

3.1 Land Use/Planning

This section examines whether implementation of the General Plan will conflict with any applicable habitat conservation plan or natural community conservation plan. Through the Initial Study, issues regarding dividing an established community and conflicting with applicable land use plans were found to have no impact.

ENVIRONMENTAL SETTING

Natural Community Conservation Planning

The Natural Community Conservation Planning (NCCP) program was authorized by the California Natural Community Conservation Planning Act of 1991 (AB 2172) and set forth in Section 2800 et. seq. Of the California Fish and Game Code. The purpose of the NCCP program is to have a broad-based approach to ecosystem conservation for the protection and perpetuation of biological diversity. The NCCP program aims to provide regional or areawide protection of plants, animals and their habitats while continuing to accommodate compatible land uses. This broad-based approach differs from the objectives of the California and Federal Endangered Species Act, which focus on the preservation of individual species that have already significantly declined in numbers. The NCCP program establishes an areawide reserve area for protection of multiple species.

The NCCP Act authorizes the California Department of Fish and Game (DFG) to achieve the goals of the program by taking three steps: (1) negotiate agreements with “any person for the purpose of preparing and implementing a natural community conservation plan to provide comprehensive management and conservation of multiple wildlife species...”¹, (2) issue nonregulatory guidelines for the development and implementation of NCCPs, and (3) authorize the “taking” of any candidate species whose “conservation, protection, restoration, and enhancement is provided for” in an approved NCCP plan.^{2 3}

Implementation of an NCCP program requires the cooperation of several diverse entities, including local governments, landowners, developers and environmentalists. The program includes a variety of potential incentives for all parties to encourage participation. These incentives include greater predictability and control for land use development for local governments, a streamlined regulatory system for landowners, and a regional, multiple species preservation system for environmentalists.⁴

¹ California Fish and Game Code Section 2810.

² California Fish and Game Code Section 2830

³ Pollak, Daniel, *The Future of Habitat Conservation? The NCCP Experience in Southern California*. California Research Bureau, California State Library. No Date.

⁴ Pollak, Daniel, *The Future of Habitat Conservation? The NCCP Experience in Southern California*. California Research Bureau, California State Library. No Date.

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Southern California Coastal Sage Scrub NCCP Region

The first planning effort under the NCCP Act was the Coastal Sage Scrub NCCP in Southern California. This NCCP area includes more than 6,000 square miles and encompasses portions of Orange, San Diego, Riverside, Los Angeles and San Bernardino counties. The NCCP area is divided into 11 Subregions, including three in Orange County: Northern Orange County Subregion, Coastal/Central Orange County Subregion and Southern Orange County Subregion. The Coastal/Central Subregion plan was approved in 1996, and established a 37,378-acre habitat reserve system that includes significant areas of 12 major habitat types and covers 39 sensitive plant and animal species.⁵ The Orange County Northern Subregion commits Chevron USA to set aside and manage a 28-acre preserve area for California gnatcatchers and fund cowbird control efforts.⁶

Southern Orange County Subregion

The County of Orange, California Department of Fish and Game, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service are the lead agencies in the Southern Orange County Subregion. This Subregion area includes the City of Rancho Santa Margarita and the Northeast Future Planned Community. The lead agencies are in the process of preparing a subregional preserve plan (NCCP) and special area management plan/master streambed alteration agreement that would integrate wetlands and endangered species permits.⁷ This planning process includes public meetings and workshops to review and discuss the contents of the plans with all interested parties. The City of Rancho Santa Margarita is participating in this public outreach process.

THRESHOLDS USED TO DETERMINE LEVEL OF IMPACT

For purposes of this EIR, a significant impact will occur if implementation of the General Plan will conflict with any applicable habitat conservation plan or natural community conservation plan.

ENVIRONMENTAL IMPACT

The project area is located within the Southern Orange County Subregion of the Southern California Coastal Sage Scrub NCCP region. As described above, the Subregion NCCP program is in the preliminary planning stages of development. The City of Rancho Santa Margarita is participating in the public outreach process being conducted by the lead agencies.

⁵ California Department of Fish and Game website: www.dfg.ca.gov

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Given that the Southern Subregion NCCP program is in the preliminary planning stages and has not been approved, the General Plan is not in conflict with this program. The development of Rancho Santa Margarita has included large open space areas to preserve sensitive resources. The General Plan goals, policies, and Implementation Programs continue to place importance on the preservation of wildlife and plant species in the project area (please refer to Section 3.7, Biology, for conservation goals, policies, and programs). Impact will be less-than-significant.

MITIGATION MEASURES

Impact is less than significant. No mitigation is required.

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