



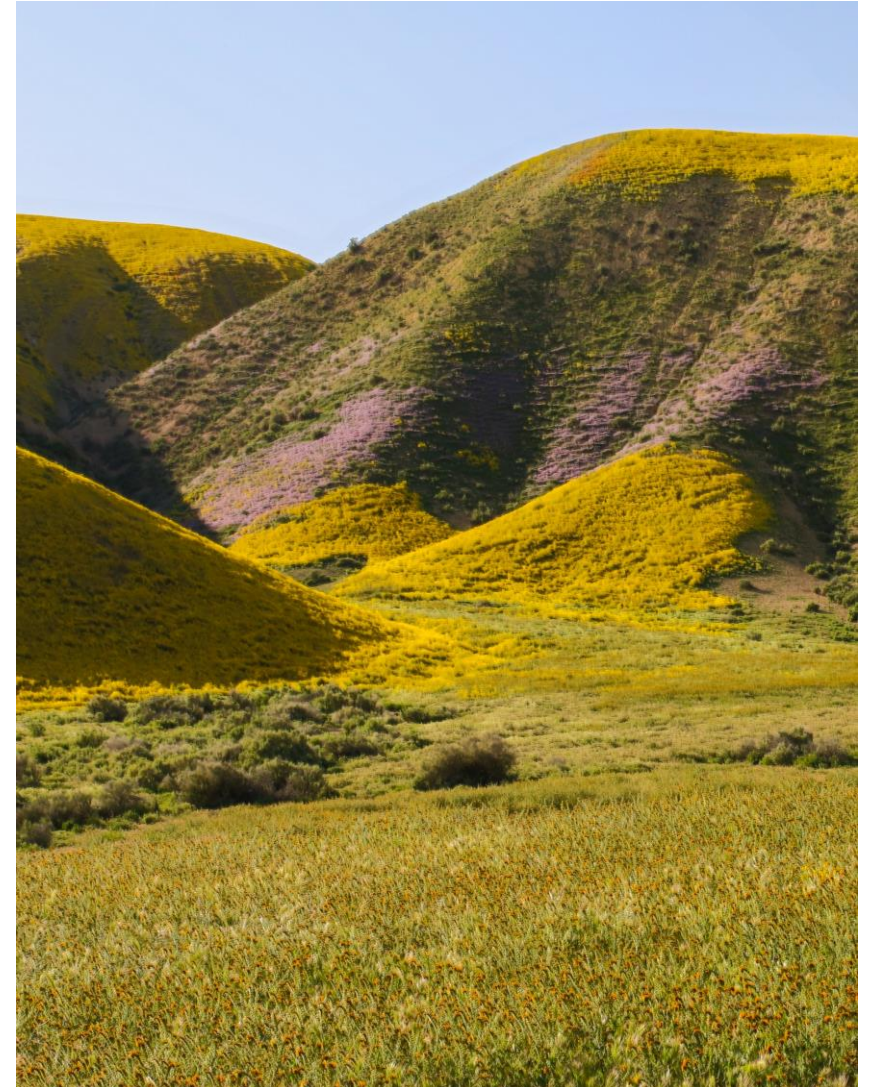
# REGIONAL CONSERVATION INVESTMENT STRATEGY PROGRAM

*Mitigation Credit Agreements (MCAs)*

Brandon Amrhein, Statewide MCA Coordinator  
California Department of Fish and Wildlife

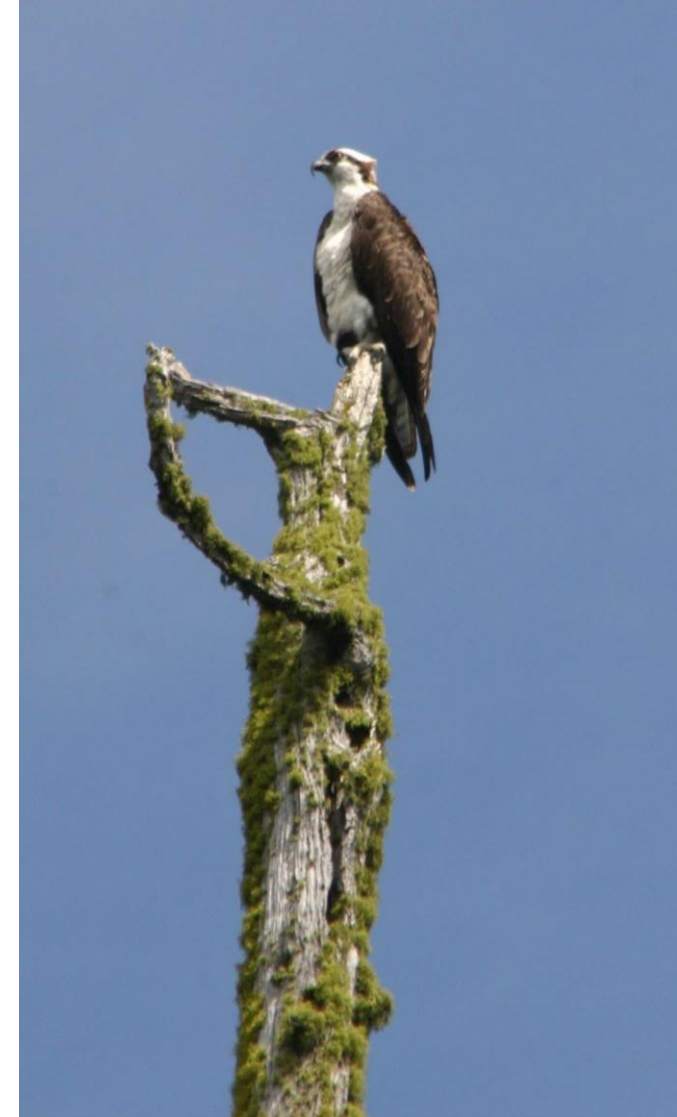
# What's an MCA?

