# Planning Agreement

**by and among**

## the County of San Diego,
## the California Department of Fish and Wildlife, and
## the United States Fish and Wildlife Service

**regarding the**

## North and East County
## Multiple Species Conservation Program Plans:
## Natural Community Conservation Program Plans and
## Habitat Conservation Plans

## Restated and Amended

## July 2019

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# Proposed North and East County MSCP Plans Planning Agreement

This Planning Agreement for the planning and preparation of the North and East County Multiple Species Conservation Program (MSCP) Plans ("Plans"), each of which is a joint Natural Community Conservation Program Plan (NCCP Plan) and Habitat Conservation Plan, is entered into as of the Effective Date by and among the County of San Diego, the California Department of Fish and Wildlife ("CDFW"), and the United States Fish and Wildlife Service ("USFWS"). These entities are referred to collectively as "Parties" and each individually as a "Party." The CDFW and USFWS are referred to collectively as "Wildlife Agencies." The North and East County MSCP Plans are separate natural community conservation program plans/habitat conservation plans covering different areas of unincorporated San Diego County (Exhibit A), and will complement the MSCP South County Subarea Plan adopted in 1997.

## 1. Definitions

Terms used in this Planning Agreement that are defined in the Natural Community Conservation Planning Act have the meanings set forth in Fish and Game Code Section 2805. The following terms as used in this Planning Agreement will have the meanings set forth below.

**1.1.** "Board of Supervisors" means the County of San Diego Board of Supervisors.

**1.2.** "CEQA" means the California Environmental Quality Act, Public Resources Code, Section 21000, *et seq.*

**1.3.** "CESA" means the California Endangered Species Act, California Fish and Game Code, Section 2050, *et seq.*

**1.4.** "County" means the government of the County of San Diego.

**1.5.** "Covered Activities" means the activities that will be addressed in the Plans and for which the Local Agency will seek a NCCP Plan permit pursuant to Fish and Game Code, Section 2835 and an incidental take permit pursuant to Section 10 of the federal Endangered Species Act.

**1.6.** "Covered Species" means those listed and non-listed species identified in the approved Plans to be conserved and managed consistent with the approved Plans such that, through approval of the Plans, CDFW and the USFWS authorize their take under state and/or federal law.

**1.7.** "CDFW" means the California Department of Fish and Wildlife.

**1.8.** "Effective Date" means the date by which all of the Parties to the Planning Agreement have signed it.

**1.9.** "FESA" means the federal Endangered Species Act, 16 United States Code Section 1530, *et seq.*

**1.10.** "Habitat Conservation Plan" or "HCP" means a conservation plan prepared pursuant to Section 10(a)(1)(B) of FESA.

**1.11.** "Implementation Agreement" means the agreement required pursuant to Fish and Game Code Section 2820, subdivision (b) and authorized under 14 U.S.C. Section 1539 (a)(2)(B) which defines the terms for the implementation of the Plans.

**1.12.** "Listed Species" means those species designated as candidate, threatened, or endangered pursuant to CESA and/or listed as threatened or endangered under FESA.

**1.13.** "Local Agency" means the County of San Diego.

**1.14.** "MSCP" means Multiple Species Conservation Program.

**1.15.** "Natural Community Conservation Program Plan" or "NCCP Plan" means a conservation plan created pursuant to Fish and Game Code, Section 2801, *et seq.*

**1.16.** "Natural Community Conservation Planning Act" or "NCCPA" means Fish and Game Code, Section 2800, *et seq.*

**1.17.** "NEPA" means the National Environmental Policy Act, United States Code Section 4321, *et seq.*

**1.18.** "Plans" means both the North and East County MSCP Plans, each of which is a joint NCCP Plan and HCP.

**1.19.** "Planning Area" means the geographic areas proposed to be addressed in the North and East County MSCP Plans as described in Exhibit A. Specifically, this refers to the unincorporated private and County-owned land over which the County of San Diego has land use jurisdiction.

**1.20.** "Steering Committee" means the interest group that will be comprised of key representatives that will participate in the development of the North and East County MSCP Plans. The North County MSCP Plan will use the term "Stakeholder Group" for key interest group representatives; however, this group will serve the same function as a Steering Committee.

**1.21.** "Study Area" means all lands in the project boundary of the North and East County MSCP Plan Study Areas (i.e., private land and public lands) with the exception of Tribal lands.

**1.22.** "Planning Area" means the unincorporated lands in the project boundary of the North and East County MSCP Plan Areas over which the County of San Diego has land use jurisdiction (i.e., private parcels and County-owned land).

**1.23.** "USFWS" means the United States Fish and Wildlife Service.

**1.24.** "Wildlife Agencies" means the CDFW and the USFWS, collectively.

## 2. Background

### 2.1. Natural Community Conservation Planning Act

The NCCPA was enacted to encourage broad-based planning to provide for effective protection and conservation of the state's wildlife resources while continuing to allow appropriate development and growth. The purpose of natural community conservation planning is to provide for the conservation of biological diversity by protecting biological communities at the ecosystem and landscape scale. Conservation of biological diversity includes protecting sensitive and more common species, natural communities, and the ecological processes necessary to sustain ecosystems over time. An NCCP Plan identifies and provides for the measures necessary to conserve and manage natural biological diversity within a Planning Area, while allowing compatible and appropriate economic development, growth, and other human uses.

### 2.2. Purposes of NCCP Planning Agreements

The purposes of NCCP Planning Agreements are to:

- Define the Parties' goals and commitments with regard to preparation of the Plans;
- Define the geographic scope of the conservation Planning Areas;
- Identify a preliminary list of natural communities and species known or reasonably expected to be found in those communities, that are intended to be the initial focus of the Plans;
- Identify preliminary conservation objectives for the Planning Areas;
- Establish a process for the inclusion of independent scientific input into the planning process;
- Ensure coordination between the Wildlife Agencies, particularly with respect to FESA and CESA;
- Establish a process to review interim development within the Planning Areas that will help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures; and
- Ensure public participation and outreach throughout the planning process.

### 2.3. Compliance with CESA and FESA

The Planning Areas contain valuable biological resources, including native species of wildlife and their habitat. Among the species within the Planning Areas are certain species that are protected, or may be protected in the future, under CESA and/or FESA. The Parties intend for the Plans to satisfy the requirements of an HCP under Section 10(a)(1)(B) of FESA, and of an NCCP Plan under the NCCPA, to serve as the basis for take authorizations under both acts.

The NCCPA provides that after the approval of an NCCP Plan, CDFW may permit the taking of any covered species, listed or non-listed, whose conservation and management is provided consistent with the NCCP Plan. Take of state-listed species may be authorized pursuant to CESA during preparation of the Plans. After approval of the Plans, state-authorized take may be provided pursuant to the NCCPA.

FESA provides that after the approval of an HCP, USFWS may permit the taking of wildlife species covered in the HCP if the HCP and permit application meet the requirements of section 10(a)(2)(A) and (B) of FESA. Take authorization for federally listed wildlife species covered in the HCP shall generally be effective upon approval of the HCP and issuance of an incidental take permit. Take authorization for non-listed wildlife species covered in the HCP becomes effective if and when the species is listed pursuant to FESA. Take authorization during plan preparation for wildlife species listed pursuant to FESA may be provided pursuant to individual permits issued pursuant to section 10(a)(1)(B), or consultations under section 7 of FESA. Although there is no take of plants under FESA and thus USFWS is not able to authorize take of plants, USFWS may include plants as covered species for purposes of extending federal assurances for them provided the MSCP North and East County Plans meet Section 10 issuance criteria and they provide conservation benefits to plants.

### 2.4. Section 7 of FESA

To the extent allowed under law, the Parties intend that the mitigation and minimization measures included in the Plans, once approved by the USFWS and included as a condition of federal incidental take permits to the Local Agency, will be incorporated into future Section 7 consultations between the USFWS and the United States Army Corps of Engineers, the United States Bureau of Reclamation, or other applicable federal agencies regarding Covered Activities that may adversely affect Covered Species or their habitat.

