1.0 INTRODUCTION

1.1 MSHCP Overview and Project Background

Maricopa Sun, LLC (Project Administrator) obtained approval from the County of Kern for the Maricopa Sun Solar Complex, a renewable energy solar project (Project) that included: 1) a General Plan Amendment (GPA) to the Circulation Element (GPA 5, Map 158 and GPA 1, Map 159) to eliminate section and midsection line arterial and collector road reservations; 2) a Conditional Use Permit (CUP) (Map 158 and Map 159) to allow the construction and operation of a solar electrical generating facility in an A (Agricultural) zone[1]; 3) cancellation of Williamson Act land use contracts; and 4) recordation of Tentative Parcel Maps (TPMs) 11967 and 11968 (County of Kern 2010b). The Project involves the construction and operation of solar photovoltaic (PV) power generating facilities in the central west portion of unincorporated Kern County. Complete buildout of the Project will produce up to 700 megawatts (MW) of electricity.

Multiple parcels comprise the Project, which is located in southwestern Kern County, approximately 3 miles northeast of the unincorporated community of Maricopa (Figure 1-1). The individual sites are located in the vicinity of Interstate 5, and can be accessed from South Lake Road, Copus Road, and several other unnamed farm access roads. The Project sites are generally located east and north of the California Aqueduct; however, some Conservation Sites within the Project are located adjacent to and/or south of the aqueduct.

Figure 1-2 shows the site plan for the Maricopa Sun Solar Complex. The Project will be constructed by various third party solar developers (Developers) on private properties currently owned by affiliates of Maricopa Sun, LLC. The lands will be sold or leased to such Developers. Maricopa Sun, LLC will administer the activities performed by the Developers within the Project lands in accordance with the terms and conditions described in this Section 10(a)(1)(B) Incidental Take Permit (ITP) and Habitat Conservation Plan (HCP) (Maricopa Sun, LLC HCP, also known as MSHCP). Also, as a component of MSHCP compliance, the Project Administrator (in cooperation with the Developers) shall place the Solar Sites into conservation easements effective once building/grading permits have been obtained at the start of solar development. The conservation easements will initially be operated as solar facilities and will transition to conservation lands to be managed as habitat once the solar facilities are decommissioned (after a maximum permit term of 35 years).

The Maricopa Sun Solar Complex will include: a series of PV panels, inverters, transformers, circuit breakers, metering equipment, switchgear, protective relays, and larger transformers to step up the voltage to match the voltage of the transmission grid at the interconnection point, transmission lines, and operations and maintenance (O&M) buildings adjacent to the solar field. The Project will also include one or more meteorological monitoring stations to track insulation temperature, wind direction, and speed.

