

DRAFT
North County MSCP: Agricultural Concepts
 March 28, 2006

ACTIVITY	TAKE/MITIGATION REQUIREMENTS	WITHOUT MSCP: CURRENT REGULATIONS	WITH NORTH COUNTY MSCP ¹	
			OUTSIDE PAMA	INSIDE PAMA
EXISTING AGRICULTURAL OPERATIONS	Take ² - Authorization for listed species	No Take-Authorization ³	Blanket Take-Authorization ⁴	<i>Property does not contain Arroyo toad or SKR habitat:</i> Blanket Take-Authorization <i>Property does contain Arroyo toad or SKR habitat:</i> Blanket Take-Authorization <u>except</u> for Arroyo Toad or SKR. Can obtain Arroyo Toad or SKR Take-Authorization by submitting a map and description of existing operations
CROP CONVERSION		No Take-Authorization	Blanket Take-Authorization	<i>Property does not contain Arroyo toad or SKR habitat::</i> Blanket Take-Authorization <i>Property does contain Arroyo toad or SKR habitat:</i> Blanket Take-Authorization <u>except</u> for Arroyo Toad or SKR. Can obtain Arroyo Toad or SKR Take-Authorization by submitting a map and description of future operations
ACTIVITY ATTRACTS SENSITIVE SPECIES		Voluntary Safe Harbor Agreements	Voluntary Safe Harbor-like Agreements ⁵	Voluntary Safe Harbor-like Agreements
EXPANSION OF AGRICULTURE ONTO HABITAT	Biological Mitigation Requirements	Mitigation required for habitat impacts Some exemptions possible if no sensitive habitats (including wetlands) are present	Mitigation Exemption Options: 1) Easement with conditions, or 2) Agreement to stay in agriculture for x years <i>Both may have a maximum acreage allowance for conservation analysis purposes</i>	Mitigation required for habitat impacts
CONVERSION OF AGRICULTURE TO DEVELOPMENT		No mitigation required	No mitigation required	Follow Habitat Preserve Design Guidelines (May result in retaining some agriculture between the preserve and development) Mitigate for impacts to Arroyo toad or SKR habitat
	Agriculture Mitigation Requirements	Mitigation for the loss of agriculture required per CEQA (San Diego County Farming Program working to address these issues)		

¹ The outline below assumes that all properties are currently complying with other regulations of the County of San Diego, Regional Water Quality Control Board and other agencies. This compliance may include following best management practices, which is a pre-requisite to qualifying for the following benefits under MSCP.

² "Take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" as it relates to listed species. Essentially anything that will significantly disrupt a species normal behavior is considered take and legally requires a permit under the California and Federal Endangered Species Acts.

³ Penalties for "take" without authorization include civil penalties and criminal violations. Violators of the Endangered Species Act are subject to fines of up to \$100,000 and one year imprisonment. Fish, wildlife, plants, and vehicles and equipment used in violations may be subject to forfeiture.

⁴ Blanket Take Authorization will authorize "take" for all North County MSCP covered species for ongoing current operations such as agricultural operations, residential uses, or commercial/industrial uses. It requires no action on the part of the landowner.

⁵ Safe Harbor-like provisions:

- A provision under North County MSCP would allow you to come in, establish baseline for species and receive take for any improvements above baseline. The take would be under the County's permit through the NCMSCP, not under a separate permit like other Safe Harbors.
- Agreement could cover all North County MSCP species and any area (inside or outside PAMA) and any use (includes developers and agricultural operations). Could be great for: stormwater detention basin, fallowing (could function to improve habitat and allow 'habitat banking')