### 2.5. Concurrent Planning for Wetlands and Waters of the United States

The Local Agency intends to address impacts to wetlands and waters of the United States and changes to the bed, bank, or channel of rivers, streams and lakes resulting from Covered Activities in the Planning Areas. Based on the Plans, the Local Agency may seek future programmatic permits or authorizations under the Clean Water Act and Section 1601 (or Section 1603) of the Fish and Game Code as necessary for Covered Activities. The Parties agree to work together to explore the feasibility of undertaking concurrent but separate planning

regarding these permits. However, such programmatic permits or authorizations are not necessary for approval of the Plans or for the issuance of take permits.

### 2.6. Assurances

#### 2.6.1. FESA

The Parties anticipate that the USFWS will provide assurances pursuant to applicable federal law and regulations then in effect upon issuance of the federal incidental take permits to the Local Agency.

#### 2.6.2. NCCPA

The Parties anticipate that if the Plans meet the criteria for an NCCP Plan permit under Section 2835 of the Fish and Game Code, CDFW will provide assurances consistent with its statutory authority upon approval of the Plans and issuance of NCCP Plan permits to the Local Agency. Under Section 2820(f) of the Fish and Game Code, CDFW may provide assurances for plan participants commensurate with the level of long-term conservation and associated implementation measures provided in the Plans. In order to ensure that state regulatory assurances are legally binding, such provisions will be included in an Implementation Agreement.

## 3. Planning Goals

The planning goals include the following:

- Provide for the conservation and management of Covered Species;
- Preserve aquatic and terrestrial resources through conservation partnerships with the Local Agency;
- Allow for appropriate and compatible growth and development that are consistent with applicable laws;
- Provide a basis for permits necessary to lawfully take Covered Species;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of FESA, CESA, CEQA, NEPA, and NCCPA within the Planning Areas;
- Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review; and
- Provide clear expectations and regulatory predictability for persons carrying out Covered Activities within the Planning Areas.

## 4. Planning Areas and Plan Participants

Implementation of the Plans will preserve a network of habitat and open space, protect biodiversity, and also enhance the region's quality of human life. Many natural communities in the region are considered sensitive because they have been greatly reduced in distribution by development. San Diego County contains 300-400 plant and animal species that are: federally and/or state listed as endangered, threatened, or rare; proposed or candidates for listing; or otherwise considered sensitive.

## 4.1 Geographic Scope

Each of the Plans is a separate NCCP Plan/HCP covering different areas of unincorporated San Diego County (Exhibit A). The Plans will complement the South County MSCP Subarea Plan adopted by the County of San Diego Board of Supervisors in 1997.

### 4.1.1 North County MSCP Plan

The North County MSCP Plan Study Area covers approximately 311,800 acres and extends: to the Riverside County line to the north; to the existing South County MSCP Subarea Plan boundary around Lake Hodges, Rancho Santa Fe, San Pasqual Valley, Mount Woodson, and Fernbrook to the south; to the eastern edge of Camp Pendleton Marine Base and the northern coastal cities of San Diego County to the west; and to the Cleveland National Forest to the east (Exhibit A). The North County MSCP Plan includes the communities of Bonsall, De Luz, Fallbrook, Harmony Grove, Lilac, Pala, Pauma Valley, Rainbow, Rincon Springs, Twin Oaks Valley, Valley Center and much of Ramona. The incorporated cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista are excluded from the Study Area and will be planned as the Multiple Habitat Conservation Program, sponsored by SANDAG.

### 4.1.2 East County MSCP Plan

The East County MSCP Plan Study Area covers approximately 1.6 million acres and is bounded on the west generally by the western boundary of the Cleveland National Forest, on the north by Riverside County, and on the east predominantly by Imperial County, and the south by Mexico (Exhibit A). The East County MSCP Plan includes the backcountry communities of Central Mountain, Cuyamaca, Descanso, Pine Valley, Desert/Borrego Springs, Julian, Mountain Empire, Boulevard, Jacumba, Lake Morena/ Campo, Potrero, Tecate, portions of Dulzura, and Palomar/North Mountain, all of which are within the jurisdictional boundary of the unincorporated San Diego County.

The County of San Diego has land use authority over private parcels and County-owned land in the unincorporated County which is approximately 27 percent (418,930 acres) of the East County MSCP Plan Study Area. This area is referred to as the Planning Area. The other 73 percent of the Study Area includes land owned by other public agencies with separate land use plans that are not under the jurisdiction of the County.

### 4.1.3 Excluded Lands

Military lands, Tribal lands, lands owned or managed by non-signatory public agencies, state or federal agencies, or water and school districts are excluded from the Study Areas unless they consent and are willing to voluntarily participate in the Plans. The County will coordinate planning efforts with these entities to determine where and how conservation strategies will be able to complement one another. The North and East County MSCP Plans for the unincorporated area will be stand-alone plans and the Study Areas' excluded lands will not be relied upon for conserving and gaining coverage from the Wildlife Agencies for listed and other sensitive species.

## 4.2 Local Agency

The Local Agency is the local sponsor of the Plans. As part of this planning process, the Local Agency has committed to undertake a collaborative, systematic approach to protecting the Planning Areas' ecologically significant resources, including candidate, threatened, and endangered species and their habitats, open space, and working landscapes, and to ensure that the Covered Activities comply with applicable federal and state laws.

## 4.3 California Department of Fish and Wildlife

CDFW is the agency of the state of California authorized to act as trustee for the state's wildlife. CDFW is authorized to approve NCCP Plans pursuant to the NCCPA, administer and enforce CESA and other provisions of the Fish and Game Code, and enter into agreements with federal and local governments and other entities for the conservation of species and habitats pursuant to CESA and the NCCPA.

## 4.4 United States Fish and Wildlife Service

The USFWS is an agency of the United States Department of the Interior authorized by Congress to administer and enforce FESA with respect to terrestrial wildlife, certain fish species, insects and plants, and to enter into agreements with states, local governments, and other entities to conserve threatened, endangered, and other species of concern. The NCCPA and this Planning Agreement require coordination with USFWS with respect to FESA.

# 5. Preliminary Conservation Objectives

The preliminary conservation objectives intended to be achieved through the Plans are to:

- Provide for the protection of species, natural communities, and ecosystems on a landscape level;
- Preserve the diversity of plant and animal communities throughout the Planning Areas;
- Protect threatened, endangered, or other special status plant and animal species, and minimize and mitigate the take or loss of proposed Covered Species;

- Identify and designate biologically sensitive habitat areas;
- Preserve habitat and contribute to the recovery of Covered Species;
- Reduce the need to list additional species;
- Set forth species-specific goals and objectives; and
- Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat.

## 5.1 Conservation Elements

### 5.1.2 Ecosystems, Natural Communities, and Species List

The Plans will employ a strategy that focuses on the conservation of ecosystems, natural communities, and ecological processes in the Planning Areas. In addition, where appropriate, the Plans will employ species-specific measures to minimize and mitigate for negative impacts, and species-specific measures for conservation and management.

Preliminary lists of the endangered, threatened, candidate, or other sensitive species known from, or reasonably expected to be found in, the Planning Areas, and that are intended to be the initial focus of the Plans are provided in Exhibit C for the North County MSCP Plan and Exhibit D for the East County MSCP Plan. The lists identify species that the Parties will evaluate for inclusion in the Plans, and they are not necessarily the final Covered Species lists for the Plans. The Parties acknowledge that inclusion of a particular species as a Covered Species in the Plans will require separate determination by CDFW and USFWS that the Plans adequately provide for conservation of the species in accordance with state and/or federal permit issuance requirements. The natural communities that are mapped for the North County and East County MSCP Plan Study Areas are listed in Exhibits E and F, respectively.

### 5.1.3 Conservation Areas and Viable Habitat Linkages

The Plans will establish conservation areas throughout the Planning Areas and provide linkages, where appropriate, between the conservation areas within the Planning Areas. They will also identify where linkages between the conservation areas and important habitat areas outside the Planning Areas should occur. The conservation areas will include a range of environmental gradients and ecological functions, and will address edge effects and other reserve design principles.

