

**SOUTHERN CALIFORNIA  
COASTAL SAGE SCRUB**

**NATURAL COMMUNITY CONSERVATION PLANNING**

**PROCESS GUIDELINES**

Amended: November, 1993

California Department of Fish and Game  
and  
California Resources Agency  
1416 9th Street  
Sacramento, CA 95814  
in Coordination with  
U.S. Fish and Wildlife Service

Contact: Larry L. Eng, PhD.  
Natural Communities Conservation Planning  
Program Manager  
Tel: 916-653-9767  
Fax: 916-653-2588

## TABLE OF CONTENTS

1.	INTRODUCTION . . . . .	1
	1.1 Statutory Basis . . . . .	1
	1.2 Program Purpose . . . . .	1
	1.3 Southern California CSS Program . . . . .	1
	1.4 CSS Planning Area . . . . .	2
	1.5 Enrollment During Planning Period . . . . .	2
	1.6 NCCP Planning Guidelines . . . . .	3
	1.7 NCCP and Endangered Species Act . . . . .	3
2.	CSS NCCP PLANNING . . . . .	4
3.	REGIONAL PLANNING . . . . .	4
	3.1 State and Federal Wildlife Agency Coordination . . . . .	5
	3.2 Scientific Review Panel . . . . .	5
	3.3 Program Enrollment . . . . .	6
	3.3.1 General Enrollment . . . . .	6
	3.3.2 Enrollment Equivalent on State and Federal Lands . . . . .	6
	3.4 Non-Enrolled Land . . . . .	7
	3.5 Subregional NCCP Focus Areas . . . . .	7
	3.6 Ongoing Multi-Species Plans . . . . .	8
	3.7 Regional Conservation Guidelines . . . . .	9
4.	PROCESS FOR SECURING INTERIM APPROVALS FOR CSS HABITAT LOSS . . . . .	9
	4.1 Subregional Responsibilities . . . . .	9
	4.2 Local Agency Interim Habitat Loss Approvals . . . . .	10
	4.3 Interim Mitigation . . . . .	12
	4.4 USFWS Concurrence . . . . .	12
	4.5 Termination of Interim Period . . . . .	13
5.	SUBREGIONAL PLANNING . . . . .	14
	5.1 Planning Agreement . . . . .	15
	5.2 Plan Formulation . . . . .	15
	5.3 Public and Agency Review . . . . .	15
	5.4 Implementing Agreement and Formal NCCP Approval . . . . .	16
	5.5 Environmental Documentation . . . . .	17
	5.6 Public Participation . . . . .	17
	5.7 Parallel Federal and State Permits . . . . .	18
6.	MONITORING AND EVALUATION . . . . .	18
	6.1 NCCPs Complete or Near Completion . . . . .	19
	6.2 Areas Not Subject to a NCCP . . . . .	19
7.	REFERENCES . . . . .	19
	7.1 Glossary . . . . .	19
	7.2 Literature . . . . .	20

### Attachment

- A. Conservation Guidelines  
(November, 1993)

**SOUTHERN CALIFORNIA  
COASTAL SAGE SCRUB  
NATURAL COMMUNITIES CONSERVATION PLANNING  
PROCESS GUIDELINES**

**Summary**

The Coastal Sage Scrub (CSS) Natural Communities Conservation Planning (NCCP) Process Guidelines explain the roles of local, state, and federal government, and describe how the planning process will shift in focus from the regional to the subregional level.

**Background**

The program was established by state law, the Natural Community Conservation Planning Act of 1991 (Fish and Game Code Section 2800 et. seq.). The Southern California Coastal Sage Scrub NCCP Program is the first such program developed under the law. The California Department of Fish and Game (CDFG) is the principal state agency implementing the NCCP Program. CDFG is working under the auspices of the Office of the Secretary of the Resources Agency on this pilot program.

The Regional Coastal Sage Scrub Planning Area is roughly 6,000 square miles and includes parts of five counties: San Diego, Orange, Riverside, Los Angeles, and San Bernardino. Numerous local jurisdictions and public and private landowners are affected. Coastal sage scrub is an ecological community that supports a diverse assemblage of native California plants and animals. Human activity in this five-county area has reduced the extent of coastal sage scrub to the point where conservation action is crucial to prevent endangerment of many species.

**Regional Coordination, Subregional Planning**

Generally, the conservation program and the biological issues need to be coordinated across the five-county region. However, because the area is so large and because specific biological and land use planning considerations vary throughout the region, it is imperative that functional planning be conducted on a subregional scale.

During the planning period, participants agree voluntarily to protect coastal sage scrub habitat on enrolled lands and lands within their jurisdiction. The original enrollment agreements were scheduled to terminate on October 31, 1993. However, in order to enable jurisdictions to benefit from interim habitat loss provisions provided in the USFWS special rule for the California gnatcatcher [4(d) rule], all existing and new jurisdictional enrollments will be extended until the completion of the appropriate subregional NCCP or approved NCCP subarea unless a jurisdiction requests earlier termination of enrollment.

Through regional planning efforts undertaken in 1992 and 1993, it is expected that some 10 to 15 functional subregional planning areas will be formed. Most of these areas are already

in some stage of planning; the rest will initiate planning in the future.

### Regional Phase

The regional phase establishes the overall scientific and legal framework for subsequent subregional efforts.

- o Establish state and federal cooperation through a Memorandum of Understanding (MOU).
- o Convene a Scientific Review Panel (SRP) of experts.
- o Collect scientific information from land owners and jurisdictions for use by the SRP.
- o Identify subregional focus areas for subregional NCCPs.
- o Document ongoing multi-species conservation planning.
- o Provide interim habitat protection through landowner and jurisdiction enrollments and through CDFG protection of non-enrolled land.
- o Establish interagency planning, public participation and review process.
- o Establish regional scientific framework for subregional planning, including survey guidelines, target species, and conservation guidelines.

### Subregional Planning Process

The subregional phase is when actual decisions regarding conservation and development are made through a collaborative process centered on local government and meshing with the conventional land planning and CEQA process.

- o Specific subregional NCCP planning begins with a **Planning Agreement** between local jurisdictions, landowners, CDFG and the U.S. Fish and Wildlife Service (USFWS) (as described in Section 2810 of the Fish and Game Code). This Agreement sets forth the NCCP process as it applies to the specific planning area.

Mandatory elements of the Planning Agreement include:

- map of the planning boundary,
- identification of a lead or coordinating agency and other jurisdictions affected,
- list of species of concern to be addressed in the NCCP,
- identification of parallel permits, if any (e.g., Federal Section 10(a)), and
- public participation and public notice of plan preparation.

Optional elements may include:

- extent of state and federal agency participation,
- identification of land ownerships,
- discussion of the specific extent of biological information,
- specific survey methods to be used to fill data gaps,
- other aspects germane to the specific NCCP subregion.

- o Subarea Planning Agreements for implementation of portions of a subregional NCCP can be authorized, subject to acceptance by CDFG and USFWS.
- o Collaborative planning commences under auspices of lead or coordinating agency with CDFG and USFWS providing ongoing guidance and with appropriate public participation.
- o Completed NCCP plan is published in Draft form along with appropriate CEQA and NEPA compliance documents (eg., program EIR, Joint state/federal EIR/EA or EIS).
- o CDFG and USFWS comment along with members of the interested public during a set time period. Because they have been involved throughout the planning process, it is expected that CDFG and USFWS will be able to accept the plan. If they cannot, however, they must identify specific changes to the plan that need to be made to meet requirements.
- o Lead or coordinating agency finalizes plan. Lead or coordinating agency, CDFG, USFWS and other parties as appropriate enter into an **Implementing Agreement**. This agreement specifies all terms and conditions of activities under the NCCP plan. By signing the Implementing Agreement, CDFG and USFWS explicitly acknowledge approval of the Final NCCP plan.
- o Lead or coordinating agency or other Implementing Agreement parties report activity under the plan routinely to CDFG and USFWS demonstrating compliance, as outlined in the Implementation Agreement.

#### **Federal Involvement and the Endangered Species Act**

The NCCP process does not supplant the endangered species protection of existing state or federal law. At present, only a few coastal sage scrub associated species, such as the coastal California gnatcatcher, are formally listed as endangered or threatened under either state or federal endangered species acts. By taking a comprehensive ecosystem approach to conservation it is hoped that the NCCPs will forestall endangerment of other coastal sage scrub species, thereby avoiding the necessity of subsequent listings.

If species become listed, or if an already listed species other than the California gnatcatcher is found in the NCCP area, the jurisdictions or landowners affected will still need to obtain a federal Section 10(a) or state Section 2081 permit for activities that would involve take of listed species. However, the NCCP is meant to meet the requirements of both a state Management Authorization and a federal Habitat Conservation Plan to allow issuance of the appropriate permits if they are needed.

## 1. INTRODUCTION

### 1.1 Statutory Basis

The Natural Community Conservation Planning (NCCP) program is authorized by California law: the Natural Community Conservation Planning Act of 1991 (AB 2172), set forth in Section 2800 et. seq. of the California Fish and Game Code.

The Coastal Sage Scrub (CSS) NCCP is the first such planning effort to be initiated under the Act. It is undertaken as a pilot project to develop a process for accelerated conservation planning at a regional scale which may serve as a model for other NCCPs elsewhere in the state.

Because the CSS NCCP program is a pilot program for possible application elsewhere in California, it is sponsored jointly by the California Resources Agency and the California Department of Fish and Game (CDFG). Where these process guidelines refer to participation in agreements or other action by CDFG, it should be understood that for this program, this means both the Resources Agency and CDFG. Both state agencies are proceeding in cooperation with the U. S. Fish and Wildlife Service (USFWS) (See 12/4/91 MOU between CDFG and USFWS).

### 1.2 Program Purpose

The purpose of the Natural Community Conservation Planning program is to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth. These goals will be achieved through implementation of a Natural Community Conservation Plan (NCCP).

The NCCP process is designed to provide an alternative to current "single species" conservation efforts by formulating regional, natural community-based habitat protection programs to protect the numerous species inhabiting each of the targeted natural communities. The shift in focus from single species to the natural community level will greatly enhance the effectiveness of ongoing species protection efforts.

It is intended that NCCPs will result in land use plans and management programs for the long-term protection of designated habitats and their component species. The planning process will be carried out with the voluntary and collaborative participation of landowners, local governments, state and federal agencies, and environmental organizations.

### 1.3 Southern California CSS Program

This program, the first of the State's NCCP projects, provides the direction and collaborative support necessary to conduct research, planning, and habitat management efforts leading to long-term conservation and protection of species in the coastal sage scrub community of southern California.

According to the Coastal Sage Scrub Scientific Review Panel (SRP), approximately 100 species (plants and animals) considered rare, sensitive, threatened, or endangered by Federal and State resource agencies are associated with coastal sage scrub. The array of sensitive species within the coastal sage scrub community that would potentially benefit from this initial NCCP process illustrates the rationale of the proposed shift in focus from species to the natural community. The SRP has identified three target species within the CSS (two birds: California gnatcatcher, cactus wren, and one lizard: orange-throated whiptail) for detailed study. Information on these target species along with other natural community conservation guidelines will be used in planning individual subregional NCCPs.

