

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**

Third Restated and Amended

March 2021

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Third Restated and Amended North and East County MSCP Plans Planning Agreement

This Third Restated and Amended Planning Agreement (“Planning Agreement”) for the planning and preparation of the North County Multiple Species Conservation Program (MSCP) Plan (or ‘North County Plan’) and East County MSCP Plan (or ‘East County Plan’), each of which is anticipated to be a joint Natural Community Conservation Program Plan (“NCCP Plan”) and Habitat Conservation Plan (“HCP”), is entered into as of the Effective Date by and among the County of San Diego (“County”), 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 will be separate NCCP Plans/HCPs covering different areas of unincorporated San Diego County, as depicted in Exhibit A, and will complement the MSCP South County Subarea Plan adopted in 1997. The Plans will be completed sequentially, with initial efforts focused on the North County Plan.

This Planning Agreement supersedes and replaces the “North and East County MSCP Plans Planning Agreement” dated July 2019 and all other prior versions of this agreement.

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 County 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 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. “FCA” means Focused Conservation Area.

1.10. “FESA” means the federal Endangered Species Act, 16 United States Code Section 1530, *et seq.*

1.11. “HCP” means a habitat conservation plan prepared pursuant to Section 10(a)(1)(B) of FESA.

1.12. “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.

1.13. “Listed Species” means those species designated as candidate, threatened, or endangered pursuant to CESA and/or listed as threatened or endangered under FESA.

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 2800, *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 anticipated to be a joint NCCP Plan and HCP.

1.19. “Planning Area” means each respective geographic area proposed to be addressed in the North and East County MSCP Plans as described in Exhibit A. The Planning Areas include lands not subject to the County’s land use authority.

1.20. “Permit Area” means lands within the Planning Areas for which parties will be granted Incidental Take Authorization. This may include land which would not

otherwise be subject to the County's land use authority but has been included voluntarily by the landowner, such as land owned by a special district.

1.21. "Steering Committee" means a committee formed for each of the North and East County MSCP Plans comprised of key interest group representatives that will participate in Plan development.

1.22. "USFWS" means the United States Fish and Wildlife Service.

1.23. "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 California'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 plan 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 an interim process to review projects within the Planning Areas that includes coordination with the Wildlife Agencies by the County at the earliest opportunity in the discretionary review process to ensure that preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long-term conservation measures are not precluded and that project impacts are adequately mitigated; 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 County, will be incorporated into future Section 7 consultations between the USFWS and the United States Army Corps of Engineers, the United States Department of Transportation, 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 County 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 County 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 County. These assurances include the “no surprises” rule that the USFWS will not request additional money, land, or water for the Covered Species if circumstances change beyond those already anticipated in the Plans.

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 County. 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 County;
- Allow for appropriate and compatible growth and development that are consistent with applicable laws, including but not limited to local land use laws and the General Plan;
- 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 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 Board of Supervisors in 1997. The Planning Area boundaries may be further refined in the future.

4.1.1. North County MSCP Plan

The North County MSCP Planning Area covers approximately 324,205 acres in San Diego County as depicted in Exhibit A. The North County MSCP Planning Area 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, Pendleton – De Luz, Fallbrook, Hidden Meadows, unincorporated North County Metro, Pala, Pauma Valley, Rainbow, Twin Oaks, Valley Center, portions of Lakeside, portions of San Dieguito, and much of Ramona. Areas in the incorporated cities under the County's stewardship, such as San Elijo Lagoon, Guajome County Park, and Palomar Airport, are also included in the North County MSCP Planning Area.

4.1.2. East County MSCP Plan

The East County MSCP Planning Area covers approximately 1.55 million acres in San Diego County as depicted in Exhibit A. The East County MSCP Planning Area 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.

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 25 percent (382,000 acres) of the East County MSCP Planning Area. The other 75 percent of the Planning Area includes land subject to the land use jurisdiction of other public agencies.

4.1.3. Excluded Lands

Military lands, Tribal lands in Trust, lands owned or managed by non-signatory public agencies, state or federal agencies, or water and school districts will be excluded from the Permit 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 Permit Areas' excluded lands will not be relied upon for conserving and gaining coverage from the Wildlife Agencies for listed and other sensitive species.

