

metro W.O. Dist.

NATURAL COMMUNITY CONSERVATION PLANNING (NCCP)/
MULTI-SPECIES - COASTAL SAGE SCRUB PROGRAM

ENROLLMENT AGREEMENT
BETWEEN THE CALIFORNIA DEPARTMENT OF FISH AND GAME
AND
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

This Agreement, dated as of August 24, 1992, is made and entered into by the Department of Fish and Game of the State of California ("DEPARTMENT") and The Metropolitan Water District of Southern California ("METROPOLITAN"), and is based on the following recitals:

RECITALS

A. Comprehensive Planning The parties recognize the need for comprehensive wildlife habitat conservation planning in areas of environmental concern. Such planning can be accomplished through Multi-Species Habitat Conservation Plans ("MSHCPS") or their equivalent, Natural Community Conservation Plans ("NCCPs").

B. Southwestern Riverside County MSHCP

Introduction The Southwestern Riverside County MSHCP meets the requirements for an On-going MSHCP. The planning process was underway prior to the effective date of The Natural Community Conservation Planning Act ("Act"), Fish and Game Code ("Code") Sections 2800 - 2840.

Planning Process The planning process began in 1988 with biological surveys of the Domenigoni and Crown Valleys and Skinner Reservoir area as part of METROPOLITAN's efforts to identify suitable mitigation sites for its Eastside Reservoir Project. The survey methodology was developed in cooperation with, and was approved, by both the United States Fish and Wildlife Service ("Service") and the DEPARTMENT.

Funding METROPOLITAN and the Riverside County Habitat Conservation Agency ("RCHCA") have been funding biological surveys of these areas since 1989. In addition, with the creation of the Shipley Reserve, which encompasses substantial portions of the Multi-Species Reserve contemplated by the Southwestern Riverside County MSHCP, a trust fund of \$1,521,000 for the management and preservation of the area and a \$479,000 endowment to the University of California at Riverside to monitor native plants were created. Finally, in September 1991, METROPOLITAN, in cooperation with the RCHCA, funded the preparation of a Habitat Conservation Plan ("HCP") for species which may become endangered during the construction of the Domenigoni Valley Reservoir. The HCP is intended to constitute an NCCP for purposes of the Act upon approval by DEPARTMENT. The HCP/NCCP includes protection and enhancement of habitats for the California gnatcatcher as well as a number of other species. Funding for the first eleven years of management and research will be \$13,886,000.

Protection of Sage Scrub The scope of work for the plan includes protection of almost 5,600 acres of coastal sage scrub, as well as other plant communities, and mitigation measures for those areas which cannot be protected.

The Eastside Reservoir Final Environmental Impact Report, certified in October 1991, provides for full mitigation of impacts to coastal sage scrub. The HCP/NCCP sets aside an additional 5,500 acres, almost 3,500 of which are coastal sage scrub. Previously METROPOLITAN had set aside 2,100 acres of coastal sage scrub. Thus, almost 5,600 acres of coastal sage scrub are protected.

This protection is ensured by the Management Committee for the area which is composed of representatives of DEPARTMENT, Service, RCHCA, Riverside County Regional Park and Open Space District and METROPOLITAN.

Survey methodologies employed in the development of this MSHCP/NCCP are those accepted by the DEPARTMENT and the Service.

Timing requirements for the construction of facilities for the maintenance of essential public water service to people of Southern California require that the MSHCP/NCCP be approved at the earliest possible date. Initial contracts for the construction of the project have been let following the certification of the Final Environmental Impact Report.

C. Lake Mathews MSHCP/Reserve Plan (collectively "MSHCP")

Planning Process Planning activities for METROPOLITAN's Lake Mathews property, undertaken by METROPOLITAN and RCHCA, meet the DEPARTMENT's requirements for an On-going MSHCP. The Lake Mathews MSHCP also is intended to constitute an NCCP, or a component part of a larger subregional NCCP, for purposes of the Act, upon approval by the DEPARTMENT.

The planning process was underway prior to the effective date of the Act.

Protection and Further Planning Process In 1982, pursuant to a 1979 Memorandum of Understanding, METROPOLITAN conveyed an easement to the DEPARTMENT over 2,565 acres of METROPOLITAN's 8,776 acres of Lake Mathews Property within the fence enclosing the reservoir for an Ecological Reserve.

The RCHCA placed virtually all of the METROPOLITAN's Lake Mathews property within the boundaries of the Lake Mathews Reserve Study Area under its HCP for Stephens' Kangaroo Rats which was approved in October 1990 pursuant to an environmental impact report certified on April 17, 1990. The RCHCA has been conducting studies and planning for the ultimate establishment of a permanent reserve at the Lake Mathews location continuously since 1990.

The County of Riverside included all of METROPOLITAN's Lake Mathews property within one of its study areas in the County's proposed MSHCP, the final draft of which was completed

in January 1991, and has been continuing these planning efforts from that date.

Commencing May 7, 1990, METROPOLITAN retained the Chambers Group, Inc. to begin planning studies for the use of Lake Mathews property to mitigate the adverse effects of proposed projects and in the intervening time has retained additional biological consultants to further assess biological values of METROPOLITAN's Lake Mathews property for this purpose.

