
CHAPTER 11: COVERED ACTIVITIES, COMPATIBLE USES AND PROHIBITED USES WITHIN THE HABITAT RESERVE

SECTION 11.1 OVERVIEW

Chapter 11 identifies the Covered Activities, Compatible Uses (uses that are not anticipated to involve Take) and Prohibited Uses on lands already in the Habitat Reserve or designated for future inclusion in the Subarea Plan 1 Habitat Reserve during the 75-year term of the Habitat Reserve Management Plan (HRMP) following approval of the NCCP/MSAA/HCP, SAMP, and GPA/ZC (*Figure 167-M*).

This Chapter is organized in three parts. Following this brief Overview, *Section 11.2* identifies Covered Activities within lands designated for inclusion in the proposed Habitat Reserve. Impacts resulting from Covered Activities are reviewed in *Chapter 13*. Categories of Covered Activities addressed in this Chapter include:

- *Section 11.2.1* Habitat Reserve Management and Monitoring Activities
- *Section 11.2.2* Ranch Operations and Facilities
- *Section 11.2.3* RMV Rock Mining Activities
- *Section 11.2.4* New Infrastructure Activities
- *Section 11.2.5* Recreation and Access on RMV Habitat Reserve Lands
- *Section 11.2.6* Existing Uses
- *Section 11.2.7* Interim Uses on Designated Lands Prior to Formal Inclusion in the Habitat Reserve

Section 11.3 identifies ongoing operation, maintenance and management activities within the County parklands component of the Habitat Reserve that would be treated as Compatible Uses and would not require permitting under the proposed NCCP/MSAA/HCP.

Section 11.4 identifies Prohibited Uses on lands designated for inclusion in the Habitat Reserve. The identified uses and activities are designated as Prohibited Uses because: (a) they would result in impacts that would not be consistent with long-term management of the biotic and abiotic resources and processes within the Habitat Reserve and, therefore, such uses would not be consistent with the proposed Conservation Strategy; or (b) the uses might be consistent with the long-term management of the Habitat Reserve but additional analyses and amendment of the NCCP/MSAA/HCP would be required.

SECTION 11.2 COVERED ACTIVITIES

The kinds of Covered Activities on lands designated for inclusion in the Habitat Reserve by this NCCP/MSAA/HCP would be carefully controlled and monitored to protect biotic and abiotic resources and hydro-geomorphic processes that contribute to the support of proposed Covered Species, proposed Conserved Vegetation Communities and CDFG Jurisdictional Areas.

11.2.1 Habitat Reserve Management and Monitoring Activities

Covered Activities that are related to implementation of the HRMP are discussed in *Chapter 7*, which also discusses Compatible Uses identified in the Ongoing Management Program (OMP) for County parklands (see *Chapters 10 and 13 and Appendix F*). Adaptive Management Program (AMP) elements of the HRMP (see *Chapters 10 and 13 Appendices E through K, M, N, O and S*), will be Covered Activities within the Habitat Reserve. It is understood that implementation of the HRMP over the long term will require flexibility and adaptive management experimentation. To enhance the prospect that HRMP component goals and objectives described in the *Chapter 7* HRMP can be achieved., the range of habitat restoration and other activities and measures described in *Chapter 7* would be liberally interpreted to provide flexibility in terms of the kinds of habitat management and monitoring measures that are considered Covered Activities and Compatible Uses within the Habitat Reserve, without requiring formal amendments, during the life of the NCCP/MSAA/HCP.

There will be three tiers of management applied to the Habitat Reserve:

1. Existing County parklands where management is funded through the County's annual budget and planning process for the County HBP;
2. Existing County parklands where adaptive management activities would be implemented and funded by the optional Subarea 3 impact fees related to new development on remaining residential lots in Coto de Caza if the Opt-In Program reviewed in Section 13.5 is selected, or by the RMV AMP for adaptive management measures related to stressors on parklands identified through the AMP monitoring program and that affect Covered Species and conserved Vegetation Communities within RMV Habitat Reserve Lands; and
3. Previously protected RMV conservation easement area lands and future RMV dedication lands in response to regulatory coverage and that are committed to adaptive management funded by Participating Landowners as mitigation for impacts on Covered Species.

Lands included in the first management tier will be managed and monitored according to the Ongoing Management Program (OMP) element of the HRMP in order to maintain net habitat value on County parklands. For example, the County would continue with its management relating to ongoing impacts caused by public recreational use. County parklands in the second management tier will overlap with lands in Tier 1 and will be managed and monitored according to the Adaptive Management Program (AMP) element of the HRMP (as specified in *Chapter 7*) with the goal of both maintaining and enhancing net habitat value of lands addressed pursuant to the AMP. RMV Habitat Reserve Lands are the third management tier will be managed and monitored according to the Adaptive Management Program (AMP) element of the HRMP (see *Figure 136-M*).

HRMP Covered Activities would include all of the categories of activities and specific restoration and management activities set forth in *Chapter 4* (Draft Southern Planning Guidelines), *Chapters 7, 10 and 13* and related technical appendices (see *Appendix references below*), and the relevant Sections of the IA. Covered Activities would include, but not be limited to, those activities identified in the following policies that would contribute to achieving the basic goals and objectives of the HRMP as set forth in *Chapter 7*.