As directed by the Board of Supervisors on October 28, 2020 (6), private property currently owned by the Rancho Guejito Corporation is excluded from the North County MSCP Planning Area.

4.2. County of San Diego

The County is the local sponsor of the Plans. As part of this planning process, the County 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;
- Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat;
- Provide an effective adaptive management and monitoring strategy for Covered Species and natural communities; and
- Provide a secured funding source to implement the Plans.

5.1. Conservation Elements

5.1.1. 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 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 lists are preliminary and can be updated as needed without amending this Agreement. 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 Planning Areas are listed in Exhibits E and F, respectively.

5.1.2. 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.

5.1.3. 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 County) 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 and have already begun collecting data on these subjects. The Parties further agree that data collection for preparation of the Plans should remain 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. The data developed or anticipated to be developed for the North and East County MSCP Plans include the following topic areas.

6.2.1. GIS Database and Baseline Data Inventory

Data layers were and will continue to 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 Planning Areas are listed in Exhibits E and F, respectively.

6.2.2. Preserve Design Criteria

The preserve design criteria and conservation goals will be based on the basic principles and tenets of conservation biology and coarse filter goals.

6.2.3. Habitat Modeling and Analysis

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

6.2.4. 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”).

6.2.5. Preserve Design

MARXAN, which is a Reserve Selection Algorithm (RSA) Model, is being and will continue to be used to form the structure of the overall preserve design. This model is the basis for identifying the Pre-Approved Mitigation Areas (“PAMA”) in the North County Planning Area and the Focused Conservation Areas in the East County Planning Area. The PAMA in the North County Planning Area was refined in 2016 to remove existing development, minimize inclusion of small parcels, and adjust to existing parcel boundaries where appropriate, and will continue to be refined as appropriate.

6.2.6. 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 preserve and from the adherence to the County’s Biological Mitigation Ordinance and other documents associated with the Plans.

6.3. Independent Scientific Input

In 2001, the County contracted with a group of independent science advisors to review computer models, field research data, and potential Preserve design methods for the North County Plan. Their recommendations were summarized in a written report dated July 1, 2001 and resulted in revisions to the modeling process and incorporation of the SITES Reserve Selection Algorithm model. In 2002, the independent science advisors reconvened to review the revisions made based on the 2001 recommendations. Their response to the revisions made to the North County Plan modeling process and their recommendations and input on the Preserve planning process are summarized in a written report dated February 27, 2002.

In 2006, the County convened another group of independent science advisors to provide input on the East County Plan. They participated in two workshops (February 2006 and January 2007) and produced a report dated March 31, 2006. County and CDFW anticipate additional consultation with independent scientists as preparation of the Plans continues in order to ensure that Plans are developed using the “best available” science methodologies.

The County and CDFW intend to seek additional independent scientific input and analysis to assist in the completion of the North County Plan and in the preparation of the East County Plan. 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.

Design and implementation of the science advisory process must be done in a coordinated fashion and with the mutual agreement of the County and CDFW. The County 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 County and CDFW will make the report available for use by all participants and the public during the planning process.

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 County and CDFW.

6.4. Public Participation

The County 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 County has formed a Steering Committee.

6.4.1. Steering Committee

Steering Committee members come from a diverse group of interests in the County representing the agricultural community, environmental groups, the development community, landowner groups, conservation groups, recreational interests, and public agencies. During 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 and the County 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 County, 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 and through outreach to the County's Community Planning/Sponsor Groups (CPSGs) and other interested parties. In addition, the County will continue to hold public meetings to present key decisions regarding the preparation of the Plans and to allow the public the opportunity to comment on and inquire about the decisions. Other outreach efforts will include periodic updates to the CPSG chair members, individual meetings with interested CPSGs and other interested groups, status updates in the County of San Diego Planning & Development Services' e-Blast, maintenance of the County's Conservation website (<https://www.sandiegocounty.gov/pds/mscp/>), press releases, and related activities.

