



# COUNTY *of* VENTURA

RESOURCE MANAGEMENT AGENCY  
**DAVE WARD**  
Planning Director

**SUSAN CURTIS**  
Assistant Planning Director

## MEMORANDUM OF UNDERSTANDING GOVERNING QUALIFIED BIOLOGICAL CONSULTANTS

This Memorandum of Understanding, hereinafter referred to as the “MOU,” is made and entered into, by and between the Ventura County Resource Management Agency, Planning Division, referred to as “Division” on behalf of the County of Ventura, and \_\_\_\_\_, hereinafter referred to as “Biological Consultant.” Collectively, the Division and the Biological Consultant shall be referred to as “Parties.”

### GENERAL PROVISIONS

A. The purpose of this MOU is to establish respective duties and responsibilities of the Parties and to set standards for biological monitoring, or the preparation and handling of biological assessments, studies, plans, or reports prepared to meet permitting or code compliance requirements for an applicant/permit holder, or as contracted by the Division to assess or submit such types of biological documents.

B. The Division enters into this MOU upon the representations of the Biological Consultant as a professional, meeting all the Division’s qualifications for knowledge and experience as outlined within the County Initial Study Assessment Guideline’s (“ISAG’s”) and the Minimum Qualifications for Qualified Biological Consultants as defined by the Division, which is attached and incorporated herein by reference.

C. This MOU shall be in effect for 4 years after the date of Planning Director signature. Upon expiration of this MOU, the Biological Consultant may seek to renew this MOU. Updates to Biologist Consultant’s statement of qualifications should occur as needed during the 4-year MOU period. If work is conducted by the Biological Consultant and submitted under an expired MOU, the Planning Division will not accept any biological assessment, study, plan, report, or approve a required monitoring activity until a current MOU and updated statement of qualifications are on file with the Planning Division. In addition, the applicant’s submitted assessment, study, plan, or report will be deemed incomplete, or a project applicant’s permit processing or construction may be delayed until the new MOU can be processed. If work is conducted with an expired MOU outside the established Qualified Biologist Program renewal periods, a written notice of unacceptable work/unprofessional conduct will be given to the Biological Consultant.

D. If the Biological Consultant fails to comply with any provision, term or condition of this MOU, other than those provisions relating to the Biological Consultant’s work performance, as set forth below in Section E below, the Division reserves the right to reject the Biological Consultant’s work and/or remove the Biological Consultant from the list of Qualified Biological Consultants for a 4-year period, after giving seven (7) calendar days notice to the Biological Consultant prior to such removal.

E. The County requires that all approved Biological Consultants submit quality work product and conduct biological duties as detailed in approved permit conditions. County staff or their contracted representatives will review all submitted biological documents, including but not limited to biological assessments, studies, plans and reports, for consistency with professional standards as well as the Division’s standards and guidance documents. The Division reserves the right to reject a Biological

Consultants' work product for any failure to follow these standards. For any substantial failure to follow the standards set forth in this MOU or in a signed contract with the County, the Division may issue a written notice of unacceptable work/unprofessional conduct to the Biological Consultant. Two such notices issued within the 4-year period will result in removal from the Division's list of Qualified Biological Consultants, subject to the appeal process described herein. The Biological Consultant may appeal his/her pending removal from the list of Qualified Biological Consultants within seven (7) calendar days to the County Planning Director to be entitled to a hearing before an independent, County-selected qualified biologist (Hearing Officer) within 30 days of the issuance of the second notice of unacceptable work/unprofessional conduct. The Hearing Officer shall prepare a written decision upholding or overturning the County's removal determination which shall be final and non-appealable. Upon receipt by the County Planning Director of a timely filed written request for an appeal, the appeal process will begin and must be completed before the Division can remove the Biological Consultant from the list of Qualified Biological Consultants. The Biological Consultant shall not be eligible to re-submit a statement of qualifications for placement on the Division's list of Qualified Biological Consultants until 4 years from the date of suspension following termination of the Biological Consultant's MOU pursuant to this Section E.