#### 1.4 CSS Planning Area

The Coastal Sage Scrub NCCP pilot project creates a regional planning and management system designed to protect coastal sage scrub habitat and reconcile conflicts between habitat protection and new development within the Southern California study area. Although coastal sage scrub is found further north as well, the study area for the Coastal Sage Scrub NCCP project embraces portions of five counties: San Diego County; Orange County; Riverside County; San Bernardino County; and Los Angeles County (See SRP Special Report No. 2, "Conservation Planning Region").

The five-county study area will be divided into several large planning subregions in order to minimize the inherent problems related to addressing the entire region in a single planning effort. These subregions will be designated by participating local jurisdictions, subject to approval by CDFG and based on the analysis provided by the SRP. Designated planning subregions will consist of large areas where the cumulative impacts of development on coastal sage scrub can be analyzed. These subregions also will be large enough, in terms of the presence of sufficient coastal sage scrub and associated natural habitat acreage and species diversity, to constitute effective habitat planning units. All NCCPs will be prepared and submitted by landowners and/or local jurisdictions to CDFG on a subregional basis. Some subregions may need to break down into smaller subareas for planning purposes.

#### 1.5 Enrollment During Planning Period

Planning for long-term management and protection of coastal sage scrub natural community will be initiated by participating landowners and local jurisdictions enrolled in the NCCP process. The purpose of enrollment is to: 1) protect "enrolled" coastal sage scrub habitat during the planning period, and 2) to initiate the collaborative planning process which will result in long-term habitat protection through an NCCP.

The original enrollment agreements were scheduled to terminate on October 31, 1993. However, in order to enable jurisdictions to benefit from interim take provisions established in the USFWS special rule [4(d) rule], all existing and new jurisdictional enrollments will be extended until the completion,

of the appropriate NCCP unless a jurisdiction requests earlier termination of enrollment.

### 1.6 NCCP Planning Guidelines

Fish and Game Code Section 2825 authorizes the California Department of Fish and Game to prepare nonregulatory guidelines that will facilitate and expedite the preparation and implementation of natural community conservation plans statewide. The guidelines are intended to improve understanding of the NCCP program among potential private and public participants, thereby encouraging early participation in NCCP process, increasing the effectiveness of the program, and ensuring that proposed plans will ultimately gain approval.

CDFG seeks to use the CSS pilot project to direct its future effort on the statewide guidelines.

The CSS NCCP Process Guidelines published here explain how the regional coordination effort will lead to individual subregional NCCPs. The Process Guidelines are referenced by the enrollment agreements as a basis for voluntary participation.

The Process Guidelines incorporate by reference the Conservation Guidelines developed by CDFG for the CSS program.

### 1.7 NCCP and Endangered Species Acts

The NCCP process does not supplant the endangered species protection of existing state or federal law. At present, only a few coastal sage scrub associated species, such as the coastal California gnatcatcher, are formally listed as endangered or threatened under either state or federal endangered species acts. By taking a comprehensive ecosystem approach to conservation it is hoped that the NCCPs will forestall endangerment of other coastal sage scrub species, thereby avoiding the necessity of subsequent listings.

The California gnatcatcher was listed by the USFWS as a threatened species on March 25, 1993. At the time the gnatcatcher was listed, the USFWS proposed a special rule under Section 4(d) of the Endangered Species Act (ESA), that defined the conditions under which take of the gnatcatcher would not be considered a violation of Section 9 of the federal ESA. When the rule is finalized (anticipated in November, 1993), activities conducted in enrolled jurisdictions pursuant to the NCCP Guidelines (Process Guidelines and Conservation Guidelines) that will involve take of gnatcatchers will not result in violations of Section 9 of the ESA. Therefore, no Section 10(a) permit would be needed for take of gnatcatchers for these activities.

If other species become listed, or if an already listed species is found in the NCCP area, the jurisdictions affected will still need the applicable federal Section 10(a) or state Section 2081 permit; however, the NCCP is meant to meet the requirements of both a state Management Authorization and a federal Habitat Conservation Plan to allow issuance of the

appropriate permits provided the approved NCCP has adequately addressed those particular species.

## 2. CSS NCCP PLANNING MILESTONES

Both conservation and development community interests will be well served by rapid progress on NCCPs. The overall program is intended to incorporate the following NCCP planning milestones. Local conditions will vary, and not all jurisdictions or subregions will be able to respond fully within the suggested timeframes. Participants are encouraged to meet the targeted milestones for cited tasks and work products.

### November, 1993

- CDFG publishes final NCCP Process Guidelines and Conservation Guidelines.
- USFWS publishes final special rule for the gnatcatcher.
- Initial jurisdictional enrollments are extended following final publication of the Section 4(d) special rule for the gnatcatcher.

### November, 1993 and continuing.

- Implement interim habitat loss provisions.
- CDFG evaluates NCCP program status and considers options for areas without completed plans.
- Monthly informational report by CDFG to the California Fish and Game Commission concerning NCCP program status.
- Periodic informational report by CDFG to the California legislature.
- Research undertaken to fill information needs.
- Preparation, submittal, and review of NCCP plans.

### Summer, 1994.

- Completion of first NCCP plans.

### Fall, 1994.

- Approval of first NCCP plans.

## 3. REGIONAL PLANNING

Coastal Sage Scrub habitat under study is scattered broadly over portions of a five-county area in southern California. While long term conservation will come about from specific subregional NCCPs, the scientific and procedural framework for the subregional plans will be established at a regional scale.

### 3.1 State and Federal Wildlife Agency Coordination

Because both state and federal wildlife agencies have clear legal mandates to protect endangered species, both agencies have an interest in the natural community approach to conservation. The overall intent for state and federal coordination is expressed in the 12/4/91 MOU between the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

On March 25, 1993, the Secretary of Interior listed the coastal California gnatcatcher as a threatened species. At the time of the listing the Secretary proposed a special rule that strongly supported the NCCP efforts and would closely tie the NCCP program to federal actions under the Endangered Species Act.

State and federal coordination will occur throughout the process, but focuses on four phases:

- a. Exchange of scientific information and cooperative review of recommendations from the Scientific Review Panel to assist CDFG in promulgating survey, subregion, conservation, and process guidelines that can be applied uniformly throughout the region and which will be consistent with both state and federal policies.
- b. Initiation of specific subregional NCCPs or acceptance of Ongoing Multi Species Plans (see section 3.5) to make clear what requirements the plans must meet. This includes a joint effort to establish criteria for review and ultimate acceptance of a subregional plan. This will allow subregional planning efforts to prepare a *single* conservation plan that will meet both state and federal requirements.

Where appropriate, the CDFG and USFWS can accept the delineation and planning of subareas within subregions, provided subareas adhere to and conform with the basic subregional goals and objectives. Subareas must contain a section that indicates how that subarea implements the larger subregional effort and integrates its preserve areas across subregional boundaries.

- c. Establishment of procedures, consistent with the 4(d) rule, for subregions to utilize during the interim, planning period including procedures for monitoring interim habitat loss.
- d. Cooperative review of draft plans to coordinate requested modifications, requirements for monitoring, issuance of parallel permits (if any), and compliance with CEQA and NEPA in a time matched to the local plan adoption process.

### 3.2 Scientific Review Panel

By agreement between USFWS and CDFG in a MOU (12/4/91), CDFG established a Scientific Review Panel (SRP) for the CSS NCCP.

According to the MOU, "information and analysis undertaken by the SRP shall be presumed to constitute the best scientific information available until, and unless, further credible analysis and investigations show the contrary". The SRP is described in NCCP Special Report No. 1.

The role of the SRP is to collect readily available data and to integrate the information into a region-wide scientific framework for conservation planning activities. The scientific framework is to be communicated via a series of recommendations regarding: scientific survey methods, appropriate focus areas for subregional planning, and region-wide conservation needs.

The SRP recommended a conservation strategy in March 1993 to serve as a basis for the state's Conservation Guidelines. CDFG and USFWS staff worked with the SRP to prepare the draft Conservation Guidelines published in June, 1993 and revised in November, 1993. (See Attachment A).

### **3.3 Program Enrollment**

The success of the NCCP program relies on conservation and management of a high percentage of the currently remaining coastal sage scrub habitat.

#### **3.3.1 General Enrollment**

Cities and counties are encouraged to participate in the NCCP process by entering into an enrollment agreement with CDFG, including commitments to the following standards for the duration of the collaborative planning period. Agreements may be modified to reflect special circumstances or individual needs upon approval by the Department.

Jurisdictional enrollment provides for a cooperative effort to initiate actual long term NCCP planning. This includes sharing survey data and generally heightening awareness of the NCCP program in the jurisdiction.

Because they were asked to enroll prior to preparation of the guidelines, enrollees have the option to withdraw from the NCCP process if the guidelines or subregion designations are not acceptable to the enrollee. However, enrollment and active participation in subregional planning are integral to the interim take provisions of the special rule for the California gnatcatcher,

#### **3.3.2 Enrollment Equivalent on State and Federal Lands**

Substantial CSS habitat occurs on state or federally owned land. Major examples are the Cleveland National Forest, Military facilities at NAS Miramar and Camp Pendleton, and the Chino Hills State Park. Some public lands are governed by law that precludes use of the same enrollment process that is available for local jurisdictions.

However, most such public land has an established internal program of research and land use evaluation that fulfills the same objectives as the formal enrollment process: heightened protection of CSS, ongoing research, and progress toward long term conservation planning.

For the state's purpose of limiting CSS loss during the planning period and establishing subregional coordination among major landowners, the availability of a state or federal CSS management program comparable to the planning and habitat loss provisions of NCCP will be viewed as being commensurate with formal enrollment.

### 3.4 Non-Enrolled Land

Land not enrolled through jurisdictional enrollments will still be subject to the requirements of CEQA and the federal Endangered Species Act.

CEQA has a mandatory finding of significance wherever:

"(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, .." (CEQA Guidelines, section 15065)

By that standard, most CSS habitat in the NCCP Program area is sensitive and could trigger these CEQA findings.

Section 9 of the federal Endangered Species Act prohibits take of a listed animal. With the federal listing of the California gnatcatcher, much CSS is subject to federal protection. Without participation in the NCCP program, a jurisdiction issuing land use approvals that may result in incidental take of the California gnatcatcher may be in violation of federal law. Similarly, landowners who develop land or otherwise engage in activities that result in take without authorization from an enrolled jurisdiction would be in violation of the federal ESA.

### 3.5 Subregional NCCP Focus Areas

The SRP reviewed information on distribution and made a preliminary recommendation of the large CSS habitat areas that should serve as focus areas for designation of subregional NCCPs. The draft focus area map and interpreting text was published in May 1992 and the final report was published in August 1992.