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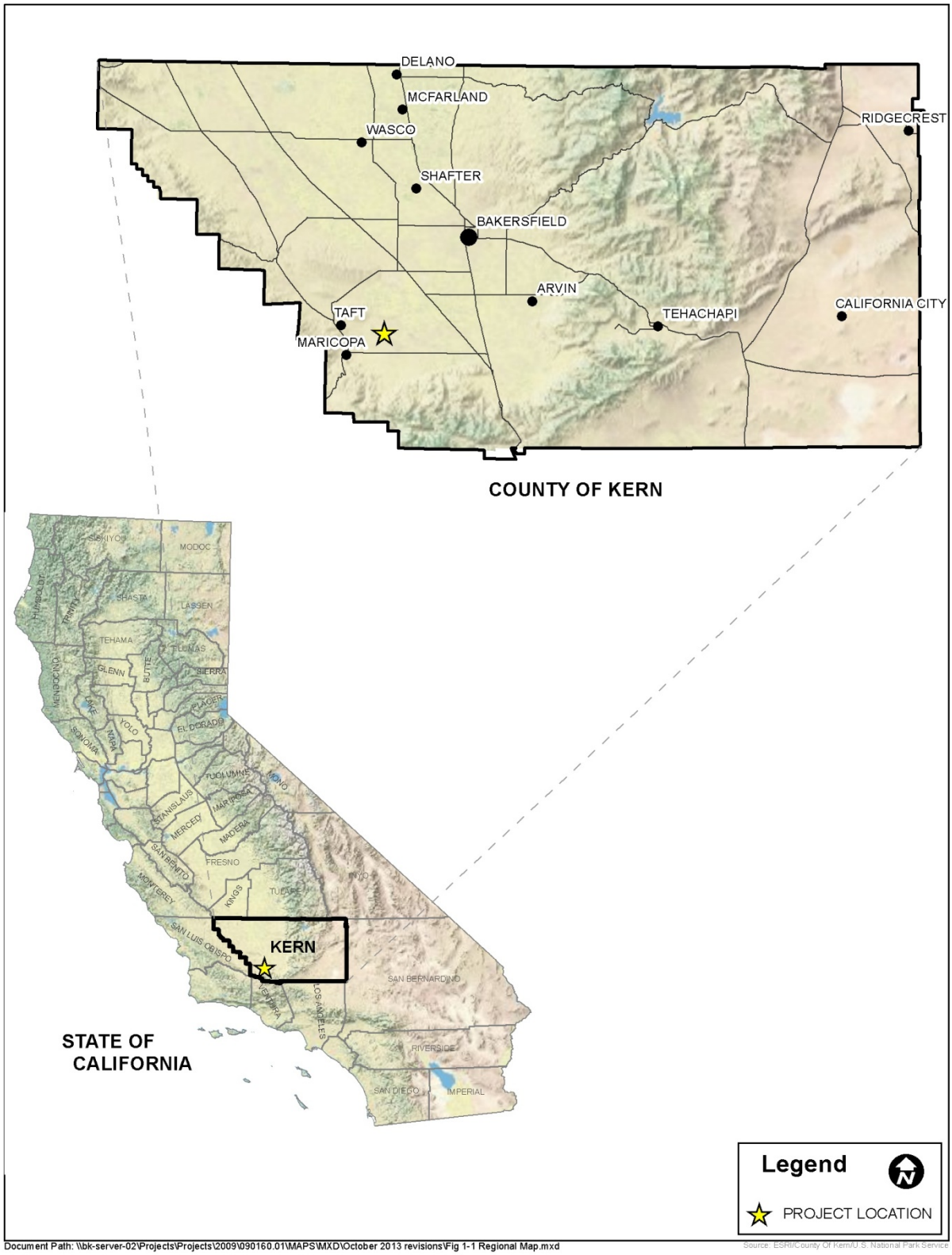
[1] Allowable land uses within the A zone are set forth in Sections 19.12.020 and 19.12.030 of the Kern County, California - Code of Ordinances, which includes solar facilities that are permitted on properties zoned for exclusive agricultural use with approval of a conditional use permit (CUP) (County of Kern, 2010a).



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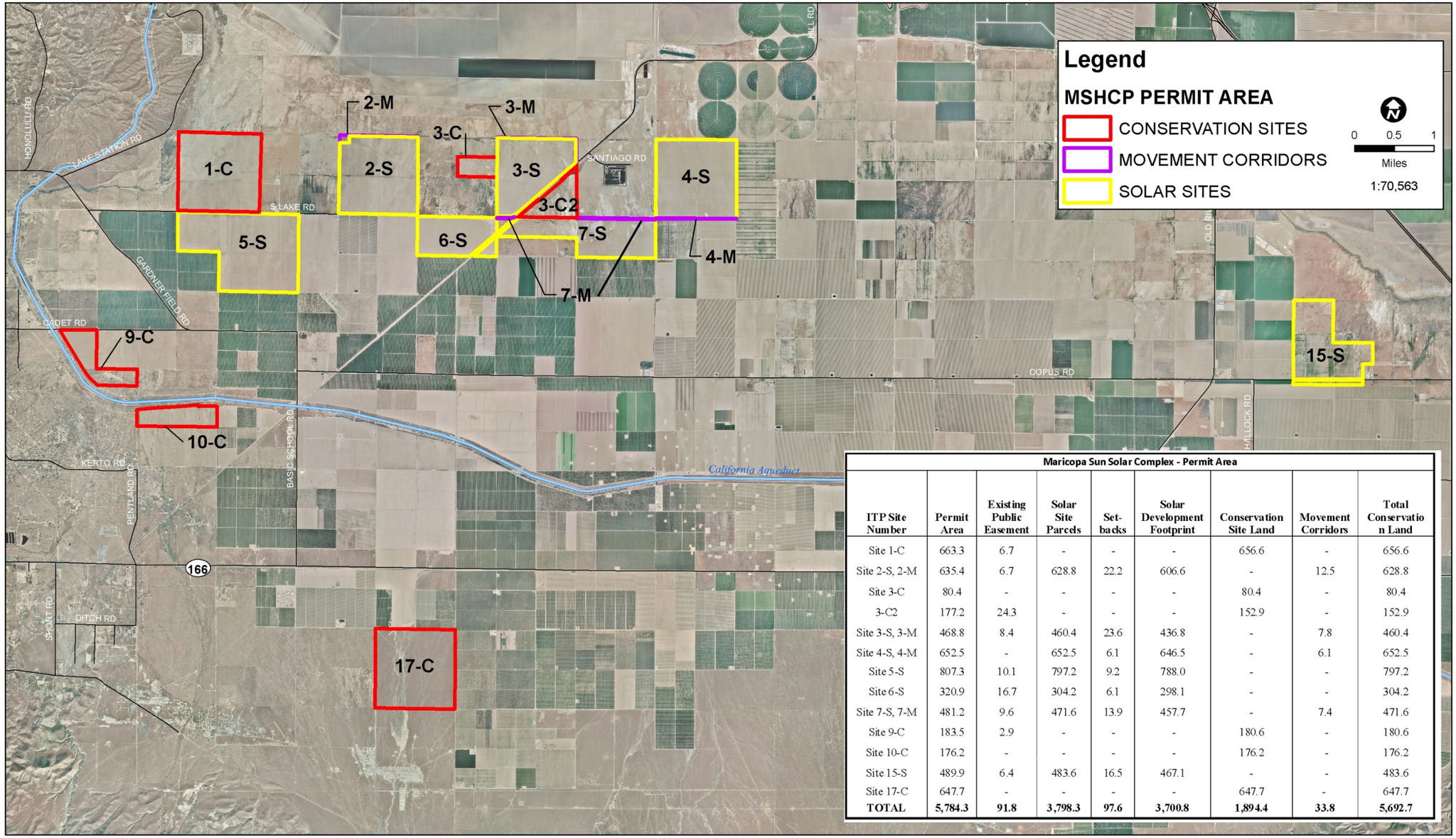
REGIONAL LOCATION OF MARICOPA SUN SOLAR COMPLEX PROJECT AREA, KERN COUNTY, CALIFORNIA