- Mitigation Credit Agreement = MCA
- Subcomponent of the RCIS Program
  - MCAs must occur within an approved RCIS area
- Implement actions identified in an RCIS to create mitigation credits for:
  - Focal Species
  - Non-focal species
  - Other conservation elements



# Why develop an MCA?

- A flexible advance crediting mitigation mechanism
- Allows for compensatory mitigation for impacts to an array of ecological resources
- Credits can be sold to others, or they can be retained and used by the sponsor for future mitigation needs
- Can be created on multiple sites with the same overall purpose
- Can be developed at sites with excess mitigation
- Can be developed on private or public lands
- Potential credits for wildlife crossings and fish passage



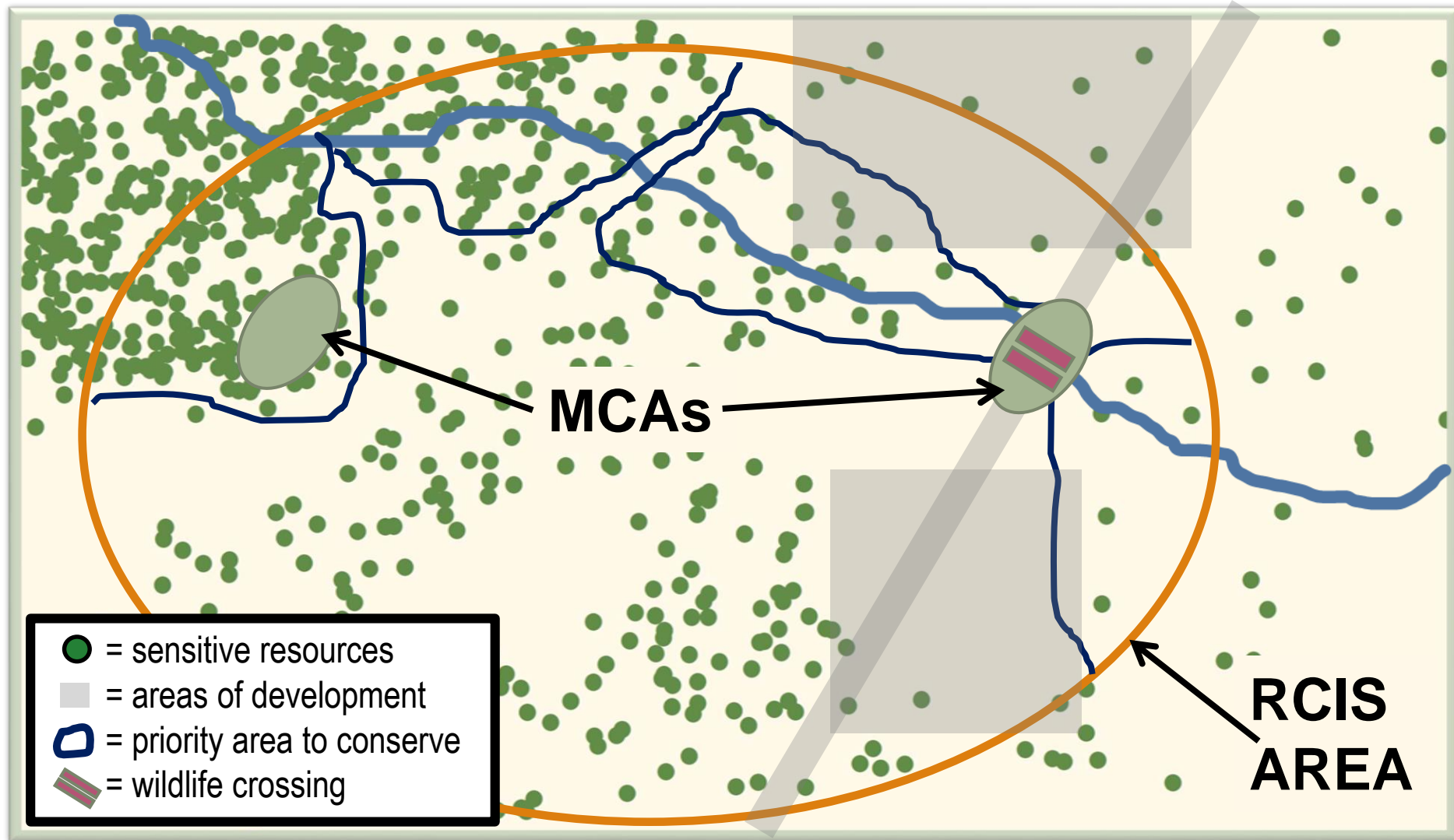


# MCA Key Features



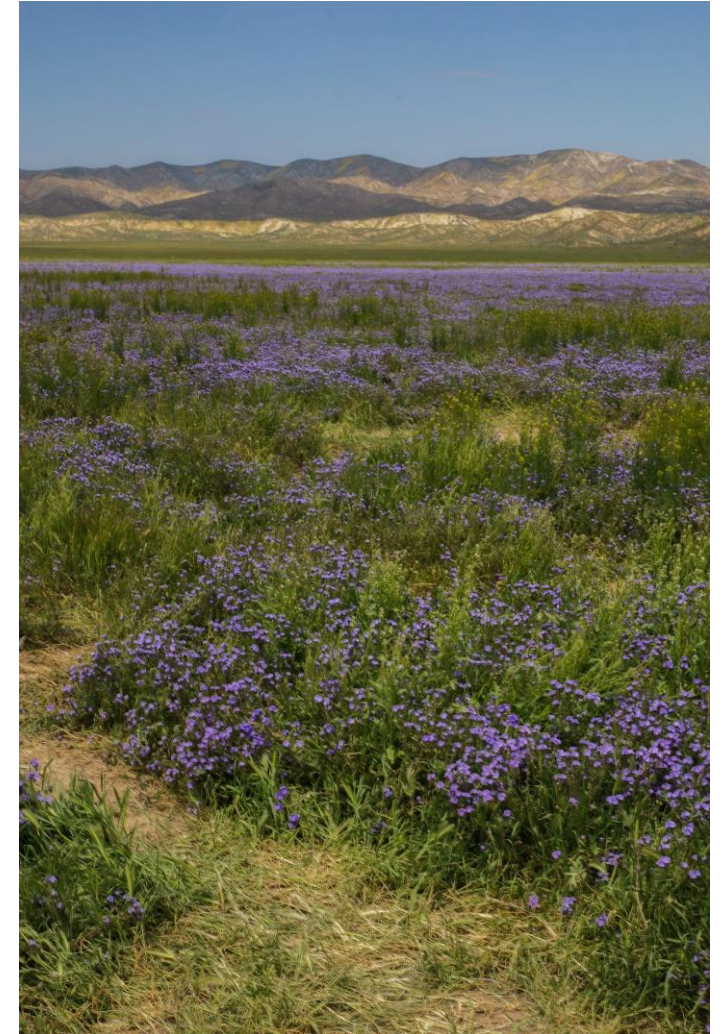
- Any entity can create an MCA to sell or use credits
- Can simplify the credit release schedule
- Allows for advance credit purchases
- Ecologically-based service areas
- Land protection
- Offset impacts under CA Laws (CESA, CEQA, LSA)
  - potential to include acknowledging Agencies

# RCIS Implementation through an MCA



# MCA and Bank Similarities

- Credit types and calculations
- Long-term management and funding
- Securities (Letter of Credit or cash)
- Due diligence review for CE grantees, site managers, & endowment holders
- Lands package components (e.g., Phase 1, Title reports, legal descriptions, etc.)
- Credit Ledger
- Development Plan, Interim Management Plan, Long-term Management plan
- Annual monitoring reports



# MCA and Bank Differences

MCA		Bank
Must occur within an approved RCIS	vs	Can occur anywhere
Non-permanent & permanent credits	vs	Permanent
Requires Conservation Easement (permanent) Long term durability agreement (non-permanent)	vs	Requires Conservation Easement
Can occur on public owned lands	vs	Generally not on public lands
Framework	vs	No framework
CDFW program – allows other agencies to sign as acknowledging agency if desired	vs	Under MOU includes up to 8 agencies (BEI)
Public review required for MCA approval	vs	No public review