It is expected that subregional NCCPs will attempt to delineate planning areas that include large, manageable CSS habitat and suitable peripheral corridor and buffer habitat areas. Corridor and buffer areas are likely to consist of habitats other than CSS. Generally, a subregional planning area should include all of a focus area, but it is recognized that



some subdivision of focus areas may be needed to reflect jurisdictional and land ownership patterns.

Regardless of how a NCCP subregion is drawn, the boundary will be approved by CDFG and USFWS in advance of actual planning when CDFG and USFWS enter into a Planning Agreement (see section 4.1). In the course of planning, the subregional plan will need to explicitly treat the need to integrate with CSS conservation needs outside of the immediate planning area by providing for corridors or other features that will improve region-wide habitat values.

The focus areas identified by the SRP are by no means the only areas of CSS and associated habitats of potential conservation value. It is intended that the subregional planning areas will be drawn broadly to encompass both large and small CSS habitat and areas which serve as corridors for interconnection between CSS habitats. With the possible exception of completely urbanized areas, the entire five-county CSS planning area will eventually be included in subregional CSS NCCPs.

### 3.6 Ongoing Multi-Species Plans

The CSS planning area has several active, large-scale conservation planning activities that have similar form and content to a NCCP. These so-called Ongoing Multi-Species Plans (OMSP) can be accepted into the CSS NCCP process with little or no change. It is easy to consider a prior conservation planning activity as equivalent to enrollment or a Planning Agreement as a NCCP; ultimately, all plans -- whether NCCPs or OMSPs -- must meet the same standards for protection of coastal sage scrub habitat.

For a conservation plan to qualify as an OMSP and be accepted as an NCCP, all of the following must hold:

- a. The planning effort was funded and was underway as documented by either a memorandum of understanding, an agreement, a statutory exemption, or other formal process at the time that the NCCP Act became effective (1/1/92).
- b. The plan protects CSS habitat and/or contains an agreement for satisfactory mitigation for any CSS loss approved by CDFG pursuant to a prior planning effort, and the plan substantially achieves the objectives of the NCCP Act, meaning that the plan provides assurance that CSS habitat and named species will be protected to a degree substantially equivalent to an NCCP prepared under the guidelines.
- c. California Department of Fish and Game approves the plan and the plan meets CESA Section 2081 Management Agreement requirements for named species of concern.
- d. U.S. Fish and Wildlife Service approves the plan and it provides the equivalent of federal ESA Section 10(a) habitat conservation plan requirements for named species of concern.

]Because an OMSP will have commenced before all NCCP guidelines were in place, an OMSP may differ in detail from the NCCP process described here. A qualifying OMSP may include, among other things:

- (1) Habitat and species in addition to CSS habitat and species.
- (2) Boundaries different from CSS subregions as long as the boundaries have been previously approved by CDFG and do not significantly impair the long-term opportunities for conserving CSS region-wide.
- (3) Survey methodologies may differ from the SRP recommended guidelines as long as the methods used have been approved by CDFG.
- (4) Timing requirements may differ from the target milestones for the CSS NCCP.
- (5) The prior planning effort includes provision for CDFG participation in planning and reimbursement of CDFG expenses.
- (6) The prior planning effort may include provision for USFWS participation in planning.

### **3.7 Regional Conservation Guidelines**

A central element of the regional CSS NCCP coordination is promulgation of a set of conservation guidelines. These guidelines will accelerate the planning process by providing subregions with a general set of scientific principles and preserve management tools.

CDFG published draft Conservation Guidelines based on recommendations by the Scientific Review Panel. CDFG, after considering public comments, finalized the Conservation Guidelines in November, 1993.

## **4. PROCESS FOR SECURING INTERIM APPROVALS FOR CSS HABITAT LOSS**

The following procedure is set forth to govern activities during the subregional planning phase, prior to completion of a subregional NCCP. These procedures are intended to allow local jurisdictions to benefit from the 4(d) rule.

### **4.1 Subregional Responsibilities**

- a. A subregional planning process shall be established. This entails defining subregion boundaries, establishing a lead or coordinating agency, and executing a planning agreement among participating local governments, private landowners, the lead or coordinating agency, CDFG, and USFWS.

- b. Consistent with these guidelines and the Conservation Guidelines, the subregional lead or coordinating agency shall:

- (1) Establish base number of acres of coastal sage scrub (CSS) habitat in each subregion based on local maps from field surveys conducted according to the Scientific Review Panel (SRP) survey guidelines or on vegetation maps submitted in digital form approved by CDFG/USFWS; in any case the base number of acres shall not be less than that which existed on March 25, 1993, the date the gnatcatcher was determined to be a threatened species.
- (2) Calculate 5% estimate for interim habitat loss.
- (3) Establish interim habitat loss mitigation guidelines appropriate for each subregion. The guidelines shall seek to minimize project impacts to CSS habitat consistent with the Conservation Guidelines. The CDFG and USFWS must concur with these guidelines. Mitigation may be approved on a case by case basis prior to adoption of the guidelines. See section 4.3.
- (4) Keep a cumulative record of all approvals for "interim habitat loss," including adjustments of totals if approvals expire, to assure the 5% interim habitat loss guideline is not exceeded in the subregion. Interim habitat loss approval status should be forwarded to the USFWS at least once a month.

#### 4.2 Local Agency Interim Habitat Loss Approvals

- a. Applications for interim habitat loss permits are limited to projects proposed to proceed with grading in the near term. Habitat loss permits may be conditioned on payment of applicable development fees, including any mitigation fees. Any interim habitat loss approval shall expire if substantial site work or other site development activities have not commenced within one year from the permit issuance.
- b. The application for interim habitat loss must be submitted to the local jurisdiction with entitlement responsibility for the associated project.
- c. Applications should include a mitigation plan which is justified as appropriate to the proposal.
- d. Projects impacting intermediate and high value CSS habitat should involve USFWS early in planning stages to avoid unnecessary delays during the final approval process. Development decisions having a substantial adverse impact on

high value habitat should be deferred until completion of the NCCP, if possible. Impacts to high value areas will require, and impacts to intermediate habitat may require, special mitigation. Impacts in higher value areas must demonstrate that the loss will not foreclose future reserve planning options as stated in the Conservation Guidelines.

- e. Local agencies may determine specific application and process requirements, provided that interim habitat loss requests are integrated into the regular project entitlement process as much as possible and public notice and opportunity for public comment is provided according to law prior to the final decision by the local agency.
- f. California Environmental Quality Act (CEQA) review, consistent with applicable requirements of state law, will be undertaken by the local agency to provide an appropriate level of analysis in order to make the required findings.
  - (1) If the project proposed for interim habitat loss has already obtained final CEQA approval, the local government will determine whether the CEQA document addressed potential CSS impacts and potential impacts on gnatcatcher populations and minimized and mitigated the impacts to the gnatcatcher. If the local jurisdiction determines that the project impacts have not been mitigated consistent to the above standards then the project must meet mitigation requirements of 4.3.
  - (2) If no CEQA review has previously been undertaken, then CEQA review shall be necessary, consistent with current law, and the project must meet the mitigation requirements of 4.3.
- g. To approve an interim habitat loss application, the local agency must make the following findings, based on the information obtained pursuant to Section 4.1,2 above and the applicable CEQA review:
  - (1) The proposed habitat loss is consistent with the interim loss criteria in the Conservation Guidelines and with any subregional process if established by the subregion.
    - (a) The habitat loss does not cumulatively exceed the 5% guideline.
    - (b) The habitat loss will not preclude connectivity between areas of high habitat values.
    - (c) The habitat loss will not preclude or prevent the preparation of the subregional NCCP.
    - (d) The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with 4.3.

- (2) The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.
- (3) The habitat loss is incidental to otherwise lawful activities.

Projects meeting these criteria may be prioritized based on the likelihood of imminent development or which otherwise provide significant public benefit.

The project and the draft findings for the interim habitat loss approval proposed by the local government shall be made available for comment to the subregional lead or coordinating agency, CDFG, USFWS, and the public at least 45 days prior to the local agency action on the proposed project and findings.

#### 4.3 Interim Mitigation

Project design must be consistent with the Conservation Guidelines and with any guidelines adopted by the subregion and concurred with by the CDFG and USFWS and must, to the maximum extent practicable, minimize habitat loss. Prior to the adoption of subregional guidelines, local agencies may approve mitigation on a case by case basis as long as it is consistent with the conservation guidelines.

Any impacts to the coastal sage scrub habitat and the target species must be mitigated to insignificant levels as required by the California Environmental Quality Act (CEQA) by using one or more of the following options:

- Acquisition of habitat
- Dedication of land
- Management agreements
- Restoration
- Payment of fees
- Transfer of development rights
- Other mitigation measures approved in writing by CDFG and USFWS.)

Appropriate mitigation must be identified in a mitigation plan prepared by the applicant. The applicant must demonstrate capacity for funding appropriate mitigation and the mitigation must be legally assured. Habitat acquisition and set asides should occur in areas with long-term conservation potential.

#### 4.4 USFWS Concurrence

- a. Once a local agency has completed its review and approval, it shall notify the subregional lead or coordinating agency. The subregional lead or coordinating agency shall review the interim habitat loss approval to confirm that it does not exceed the 5% habitat loss guideline or prejudice the preparation and implementation of the subregional NCCP. The subregional agency shall

communicate its findings in writing to the appropriate local agency within 15 days after receipt of local agency notification.

- b. Within 5 days of receiving subregional agency confirmation, the local agency shall post public notice of its decision and notify CDFG and USFWS of its actions and findings, including the findings by the subregion. Notification of CDFG and the USFWS shall include project and biological information, including the mitigation plan, and delineate the location of the boundaries of the subject project on a 7.5 minute U.S. Geological Survey (USGS) quadrangle map.
- c. USFWS, in close coordination with CDFG, shall review the project for consistency with the Conservation Guidelines and any approved subregional habitat loss mitigation guidelines. If the USFWS concludes the project, as approved and mitigated, is inconsistent with the Conservation Guidelines or any approved subregional mitigation guidelines, the California State Supervisor shall notify the local approving agency within 30 days of receipt of the notice. Within 60 days after notification of inconsistency, the USFWS, after consultation with CDFG, shall provide recommendations for modifying the project or mitigation to eliminate the inconsistency(ies). Once USFWS has provided notice under this section, and until it concurs that the project as modified is consistent with the Conservation Guidelines and mitigation guidelines, the project may not proceed. Once the USFWS, the approving agency, and the project proponent agree that there are no longer inconsistencies, the project can proceed. If no notification is provided by the USFWS within 30 days, the proposed habitat loss shall be deemed approved and may proceed as approved by the local agency.