1. Habitat restoration activities consistent with *Chapter 7* and *Appendices E through K, M and N* would be Covered Activities, including:
 - Managing and restoring the Conserved Vegetation Communities -- coastal sage scrub, chaparral, grasslands, oak woodlands, riparian, marsh, alkali meadow, stream courses, open water areas -- in accordance with the goals set forth for each Conserved Vegetation Community;
 - Upland and aquatic vegetation community, plant and wildlife species surveys and monitoring activities intended to:
 - provide information necessary to determine the effectiveness of adaptive management activities;
 - test conceptual “stressor model” hypotheses;
 - identify sites appropriate for restoration/enhancement activities;
 - establish the status/progress of passive and active (including routine and experimental) restoration measures/programs; and
 - verify (ground truth) the results of periodic aerial photographic updates covering vegetation communities within the overall Habitat Reserve.
 - Site preparation and maintenance activities designed to contribute to long-term restoration of lost or degraded biological functions and values, including:

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- Prescribed burns in grasslands, oak woodlands, chaparral and coastal sage scrub vegetation communities;
 - Clearing, grubbing and trash removal and standard site preparation practices related to planting or relocating vegetation in restoration areas.
 - Invasive species control measures (see also the Invasive Species Control Plan *Appendix J*) (note: pesticide and herbicide application is not a Covered Activity);
 - Erosion control and other measures designed to protect the underlying natural hydro-geomorphic processes that support the species and their habitat; and
 - Installation of temporary irrigation facilities, where necessary.
2. Plant species translocation and propagation activities would be Covered Activities in accordance with *Chapter 7* and *Appendix I* (Translocation, Propagation and Management Plan for Special-status Species), including measures designed to manage six special-status plant species that are planning species and that include four Covered Species (thread-leaved brodiaea, many-stemmed dudleya, southern tarplant, and Coulter's saltbush; see *Chapter 13*) and three additional plant species that may need mitigation under CEQA, the intermediate mariposa lily, salt spring checkerbloom, and mud nama. Specific Covered Activities would include:
- Pre-translocation monitoring
 - Seed collection
 - Selection of receptor sites
 - Site preparation
 - Direct seeding at translocation sites
 - Translocation of existing populations by means of salvage and relocation, where appropriate
 - Maintenance and monitoring
3. Fire management would be a Covered Activity in accordance with the provisions of the Wildland Fire Management Plan (*Appendix N*) and *Chapter 7*, which set forth the policies and practices relating to fire suppression and management within the overall subregion and the Habitat Reserve. Consistent with this NCCP/MSAA/HCP, the following uses and practices would be Covered Activities within the Habitat Reserve:

- Activities related to the Long-Term Strategic Fire Suppression Plan, including:
 - Establishing and maintaining fuel breaks to protect sensitive vegetation communities;
 - Prescribed burns to support habitat restoration; and
 - Conducting species surveys for Covered Species and Focal Species prior to burns.
 - Activities related to the Short-Term Tactical Fire Suppression Plan, including:
 - Creation of new fire roads and fuel breaks/fire breaks, where necessary to assist in control of wildfires;
 - Application of backfires to protect habitat and property;
 - Application of grading and erosion control measures during and following fire suppression actions;
 - Application of water saturation techniques to suppress fire hotspots;
 - Application of air, dozer, engine and hand crews, as necessary to control burns threatening life, property and sensitive habitat;
 - Training exercises; and
 - Re-vegetation and landscaping related to restoration of burned areas.
4. Activities related to and consistent with the Prescribed Fire Program component of the Wildland Fire Management Plan, including:
- Managed (planned) ignitions meeting the specific criteria set forth in the Prescribed Fire Program;
 - Pre-burn site preparation, including construction of hand lines and dozer lines;
 - Establishing portable weather stations
 - Conducting surveys for Covered Species and other Focal Species prior to the burn; and
 - Test burn(s).
5. Activities related to fire ecology research and monitoring, including:
- Pre-fire and post-fire sampling surveys for vegetation and wildlife species; and
 - Long-term monitoring related to analyses of fire cycles and restoration.

11.2.2 RMV Ranch Operations and Facilities

Grazing, agricultural and other uses on the Ranch would be Covered Activities in accordance with *Chapters 7 and 10* and *Appendices G and S*.

a. Grazing

Grazing Covered Activities within the RMV Habitat Reserve Lands would be subject to the Grazing Management Plan (*Appendix G*) and would include:

1. Continued cattle grazing on designated lands and consistent with the residual dry matter, stock rates, forage, seasonal and permanent exclusions, and other criteria set forth in the Grazing Management Plan;
2. Continued pasturing of horses and other livestock on designated lands;
3. Modifications to the existing fencing and/or addition of new fencing consistent with the GMP;
4. If requested by the Reserve Manager and agreed to by RMV, application of timed grazing measures to support native grasslands and coastal sage scrub restoration measures; and conduct fuel load reduction for fire management purposes; and
5. Establishment, management and monitoring of sample plots in grasslands and coastal sage scrub areas to measure forage production and residual dry matter and to assess the effectiveness of active and experimental adaptive management techniques, including the use of grazing to further enhancement and restoration measures;

b. Agriculture

Agricultural Covered Activities within the Habitat Reserve would be limited to continued production of barley on up to 1,000 acres (see *Figure 194-M*).

c. Infrastructure

Existing Ranch infrastructure including water lines, wells and associated pumps, septic systems, agricultural reservoirs and/or stock ponds, corrals, fences, Ranch roads, trails and

telecommunication facilities. Ongoing maintenance and habitat restoration associated with temporary impacts also are considered Covered Activities.

d. Other Ranch Facilities

Existing Ranch facilities including Amantes Camp, The Last Roundup (private cemetery), Portola Camp, and the O'Neill Ranch House are excluded from the Habitat Reserve under the proposed NCCP/MSAA/HCP.

e. Maintenance and Operations of All Covered Activities within RMV

Maintenance and operations related to all of the Covered Activities cited under subsections (a) through (d) above is a Covered Activity under the NCCP/MSAA/HCP.

