

## NCCP FAQ

### 1. What is an NCCP?

In California, a Natural Community Conservation Plan (NCCP or Plan) facilitates the area-wide protection and management of natural wildlife diversity, while also permitting compatible and appropriate development and growth. The NCCP is intended to provide comprehensive management and conservation of multiple species, including but not limited to species listed under the California Endangered Species Act (CESA) or Federal Endangered Species Act (ESA). The NCCP Act is intended to support cooperation and coordination among public agencies, landowners, and other interested organizations or individuals.

The NCCP plan area is the City of Rancho Palos Verdes. This includes the Palos Verdes Nature Preserve as well as City properties and private properties that offer habitat value for covered species and which may have projects or operations that would require a permit from state and federal wildlife agencies.

### 2. What resources does the NCCP conserve? What are “Covered Species”?

The Plan identifies specific, at-risk species—and their associated habitats—for protection. In our area, these species include the coastal California gnatcatcher (federally threatened), cactus wren (federally threatened), Palos Verdes blue butterfly (endangered), El Segundo blue butterfly (endangered), and six rare plant species. The California gnatcatcher and cactus wrens rely on coastal sage scrub, cactus scrub, and grassland vegetation communities, which are protected under the Plan.

### 3. Why is native habitat like coastal sage scrub and cactus important?

If a species is lost, it's lost forever—and the same is essentially true for habitats. Healthy living communities like coastal sage scrub provide natural benefits from filtering and purifying air and water, to building soils, stabilizing landscapes, absorbing carbon dioxide, buffering against floods and high winds, and in various other ways contributing to human well-being. Coastal sage and cactus habitats are also necessary for the survival of the covered species.

### 4. What is “take”?

"Take," as defined by the Endangered Species Act (ESA), means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" a protected species, "or to attempt to engage in any such conduct." Harm is defined as "any act that kills or injures the species, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3).

At the state level, take is defined under the California Fish and Game Code (more narrowly than under ESA) as any action or attempt to "hunt, pursue, catch, capture, or kill" a protected species.

“Take” also applies to direct and indirect impacts to endangered species or their habitat, which has the potential to reduce their ability to breed, nest, or forage.

5. Who participates in the NCCP agreement? Summary of roles and responsibilities.

The City of Rancho Palos Verdes has developed an NCCP/HCP Plan that will encompass the entire City, in coordination with the California Department of Fish and Wildlife (CDFW, formerly California Department of Fish and Game), and the U.S. Fish and Wildlife Service (USFWS), hereafter collectively referred to as the “Wildlife Agencies.” The Palos Verdes Peninsula Land Conservancy is the designated Habitat Manager, who will assist the City with executing projects in accordance with conservation goals of the NCCP and to monitor and report on the progress of the Plan’s implementation.

The City is the permit holder, designated by the Wildlife Agencies to conduct specific projects and activities in threatened and endangered wildlife habitat. The City and PVPLC work together to implement projects under conservation guidelines. PVPLC helps the City streamline their project process to ensure that impacts to covered species and native habitat are minimized. PVPLC also helps the City fulfill its obligations to receive the take permit, including mitigation, invasive plant removal, and monitoring.

6. What is the benefit to the City of having this NCCP in place?

The execution of the NCCP agreement triggers state and federal take authorizations for Covered Species that permit the City and private landowners to execute approved projects and compatible uses of the land. The NCCP offers a streamlined permitting process for planned development, infrastructure, and maintenance activities. Applications for endangered species “take” permits can occur in tandem with other building permits because the Plan allows the City to grant endangered species take permits to projects and activities under their jurisdiction. This eliminates the need for the City or it’s agents to acquire special permits, conduct separate Environmental Impact Reviews (EIRs) for each project, and execute individual mitigation projects to offset each project, effectively eliminating the need to structure separate HCPs for each desired project. This provides a great cost savings for the City to implement their projects and activities in the Preserve occupied by federally protected species.

Importantly, the Plan benefits the environment by protecting, enhancing, and restoring natural resources of the peninsula and contributing to the recovery of threatened and endangered species. Instead of evaluating and permitting projects and activities individually, which can result in piecemeal and disjointed conservation efforts, the Plan enables evaluation of natural resource impacts and mitigation requirements comprehensively. This holistic, multi-species approach is more efficient and effective for at-risk species and their habitats. At full plan implementation, the Preserve will protect about 1400 acres for the benefit of covered species, natural communities, biological diversity, and ecosystem function.

Without this NCCP in place, the City would be required to seek special permits for each project they want to conduct. This would require significant staff time, biological monitoring and

oversight for each individual project. There is a significantly higher estimated annual cost for mitigating project impacts and management activities without the NCCP.

7. What would be required for the City to implement projects in the Preserve if there wasn't an NCCP permit in place?

The presence of biological resources on proposed project sites has the potential to lengthen project development timelines and increase project development and mitigation costs. Conventional project-by-project permitting involving federal or state listed species would require consultation with the USFWS under ESA Section 7 or development of a project-specific HCP under ESA Section 10 and/or CESA Section 2080.1 or Section 2081 permitting processes for state listed species. Project permitting under a regional multi-species HCP/NCCP (ESA Section 10 and CESA Section 2835) provides a means to streamline these permitting processes by allowing local jurisdictions to extend their incidental take authority to individual development projects and research has shown that comprehensive approaches to habitat conservation planning through HCPs has provided economic benefits to projects through reduced uncertainty, time delays and compliance costs (Economic and Planning Systems, Inc. 2014).

