable)
- PQP/ARL Equivalency Report (if applicable)

Step 5 to MSHCP Consistency

Step 5

- **5a - Outside Criteria Area:** Submit DBESP (including other MSHCP consistency information) directly to Wildlife Agencies for 60-day review on all projects [RCA not involved]
- **5b - Within Criteria Area:** Submit MSHCP consistency information to RCA

RCA - Joint Project Review

- JPR submittal – Email submittal preferred
 - JPR application (on-line)
 - City's written determination of Consistency (email or letter)
 - MSHCP consistency Report
 - DBESP and/or PQP/ARL equivalency report, if applicable
 - GIS files of project footprint, permanent vs. temporary impacts (if applicable), off-site improvements
 - JPR Deposit – \$1500

Steps to Joint Project Review

1. RCA reviews JPR submittal for completeness
2. JPR findings/comments to Permittee within 14 days from complete application
3. RCA sends completed JPR determination to Permittee and Wildlife Agencies concurrently via email.
4. Wildlife Agencies have 10 *working* days to provide a comment on JPR and 60 days for DBESP review

Easy Way to Have Complete Documentation

Use the available online RCA templates

www.wrc-rca.org/document-library/

**MSHCP Consistency
documentation is part of the
project record.**

Changes to MSHCP – Criteria Refinements

- Intended to “refine” written conservation criteria, not eliminate it
- Use for shifting areas of conservation
- Needs to be completed prior to JPR
- Criteria Refinement equivalency analysis needs to be included in project’s CEQA document
- Requires RCA and Wildlife Agency review
- Contact RCA if considering

Changes to MSHCP- Minor Amendments

- Examples:
 - Annexations or de-annexations
 - Road or trail exchanges, if equivalency can be demonstrated
- Requires equivalency analysis report
- Wildlife Agencies must approve
 - *60-day review/approval period*

Changes to MSHCP- Major Amendments

- For any change that is not a Clerical or a Minor Amendment
- Required for:
 - changes to boundary of Plan Area
 - addition of species
 - changes in Reserve Assembly or funding strategies or schedules
 - changes to Conservation Area boundaries and interpretations of MSHCP Criteria

Changes to MSHCP

Major Amendments require:

- Reopening of EIR (CEQA) and EIS (NEPA) processes
- New Section 7 process, and amendments to USFWS and CDFW Permits
- Amendment to Implementing Agreement
- Public noticing and review
- Review by RCA and Permittees

Permittee – Conditions to Ensure Compliance

- Conveyance of conservation land, if any, prior to grading.
- Urban Wildlands Interface measures if adjacent to existing or future conservation
- Fee payment
- Implementation of DBESP mitigation, if any
- Pre-construction BUOW surveys if w/in survey area

A cougar is perched on a large, light-colored rock in the foreground. The background is a soft-focus forest with trees showing autumn foliage in shades of yellow, orange, and brown. The scene is brightly lit, suggesting a sunny day.

Questions?

Thank you for your time!