11.2.3 RMV Ortega Rock Mining Facilities and Activities

Rock mining operations within the Ortega Rock quarry located within the Habitat Reserve are permitted as provided for in the County Sand and Gravel Site Permit (SP 91-072) as described in *Appendix S*.

11.2.4 Recreation and Access on the RMV Habitat Reserve Lands

The Reserve Manager would manage about 64 percent (20,868 acres) of the proposed Habitat Reserve (*Figure 136-M*). Additional lands could be included as part of the Habitat Reserve in the future, subject to approval by the Reserve Manager, County and Wildlife Agencies. Within the RMV Habitat Reserve Lands, public access would be more limited than in the publicly-owned and managed regional parklands for at least four reasons:

- These areas were established, acquired, or previously set aside, or would be dedicated/acquired primarily to protect and manage sensitive species and their associated habitat;
- Significant public access to these areas would impose management and monitoring burdens on the Reserve Manager (related to controlling public access and use and remediating the impacts of such uses) that would raise issues relating to financial feasibility;
- The underlying fee title to certain lands managed by the Reserve Manager will remain in private ownership and the lands may be subject to specific restrictions on public access

and use as well as on Covered Activities that are incompatible with public use (*e.g.*, agricultural activities); and

- Potential actions required to manage public access may not be compatible with ongoing uses.

The following policies address public access and use of the RMV Habitat Reserve Lands.

1. Public access to and use of RMV Habitat Reserve Lands within the Habitat Reserve would be limited to docent programs, other guided activities and limited trail access (*e.g.*, the San Juan Creek Riding and Hiking Trail).
2. Within the RMV Habitat Reserve lands, in addition to the general categories of access and use permitted under *Section 11.2.4*, special outdoor gatherings also would be permitted. These events would include but not be limited to:
 - Staged equestrian trail rides (*e.g.*, the El Viaje de Portola);
 - Rodeos and similar cattle/horse competitions in existing locations and facilities; and
 - Special outdoor gatherings in existing locations and facilities.

11.2.5 New Infrastructure Facilities

Existing and proposed public infrastructure necessary for public health and safety, and/or for economic reasons, would be permitted within the Habitat Reserve. Proposed facilities (*Figures 186-M* and *187-R* through *190-R*) consistent with *Chapters 10* and *Appendices M, S and T* would include, but not be limited to:

- Recreation Lands with Existing and Proposed Trails and Bikeways (*Figure 186-M*);
- Proposed circulation network (*Figure 187-R*);
- Proposed wastewater treatment facilities, sewer lines and pump stations, water lines, reservoirs and associated facilities (*e.g.*, pump stations, pressure control facilities, and access roads), and regional water storage and treatment facilities (*Figure 188-R*); and
- Drainage facilities and water quality features (*Figure 190-R*).

The policies in *Section 11.2.5.a* below, in combination with the Draft Southern Planning Guidelines, would guide the siting, construction, and operation of permitted infrastructure, both existing and proposed, within the Habitat Reserve. Existing infrastructure facilities located within the Habitat Reserve are illustrated on *Figures 119-M, 160-M and 191-R*.

Proposed facilities would be sited within the Habitat Reserve generally in accordance with the following policies and *Figures 187-R through 190-R*. It is necessary to describe future permitted infrastructure facility siting conceptually because in most cases precise locations cannot be provided at this time. Therefore, the provisions for facilities described in subsection “a” below allow flexibility in locating planned infrastructure within the Habitat Reserve, subject to limitations on impacts defined in the final NCCP/MSAA/HCP and IA. Operations and maintenance policies are set forth in subsection “b” below.

The identified infrastructure locations reflect interpretations of existing local government land use plans. As local land use plans are amended in the future, the infrastructure master plans also would need to be amended. No amendment to this NCCP/MSAA/HCP would be necessary for purposes of constructing infrastructure facilities as long as the amended infrastructure plans are consistent with the Draft Southern Planning Guidelines and construction would not result in impacts beyond that described and permitted by the NCCP/MSAA/HCP (refer to *Chapter 13* and the IA).

a. New Infrastructure Policies

The following infrastructure facilities, located within the Habitat Reserve, are Covered Activities under the NCCP/MSAA/HCP. Descriptions of the facilities to be permitted within the Habitat Reserve are based on information provided by the participating jurisdictions, RMV, SMWD and County departments. If additional facilities are proposed in the future that are not identified in this *Section*, and/or that would result in impacts that would exceed the authorized regulatory coverage provided for infrastructure plans for each Participating Landowner calculated in *Chapter 13* and as further provided in *Chapter 14*, an amendment (major or minor depending on the nature and extent of impacts) to the Southern NCCP/MSAA/HCP would be required in accordance with the terms of the IA.

