

MEMORANDUM OF AGREEMENT
FOR
COASTAL SAGE SCRUB NATURAL COMMUNITY CONSERVATION PLANNING
BY THE DEPARTMENT OF CONSERVATION,
DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES,
AND THE DEPARTMENT OF FISH AND GAME

A. PREAMBLE

The Natural Community Conservation Planning (NCCP) program is a component of Governor Wilson's Resourceful California Program. The Department of Fish and Game (DFG) and the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) are signatories to the California Biodiversity Council and committed to the successful conservation of biodiversity.

This Memorandum of Agreement (MOA) recognizes the value of identifying and conserving sensitive natural areas and species in California and the importance of DOGGR's regulatory authority for producing oil and gas resources in California. The DFG is the trustee for the State's fish and wildlife resources, including sensitive habitats and species. The DFG is also responsible for administering the NCCP program that balances regional conservation planning and appropriate economic development. The DOGGR is also responsible for regulation of the environmental effects of oilfield abandonment operations. Linking DFG and DOGGR will enhance regional conservation efforts.

This MOA is entered into to aid in the identification, evaluation, and inclusion of appropriate lands into NCCP reserve systems.

B. AUTHORITY

Consistent with "The Agreement on Biological Diversity," DFG and DOGGR will participate in a regional strategy that ensures protection of biological diversity and the maintenance of the State's economic viability. Participation by DOGGR could result in abandoned oilfield areas contributing to bioregional conservation efforts.

It is acknowledged by both parties that their participation in this MOA neither guarantees nor assures the issuance of any permits, authorizations for take of any species, or conveyance of any specific lands for conservation purposes. Both parties acknowledge further that the decision to issue said permits or authorizations or convey said lands remains within the sole discretion of the appropriate party.

C. PURPOSE

The purpose of this MOA is to establish procedures by which the DFG and DOGGR will participate in Natural Community Conservation Planning (NCCP). This MOA is intended to ensure that, where appropriate, DOGGR areas of responsibility will be considered in NCCP subregional planning efforts. This MOA also provides assurances that appropriate present and future oil and gas drilling and production operations will not be constrained or precluded arbitrarily by their inclusion within an NCCP reserve system.

Pursuant to the Federal Endangered Species Act 4(d) rule, and based upon an assurance of protection or adequate mitigation for impacts to coastal sage scrub and the California gnatcatcher (*Polioptila californica californica*) in the NCCP region, DOGGR will implement an interim habitat loss permit procedure for the California gnatcatcher. The 4(d) rule allows agencies to issue interim habitat loss permits and DOGGR's participation will allow for future incidental "take" of covered species, including those that subsequently become listed.

D. PRINCIPLES OF AGREEMENT

The signatory agencies agree to actively participate in the NCCP effort. Participation will focus on regulatory approvals to abandon oil fields.

1. The Department of Fish and Game will:
 - a. Assist DOGGR in identifying potentially appropriate reserve lands.
 - b. Develop administrative procedures for including DOGGR into subregional planning efforts.
 - c. Provide assistance and information from the Natural Diversity Data Base and Geographic Information System group.
 - d. As staff expertise and time allow, assist in field surveys and monitoring of natural resources in reserve lands.
2. The Division of Oil, Gas, and Geothermal Resources will:
 - a. By executing this MOA, enroll into the NCCP program the appropriate reserve lands and regulate the environmental effects of abandonment operations.

- b. Process abandonment projects and other regulated activities consistent with the goals and objectives of the NCCP program.
- c. Identify potentially appropriate areas for inclusion into the NCCP reserves.
- d. Review and modify, as necessary and consistent with DOGGR general priorities, field abandonment requirements.
- e. As staff expertise and time allow, conduct surveys and monitoring of natural resources that are identified or committed to NCCP reserve systems.
- f. In conjunction with DFG, manage the lands that are committed to NCCP reserve plans and management goals in relation to field abandonment.

E. IMPLEMENTATION

Early, consistent participation is critical to successful regional planning. The DFG and DOGGR will establish a time line for bringing operational jurisdictions into the NCCP subregional planning areas. Each party will assign a key staff person to coordinate its activities. More specifically, the parties will:

- 1. Schedule regular meetings to initiate and assure continued participation.
- 2. The DOGGR lead for this effort will be the District Deputy, Long Beach office.
- 3. The DFG lead for this effort will be the Supervisor, NCCP San Diego office.
- 4. DFG will communicate subregional NCCP progress that may affect DOGGR participation.

F. MODIFICATION AND TERMINATION OF THE MEMORANDUM OF AGREEMENT

- 1. This agreement may be modified with the written approval of both signatories of the MOA. Either party may propose modifications. Proposed modifications will be submitted to allow for a sixty (60) day review period by the other party.

- 2. A signatory may terminate its participation in the agreement upon a thirty (30) day prior written notice to other party.
- 3. This agreement is intended to supplement, not replace, any existing agreements between the parties.

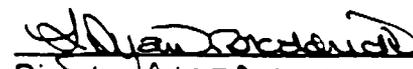
G. SIGNATURES



 Director
 California Department of Conservation

11/15/98

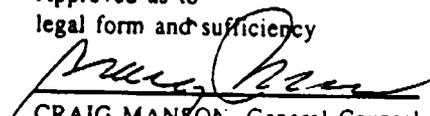
 Date



 Director ~~CHIEF DEPUTY DIRECTOR~~
 California Department of Fish and Game

1/16/98

 Date

Approved as to
 legal form and sufficiency

 CRAIG MANSON General Counsel