6.4.3. Availability of Public Review Drafts

The County 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 County 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 County 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 website, <https://www.sandiegocounty.gov/pds/mscp/>, 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 County will make the proposed draft Plans and Implementation Agreements available for public review and comment for a minimum of 90 days before adoption. The County 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 County has land use authority; certain agricultural activities over which the County exercises control for purposes of the Plans; and research, restoration, 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 the 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. HLP Processing and Demonstration of Progress

The planning process for the North and East County Plans was initiated in approximately 2000 and has therefore been ongoing for 20 years. The Wildlife Agencies and the County have identified milestones (Exhibit G) that the County must meet to demonstrate future progress towards developing the Plans. If the County fails to meet any of these deadlines, CDFW and USFWS separately represent that they may withdraw from the Planning Agreement, consistent with Section 8.7, if the County fails to meet any of the deadlines in Exhibit G; USFWS further represents that it is not the intent of the Endangered Species Act 4(d) rule, 50 C.F.R. Section 17.41(b) ("4(d) Rule"), for the California gnatcatcher to allow piece-meal development or to encourage a

process that continues to authorize take without reasonable progress being made in the development and implementation of a long-term habitat conservation plan that contributes to the recovery of the gnatcatcher. Therefore, consistent with the NCCP Process Guidelines and the biological opinion for the California gnatcatcher 4(d) rule(1-6-93-FW-37R2), milestones (Exhibit G) have been identified by the Wildlife Agencies and the County which must be met in order to continue to process habitat loss permits and authorize take of gnatcatchers pursuant to the 4(d) rule.

Notwithstanding the foregoing, deadlines in Exhibit G can be changed if the County is diligently working on the Plans and USFWS and CDFW both agree to change the deadlines.

6.8. Protection of Habitat Land During the Planning Process

6.8.1. Conservation Lands Acquired/Protected

The Parties may elect to preserve, enhance, or restore, either by acquisition or other means (*i.e.*, conservation easements, open space easements, designated setbacks), lands in the Planning Areas that contain native species of wildlife or natural communities prior to approval of the Plans. As part this effort, the County will coordinate with the Wildlife Agencies during monthly coordination meetings regarding potential target areas to be conserved for purposes of protection related to the North County and East County Plans.

6.8.2. 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.

6.8.3. 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 the San Diego Local Agency Formation Commission (LAFCO) impose a requirement on the annexing jurisdiction that it shall enter into a MSCP consistency review 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 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.

6.9. 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 County recognizes that, as a prospective applicant for state and federal permits, it has the primary responsibility for developing Plans that meet applicable legal requirements and that, as a result, the preparation and implementation of the Plans must be funded primarily from locally assured sources. However, the Parties anticipate that all Parties will contribute financially to the implementation of the Plans.

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 County 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 County 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, 2025, 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. Signatures

Dated: March 29, 2021

COUNTY OF SAN DIEGO

By: 

Sarah Aghassi, Deputy Chief Administrative Officer

Dated: _____, 2021

UNITED STATE FISH AND WILDLIFE SERVICE

By: _____

Scott A. Sobiech, Field Supervisor, Carlsbad Field Office

Dated: _____, 2021

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By: _____

Chad Dibble, Deputy Director

9. Signatures

Dated: _____, 2021 COUNTY OF SAN DIEGO

By: _____
Sarah Aghassi, Deputy Chief Administrative Officer

Dated: _____, 2021 UNITED STATE FISH AND WILDLIFE SERVICE

By: **SCOTT SOBIECH** Digitally signed by SCOTT SOBIECH
Date: 2021.03.11 16:26:31 -08'00'
Scott A. Sobiech, Field Supervisor, Carlsbad Field Office