The following infrastructure facilities were reviewed at the sub-basin level in *Chapter 8* and in *Chapters 13* and *14*. For instance, *Section 8.3.4* in *Chapter 8* provides a circulation system consistency analysis at the sub-basin level for each of the ‘B’ Habitat Reserve Alternatives. Water, sewer and other permitted infrastructure uses are addressed in *Chapters 13* and *14*. The sub-basin-level review in *Chapter 8* and the reviews in *Chapters 13* and *14* were employed to

determine that the infrastructure designated as Covered Activities under the NCCP/MSAA/HCP would be consistent with the recommendations contained in the Draft Southern Planning Guidelines and Draft Watershed Planning Principles and the policies set forth in *Section 11.2.5.b* below.

1. Santa Margarita Water District (SMWD)

SMWD facilities generally would be located within and approved as part of future urban development and calculation of impacts to species and vegetation communities resulting from development within the urban areas would be assigned to the landowner proposing the new urban development (*e.g.*, RMV; see *Appendix S*). However, SMWD is requesting that the following facilities be permitted within the Habitat Reserve and treated as Covered Activities (*Figures 160-M and 191-R*)

- Construction of seven operational reservoirs and access roads (ground steel tanks) for peak domestic, irrigation, and fire flows, associated distribution lines, and access roads within the Habitat Reserve. Generally, these tanks would be sited on the edge of the Habitat Reserve, close to the urban uses they would serve. A typical tank would have an average capacity of one million gallons and require about a two-acre site.
- Construction of future sewer and water lines, pump stations and related facilities.
- SMWD's long-term planning for the water district has identified the potential need for three storage facilities, two for domestic water and one for the seasonal storage of recycled non-domestic water (see *Figures 134-M and 160-M*). While only three storage facilities (two domestic and one non-domestic) would be constructed, SMWD has identified and evaluated multiple potential sites. The report, *Future Seasonal and Emergency Water Storage Needs* (Henry Miedema and Associates, July 2003), recommended further evaluation for four potential sites for each of the domestic and the non-domestic seasonal storage facilities.¹ SMWD subsequently refined these four sites to two each for the domestic and non-domestic storage: Upper Chiquita Site and San Juan Creek East 3 for domestic water storage, and San Juan Creek East 3 Site and Trampas Canyon Pit Site for non-domestic water storage. These reservoirs will be operated/managed to avoid promoting new habitat within the high/low elevations around the perimeter of the reservoirs.

¹ The *Future Seasonal and Emergency Water Storage Needs* study evaluated 20 different potential sites based on location, hydraulics, capacity potential, geographic dispersion, geotechnical constraints, land uses, and environmental sensitivity.

(a) Domestic Seasonal Storage Facility Alternatives

Upper Chiquita Site. Located in a side canyon on the west side of Chiquita Canyon, north of Oso Parkway, this site would include a conventional earthfill dam and reservoir. The reservoir would have a high water level of 820 feet and an estimated capacity of 860 acre-feet. This site is outside of the RMV PA boundary.

San Juan Creek East 3 Site. This site is located in a tributary canyon on the south side of Verdugo Canyon east of Ortega Highway. The reservoir would be a conventional earthfill dam with a high water level of 600 feet and an estimated storage volume of 1,300 acre-feet. The site is within the impact area boundary of PA 4.

(b) Recycled Non-Domestic Seasonal Storage Facility Alternatives

San Juan Creek East 3 Site. The site is located in a tributary canyon on the south side of Verdugo Canyon east of Ortega Highway. The reservoir would be a conventional earthfill dam with a high water level of 600 feet and an estimated storage volume of 4,600 acre-feet. The site is within the impact area boundary of PA 4.

Trampas Canyon Pit Site. The site is located in a mined pit on the Oglebay-Norton sand plant in Trampas Canyon. The reservoir would have a high water level of 475 feet and an estimated storage volume of 2,020 acre-feet. This site is within PA 5.

Normal operation and maintenance of the above facilities is a Covered Activity.

2. County of Orange Public Facilities and Resources Department and Roads Division

Under the proposed B-12 Alternative, the following roads shown on the proposed Master Plan of Arterial Highways (MPAH) (see *Chapter 10* and *Figure 119-M*) and additional roads shown in *Figure 187-R* and listed below would be permitted in the Habitat Reserve. Roads that would be permitted are identified on *Figures 119-M, 165-M* and *187-R*, and in *Appendices M* and *S*. Avenida La Pata is a County project and will be constructed and mitigated by the County as part of this NCCP/MSAA/HCP. All other roads are either joint County/RMV projects or a joint County/Caltrans project (Ortega Highway Widening) and may be constructed by either party and will be mitigated by RMV. Maintenance of County roads will be a County responsibility. These roads include but would not be limited to:

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- Avenida La Pata
 - Cow Camp Road and bridges over
 - San Juan Creek
 - Gobernadora Creek and
 - Chiquita Creek
 - Cristianitos Road and bridges over
 - San Juan Creek
 - Gobernadora Creek and
 - Ortega Highway
 - Widening of the Antonio Parkway bridge over San Juan Creek
 - Widening of Ortega Highway from the County/City of San Juan Capistrano Boundary to approximately 1000 feet east of the Antonio Parkway/La Pata intersection.