### SPECIFIC TERMS AND CONDITIONS

F. In addition to complying with the provisions set forth in Sections A - E above, the Biological Consultant shall also:

1. Serve the public interest in an impartial manner either when preparing and conducting a biological assessment, study, plan, or report to be submitted to the Division or when monitoring a biological permit condition, especially with regard to informing the public of a project's potentially significant impacts to biological resources and methods to avoid or mitigate those impacts.
2. Provide the Division with a complete inventory of the observed and potentially occurring biological resources on a site for the purpose of identifying potentially significant impacts from projects per CEQA or other State and Federal regulations; assessing biological resources for the purposes of compensatory mitigation; or conducting a biological assessment, study, plan, report, or monitoring activity on behalf of the Division.
3. Maintain or exceed the professional biological consultant standards and qualifications set forth in the [ISAG's Minimum Qualifications for Qualified Biological Consultants](#).
4. Ensure that all persons who conduct a biological assessment, study, plan, report, or monitoring activity for the Division, applicant, or permit holder will be required to have a signed MOU with the Planning Division and comply with all terms set forth in this MOU and have the skill set to conduct the work as set forth in the ISAG's Minimum Qualifications for Biological Consultants.
5. Not be a corporate principal, subsidiary or division of the property owner or applicant for any project for which a biological assessment, study, plan, report, or monitoring activity is prepared, and not otherwise have a "financial interest" with the property owner or applicant as defined by Government Code section 87103 including but not limited to the receipt of income or gifts within the 12 months prior to commencing work on the project.
6. Certify, in writing, that all pertinent environmental information about a particular project or biological assessment, study, plan, report or monitoring activity will be disclosed to the Division.

7. Not enter in to, sign or otherwise agree to be bound by any form of confidentiality agreement with the property owner or applicant for any project for which a biological assessment, study, plan, report, or monitoring activity is prepared that prohibits, limits or qualifies disclosure of environmental information to the Division.
8. Consistently prepare quality biological assessments, studies, plans, and reports and monitor activities in accordance with applicable professional, State and Federal standards or guidelines as well as the Division's standards and guidance documents (as applicable), including any direction given by Division staff that includes clarification and/or correction of documents.
9. Submit biological assessments, studies, plans, reports, and other work at a level of expected quality that includes: (a) accuracy of technical data (i.e. biological resource mapping, use of proper computer programs, statistical analyses, etc.); (b) use of appropriate field techniques and protocols; (c) readability, clarity, and format of documents according to County published formats and guidance, as applicable; (d) sufficient factual statements to support conclusions ( identify assumptions, methodologies, considerations, implications, and bibliographical references or other relevant information sources); (e) analyses, results, and recommendations that are consistent with applicable local, State and Federal rules, regulations, and ordinances; (f) quality of judgment (i.e., objective, logical, and scientific regarding the determination of environmental significance of impacts); and (g) mitigation measures which are appropriate for the project and County regulatory procedures (i.e., recommendations are expected to be impartial and factual science based).
10. Conduct monitoring activities as required by the conditions of approval for the permit and in accordance with all applicable professional, State and Federal standards.
11. Conduct field assessments utilizing accurate and verifiable field techniques and professional work performance standards that meet all applicable State and Federal laws, regulations and standards, which include but are not limited to State and Federal recommended vegetation survey and mapping protocols, endangered species protocol surveys, and jurisdictional wetland or stream delineations.
12. Verify that all documents represent the Biological Consultant's complete and independent judgment and analysis of the environmental setting, potentially significant environmental impacts, project alternatives and mitigation measures.
13. Require that any and all special studies completed by the Biological Consultant for a biological assessment, study, plan, report, or monitoring activity must be certified/signed as true and accurate by the Biological Consultant.
14. Maintain general standards of professional ethics and performance for their profession (field botanists<sup>1</sup>, wildlife biologists<sup>2</sup>, restoration ecologists<sup>3</sup>, biological monitors or preparers of biological documents<sup>4</sup>).
15. Upon request, the Biological Consultant will submit to the Division all field notes, resource documents, and supplemental technical studies used for the preparation of biological assessments, studies, plans, report, or monitoring activities.