Dated: _____, 2021 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

By: _____
Chad Dibble, Deputy Director

9. Signatures

Dated: _____, 2021 COUNTY OF SAN DIEGO

By: _____
Sarah Aghassi, Deputy Chief Administrative Officer

Dated: _____, 2021 UNITED STATE FISH AND WILDLIFE SERVICE

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

Dated: 3/22/2021, 2021 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE


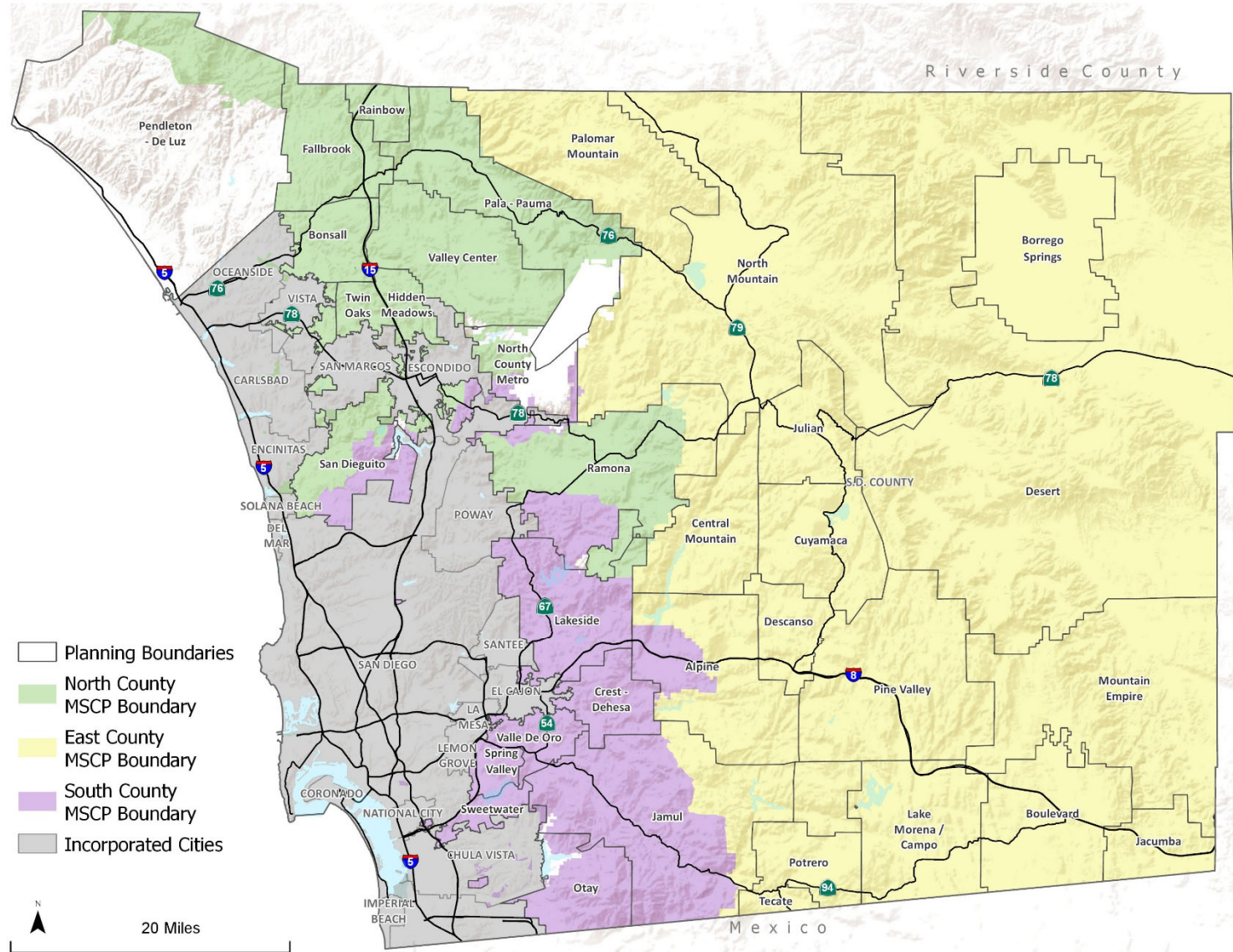
By: 
40BCCD3DEE9340B
Chad Dibble, Deputy Director

EXHIBIT A

County of San Diego Multiple Species Conservation Program Planning Area Boundaries¹



¹ Planning Area boundaries may be further refined in the future.