### 5.1.4 Project Design

The Plans will ensure that development projects are appropriately designed to avoid and/or minimize negative on-site and off-site impacts to biological resources and to adequately mitigate for those impacts.

## 6. Preparing the Plans

The Parties intend that this Planning Agreement will fulfill the NCCPA requirements pertaining to planning agreements and will establish a mutually agreeable process for preparing the Plans that fulfills the requirements of the NCCPA and FESA. As described below, the process used to develop the Plans will incorporate independent scientific input and analysis, and include extensive public participation with ample opportunity for comment from the general public and (as solicited by the Local Agency) for advice from key groups.

### 6.1 Best Available Scientific Information

The Plans will be based on the best available scientific information, including, but not limited to:

- Principles of conservation biology, community ecology, landscape ecology, individual species' ecology, and other scientific knowledge and thought;
- Thorough information about all natural communities and proposed Covered Species on lands throughout the Planning Areas; and
- Advice from well-qualified, independent scientists.

### 6.2 Data Collection

The Parties agree that information regarding the subjects briefly described below in Section 6.2.1 is important for preparation of the Plans. The Parties therefore agree that data collection for preparation of the Plans should be prioritized to develop more complete information on these subjects. Preference should be given to collecting data essential to address conservation requirements of natural communities and proposed Covered Species. The independent science advisory process and analysis of existing information may reveal data gaps currently not known that are necessary for the full and accurate preparation of the Plans. Data needed for preparation of the Plans may not be known at this time nor identified herein. Therefore, the Parties anticipate that data collection priorities may be adjusted from time to time during the planning process. All data collected for the preparation and implementation of the Plans will be made available to the Wildlife Agencies in hard and digital formats, as requested.

**6.2.1** The data anticipated to be developed for the North and East County MSCP Plans include the following topic areas.

a. GIS database and baseline data inventory. Data layers will be developed for sensitive species locations, vernal pool locations, natural communities (using a classification system based on Holland 1986), topography, soils, climate zones, land use, ownership, and resource management status. The natural communities mapped in the North County and East County MSCP Plan Study Areas are listed in Exhibits E and F, respectively.

b. Preserve design criteria. The preserve design criteria and conservation goals will include the basic principles and tenets of conservation biology and the coarse filter goals.

c. Habitat modeling and analysis. Habitat modeling and analysis will be used to extrapolate biological data and knowledge in a consistent and comprehensive manner across the Study Areas.

d. Analysis of gaps in protection. The gap analysis will be used primarily to identify, at a coarse scale, areas of potentially high habitat value that are currently not well protected (areas "at risk").

e. Preserve design using MARXAN which is a Reserve Selection Algorithm (RSA) Model. The RSA approach will be used to identify preserve design alternatives and will be used to form the structure of the overall preserve design which may include Pre-Approved Mitigation Areas (PAMA).

f. Preserve design (*e.g.*, identification of PAMA). Identification of the PAMA boundaries will involve converting the biologically based reserve design output of the RSA model into a format that can be understood and implemented.

g. Conservation analysis. The conservation analysis will provide detailed species-specific analyses of the level of conservation and take expected from the implementation of the Plans. The analysis will include the ultimate biological effects from the establishment of the PAMA and from the adherence to the Local Agency's Biological Mitigation Ordinance and other documents associated with the Plans.

### 6.3 Independent Scientific Input

The Local Agency and CDFW intend to include independent scientific input and analysis to assist in the preparation of the Plans. For that purpose, independent scientists representing a broad range of disciplines, including conservation biology and locally-relevant ecological knowledge, will, at a minimum:

- Recommend scientifically sound conservation strategies for species and natural communities proposed to be covered by the Plans;
- Recommend a set of reserve design principles that address the needs of species, landscapes, ecosystems, and ecological processes in the planning areas proposed to be addressed by the Plans;
- Recommend management principles and conservation goals that can be used in developing a framework for the monitoring and adaptive management components of the Plans; and
- Identify data gaps and uncertainties so that risk factors can be evaluated.

The independent scientists may be asked to provide additional feedback on key issues during preparation of the Plans, and may prepare reports regarding specific scientific issues throughout the process, as deemed necessary by the Local Agency and CDFW.

Design and implementation of the science advisory process must be done in a coordinated fashion and with the mutual agreement of the Local Agency and CDFW. The Local Agency and CDFW will establish funding and payment procedures. The independent science advisory process will include the preparation of a detailed scope of work, input from technical experts, and production of a report by the scientists. In addition, the Local Agency and CDFW will make the report available for use by all participants and the public during the planning process.

### 6.4 Public Participation

The Local Agency will prepare the Plans in an open and transparent process with an emphasis on obtaining input from a balanced variety of public and private interests including state, local, and Tribal governments, landowners, conservation organizations, agricultural commissioners, agricultural organizations, and the general public. The planning process will provide for thorough public review and comment, and include representatives from key interest groups who will review the Plans throughout the preparation of the Plans. To assist in the preparation of the Plans, the Local Agency will form a Steering Committee.

#### 6.4.1 Steering Committee

Steering Committee members are expected to come from a diverse group of interests in the County representing the agricultural community, environmental groups, the development community, landowner groups, conservation groups, and public agencies. Throughout the preparation of the North and East County MSCP Plans, the Steering Committee will examine the NCCP Planning/HCP policies, review drafts of parts of the Plans, and serve as a sounding board and assist in the preparation of the Plans. Staff from the Wildlife Agencies will work with the Steering Committee to provide technical expertise and share information for the preparation and implementation of the Plans.

#### 6.4.2 Outreach

The Local Agency, in concert with the Steering Committee, will provide access to information to persons interested in the Plans. The Parties expect and intend that public outreach regarding preparation of the Plans will be conducted largely by and through the Steering Committee meetings. In addition, the Local Agency will continue to hold public meetings to present key decisions regarding the preparation of the Plans to allow the public the opportunity to comment on and inquire about the decisions. Other outreach efforts will include status updates in the County of San Diego Planning &

Development Services' e-Blast, maintenance of the County's MSCP website (www.mscp-sandiego.org), press releases, and related activities.

### 6.4.3 Availability of Public Review Drafts

The Local Agency will designate and make available for public review in a reasonable and timely manner "public review drafts" of pertinent planning documents including, but not limited to, plans, memoranda of understanding, maps, conservation guidelines, and species coverage lists. Such documents will be made available by the Local Agency at least ten working days prior to any public hearing addressing these documents. This obligation will not apply to all documents drafted during preparation of the Plans. However, the Local Agency will periodically designate various pertinent documents drafted during preparation of the Plans as "public review drafts", and will make these documents available to the public. The Parties agree the internet website, www.mscp-sandiego.org, will be one of the principal means of making documents available for public review, as well as more traditional means such as distribution and display of hard copies of such documents.

### 6.4.4 Public Hearings

Public hearings regarding preparation of the Plans will be planned and conducted in a manner that satisfies the requirements of CEQA, NEPA, and any other applicable state or federal laws.

### 6.4.5 Public Review and Comment Period Prior to Adoption

The Local Agency will make the proposed draft Plans and Implementation Agreements available for public review and comment for a minimum of 90 days before adoption. The Local Agency expects to fulfill this obligation by distributing the draft Plans and Implementation Agreements with the draft environmental impact reports prepared for the Plans pursuant to CEQA and/or the draft environmental impact statements prepared for the Plans pursuant to NEPA.

## 6.5 Covered Activities

Covered Activities under the Plans are those activities that may result in authorized take or loss of Covered Species that will be identified and addressed in the Plans. Covered Activities may include: those land uses over which the Local Agency have land use authority; certain agricultural activities over which the Local Agency exercise control for purposes of the Plans; and adaptive habitat management and monitoring activities in the Planning Areas. The Parties intend that the Plans will allow Covered Activities in the Planning Areas to be carried out in compliance with NCCPA, CESA, and FESA.