# Acknowledging Agencies (Section 5.2)

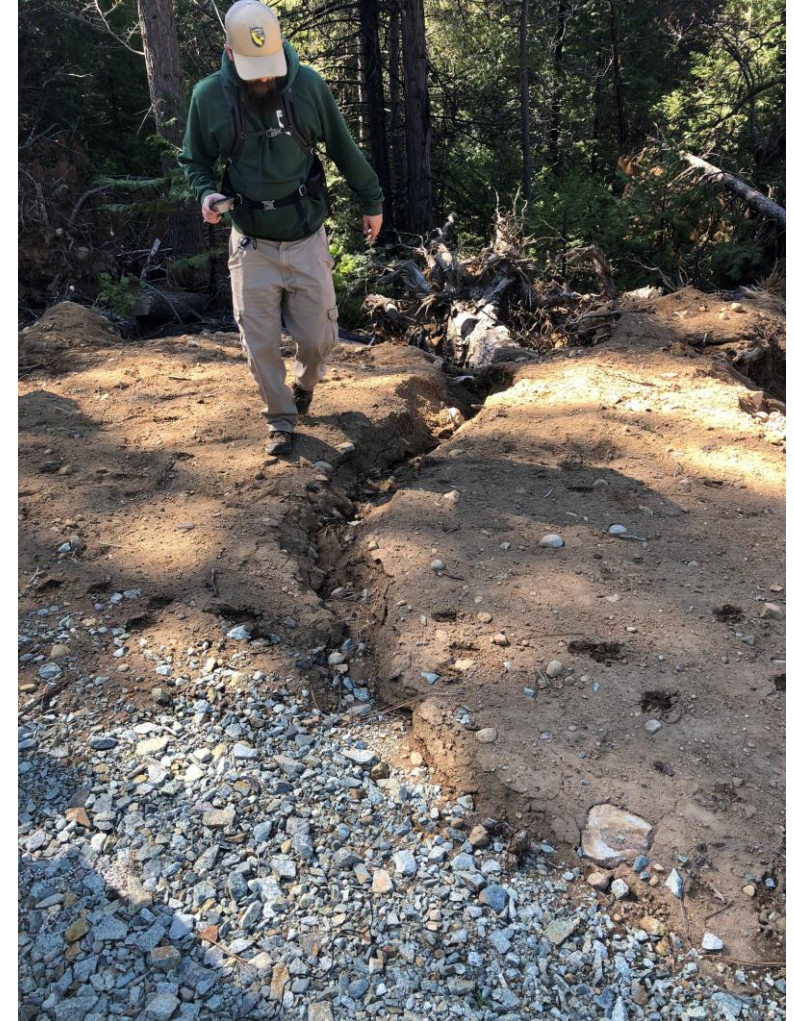


- Other federal, state, or local agencies can be an acknowledging agency.
  - MCA sponsor should identify and coordinate with the agencies as early as possible
  - Acknowledging agencies can sign the MCA to indicate the MCA meets their standards and requirements.
- Alternatively, other agencies may always accept the use of MCA credits after an MCA is established.
- Process – early and often coordination.



# Securities (Section 5.3.9)

- Securities ensure funding of specific tasks during periods of MCA site development or phases of management
  - **Construction** – If credits are released prior to completion of construction.
  - **Performance** – If credits are released prior to meeting performance standards.
  - **Interim management** – If credits are released prior to fully funding the endowment.
  - **Compliance** – Required for all MCAs to cover any foreseeable remedial actions and to ensure performance standards until MCA closure.



# Long-term Management Funding (Section 5.3.9.2)

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- Funding required for long-term protection and management
- Endowments are required for sites with permanent protection
- Alternative funding options for:
  - MCA sponsors that are state agencies - may propose alternative funding options to CDFW
  - MCAs proposing Non-permanent (Habitat Enhancement Actions)



