

CITY COUNCIL RESOLUTION NO. 92-62
EXHIBIT "A"

ENROLLMENT FORM

NATURAL COMMUNITY CONSERVATION PLANNING/
COASTAL SAGE SCRUB

Enrollment for the City of Encinitas

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 (USFWS). The NCCP/CSS focuses 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 Natural Community Conservation Act of 1991).

Through a memorandum of agreement the City of Encinitas is a participant in a multijurisdictional program to develop a multiple habitat conservation plan, known as the North County Wildlife Forum (NCWF). The NCWF program will address conservation of the Coastal Sage Scrub community, as well as other habitat types. The NCWF program is funded and underway. The memorandum of agreement and details of the NCWF program have been submitted to the California Department of Fish and Game and the Resources Agency.

The City of Encinitas agrees to join in the NCCP collaborative planning process that will lead to preparation of guidelines and standards required by the Natural Community Conservation Act. 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, habitat conservation, and recovery plan requirements, as applicable.

- c. Provide for the review of NCCP plans pursuant to the program environmental impact report (EIR) provisions of the California Environmental quality Act (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 purposes set forth in the plan 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 designated 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

The City's enrollment in the NCCP/CSS program is conditional upon agreement of the Department of Fish and Game that the NCWF program is accepted as satisfying specific NCCP program requirements, as follows (reference is to sections of the July 14, 1992 draft of the NCCP Process guidelines):

3.2.2, 3.2.3 - the conduct and submittal of biological survey data.

4.4.1, 4.2 - the conduct and completion of subregional planning, including entering into a Planning Agreement which recognizes and incorporates the NCWF multiple habitat conservation planning program.

4.4 - using the conservation plan and program from the NCWF process as the basis for an Implementing Agreement.

4.5 - environmental documentation, processing and certification for adoption of the plan resulting from the NCWF program, pursuant to CEQA.

Based on this conditional enrollment, the City agrees to meet the commitments outlined below during the planning period, defined as 18 months from the adoption of City Council Resolution No. 92-62.

Through this conditional enrollment, the City of Encinitas agrees to the following:

1. To assist in the formation of subregional coastal sage scrub natural community conservation plans by:
 - a. Cooperating with other local governments and with landowners to undertake through the NCWF program field studies on CSS within the City of Encinitas planning area.
 - b. Cooperating with other local governments and with landowners to prepare and process an NCCP through the NCWF program consistent with the subregion area established under the NCCP program.
 - c. Utilizing regulatory authority to the extent authorized by law to support the Natural Communities Conservation Planning (NCCP) Program as envisioned by Fish & Game Code Sections 2800 - 2880.
 - d. Including information on the NCCP program with materials and advice provided to potential project applicants and encourage landowners to enroll their lands.
2. To be sensitive to the potential impacts of proposed activities on coastal sage scrub during the NCCP planning period by:
 - a. Considering enrolling, to the maximum extent feasible, City-owned lands into the NCCP program by completing the "Enrollment Agreement for Landowners and Land Management agencies" form and submitting it to the Department of Fish and Game NCCP Program Coordinator.
 - b. Ensuring that employees of the City and affiliated agencies are aware of the NCCP program, and of the City's commitment to it.
 - c. Coordinating fire prevention and brush and weed abatement policies of the City and the Encinitas Fire Protection District with the Department and USFWS to ensure that the coastal sage scrub community is not unnecessarily impacted.

- d. Requiring that any proposed projects provide full disclosure of the amount of coastal sage scrub habitat on the project site and the potential impacts to it.
- e. Monitoring cumulative loss/impact of the coastal sage scrub natural community within its jurisdiction and reporting these losses/impacts to the Department of Fish and Game on a quarterly basis.
- f. Requiring, where coastal sage scrub is likely to be impacted, that draft EIR's circulated after the release of the 1992 Survey Guidelines and after the Department's acceptance of City enrollment include, to the maximum extent feasible, surveys prepared in a manner compatible with Scientific Review Panel (SRP) survey guidelines for the selected target species, and ensure that these field data will be provided to the Department in a form useable by the SRP.
- g. Requiring analysis of project impacts to coastal sage scrub habitat and other contiguous natural areas such as riparian areas that constitute essential habitat corridors linking coastal sage scrub areas.
- h. Assessing and making appropriate findings as part of the CEQA review process regarding whether: a) projects will have significant unmitigated impact on coastal sage scrub habitat; and b) projects will have the potential to preclude the ability to prepare an effective subregional NCCP.
- i. Requiring environmental documentation in areas where no prior environmental review has been completed under CEQA for grading, grubbing and similar activities proposed in coastal sage scrub natural communities except as required for ongoing agricultural operations.
- j. Consulting with the Department and USFWS and to strongly consider their recommended mitigation measures for projects affecting coastal sage scrub processed during the NCCP planning period.

The commitment of the City of Encinitas to maintain these standards is for the duration of the collaborative planning period.

The City may terminate its commitments under this agreement within 30 days following agreement on subregions, and the establishment of the Department's NCCP process guidelines or within 30 days following August 1, 1992 if no process guidelines have been completed by that date.

Authorized Signature:

for *JBenson*
City Manager, City of Encinitas

8/20/92
Date

I, E. JANE POOL, City Clerk of the City of Encinitas, California do hereby certify under penalty of perjury that the above and foregoing is a true and correct copy of this document on file in my office. In witness whereof I have set my hand and the Seal of the City of Encinitas this

20th day of August, 19 92
E. Jane Pool
E. Jane Pool, City Clerk