

## CHAPTER 765

An act to add Chapter 10 (commencing with Section 2800) to Division 3 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

[Approved by Governor October 9, 1991. Filed with  
Secretary of State October 10, 1991.]

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The continuing population growth in California will result in increasing demands for dwindling natural resources and result in the continuing decline of the state's wildlife.

(b) There is a need for broad-based planning to provide for effective protection and conservation of the state's wildlife heritage while continuing to allow appropriate development and growth.

(c) Natural community conservation planning is an effective tool in protecting California's natural diversity while reducing conflicts between protection of the state's wildlife heritage and reasonable use of natural resources for economic development.

(d) Natural community conservation planning promotes coordination and cooperation among public agencies, landowners, and other private interests, provides a mechanism by which landowners and development proponents can effectively participate in the resource conservation planning process, provides a regional planning focus which can effectively address cumulative impact concerns, minimizes wildlife habitat fragmentation, promotes multispecies management and conservation, provides one option for identifying and ensuring appropriate mitigation for impacts on fish and wildlife, and promotes the conservation of broad based natural communities and species diversity.

(e) Natural community conservation planning can provide for efficient use and protection of natural and economic resources while promoting greater sensitivity to important elements of the state's critical natural diversity.

(f) Natural community conservation planning is an effective planning process which can facilitate early coordination to protect the interest of the state, the federal government, and local public agencies, landowners, and other private parties.

(g) Natural community conservation planning is a mechanism that can provide an early planning framework for proposed development projects within the planning area in order to avoid, minimize, and compensate for project impacts to wildlife.

(h) Natural community conservation planning is consistent with and will support the fish and wildlife management activities of the Department of Fish and Game in its role as the trustee for fish and

wildlife within the state.

(i) The purpose of natural community conservation planning is to sustain and restore those species and their habitat identified by the Department of Fish and Game which are necessary to maintain the continued viability of those biological communities impacted by growth and development.

SEC. 2. Chapter 10 (commencing with Section 2800) is added to Division 3 of the Fish and Game Code, to read:

#### CHAPTER 10. NATURAL COMMUNITY CONSERVATION PLANNING

2800. This chapter shall be known and may be cited as the Natural Community Conservation Planning Act.

2805. The definitions in this section govern the construction of this chapter.

(a) "Natural community conservation plan" means the plan prepared pursuant to an agreement entered into in accordance with subdivision (a) of Section 2810. The plan identifies and provides for the regional or areawide protection and perpetuation of natural wildlife diversity, while allowing compatible and appropriate development and growth.

(b) "Wildlife" has the same meaning as defined in Section 711.2.

(c) "Person" has the same meaning as defined in Section 711.2.

2810. The department may enter into agreements with any person for the purpose of preparing and implementing a natural community conservation plan to provide comprehensive management and conservation of multiple wildlife species, including, but not limited to, those species listed pursuant to Article 2 (commencing with Section 2070) of Chapter 1.5. The agreement shall include cost reimbursement provisions pursuant to Section 2840.

2820. Natural community conservation planning may be undertaken by local, state, and federal agencies independently or in cooperation with other persons. The plan shall be consistent with the agreement entered into pursuant to Section 2810 and shall be approved by the department for implementation upon meeting the standards established by the department for natural community conservation.

2825. (a) The department may prepare nonregulatory guidelines for the development and implementation of natural community conservation plans. The guidelines are exempt from Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code. The guidelines may include, but are not limited to, all of the following:

- (1) Defining the scope of a conservation planning area.
- (2) Determining conservation standards, guidelines, and objectives for the planning area.
- (3) Appointing one or more advisory committees to review and make recommendations regarding the preparation and

implementation of natural community conservation plans.

- (4) Coordinating with local, state, and federal agencies.
- (5) Incorporating public input.
- (6) Ensuring compatibility with the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.).
- (7) Obtaining approval of the natural community conservation plan by the department.
- (8) Provisions for implementation of the plan.
- (9) Monitoring and reporting on plan implementation.
- (10) Amending the plan consistent with the initial intent of the plan.

(b) Nothing in this chapter exempts projects proposed in a natural community conservation planning area from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) Natural community conservation plans, as appropriate, shall be implemented pursuant to Section 2081.

(d) To the extent practicable, implementation of natural community conservation plans shall use the services of either the California Conservation Corps or local community conservation corps.

2830. Upon recommendation of the department, the commission may authorize, pursuant to Section 2084, the taking of any candidate species whose conservation, protection, restoration, and enhancement is provided for in a department approved natural community conservation plan consistent with paragraph (6) of subdivision (a) of Section 2825.

2835. The department may permit the taking, as provided in this code, of any identified species whose conservation and management is provided for in a department approved natural communities conservation plan.

2840. (a) The department shall be compensated for the actual costs incurred in participating in the preparation and implementation of natural community conservation plans. These costs may include consultation with other parties to agreements authorized by Section 2810, providing and compiling wildlife and wildlife habitat data, reviewing and approving the final plan, monitoring implementation of the plan, and other activities necessary to the preparation and implementation of a plan.

(b) The department shall be compensated for those expenses identified in subdivision (a) according to a schedule in the agreement authorized by Section 2810.

SEC. 3. This act does not apply to any agreement for the preparation of a habitat conservation plan or natural community conservation plan approved by the Director of Fish and Game at the time of enactment of this act.