

## **6.0 MSHCP Implementation Structure**

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### **6.1.6 Mitigation Responsibilities**

The Local Permittees will have the following mitigation responsibilities during the long-term implementation process for the MSHCP.

#### **➤ County and Cities Obligations**

The County and the Cities have the following obligations under the MSHCP and the IA:

- A. Adopt and maintain ordinances or resolutions as necessary, and amend their General Plans as appropriate, to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for private and public Development projects. Such requirements include: **(1)** the collection of Local Development Mitigation Fees and other relevant fees as set forth in *Section 8.5* of this document; **(2)** compliance with the HANS process or equivalent process to ensure application of the Criteria and thus, satisfaction of the local acquisition obligation; **(3)** compliance with the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in *Section 6.1.2* of this document; **(4)** compliance with the policies for the Protection of Narrow Endemic Plant Species set forth in *Section 6.1.3* of this document; **(5)** compliance with survey requirements as set forth in *Section 6.3.2* of this document; **(6)** require Urban/Wildlands Interface Guidelines compliance as set forth in *Section 6.1.4* of this document; and **(7)** compliance with the Best Management Practices and the siting and design criteria as set forth in *Section 7.0* and *Appendix C* of this document.
- B. Transmit any collected Local Developer Mitigation Fees, other appropriate fees and associated interest as described in *Section 8.5* of this document to the RCA at least quarterly.
- C. Contribute appropriate mitigation as determined by the affected Permittee for County and City projects, including but not limited to any one or any combination of the following: 1) acquisition of replacement habitat at a 1:1 ratio; 2) payment of the Local Developer Mitigation Fees as established for commercial and industrial Development; 3) creation of new Habitat for the benefit of Covered Species; and/or 4) payment of a percentage of the total capital costs for the project. Such mitigation shall be implemented prior to impacts to Covered Species and their Habitats.
- D. Participate as a member agency in the RCA as set forth in *Section 6.6.2* of this document.



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- E. Notify the RCA, through the Joint Project/Acquisition Review Process set forth in *Section 6.6.2* of this document, of proposed Discretionary Projects within the Criteria Area and participate in any further requirements imposed by that section.
- F. Take all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of project approvals for public and private projects.
- G. Carry out all other applicable requirements of the MSHCP, the IA and the Permits. Notwithstanding the foregoing, nothing within the MSHCP or the IA shall be construed to require any local government to provide funding, or any other form of compensation, beyond the fees collection, dedicated lands required pursuant to the IA and the MSHCP or other mitigation agreed to by the appropriate Parties.
- H. Manage MSHCP Conservation Area property or conservation easements owned or leased by the County or respective City pursuant to *Sections 5.0 and 8.0* of this document.

### **➤ Regional Conservation Authority Obligations**

The RCA has the following obligations under the MSHCP and the IA:

- A. Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its public projects, if any and for issuance of Take Authorization for Participating Special Entities. Such requirements include: **(1)** collection of Local Development Mitigation Fees; **(2)** compliance with the policies for the protection of species associated with Riparian/Riverine Areas and Vernal Pools as set forth in *Section 6.1.2* of this document; **(3)** compliance with the policies for the protection of Narrow Endemic Plant Species as set forth in *Section 6.1.3* of this document; **(4)** compliance with survey requirements as set forth in *Section 6.3.2* of this document; **(5)** require Urban/Wildlands Interface Guidelines compliance as set forth in *Section 6.1.4* of this document; and **(6)** compliance with Best Management Practices and the siting and design criteria as set forth in *Section 7.0* and *Appendix C* of this document.
- B. Administer and oversee implementation of the MSHCP as set forth in *Section 6.0* of this document.