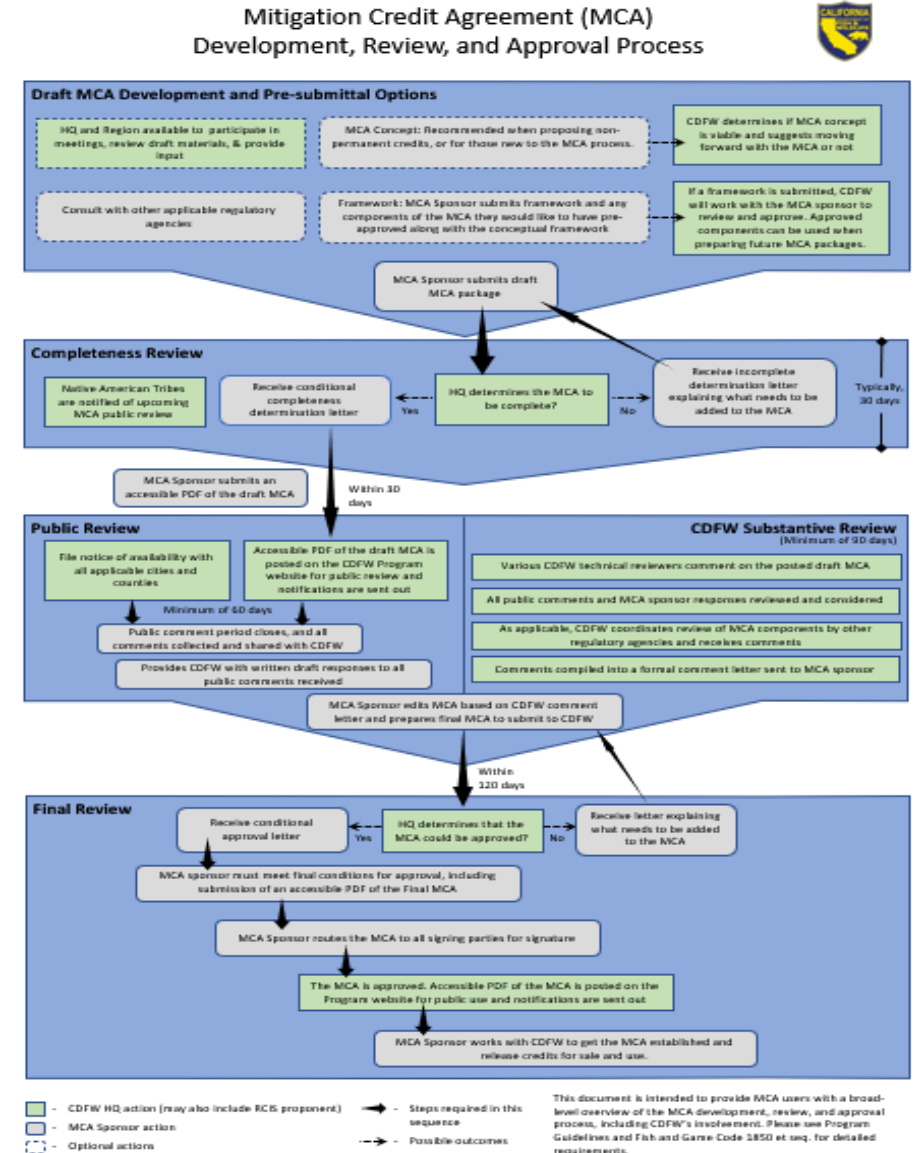
# Types of MCA Credits (Section 5.3.10)

Conservation Actions (Permanent Protection)	Habitat Enhancement Actions (Non-Permanent Protection)
<ul style="list-style-type: none"><li>• Establishment Credits (create, restore or enhance habitat)</li><li>• Preservation Credits (preserve)</li></ul>	<ul style="list-style-type: none"><li>• Establishment Credits (create, restore or enhance habitat)</li></ul>
<ul style="list-style-type: none"><li>• Requires a Conservation Easement (Perpetuity)</li></ul>	<ul style="list-style-type: none"><li>• Requires a long-term durability instrument (For a set period of time)</li></ul>
<ul style="list-style-type: none"><li>• Can occur on private or public lands</li></ul>	<ul style="list-style-type: none"><li>• Can occur on private or public lands</li></ul>
<ul style="list-style-type: none"><li>• Endowment Required for Long-term management (State agency exception)</li></ul>	<ul style="list-style-type: none"><li>• Alternative funding options for management</li></ul>