## 6.6 Interim Project Processing

The Parties recognize that before the Wildlife Agencies approve the Plans, certain projects and activities may be proposed within the Planning Areas. The Parties agree to the guidelines provided in the attached Interim Review Process (Exhibit B) to: (1) ensure that development, construction, annexation of land from the County's jurisdiction into another jurisdiction, and other projects or activities approved or initiated in the Planning Areas before completion of the Plans are consistent with the preliminary conservation objectives (Section 5) and do not compromise successful completion and implementation of the Plans; (2) facilitate CEQA, CESA, and FESA compliance for interim projects subject to these laws; and (3) ensure that processing of interim projects is not unduly delayed during preparation of the Plans.

## 6.7 Protection of Habitat Land During the Planning Process

### 6.7.1 Conservation Lands Acquired/Protected

The Parties may elect to preserve, enhance, or restore, either by acquisition or other means (*e.g.,* conservation easements, designated setbacks), lands in the Planning Areas that contain native species of wildlife or natural communities prior to approval of the Plans. The Local Agency will consult with the Wildlife Agencies regarding potential lands to be protected. The Wildlife Agencies agree, as appropriate, to credit such lands, using March 22, 2000 (the day the Board of Supervisors approved and authorized the Clerk of the Board to execute an agreement for planning consulting services required to prepare the North County MSCP Plan) as the date such crediting will commence toward the potential land acquisition or habitat protection requirements of the Plans, provided that the lands are permanently conserved and managed and contribute to the conservation strategy for the North and East County Plans.

### 6.7.2 Mitigation Lands

Lands, or portions of lands, acquired or otherwise protected solely to mitigate the impacts of specific projects, actions, or activities approved prior to approval by the Wildlife Agencies of the Plans will be considered as mitigation only for those projects, actions, or activities. Such lands will be considered during the Plans' analysis, but will not count toward future mitigation obligations of the Plans.

### 6.7.3 Annexation of Lands

In the event land within the County's jurisdiction is proposed to be annexed to another jurisdiction, the County shall request that LAFCO impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the County, the annexing jurisdiction, USFWS and CDFW as part of the annexation process to ensure that annexation would only occur when the annexation will not jeopardize the buildout of the preserve or the coverage of species within either of the Planning Areas, or compromise viable habitat linkages within the proposed preserve, and that any

development of the annexed lands proceeds in accordance with the Planning Goals set out in section 3 of this Agreement and the Preliminary Conservation Goals set out in section 5 of this Agreement. The agreement shall also set forth the resulting responsibilities for ongoing maintenance and enforcement of the terms of this Agreement as they relate to the annexed land. Issuance of Take Authorizations to the annexing jurisdiction or amendment of the annexing jurisdiction's Take Authorizations, if any are already in place, may be required in order to authorize Take on the annexed land.

### 6.8 Implementation Agreement

The NCCPA requires that any NCCP Plan approved by CDFW include an Implementation Agreement that contains provisions for:

- conditions of species coverage;
- measures to ensure the long-term protection of habitat reserves and/or other conservation measures;
- implementation of mitigation and conservation measures;
- terms for suspension or revocation of the take permit;
- procedures to amend the Plan and Implementation Agreement;
- implementation of monitoring and adaptive management;
- oversight of Plan effectiveness and funding;
- periodic reporting; and
- annexation of lands.

While the Plans are being developed, the Parties will negotiate draft Implementation Agreements that will satisfy the requirements of the NCCPA and FESA and include specific provisions and procedures for the implementation, monitoring, and funding of the Plans. Drafts of the Implementation Agreements will be made available for public review and comment with the final public review draft of the Plans.

## 7. Commitment of Resources

### 7.1 Funding

The Parties agree that they will work together to bring available funding to the planning effort.

#### 7.1.1 Local Funding

The Local Agency recognizes that, as prospective applicants for state and federal permits, they have the primary responsibility for developing plans that meets applicable legal requirements and that, as a result, the preparation and implementation of the Plans must be funded primarily from locally assured sources.

#### 7.1.2 CDFW Assistance with Funding and CDFW Costs

CDFW agrees to cooperate with the other Parties in identifying and securing, where appropriate and available, federal and state funds earmarked for natural community conservation planning. The Parties agree that the Local Agency shall not provide reimbursement to CDFW for its participation in the planning phase of the Plans as provided in Fish and Game Code, Section 2810, except as provided in Section 8.7 of this Planning Agreement. CDFW's commitments and obligations under this Planning Agreement are subject to the availability of appropriated funds and the written commitment of funds by an authorized CDFW representative.

#### 7.1.3 USFWS Assistance with Funding

The USFWS agrees to cooperate with the other Parties in identifying and securing, where appropriate, federal and state funds earmarked for habitat conservation planning purposes. Potential federal funding sources may include: the USFWS' Cooperative Endangered Species Conservation Fund; Land and Water Conservation Fund; and land acquisition grants or loans through other federal agencies such as the Environmental Protection Agency, the Army Corps of Engineers, or the Departments of Agriculture or Transportation. The commitments of the USFWS under this Planning Agreement are subject to the requirements of the federal Anti-Deficiency Act (31 U.S.C. section 1341) and the availability of appropriated funds. The Parties acknowledge that this Planning Agreement does not require any federal agency to expend its appropriated funds unless and until an authorized officer of that agency provides for such expenditures in writing.

### 7.2 Expertise of Wildlife Agencies

Subject to funding and staffing constraints, the Wildlife Agencies agree to provide technical and scientific information, analyses, and advice to assist the Local Agency with the timely and efficient preparation of the Plans.

## 8. Miscellaneous Provisions

### 8.1 Public Officials Not to Benefit

No member of or delegate to Congress will be entitled to any share or part of this Planning Agreement, or to any benefit that may arise from it.

### 8.2 Statutory Authority

The Parties will not construe this Planning Agreement to require any Party to act beyond or in a manner inconsistent with its statutory authority.

### 8.3 Multiple Originals

This Planning Agreement may be executed by the Parties in multiple originals, each of which will be deemed to be an official original copy.

### 8.4 Effective Date

The Effective Date is the date by which all of the Parties to the Planning Agreement have signed it.

### 8.5 Duration

This Planning Agreement will be in effect until the Plans are approved and permitted by the Wildlife Agencies, but shall not be in effect beyond January 31, 2020, unless extended by amendment. This Planning Agreement may be terminated pursuant to section 8.7 below.

### 8.6 Amendments

This Planning Agreement can be amended only by written agreement of all Parties.

### 8.7 Termination and Withdrawal

Subject to the requirement in Section 8.7.1 of the Planning Agreement, any party may withdraw from this Planning Agreement upon 30 days' written notice to the other Parties. The Planning Agreement will remain in effect as to all non-withdrawing Parties unless the remaining Parties determine that the withdrawal requires termination of the Planning Agreement. This Planning Agreement can be terminated only by written agreement of all Parties.

#### 8.7.1 Funding

In the event that federal or state funds have been provided to assist with Plan preparation or implementation, any Party withdrawing from this Planning Agreement shall return to the granting agency unspent funds awarded to that Party prior to withdrawal. A withdrawing Party shall also provide the remaining Parties with a complete accounting of the use of any federal or state funds it received regardless of whether unspent funds remain at the time of withdrawal. In the event of termination of this Planning Agreement, all Parties who received funds shall return any unspent funds to the grantor prior to termination.

## 9. SIGNATURE

Dated: _____, 2019 COUNTY OF SAN DIEGO

By: _____
Sarah Aghassi, Deputy Chief Administrative Officer

Dated: _____, 2019 UNITED STATE FISH AND WILDLIFE SERVICE

By: _____
Scott A. Sobiech, Acting Field Supervisor, Carlsbad Field Office

Dated: _____, 2019 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By: _____
Chad Dibble, Deputy Director

**EXHIBIT A**
**County of San Diego Multiple Species Conservation Program Planning Area Boundaries**

**EXHIBIT B**
**Interim Review Process**

## PURPOSE

The purpose of the Interim Review Process is to ensure that discretionary development/construction projects ("Interim Projects") approved or initiated in the North or East County MSCP Planning Areas prior to the adoption of the Plans do not compromise the successful implementation of the Plans. The Interim Review Process can also facilitate CESA and FESA compliance for Interim Projects when required, as well as ensure that interim projects are not delayed solely due to preparation of the North and East County MSCP Plans.