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<sup>1</sup> <https://www.cnps.org/education/botanist-certification/code-ethics>

<sup>2</sup> <https://wildlife.org/wp-content/uploads/2019/04/20190304-Code-of-Ethics.pdf> (Standards of Conduct Only)

<sup>3</sup> <https://www.ser.org/page/%20CodeofEthics/Code-of-Ethics.htm> (Standards of Conduct/Develop & Use of Knowledge)

<sup>4</sup> [https://www.califaep.org/aep\\_code\\_of\\_ethics.php](https://www.califaep.org/aep_code_of_ethics.php)

16. Immediately notify the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service, and the Planning Division if, during a biological survey or monitoring activity conducted for the purpose of fulfilling permit application requirements to the Division, an endangered or threatened species is observed, including the species' occurrence and its location.

17. Immediately notify the Planning Division staff biologist or representative qualified biologist consultant if, during a biological survey or monitoring activity conducted for the purpose of fulfilling permit application requirements to the Division, a locally important species is observed, including the species' occurrence and its location.

18. Attend mandatory training sessions as may be required by the Division with adequate notice.

G. In addition to complying with the provisions set forth in Sections A through E above, the Division shall also:

1. Review and consider any re-submission by the Biological Consultant of his/her statement of qualifications and determine if the Biological Consultant meets or exceeds the standards and qualifications set forth in the ISAGs.
2. Place the Biological Consultant's name and contact information on the list of Qualified Biological Consultants, which will be posted on the Division's website, for so long as the Biological Consultant meets the Division's minimum qualifications, abides by the terms of this MOU, and has a current MOU on file with the Division.
3. Review the content of draft biological assessments, studies, plans, or reports and provide clear comments on the scope and adequacy of the draft documents in terms of meeting Division and other professional standards.

BIOLOGICAL CONSULTANT

PLANNING DIVISION DIRECTOR

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Printed Name

Dave Ward, AICP  
\_\_\_\_\_  
Printed Name of Director

\_\_\_\_\_  
Company Name Agency

County of Ventura, Resource Management Agency

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments

Planning Division's Minimum Qualifications for Qualified Biologist



## **Minimum Qualifications for Biological Consultants**

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### **County of Ventura • Resource Management Agency • Planning Division**

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 •  
[vcrma.org/divisions/planning](http://vcrma.org/divisions/planning)

Biological consultants must have a certain level of specialized skills within different disciplines to produce documents of acceptable quality required for Coastal and Non-Coastal Zone Initial Study Biological Assessments (CISBAs/ISBAs), Habitat Restoration and Monitoring Plans, and other biological planning documents that may be required for planning, permitting, and other projects requiring biological study. This document outlines the minimum qualifications a County approved qualified biologist would need to possess depending on the activity conducted to complete the required environmental documentation. For each biologist that meets the minimum qualifications below, a Memorandum of Understanding (MOU) must be executed between the biologist and the Planning Division before any work can take place for an applicant. All biologists must have a current MOU with the Planning Division and cannot work under another biologist's MOU. Applications will be deemed incomplete that contain any work completed by a biologist without a valid MOU.

Other County agencies/departments responsible for administering projects for the California Environmental Quality Act (CEQA) may establish their own lists of approved biological consultants with additional qualifications.

The Planning Division requires that all County approved biologists have the following minimum qualifications:

1. An undergraduate or graduate degree in biology, zoology, wildlife biology, natural resources, ecology, conservation biology, environmental biology, or related field.
2. An up-to-date subscription to the California Natural Diversity Database/BIOS and experience using the CNDDDB field survey form for reporting occurrences of rare plants, animals and natural community stands.
3. A current GIS mapping subscription or contract with a firm to provide GIS maps for project documents.
4. Familiarity with the Ventura County General Plan (including Area Plans and Local Coastal Program), zoning ordinances, the Coastal and Non-Coastal Zone Initial Study Assessment Guidelines, and other guidance documents provided by the County for the protection and mitigation of biological resources.
5. Signed Memorandum of Understanding (MOU) with the Planning Division.

The following tasks require additional specialized skills and experience outside of the minimum qualifications described above. Please see the section headings below to review the minimum qualifications associated with each of the specialized biological services.

## A. Writing and Preparation of State and Federal Environmental Review Documents

The following minimum qualifications are required for a biologist to prepare or directly supervise<sup>5</sup> the preparation of ISBAs and other environmental compliance documents:

OPTION ONE: A current [California Native Plant Society Consulting Botanist Certification](#)<sup>6</sup> or similar certification from a professional society.