#### 4.5 Termination of Interim Period

- a. Upon the approval of an NCCP by the USFWS and CDFG, (see section 5.4) the interim period in the subregion shall terminate and the rules for interim habitat loss shall be replaced by the "Habitat loss Provisions" of the approved NCCP plan within the geographic area governed by the NCCP.
- b. As required under the provisions of the Section 4(d) rule for the gnatcatcher, the USFWS shall monitor the implementation of the Conservation Guidelines and the NCCP Process Guidelines to ensure that the implementation of both sets of guidelines are effective in progressing towards meeting regional and subregional conservation objectives. Such monitoring will occur every six months. If, during its review of the implementation of the guidelines, the USFWS determines that either the Conservation Guidelines or the Process Guidelines are no longer effecting adequate progress towards meeting regional and subregional conservation objectives, the USFWS shall consult with the Department to seek appropriate modification of the Guidelines and/or their

implementation. If appropriate modification of the guidelines does not occur the USFWS shall publish a public notice of its intention to revoke the provisions of the special rule on a subregional or subarea basis. Following receipt of public comments, the USFWS shall publish its determination.

#### 5. SUBREGIONAL PLANNING

The actual conservation planning will be conducted within ten to fifteen subregions. The NCCP process is intended to give flexibility to each subregional effort to reflect local conditions while adhering to fundamental regional conservation principles.

To expedite completion of NCCPs the program is designed to:

- encourage maximum cooperation between landowners, local governments and conservation interests during the preparation of NCCPs; and
- encourage local government participation by allowing local governments to adapt the NCCP process to their existing administrative processes relating to plan preparation, public participation, public hearing, and environmental review.

With these broad goals in mind, the local government process leading to preparation and approval of subregional NCCPs should be compatible with the following steps:

- a. Local governments and landowners will cooperate in designating NCCP subregions of sufficient size and diversity to meet the CDFG Conservation Guidelines and to be effective long-term habitat management units pursuant to Fish and Game Code (Section 2800 et. seq.).
- b. Participating local governments and agencies will enter into a **Planning Agreement** with CDFG and USFWS to establish a coordinated subregional NCCP preparation and decision-making process that effectively involves enrolled participants, and the public. Public participation shall be at least equivalent to that provided by existing ordinances, hearings, public notice requirements and laws.
- c. Landowners, conservation interests, and appropriate local government agencies, in consultation with the Resources Agency, CDFG, and USFWS, will formulate a conservation plan. This NCCP will satisfy all applicable requirements of the California ESA, the Federal ESA, CEQA and NEPA. Pursuant to the Planning Agreement, the principal affected local government agency will act as the initial lead or coordinating agency for CEQA purposes, and for any actions necessary to assist USFWS compliance with NEPA.

- e. After public and agency review, the plan will be finalized and serve as the basis for an **Implementing Agreement** between involved parties and CDFG and USFWS.

### 5.1 Planning Agreement

Specific subregional NCCP begins with a Planning Agreement between local jurisdictions, landowners, CDFG and USFWS (as described in Section 2810). This Agreement sets forth the NCCP process as it applies to the specific planning area.

Mandatory elements of the Planning Agreement include:

- o map of the planning boundary,
- o identification of a lead or coordinating agency and other jurisdictions participating or affected but not participating,
- o list of target species and any other species of concern to be addressed in the NCCP,
- o identification of parallel permits, if any (eg., Federal Section 10(a) for a listed species other than the California gnatcatcher),
- o identify affected state and federal land ownerships,
- o identify any other habitat conservation plans or multi-species conservation plans completed or underway in the area affected,
- o schedule for plan preparation, public review, and agency approval,
- o public participation and public notice of plan preparation.

Optional elements may include:

- o extent of state and federal agency participation,
- o funding for plan preparation and for local government or public participation,
- o identification of land ownerships,
- o discussion of the specific extent of biological information,
- o specific survey methods to be used to fill data gaps, and
- o provisions for coordinating with other subregions, the CDFG, and the USFWS to accommodate, where appropriate and consistent with the Conservation Guidelines, the exchange of conservation, development, and mitigation lands/credits across subregional boundaries. (Such transfers would not reduce the standards that the subregions must meet to obtain approval of their respective NCCP plans.)
- o other aspects germane to the specific NCCP subregion.

### 5.2 Plan Formulation

Collaborative planning commences under auspices of lead or coordinating agency with CDFG and USFWS providing ongoing guidance and with appropriate public participation.

### 5.3 Public and Agency Review

The local lead or coordinating agency will review the proposed NCCP in accordance with existing local administrative/regulatory procedures and with the provisions of

the Planning Agreement. The lead or coordinating agency then publishes the completed NCCP plan in Draft form along with CEQA compliance document.

The Draft NCCP will be reviewed by CDFG and USFWS along with members of the interested public during a set time period.

In reviewing and approving the subregional NCCPs, CDFG, in coordination with USFWS, will employ the Conservation Guidelines concerning habitat needs, species distribution and abundances, and other biologic considerations. As an additional part of its review and approval, CDFG will apply the provisions of Fish and Game Code Section 2081 to determine whether the NCCP provides a level of protection for named species, whether formally listed or not.

USFWS, in coordination with CDFG will apply the provisions of Section 10(a) of the Federal ESA and make findings whether the draft subregional NCCP meets the criteria for issuance of a Section 10(a) permit pursuant to the Federal ESA for any named species, whether formally listed or not.

The California Department of Fish and Game will consult administratively with the U.S. Fish and Wildlife Service regarding acceptability of the draft NCCP. If CDFG and USFWS approve of the NCCP, the lead or coordinating agency will be notified to submit the Implementing Agreement for action.

Because the agencies have been involved in the planning, it is expected that the plan will be acceptable. If however CDFG and USFWS cannot accept the NCCP as drafted, the agencies shall prepare a written report within 60 days outlining the reasons for rejecting the NCCP, and suggested modifications that would result in acceptance of the NCCP. This report will be submitted to the local lead or coordinating agency for review and action. Because CDFG and USFWS will generally be routinely consulted during NCCP preparation, rejection of a completed plan is likely only if the agencies advice was not followed.

#### **5.4 Implementing Agreement and Formal NCCP Approval**

Upon receipt of public comment and the results of CDFG and USFWS review, lead or coordinating agency finalizes plan.

The lead or coordinating agency, CDFG, USFWS and other parties as appropriate enter into an **Implementing Agreement** (described in Section 2810 of the Fish and Game Code). This agreement specifies all terms and conditions of activities under the NCCP plan. By signing the Implementing Agreement, CDFG and USFWS explicitly acknowledge approval of the Final NCCP plan and declare that the NCCP meets the requirements of a state Management Agreement or a federal Habitat Conservation Plan, respectively, to allow issuance of appropriate permits for target or other named species, should those species become listed.

The Natural Communities Conservation Planning Act does not establish a specific permit process for NCCPs. The CDFG and

USFWS participation in the Implementing Agreement is the only formal "approval" process.

### 5.5 Environmental Documentation

Pursuant to the Planning Agreement entered into by local governments and CDFG, the environmental impact report (EIR) for a subregional NCCP will be prepared as a "Program EIR" in accordance to Section 15168 of the CEQA Guidelines. As provided in the CEQA Guidelines, the preparation of a Program EIR will avoid duplicative reconsideration of basic policy considerations and ensure consideration of the cumulative effects of planned development and other actions provided in the subregional NCCP. Funding for preparation of the NCCP EIR will be the responsibility of the lead or coordinating agency as is the case for any other EIR.

At the start of a NCCP, the Planning Agreement will make explicit the extent of federal involvement and agency obligations under the National Environmental Policy Act (NEPA) will be assessed. As appropriate, the NCCP lead or coordinating agency will provide documentation to assist the U.S. Fish and Wildlife Service in NEPA compliance. Both state and federal law allow for preparation of a joint state/federal environmental document.

Once the Program EIR for a subregional NCCP is certified and becomes final and the NCCP is approved by local governments and CDFG, mitigation for impact on designated species from developments provided within the NCCP will be those specified in the NCCP and any subsequent Implementation Agreement. The limitation of mitigation measures is subject to the "unforeseen circumstances" provisions of the Planning Agreement and CEQA provisions.

### 5.6 Public Participation

Public participation is essential to the ultimate success of both the Natural Community Conservation Planning process and the actual NCCPs that result from the process. The process seeks to ensure cooperation between landowners, public agencies, and other public/private interests to facilitate early coordination of planned habitat management efforts and to maximize efficient use and protection of habitat and economic resources.

This participation will be established as appropriate to each subregion and could include noticed hearings, public workshops, formal advisory committees or other activities. The collaborative planning process envisioned as a part of the NCCP program relies on participation by a wide range of private citizens.

**Landowners.** The NCCP process will require the broad-based support of private landowners. As described in the Enrollment Guidelines, participating landowners enter into agreements with the Resources Agency and Department of Fish and Game and are encouraged to cooperate with local governments to develop

subregional NCCPs for the jurisdiction or NCCP subregion in which the property is located.

**Conservation Organizations.** Several statewide conservation organizations and numerous local environmental interest groups are involved in CSS species preservation efforts. While the exact role of conservation organizations will vary according to the needs of each subregional NCCP effort, it is important to recognize these organizations as a major constituency for conservation decisions as well as a significant source of scientific information and as a possible future land steward in plan implementation.

**Other Private Interests.** The NCCP will potentially affect many other private interests, particularly those associated with the construction industry (builders and labor), agriculture, recreation, tourism, and public utilities. CDFG should be contacted by any concerned group to obtain the identity of the subregional NCCP lead or coordinating agency for their area.

#### **5.7 Parallel Federal and State Permits**

A variety of state and federal laws may apply to the area subject to a subregional NCCP. Inasmuch as any other law affects land planning and conservation issues, it is desirable that the NCCP anticipate these requirements so as to minimize conflicting purposes. For example, if a NCCP planning area contains other sensitive habitats, such as riparian or vernal pool, the NCCP can provide for conservation of these other habitats, even though the other habitats are not elements of the southern California coastal sage scrub community and their conservation would not be required to meet the Conservation Guidelines for a CSS NCCP.

In particular, the NCCP process does not supplant the endangered species protection of existing state or federal law. If other species become listed, or if an already listed species is found in the NCCP area, the jurisdictions affected may still need the applicable federal Section 10(a) or state Section 2081 permit if they propose activities that would result in take of a listed species. The Planning Agreement used to initiate a subregional NCCP will acknowledge that the conservation plan under preparation will be designed to meet the requirements of state and federal permits and when complete and accepted by CDFG and USFWS through an Implementing Agreement, will be the basis for issuance of relevant permits.

#### **6. MONITORING AND EVALUATION**

During 1992 and 1993, the Southern California Coastal Sage Scrub Natural Community Conservation Planning process focused on initiating a broad series of subregional activities. Eventually, the interim planning period will pass and CDFG will need to evaluate the status of regional/subregional planning efforts.

The NCCP process outlined in these guidelines will lead to a series of subregional plans progressing at different rates. CDFG and USFWS will monitor progress by each subregion and evaluate biological conditions in the focus areas that are not formally

incorporated in a subregional planning effort. The objective of monitoring and evaluation is to confirm satisfactory progress on NCCP planning and assure protection of CSS habitat.

