

State of California
Memorandum of Understanding
Regarding
Regional Advance Mitigation and Conservation Planning
For
Transportation and Flood Control Infrastructure Projects

WHEREAS, the minimization and mitigation of environmental impacts is ordinarily handled on a project-by-project basis, usually at the end of a project's timeline and without guidance regarding regional or statewide conservation priorities.

WHEREAS, the cost of critical transportation and flood control projects often escalate because of permitting delays that occur when appropriate conservation and mitigation measures cannot easily be identified or agreed upon and because the cost of these measures often increases between the time a project is planned and funded and the time mitigation is implemented.

WHEREAS, addressing biological conservation and mitigation needs early in a project's timeline, during project design and development, can reduce costs and allow natural resources conservation to be integrated with project siting and design.

WHEREAS, long-range regional advance mitigation and conservation planning would allow the Department of Transportation and the Department of Water Resources to anticipate the mitigation needs for planned infrastructure projects and to meet those needs in a more timely and cost-efficient way.

WHEREAS, working with state and federal resource protection agencies, the Department of Transportation and the Department of Water Resources can identify and conserve lands for mitigation for numerous projects early in the projects' timeline, thereby allowing public dollars to stretch further by acquiring habitat at a lower cost and avoiding environmental permitting delays.

WHEREAS, regional advance mitigation and conservation planning would allow mitigation funding for transportation and flood control projects to be directed to agreed-upon conservation priorities and would allow for the creation of habitat reserves and recreation areas that enhance the sustainability of human and natural systems by protecting or restoring connectivity of natural communities and the delivery of ecosystem services.

WHEREAS, regional advance mitigation and conservation planning will facilitate the implementation of climate change adaptation strategies both for ecosystems and California's economy.

WHEREAS, regional advance mitigation planning would enable California to protect, restore and recover its natural capital as it strengthens and improves its infrastructure.

WHEREAS, the regional advance mitigation planning provides an effective means of facilitating delivery of federal and state economic stimulus funding to infrastructure projects while ensuring viable natural resource and wildlife conservation.

NOW, THEREFORE, the signatories agree to work together cooperatively for these purposes:

- A. To convene and participate in an Interagency Coordination Team to help accomplish the goals of this Memorandum of Understanding.
- B. To develop an innovative new regional or statewide mitigation program that includes:
 - 1. Effective strategies to improve the State of California's ability to meet mounting demands for transportation and flood control services and to maximize conservation and other public benefits;
 - 2. Statewide and regional conservation objectives that may be achieved by coordinating local, state, and federal funded natural resource conservation efforts with compensatory mitigation actions required for impacts from public infrastructure projects;
 - 3. Administrative, governance, and financial incentives and mechanisms necessary to ensure that measures required to minimize or mitigate impacts from infrastructure projects will serve to achieve regional or statewide natural resource conservation objectives;
 - 4. Guidelines for coordinated regional advance mitigation and conservation planning that will provide cost-effective and early mitigation for transportation and flood control projects and streamline project delivery;
 - 5. Guidelines for communication and sharing of relevant information necessary to optimize coordination concerning compensatory mitigation requirements for identified infrastructure projects and other state actions;
 - 6. Guidelines for strategically locating mitigation and conservation sites to maximize the biological benefit and conservation value to target species, habitats, and aquatic resources; and
 - 7. Performance standards by which to measure the program's effectiveness.
- C. To initiate implementation of coordinated regional advance mitigation and conservation pilot project that ensures that off-site compensatory mitigation will be provided in advance of infrastructure project impacts and will be planned and executed in a comprehensive and coordinated manner considering both the ecological needs and functional enhancement opportunities within the relevant planning area and anticipated infrastructure project impacts within that area.

The purpose of this Memorandum of Understanding is to confirm the signatories' support of and commitment to these goals. This Memorandum of Understanding is not intended to authorize funding nor is it a legally binding contract. Any funding commitments will be covered by subsequent agreement(s). The Memorandum of Understanding is intended to be consistent with applicable state and federal Law. This Memorandum of Understanding does not delegate authority from one agency to another or limit any agency's discretion in carrying out its statutory and regulatory obligations.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their respectively duly authorized representatives.

STATE OF CALIFORNIA

BUSINESS, TRANSPORTATION AND HOUSING AGENCY

By:  10/20/09
Dale Bonner

Title: Secretary

DEPARTMENT OF TRANSPORTATION

By:  1/16/09
Will Kempton

Title: Director

NATURAL RESOURCES AGENCY

By: 
Michael Chrisman

Title: Secretary for Resources

DEPARTMENT OF WATER RESOURCES

By: 
Lester A. Snow

Title: Director

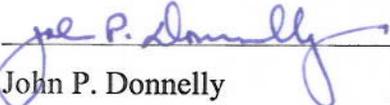
DEPARTMENT OF FISH AND GAME

By: 

Donald Koch

Title: Director

WILDLIFE CONSERVATION BOARD

By: 

John P. Donnelly

Title: Executive Director

UNITED STATES

ARMY CORPS OF ENGINEERS

By: _____

Colonel Janice L. Dombi

Title: Division Commander, South Pacific Division

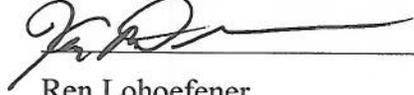
ENVIRONMENTAL PROTECTION AGENCY

By: _____

Alexis Strauss

Title: Director, Water Division, Pacific Southwest Region 9

FISH AND WILDLIFE SERVICE

By: 

Ren Lohofener

Title: Director, Region 8

NATIONAL MARINE FISHERIES SERVICE

By: 

Rodney McInnis

Title: Deputy Regional Administrator

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