### **OR**

OPTION TWO: At least four years of professional experience writing, directing, and evaluating the preparation and compliance with relevant federal and state regulations, policies, and procedures, associated with the following:

- California Environmental Quality Act
- Federal Endangered Species Act
- California Endangered Species Act
- California Coastal Act
- Army Corps Permitting for Waters and Wetlands of the US
- California Department of Fish and Wildlife (CDFW)
- Regional Water Quality Control Board

This includes but is not limited to, compiling field baseline conditions, conducting project impact assessments, developing appropriate mitigation measures, etc.

## B. Wildlife Field Surveys

Biologists qualified to conduct wildlife field surveys shall have the expertise to identify Ventura County's local species or taxa. They also shall be knowledgeable and experienced with state and federal survey protocols and/or professional survey standards for the taxonomic group or species. The following minimum qualifications are required for a qualified biologist to conduct wildlife surveys:

1. The ability to identify Ventura County's [Locally Important Animal Species](#).
2. At least four years of experience conducting regional [Ventura, Santa Barbara, Kern, San Luis Obispo and/or Los Angeles Counties] wildlife surveys, studies, and/or research for a taxonomic group (i.e., Invertebrate [gastropods, crustaceans, insects], Fish, Amphibians, Reptiles, Birds, Mammals [small, medium, large, bats, marine]).
3. For species listed as threatened, endangered, or rare under the state or federal laws or regulations, an individual must be permitted by California Department of Fish & Wildlife or the U.S. Fish & Wildlife Service, if required.

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<sup>5</sup>The biologist who is being supervised in the preparation of the environmental document section must meet the minimum qualifications listed on page one of this document.

<sup>6</sup>The skills and knowledge needed to satisfy all the requirements of this certification program are adequate to meet the minimum qualifications listed for the comparable option, if not more. As a consulting botanist to pass the consulting botanist certification, it is recommended that the botanist have a minimum of 5 years of experience as a full-time senior level permitting biologist. See <https://www.cnps.org/education/botanist-certification/faq>

### C. Botanical Field Surveys

Botanists approved to conduct botanical field surveys must have a solid foundation in plant terminology, competent at plant keying using the Jepson Manual and online resources, familiar with vegetation sampling basics, and knowledgeable about Ventura County local species and taxa, state and federal survey protocols, and plant mapping. The following minimum qualifications are required to conduct ANY vegetation surveys and mapping:

#### ***General Botanical and Rare Plant Surveys/Mapping***

##### OPTION ONE:

- a. The ability to identify Ventura County's [Locally Important Plant Species](#) .
- b. Four years of combined experience conducting botanical surveys within the region [ Ventura, Santa Barbara, Kern, San Luis Obispo, and/or Los Angeles Counties].
- c. Competent at utilizing the Jepson Manual and online resources to key out plants.
- d. Ability to accurately categorize vegetation alliances and associations as defined in the Manual of California Vegetation (2nd edition).
- e. Experience utilizing State or Federal survey protocols, CA Dept. of Fish and Wildlife Vegetation Mapping Protocol and vegetation field sampling and survey forms. For species listed as threatened, endangered, or rare under the state or federal laws or regulations, an individual must be permitted by California Department of Fish & Wildlife or the U.S. Fish & Wildlife Service, if required.

**OR**

##### OPTION TWO:

- a. A current [California Native Plant Society \(CNPS\) Certified Field Botanist Certification](#) or [California Native Plant Society Consulting Botanist Certification](#) or similar certification from a professional society. For species listed as threatened, endangered, or rare under the state or federal laws or regulations, an individual must be permitted by California Department of Fish & Wildlife or the U.S. Fish & Wildlife Service, if required.