Figure 1 - 1



Maricopa Sun Solar Complex - Permit Area								
ITP Site Number	Permit Area	Existing Public Easement	Solar Site Parcels	Set-backs	Solar Development Footprint	Conservation Site Land	Movement Corridors	Total Conservation Land
Site 1-C	663.3	6.7	-	-	-	656.6	-	656.6
Site 2-S, 2-M	635.4	6.7	628.8	22.2	606.6	-	12.5	628.8
Site 3-C	80.4	-	-	-	-	80.4	-	80.4
3-C2	177.2	24.3	-	-	-	152.9	-	152.9
Site 3-S, 3-M	468.8	8.4	460.4	23.6	436.8	-	7.8	460.4
Site 4-S, 4-M	652.5	-	652.5	6.1	646.5	-	6.1	652.5
Site 5-S	807.3	10.1	797.2	9.2	788.0	-	-	797.2
Site 6-S	320.9	16.7	304.2	6.1	298.1	-	-	304.2
Site 7-S, 7-M	481.2	9.6	471.6	13.9	457.7	-	7.4	471.6
Site 9-C	183.5	2.9	-	-	-	180.6	-	180.6
Site 10-C	176.2	-	-	-	-	176.2	-	176.2
Site 15-S	489.9	6.4	483.6	16.5	467.1	-	-	483.6
Site 17-C	647.7	-	-	-	-	647.7	-	647.7
TOTAL	**5,784.3**	**91.8**	**3,798.3**	**97.6**	**3,700.8**	**1,894.4**	**33.8**	**5,692.7**

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SITE PLAN
MARICOPA SUN SOLAR COMPLEX, KERN COUNTY, CALIFORNIA

Figure
1 - 2

The lands included in the MSHCP (Permit Area) encompass 5,784.3 acres, which are described as follows:

1. Permit Area: The Permit Area is the gross acreage of all parcels, which includes those parcels that will be developed into solar facilities (Solar Sites) and those that will be set aside as conservation areas (Conservation Sites). The Permit Area includes all existing public easements, movement corridors, setbacks, the Solar Development Footprints, and the Conservation Sites. The Permit Area totals 5,784.3 acres. These lands are described in greater detail in Chapter 2.

2. Solar Sites: The portion of the Project that will be developed as the "Maricopa Sun Solar Complex." The Solar Sites encompass 3,798.2 acres, all of which will be placed in conservation easements upon obtaining building/grading permits for solar facilities.