3. Rancho Mission Viejo

Under the proposed B-12 Alternative, the following new roads, trails and other infrastructure facilities would be constructed and maintained (*Figures 188-R/189-R and Chapters 10 and 13*):

- New community trails (*Figure 189-R*); and
- Sewer, water, other local roads and other infrastructure facilities identified above and reviewed in *Chapters 10 and 13 (Figure 188-R)*.

4. County of Orange Harbors Beaches and Parks (HBP)

Under the proposed B-12 Alternative, the following new Riding and Hiking Trails and Bikeways would be constructed within RMV, mitigated by RMV and maintained by the County (*Figures 186-M and 189-R*):

- San Juan Creek Riding and Hiking Trail
- Cristianitos Riding and Hiking Trail
- San Juan Creek Class 1 Bikeway

b. Infrastructure Operation and Maintenance Policies

Operation and Maintenance (O/M) activities for existing and designated Covered Activities are permitted within designated facility easements. To the maximum extent feasible, activities that would impact vegetation communities supporting Covered Species would be conducted outside the breeding/nesting seasons for the respective species. These activities include, but are not limited to:

- road maintenance;
- flood control facilities;
- regular patrol and inspection;
- insulator washing;
- facility operations;
- necessary clearing and weed abatement around facilities;
- all routine maintenance and repair of facilities that does not result in permanent loss of existing natural vegetation;
- replacement, rehabilitation and upgrading of facilities that would not result in permanent loss of existing natural vegetation; and
- activities mandated by regulation or law affecting public health, safety, and welfare.

The following policies would guide the operation and maintenance of infrastructure facilities within the Habitat Reserve.

1. Operation and maintenance of existing and future infrastructure facilities within facility easements and impacts related to these uses/facilities, would be Covered Activities within the Habitat Reserve and impacts related to these uses/facilities would be included as authorized regulatory coverage under this NCCP/MSAA/HCP.
2. Periodic re-grading, including clearing and cutting back of vegetation on the edge of roads, and repair of roads within the existing cleared area would be permitted as needed and, to the extent feasible, would occur outside the main breeding season (*i.e.*, February 1 – August 31) or in the alternative, appropriate surveys would be conducted in the areas subject to maintenance activities to determine presence/absence, and, if appropriate, minimization measures consistent with this NCCP/MSAA/HCP.

3. Where feasible and consistent with public safety, and where agreed to by the facility owner/easement holder, joint use for public access would be permitted on infrastructure access roads. This policy is intended to reduce the need for new access construction and associated impacts within the Habitat Reserve. Public use would be monitored on publicly-owned portions of the Habitat Reserve and on those portions of the RMVLC where public access would be permitted. Damage or vandalism to facilities or habitat resulting from public use may be cause for prohibiting public use of access roads/trails.
4. Routine, periodic patrol and inspection of roads and facilities would be permitted.
5. Insulator washing on electrical transmission facilities would be permitted as determined necessary by the operator/owner and must include Best Management Practices to ensure impacts to Covered Species and their habitats are minimized.
6. Weed abatement and clearing around facilities would be allowed using manual, mechanical and chemical means consistent with current regulations and must include Best Management Practices to ensure that impacts to Covered Species and supporting vegetation communities are minimized.
7. The RMV Reserve Manager would prepare and implement a program to educate operations and maintenance personnel about the RMV portion of the Habitat Reserve and its sensitive resources. The program would include guidelines on behavior and activities of field personnel and procedures for working in the Habitat Reserve.
8. Where feasible, maintenance activities would be undertaken outside the Covered Species breeding/nesting season. Maintenance activities that involve the removal or disturbance of vegetation during the nesting/breeding season will require the presence of an onsite biological monitor to ensure that nesting/breeding activity and other critical elements of a species' life history are not disturbed.

c. Infrastructure Emergency Procedures and Policies

It is anticipated that emergencies associated with infrastructure located within the Habitat Reserve would occur from time to time. In such emergency conditions, immediate emergency repairs would be permitted in accordance with the following policies and procedures to protect public health and safety and the sensitive resources in the Habitat Reserve:

1. Emergencies which pose a threat to public health and safety (*i.e.*, emergencies requiring action within 24 hours, to address situations such as pipeline breaks and downed power lines) would be addressed as follows:
 - the affected operator/agency would attempt to notify the Reserve Manager and, to the extent feasible, coordination with the Reserve Manager and consultation with a biologist with appropriate expertise would be undertaken;
 - the affected operator/agency would enter the Habitat Reserve and complete necessary repairs consistent with normal practices;
 - using the most current vegetation mapping available, the extent of the disturbed area would be determined;
 - upon completion of the repairs, disturbed areas would be revegetated and monitored by the project proponent in accordance with the standards and requirements included in this Chapter; and
 - revegetation would be limited to the area determined to be disturbed.
2. Should an emergency occur requiring at least eight hours of preparation before disturbance of natural vegetation (*e.g.*, water tank leak), the affected operator/agency would make a reasonable effort to delineate the area of disturbance before commencing repairs and have a biologist onsite to assess and map the resources present. The delineation would serve as the basis for the revegetation plans prepared and executed after the repair is complete.
3. Utility operators should make a reasonable effort to coordinate with the Reserve Manager when emergency repairs would be needed. However, emergency conditions meeting the definition in the IA should be corrected as soon as is practicable to avoid/minimize threats and damage to public health and safety and potentially affected biological resources.