Funding Process Both METROPOLITAN and RCHCA have continuously funded the planning efforts since the commencement of their respective activities. Both agencies are working toward the completion of a MSHCP for the Lake Mathews area which would be funded on a permanent on-going basis. It is anticipated that the DEPARTMENT will be the Multi-Species Reserve Manager to ensure preservation and protection of the area's environmental values.

Protection of Sage Scrub The scope of work for the plan includes protection of coastal sage scrub, as well as other plant communities, and mitigation measures to compensate for loss of such habitat elsewhere.

Lake Mathews is one of the historically prime areas for coastal sage scrub and California gnatcatcher. One Thousand Nine Hundred acres of coastal sage scrub will be protected within the Lake Mathews area. This has become degraded over the years due to repeated range fires. However, it remains rich in species of environmental concern.

In addition to planning for the Lake Mathews area as a Reserve Area for Stephens' Kangaroo Rats, the RCHCA has also planned for the preservation of species within the boundaries of the reserve to the maximum extent possible. Although no research has been done, Lake Mathews may also be an exceptional opportunity for translocating pronghorn antelope to part of its historic range.

METROPOLITAN has contemplated from the beginning of its studies that the preservation and protection of coastal sage scrub at this location would be accomplished to mitigate for the effects of its projects.

D. Adoption of MSHCPS Survey methodologies being used are those accepted by the DEPARTMENT and the Service. These studies which have been on-going for several years are now virtually complete and the adoption of the MSHCP is contemplated within the next few months.

Time is of the essence in adopting the proposed MSHCPS because of the deadlines for the development of a permanent long-term plan for the Stephens' kangaroo rat and the immediate need to proceed with essential public works projects for METROPOLITAN, the Riverside County Flood Control District and Western Municipal Water District of Riverside County.

It is agreed as follows:

METROPOLITAN hereby agrees to the following:

1. a. Southwestern Riverside County MSHCP

Exhibit A identifies property owned by METROPOLITAN which is included within the Southwestern Riverside County MSHCP. The property is shown as Domenigoni Valley Reservoir and Lake Skinner and includes the connecting property. Exclusive of the areas identified as "recreation area", "MWD operational area", "school area", "excluded area", "post-construction reserve", and "post-construction corridor" in Exhibit A, and reserving the right to conduct related water service operations upon its property, METROPOLITAN offers for enrollment the remaining owned property in the California Natural Communities Conservation Planning (NCCP) Program which constitutes approximately 8,400 to 8,600 acres to be placed in a Reserve.

b. Lake Mathews MSHCP

Exhibit B identifies property owned by METROPOLITAN which is included within the Lake Mathews MSHCP. Exclusive of the Reservoir area at maximum inundation, operations areas, proposed Western Municipal Water District improvements, exceptions and active reverse leases depicted in Exhibit B, and reserving the right to conduct related water service operations upon its property, METROPOLITAN offers for enrollment the remaining owned property in the NCCP Program. The operations areas include a METROPOLITAN owned detention basin and future

operations facilities of Western Municipal Water District of Riverside County.

2. Covenants that it will take no action inconsistent with the then applicable draft or final MSHCP plans during the term of this Agreement.

3. Agrees to diligently pursue completion of the Southwestern Riverside County MSHCP and the Lake Mathews MSHCP, including necessary funding for the completion of this work.

4. Agrees to supply the DEPARTMENT with the scientific data gathered from the proposed reserve areas commencing from the beginning date of the studies.

The State hereby agrees to the following:

5. Accepts METROPOLITAN's offers of enrollment in the NCCP, as described in paragraph 1 and accepts the Southwestern Riverside County MSHCP draft and work performed to date on the Lake Mathews MSHCP draft as constituting On-going Multi-Species Plans. The final MSHCPs will constitute individual NCCPs or component parts of larger subregional NCCPs upon final DEPARTMENT certification that the plans meet standards for natural community conservation. Agrees that the review of these plans shall continue to be only by the staffs of the DEPARTMENT and the Service using the criteria applied by those agencies.

6. Shall expedite the review of the MSHCPs in order to insure their prompt approval.

7. Agrees that the MSHCPs, upon approval by the DEPARTMENT, shall constitute HCPs and NCCPs.

8. Agrees that METROPOLITAN will be granted appropriate permits to take species identified in and consistent with the approved plans.


Both parties agree that:

9. This Agreement will be effective when signed by the parties.

10. This Agreement shall terminate eighteen calendar months from its date. If one of the HCP/NCCPs is approved earlier, then this Agreement shall terminate as to that HCP/NCCP upon the date of approval.

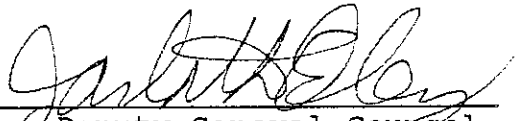
THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Carl Boronkay
General Manager

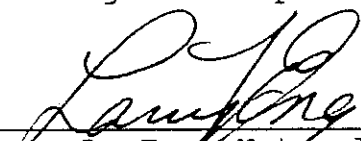
By 
Assistant General Manager

APPROVED:

Fred Vendig
General Counsel

By 
Sr. Deputy General Counsel

STATE OF CALIFORNIA, acting by and
through its Department of Fish and Game


Larry L. Eng, Natural Community
Conservation Plans Director