3. Solar Development Footprints: Those portions of the Solar Sites that will be developed into solar facilities. The Solar Development Footprints include a reduced area from the Solar Sites because of mandatory setbacks from existing roadways, setbacks from native habitat, the presence of wildlife Movement Corridors, and other necessary reductions in acreage. The Solar Development Footprints encompass 3,700.5 acres.

4. Movement Corridors: Corridors located along specified perimeters of Solar Sites that will be enhanced to facilitate the movement of wildlife species. The Movement Corridors encompass 33.8 acres.

5. Conservation Sites: These are parcels that will remain in their native state and/or be enhanced to provide habitat for species. These lands will be permanently conserved as mitigation for the Project's impacts to biological species. These sites encompass 1,894.4 acres.

1.1.1 ENVIRONMENTAL COMPLIANCE

In 2011, an Environmental Impact Report (EIR) for the Maricopa Sun Solar Complex was adopted by Kern County. The EIR identified and evaluated potential environmental impacts associated with implementation of the proposed project. The analysis concluded that pursuant to Sections 15126.2 and 15355 of the California Environmental Quality Act (CEQA), impacts to biological resources would be significant and unavoidable following project compliance with all regulatory, statutory, and mitigation measures. This finding was based on the following: 1) although the project site is mostly devoid of special-status plant and animal species, after the project implementation, growth of natural vegetation on site may encourage special-status species to take advantage of newly formed habitat; 2) solar operations could result in the loss of those species and their habitat; and 3) considered alone, the loss of species and their habitat would not be significant; however, with other renewable energy projects being proposed throughout Kern County, there will be a significant cumulative impact (County of Kern, 2010b). The proposed project would result in take of federally listed species; therefore, incidental take authorization through the Section 10 process of the Federal Endangered Species Act (FESA) is necessary.

1.1.2 STATEMENT OF PURPOSE AND NEED

The purpose of this MSHCP is to outline a conservation strategy that Maricopa Sun, LLC and their affiliates will implement to minimize, avoid, and mitigate, to the maximum extent practicable, the incidental take of species that are currently listed or are likely to become listed by the United States Fish and Wildlife Service (USFWS) during the life of the project, and which may be subject to "take" as defined by the FESA. This MSHCP has been prepared to obtain incidental take authorization under Section 10 of the FESA and Section 2081 of the California Endangered Species Act (CESA) for the proposed Covered Activities outlined in Section 2.0 of this MSHCP.

1.1.3 BIOLOGICAL GOALS AND OBJECTIVES

The biological goals and objectives for the MSHCP are required as part of the USFWS's five-point policy initiative designed to clarify the elements of an HCP program as they relate to: measurable biological goals, adaptive management, monitoring, permit duration, and public participation (USFWS and Department of Commerce National Oceanic and Atmospheric Administration 2000). An HCP must include biological goals and objectives that set out specific measurable targets that the plan is intended to meet. These targets are based on the best scientific information available, and are used to guide conservation strategies for species covered by the plan (USFWS 2011a). Section 5.1 outlines the biological goals and objectives for this MSHCP.

1.1.4 CONTENT OF THE MSHCP

The MSHCP contains content as required by Section 10 of the FESA and its implementing regulations, as follows:

- An assessment of impacts likely to result from the proposed taking of one or more federally listed species.
- Measures undertaken to avoid, minimize, mitigate, and monitor impacts; the funding that will be made available to implement such measures; and the procedures to address unforeseen or extraordinary circumstances.
- Alternative actions to the taking that were analyzed, and the reasons why such alternatives were not adopted.
- Additional measures that the USFWS may require as necessary or appropriate.

An overview of the organization of this document is provided in Section 1.4.2.

1.2 Scope of the MSHCP

1.2.1 PERMIT DURATION

Based on the lifespan of solar equipment and the anticipated phased development of the seven (7) individual Solar Sites (yellow parcels, Figure 1-2), the duration of this MSHCP and the ITP to be issued by the USFWS is 35 years. All sites that are developed within the Maricopa Sun Solar Complex will be subject to the terms and conditions of the MSHCP over the permit duration. A 35-year permit is needed to allow for the phased development of the Project (build-out is anticipated to occur over a maximum 10- to 15-year period) to allow for operations of the solar facilities (estimated at a productive life span of 25 years), and to allow for the decommissioning of the solar facilities. The 35-year term of the ITP will provide adequate time to implement the MSHCP and to achieve the benefits of its conservation program (USFWS 1996).