11.2.6 Policies Governing Existing Uses

a. Background

Certain uses that are to be located within the Habitat Reserve pre-date the completion of the NCCP/MSAA/HCP and would be permitted in the Habitat Reserve. They include:

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- existing RMV land management, enhancement, restoration and docent access programs on existing easements/conservancies (e.g., Donna O'Neill Land Conservancy, Ladera Conservancy) (see *Figure 181-M*);
 - RMV operations and facilities as described in *Section 11.2.2*;
 - existing County regional parkland facilities, including camping areas, interpretive centers, concession and parking facilities at O'Neill Regional Park, Riley Wilderness Park, and Caspers Wilderness Park (*Figure 181-M*);
 - existing SMWD water and sewer lines, pump/lift stations and related facilities (*Figure 160-M*);
 - existing arterial roads, gas pipelines, electric transmission corridors and other similar utilities (*Figures 119-M and 191-R*); and
 - existing County riding and hiking trails, bikeways and community trails (*Figure 186-M*).

All of these existing uses would continue under the terms of the proposed NCCP/MSAA/HCP. The following policies explain the terms under which those existing uses planned eventually to be terminated would continue to operate within the Habitat Reserve and how the underlying biological resources would be restored after the existing uses are terminated.

b. Habitat Reserve Existing Use Policies

The identified existing uses discussed above in *Section 11.2.6.a* would be permitted within the Habitat Reserve in accordance with the following policies:

- Existing uses designated on *Figures 120-M and 191-R* would be permitted and treated as Covered Activities under the NCCP/MSAA/HCP and IA.
- Existing Ortega Rock and Northrop Grumman uses would be permitted to operate in accordance with any existing County permit, including any special conditions to which the use is subject.
- Expansion of existing Ortega Rock an uses beyond the existing disturbed easement area allowed by an existing County permit as identified in *Chapter 13*.
- Existing uses would be terminated in accordance with any applicable local government permit (including any extensions) or other applicable approval, or when the use/operation is complete.

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- All restoration activities for terminated uses would be conducted consistent with the provisions contained in any applicable permit:
 - the operator of the permit would submit the approved restoration plan, along with a cost estimate to the Reserve Manager at least one year before termination is scheduled to occur; and
 - the Reserve Manager would review the restoration plan and make suggested revisions deemed appropriate to the Habitat Reserve. Suggested revisions cannot increase the cost of restoration without the approval of the existing use operator in accordance with existing lease agreements between RMV and use operators.
 - Regular maintenance of pre-existing Ranch roads would be permitted and encouraged in coordination with the Reserve Manager.
 - The emergency procedures previously identified for infrastructure would also apply to emergencies related to existing uses.

11.2.7 RMV Ongoing Baseline Condition Commitments for Areas Designated for Future Inclusion in the Habitat Reserve

This section describes management policies and actions that would be permitted on designated Habitat Reserve lands prior to their formal inclusion in the Habitat Reserve. Interim policies are necessary because of the time necessary to assemble the entire Habitat Reserve and it is important to address the need to protect the biotic and abiotic resources (including natural processes) within the designated lands during the interim period. Accordingly, in addition to the actions and policies discussed in *Chapter 7*, the following policies would govern the use of lands designated for inclusion in the Habitat Reserve during the interim period. These Interim Use policies are set forth in two parts: subsection a. addresses the General Interim Policies while subsection b. summarizes the ongoing management measures that are permitted in order to maintain baseline conditions within RMV lands subject to future enrollment in the Habitat Reserve. These ongoing management measures are more specifically described in *Appendix X*.

a. General Interim Use Policies

General Interim Use policies covering governing Covered Activities within future Habitat Reserve lands are as follows:

1. Covered Activities would be permitted within designated Habitat Reserve lands prior to inclusion in accordance with *Section 11.2*.

2. Designated reserve lands would not be developed or otherwise permitted to be used for purposes other than the Covered Activities set forth in this Chapter in order to avoid uses that would result in significant degradation of the biotic and abiotic values existing at the time the IA is signed.
3. Existing uses and facilities identified in *Section 11.2.2* (e.g., grazing and barley production practices) would be permitted during the interim period.
4. Other pre-existing uses and activities (e.g., rock mining) would be permitted during the interim period provided that the ongoing use is consistent with existing approvals/permits and permit renewals. Habitat impacts associated with changes in the kind, intensity, or geographic extent of such use(s) beyond the levels provided for in existing approvals are not mitigated by this subregional NCCP and would require an amendment to the NCCP/MSAA/HCP in accordance with the provisions in the IA.
5. In those instances where Participating Landowners agree to implement or permit enhancement or restoration measures during the interim period, the CDFG and USFWS would assess the habitat benefits resulting from the interim management measures and assign mitigation credit to the landowner for the purpose of offsetting future development impacts on habitat within the subregion. Mitigation credits may be granted for impacts to Conserved Vegetation Communities, Covered Species and CDFG Jurisdictional areas and other species and vegetation communities of interest to the Wildlife Agencies. This policy does not apply to or affect pre-existing mitigation agreements involving the landowner, CDFG, USFWS or USACE or other public agencies.

b. Rancho Mission Viejo Ongoing Management Measures Designed to Maintain Baseline Conditions in Areas Designated for Future Inclusion in the Habitat Reserve (Interim Management Plan)