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- C. Collect and expend Local Development Mitigation Fees and other applicable funds as described in *Section 8.5* of this document.
- D. Transfer Take Authorization to Participating Special Entities pursuant to Section 11.8 of the IA.
- E. Accept and manage and monitor the MSHCP Conservation Area property including conservation easements that have been conveyed to the RCA by the County, Cities or other entity, agency or individual pursuant to *Sections 5.0 and 8.0* of this document.
- F. Carry out all other applicable requirements of the MSHCP, the IA and the Permits. Notwithstanding the foregoing, nothing within the IA shall be construed to require the RCA to provide funding, or any other form of compensation, beyond the fees collected or dedicated lands required pursuant to the Permits, the IA and the MSHCP.
- G. Take all necessary and appropriate actions to enforce the terms of the Permits, the MSHCP and the IA.

### **➤ County Flood Control (RCFCWCD) Obligations**

County Flood Control has the following obligations under the MSHCP and the IA:

- A. Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its Covered Activities. Such requirements include: **(1)** compliance with the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools as set forth in *Section 6.1.2* of this document; **(2)** compliance with the policies for the protection of Narrow Endemic Plant Species as set forth in *Section 6.1.3* of this document; **(3)** conduct surveys as set forth in *Section 6.3.2* of this document; **(4)** compliance with all requirements of *Section 7.3.7* of this document; **(5)** compliance with the Urban/Wildlands Interface Guidelines as set forth in *Section 6.1.4* of this document; and **(6)** compliance with the Best Management Practices and the siting requirements and design criteria as set forth in *Section 7.0 and Appendix C* of this document.
- B. Contribute mitigation through payment of three percent of total capital costs for Covered Activities. Such payment may be offset through acquisition of replacement Habitat or

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creation of new Habitat for the benefit of Covered Species as appropriate. Such mitigation shall be implemented prior to impacts to Covered Species and their Habitats.

- C. Manage land owned or leased within the MSHCP Conservation Area that has been set aside for Conservation purposes pursuant to the existing Memorandum of Understanding executed between RCFCWCD and CDFG or a document subsequently negotiated between the appropriate Parties.
- D. Carry out all other applicable requirements of the MSHCP, the IA and Permits. Notwithstanding the foregoing, nothing in the IA shall be construed to require RCFCWCD to provide funding, or any other form of compensation, beyond the fees collected or dedicated lands required pursuant to the Permits, the IA and the MSHCP.

### ➤ **County Parks Obligations**

County Parks has the following obligations under the MSHCP and the IA:

- A. Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its Covered Activities. Such requirements include: **(1)** compliance with the policies for the protection of species associated with Riparian/Riverine Areas and Vernal Pools as set forth in *Section 6.1.2* of this document; **(2)** compliance with the policies for the protection of Narrow Endemic Plant Species as set forth in *Section 6.1.3* of this document; **(3)** conduct surveys as set forth in *Section 6.3.2* of this document; **(4)** compliance with the Urban/Wildlands Interface Guidelines as set forth in *Section 6.1.4* of this document; and **(5)** compliance with the Best Management Practices (*Appendix C* of this document), and all other requirements of *Section 7.0* of this document.
- B. Contribute appropriate mitigation as determined by County Parks for its Covered Activities, including but not limited to any one or any combination of the following: **(1)** acquisition of replacement Habitat at a 1:1 ratio; **(2)** payment of Local Development Mitigation Fees as established by the County for Commercial and Industrial Development; **(3)** creation of new Habitat for the benefit of Covered Species; and/or **(4)** payment of a percentage of total capital costs for the project. Such mitigation shall be implemented prior to impacts to Covered Species and their Habitats.

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- C. Manage and monitor land owned or leased within the MSHCP Conservation Area that has been set aside for Conservation purposes pursuant to *Section 5.0* of this document.
- D. Carry out all other applicable requirements of the MSHCP, the IA and the Permits. Notwithstanding the foregoing, nothing in the IA shall be construed to require County Parks to provide funding, or any other form of compensation, beyond the requirements of the Permits, the IA and the MSHCP.