1.2.2 GEOGRAPHIC SCOPE

Kern County is located on the southern end of California's Central Valley within the San Joaquin Valley. Kern County is surrounded by Kings and Tulare Counties to the north, Inyo and San Bernardino Counties to the east, Ventura and Los Angeles Counties to the south, and Santa Barbara and San Luis Obispo Counties to the west. As of 2010, Kern County had a population of 839,631 people (U.S. Census Bureau 2010). The County consists of approximately 8,202 square miles, and is the state's third largest county in land mass. Kern County also has a diversity of geographic features, which include mountainous areas, agricultural lands, desert areas, and several waterways, including the Kern River, and the California Aqueduct. Elevations in Kern County range from 206 feet above mean sea level (AMSL), to 8,831 feet above AMSL. The San Joaquin Valley consists of sedimentary deposits of alluvial soil that has eroded from the Sierra Nevada and other ranges, with subsequent uplift and faulting that created some hilly terrain.

Kern County is divided into three regions, San Joaquin Valley Region, Mountain Region, and Desert Region. The Project is located in the Valley Region, which is characterized by relatively low rainfall and high average summer temperatures, and generally mild winters. The San Joaquin Valley region consists of four sub-areas: the Northern San Joaquin Valley, the Southern San Joaquin Valley, Westside, and Belridge. The project site is located within the Westside sub-area. This sub-area is situated in the central western portion of Kern County, and is bounded by the Belridge sub-area to the north, San Luis Obispo County to the west, State Highway 166 to the south, and Interstate 5 to the east. The incorporated cities of Taft and Maricopa, and the unincorporated communities of South Taft, Ford City, Taft Heights and McKittrick are all located within the Westside sub-area.

The topography of the Project Permit Area is nearly flat, with little change in elevation. The project site has been previously cultivated for agricultural production and is within the boundaries of Agricultural Preserve No. 12. The Project was granted a certificate of cancellation of the Williamson Act land use contracts (Resolution No. 2011-078) by the Kern County Board of Supervisors on March 29, 2011 (County of Kern 2010b).

1.2.3 COVERED SPECIES

The MSHCP Covered Species include those species that are currently listed under the FESA or that might become listed under the FESA during the permit period, and that may be subject to "take" as defined by the FESA. Therefore, Covered Species, under the MSHCP include: 3 mammal, 1 bird, and 1 reptile species that are identified in Table 1-1**.** The blunt-nosed leopard lizard (*Gambelia sila*) is designated by the State of California as a fully protected species; this species may also have the potential to inhabit or forage on the project site. Fully protected species are protected from any form of take by the California Fish and Game Code. This MSHCP provides measures for the avoidance of all fully protected species.

Table 1-1
Species Covered by the MSHCP

Common Name	Scientific Name	Federal Status[1]	State Status[1]	Other[1]
	Covered Mammals			
San Joaquin kit fox	*Vulpes macrotis mutica*	FE	ST	-
Tipton kangaroo rat	*Dipodomys nitratoides nitratoides*	FE	SE	-
Nelson's antelope squirrel	*Ammospermophilus nelsoni*	-	ST	-
	Covered Birds			
Burrowing owl	*Athene cunicularia*	-	CSC	MBTA
	Covered Reptiles			
Blunt-nosed leopard lizard	*Gambelia sila*	FE	SE	SFP

1 THE FOLLOWING ACRONYMS ARE DEFINED AS: CSC = CALIFORNIA SPECIES OF CONCERN, MBTA = MIGRATORY BIRD TREATY ACT, FE = FEDERALLY ENDANGERED, SE = STATE ENDANGERED, SFP = STATE FULLY PROTECTED, AND ST = STATE THREATENED.

1.2.4 COVERED ACTIVITIES

This MSHCP covers all activities within the Permit Area that are related to the construction, operations and maintenance and decommissioning of the Maricopa Sun Solar Complex and its facilities, and implementation of the conservation program described herein for a period of 35 years. After the MSHCP is approved and an ITP is issued, Covered Activities will be authorized to begin on the effective date listed on the permit provided conservation measures are implemented.

Solar electricity generation is the primary activity that will be conducted at the Project facilities. As stated in Section 2.3, Covered Activities will consist of the following phases: (1) pre-construction; (2) construction; (3) operations and maintenance; (4) decommissioning; (5) preservation, enhancement, avoidance, and minimization; and (6) management activities on Conservation Sites. Preservation, enhancement, avoidance, and minimization activities would occur throughout the life of the project. Table 2-2 includes a brief overview of Covered Activities.

