



# MBHCP Compliance and Plan Review Process

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# Overview

- **When?**
- **Why?**
- **Steps to Compliance**
- **Violations**
- **Questions?**



# When?

- **Any ground-disturbance activities:**
  - Biological survey no more than 30 days prior to disturbance
  - Habitat Mitigation Fee or exemption
  - Even if exempt, still need survey



# Why?

- MBHCP requirement
- Allows legal incidental “take”
- Offsets impacts through habitat acquisition
- Stewardship

# Steps to Compliance





# Step 1

- **If:**
  - Grading permit or other approval that requires ground disturbance
- **Then:**
  - Comply with MBHCP



## Step 2

- Provide Plan to Qualified Biologist
  - Generally grading plan
- Recommend providing when Building/Public Works close to approving to make 30-day window
- Developer/engineer includes on Plan:
  - Permanent disturbance area (e.g., graded and then developed with buildings, hardscapes, landscape, etc.)
  - Acreage of the permanent disturbance area



## Step 3

- **Qualified Biologist uses Plan to develop Survey Area:**
  - Permanent disturbance area
  - Temporary disturbance area
  - 50-foot buffer of both permanent and temporary disturbance areas
- **Map Survey Area onto Plan**





## Step 4

- **Perform survey of Survey Area within 30 days of disturbance activities:**
  - If survey finds Covered Species, then Notice of Grading Start after minimization measures
  - If survey does not find Covered Species, then Notice of Grading Start not required
- **Minimization measures specific for:**
  - San Joaquin kit fox
  - Tipton kangaroo rat (SW Focus area only)
  - Bakersfield cactus



## Step 5

- Qualified Biologist emails Biological Clearance Survey Report
- Survey Report to include:
  - Survey Area Map
  - Signed Biological Clearance Statement:
    - I certify under penalty of law, based on information and belief formed after reasonable inquiry, that the submitted documents accurately depict the proposed Biological Clearance Survey Area, and that the statements contained herein are true, accurate, and complete.
- Engineers DO NOT sign statement



## Step 6

- Determine if ground-disturbance activity exempt from Habitat Mitigation Fee (\$2,145 per gross acre):
  - If yes, then do not pay fee
  - If no, then pay fee
- Pay fee for permanent disturbance area
- Temporary disturbance areas surveyed, but DO NOT pay fee
- Less than or equal to 2.5 acres, then fee applies to entire gross acreage



## Step 6 (cont.)

- **Exemptions:**
  - An addition, remodel, or reconstruction totaling not more than a 50% increase from the square footage of pre-existing development
  - Mobile home replacement
  - Oil and gas production and extraction
  - Commercial agricultural practices
  - Development approved through issuance of other wildlife agency permits
  - Public projects less than 10 acres
  - Demolition



# Step 7

- **Come to City Planning counter with:**
  - **Completed Compliance Form**
  - **Fee or exemption form**
  - **Hardcopy of Survey Report**



## Step 8

- **MBHCP hold released and ground-disturbance approval granted (YAY!!! 😊)**



## Step 9

- **Disturbance activities can commence if survey occurred within 30 days prior to disturbance**



# Step 10

- **Implement Species Protection Measures during construction:**
  - Daily entrapment inspections (Help! I've fallen in this trench, and I can't get out!)
  - Materials inspection (Skinny bugger got in a 3-inch pipe?!)
  - Equipment inspection (Is that kit fox qualified to drive a dozer?)
  - Covered Species Injury (Medic!)





# Step 11

- **If disturbance:**
  - Ceases for over 30 days
  - Has occurred for more than one year and month is January
- **Then:**
  - Go back to Steps 4, 5, and 10



# Violations

- Violation if begin ground-disturbance activities without following “Steps to Compliance”
- Common violation—not resurveying after disturbance activities ceased for more than 30 days
- City has authority to:
  - Stop any activity
  - Impose penalties
  - Require additional measures



# Questions?

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[http://www.bakersfieldcity.us/gov/depts/community\\_development/habitat.htm](http://www.bakersfieldcity.us/gov/depts/community_development/habitat.htm)