The Interim Review Process also ensures early review and consideration of proposed discretionary projects and annexations by the Wildlife Agencies. With respect to discretionary projects and annexations which may have the potential to preclude long-term preservation planning or impact the viability of biological resources, the Wildlife Agencies commit to meet with the County and/or project proponent at the earliest feasible point in the CEQA or NEPA process to review such projects. Early identification of potential impacts will assist in the preparation of environmental documents for the project and provide the opportunity to identify potential project alternatives and mitigation measures for consideration in compliance with Public Resources §21080.3(a).

The Interim Review Process is intended to streamline the review of Interim Projects, and is not intended to create an additional layer of project review nor to grant any additional authority to the Wildlife Agencies. The final decision of whether to approve, modify, or deny a project remains in the hands of the lead agency pursuant to existing laws.

## DEFINITION OF INTERIM PROJECTS

Interim Projects may include proposed development or construction projects, whether conducted by the County or requiring permits from the County, which are located in the North or East County MSCP Planning Areas and are considered discretionary as defined by CEQA Guidelines Article 20, §15357. Interim projects also include annexations of County jurisdictional lands from one of the Planning Areas into other jurisdictions. Interim Projects shall be reported to the Wildlife Agencies if they meet all of the following criteria:

- The proposed project is located in either the North or East County MSCP Planning Areas; and

- A determination has been made by the County that the proposed project is not exempt from CEQA; and

- The project has the potential to adversely impact proposed Covered Species and natural communities within the Planning Areas; and

- The project represents one or more of the following actions or is subject to one or more of the following discretionary permits:
  - Administrative Permits;
  - County-initiated discretionary projects;
  - Grading Permits;
  - Major Use Permits;
  - Major Use Permit Modifications (Review shall exclude areas unaffected by the proposed Modifications);
  - Rezones;
  - Site Plans;
  - Tentative Parcel Maps;
  - Tentative Maps;
  - Revised Tentative Parcel Maps and Revised Tentative Maps (review shall exclude areas unaffected by the proposed revisions);
  - Expired Tentative Parcel Maps and Expired Tentative Maps;
  - Vacations of Open Space Easements; and
  - Annexations

**NOTIFICATION PROCESS**

The County shall notify the Wildlife Agencies of Interim Projects meeting the criteria described above as soon as possible after the County has reviewed the project application and determined it to be complete pursuant to Section 65943 of the Government Code, or has been notified about a proposed annexation. The following information shall be provided electronically via e-mail:

- Project Description;
- Project Location;
- Aerial Photo;
- Vegetation Map per the County's GIS data; and
- List of potential sensitive species that may be found on-site

The Wildlife Agencies shall each identify a lead person for project review and meeting attendance. The notification process for Interim Projects shall end upon completion of the North and East County MSCP Plans or upon termination of the Planning Agreement.

**COORDINATION ON INTERIM PROJECTS**

Representatives from the County shall meet on an as needed basis with the Wildlife Agencies to discuss Interim Projects and coordination of Interim Projects during the preparation of the North and East County MSCP Plans. For purposes of CEQA, the project review meeting and any related activities (site visits, follow-up correspondence, *etc*.) shall constitute a consultation pursuant to Public Resources §21080.3(a). If possible at the meeting, but otherwise in not more than 30 days following the meeting, the Wildlife Agencies shall provide input to the lead agency (County of San Diego) as to whether either agency believes the project may potentially conflict with the conservation objectives of the Planning Agreement.

The Wildlife Agencies shall also indicate specific issues which either believes should be addressed, suggest any studies they believe may be necessary to assess project

impacts to specific biological resources, and propose any mitigation measures or project alternatives that would help achieve the preliminary conservation objectives.

It is recognized that the compliance with the Interim Review Process neither confers any authority not granted by existing planning and environmental laws, nor negates any authority so granted. The Interim Project Review is intended only to facilitate cooperation among the County, the Wildlife Agencies, and the project applicants to ensure timely review of projects which have the potential to preclude long-term preservation planning and to facilitate the resolution of issues which might affect the successful preparation of the North and East County MSCP Plans.

**PROCEDURES**

1. Meetings will be scheduled on an as-needed basis and will be held in conjunction with existing Habitat Loss Permit Batching Meetings. Please refer to Section 9 of the Protocols for Projects Requiring Habitat Loss Permits (http://www.sdcounty.ca.gov/pds/docs/HLPProtocols.pdf) Meeting protocols that differ between the Interim Review Process and the Batching Meetings include:

    - Meeting attendees for Interim Review Process projects will include County and Wildlife Agency staff only.

    - The County will send the Wildlife Agencies information listed above under "Notification Process."

2. At the review meeting, the County and Wildlife Agencies will have the opportunity to discuss the project, answer questions, *etc*.

    Where a project will affect Coastal Sage Scrub (CSS), County staff will provide information on how the project follows the NCCP Act of 2003, which supersedes the Coastal Sage Scrub NCCP Process Guidelines of November 1993. Additionally, the NCCP/4(d) findings shall be applied to the project and a draft Habitat Loss Permit shall be prepared and included as a part of the CEQA public review process.

    Where a project will not affect CSS but will negatively affect (a) biological resources in areas mapped as "high value" and "very high value" based on the County's habitat evaluation models that utilize the best available information at the time, (b) areas mapped as "moderate" or "low" value that may be important for preserve assembly, and/or (c) proposed Covered Species or their habitat based on current biological surveys, the NCCP/4(d) findings shall be considered and preserve design principles shall be applied to the project including the following.

    - On-site open space should provide a long-term biological benefit.
    - On-site open space must protect habitat of equal or greater value as that being impacted.

- No isolated pockets of open space should be used for mitigation credit.
- Separate lots should be used whenever possible for on-site open space to help protect the biological value of the preserved areas.
- On-site open space shall contribute to regional conservation efforts.
- Open space design, to the extent known, should not reduce the biological diversity found on the site.
- Open space design shall maintain habitat connectivity between areas of high quality habitat.
- The most sensitive resources shall be protected to maximize long-term viability.
- Edge effects and habitat fragmentation shall be minimized by maximizing the surface area to perimeter ratio, preserving large blocks of contiguous open space. Edge effects shall be further minimized by establishing buffers, providing fencing and/or permanent signs, and limiting trails and/or lighting.

County staff will provide discussion during the review meeting on the proposed preserve design principles, and will include discussion in the CEQA document.

3. At the review meeting if possible, otherwise in not more than 30 days after the review meeting, the Wildlife Agencies representatives shall provide the following information to the County and project applicant:

    - List of concerns related to negative impacts on the biological resources which the Wildlife Agencies believe could occur from the project as proposed, and the agency's assessment as to whether those impacts have the potential to conflict with the preliminary conservation objectives in the Planning Agreement;

    - List of any additional studies on specific species which the Wildlife Agencies believe are necessary;

    - List of any project alternatives, mitigation measures, or studies which the Wildlife Agencies believe should be considered in the environmental review process; and

    - Guidance on anticipated Wildlife Agency permits required for the project including permit requirements and processing guidance.

The Wildlife Agencies will retain the right to provide further comments during the formal public comment period or may choose to entirely waive their comments during the Interim Review Process and reserve them for the public comment period.