### 6.1 NCCPs Complete or Near Completion

Each subregional NCCP will be implemented through an agreement that specifies monitoring, reporting and enforcement requirements. Regionwide monitoring and subregional reporting will enable the California Department of Fish and Game to assess the overall status of the CSS community and its constituent species. If conservation goals are not being achieved, this assessment will be the basis for CDFG action to enforce provisions of the Implementing Agreement or may be the basis to find that unforeseen circumstances warrant additional conservation actions.

### 6.2 Areas Not Subject to a NCCP

In some areas no jurisdiction or landowner may be willing to come forward to initiate planning. Unfortunately, lack of adequate planning may jeopardize conservation activities elsewhere in the region. In these places, CDFG and USFWS will appraise the extent of threat to CSS and initiate long term conservation actions for CSS and constituent species if warranted. This may include requesting the Fish and Game Commission to list one or more CSS species as endangered under the California Endangered Species Act.

## 7. REFERENCES

### 7.1 Glossary

The following terms and abbreviations are used in this document:

- CDFG: California Department of Fish and Game. For the purposes of the Southern California CSS NCCP Program, the Department is working in close coordination with the Office of the Secretary of the Resources Agency. In these Process Guidelines, references to participation by CDFG generally means joint participation with the Resources Agency.
- CSS: Coastal Sage Scrub: A natural community comprising plants and animals.
- CEQA: The California Environmental Quality Act: Sets requirements for environmental review (Environmental Impact Reports) by local and state government of a wide range of public and private projects.
- CESA: California Endangered Species Act.
- ESA: Federal Endangered Species Act.

HCP: Habitat Conservation Plan: A plan required in support of a federal Section 10(a) permit under the federal ESA.

MOU: Memorandum of Understanding: A common form of formal agreement between government agencies.

NCCP: Natural Community Conservation Plan: Usage here is that the abbreviation NCCP generally refers to a plan authorized pursuant to the Natural Communities Conservation Planning Act.

OMSP: Ongoing Multi-Species Plan: A term applied to subregional conservation efforts already underway that will function as the equivalent of a NCCP if the NCCP standards are applied.

Section 4(d): A section of the federal ESA that allows special rules to apply to a species listed as threatened. Can specify the conditions allowing incidental take.

Section 10(a): A section of the federal ESA that governs issuance of a permit to allow incidental take of a listed endangered species.

Section 2081: A section of CESA that governs take of listed endangered species.

Special Rule: See Section 4(d), above.

USFWS: United States Fish and Wildlife Service.

## 7.2 Literature

The following references are cited in the text or provide additional relevant information. Copies of any of these can be obtained from the Resources Agency or from the CDFG Coastal Sage Scrub Project Coordinator.

California Fish and Game Code: Department of Fish and Game, Chapter 10. Natural Community Conservation Planning, 1991.

Federal Register March 26, 1993. Listing California Gnatcatcher as Threatened

Federal Register July 20, 1993. Proposed 4(d) rule for Threatened California Gnatcatcher.

Memorandum of Understanding By and Between The California Department of Fish and Game and The United States Fish and Wildlife Service Regarding Coastal Sage Scrub Natural Community Conservation Planning in Southern California, December 4, 1991.

Memorandum of Understanding by and Between The Irvine Company and the United States Fish and Wildlife Service Regarding the Advance

Habitat Conservation Plan for The California Gnatcatcher, Cactus Wren, and Orange-Throated Whiptail Lizard, April 16, 1992.

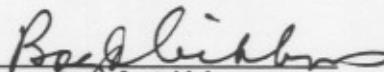
Natural Community Conservation Planning/Coastal Sage Scrub, An NCCP Special Report No. 1, Dennis Murphy, Acting Chair, Scientific Review Panel, February 1992.

Natural Community Conservation Planning/Coastal Sage Scrub, An NCCP Special Report No. 2, John O'Leary, Dennis Murphy, and Peter Brussard, Scientific Review Panel, March 1992.

United States Marine Corps Regarding: Proposed Regulations for Establishment of Habitat Protection Areas, Letter June 17, 1992.

United States Fish and Wildlife Service, Interim National Conservation Planning Guidelines, July 30, 1990.

These guidelines have been adopted by the Department of Fish and Game on this 10 day of November, 1993.



Boyd Gibbons  
Director  
Department of Fish and Game

**ATTACHMENT A:**

**SOUTHERN CALIFORNIA  
COASTAL SAGE SCRUB**

**CONSERVATION GUIDELINES**

November, 1993

**SOUTHERN CALIFORNIA  
COASTAL SAGE SCRUB**

**NATURAL COMMUNITY CONSERVATION PLANNING**

**Conservation Guidelines**

November, 1993

Published by:

California Department of Fish and Game  
and  
California Resources Agency  
1416 9th Street  
Sacramento, CA 95814

Contact: Larry Eng, PhD.  
Natural Communities Conservation Planning  
Program Manager  
Tel: 916-653-9767  
Fax: 916-653-2588

**TABLE OF CONTENTS**

1. Introduction .....	1
2. Foundation .....	1
a. Premises on CSS ecology .....	1
b. Premises on the conservation challenge .....	2
c. Premises on timing .....	4
3. Conservation Planning Guidance .....	5
a. The interim strategy .....	5
b. The research agenda .....	5
c. Management and restoration .....	7
d. Application to subregional planning .....	8
4. Implementing Interim Strategy .....	9
5. Determining Potential Long-term Conservation Value .....	11
a. Ranking land for interim protection .....	11
b. Evaluation process .....	12
c. Evaluation methods .....	13
6. Policy .....	14
a. Pending approval of subregional NCCP .....	15
b. With approved subregional NCCP .....	15
c. In the absence of a subregional NCCP .....	15
Attachment A. Generalized Map of Coastal Sage Scrub Habitat .....	17
Attachment B. Subregional Focus Areas .....	18
Attachment C. Evaluation Logic Flow Chart .....	19

November 9, 1993

Attachment C. Evaluation Logic Flow Chart ..... 19

## 1. Introduction

This document presents Conservation Guidelines for the Coastal Sage Scrub (CSS) Natural Community Conservation Planning (NCCP) process. The guidelines are published by the California Department of Fish and Game. The guidelines were prepared in coordination among the Department, the U.S. Fish and Wildlife Service, and the Scientific Review Panel (SRP), and are based on technical review by and recommendations from the SRP. These guidelines are intended to be used along with the NCCP Process Guidelines also published by the California Department of Fish and Game.

The SRP was commissioned by the Department and the Service to review available scientific information to assist in preparation of the Conservation Guidelines. The review addresses information available as of March 1993 and is described in "Scientific Review Panel Conservation Guidelines and Documentation," which is available from the Department.

## 2. Foundation

### a. Premises on CSS ecology

1. CSS vegetation is dominated by a characteristic suite of shrub species in southern California. The composition of coastal sage scrub vegetational subcommunities may vary substantially depending on physical circumstances and the successional status of the habitat. An explicit definition of CSS and a description of its constituent species has been prepared by the SRP. (See Special Report No. 2, March 1992.) A generalized map of CSS and a summary description is included in Attachment A.
2. While a variety of species are characteristic of CSS, no single animal or plant species readily serves as a consistent and entirely reliable indicator of CSS conditions across the entirety of the distribution of the habitat in southern California. Rather, many species dependent on CSS are found in only certain subsets of the community, and, conversely, many nominal CSS species are widely distributed in non-CSS habitats. Nonetheless, a suite of "target" species has been identified by the SRP that is useful as a surrogate for planning purposes. Species other than target species that have been identified as deserving special consideration on account of possible rarity or endangerment are referred to as species of concern. These are state or federal candidates for listing. (See SRP Survey Guidelines, February 1992.)
3. Target species are three vertebrates that are among the community's most visible imperiled organisms: California gnatcatcher, cactus wren, and orange-throated whiptail lizard. Their distributions embrace the majority of the geographic range of southern California CSS.

November 9, 1993

4. Many species that depend on coastal sage scrub exhibit transitory habitat occupancy, along with short lifetimes, high potential rates of reproduction, limited home ranges, dramatic population fluctuations, and great susceptibility to local extirpation.
5. Because of population fluctuations and routine local extirpation and recolonization events, a single point-in-time appraisal of the presence or absence of a species on an individual parcel of land does not reliably indicate the parcel's long-term potential value or importance as habitat.
6. CSS may convert to chaparral or grassland, depending on slope, aspect, climate, fire history, and other physical factors and biological phenomena; conversely, chaparral or grassland areas may convert to CSS.
7. CSS is a naturally patchy vegetation community. Over a scale of several miles, it is found in diverse habitat mosaics with other ecological communities. While there are species dependent on coastal sage scrub, these species do not always exhibit a clear tendency to occupy areas of continuous coastal sage scrub. Rather, vegetation components of coastal scrub habitat in mosaics with other habitat types may provide habitat for target species and other species of concern.

**b. Premises on the conservation challenge**

1. The southern California CSS planning region has been severely degraded by past urbanization and agricultural land conversion. Certain subhabitats, such as those at low elevation, those close to the coast, and those with lesser slope, have been disproportionately affected and many have experienced local losses of some species.
2. Threats to CSS habitat are more than losses of total habitat area alone. Threats also include losses of distinct CSS subtypes and losses of the special conditions needed to maintain the broad suite of CSS-resident species. (See discussion in Attachment A.)
3. Conversion of natural land has also severed connections among remnant habitat patches resulting in their increased isolation. Connections among habitat patches are critical to the long-term survival of CSS species.
4. Because CSS is found naturally admixed with other vegetation communities, the best conservation strategy for CSS is to protect large areas of native vegetation that include biologically significant patches of CSS.
5. Under present conditions, few CSS-dominated lands are of sufficient extent to be self-sustaining. A status quo strategy of "benign neglect" management likely will result in substantial further losses of CSS biodiversity. Habitat areas large enough to be self-sustaining should not be

significantly reduced in size and they should be actively managed in ways responsive to pertinent new information as it accrues.