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 may also help 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. However, compliance with the Interim Review Process does not guarantee CESA or FESA compliance for Interim Projects.

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 conflict with the preliminary conservation objectives in section 5 of the Planning Agreement, 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; preferably the meeting would occur when the supporting technical reports have been prepared for the CEQA or NEPA document, but it will at minimum occur as soon as possible after a project application is deemed complete pursuant to Government Code Section 65943. 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 Section 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 County 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, Section 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 or natural communities within the Planning Areas, including but not limited to when the project is located within the preferred preserve areas (e.g., PAMA or FCA), high quality habitat or connectivity would be impacted, or a habitat loss permit would be required to receive County approval for the impacts; 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);
 - Vacations of Open Space Easements; and
 - Annexations
- Projects that are not located within the preferred preserve areas (i.e., PAMA or FCA) and would not impact (directly or indirectly) any Covered Species or narrow endemic species do not qualify as an interim project subject to review.

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 (which information is typically located in a project's biological technical report):

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

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. Preferably these Interim Project discussions will occur during the regularly scheduled monthly batching meetings for review of habitat loss permits. 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 Section 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 (https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/HL_PProtocols.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, unless one of the Parties requests the presence of the project applicant and biologist in which case those parties will attend as well.
 - The County will send the Wildlife Agencies information listed above under “Notification Process.”

2. At the review meeting, the attendees will have the opportunity to discuss the project, answer questions, *etc.* County staff will provide discussion during the review meeting on the proposed preserve design principles and will include discussion in the CEQA document.

Where a project 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:

- Project siting should be designed to minimize impacts to the proposed Plan’s anticipated preserve design (Section 6.2.5), specifically to those areas identified as draft PAMA and/or FCA on the map entitled “County of San Diego: Multiple Species Conservation Programs” dated March 14, 2014 (https://www.sandiegocounty.gov/content/dam/sdc/pds/mscp/docs/mscp_areas.pdf) and on a parcel specific MSCP map prepared as part of an Initial Study Research Packet (<https://gis-public.co.san-diego.ca.us/ISR/PS/home>). Project siting should also be consistent with the preliminary conservation objectives for the respective Plans (Section 5) and comply with the County’s land use regulations and mitigation requirements.
- 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 and shall not impede the Plan’s proposed conservation strategy.
- Open space design 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.

In addition, where a project will affect Coastal Sage Scrub (CSS), County staff will provide information on how the project follows the Coastal Sage Scrub NCCP

Process Guidelines and associated Attachment A: Southern California Coastal Sage Scrub Conservation Guidelines (November 1993). These guidelines 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. Processing of the draft Habitat Loss Permit shall also follow the agreed upon Protocols for Projects Requiring Habitat Loss Permits.