The conventional project-by-project permitting process is typically characterized by:

- Numerous review cycles with multiple agencies
- Potentially lengthy and uncertain approval process
- Higher costs for project proponents
- Project proponent required to identify and provide necessary mitigation; Results in piecemeal, often ineffective mitigation
- For projects involving impacts to federally listed species, Section 7 would require federal nexus; without a federal nexus, a project-specific Section 10 HCP would need to be developed
- Project proponent responsible for maintenance and monitoring of mitigation lands

8. What types of projects and activities are permitted?

Projects are well-defined actions that occur once in a discrete location (e.g., Altamira Canyon drainage improvements). By contrast, activities are actions that occur repeatedly in one or more locations (e.g., vegetation management of brush clearance zones and trail maintenance). Together, these activities and projects are the covered activities for which endangered species permits from the Wildlife Agencies will be obtained. Covered activities under the Plan include all types of private development and public projects so long as certain criteria are met.

All covered activities must comply with the relevant conditions on covered activities described in the Plan to avoid or minimize impacts on covered species and natural communities.

9. What if the City has additional project needs beyond those conceptualized in this 50-year plan?

The NCCP provides guidance to accommodate Minor and Major Amendments to the permit should they arise in the remaining 40 years of this 50-year plan. Minor Amendments include Preserve boundary adjustments that offer equivalent exchange of biological land value, correction of maps or exhibits, and minor changes to survey, monitoring or reporting protocols.

A new project not defined in the Plan that results in additional coverage needed under the permit would require a major amendment. Major Amendments include, but are not limited to, changes to the Plan that result in a higher level of take, greater or different impacts to the Covered Species and their habitats or to the environment generally, than were analyzed in the NEPA and CEQA documents prepared for the Plan as approved and by the Wildlife Agencies. Examples of potential Major Amendments include an increase in habitat impacts from any Covered Activity described in the plan, major changes to the Preserve design or reconfiguration that results in decrease of acreage or habitat quality.

10. How are projects managed to reduce impacts? Avoidance and minimization measures will be enforceable conditions in all permits, operations, and authorizations to proceed with the Covered Projects and Activities. The nineteen measures include considerations and actions such as biological surveys, monitoring, erosion control plans, noise and light abatement, provisions for topsoil stockpile placement locations, dust control, etc.
11. How are trails managed under the NCCP? Will the plan change anything?  
The Preserve trail network was designed by community members in the form of a Public Use Master Plan, subsequently approved by the City and the Wildlife Agencies. Trails are managed by the City and the PVPLC. The Plan provides guidelines for trail use considerations and long term management.
12. Will landslide abatement measures be accommodated under the plan?  
The Wildlife Agencies have approved in the Plan with the inclusion of landslide abatement projects, as a component of the City's permitted "take." When and where required, landslide abatement activities within the Preserve and throughout the City are sometimes necessary by the City or other public agencies to safeguard existing roads, trails and drainage systems. Such activities include, but are not limited to, the installation and maintenance of groundwater monitoring wells and GPS stations for the purpose of monitoring landslide movement, the filling of fissures, the re-contouring of slide debris, the creation and maintenance of emergency access roads, and geologic investigations involving trenching or boring performed mechanically or by hand. Where practicable, areas of temporary CSS disturbance will be promptly re-vegetated with CSS habitat after completion of abatement activities. The Plan provides details for the provision of a maximum of 17.5 acres of CSS habitat and 32.5 acres of non-native grassland for activities and projects such as dewatering well, landslide abatement measures, and drainage repair in landslide areas.
13. What happens after the permit term is over?  
The Plan permit term is 50 years, although lands conserved under the Plan will be permanently protected through the conservation easements. The Palos Verdes Nature Preserve will protect an estimated 1400 acres for the benefit of covered species, natural communities, biological diversity, and ecosystem function in perpetuity through regular (at least annual) monitoring of the properties to ensure properties remain in compliance with the terms of the conservation easements.

In addition, the Plan will create a non-wasting endowment during the permit term to fund basic conservation activities after the permit term.

14. What is a Conservation Easement? How does it support the NCCP?

A conservation easement is a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land in order to protect its conservation values. The City of RPV owns most of the Preserve properties for which the Land Conservancy hold the easements, while PVPLC owns Lunada Canyon for which the City of RPV holds the easement. Landowners retain many of their rights, including the right to own and use the land, sell it and pass it on to their heir.

15. Does the Plan limit homeowner's choices of plants on private property?

The Plan does stipulate that vacant property directly adjacent to Preserve should not plant certain specified invasive species that can escape and colonize in open spaces. Plant species are identified by the California Invasive Plant Council as invasive are listed in Appendix D of the Plan. Private property and homes within the City of Rancho Palos Verdes that are not situated adjacent to the Preserve do not have restrictions over what vegetation can be planted.

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