



Frequently Asked Questions

The purpose of this document is to address frequently asked questions and provide interim guidance for the new Regional Conservation Investment Strategy Program (Program). These frequently asked questions (FAQ) may change as the new Program gets underway, as guidelines are developed, and as public interest in this new program grows.

1. Generally speaking, what is the purpose of the new Program?

The Program is a pilot program established when Assembly Bill 2087 was signed into law in September 2016 and becomes effective on January 1, 2017. The new Program encourages a voluntary, non-regulatory regional conservation assessment process intended to result in higher-quality conservation outcomes and delivering an advance mitigation tool. The Program uses a science-based approach to identify actions that, if implemented, will help California's declining and vulnerable species by protecting, creating, restoring, and reconnecting habitat. The Program consists of three primary components: regional conservation assessments (RCAs), regional conservation investment strategies (RCISs), and mitigation credit agreements (MCAs). The Program provides a mechanism that allows any person or entity to develop mitigation credits through MCAs under an approved RCIS.

RCAs and RCISs are intended to be ecologically based and may encompass varying geographic areas. An RCA is expected to include one or more United States Department of Agriculture (USDA) [ecological regions](#) and an RCIS will typically encompass a USDA ecoregion subsection that may overlap with one or more counties. The voluntary RCA will provide a broader ecoregional perspective, tying the biological and natural resource information to a larger ecoregional context. An RCIS will identify high-value conservation and habitat enhancement opportunities within a region that will aid in species recovery, adaptation to climate change, and resiliency in the face of wildlife population stressors and pressures. Implementing an RCIS should maximize infrastructure planning and mitigation dollars to create advance mitigation by identifying conservation and enhancement actions that may be implemented to create mitigation credits through an MCA. The credits, developed in advance of future impacts to natural resources, may be applied to offset future impacts, including impacts to threatened and endangered species, other sensitive species, natural communities, ecological processes, habitat connectivity, and climate change adaptation.

2. Will CDFW be preparing guidelines? If so, when are the guidelines expected to be completed?

CDFW will be preparing guidelines and anticipates posting them on CDFW's website in April 2017. The guidelines will be reviewed periodically by CDFW and may be

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amended over time. The guidelines will, among other things, provide direction on selecting focal species, developing conservation and enhancement actions, and indicating data and analysis standards. The guidelines will also address how RCIS goals and measurable objectives and MCA performance standards and metrics will be determined. The guidelines will indicate how an RCIS will consider foreseeable development and how it will be consistent with administrative draft and approved Natural Community Conservation Plans (NCCPs) and Habitat Conservation Plans (HCPs) that overlap an RCIS area.

3. What is an RCA?

An RCA is a voluntary, non-regulatory, non-binding conservation assessment that includes information and analyses of important species, ecosystems, protected areas, and habitat linkages at the USDA ecoregion scale and may include more than one ecoregion. RCAs include information supporting the development of long-term conservation priorities within one or more USDA ecoregions including ecosystem services such as carbon sequestration, water conservation, and preservation of agricultural lands. RCAs also support the development of RCISs that will more specifically identify areas of greatest conservation value. An RCA is not required in order to develop an RCIS.

4. What is an RCIS?

An RCIS is a voluntary, non-regulatory, and non-binding conservation assessment that includes information and analyses relating to the conservation of focal species, their associated habitats, and the conservation status of the RCIS land base. An RCIS establishes biological goals and objectives at the species level and describes conservation actions and habitat enhancement actions that, if implemented, will contribute to those goals and objectives. Those actions will benefit the conservation of focal species, habitat, and other natural resources and they may be used as a basis to provide advance mitigation through the development of credits (see MCA section below) or to inform other conservation investments. The development of RCISs does not create, modify, or impose regulatory requirements or standards, regulate land use, establish land use designations, or affect the land use authority of a public agency. If approved by CDFW, an RCIS may be valid for up to 10 years. CDFW may extend the duration of an approved or amended RCIS for an additional 10 years provided the RCIS is updated to include new scientific information and the RCIS continues to meet the Program's requirements outlined in Fish and Game Code (Chapter 9, Section 1850, et seq.).

5. What is an MCA? Who can create credits under an approved RCIS?

An MCA is a mitigation credit agreement developed under an approved RCIS. An MCA is developed in collaboration with CDFW to create mitigation credits by implementing the conservation or habitat enhancement actions identified in an RCIS.

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An RCIS must be developed and approved before an MCA can be prepared. All MCAs must be within the boundary of an approved RCIS.

MCAs create credits that may be used as compensatory mitigation for impacts under the California Environmental Quality Act, the California Endangered Species Act (CESA), and the Lake and Streambed Alteration Program. Guidelines will provide information and processes on MCA development, review, and approval.

Any person or entity may enter into an MCA with CDFW to create credits, even if the person or entity was not involved in the development of the RCIS. Persons or entities may create and use, sell, or otherwise transfer mitigation credits upon CDFW's finding that credits have been created in accordance with Program requirements. Credits created through MCAs will be held by the credit developer. The guidelines will include information on how transferred, sold, and utilized credits will be tracked.