6. The CSS community is inherently dynamic and should be managed to retain its capacity to support the broad range of CSS species over the long term. Under an adaptive management regime that provides for natural successional dynamics, a reserve system that consists of smaller habitat areas that are appropriately managed could have a greater likelihood of maintaining CSS biodiversity than a system of larger habitat areas that are unmanaged. The techniques associated with such a management regime, however, have not been fully developed.
7. CSS conservation will require appropriate levels of participation by public agencies responsible for publicly owned land that contains CSS or that serves as linkages between reserves. State and local government can participate through the NCCP process and federal agency land owners can participate through federal programs coordinated with NCCPs. Although important to the integrity of regional conservation efforts, not enough CSS exists in public ownership for public land to be the sole basis of a reserve network.
8. Within the southern California region as a whole, roughly a dozen biologically defined subregions, designed around extensive habitat areas can be identified based on geography, the ecological characteristics of CSS species, and patterns of past land use. Each subregion exhibits distinct local conditions that will affect the conservation approach to be used.
9. Each subregion will need to meet explicit conservation objectives to promote ecosystem stability at both subregional and regional levels. Each subregion will need to provide for conservation of the three target species.
10. Despite the extent of current threats, the majority of the species inhabiting the CSS do not appear to be in imminent danger of regional extinction. Some small amount of short-term habitat loss can be tolerated as long as it is ultimately counter-balanced by adequate long-term enhancement efforts.
11. A few, small-scale efforts at CSS restoration and enhancement have been attempted; these examples indicate that net enhancement of habitat quality may be attainable. Furthermore, ecological studies of CSS show natural recovery from disturbance suggesting that active restorative projects may be successful.
12. Information available to the SRP supports a conservative estimate of 5% habitat quality enhancement potential for existing CSS habitat. This potential for mitigation leads to a corresponding estimate of 5% short-term habitat loss that can be tolerated in any subregion. A level of enhancement beyond 5% may be possible and with adequate scientific information,

improved prospects for enhancement can be the basis for allowing a greater than 5% loss of habitat.

13. Land of high priority for inclusion in a reserve system can be identified based on a combination of size, location, and quality criteria. The impact of an overall 5% loss of CSS habitat area can be further reduced by avoiding losses of higher priority habitat.

**c. Premises on timing**

1. The southern California planning region is too large to be planned as a single unit. For conservation planning purposes, the region needs to be divided into subregions that are based on both biological and political considerations. The scale and focus of the subregions has been defined by the SRP (Subregional Planning Document, May 1992, revised August 1992). The focus area map is included as Attachment B.
2. Subregional conservation planning will progress at different rates due to different local economic conditions. Some subregions are ready to initiate NCCP planning now; others may not participate for several years. Some subregions may need to subdivide into subareas for planning purposes. Where appropriate, the CDFG and USFWS can accept the delineation and planning of subareas within subregions, provided subareas continue to participate in the subregional planning effort and adhere to the subregional goals and objectives. Planning on a subarea basis may proceed prior to final approval of the subregional plan provided the subarea plan integrates its preserve design with adjacent subareas, is consistent with the overall design of the subregional plan, and describes how it will mesh with and augment the subregional plan..
3. Scientific information available to the SRP does not support a conservation plan that would lead to significant losses of CSS habitat. Despite recent efforts to address this data shortfall, there is still a lack of scientific information on important aspects of CSS biology that may be necessary to formulate and implement a long-term plan.
4. Land owners and local governments should initiate the subregional planning process and identify and begin to fill information needs specific to that subregion. The extent of additional information needed, hence the time and effort needed, depends on the extent of projected habitat losses within a subregion. The amount of additional data necessary for decision-making will be minimal where subregional habitat losses are expected to be minimal or where adequate mitigation for losses can be demonstrated conclusively. Conversely, where greater habitat loss is proposed or where mitigation entails unproven technologies, data needs will be greater.

5. Subregions are encouraged to formulate NCCPs for approval by CDFG and USFWS as early as possible. One element of a NCCP must be an assessment of the status of scientific information in the subregion. A NCCP can be approved for implementation in phases despite a need for scientific information. Implementation of each phase of the plan must be adequately supported by scientific information.
6. Short-term habitat conversion should not foreclose future long-term conservation planning options.

### **3. Conservation Planning Guidance**

#### **a. The interim strategy**

- Short-term losses of habitat should be minimized so as to not foreclose future conservation planning options until such time as an NCCP has been completed and long-term enhancement and management programs are formulated.
- Total interim loss should be limited to 5% of CSS habitat in any individual subregion.
- To the maximum degree practicable, the 5% loss should be limited to areas with smaller populations of target species.
- To the maximum degree practicable, the 5% loss should not disproportionately impact specific subunits of the environmental gradient in each subregion (as defined by vegetation subcommunity, latitude, elevation, distance from coast, slope, aspect or soil type).
- During the interim period, subregional and subarea planning should strive to protect areas of higher long-term conservation value -- defined by extent of CSS habitat, proximity of that habitat to other habitat, value as landscape linkages or corridors, or presence of target species or other species of concern -- until a subregional plan can be put in place.
- Development pressure should be directed toward areas that have lower long-term conservation value. Such habitat areas are smaller in extent, are more isolated, have limited value as landscape linkages, and support comparatively fewer individuals of target species.
- Planning should ensure that all interim habitat losses are adequately mitigated and should contribute to the interim subregional mitigation program that will be subsumed in the long-term subregional NCCP as specified in the Process Guidelines.

#### **b. The research agenda**

November 9, 1993

The following research program can resolve unanswered questions that bear on the conservation of target species that inhabit coastal sage scrub and the biodiversity associated with that community. The SRP recommends six interactive research tasks.

1. **Biogeography and inventory of CSS.** The basic extent and distribution of CSS vegetation and its constituent species should be adequately mapped for the region and each subregion. This information will be required to support any subregional plan. The comprehensive literature review of CSS initiated by the SRP should be expanded and kept current.

For the southern California region, maps of the planning region should be provided at a scale of 1:100,000, with minimum mapping units of 100 ha (250 acres) and a minimum resolution of 100 m (330 feet). Ideally these maps would be GIS-based. Data layers should include vegetation, urban and agricultural land use, land ownership, topography, climate, distribution of target species, and available information on species of concern.

For each subregion, GIS-based maps (or accurate manually drawn maps based on similar data) should be provided at a scale of 1:24,000 with minimum mapping units of 10 ha (25 acres) and minimum resolution of 30 m (100 feet). Data layers should include those required for regional planning as well as specific conditions relevant to the subregion, with great emphasis on ground-truthing and verification of data.

2. **Trends in biodiversity.** It is the intent of the NCCP to preserve a substantial representation of the biodiversity associated with CSS. Better information on the effect of reserve size and adjoining land uses on biodiversity would help planning decisions. Monitoring of select taxa is necessary to assess the ongoing success of CSS community conservation efforts. Indicator taxa (such as CSS dependent birds, small mammals, and butterflies) should be employed due to time and funding constraints. The relationships between species richness/composition and habitat patch area and the effects of isolation should be investigated in sampling programs. These sampling programs will entail surveys for species richness and composition within a carefully selected series of CSS patches in each subregion.
3. **Dispersal characteristics and landscape corridor use.** More information about dispersal limitations of CSS species would help planning for adequate linkages between reserves and reveal trade-offs between increasing reserve size and improving corridors. Dispersal information adequate to allow tests of sensitivity of metapopulation models to connectivity are required. Data from several locations within the planning region during both breeding and non-breeding seasons should be gathered on target species, mountain lions, coyotes, and representative small mammals and invertebrates.

4. **Demography and population viability analysis.** One test of the potential effectiveness of reserve systems is population viability analysis. Time-series data on the two target species of birds should be gathered in at least half the subregions and from representative physical circumstances that span those found across the regional distributions of the species. Data should include territory size, time budgets, reproductive success, survivorship, emigration and immigration, with separate data obtained both for males and females where possible. Population viability analyses should be carried out for sample populations and metapopulations, and should consider connectivity and environmental effects.
5. **Surveys and autecological studies of sensitive animals and plants.** Basic information on the location, abundance, distribution, and natural history of vertebrate and invertebrate candidate species for federal protection and CSS-associated plant species of special concern should be gathered from select sites throughout the planning region. Each subregional planning exercise should contribute to this regional effort.
6. **Genetic Studies.** The maintenance of genetic variation is critical to the long-term viability of species inhabiting CSS and will be an important aspect of monitoring populations under a NCCP. Declining genetic variation will be one symptom of inadequate linkages between reserves and can signal a need for changes in reserve management. Baseline data for comparison with future conditions should be gathered at the earliest possible opportunity. Target species and several invertebrates should be sampled from several locations in each subregion. Most genetic data can be obtained with non-destructive sampling techniques in conjunction with other studies that require handling of individual animals.

**c. Management and restoration**

Management and restoration practices should be addressed as part of a well-coordinated research program. Management and restoration research will be valuable to subregional NCCP planning. Even after a NCCP is adopted, ongoing restoration research will be essential to adaptive management of coastal sage scrub habitat. The California Department of Fish and Game in collaboration with the U.S. Fish and Wildlife Service will convene a committee of experienced practitioners in the management and restoration of coastal sage scrub habitats to develop guidelines for such activities. This committee should review pertinent documents and address the current state of knowledge in the following areas key to the management of coastal sage scrub:

- Exotic species control, including both animals (in particular, cowbirds and feral and domestic mesopredators such as house cats and introduced red foxes) and plants (weedy species, especially annual species of old world origin)

November 9, 1993

- Recreational use of coastal sage scrub and other open space reserve areas, including identification of suitable low impact recreational pursuits consistent with preservation goals.
- The role of fire in natural ecosystem dynamics and processes, including the application of control burns and the control of ignitions of accidental and vandal origin.

Restoration considerations to be addressed in well-designed field experiments include:

- Identification of restoration unit sizes, including identification of maximum areas that are restorable using current techniques. A focus on patch enlargement techniques is advised.
- Identification of coastal sage scrub responses to soil conditions in restoration efforts, with focus on soil structure, soil nutrient levels, organic matter content, water holding capacity, and soil compaction.
- Identification of appropriate seeding, outplanting, and irrigation techniques with focuses on proper mixes of seeds, seeding techniques, and timing of applications of seed and irrigation.
- Identification of techniques to encourage native herbaceous species and to discourage the establishment of exotic species.
- Establishment of realistic success criteria to evaluate restoration considering sage species diversity and cover, and use by target species.

The management and restoration committee will be expected to design multifactorial field experiments at appropriate spatial scales using explicit and repeatable scientific method to aid in differentiating among alternative techniques. Since treatments will in all likelihood vary with physical circumstances, local vegetation composition and structure, and other unique conditions, each subregional planning unit will be expected to contribute to the regional management and restoration research effort.

#### **d. Application to subregional planning**

The biogeography research task will provide mapping of physical features, land uses, and vegetation to portray the options for the design of a subregional reserve and corridor network. The other research tasks will assist planners in evaluating conservation planning options by documenting species distributions and relative abundances within each subregion, by identifying the sizes and configurations of habitat patches necessary to sustain stable demographic units of target species, and by assessing the physical characteristics of landscape corridor

November 9, 1993

linkages required to facilitate dispersal, gene flow, and recolonization by species inhabiting the coastal sage scrub community.

Based on this information, subregional NCCPs will designate a system of interconnected reserves designed to: 1) promote biodiversity, 2) provide for high likelihoods for persistence of target species in the subregion, and 3) provide for no net loss of habitat value from the present, taking into account management and enhancement. No net loss of habitat value means no net reduction in the ability of the subregion to maintain viable populations of target species over the long-term.

The NCCP will need to establish a wide range of habitat management and enhancement tools and incorporate a monitoring program to provide guidance for ongoing management. With improved techniques for management and restoration, the goal of no net loss of habitat value may be attainable even if there is a net loss of habitat acreage.