As noted above, the purpose of the General Interim Use Policies is to define uses and management measures that will be employed to protect biotic and abiotic resources on lands identified for ultimate inclusion in the Habitat Reserve through the RMV Phased Dedication Program. In addition to the General Interim Use Policies set forth in subsection “a” above, certain management measures have been identified as contributing to maintaining conditions that have characterized RMV lands during the NCCP planning period starting in 1993 (“baseline conditions”). Ongoing management measures would be a Covered Activity within lands designated for future inclusion in the Habitat Reserve in order to contribute to maintaining baseline conditions for Conserved Vegetation Communities that provide habitat supporting

Covered Species on RMV lands. The term “baseline conditions” refers to conditions that characterize Conserved Vegetation Communities at the time the NCCP/MSAA/HCP is approved and that provide habitat supporting Covered Species. Ongoing management measures which contribute to maintenance of the baseline conditions include invasive species control and grazing management practices set forth in the GMP. These measures are discussed in *Appendix X*. No changes to the ongoing management measures are anticipated, therefore there are no expectations for changes in the baseline conditions in the future Habitat Reserve as a direct result of RMV activities.

SECTION 11.3 COMPATIBLE PUBLIC ACCESS AND RECREATION USES WITHIN THE HABITAT RESERVE

The County Department of Harbors, Beaches and Parks (HBP) is not proposing new Covered Activities, nor is it requesting regulatory coverage under this NCCP/MSAA/HCP for new development. Ongoing management, maintenance and operations related to existing parklands and recreation facilities within the three County parklands are designated as Compatible Uses. Such management, maintenance and operations activities are not anticipated to result in Take and do not require regulatory coverage under the NCCP/MSAA/HCP. *Appendix F* describes the kinds of management, monitoring and operational activities that are designated as Compatible Uses within the Habitat Reserve. Future adaptive management measures that are funded by in lieu impact fees generated by new development on the remaining Coto de Caza residential lots, and other adaptive management activities funded by the RMVLC pursuant to recommendations by the Science Panel (based on a finding that stressors identified on County parklands are impacting the RMV Habitat Reserve lands) are included as Covered Activities under the NCCP/MSAA/HCP.

The following policies would be implemented consistent with the overall NCCP/MSAA/HCP and the terms and provisions of the IA by HBP as the Reserve Manager for the regional and wilderness parks included within the permanent Habitat Reserve.

The proposed Habitat Reserve has been formulated with the understanding that public agencies would own and manage significant elements of the proposed Habitat Reserve (refer to *Chapter 7, Sections 7.1 and 7.2*). It was understood from the outset of planning for the NCCP/MSAA/HCP that significant portions of the public lands proposed for inclusion in the Habitat Reserve were originally acquired by the County for a combination of open space, habitat protection and public recreational purposes. Existing County regional and wilderness parklands (totaling about 11,950 acres) constitute 36 percent of the proposed 32,818-acre Subarea Plan 1 Habitat Reserve. These

County-owned facilities already provide hiking, equestrian, mountain biking, camping, interpretive facilities, concessions and other outdoor recreation activities.

Within the County wilderness and regional parks, managed public access, passive recreational use and development of passive recreation facilities are compatible with the proposed NCCP/MSAA/HCP, and there are no areas within the Habitat Reserve where biological resources are so sensitive that currently proposed public access/use in or adjacent to the area would be inappropriate over the long term. The NCCP/MSAA/HCP recreational access and use policies reflect a determination that within the existing regional/wilderness parks there is no inherent conflict between the existing recreation uses permitted as a part of the County HBP General Development Plans (GDPs) and Resource Management Plans (RMPs) and protection of sensitive biotic resources under the NCCP/MSAA/HCP. This determination recognizes that:

- recreation facilities (*e.g.*, trails, camp sites, etc.) were carefully located and designed;
- future public access and use problems could result from uncontrolled off-trail activities;
- public use of trails and facilities would be monitored and managed;
- compliance with management and recreation GDP/RMP policies would be enforced;
- technical biological reserve management expertise would be provided; and
- funding for the above would be provided as part of the County's normal budget process.

Within the County-owned portion of the Habitat Reserve, protection for proposed Covered Species and proposed Conserved Vegetation Communities would be provided consistent with sections 1 and 2 below.

11.3.1 Consistency with Related Recreation Programs

The public access and recreation policies set forth in this Section have been formulated to be consistent with the requirements and policies contained in other local programs that either address or affect public access and recreation use of wildlands. Applicable policies, provisions and programs reviewed for purposes of consistency included those found in the:

- Recreation Element of the County of Orange General Plan; and
- Terms of existing dedication and development agreements involving recreational lands (refer to *Figure 186-M*).

11.3.2 Public Access and Recreation Policies

The following access and recreational use policies are intended to define recreational Compatible Uses within the publicly-owned/managed portion of the Habitat Reserve in a manner that is consistent with protection and management of Covered Species and Conserved Vegetation Communities, and to provide for management and monitoring of recreational uses for habitat protection purposes. The following public parks would be owned/managed by the County and included within the Habitat Reserve:

- Caspers Wilderness Park
- Riley Wilderness Park; and
- O'Neill Regional Park.

