

NATURAL COMMUNITY CONSERVATION PLANNING/ COASTAL SAGE SCRUB

Enrollment Agreement for Landowners and Land Management Agencies

The Natural Community Conservation Planning/Coastal Sage Scrub ("NCCP/CSS") project is a voluntary program and a collaborative effort with local governmental 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.

Rancho Del Sur partnership ("Partnership" or "Enrollee") as the owner and developer of the project known as "Sunbow II", located in the City of Chula Vista ("City"), voluntarily agrees with the California Department of Fish and Game to enroll those portions of Sunbow specifically described on Attachment A as the enrolled property ("Enrolled Property"). The Enrolled property is limited to that portion of Sunbow that is designated as open space in the adopted EIR 88-1 by the City of Chula Vista on December 5, 1989 and its approved Mitigation Monitoring Program by the City.

Partnership and the California Department of Fish and Game agree that:

1. No activity on the Enrolled Property 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 governmental agency having jurisdiction to impose such requirements.
2. Partnership will survey its enrollment land, or cooperate in joint surveys, using guidelines approved by the Scientific Review Panel ("SRP"), unless the property has already been exempted by the Department of Fish and Game, and will deliver survey data to the SRP by the SRP's deadline dates and in SRP-approved formats.
3. Partnership will join in a collaborative planning process that will lead to preparation of guidelines and standards required by Sections 2800 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 law, such as critical habitat conservation, and recovery plan requirements, as applicable.
 - c. Provide for the review of the NCCP plans 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 scrub 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 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.
 5. Partnership may terminate its obligations under this agreement after thirty (30) days written notice to the Department of Fish and Game, or thirty (30) days after August 1, 1992, if no guidelines or subregions 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.

6. If any conflict should arise between the interpretation of the intent or the provisions of this agreement and the similar agreement between the City and the Department of Fish and Game, this agreement shall prevail.

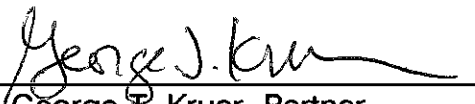
Authorized Signatures:


Signature and Title

Natural Communities Conservation Planning Program
California Department of Fish and Game

Date: 5/28/92

RANCHO DEL SUR,
a California general partnership

BY: 
George T. Kruer, Partner

Date: 4/24/92

nccp-css