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		
1. <i>Anaxyrus californicus</i> (<i>Bufo californicus</i>)	Arroyo toad	FE/CSC
2. <i>Clemmys marmorata pallida</i>	Southwestern pond turtle	--/CSC
3. <i>Scaphiopus hammondi</i>	Western spadefoot toad	--/CSC
4. <i>Phrynosoma blainvillii</i>	Coast horned lizard	--/CSC
BIRDS		
5. <i>Agelaius tricolor</i>	Tricolored blackbird	--/CT-CSC
6. <i>Aquila chrysaetos</i>	Golden eagle	--/CFP-CSC
7. <i>Athene cunicularia</i>	Western burrowing owl	--/CSC
8. <i>Campylorhynchus brunneicapillus couesi</i>	Coastal cactus wren	--/CSC
9. <i>Coccyzus americanus occidentalis</i>	Western yellow-billed cuckoo	FT/CE
10. <i>Empidonax traillii extimus</i>	Southwestern willow flycatcher	FE/CE
11. <i>Polioptila californica californica</i>	Coastal California gnatcatcher	FT/CSC
12. <i>Vireo bellii pusillus</i>	Least Bell's vireo	FE/CE
INVERTEBRATES		
13. <i>Branchinecta sandiegonensis</i>	San Diego fairy shrimp	FE/--
14. <i>Streptocephalus wootoni</i>	Riverside fairy shrimp	FE/--
15. <i>Euphydryas editha quino</i>	Quino checkerspot butterfly	FE/--
16. <i>Euphyes vestris harbisoni</i>	Harbison's dun skipper	--/--
17. <i>Lycaena hermes</i>	Hermes copper	FC/--
MAMMALS		
18. <i>Corynorhinus townsendii pallescens</i>	Townsend's western big-eared bat	--/CSC
19. <i>Antrozous pallidus</i>	Pallid bat	--/CSC
20. <i>Dipodomys stephensi</i>	Stephens' kangaroo rat	FE/CT
PLANTS		
21. <i>Acanthomintha ilicifolia</i>	San Diego thornmint	FT/CE/1B
22. <i>Ambrosia pumila</i>	San Diego ambrosia	FE/--/1B
23. <i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i>	Del Mar manzanita	FE/--/1B
24. <i>Baccharis vanessae</i>	Encinitas baccharis	FT/CE/1B
25. <i>Brodiaea filifolia</i>	Thread-leaved brodiaea	FT/CE/1B
26. <i>Chorizanthe orcuttiana</i>	Orcutt's spineflower	FE/CE/1B
27. <i>Eryngium aristulatum</i> var. <i>parishii</i>	San Diego button-celery	FE/CE/1B
28. <i>Navarretia fossalis</i>	Spreading navarretia	FT/--/1B
29. <i>Quercus engelmannii</i>	Engelmann oak	--/--/4
Total Species	29	

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 California, but more common elsewhere.
 3 Plants which need more information.
 4 Plants of limited distribution – a watch list.

EXHIBIT D
Preliminary Species List to be Evaluated for Inclusion in the MSCP East County Plan

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

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

SCIENTIFIC NAME	COMMON NAME	STATUS FED/CA/CNPS
MAMMALS Cont. (EC Plan)		
73. <i>Spermophilus tereticaudus chlorus</i>	Palm Springs round-tailed ground squirrel	/CSC
74. <i>Taxidea taxus</i>	American badger	--/CSC
PLANTS (EC Plan)		
75. <i>Acanthomintha ilicifolia</i>	San Diego thornmint	FT/CE
76. <i>Arctostaphylos otayensis</i>	Otay manzanita	--/-
77. <i>Astragalus crotalariae</i>	Salton milkvetch	--/-
78. <i>Astragalus deanei</i>	Deane's milkvetch	--/-
79. <i>Astragalus douglasii</i> var. <i>perstrictus</i>	Jacumba milkvetch	--/-
80. <i>Astragalus insularis</i> var. <i>harwoodii</i>	Harwood's rattleweed/milkvetch	--/-
81. <i>Astragalus lentiginosus</i> var. <i>borreganus</i>	Borrego milkvetch	--/-
82. <i>Astragalus oocarpus</i>	San Diego milkvetch	--/-
83. <i>Berberis higginsiae</i>	Fremont barberry	--/-
84. <i>Boechera hirshbergiae</i>	Hirshberg's rockcress	--/-
85. <i>Brodiaea orcuttii</i>	Orcutt's brodiaea	--/-
86. <i>Bursera microphylla</i>	Small-leaf elephant tree	--/-
87. <i>Calliandra eriophylla</i>	Pink fairyduster	--/-
88. <i>Calochortus dunnii</i>	Dunn's mariposa lily	--/CR
89. <i>Carex obispoensis</i>	San Luis Obispo sedge	--/-
90. <i>Carlwrightia arizonica</i>	Arizona carlwrightia	--/-
91. <i>Caulanthus simulans</i>	Payson's caulanthus	--/-
92. <i>Ceanothus cyaneus</i>	Lakeside-lilac	--/-
93. <i>Chaenactis parishii</i>	Parish's pincushion	--/-
94. <i>Chamaebatia australis</i>	Southern mountain misery	--/-
95. <i>Chorizanthe polygonoides</i> var. <i>longispina</i>	Knotweed spineflower	--/-
96. <i>Clarkia delicata</i>	Delicate/Campo clarkia	--/-
97. <i>Cryptantha costata</i>	Ribbed/Ashen cryptantha	--/-
98. <i>Cryptantha ganderi</i>	Gander's cryptantha	--/-
99. <i>Hesperocyparis forbesii</i>	Tecate cypress	--/-
100. <i>Cupressus stephensonii</i>	Cuyamaca cypress	--/-
101. <i>Cylindropuntia wolfii</i>	Wolf's cholla	--/-
102. <i>Cylindropuntia x fosbergii</i>	Mason Valley cholla	--/-
103. <i>Deinandra floribunda</i>	Tecate tarplant	--/-
104. <i>Deinandra mohavensis</i>	Mohave tarplant	--/CE
105. <i>Delphinium hesperium</i> ssp. <i>cuyamacae</i>	Cuyamaca larkspur	--/CR
106. <i>Dieteria asteroides</i> var. <i>lagunensis</i>	Laguna Mountain aster	--/CR
107. <i>Downingia concolor</i> var. <i>brevior</i>	Cuyamaca Lake downingia	--/CE
108. <i>Ericameria cuneata</i> var. <i>macrocephala</i>	Laguna Mountain goldenbush	--/-
109. <i>Ericameria palmeri</i> var. <i>palmeri</i>	Palmer's goldenbush	--/-
110. <i>Eriogonum evanidum</i>	Vanishing wild buckwheat	--/-