6. What information should be included in an RCA or RCIS?

Required information in an RCA differs from an RCIS. Chapter 9, Section 1852 (RCA) and Section 1853 (RCIS) of the Fish and Game Code describe requirements for developing these assessment documents. Program guidelines, currently being prepared (see FAQ #2), will help clarify terms and definitions and provide further direction on the development, review, and approval of RCAs and RCISs.

Generally, RCAs will cover larger geographic areas and provide ecoregional assessments using geospatial information for species, natural community distributions, standard vegetation classifications, and other standardized data. RCAs will identify and summarize relevant regional pressures and stressors, including climate change vulnerability, conservation areas and habitat connectivity values and will consider existing conservation plans such as the State Wildlife Action Plan and approved or administrative draft NCCPs.

Similar to RCAs, RCISs will include descriptions of geographic areas and identify important ecological resources and processes, natural communities, focal species, habitat, habitat connectivity, and existing protected areas. RCISs will include summaries of stressors and pressures in strategy areas that affect these resources, including climate change vulnerability. RCISs will generally cover smaller geographic areas than RCAs. RCISs will incorporate the best available scientific data and information to identify conservation goals and measurable objectives for focal species and identify conservation and enhancement actions that, if implemented, will further those goals and objectives. Conservation and enhancement actions will address or respond to focal species' stressors and pressures and will advance conservation of focal species including ecological processes, natural communities, and habitat connectivity upon which they depend. RCISs will also consider the conservation

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benefits of preserving working lands for agricultural uses. RCISs will identify existing mitigation banks and available credits (see below), and include provisions ensuring consistency with approved or administrative draft NCCPs and federal HCPs. RCISs must also reasonably indicate foreseeable infrastructure development, housing, and renewable energy projects. However, anticipated impacts from those development projects will not be included in RCISs.

7. What information is required to be included in an MCA?

An MCA identifies information related to the proposed credit developer, indicates the mitigation site's manager, and fully describes the location and type of conservation or habitat enhancement actions. MCAs will fully describe proposed types and quantities of mitigation credits and the supporting rationale that directly correlates their creation to the RCIS's focal species and other species, habitats, and natural resources. MCAs also identify metrics or indicators to measure how proposed conservation or habitat enhancement actions contribute to achieving the RCIS's goals and objectives of attaining a net ecological gain. MCAs document baseline conditions and identify public and permanently protected lands in the vicinity of proposed sites. Additionally, MCAs ensure that conservation or habitat enhancement actions will be adequately funded and have long-term protection, monitoring, enforcement, and management.

Lastly, MCAs will identify any CDFW or U.S. Fish and Wildlife Service-approved mitigation and conservation banks within the RCIS boundary and explains the terms and conditions under which the proposed mitigation credits may be sold or otherwise transferred. MCAs will describe specific methods proposed for reporting and maintaining a record of credit creation, release, and use, sale, or transfer and will include a proposed credit ledger, credit release schedule, and the performance measures or metrics used to determine credit release(s).

8. Under MCAs, who will be responsible for the long-term ownership and management of mitigation sites that are developed?

MCAs will identify the entities that will own the mitigation lands and be responsible for the long-term management. Requirements for entities to hold mitigation lands will be provided in the guidelines and will be consistent with existing CDFW requirements and applicable state laws. Additionally, a state or local agency shall exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources (Government Code Section 65967).

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9. What are the criteria for selecting or defining an RCA or an RCIS geographical boundary? Are there regional or geographic constraints and, if so, what are they?

Criteria for selecting or defining RCA or RCIS boundaries must reflect ecological considerations, as set forth in the requirements of Fish and Game Code Sections 1851(k) and (l), 1852, and 1853, but may also include administrative or jurisdictionally-based aspects. An RCIS shall explain why the specific geographical area was chosen. While not required, entities proposing an RCA and RCIS are encouraged to work with CDFW early in the process to develop the geographic boundaries.

10. How does the RCIS Program differ from Regional Advance Mitigation Planning (RAMP)?

The [draft RAMP Statewide Framework](#) (2012) identified legislative changes that would further development of advance mitigation. The RCIS Program supports the RAMP process by facilitating the development of credits that will contribute to regional conservation priorities and provide advance mitigation for entities that require compensatory mitigation.

11. Will new banks be created under this program? How is this program different from CDFW's mitigation and conservation banking program?

New banks will not be created under the Program's mitigation credit agreements. MCAs create credits by implementing an RCIS's conservation and enhancement actions. Some conservation or enhancement actions, due to size, type, or location, would not be suitable for establishing mitigation credits through CDFW's conservation banking program. Under the Program, mitigation credits may not be created on a site that has already been permanently protected and has been used, or is currently in use, to fulfill compensatory mitigation requirements for one or more projects. Implementing actions on public land, installing wildlife crossings, or removing fish passage barriers are examples of potential enhancement actions that may create credits under an MCA, but that are not suitable to create credits under CDFW's conservation banking program.