**EXHIBIT C**
**Draft Species List for the MSCP North County Plan**

| SCIENTIFIC NAME | COMMON NAME | STATUS FED/CA/CNPS |
|---|---|---|
| AMPHIBIANS & REPTILES (NC Plan) | | |
| 1. *Anaxyrus californicus (Bufo microscaphus c.)* | Arroyo toad | FE/CSC |
| 2. *Taricha torosa torosa* | California newt | -/CSC |
| 3. *Scaphiopus hammondii* | Western spadefoot toad | -/CSC |
| 4. *Actinemys marmorata* | Western pond turtle | -/CSC |
| 5. *Cnemidophorus hyperythrus beldingi* | Orange-throated whiptail | -/CSC |
| 6. *Crotalus ruber ruber* | Northern red diamond rattlesnake | -/CSC |
| 7. *Phrynosoma coronatum blainvillei* | San Diego horned lizard | -/CSC |
| BIRDS (NC Plan) | | |
| 8. *Accipiter cooperii* | Cooper's hawk | -/CSC |
| 9. *Agelaius tricolor* | Tricolored blackbird | -/CSC |
| 10. *Aimophila ruficeps canescens* | Rufous-crowned sparrow | -/CSC |
| 11. *Ammodramus savannarum perpallidus* | Grasshopper sparrow | -/- |
| 12. *Amphispiza belli belli* | Bell's sage sparrow | -/CSC |
| 13. *Aquila chrysaetos* | Golden eagle | - -/CSC-CFP |
| 14. *Athene cunicularia* | Burrowing owl | -/CSC |
| 15. *Campylorhynchus brunneicapillus sandiegensis* | Cactus wren | -/CSC |
| 16. *Circus cyaneus hudsonius* | Northern harrier | -/CSC |
| 17. *Empidonax traillii extimus* | Southwestern willow flycatcher | FE/-- |
| 18. *Icteria virens auricollis* | Yellow-breasted chat | -/CSC |
| 19. *Pandion haliaetus* | Osprey | -/CSC |
| 20. *Plegadis chihi* | White-faced ibis | -/CSC |
| 21. *Polioptila californica californica* | Coastal California gnatcatcher | FT/CSC |
| 22. *Rallus obsoletus levipes* | Light-footed Ridgway's Rail | FE/CE-CFP |
| 23. *Vireo bellii pusillus* | Least Bell's vireo | FE/CE |
| INVERTEBRATES (NC Plan) | | |
| 24. *Branchinecta sandIegonensis* | San Diego fairy shrimp | FE/- |
| 25. *Streptocephalus wootoni* | Riverside fairy shrimp | FE/- |
| 26. *Euphydryas editha quino* | Quino checkerspot butterfly | FE/- |
| 27. *Euphyes vestris harbisoni* | Harbison's dun skipper | -/- |
| 28. *Lycaena hermes* | Hermes copper | FC/- |
| MAMMALS (NC Plan) | | |
| 29. *Corynorhinus townsendii pallescens* | Townsend's western big-eared bat | -/CSC |
| 30. *Antrozous pallidus* | Pallid bat | -/CSC |
| 31. *Dipodomys stephensi* | Stephens' kangaroo rat | FE/CT |
| 32. *Puma concolor* | Mountain lion | -/Specially protected |
| 33. *Lepus californicus bennettii* | San Diego black-tailed jackrabbit | -/CSC |
| 34. *Taxidea taxus* | American badger | -/CSC |

| PLANTS (NC Plan) | | |
|---|---|---|
| 35. *Acanthomintha ilicifolia* | San Diego thornmint | FT/CE/1B |
| 36. *Adolphia californica* | San Diego adolphia | -/-/2 |
| 37. *Ambrosia pumila* | San Diego ambrosia | FE/-/1B |
| 38. *Arctostaphylos glandulosa* ssp. *crassifolia* | Del Mar manzanita | FE/-/1B |
| 39. *Arctostaphylos rainbowensis* | Rainbow manzanita | -/-/1B |
| 40. *Atriplex coulteri* | Coulter's saltbush | -/-/1B |
| 41. *Atriplex parishii* | Parish's saltbush | -/-/1B |
| 42. *Baccharis vanessae* | Encinitas baccharis | FT/CE/1B |
| 43. *Brodiaea filifolia* | Thread-leaved brodiaea | FT/CE/1B |
| 44. *Brodiaea orcuttii* | Orcutt's brodiaea | -/-/1B |
| 45. *Ceanothus verrucosus* | Wart-stemmed ceanothus | -/-/2 |
| 46. *Chorizanthe orcuttiana* | Orcutt's spineflower | FE/CE/1B |
| 47. *Comarostaphylis diversifolia* ssp. *diversifolia* | Summer holly | -/-/1B |
| 48. *Dudleya blochmaniae* ssp. *brevifolia* | Short-leaved dudleya | -/CE/1B |
| 49. *Dudleya viscida* | Sticky dudleya | -/-/1B |
| 50. *Eryngium aristulatum* var. *parishii* | San Diego button-celery | FE/CE/1B |
| 51. *Ferocactus viridescens* | Coast (San Diego) barrel cactus | -/-/2 |
| 52. *Centromadia parryi* ssp. *australis* | Southern tarplant | -/-/1B |
| 53. *Bloomeria clevelandii (Muilla c.)* | San Diego goldenstar | -/-/1B |
| 54. *Monardella hypoleuca* ssp. *lanata* | Felt-leaf monardella | -/-/A/1B |
| 55. *Myosurus minimus* var. *apus* | Little mousetail | -/-/3 |
| 56. *Navarretia fossalis* | Spreading navarretia | FT/-/1B |
| 57. *Nolina cismontana* | Chaparral beargrass | -/-/-/- County List A |
| 58. *Quercus dumosa* | Nuttall's scrub oak | -/-/1B |
| 59. *Quercus engelmannii* | Engelmann oak | -/-/4 |
| 60. *Satureja chandleri* | San Miguel savory | -/-/4 |
| 61. *Senecio ganderi* | Gander's butterweed | -/SR/1B |
| 62. *Tetracoccus dioicus* | Parry's tetracoccus | -/-/1B |
| **Total Species** | **62** | |

[1] **Status:**
CE State (California) Endangered
CR State Rare
CT State Threatened
CFP State Fully Protected Species
CSC State Species of Special Concern
FE Federally Endangered
FT Federally Threatened
FC Federal Candidate for Listing
CNPS List
1B Plants considered rare, threatened, or endangered in California and elsewhere.
2 Plants considered rare, threatened, or endangered in CA, but more common elsewhere.
3 Plants which need more information.
4 Plants of limited distribution – a watch list.

**EXHIBIT D**
**Draft Species List for the MSCP East County Plan**

| SCIENTIFIC NAME | COMMON NAME | STATUS FED/CA/CNPS |
|---|---|---|
| AMPHIBIANS AND REPTILES (EC Plan) | | |
| 1. *Anniella pulchra* | California legless lizard | - -/CSC |
| 2. *Batrachoseps aridus* | Desert slender salamander | FE/CE |
| 3. *Anaxyrus californicus (Bufo microscaphus c.)* | Arroyo toad | FE/CSC |
| 4. *Bufo punctatus* | Red spotted toad | - -/- - |
| 5. *Actinemys marmorata* | Western pond turtle | - -/CSC |
| 6. *Cnemidophorus hyperythrus* | Orange-throated whiptail | - -/CSC |
| 7. *Coleonyx switaki* | Switak's banded gecko | - - / CT |
| 8. *Crotalus ruber ruber* | Northern red diamond rattlesnake | - -/CSC |
| 9. *Ensatina eschscholtzii klauberi* | Large-blotched salamander | - -/CSC |
| 10. *Eumeces skiltonianus interparietalis* | Coronado skink | - -/CSC |
| 11. *Gambelia copeii* | Cope's leopard lizard | - -/- - |
| 12. *Lampropeltis zonata pulchra* | San Diego mountain kingsnake | - -/CSC |
| 13. *Phrynosoma coronatum* | Coast horned lizard | --/CSC |
| 14. *Phrynosoma mcallii* | Flat tailed horned lizard | - -/CSC |
| 15. *Rana aurora draytoni* | California red-legged frog | FT/CSC |
| 16. *Rana muscosa* | Mountain yellow-legged frog | FE / CSC |
| 17. *Salvadora hexalepis virgultea* | Coast patch-nosed snake | - -/CSC |
| 18. *Sauromalus ater* | Common chuckwalla | - -/- - |
| 19. *Spea hammondii* | Western spadefoot | - -/CSC |
| 20. *Taricha torosa* | California newt | - -/CSC |
| 21. *Thamnophis hammondii* | Two striped garter snake | - -/CSC |
| 22. *Uma notata* | Sonoran desert fringe-toed lizard | - -/CSC |
| BIRDS (EC Plan) | | |
| 23. *Agelaius tricolor* | Tricolored blackbird | - -/CSC |
| 24. *Aimophila ruficeps canescens* | Rufous-crowned sparrow | - -/CSC |
| 25. *Ammodramus savannarum perpallidus* | Grasshopper sparrow | - -/- - |
| 26. *Amphispiza belli belli* | Bell's sage sparrow | - -/CSC |
| 27. *Aquila chrysaetos* | Golden eagle | - -/CSC-CFP |
| 28. *Asio otus wilsonianus* | Long-eared owl | - -/CSC |
| 29. *Athene cunicularia* | Burrowing owl | - -/CSC |
| 30. *Buteo regalis* | Ferruginous hawk | - -/CSC |
| 31. *Buteo swainsoni* | Swainson's hawk | - -/ST |
| 32. *Campylorhynchus brunneicapillus sandiegensis* | San Diego cactus wren (Coastal populations of cactus wren) | - -/ CSC |
| 33. *Cathartes aura meridionalis* | Turkey vulture | - -/- - |
| 34. *Circus cyaneus hudsonius* | Northern harrier | - -/CSC |
| 35. *Coccyzus americanus* | Yellow-billed cuckoo | FP -/- - |
| 36. *Dendroica petechia* | Yellow warbler | - -/CSC |