SCIENTIFIC NAME	COMMON NAME	STATUS FED/CA/CNPS
PLANTS Cont. (EC Plan)		
111. <i>Galium angustifolium</i> ssp. <i>borregoense</i>	Borrego bedstraw	--/CR
112. <i>Galium californicum</i> ssp. <i>flaccidum</i>	California flaccidus	--/-
113. <i>Geraea viscida</i>	Sticky geraea	--/-
114. <i>Grindelia hallii</i>	Hall's gum plant	--/-
115. <i>Harpagonella palmeri</i>	Palmer's grappling-hook	--/-
116. <i>Herissantia crispa</i>	Curly abutilon	--/-
117. <i>Heuchera brevistaminea</i>	Mt. Laguna alumroot	--/-
118. <i>Holocarpha virgata</i> ssp. <i>elongata</i>	Graceful tarplant	--/-
119. <i>Horkelia truncata</i>	Ramona horkelia	--/-
120. <i>Hulsea californica</i>	San Diego hulsea	--/-
121. <i>Hulsea mexicana</i>	Mexican hulsea	--/-
122. <i>Hulsea vestita</i> ssp. <i>callicarpha</i>	Beautiful hulsea	--/-
123. <i>Lathyrus splendens</i>	Pride-of-California	--/-
124. <i>Lepidium flavum</i> var. <i>felipense</i>	Borrego Valley peppergrass	--/-
125. <i>Lessingia glandulifera</i> var. <i>tomentosa</i>	Ranchita lessingia	--/-
126. <i>Lewisia brachycalyx</i>	Southwestern bitter-root	--/-
127. <i>Lilium humboldtii</i> ssp. <i>ocellatum</i>	Ocellated Humboldt lily	--/-
128. <i>Lilium parryi</i>	Lemon lily	--/-
129. <i>Limnanthes gracilis</i> ssp. <i>parishii</i>	Parish's meadowfoam	--/CE
130. <i>Linanthus bellus</i>	Desert beauty	--/-
131. <i>Linanthus orcuttii</i>	Orcutt's linanthus	--/-
132. <i>Lotus haydonii</i>	Haydon's lotus	--/-
133. <i>Lupinus excubitus</i> var. <i>medius</i>	Mtn. Springs bush lupine	--/-
134. <i>Lycium parishii</i>	Parish's desert thorn	--/-
135. <i>Malacothamnus aboriginum</i>	Indian valley bushmallow	--/-
136. <i>Mimulus aurantiacus</i> var. <i>aridus</i>	Jacumba monkey flower	--/-
137. <i>Mimulus clevelandii</i>	Cleveland's bush monkey flower	--/-
138. <i>Mimulus palmeri</i>	Palomar monkey flower	--/-
139. <i>Monardella hypoleuca</i> ssp. <i>lanata</i>	Felt-leaf monardella	--/-
140. <i>Monardella nana</i> ssp. <i>leptosiphon</i>	San Felipe monardella	--/-
141. <i>Navarretia peninsularis</i>	Peninsular navarretia	--/-
142. <i>Nolina cismontana</i>	Chaparral beargrass	--/-
143. <i>Packera ganderi</i>	Gander's/San Diego butterweed	--/-
144. <i>Pentagramma triangularis</i> ssp. <i>nov.</i>	Goldenback fern	--/-
145. <i>Phacelia nashiana</i>	Charlotte's phacelia	--/-
146. <i>Pholistoma auritum</i> var. <i>arizonicum</i>	Arizona fiesta flower	--/-
147. <i>Piperia cooperi</i>	Rein orchid	--/-
148. <i>Piperia leptopetala</i>	Narrow-petaled rein orchid	--/-
149. <i>Poa atropurpurea</i>	San Bernardino bluegrass	FE/-