Several basic tenets of reserve design should be applied to each subregion:

- ✓ 1. **Conserve target species throughout the planning area:** Species that are well-distributed across their native ranges are less susceptible to extinction than are species confined to small portions of their ranges.
- ✓ 2. **Larger reserves are better:** Large blocks of habitat containing large populations of the target species are superior to small blocks of habitat containing small populations.
3. **Keep reserve areas close:** Blocks of habitat that are close to one another are better than blocks of habitat far apart.
- ✓ 4. **Keep habitat contiguous:** Habitat that occurs in less fragmented, contiguous blocks is preferable to habitat that is fragmented or isolated by urban lands.
- ✓ 5. **Link reserves with corridors:** Interconnected blocks of habitat serve conservation purposes better than do isolated blocks of habitat. Corridors or linkages function better when the habitat within them resembles habitat that is preferred by target species.
- ✓ 6. **Reserves should be diverse:** Blocks of habitat should contain a diverse representation of physical and environmental conditions.
- ✓ 7. **Protect reserves from encroachment:** Blocks of habitat that are roadless or otherwise inaccessible to human disturbance serve to better conserve target species than do accessible habitat blocks.

#### 4. Implementing Interim Strategy

November 9, 1993

The interim strategy should be implemented as specified in the Process Guidelines. An annotated summary of the various tasks is included below.

- **Establish a NCCP planning group and identify a lead or coordinating agency for each subregion according to process guidelines.**

The subregional lead or coordinating agency is responsible for working with local governments, landowners, and other interested parties in establishing the NCCP planning process. The subregional lead or coordinating agency is also responsible for coordinating with local jurisdictions and/or subarea authorities to accomplish the tasks listed below:
- **Designate subregions.**

Focus areas have been designated by the SRP. Local jurisdictions are to draw the actual boundaries between focus areas to designate subregions for NCCP planning. Ideally, there should be one subregion for each focus area. However, subregional boundaries can be drawn for planning purposes according to convenient jurisdictional boundaries. Divisions along county boundaries are appropriate, and there is value to coordinating planning on a large scale. Additionally some subregions may need to subdivide into subareas for NCCP planning purposes. However, the 5% interim area loss cap will apply to each biologically defined subregion. Recognizing that large subregions must meet the objective of limiting short-term CSS losses on a biologically valid scale, some further subdivision of a large planning subregion into appropriately sized biological subareas for the purpose of accounting for interim habitat loss may be necessary.
- **Inventory CSS habitat and species in subregion.**

As of winter 1993, basic inventory work on vegetation mapping has been completed. Species surveys, however, are largely incomplete, but comprehensive species surveys are not critical to interim effort. The Planning Agreement establishing a subregion will specify what other species, if any, in addition to the target species will be explicitly addressed in planning for that subregion. Individual parcels that are considered for development will need to be surveyed for those species.
- **Determine long-term conservation value of lands in subregion.**

See evaluation process and evaluation methodology, below. All CSS habitat in the subregion is to be evaluated and mapped.
- **Calculate CSS habitat area and compute 5% interim loss cap for each subregion.**

All CSS habitat in the subregion is to be counted to compute the basis for the 5% interim loss, including all publicly and privately owned land. The most inclusive definition of CSS should be used. There is no minimum parcel size threshold for consideration. Where a planning subregion has been drawn on a scale larger than the focus areas identified by the SRP, the subregion may need to be divided into smaller subareas that are adequate to account for interim CSS losses. The baseline should reflect the extent of CSS as of March 25, 1993, the time the SRP conservation strategy recommendation was made and the USFWS listing of the California gnatcatcher was published. Only those projects approved by CDFG and USFWS prior to March 25, 1993, and explicitly meeting the requirements of the Endangered Species Act should be excluded from the baseline. The baseline calculation and designation of subareas for accounting must be verified by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

November 9, 1993

- Identify an entity to serve as a central clearing house to account for cumulative habitat loss in each subregion.

That entity will advise local land use jurisdictions to insure that the 5% interim loss guideline is not exceeded. The entity could be the lead or coordinating agency, a council of governments, or a wildlife agency. Some provision will need to be made to coordinate and to account for state projects, or for utility or transportation projects that cross subregional boundaries.
- Identify interim mitigation requirements guidelines for all development on CSS habitat loss.

Mitigation guidelines for interim habitat loss must be developed for the subregion and must be established in a subregional planning agreement or another written document requiring concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The provisions for interim mitigation measures will need to be applied by local jurisdictions and may include a requirement that the landowner receiving approval for interim CSS habitat loss will make an appropriate commitment to continue to participate in the overall subregional NCCP program. It is recognized that full mitigation may not be practical during the interim period because reserve acquisition programs and enhancement techniques have not been established. However, an approved subregional NCCP will eventually mitigate interim losses. In the interim phase, adequate mitigation for losses of lower value habitat may range from payment of a fee to purchase or to set aside higher value habitat. Management and restoration efforts undertaken as mitigation during the interim program will add to the overall ability of these conservation tools to be employed more successfully in the future.
- Identify and fill scientific information needs for long-term planning.

Appropriate scientific research tasks will vary from subregion to subregion depending on the amount of information available, the amount of habitat conversion proposed, and the conservation strategies being considered. Scientific research must be coordinated with region-wide efforts. The timing and funding for subregional research may need to be phased with staged implementation of a plan.
- Complete and implement subregional NCCP according to process guidelines.

## 5. Determining Potential Long-term Conservation Value

### a. Ranking land for interim protection

CSS and some associated non-CSS natural lands need to be evaluated and ranked for interim protection. Interim protection should be afforded to lands that are likely to be important to long-term conservation planning options due to CSS patch size and density, location, and biologic components.

1. **Higher potential value:** To determine areas of potential long-term conservation value, large, relatively dense areas of CSS must be identified. These are termed Higher Value Districts and are possible core areas for a reserve system. They need to be identified early in the planning process and protected from habitat loss and fragmentation while planning is under way. The methodology described below places 50% of the CSS in a subregion in the higher potential value category.

2. **Intermediate potential value:** Lands that probably can not be managed as independent reserves, but which by virtue of high quality, or proximity or linkage to the Higher Value Districts should be treated as potentially significant for subregional conservation planning.
3. **Lower potential value:** Land considered to have lower potential long-term conservation value will be that remaining after the higher potential value districts and the intermediate value areas have been identified. Small, isolated CSS patches (especially those surrounded by urban lands) with relatively small populations should be considered of low long-term potential value. Development of these lands could result in a take of small numbers of individuals of target species and would probably not affect the long-term viability of target species or other species of concern.

Overall, an estimated 10% to 25% of the CSS in a subregion would fall into the lower potential value category. For the ranking approach to interim habitat loss to function, it is important that a significant amount of land be classed as lower value. The criteria for identifying higher and intermediate value land should be adapted to local conditions.

#### b. Evaluation process

Each subregion needs to show interim protection for higher potential value lands on a map. The step-down evaluation process is outlined here. Large, dense areas of CSS are the Higher potential value lands. Natural lands that occur in linkages, that are close to possible core CSS areas, or that have high species richness are considered Intermediate potential value lands. Remaining CSS is considered to have Lower potential value. The guideline policy for local government treatment of the Higher, Intermediate, and Lower potential value lands during the interim period is given in section 6. A flow chart illustrating the logic is included as Attachment C.

1. **Natural Land:** Is natural vegetation present?  
Yes: Check CSS presence (#2)  
No: Not relevant for reserve planning.
2. **CSS:** Is CSS present?  
Yes: Check large size (#3)  
No: Check landscape linkages (#5)
3. **Large Size:** Is CSS the most dense CSS in subregion?  
Yes: Land forms a Higher Value District  
No: Check proximity (#4)
4. **Proximity:** Is land close to Higher Value District?  
Yes: Land is Intermediate Value  
No: Check landscape linkages (#5)

November 9, 1993

5. **Landscape Linkages:** Is land located in corridor between Higher Value Districts?  
Yes: Land is Intermediate Value  
No: Check species presence (#6)
6. **Species Presence:** Does land support high density of target species? Does land support significant populations of highly endemic species or rare sub-habitat types?  
Yes: Land is Intermediate Value  
No: Land is Lower Value

c. **Evaluation methods**

1. **Natural Land:** Natural land is land with a significant cover of natural vegetation. Natural vegetation in this context includes all native California natural communities and includes forestlands, shrublands, native and non-native grasslands, non-irrigated land, grazed land, and vacant or disturbed natural land. Natural land excludes lands subject to intensive agriculture and urban uses. Disturbed land or land recently cleared may still be restorable and should be included in the evaluation. The California Department of Conservation Farmlands Mapping and Monitoring Program is one way to identify natural lands: natural lands are areas classified as "grazing" or "other." Generally, land not mapped by the Department of Conservation can be assumed to be natural in eastern portions of the study area and urban in western portions.
2. **Coastal Sage Scrub:** CSS includes landscape areas supporting primary or secondary cover of characteristic CSS plant species dominants as defined by the SRP, Special Report No. 2, March 1992. A generalized map of CSS and a summary description is attached as Attachment A.
3. **Large Size:** The largest CSS patches in the subregion should be considered as possible core areas for future reserves. Because CSS distribution is naturally patchy, patch size needs to represent presence of CSS habitat at an intermediate spatial scale and needs to integrate over minor fragmentation and differences in vegetation mapping methodologies. Habitat patches should not be discounted as "too small" merely because they are mixed with other natural vegetation types. It is, however, appropriate to exclude landscape areas that are highly urbanized.

The objective of the evaluation process is to identify larger patches of CSS in the subregion. These are the Higher Value Districts. The method of finding the larger patches can be adjusted to conditions present in each subregion. The SRP recommends determining the percent of CSS cover in a neighborhood around individual CSS patches. When the entire subregion is evaluated, those patches of CSS habitat with the highest percent CSS cover in the neighborhood, cumulatively representing 50% or more of all CSS

cover within a subregion can be identified. Neighborhoods should have a radius of 1/2 to 1 mile. This spatial scale for planning reflects biological characteristics of CSS species and the need for agglomerations of CSS on a scale potentially suitable for incorporation into a reserve networks. The determination of the "core 50%" also takes into account the presence of urban and non-CSS natural land.

4. **Proximity:** CSS patches close to a core can be identified by measuring direct, straight-line distances. Appropriate spatial scale must be determined for each subregion and should be on the order of one-quarter to one-half mile.
5. **Landscape Linkages:** Natural lands, and even lands in intensive agriculture, may contribute to reserve network connectivity. Corridors must be drawn such that each Higher Value District is connected to the closest adjacent districts. A geometric corridor between Higher Value Districts is defined by drawing two straight lines tangent to each district. Boundaries can be adjusted as necessary to reflect natural features such as riparian areas that may curve outside of a defined geometric corridor.
6. **Species Presence:** A test must identify areas 1) that need special protection in the interim to reduce the likelihood of take of species and 2) that may have long-term value due to special conditions that support significant populations of highly endemic species, rare sub-habitat types, or vegetation subcommunities.

