

**If My Activities Aren't Covered, Can I Request Coverage from SJCOG, Inc. or Use the SJMSCP for Mitigation?**

Yes. An applicant with a non-covered activity can submit a request of coverage using one of the four options to receive coverage or propose equivalent compensation to SJCOG, Inc. Activities not receiving coverage under the SJMSCP may still be eligible to purchase mitigation credits from mitigation banks.

**What are the Steps Involved for an Applicant with a Non-covered Activity Requesting Coverage?**

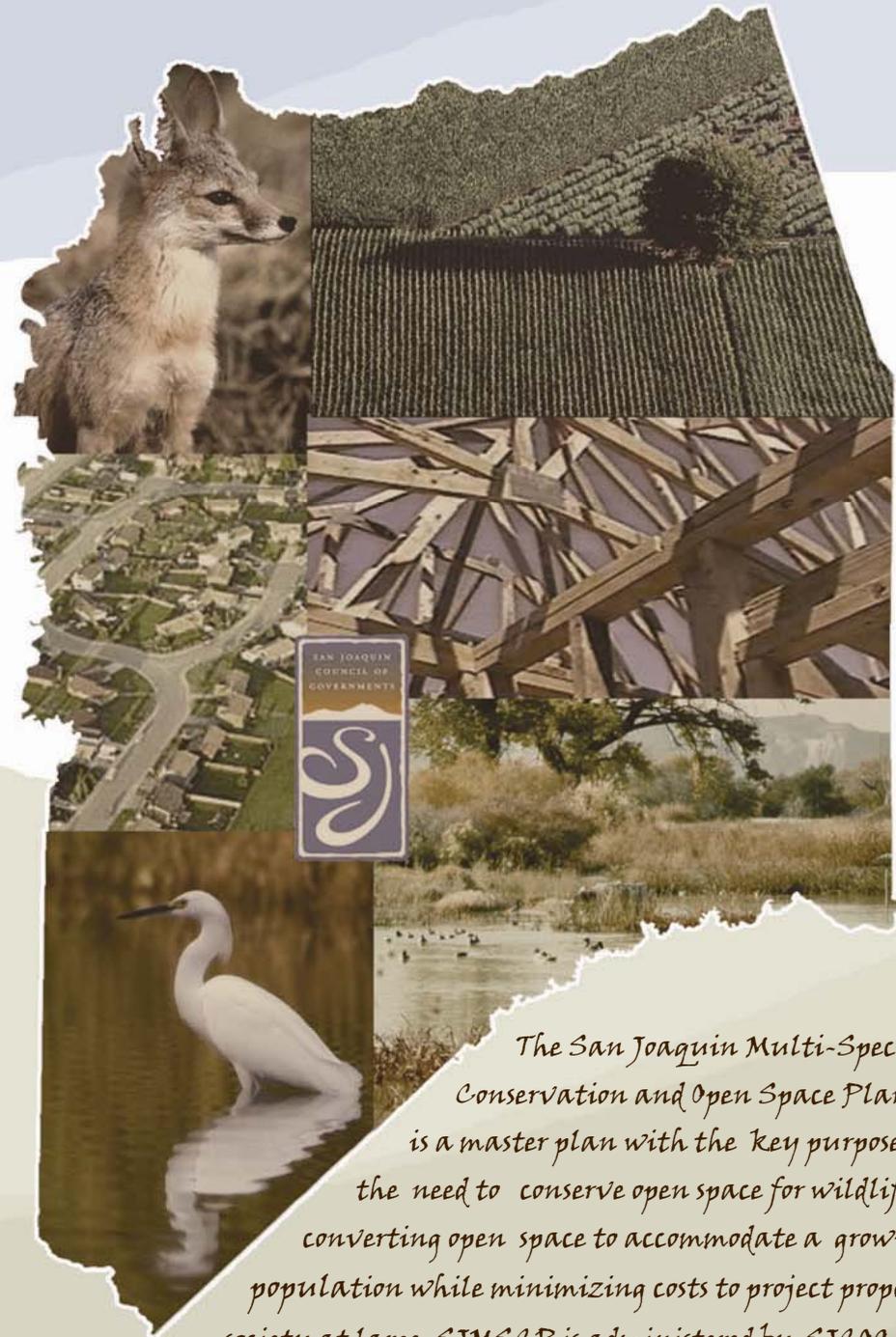
Prior to any groundbreaking work the project applicant submits to SJCOG, Inc. a "Request for Project Coverage Form" which will be reviewed by the Habitat Technical Advisory Committee. If the applicant agrees with the decision, then the applicant chooses one of the four options (see "How Does Coverage Work?"). If the applicant disagrees with the decision, they may appeal to the SJCOG, Inc. Board.

An applicant choosing option 4 must submit a SJMSCP Equivalent Proposal Form with a proposal. The form will be forwarded to the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) for comments.