1.3 Regulatory Setting

1.3.1 FEDERAL LAWS, REGULATIONS, AND PROGRAMS

Federal Endangered Species Act of 1973 (16 U.S. Government Code [USC], Sections 1531 through 1543)

Congress passed the FESA in 1973 to protect various species of plants, invertebrates, fish, and other wildlife from extinction. Section 9 of the FESA prohibits the taking of listed wildlife species. "Take" is defined broadly to mean harass, harm, hunt, shoot, wound, kill, trap, capture, or collect; or attempt to engage in any such conduct. "Harm" is defined as an act which actually kills or injures wildlife, including those activities that cause significant habitat modification or degradation resulting in the killing or injuring of wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

Under Section 10(a)(1)(B) of the FESA, the USFWS may permit, under certain terms and conditions, the incidental take of listed species that may occur pursuant to an otherwise lawful activity. To obtain a Section 10(a)(1)(B) permit, an HCP must be prepared that provides the following information:

- Impacts likely to result from the proposed take of species for which permit coverage is requested.
- Measures undertaken to avoid, minimize, monitor, and mitigate such impacts; funding that will be made available to undertake such measures; and procedures to deal with unforeseen circumstances.
- Alternative actions to the take that were analyzed, and the reasons why such alternatives were not adopted.
- Additional measures the Service may require as necessary or appropriate for purposes of the plan.

The USFWS has adopted a five-point policy initiative designed to clarify elements of the HCP program as they relate to measurable biological goals, adaptive management, monitoring, permit duration, and public participation (USFWS 2000). To be approved by the USFWS, an HCP must satisfy the following additional criteria:

Biological Goals and Objectives: HCPs must include biological goals and objectives that set out specific measurable targets that the plan is intended to meet. These targets are based on the best scientific information available and are used to guide conservation strategies for species covered by the plan.

Adaptive Management: The five-point policy requires an adaptive management approach to ensure adequate funding for the conservation plan and changed circumstances. Adaptive management provides a means to address biological uncertainty and to devise alternative strategies for meeting biological goals and objectives.

Monitoring: Monitoring is a mandatory element of all HCPs under the five-point policy. HCPs must provide for monitoring programs to gauge the effectiveness of the plan in meeting the biological goals and objectives and to verify that the terms and conditions of the plan are being properly implemented. Monitoring programs are also required to ensure that effects associated with the implementation of the HCP remain consistent with those effects analyzed in the HCP. A significant monitoring program is included that will determine the compatibility of species within the developed solar field, as well as provide long-term information of the use of conservation lands by species and the effectiveness of habitat enhancements. There are three monitoring programs associated with this MSHCP: one focuses on monitoring construction and operations activities to assess the effectiveness of avoidance measures and compliance with the Project mitigation measures, another focuses on research that will be conducted to determine the compatibility of solar development and species use of the solar sites, and the third focuses on the monitoring of species' use of the conservation areas so that adaptive management of those lands ensure long-term benefits to Covered Species.

Permit Duration: Under the five-point policy, several factors are used to determine the duration of an ITP, including the duration of the proposed activities and the expected positive and negative effects on Covered Species associated with the proposed duration. The USFWS also considers the level of scientific and commercial data underlying the proposed operating conservation program, the length of time necessary to implement and achieve the benefits of the operating conservation program, and the extent to which the program incorporates adaptive management strategies. It has been determined that a 35-year permit life is warranted for the Project.

Public Participation: Under the five-point policy, the USFWS announced its intent to expand public participation in the HCP process to provide greater opportunity for the public to assess, review, and analyze HCPs and associated documentation (e.g., National Environmental Policy Act [NEPA] documents). As part of this effort, the USFWS has expanded the public review process duration for most HCPs from 30 to 60 days (United States Code 1973). HCPs that require an Environmental Impact Statement have a 90-day public review period. The MSHCP has a 90-day public review period.

National Environmental Policy Act

The purpose of the NEPA is to ensure that federal agencies examine the environmental impacts of their actions (in this case deciding whether to issue a permit) and to utilize public participation. NEPA serves as an analytical tool to assess direct, indirect, and cumulative impacts of a proposed project, and alternatives to help the USFWS decide whether to issue a permit. The analysis conducted is provided in either an environmental assessment (EA) or an environmental impact statement (EIS). The issuance by the USFWS of an ITP under Section 10 of the FESA constitutes a federal action. Therefore, the USFWS must complete NEPA documentation for each HCP as part of the permit application process (CEQ 2011).