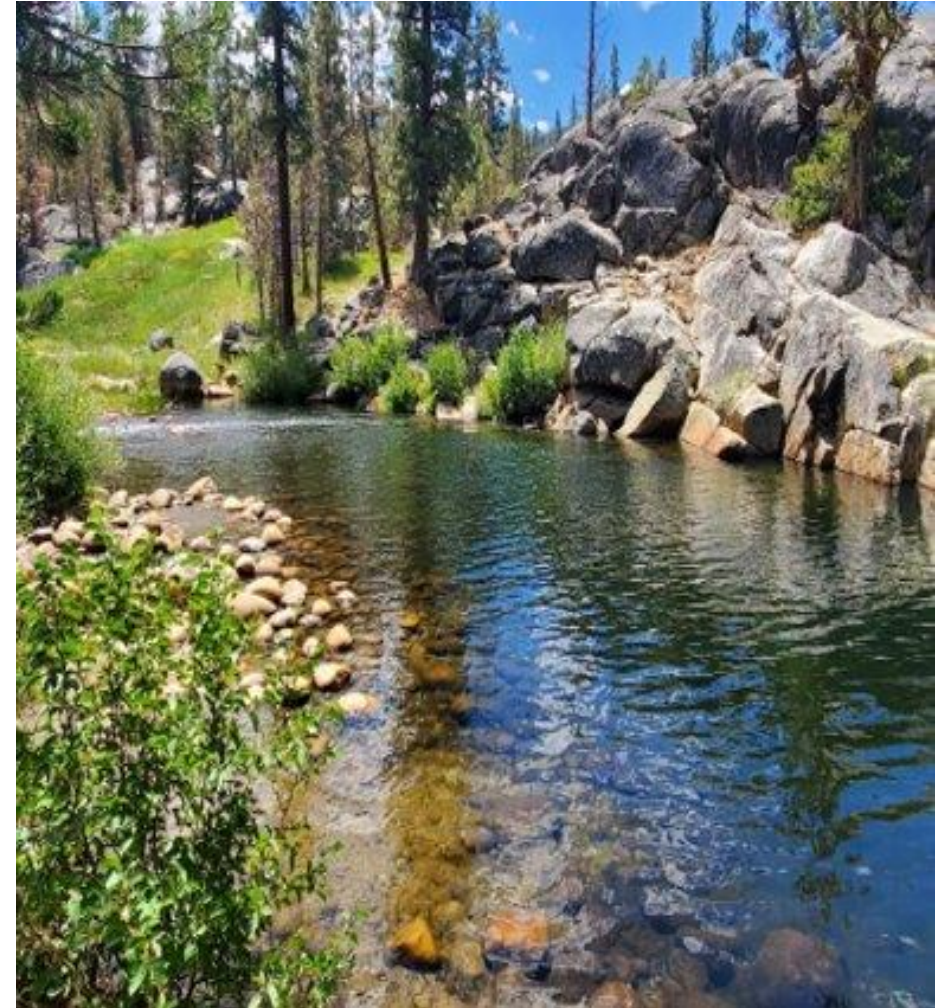
# MCA Review Process (Section 5.5)

- Completeness Review (30 days)
- Public Review (60 days minimum)
- CDFW Substantive Review
- Generally concurrent with the public review
- Results in: approval, approval with revisions, or potentially disapproval of the Draft MCA Package.
- Final Submittal (within 120 days)



