



San Joaquin Council of Governments
555 E. Weber Avenue
Stockton, CA 95202
Phone: 209-468-3913
Fax: 209-468-1084
www.sjcog.org

Neighboring Land Protection



Neighboring Land Protection

SJCOG, Inc. is a non-profit corporation established by San Joaquin County and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy. SJCOG, Inc. is responsible for the administration of the San Joaquin County Multi-Species Habitat Conservation and Open Space SJMSCP (SJMSCP), a master plan for managing wildlife and wildlife habitat in San Joaquin County.

The SJMSCP allows SJCOG, Inc. to purchase certain land rights to create "preserves" which protect important habitat. Plants, animals, and birds in these "preserves" are protected from harm under the Federal and State Endangered Species Acts. The purpose of you receiving this informational brochure is because SJCOG, Inc. is proposing to establish a preserve that is near or adjacent to your property.

*To address concerns that neighboring landowners may have about potential impacts to their property, the SJMSCP offers **neighboring land protections (NLP)**. If species that are covered in a "preserve" become established on neighboring agricultural lands or lands that are in active aggregate mining prior to July 2001*, the neighboring landowners are provided protection that their routine and ongoing activities will not be impacted.*



* Lands identified for aggregate mining use by local general plans which have received final approval (i.e. issuance of a conditional use permit or similar) to commence aggregate mining as of July 2001 may receive NLP coverage.

What is Neighboring Land Protection (NLP)?



As a neighboring landowner, you may be eligible to receive NLP coverage under the federal and state incidental take permits issued to SJCOG, Inc. The NLP coverage being offered would authorize the incidental take of Covered Species that result from routine and ongoing agricultural activities or aggregate mining activities that were established prior to July 2001*. Incidental take refers to the unintentional destruction, injury, or harassment of protected Covered Species. However, the incidental take coverage would not apply to existing Covered Species that are established on your land prior to the establishment of the preserve. The coverage would last as long as SJCOG Inc.'s permit remains in effect and the property remains in agricultural or aggregate mining use.

Participation is voluntary.

Who qualifies for NLP?

Neighboring Land Protection is offered to:

- Lands that are in routine and ongoing agricultural activities;
- Lands that are identified for aggregate mining use by local general plans and have received a final approval (i.e. issuance of a conditional use permit or similar entitlement) by the local jurisdiction as of July 13, 2001.
- Lands that are in orchards or vineyard production; and
- Lands upon which wholesale nurseries, agricultural processing, farm labor camps, small animal raising, animal feeding and sales, and trucking facilities are existing as of the date of the Preserve acquisition are covered by neighboring land protections.



Does the NLP prevent the neighboring land owner from changing his use to wholesale nurseries, agricultural processing, farm labor camps, small animal raising, animal feeding and sales, and trucking facilities?

The neighboring land owner may change his use to any of the above uses. However, the conversion of land use from an existing routine and ongoing agriculture activity to one of the above uses will terminate the neighboring land protections.

NLP can be re-established if mitigation measures to offset identified impacts (including impacts to biological resources) are completed in conjunction with the acquisition of a discretionary entitlement as currently required by the San Joaquin County Code and notification procedures established by the SJMSCP.

If the neighboring land owner returns to a routine and ongoing agricultural activity (i.e. row crop, field crop, etc.), then NLP may be re-established upon evaluation by SJCOG, Inc.

How would I know if my land will be adjacent to a proposed preserve?

Prior to the establishment of a preserve, neighboring landowners within the NLP coverage area will receive a notification letter regarding the proposed preserve. This letter will be accompanied by a "Certificate of Inclusion" to be signed by the landowner and returned to SJCOG, Inc. (in a self-addressed, stamped envelope provided by SJCOG, Inc.) if the landowner elects coverage under the NLP.

Why should landowners sign the certificate?

Benefits would include incidental take coverage for federal or state listed SJMSCP covered species within ½-mile from the boundary of the preserve. In addition, the coverage would extend to unlisted SJMSCP covered species if they become listed during the 50-year term of the Plan. If the property owner does not participate in the NLP, the owner will be responsible for any action that may be considered "take" under the Federal and California Endangered Species Acts.

Does it cost anything?

No, participation in the NLP is free of charge and voluntary.



Does a landowner need to prove that a threatened or endangered species does not inhabit the participating area to be covered by the NLP?

No. The presence of SJMSCP covered species on neighboring lands will be determined by SJCOG, Inc. based on the SJMSCP GIS Database and wind-

shield surveys or other means not requiring access to neighboring lands unless the landowner expressly grants access for survey purposes. SJCOG, Inc. will document any existing species on the land.

In the event the ground is left fallow for 1, 2 years, due to market conditions or just to let the soil "rest", does the incidental take coverage automatically cease?

No, the incidental take coverage will be in effect.



If for any reason the coverage ceases, can it be regained?

Yes, coverage can be regained upon evaluation by SJCOG, Inc. However, certain land conversions from routine and ongoing agricultural activities will require the completion of mitigation measures to offset identified impacts (including impacts to biological resources) prior to regaining NLP.

**For more information please call
Kevin Torell or Steven Mayo
at (209) 468-3913.**