| | | | |
|---|---|---|---|
| 37. | *Elanus leucurus majusculus* | White-tailed kite | - -/CFP |
| 38. | *Empidonax traillii extimus* | Southwestern willow flycatcher | FE/- - |

| BIRDS Cont. (EC Plan) | | | |
|---|---|---|---|
| 39. | *Eremophila alpestris actia* | California horned lark | - -/CSC |
| 40. | *Ixobrychus exilis hesperis* | Least bittern | - -/- - |
| 41. | *Lanius ludovicianus* | Loggerhead shrike | - -/CSC |
| 42. | *Myiarchus tyrannulus* | Brown-crested flycatcher | - -/- - |
| 43. | *Piranga rubra* | Summer tanager | - -/- - |
| 44. | *Polioptila californica californica* | Coastal California gnatcatcher | FT/CSC |
| 45. | *Progne subis subis* | Purple martin | - -/CSC |
| 46. | *Pyrocephalus rubinus flammeus* | Vermilion flycatcher | - -/CSC |
| 47. | *Strix occidentalis occidentalis* | California spotted owl | - -/CSC |
| 48. | *Toxostoma crissale coloradense* | Crissal thrasher | - -/CSC |
| 49. | *Toxostoma lecontei lecontei* | Leconte's thrasher | - -/CSC |
| 50. | *Vermivora luciae* | Lucy's warbler | - -/- - |
| 51. | *Vireo bellii pusillus* | Least Bell's vireo | FE/CE |
| 52. | *Vireo vicinior* | Gray vireo | - -/CSC |
| 53. | *Xanthocephalus xanthocephalus* | Yellow-headed blackbird | - -/- - |
| INVERTEBRATES (EC Plan) | | | |
| 54. | *Ariolimax columbianus stramineus* | Palomar banana slug | - -/- - |
| 55. | *Euphydryas editha quino* | Quino checkerspot butterfly | FE/- - |
| 56. | *Euphyes vestris harbisoni* | Harbison’s dun skipper | - -/- - |
| 57. | *Helminthoglypta traski coelata* | Peninsular Range shoulderband snail | - -/- - |
| 58. | *Lycaena hermes* | Hermes copper | FC/- - |
| 59. | *Pseudocopaeodes eunus eunus* | Alkali skipper | - -/- - |
| 60. | *Pyrgus ruralis lagunae* | Laguna mountain skipper | FE/- - |
| MAMMALS (EC Plan) | | | |
| 61. | *Antrozous pallidus* | Pallid bat | - -/CSC |
| 62. | *Bassariscus astutus* | Ringtail | - -/CFP |
| 63. | *Dipodomys merriami collinus* | Aguanga kangaroo rat | - -/- - |
| 64. | *Dipodomys merriami trinidadensis* | Merriam's kangaroo rat | - -/- - |
| 65. | *Dipodomys stephensi* | Stephens’ kangaroo rat | FE/CE |
| 66. | *Lepus californicus bennettii* | San Diego black-tailed jackrabbit | - -/CSC |
| 67. | *Onychomys torridus ramona* | Southern grasshopper mouse | - -/CSC |
| 68. | *Ovis canadensis* | Peninsular bighorn sheep | FE/CT-CFP |
| 69. | *Perognathus longimembris bangsi* | Palm Springs pocket mouse | - -/CSC |
| 70. | *Perognathus longimembris brevinasus* | Los Angeles little pocket mouse | - -/CSC |
| 71. | *Perognathus longimembris internationalis* | Jacumba little pocket mouse | - -/CSC |
| 72. | *Plecotus townsendii pallescens* | Townsend's big-eared bat | - -/CSC |
| 73. | *Spermophilus tereticaudus chlorus* | Palm Springs round-tailed ground squirrel | /CSC |
| 74. | *Taxidea taxus* | American badger | - -/CSC |

| PLANTS (EC Plan) | | | |
|---|---|---|---|
| 75. | *Acanthomintha ilicifolia* | San Diego thornmint | FT/CE |
| 76. | *Arctostaphylos otayensis* | Otay manzanita | - -/- - |
| 77. | *Astragalus crotalariae* | Salton milkvetch | - -/- - |
| 78. | *Astragalus deanei* | Deane's milkvetch | - -/- - |
| 79. | *Astragalus douglasii* var. *perstrictus* | Jacumba milkvetch | - -/- - |
| 80. | *Astragalus insularis* var. *harwoodii* | Harwood's rattleweed/milkvetch | - -/- - |
| 81. | *Astragalus lentiginosus* var. *borreganus* | Borrego milkvetch | - -/- - |
| 82. | *Astragalus oocarpus* | San Diego milkvetch | - -/- - |
| 83. | *Berberis higginsiae* | Fremont barberry | - -/- - |
| 84. | *Boechera hirshbergiae* | Hirshberg's rockcress | - -/- - |
| 85. | *Brodiaea orcuttii* | Orcutt's brodiaea | - -/- - |
| 86. | *Bursera microphylla* | Small-leaf elephant tree | - -/- - |
| 87. | *Calliandra eriophylla* | Pink fairyduster | - -/- - |
| 88. | *Calochortus dunnii* | Dunn's mariposa lily | - -/CR |
| 89. | *Carex obispoensis* | San Luis Obispo sedge | - -/- - |
| 90. | *Carlowrightia arizonica* | Arizona carlowrightia | - -/- - |
| 91. | *Caulanthus simulans* | Payson's caulanthus | - -/- - |
| 92. | *Ceanothus cyaneus* | Lakeside-lilac | - -/- - |
| 93. | *Chaenactis parishii* | Parish's pincushion | - -/- - |
| 94. | *Chamaebatia australis* | Southern mountain misery | - -/- - |
| 95. | *Chorizanthe polygonoides* var. *longispina* | Knotweed spineflower | - -/- - |
| 96. | *Clarkia delicata* | Delicate/Campo clarkia | - -/- - |
| 97. | *Cryptantha costata* | Ribbed/Ashen cryptantha | - -/- - |
| 98. | *Cryptantha ganderi* | Gander's cryptantha | - -/- - |
| 99. | *Hesperocyparis forbesii* | Tecate cypress | - -/- - |
| 100. | *Cupressus stephensonii* | Cuyamaca cypress | - -/- - |
| 101. | *Cylindropuntia wolfii* | Wolf's cholla | - -/- - |
| 102. | *Cylindropuntia x fosbergii* | Mason Valley cholla | - -/- - |
| 103. | *Deinandra floribunda* | Tecate tarplant | - -/- - |
| 104. | *Deinandra mohavensis* | Mohave tarplant | - - /CE |
| 105. | *Delphinium hesperium* ssp. *cuyamacae* | Cuyamaca larkspur | - -/CR |
| 106. | *Dieteria asteroides* var. *lagunensis* | Laguna Mountain aster | - -/CR |
| 107. | *Downingia concolor* var. *brevior* | Cuyamaca Lake downingia | - -/CE |
| 108. | *Ericameria cuneata* var. *macrocephala* | Laguna Mountain goldenbush | - -/- - |
| 109. | *Ericameria palmeri* var. *palmeri* | Palmer's goldenbush | - -/- - |
| 110. | *Eriogonum evanidum* | Vanishing wild buckwheat | - -/- - |
| 111. | *Galium angustifolium* ssp. *Borregoense* | Borrego bedstraw | - -/CR |
| 112. | *Galium californicum* ssp. *flaccidum* | California flaccidus | - -/- - |
| 113. | *Geraea viscida* | Sticky geraea | - -/- - |
| 114. | *Grindelia hallii* | Hall's gum plant | - -/- - |