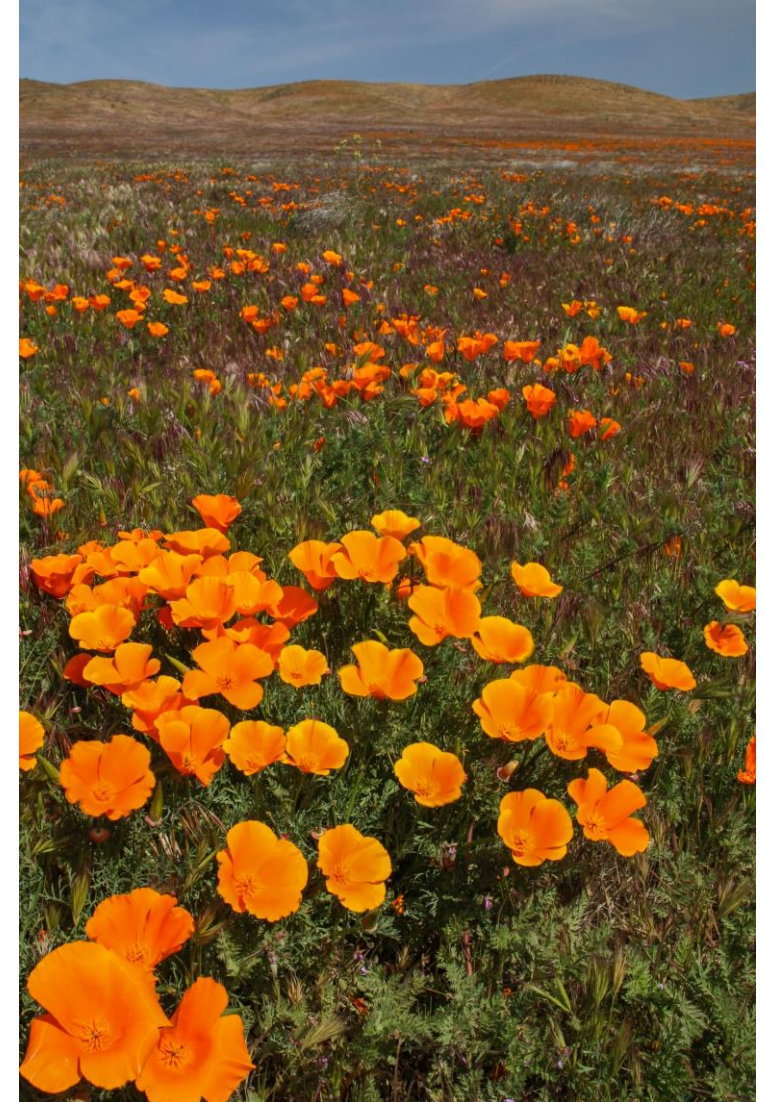
# MCA Program is Fee Based

- MCA concept (optional)
- Framework (optional)
- MCA Application Review
- MCA Establishment
- MCA Implementation (per credit release, per site)
- MCA Simple Amendment
- MCA Complex Amendment



# MCA Concept (Section 5.5.1.3)

- Brief concept-level proposal that is optional
- Allows CDFW to provide initial feedback on the adequacy of a particular site or proposed action.
- The MCA concept will be reviewed and evaluated by CDFW to determine feasibility

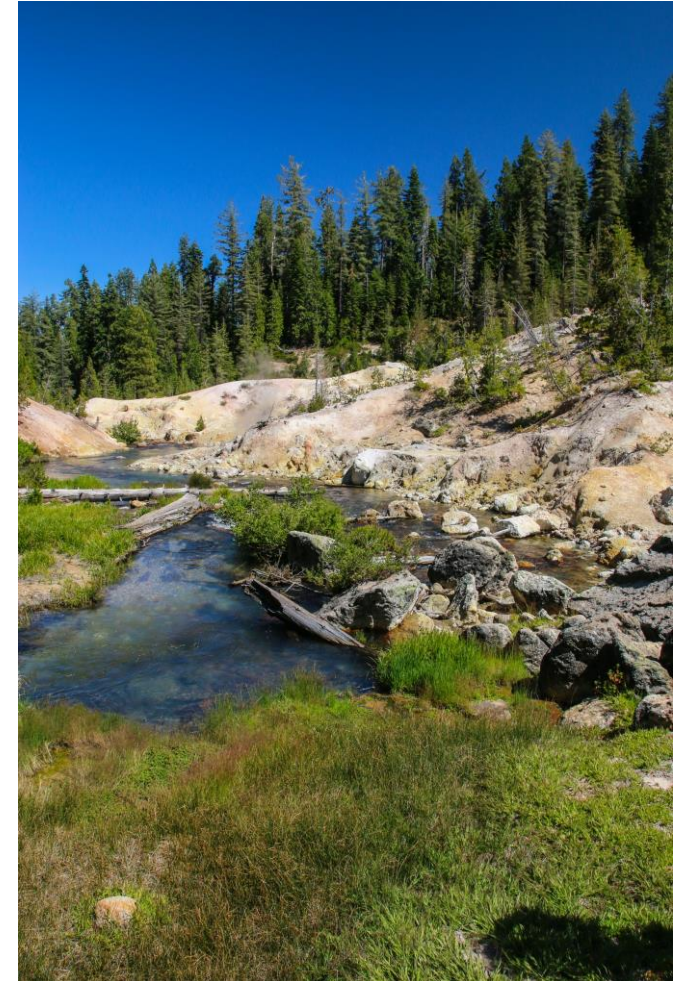




# MCA Frameworks (Section 5.5.1.4)

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- Framework allows for approval of MCA components prior to identifying MCA sites.
- Approved Frameworks can be used for multiple MCAs or MCAs with multiple sites.
- Framework Checklist



# RCIS Program Website Updates



## Program Components



### Regional Conservation Assessment (RCA)

Uses existing information to provide an assessment of the area's existing conditions. An RCA may



### Regional Conservation Investment Strategy (RCIS)

Uses existing information to provide an assessment of the area's existing



### Mitigation Credit Agreement (MCA)

An MCA is a flexible advance mitigation crediting mechanism developed under an approved RCIS. Anyone



## Mitigation Credit Agreements (MCAs)



### Regional Conservation Planning

#### On this page

- [MCA Overview](#)
- [MCA Resources](#)
- [MCAs in Development](#)

## MCA Resources

The following templates, checklists, and websites relate to MCAs.

- [2023 RCIS Program Guidelines \(PDF\)](#)
- [MCA Template \(Word\)](#)

# MCA Resources Online



GUIDELINES



MCA  
TEMPLATE



MCA  
CHECKLIST  
&  
FRAMEWORK  
CHECKLIST



RCIS & MCA  
2023 FEES

## MCA Resources

The following templates, checklists, and websites relate to MCAs.