SCIENTIFIC NAME	COMMON NAME	STATUS FED/CA/CNPS
PLANTS Cont. (EC Plan)		
150. <i>Quercus engelmannii</i>	Engelmann oak	--/--
151. <i>Ribes canthariforme</i>	Moreno currant	--/--
152. <i>Rubus glaucifolius</i>	Cuyamaca raspberry	--/--
153. <i>Rupertia rigida</i>	Parish's psoralea	--/--
154. <i>Sibaropsis hammittii</i>	Hammitt's claycress	--/--
155. <i>Thermopsis macrophylla ssp. semota</i>	Velvety false-lupine	--/--
156. <i>Xanthisma junceum</i>	Rush-like bristleweed	--/--
157. <i>Xylorhiza orcuttii</i>	Orcutt's woolly aster	--/--
Total Species	157	

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 California, 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 Planning Area

Natural Communities	Total Acres within Planning Area
Bog and Marsh	438
Chaparral	94,780
Coastal Sage Scrub	36,034
Disturbed or Developed	140,321
Forest	2,837
Grasslands, Vernal Pools, Meadows, and Other Herb Communities	15,648
Riparian and Bottomland Habitat	10,499
Scrub	7,039
Woodland	16,611
Planning Area Totals:	324,205

Data source: County wide vegetation layer, created in 1995 through remote sensing, updated in 2018 based on 2017 aerial photos, and maintained on a project by project basis as changes occur.

Note: The Planning Area refers to all lands within the geographic area proposed to be addressed in the North County Plan as described in Exhibit A. This includes lands not subject to the County's land use authority.

EXHIBIT F
Natural Communities and Acreages within
the East County MSCP Planning Area

Natural Communities	Total Acres within Planning Area
Bog and Marsh	1,492
Chaparral	633,081
Coastal Sage Scrub	23,085
Disturbed or Developed	41,304
Dune Community	46,603
Forest	76,476
Grassland, Vernal Pool, Meadows, and Other Herb Communities	59,371
Riparian and Bottomland Habitat	42,542
Scrub	493,513
Woodland	131,044
Planning Area Totals:	1,548,512

Data source: County wide vegetation layer, created in 1995 through remote sensing, updated in 2018 based on 2017 aerial photos, and maintained on a project by project basis as changes occur.

Note: The Planning Area refers to all lands within the geographic area proposed to be addressed in the East County Plan as described in Exhibit A. This includes lands not subject to the County's land use authority.

EXHIBIT G
Milestones to Demonstrate Progress

North County

Board Update & Direction	October 2020
Species Goals, Objectives	June 30, 2021
Conservation Analysis	September 30, 2021
Draft North County Plan	December 31, 2021
Framework Management Plan	March 30, 2022
Prepare Draft Implementing Documents	June 30, 2022
Implementing Agreement	
Biological Mitigation Ordinance	
CEQA Environmental Process	March 1, 2022 – September 30, 2024
Hearing Preparation & Plan Adoption	June 1 – November 30, 2024

East County

Refined Species List	December 30, 2022
Review of Draft FCA	March 30, 2023