### ➤ **County Waste Obligations**

County Waste has the following obligations under the MSHCP and the IA:

- A. Adopt and maintain resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its Covered Activities. Such policies include: **(1)** contribution of landfill tipping fees as set forth in *Section 8.5* of this document; **(2)** compliance with the policies for the protection of species associated with Riparian/Riverine Areas and Vernal Pools as set forth in *Section 6.1.2* of this document; **(3)** compliance with the policies for the protection of Narrow Endemic Plant Species as set forth in *Section 6.1.3* of this document; **(4)** conduct surveys as set forth in *Section 6.3.2* of this document; **(5)** compliance with the Urban/Wildlands Interface Guidelines as set forth in *Section 6.1.4* of this document; and **(6)** compliance with the Best Management Practices (*Appendix C* of this document), and all other requirements of *Section 7.0* of this document.
- B. Manage land owned within the MSHCP Conservation Area that has been set aside for Conservation purposes pursuant to *Section 5.0* of this document.
- C. Carry out all other applicable requirements of the MSHCP, the IA and the Permits. Notwithstanding the foregoing, nothing within the IA shall be construed to require County Waste to provide funding, or any other form of compensation, beyond the requirements of the Permits, the IA and the MSHCP.



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### **➤ RCTC Obligations**

RCTC has the following obligations under the IA and the MSHCP:

- A. Adopt and maintain ordinances and resolutions as necessary to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and the IA for its Covered Activities. Such requirements include: **(1)** compliance with the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools as set forth in *Section 6.1.2* of this document; **(2)** compliance with the policies for the protection of Narrow Endemic Plant Species as set forth in *Section 6.1.3* of this document; **(3)** conduct surveys as set forth in *Section 6.3.2* of this document; **(4)** compliance with the Urban/Wildlands Interface Guidelines as set forth in *Section 6.1.4* of this document; and **(5)** compliance with the Best Management Practices and the siting requirements and design criteria as set forth in *Section 7.0 and Appendix C* of this document.
- B. Contribute mitigation in the amount of \$153 million from Measure “A” funds for mitigation of its Covered Activities as described in *Section 8.5.1* of this document. Such contribution shall occur proportionately prior to impacts to Covered Species and their Habitats.
- C. Carry out all other applicable requirements of the MSHCP, this Agreement, and the Permits. Notwithstanding the foregoing, nothing within this Agreement shall be construed to require RCTC to provide funding, or any other form of compensation, beyond the requirements of the Permits, this Agreement and the MSHCP.

### **➤ Mitigation Requirements for Participating Species Entities**

In addition to potential mitigation requirements set forth in *MSHCP Sections 6.1.2, 6.1.3, 6.1.4, and 6.3.2*, Participating Special Entities shall also pay a mitigation fee based upon the type of proposed activity, which shall be applicable to all activities in the Plan Area. For Regional Utility Projects that will be constructed to serve Development, such as major trunk lines, Participating Special Entities shall pay a mitigation fee in the amount of 5 percent (5%) of total capital costs or other mitigation as may be agreed to by the RCA and the Wildlife Agencies. For such activities that will result in only temporary impacts and disturbance, Participating Special Entities shall pay a mitigation fee in the amount of three percent (3%) of total capital costs or other mitigation as may be agreed to by the RCA and the Wildlife Agencies. Public district or agency projects that will be constructed to serve Development, such as new schools and treatment plants, inside the Criteria Area shall be designed and implemented pursuant to the Criteria as described in *Sections 3.0 and 7.0* of the *MSHCP* and all

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other requirements of the MSHCP, including payment of Local Development Mitigation Fees as adopted for commercial and industrial Development. For such activities outside the Criteria Area, mitigation will consist of payment of Local Development Mitigation Fees as adopted for commercial and industrial Development. All mitigation fees shall be either collected by, or submitted to, the RCA. All mitigation obligations must be satisfied prior to impacts to Covered Species and their Habitats.