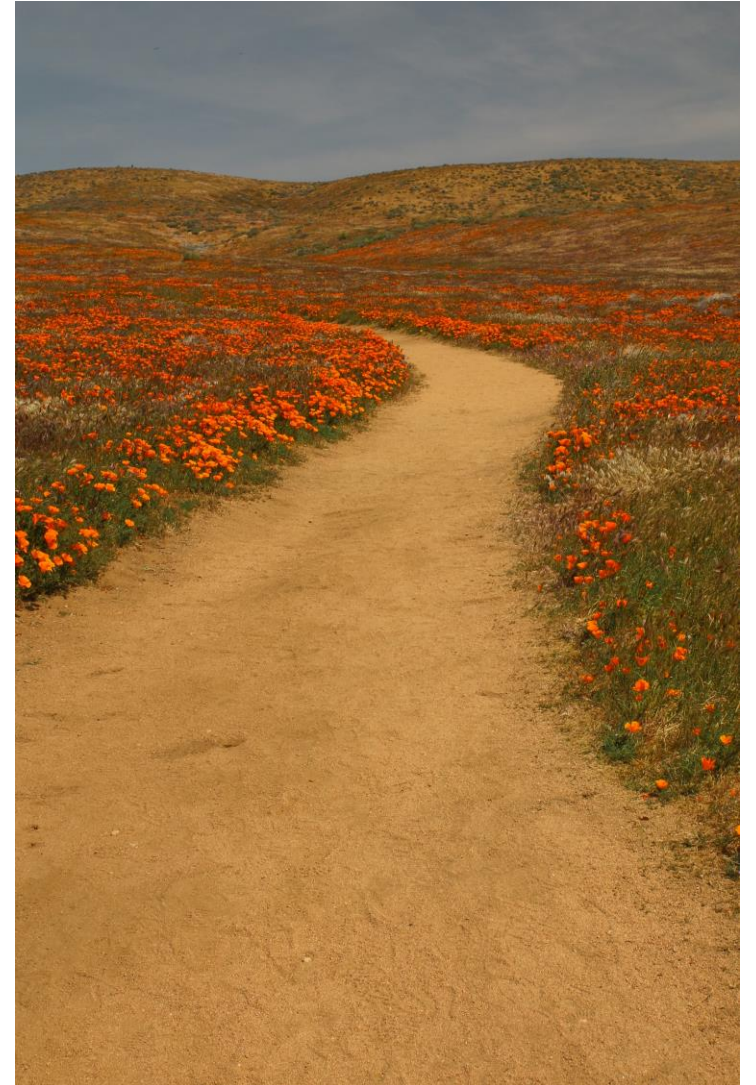
- [2023 RCIS Program Guidelines \(PDF\)](#)
- [MCA Template \(Word\)](#)
- [MCA Checklist \(PDF\)](#) - A list of components necessary for an MCA to be considered “complete.”
- [Framework Checklist \(PDF\)](#) - A list of minimum requirements for sponsors interested in preparing a mitigation framework.
- [MCA Credit Receipt Template \(Appendix W of the MCA\) \(PDF\)](#) - Required documentation for each credit transaction including sale, use, and return of MCA credits.
- [Land Survey Reference \(PDF\)](#) - Requirements for legal descriptions and boundary locations associated with proposed MCA sites.
- [Endowments and Mitigation Land Management \(Website\)](#) - Endowment holder criteria and requirements.
- [Mitigation Lands Entity Due Diligence \(Website\)](#) - CDFW review process for proposed land managers, and Conservation Easement grantees (if applicable) associated with the MCA.
- [CDFW's Template for Property Assessment Warranty \(PAW\) \(Word\)](#)\*
- [Letter of Credit \(LOC\) Template\(Word\)](#)\*



# Program Next Steps

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- Engaging with initial projects or frameworks to work through new concepts:
  - Frameworks
  - Durability Agreements
  - Non-permanent credits, etc.
- Working on incorporating acknowledging agencies
- Tracking and mapping system
- Continuous outreach
- Wildlife Connectivity Advance Mitigation Guidelines



# RCIS Program Contacts

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Please visit the RCIS Program Web Page

- Program resources, including Guidelines
- Join the RCIS Program Notifications List

Or email us at: [rcis@wildlife.ca.gov](mailto:rcis@wildlife.ca.gov)

Ami Olson, RCIS Coordinator

Brandon Amrhein, MCA Coordinator

Suzanne Gilmore, RCIS Program Supervisor

Karen Weiss, Landscape Conservation Planning EPM



# Additional Info on the Wildlife Connectivity Advance Mitigation Guidelines

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Please join us today, October 24, 2023, 1:30 to 3:00 p.m., to discuss the draft Wildlife Connectivity Advance Mitigation Guidelines that will be available for public comment.





# Questions?

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