**San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP)**

**PROJECT APPLICANT'S GUIDE to the SJMSCP**



*The San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is a master plan with the key purpose of balancing the need to conserve open space for wildlife and converting open space to accommodate a growing population while minimizing costs to project proponents and society at large. SJMSCP is administered by SJCOG, Inc., a non-profit corporation established by San Joaquin County and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy.*



**SJCOG, Inc.**

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## How does the SJMSCP apply to Project Applicants within San Joaquin County?

The Plan allows SJMSCP Permittees (SJCOG, Inc., San Joaquin County and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy) to issue Incidental Take Permits or allows project applicants to mitigate for impacts to SJMSCP Covered Species resulting from Open Space land conversion resulting from covered projects. Once an Incidental Take Permit is issued it allows the project applicant to unintentionally “Take” a threatened or endangered species listed under the Federal and California Endangered Species Act.

## What are the Covered Projects?

The SJMSCP covers the following activities within San Joaquin County: urban development, mining, expansion of existing urban boundaries, non-agricultural activities occurring on agriculturally-zoned properties, projects which could affect fisheries or wetlands indirectly which are located within non-jurisdictional waters, transportation projects, school expansions, non-federal flood control projects, new parks and trails, utility installation, maintenance activities, managing preserves, and similar public agency projects.

These activities can be undertaken by both public and private individuals operating in San Joaquin County.

## What Are the Benefits of Participation?

- Fulfills ESA, CESA, NEPA, CEQA requirement
- Provides consistent and predictable mitigation measures
- Guarantees no further mitigation, except for Incidental Take Minimization Measures required in limited cases
- Provides a streamlined permitting process saving time and planning costs

- Eliminates costs of both biological surveys and pre-construction surveys for Project Proponents
- Allows for off-site mitigation, thereby allowing greater use of project land
- Benefits covered species such as San Joaquin kit fox, Swainson’s hawk and California tiger salamander

## How Does Coverage Work?

Project applicants have four options to receive coverage, with approval by SJCOG, Inc.:

1. Pay the appropriate fee. A fee is assessed depending on which of the four habitats the project lies within.
2. Dedicate habitat lands as conservation easement or fee title.
3. Purchase mitigation bank credits from a mitigation bank approved by SJMSCP.
4. Propose an alternative mitigation plan, consistent with the goals of the SJMSCP and equivalent in biological value.

## Are There Areas Where Covered Activities Require Prior Approval to Participate?

Yes. Certain covered activities within San Joaquin County occur over a wide area and their exact locations cannot be precisely known, therefore the biological impacts cannot be assessed until submittal of a land development application to the San Joaquin County Community Development Department. Coverage for unmapped land uses shall be subject to a case-by-case review by the Habitat Technical Advisory Committee (HTAC) to ensure biological impacts fall within established parameters.

## Am I Required to Participate in the SJMSCP?

Participation in the SJMSCP is voluntary for project applicants except when conditioned to participate by a Permittee. Project applicants within a Permittee’s jurisdiction who opt out of the SJMSCP shall satisfy applicable ESA, CESA, NEPA, CEQA, and other applicable local, state and federal laws and regulations provisions through consultations with the Permitting Agencies and local planning agencies.

## Is Access to My Property Required?

Yes. A biologist on-call with SJCOG, Inc. will be dispatched to the project site to conduct a pre-construction biological survey. The biologist collects information only relating to the project site such as habitat type and presence of covered species. The information collected is used to create Incidental Take Minimization Measures which is provided to the project applicant if a covered species is found.

## What if a Covered Species is Found within the Project Site?

If a covered species is found within the project site and cannot be avoided through the measures provided then it may be relocated to an appropriate site by CDFG, USFWS (for federally-listed species) or a qualified biologist approved by permitting agencies at the project applicant’s expense.

## What Activities Aren’t Covered?

- Any agricultural activities located on agriculturally zoned land. Project applicants shall negotiate directly with state and federal agencies if mitigation is required.
- Dredging activities are not covered except for dredging activities of limited size already permitted pursuant to Nationwide Permits #19 and #35 and Regional Permit #34.
- Activities which require a Streambed Alteration Agreement from the CA Dept. of Fish and Game. The SJMSCP may be amended in the future to include Streambed Alteration Agreements.
- Water Diversion and Conveyance.
- Activities currently receiving Take authorization under an existing biological opinion.
- The use of any pesticide is not a covered activity under the SJMSCP and remains subject to the Federal Endangered Species Act, California Endangered Species Act, Federal Clean Water Act and other state and federal regulations. Property owners are encouraged to contact state and federal agencies to determine requirements pertaining to their projects.
- Activities involving tidally influenced wetlands, jurisdictional wetlands or other waters of the United States.

## Any Questions Regarding this information?

Please Contact:

San Joaquin Council of Governments  
Habitat Conservation Plan Department  
(209) 235-0600