| PLANTS Cont. (EC Plan) | | | |
|---|---|---|---|
| 115. | *Harpagonella palmeri* | Palmer's grappling-hook | - -/- - |
| 116. | *Herissantia crispa* | Curly abutilon | - -/- - |
| 117. | *Heuchera brevistaminea* | Mt. Laguna alumroot | - -/- - |
| 118. | *Holocarpha virgata* ssp. *elongata* | Graceful tarplant | - -/- - |
| 119. | *Horkelia truncata* | Ramona horkelia | - -/- - |
| 120. | *Hulsea californica* | San Diego hulsea | - -/- - |
| 121. | *Hulsea mexicana* | Mexican hulsea | - -/- - |
| 122. | *Hulsea vestita* ssp. *callicarpha* | Beautiful hulsea | - -/- - |
| 123. | *Lathyrus splendens* | Pride-of-California | - -/- - |
| 124. | *Lepidium flavum* var. *felipense* | Borrego Valley peppergrass | - -/- - |
| 125. | *Lessingia glandulifera* var. *tomentosa* | Ranchita lessingia | - -/- - |
| 126. | *Lewisia brachycalyx* | Southwestern bitter-root | - -/- - |
| 127. | *Lilium humboldtii* ssp. *ocellatum* | Ocellated Humboldt lily | - -/- - |
| 128. | *Lilium parryi* | Lemon lily | - -/- - |
| 129. | *Limnanthes gracilis* ssp. *parishii* | Parish's meadowfoam | - -/CE |
| 130. | *Linanthus bellus* | Desert beauty | - -/- - |
| 131. | *Linanthus orcuttii* | Orcutt's linanthus | - -/- - |
| 132. | *Lotus haydonii* | Haydon's lotus | - -/- - |
| 133. | *Lupinus excubitus* var. *medius* | Mtn. Springs bush lupine | - -/- - |
| 134. | *Lycium parishii* | Parish's desert thorn | - -/- - |
| 135. | *Malacothamnus aboriginum* | Indian valley bushmallow | - -/- - |
| 136. | *Mimulus aurantiacus* var. *aridus* | Jacumba monkey flower | - -/- - |
| 137. | *Mimulus clevelandii* | Cleveland's bush monkey flower | - -/- - |
| 138. | *Mimulus palmeri* | Palomar monkey flower | - -/- - |
| 139. | *Monardella hypoleuca* spp. *lanata* | Felt-leaf monadella | - -/- - |
| 140. | *Monardella nana* ssp. *leptosiphon* | San Felipe monardella | - -/- - |
| 141. | *Navarretia peninsularis* | Peninsular navarretia | - -/- - |
| 142. | *Nolina cismontana* | Chaparral beargrass | - -/- - |
| 143. | *Packera ganderi* | Gander's/San Diego butterweed | - -/- - |
| 144. | *Pentagramma triangularis* ssp. *nov.* | Pentagramma triangularis ssp. nov. | - -/- - |
| 145. | *Phacelia nashiana* | Charlotte's phacelia | - -/- - |
| 146. | *Pholistoma auritum* var. *arizonicum* | Arizona fiesta flower | - -/- - |
| 147. | *Piperia cooperi* | Rein orchid | - -/- - |
| 148. | *Piperia leptopetala* | Narrow-petaled rein orchid | - -/- - |
| 149. | *Poa atropurpurea* | San Bernardino bluegrass | FE/- - |
| 150. | *Quercus engelmannii* | Engelmann oak | - -/- - |
| 151. | *Ribes canthariforme* | Moreno currant | - -/- - |
| 152. | *Rubus glaucifolius* | Cuyamaca raspberry | - -/- - |
| 153. | *Rupertia rigida* | Parish's psoralea | - -/- - |
| 154. | *Sibaropsis hammittii* | Hammitt's claycress | - -/- - |

| PLANTS Cont. (EC MSCP Plan) | | | |
|---|---|---|---|
| 155. | *Thermopsis macrophylla* ssp. *semota* | Velvety false-lupine | - -/- - |
| 156. | *Xanthisma junceum* | Rush-like bristleweed | - -/- - |
| 157. | *Xylorhiza orcuttii* | Orcutt's woolly aster | - -/- - |
| **Total Species** | | **157** | |

**[1] Status:**
CE State (California) Endangered
CR State Rare
CT State Threatened
CFP State Fully Protected Species
CSC State Species of Special Concern
FE Federally Endangered
FT Federally Threatened
FC Federal Candidate for Listing
FP Federally Proposed for Listing
CNPS List
1B Plants considered rare, threatened, or endangered in California and elsewhere.
2 Plants considered rare, threatened, or endangered in CA, but more common elsewhere.
3 Plants which need more information.
4 Plants of limited distribution – a watch list.

**EXHIBIT E**
**Natural Communities and Acreages within the North County MSCP Plan Study Area**

| Natural Communities | Total Acres within Study Area |
|---|---|
| Agricultural Lands | 83,692 |
| Chaparral | 85,549 |
| Coastal Dunes and Beaches | 9 |
| Coastal Sage Scrub | 31,165 |
| Coastal Sage Scrub/Chaparral | 5,247 |
| Developed/Disturbed Land/Eucalyptus | 47,560 |
| Grassland | 22,873 |
| Meadow and Marsh | 869 |
| Montane Coniferous Forest | 1,981 |
| Open Water | 1,163 |
| Riparian Scrub/Woodland/Forest | 8,739 |
| Southern Maritime Chaparral | 492 |
| Woodlands | 21,485 |
| **Study Area Totals:** | **310,822** |

*Data source: County wide vegetation layer, created in 1995 through remote sensing, updated in 2005 based on 2004 aerial photos, and maintained on a project by project basis as changes occur.*

*Note: The Study Area refers to all lands within the project boundary of the North County MSCP Plan Study Area (i.e., private land and public lands) with the exception of Tribal lands. The Planning Area refers to the unincorporated land over which the County of San Diego has land use jurisdiction (i.e., private parcels and County-owned land).*

**EXHIBIT F**
**Natural Communities and Acreages within the East County MSCP Plan Study Area**

| Natural Communities | Total Acres within Study Area |
|---|---|
| Agricultural Land | 24,073 |
| Chaparral | 672,096 |
| Coastal Sage Scrub/Chaparral | 17,723 |
| Desert Dunes | 888 |
| Desert Scrubs | 460,883 |
| Desert Woodland | 166 |
| Developed/Disturbed Land/Eucalyptus | 26,170 |
| Grassland | 48,421 |
| Meadow and Marsh | 13,332 |
| Mixed Oak/Coniferous Forest | 31,346 |
| Montane Coniferous Forest | 36,899 |
| Oak Forest | 11,466 |
| Oak Woodland | 84,061 |
| Open Water | 5,265 |
| Other Scrubs | 4,785 |
| Pinon and Juniper Woodlands | 54,054 |
| Playas | 47,700 |
| Riparian Scrub/Woodland/Forest | 39,283 |
| Sage Scrub | 34,868 |
| **Study Area Totals:** | ***1,613,480*** |

*Data source: County wide vegetation layer, created in 1995 through remote sensing, updated in 2005 based on 2004 aerial photos, and maintained on a project by project basis as changes occur.*

*Note: The Study Area refers all lands in the project boundary of the East County MSCP Plan Study Area (i.e., private land and public lands) with the exception of Tribal lands. The Planning Area refers to the unincorporated land over which the County of San Diego has land use jurisdiction (i.e., private parcels and County-owned land).*