What constitutes significant populations must be determined for each subregion. For target species, the SRP considers habitat that supports a portion of a local population with five or more pairs of gnatcatcher or cactus wrens to be significant. For other species of plants or animals (including those species listed or candidates for listing), the SRP considers habitat that supports a portion of a local population representing more than 20% of the known population of the subregion to be significant.

The species presence test specifically means that each parcel under consideration for development will be subject to a species clearance: a survey for target species and other rare plants and animals. The survey should use techniques specified by the SRP or equivalent methods. (See SRP Survey Guidelines.)

Species presence during a one-time survey is not a reliable measure of habitat value. Moreover, species survey work is also expensive and time consuming. For this reason, the basic methodology to identify potential reserves relies most heavily on less variant aspects of the landscape.

## 6. Policy

November 9, 1993

**a. Pending approval of subregional NCCP**

When formal planning is underway, the conservative interim strategy seeks to minimize short-term loss of habitat and CSS species and to prevent foreclosure of options for long-term conservation planning by deferring development decisions on lands that may be important components of a final CSS community conservation plan.

<u>Potential Long-term Conservation Value</u>	<u>Policy</u>
Higher Value	Defer development decisions where possible. Determine actual conservation suitability in NCCP. Allow development only where it can be proven that the loss will not foreclose reserve planning options. Special mitigation will be required.
Intermediate Value	Case-by-case decisions. Special mitigation may be warranted.
Lower Value	Allow development with adequate mitigation.

Cumulative CSS loss in any subregion or any subarea of a large subregion is limited to 5% during the interim period.

**b. With approved subregional NCCP**

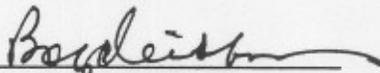
An approved subregional NCCP plan will supersede the interim designation of potential long-term conservation value and the interim 5% CSS loss limit will no longer apply. Implementation of an explicit subregional plan will allow long-term economic interests to be served. Inherent in the NCCP is resolution of technical and implementation issues to allow specification of long-term conservation programs. The final subregional NCCP may provide for development of lands initially designated as having potential long-term conservation value if it is later determined that actual long-term conservation value is lower. Conversely, lands originally thought to be of lower value may be determined to be valuable in final conservation plans. This consideration is one of many that support a conservative interim loss ceiling.

**c. In the absence of a subregional NCCP**

A subregional NCCP is intended, among other things, to provide long-term mitigation for project impacts which occur within the subregion. However, if for any reason the subregional NCCP fails to be completed, and provided the total cumulative loss of CSS habitat area is kept below 5%, public agencies should be able to undertake restoration independently of private lands to compensate for any

portion of the 5% habitat area loss that was not directly mitigated by measures imposed on approvals on private land during the interim process.

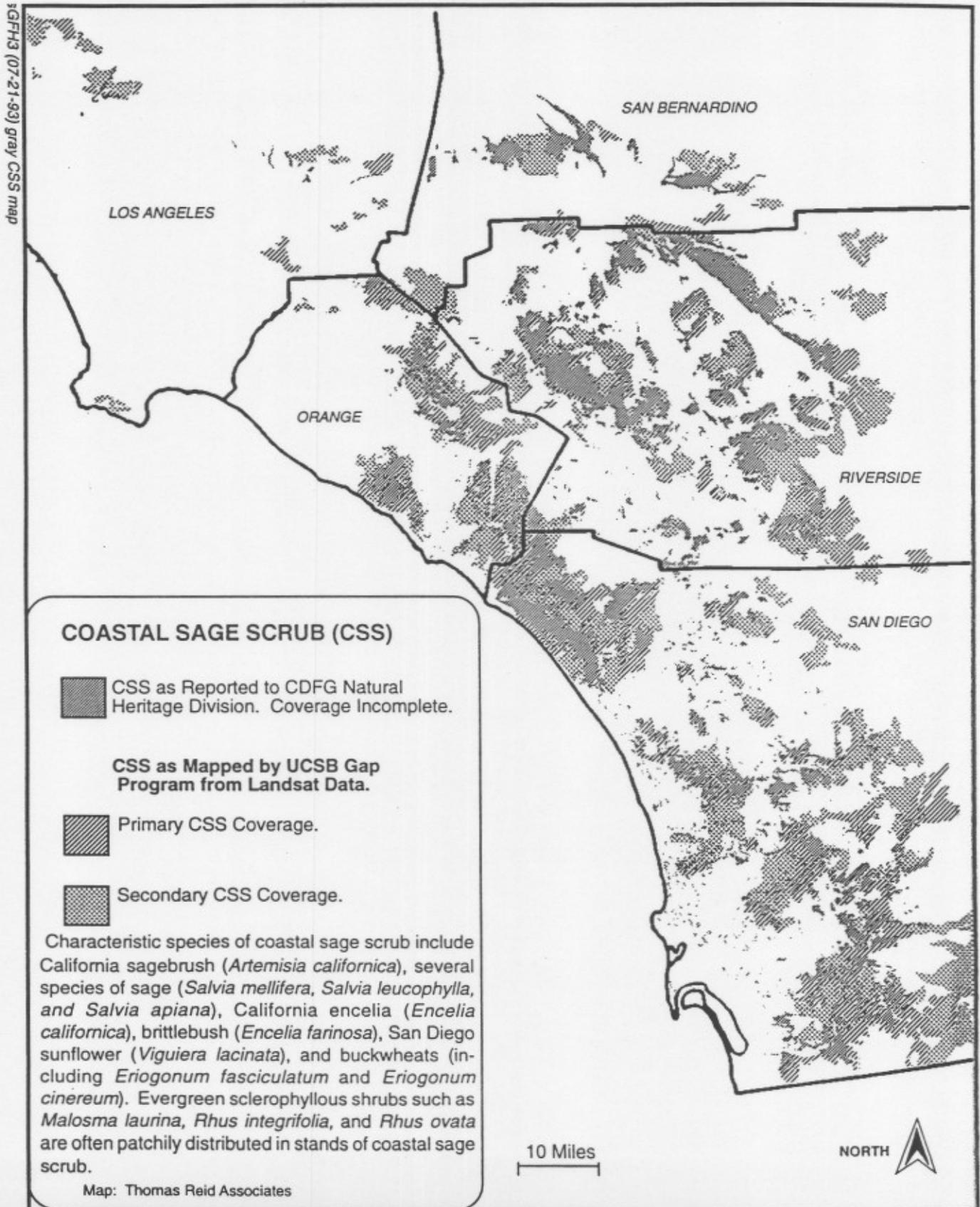
These guidelines have been adopted by the Department of Fish and Game on this 10 day of November, 1993.



Boyd Gibbons  
Director  
Department of Fish and Game

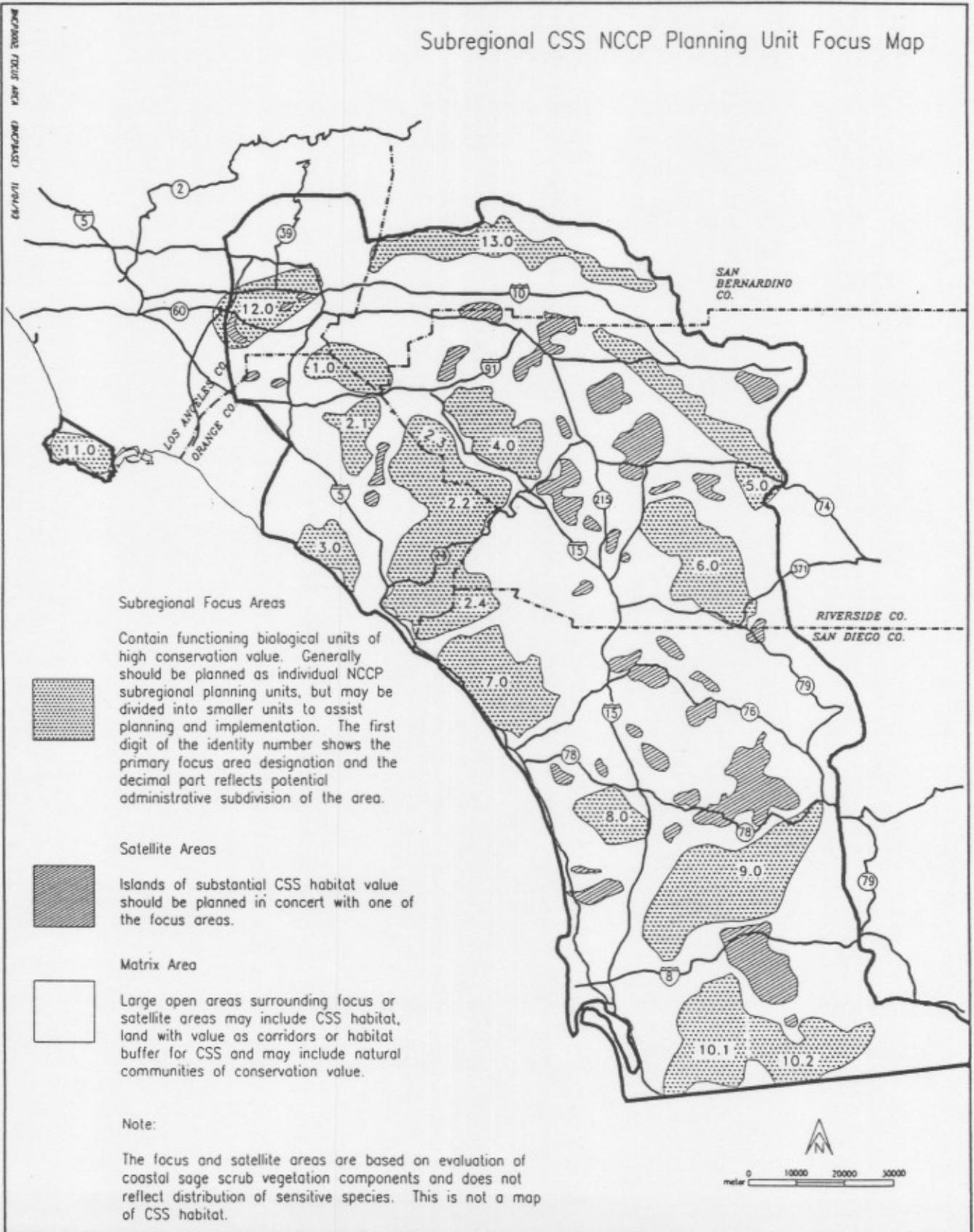
November 9, 1993

Attachment A. Generalized Map of Coastal Sage Scrub Habitat



November 9, 1993

**Attachment B. Subregional Focus Areas**



November 9, 1993

**Attachment C. Evaluation Logic Flow Chart**

Refer to text section 5.c. Evaluation Methods for definitions.

BNCPFLOW/FH3 (7/31/93) Flowchart