San Joaquin Valley Upland Species Recovery Plan

The proposed project is located within the coverage area of the recovery plan for upland species of the San Joaquin Valley, which covers 34 species of plants and animals (USFWS 1998). The primary objective of that plan is the recovery of 11 endangered and threatened listed species, along with protection and long-term conservation of candidate species and species of special concern. These 11 species consist of 5 federally endangered plants (California jewelflower, palmate-bracted bird's-beak, Kern mallow, San Joaquin woolly-threads, and Bakersfield cactus), 1 threatened plant (Hoover's woolly-star; but see USFWS 2003b), and 5 endangered animals (giant kangaroo rat, Fresno kangaroo rat, Tipton kangaroo rat, blunt-nosed leopard lizard, and San Joaquin kit fox). In addition, 23 candidates or species of concern are addressed. The ultimate goal of this recovery plan is to delist the 11 endangered and threatened species and ensure the long-term conservation of the 23 candidates and species of concern. An interim goal is to reclassify the endangered species to threatened status. The USFWS is responsible for the implementation of the recovery plan (USFWS 1998).

1.3.2 STATE LAWS AND REGULATIONS

California State Fish and Game Code (Sections 3503 and 3503.5.)

Under these sections of the Fish and Game Code, the project proponent is not allowed to conduct activities that would result in the taking, possessing, or destroying of any bird-of-prey; taking or possessing of any migratory non-game bird as designated in the Migratory Bird Treaty Act; or the taking, possessing, or needless destroying of the nest or eggs of any raptor or non-game bird protected by the Migratory Bird Treaty Act, or the taking of any non-game bird pursuant to Fish and Game Code Section 3800.

California Fully Protected Species (Fish and Game Code 3511, 4700, 5050, and 5515)

The Fish and Game Code restricts the CDWF from authorizing take of fully protected species, except for scientific research, under Sections 3511 (Fully protected birds), 4700 (Fully protected mammals), 5050 (Fully protected reptiles and amphibians), and 5515 (Fully protected fish) stating that “no provision of this code or any other law shall be construed to authorize this issuance of permits or licenses to take any fully protected [birds], [mammals], [reptiles or amphibians], [fish]….” Under this MSHCP, potential impacts due to Covered Activities are fully analyzed and measures to avoid take of California fully protected species are provided.

California Endangered Species Act (Fish and Game Code 2050 et seq.)

The CESA provides mechanisms to obtain incidental take coverage for projects that would likely result in the incidental killing or injury of a state listed species through the issuance of a Section 2081(b) permit or a 2080.1 consistency determination (CDFG 2011a). An ITP application to the California Department of Fish and Wildlife will be submitted to obtain a State 2081(b) ITP.

California Environmental Quality Act

The CEQA requires that a state or local lead agency perform an analysis of the significance of the impacts of a given project on the quality of the human environment. If the project's impacts are not significant, or the project proponent can mitigate the impacts below significance, the lead CEQA agency can file a "Negative Declaration" or a "Mitigated Negative Declaration." If the project proponent cannot mitigate the impacts of the project to below a level of significance, the lead CEQA agency must develop an EIR that analyzes the proposed project and other alternatives. This process provides for public participation and comment in the development of alternatives (California Natural Resources Agency [CNRA] 2011). In 2011, an EIR for the Maricopa Sun Solar Complex was adopted by Kern County (County of Kern 2010b).

California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR)

DOGGR is a state agency responsible for supervising: the drilling, operation, maintenance, plugging, and abandonment of oil, gas, and geothermal wells. The DOGGR's regulatory program promotes the sensitive development of oil, natural gas, and geothermal resources in California through sound engineering practices, prevention of pollution, and implementation of public safety programs. To implement the regulatory program, DOGGR requires avoidance of building over or near plugged or abandoned oil and gas wells, or requires the remediation of wells to current DOGGR standards (County of Kern 2010b).

1.3.3 REGIONAL/LOCAL REGULATIONS AND STANDARDS

Kern County General Plan

The Kern County General Plan identifies the federal, state, and local statutes, ordinances, or policies that govern the conservation of biological resources that must be considered by Kern County during the decision-making process for any project that could impact biological resources. The Land Use/Conservation/Open Space Element, Safety Element, and Energy Element of the Kern County General Plan states that the element provides for a variety of land uses for future economic growth, while also assuring the conservation of the County's agricultural, natural, and resource attributes (County of Kern 2006).