## D. Construction Monitoring Requirements

Biologists qualified to conduct construction monitoring duties are required to interpret, communicate, and enforce permit conditions to construction crews accurately. These duties may include but are not limited to the following: educational briefings on special status species life ecology to workers, conduct surveys for wildlife prior to construction work, measure noise or light emissions, and when detected, potentially relocate special status species or halt work activities. Therefore, the following minimum qualifications are required for a biologist to conduct construction monitoring duties:

1. Qualified for both wildlife and botanical field surveys (see sections B and C.1 above).
2. For projects where biological surveys or construction monitoring involves the potential presence of federal or state listed species, the lead qualified biologist conducting the required special status species survey or handling the listed species shall have the required US Fish and Wildlife Service recovery permit or California Department of Fish and Wildlife MOU for the target special status species<sup>1</sup>

## E. Habitat Restoration Specialists

Due to the cost, time, expertise, and knowledge required to successfully restore different types of native plant communities within the County, the minimum qualifications for a *restoration specialist* have been broken into two tiers. The *primary restoration specialist* is a senior level botanist that has the education, training, experience, and knowledge base to successfully implement from beginning to end, the restoration of either a local native plant vegetation alliance or rare plant type requiring restoration. The *supporting restoration specialist* is a botanist with restoration experience, who may not have the proven experience or knowledge base as the *primary restoration specialist*; however, they have the education and training to implement the activities of the adopted restoration plan or other prescribed habitat compensatory mitigation requirements as described in detail below. Both the *primary* and *support restoration specialist* shall have the minimum education requirements:

- Knowledge Base: An undergraduate or graduate degree with coursework in agriculture, restoration ecology, biology, botany, landscape architecture, soil sciences, conservation biology, environmental biology, or a related field, with at least 6 credits in Ecological Restoration and at least 6 credits in soils, hydrology, or climate science.

### 1. Supporting Restoration Specialist

The *supporting restoration specialist* may implement the activities of an **approved** restoration plan or other prescribed habitat compensatory mitigation requirements as described within the plan. This includes preparing and submitting all monitoring and final reports, restoration activities (plantings, irrigations, monitoring, invasive species removal, etc.)<sup>2</sup>. The conducting all required following minimum requirements must be met to qualify for the *supporting restoration specialist* designation:

- a. At least *four*<sup>3</sup> years of professional restoration experience in writing and directing the preparation of restoration and monitoring plans of native vegetation or rare plant populations in the region [Ventura, Santa Barbara, Kern, San Luis Obispo, or Los Angeles Counties]<sup>4</sup>.
- b. A current [California Native Plant Society Certified Field Botanist Certification or California Native Plant Society Consulting Botanist Certification](#).<sup>3</sup>

<sup>1</sup> The qualified biologist should submit within the application a resume that lists any protocol level surveys, permits or MOU's along with any specialized workshops attended for monitoring the protected species.

<sup>2</sup> The revision of any Restoration Plan's performance criteria, adaptive management measures, or other activities that require the discretionary judgement or knowledge/experience of the supporting restoration specialist to implement the task is pursuant to the approval of a County-approved primary restoration specialist or the County staff biologist.

<sup>3</sup> After Dec 31, 2025, subcategory b. will be required in conjunction with "five years" of professional restoration experience rather than "four years" of professional restoration experience.

<sup>4</sup> This requirement includes experience conducting pre-project baseline and reference site inventories, restoration and/or irrigation design plans, project implementation, invasive species management recommendations, etc.



## 2. *Primary Restoration Specialist*

The *primary restoration specialist* has the authority to develop, revise, and implement all habitat or species restoration plans or other prescribed habitat compensatory mitigation requirements for the County. The following minimum qualifications must be met to qualify for the *primary restoration specialist* designation:

### OPTION ONE:

- a. Hold a [Current Ecological Restoration Practitioner Certification \(Society for Ecological Restoration\)](#) or similar certification from a professional society for ecological restoration.

**OR**

### OPTION TWO:

- a. Authored [Primary] and directed at least **three successful** Habitat Restoration and Monitoring Plans for a specific native vegetation association or rare plant population in the region [Ventura, Santa Barbara, Kern, San Luis Obispo, or Los Angeles Counties]. This includes pre-project baseline assessments, restoration and irrigation design, project implementation, invasive species management, and other relevant tasks; **AND**
- b. Requirements of the supporting restoration specialist (#1 above). For example, the authoring of three restoration plans in addition to the minimum experience requirements above.

**Note:** *Restoration specialist* requirements do not apply to restoration activities associated with unskilled labor activities such as removal of invasive species, installation of irrigation, etc. However, baseline surveys of reference sites must be conducted by a qualified biologist meeting the minimum requirements for general botanical and rare plant surveys/mapping.