Within these County parklands the following policies would apply:

1. Existing public access and passive recreational uses are designated as Compatible Uses within the Habitat Reserve.
2. Existing passive recreational uses include:
 - hiking on existing designated trails;
 - picnicking in existing designated areas;
 - nature interpretation; and
 - overnight camping in existing designated areas.
3. Other existing recreational uses treated as Compatible Uses within public parklands included in the Habitat Reserve include:
 - equestrian, and mountain bike use on existing designated trails;
 - vehicular parking in existing areas designated in adopted RMPs and existing staging areas serving existing riding and hiking trails;
 - existing concession facilities supporting these existing Compatible Uses; and
 - other forms of public access and recreation determined by the respective GDP/RMP for a given regional/wilderness park.
4. Public access would continue to be carefully monitored to assure that existing riding and hiking trails would continue to be utilized whenever feasible, thus minimizing the need for new trail construction.

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5. Recognizing the importance of appropriately managing recreational access to and use of resources within the Habitat Reserve, HBP would take the following enforcement steps regarding future intrusions and thereby minimize impacts of recreational use on Habitat Reserve values:
- trail user groups would be encouraged to participate in self monitoring and policing programs to minimize instances of unauthorized off-trail activities and other abuses to habitat resources within the Habitat Reserve;
 - park rangers would be given the authority to issue citations for misuse of trail or other park facilities; and
 - repeated offenses by multiple users would provide the grounds for temporary closure of trail segments as a means of avoiding unacceptable adverse impacts to habitats/species within the Habitat Reserve. Such temporary closures also would serve to educate users concerning the need to obey park and reserve rules and regulations, thereby reducing future recreational impacts on the biological resources of the Habitat Reserve.
6. For County-owned lands, the policies contained in the Recreation Element of the County's General Plan and adopted GDPs/RMPs are incorporated herein by reference.

11.3.3 Location and Design of Future County HBP Recreational Facilities

As stated in *Section 11.4* (Prohibited Uses within the Habitat Reserve), future active recreational facilities/uses would not be treated as either Compatible Uses or Covered Activities. Future "passive" recreational facilities/uses are not Prohibited Uses pursuant to *Section 11.3*; however, such future facilities would need to be reviewed and approved subsequent to approval of this NCCP/MSAA/HCP. No regulatory coverage is being requested for new facilities by the County HBP. Prior to the construction of future facilities, RMPs would be prepared by HBP for the proposed recreational improvements and submitted to the Wildlife Agencies and USACE for review and approval as part of an NCCP/MSAA/HCP amendment. The USFWS, CDFG and USACE would review the revised or new RMP for consistency with the conservation and/or specific recreation management policies set forth in the NCCP/MSAA/HCP and the IA. County, state and federal agency review of the plans and resolution of potential disagreements would be conducted in accordance with the terms of the IA. Any material change to a RMP would need to be submitted to the USFWS, CDFG and USACE for review and approval in same manner as the original plan.

SECTION 11.4 USES PROHIBITED WITHIN THE HABITAT RESERVE

The following categories of uses and activities would not be permitted in the Habitat Reserve or on lands designated for inclusion in the Habitat Reserve. These identified uses and activities would not be compatible with long-term HRMP habitat and species management within the Habitat Reserve under the terms of the NCCP/MSAA/HCP and its IA. Prohibited Uses within the Habitat Reserve or, prior to formal inclusion within the Habitat Reserve, on lands designated for inclusion, include:

- Fuel modification zones adjacent to development;
- Commercial and industrial uses;
- Orchard and row crop agricultural practices;
- Residential uses;
- Active recreation not provided for in *Section 11.2* (e.g., mountain biking is a Compatible Use), including golf and athletic fields;
- Collection or removal of any native plant, animal or microorganism, unless authorized for monitoring or research under the HRMP, or for other purposes authorized by the County or RMVLC Reserve Managers for their respective portions of the Habitat Reserve;
- Deliberate introduction of any non-native plant or wildlife species or microorganism not authorized under the HRMP;
- Disturbance, collection, or removal of cultural resources unless conducted under a survey, salvage or research program authorized by the County or RMV Reserve Managers for their respective portions of the Habitat Reserve and consistent with relevant state and/or federal permits, authorizations or agreements;
- Collection of rocks, soils and fallen trees unless conducted under a survey, salvage or research program authorized by the County or RMV Reserve Managers for their respective portions of the Habitat Reserve consistent with the HRMP;
- Collection of cultural artifacts unless authorized by the County or appropriate state/federal agency;
- Any activities that are incompatible with or may disturb or disrupt ongoing HRMP activities;
- Use of firearms or weapons, hunting or trapping (unless carried out pursuant to the HRMP) and fireworks;

- Wood fires outside designated fire rings, and wood fires anywhere in the Habitat Reserve during extreme fire conditions;
- Cigarette, cigar, pipe or other smoking;
- Vehicle operations off designated roads, with the exception of farming equipment within designated agricultural areas and activities related to maintaining grazing, such as fence repairs;
- Hiking, mountain biking and equestrian activities off designated trails;
- Swimming and/or wading in lakes, ponds and creeks, unless conducted as part of activities authorized by the HRMP (*e.g.*, monitoring or research of aquatic species);
- All pets off leash (6-foot maximum leash), all pets outside designated locations or off designated trails and failure to dispose of pet waste other than in trash receptacles;
- Alcohol consumption, except as specifically authorized by the RMV Reserve Manager for specific special outdoor gatherings; and
- Dumping of ashes, trash, garbage or other unsightly, offensive or toxic material or the storage or use of biocides and agricultural chemicals except as such biocides and/or chemicals may be necessary: (i) implement the AMP; or (ii) to support the allowed agricultural uses.