

NATURAL COMMUNITY CONSERVATION PLANNING/
COASTAL SAGE SCRUB

Landowners Enrollment Agreement

The Natural Community Conservation Planning/Coastal Sage Scrub (NCCP/CSS) project is a voluntary program and a collaborative effort with local government and landowners sponsored by the California Resources Agency and its Department of Fish and Game with the cooperation of the U.S. Fish and Wildlife Service. The NCCP/CSS will focus on coastal sage scrub habitat and three target species within it. The NCCP goal is to conserve long-term viable populations of the State's native animal and plant species, and their habitats, in landscape units large enough to ensure their continued existence while allowing compatible and appropriate development and growth, as set forth in Section 2800 et. seq. of the California Fish and Game Code.

The City of Poway has signed letters of agreement with adjacent jurisdictions agreeing to coordinate open space planning efforts as part of the North County Wildlife Forum and the Central County Wildlife Forum.

The City of Poway, as a Landowner, enrolling in the NCCP/CSS process agrees that:

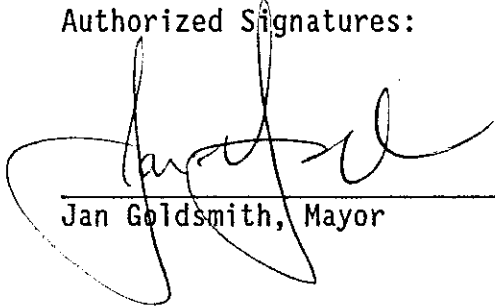
1. No activity on the enrolled property, as described in the attached, that would cause disturbance of the coastal sage scrub vegetation will occur during the planning period other than actions mandated for public safety by a government agency having jurisdiction to impose such requirements.
2. The City of Poway, has surveyed its land as part of the preparation of the Master Environmental Assessment and is cooperating with the biological survey standards of the City of San Diego's Multiple Species Conservation Program (MSCP), in which the City of Poway is fully involved as an active and participating member agency within the MSCP study area.
3. The City of Poway, as a Landowner, will join in a collaborative planning process that will lead to preparation of guidelines and standards required by Section 28000 et. seq. of the California Fish and Game Code and in addition will fully comply with regulatory controls of the CEQA/EIR process in present state law. The purpose of the planning guidelines is to achieve the following objectives:
 - a. Reconcile potential conflicts between the conservation of coastal sage scrub habitat, as defined on the basis of surveys of target species, and planned development or other actions that could impair long-term habitat functions.
 - b. Help coordinate the NCCP program with provisions of federal and state such as habitat conservation plan, and recovery plan requirements, as applicable.
 - c. Provide for the review of NCCP plan pursuant to the program EIR provisions of CEQA to define programmatic impact assessment, alternatives, analysis, and mitigation measures for future

individual projects or actions within the NCCP plan area with regard to potential impacts on coastal sage habitat and associated species.

- d. Provide assurance against additional mitigation requirements being imposed for the target species except upon a showing of significant unforeseen circumstances.
 - e. Establish procedures for incidental take permits to become applicable if any target species designated in the NCCP later becomes a candidate species or a listed species.
 - f. Conserve long-term viable coastal sage scrub habitat and its target species, in landscape units large enough to ensure their continued existence.
 - g. Establish procedures for coordinating public and private NCCP/CSS efforts, plan preparation and review, and set dates for completion of each phase of the program.
4. The State agrees to the following regarding the City of Poway's landowner enrollment in the NCCP program:
- a. The State recognizes and accepts the City of San Diego MSCP as a functional equivalent of the NCCP.
 - b. The State recognizes that the survey methods employed by Ogden and the preserve design criteria developed by Ogden Environmental and Energy Services in preparation of the City of San Diego MSCP plan represent up-to-date scientific theory and practice and that, prior to their use in the Multiple Species Conservation Program (MSCP), these methods and criteria were reviewed and agreed to by the US Fish and Wildlife Service and the California Department of Fish and Game. The State agrees that these survey methods and criteria are acceptable in lieu of the State's Scientific Review Panel guidelines and, therefore, that the City of Poway will not be required to apply the State's Scientific Review Panel guidelines for completion or implementation of its portion of the MSCP plan or enrollment in the NCCP program.
 - c. The State agrees that the California Department of Fish and Game will continue to be an active participant in the City of San Diego Multiple Species Conservation Program, which the City of Poway fully supports as an active and participating member agency.
5. The collaborative planning period begins on May 1, 1992, for properties enrolled prior to that date, and on the date of enrollment for later properties. The planning period terminates on October 31, 1993 or upon approval of an NCCP, whichever is earlier. The Department of Fish and Game will define and pursue implementation of the NCCP/CSS program expeditiously, including the formulation of process guidelines and subregions as early as possible.

6. The City of Poway may terminate its obligations under this agreement 30 days after Department approval of the NCCP planning process guidelines pursuant to paragraph 3, or 30 days after August 1, 1992, if no guidelines or sub-regions have been approved by that date. The Department may terminate its obligation with any enrollee who fails to comply with the provisions of this enrollment process. In the event that the Department of Fish and Game proposes to terminate this obligation, the Department will provide the enrollee with written notice of the alleged defaults in the enrollee's compliance with the enrollment agreement and will establish a reasonable time to cure any such alleged default.

Authorized Signatures:



Jan Goldsmith, Mayor

Signature and Title

City of Poway
Landowner or Land Management Agency

California Department of Fish & Game

Date

Date