The RCIS Program is not intended to limit or impose additional conditions on the creation or sale of mitigation credits by a conservation bank or mitigation bank approved by CDFW pursuant to Chapter 7.9 (commencing with Section 1797) of the Fish and Game Code. The MCA shall include information that is consistent with the information required for a mitigation bank in Fish and Game Code Sections 1798(b)(2) and 1798.5(a)(2)(B-H). In addition, any entity or person including mitigation and conservation bankers may enter into MCAs to create new credits on existing conservation lands.

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12. How is an RCIS different from NCCPs and HCPs?

Unlike NCCPs and HCPs, RCISs are non-regulatory documents. Approval of an RCIS will not result in a permit or include take authorization under CESA or the federal Endangered Species Act and do not alter in any way a project proponent's obligation or need to obtain take coverage under CESA through an appropriate permitting mechanism. The purpose of an RCIS is to provide regional planning that will identify important ecological resources and conservation or enhancement actions that, if implemented, will advance the conservation of focal species and their habitats. In contrast to the typical county-based boundary of an NCCP or HCP, an RCIS boundary will be ecologically based and may overlap county boundaries.

An RCIS must include provisions ensuring that it will be consistent with and complementary to any administrative draft NCCP, approved NCCP or HCP, state or federal recovery plan, or other state or federal approved conservation strategy that overlaps an RCIS.

13. How will MCAs interact with NCCPs and HCPs?

Mitigation credits created through an MCA may be used in limited circumstances within the area covered by an approved NCCP. The NCCP's Implementing Entity must provide advance written approval of the mitigation credits. The credits may be used for an approved NCCP's covered activities only in accordance with the requirements of the NCCP. Individuals and entities eligible for coverage as a Participating Special Entity under an approved NCCP may use mitigation credits provided through MCAs only if the Implementing Entity declines to extend coverage to the covered activity proposed by the eligible individual or entity.

Any person or entity may develop MCAs for CDFW's consideration and approval, including NCCP Implementing Entities. These credits may be sold or transferred to entities that are not Participating Special Entities or to entities whose impacts are not included in the NCCP's covered activities.

14. How will land use change impacts be addressed in an RCIS?

RCISs will include important ecological elements and natural resources within their boundaries and identify the conservation and enhancement actions that, if implemented, will advance the conservation of RCISs' focal species, their habitat, and the ecological processes that help sustain them.

RCISs will also consider reasonably foreseeable development of infrastructure facilities, housing, and renewable energy. However, species and habitat impacts that may be associated with these developments will not be included in RCISs. Developers that identify future projects and determine their likely compensatory mitigation needs may choose to use an RCIS for identifying suitable mitigation opportunities and to

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voluntarily implement specific conservation or enhancement actions to create mitigation credits through MCAs. Conservation and enhancement actions may include actions on public land, installation of wildlife crossings, removal of fish barriers, and conservation or enhancement actions that consider conservation benefits of preserving working agricultural lands.

15. Does the new Program provide funding to develop an RCA or RCIS?

The new Program does not provide funding to develop an RCA, RCIS, or MCA. RCA or RCIS development will be funded by the public agency that creates them. Collaboration with different stakeholders and other entities may provide opportunities for cost-sharing. Additionally, the legislation requires RCISs to identify the entity that will be responsible for updating the documents at least every ten years. The public agency or other entity updating the RCIS would be responsible for funding the update. Development of MCAs and all actions associated with implementing them including review of environmental documents and implementing conservation and enhancement actions will be funded by the entity that seeks to create credits through an MCA.

16. Will there be fees associated with the new Program?

CDFW shall collect fees or other compensation from: a) a public agency that proposes an RCIS or RCA, and b) a person or entity that proposes to enter into an MCA. Fees shall pay for all or a portion of CDFW's costs associated with the Program including proposed RCA, RCIS, and MCA. CDFW is currently developing the fee structure and schedule.

17. What is the public review process for developing and approving an RCIS?

Public agencies developing RCISs must follow Chapter 9, Section 1854 of the Fish and Game Code including notification to the Governor's Office of Planning and Research, conducting and advertising public meetings and publishing notices and draft RCISs on the public agency's web site. Public agencies must also notify entities within the RCIS boundaries about public meetings and public comment periods, including county boards of supervisors, county councils, and NCCP or HCP implementing entities. Public agencies will incorporate public comments into draft RCISs prior to submitting final drafts to CDFW.

Once public agencies submit draft RCISs to CDFW for approval, CDFW has 30 days to deem the drafts complete or return them to the public agencies with comments and describe what is needed to complete the drafts. Once draft RCISs are complete, CDFW will post them on its website for an additional 30-day public comment period and shall notify any public agency, organization, or individual that has filed a written request to CDFW to receive notices regarding draft RCISs. Prior to approving an RCIS, a state agency must request the approval of the RCIS by sending a letter to CDFW stating the RCIS will aid in meeting the State's goals of conservation and

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public infrastructure or forestry management. CDFW will post approved RCISs on its website.

18. Does the new Program have a website? Who do I contact to learn more about the new Program?

The Program website is available at

<https://www.wildlife.ca.gov/Conservation/Planning/Regional-Conservation>. For additional information, contact Ron Unger, Program Manager, at 916-653-3779 or by email at Ronald.Unger@wildlife.ca.gov.