Draft Valley Floor Habitat Conservation Plan (VFHCP)

The program area is within the plan area proposed for inclusion within the Valley Floor HCP (VFHCP), which is in progress by the County of Kern (County of Kern 2006). Although the VFHCP is not currently adopted, the most recent draft did not provide coverage for solar energy projects. The proposed VFHCP is a long-term program designed to conserve federal and state protected species, and/or other species of concern, and to provide a mechanism for ensuring compliance with FESA and CESA. Although the VFHCP is not an approved plan, it is expected that Kern County will obtain approval of the plan within the proposed life of the Project; therefore, this HCP considered the policies that have been proposed for inclusion within the VFHCP to ensure that no conflicts would occur between this HCP and the proposed plan.

1.4 Overview of the MSHCP

1.4.1 PROCESS

Section 10 take permits have three primary phases: (1) the HCP development phase; (2) the formal permit processing phase; and (3) the post-issuance phase. During the HCP development phase, a plan that is intended to integrate the proposed Project and its activities with the protection of listed species will be prepared. An HCP submitted in support of a permit application must include the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested.
- Measures undertaken to avoid, minimize, monitor, and mitigate such impacts, the funding that would be made available to undertake such measures, and the procedures to deal with unforeseen circumstances.
- Alternative actions to the taking that were analyzed, and the reasons why the such alternatives were not adopted.
- Additional measures the USFWS may require as necessary or appropriate for purposes of the plan.

The HCP development phase concludes, and the permit processing phase begins when a complete application package is submitted to the appropriate permit-issuing office. A complete application package consists of the following: 1) an HCP; 2) an Implementing Agreement (IA); 3) a permit application; and 4) payment of applicable application fees. The USFWS must also publish a Notice of Availability for the HCP and supporting documents in the *Federal Register* to allow for public comment. The USFWS also prepares an Intra-USFWS Section 7 Biological Opinion, and prepares a Set of Findings, which evaluates the permit application in the context of permit issuance criteria. An EA or EIS serves as the USFWS's record of compliance with NEPA, which is released for a 60-day to 90-day public comment period. No further NEPA review is required. An implementing agreement is required for HCPs unless the HCP qualifies as a low-effect HCP. The USFWS issues a permit upon a determination that all requirements for permit issuance (50 CFR 17.22(b) and 17.32(b)) has been met.

During the post-issuance phase, the Administrator and other responsible entities (e.g., Developers) implement the HCP, while the USFWS monitors the Administrators compliance, as well as the long-term progress and success of the HCP. The public is notified of permit issuance by means of the *Federal Register.*

1.4.2 DOCUMENT ORGANIZATION

The MSHCP is arranged in 11 sections, with 9 through 11 being the Literature Cited, List of Preparers, and Appendices. A glossary of terms used throughout this MSHCP may be found in Appendix A. A brief overview of Sections 1 through 8 is included below:

Section 1.0, Introduction, provides a general overview of the background of the MSHCP, scope of the MSHCP, regulations that apply to the MSHCP, and an overview of the document organization.

Section 2.0, Project Description, includes a detailed description of the Project and its phasing, outlines the lands, describes the activities and persons covered under the Project, describes reporting requirements during construction activities, and lists mitigation measures that are included in the Project to reduce its impacts.

Section 3.0, Environmental Setting and Biological Resources, provides a description of the Project, including detailed descriptions of the sites, the baseline biological conditions present on the sites upon which the impact analysis and conservation program were formulated, and descriptions of standard avoidance and minimization measures that will be instituted as integral components of the Project. This section also includes a detailed description of the species that are covered under the MSHCP and criteria used to evaluate their inclusion in the MSHCP.

Section 4.0, Biological Impacts and Levels of Take, analyzes the impacts of the Project on biological species, and quantifies the potential levels of take.

Section 5.0, Conservation Program, details the MSHCP's goals and objectives, strategies to achieve the goals, effectiveness monitoring strategies, adaptive management strategies, performance and success criteria, and compliance monitoring and reporting requirements.

Section 6.0, Monitoring Plan, discusses compliance monitoring, effectiveness of the MSHCP monitoring strategies, and monitoring for the effects of the MSHCP on Covered Species.

Chapter 7.0, Reporting, describes the various reporting that will accompany monitoring of Covered Activities, the effectiveness of the MSHCP, and effects of the MSHCP.

Chapter 8.0, Plan Implementation, describes changed circumstances and unforeseen circumstances considered by the MSHCP, as well as the process for making minor and major amendments to the MSHCP.

Section 9.0, Project Alternatives, discusses alternatives to the Project that were considered to avoid take.

Section 10.0, Funding, details the cost of implementing the MSHCP, and methodology used to determine the cost; and discloses how the MSHCP will be funded, including disclosure of assurances for funding.