



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

### FEDERAL FISH AND WILDLIFE PERMIT

**I. PERMITTEE**

SAN DIEGO COUNTY WATER AUTHORITY  
4677 OVERLAND AVENUE  
SAN DIEGO, SAN DIEGO, CA 92123  
U.S.A.

**2. AUTHORITY-STATUTES**

16 USC 1539(a)  
16 USC 1533(d)  
16 USC 703-712

**REGULATIONS**

50 CFR 17.22  
50 CFR 17.32  
50 CFR 21.23 & 21.27  
50 CFR 13

**3. NUMBER**

**TE03216A-0**

**4. RENEWABLE**

YES  
 NO

**5. MAY COPY**

YES  
 NO

**6. EFFECTIVE**

**12/30/2011**

**7. EXPIRES**

**12/30/2066**

**8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)**

**MAUREEN A STAPLETON  
GENERAL MANAGER**

**9. TYPE OF PERMIT**

**NATIVE ENDANGERED & THREATENED SP. HABITAT  
CONSERVATION PLAN - E & T WILDLIFE; MIGRATORY BIRDS**

**10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED**

The Plan Area encompasses approximately 922,000 acres of land within western San Diego and southwestern Riverside counties. The majority of the Plan Area coincides with the Water Authority's "Service Area" that extends over western San Diego County.

**11. CONDITIONS AND AUTHORIZATIONS:**

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

**12. REPORTING REQUIREMENTS**

ISSUED BY

*[Handwritten Signature]*  
Acting

TITLE

DEPUTY REGIONAL DIRECTOR

DATE

*12.20.11*

**Special Terms and Conditions for TE03216A-0**  
**U.S. Fish and Wildlife Service**  
**Sacramento, California**

1. All sections of Title 50 *Code of Federal Regulations*, §§ 13, 17.22, and 17.32 are conditions of this permit (*Attachment 1*).
2. The Permittee is authorized to take the animal species identified in *Attachment 2* to this Permit to the extent that take of these species would otherwise be prohibited under section 9 of the Endangered Species Act of 1973, as amended (FESA), and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the ESA. The authorization granted by this permit is subject to compliance with, and implementation of, the San Diego County Water Authority Subregional Community Conservation Plan/Habitat Conservation Plan and Implementing Agreement.

Take authorization is effective at Permit issuance for those animal species that are currently listed as threatened or endangered under the FESA. For each of the remaining animal species listed in *Attachment 2* that are not listed as threatened or endangered under FESA, this section 10(a)(1)(B) Permit will become effective with respect to such species concurrent with the listing of the species as threatened or endangered under FESA, to the extent that their take is prohibited by the FESA. Take must be incidental to otherwise lawful Covered Activities within the Plan Area as described and defined in the Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and Implementing Agreement (IA), and as further conditioned herein. The amount and nature of the take is described in *Attachment 3* and *Attachment 4* for each species.

3. Because incidental take of plants is not prohibited under FESA, incidental take cannot be authorized under this Permit. Plant species included in the Permit (*Attachment 2*) are named in recognition of the conservation benefits provided for such plants in the NCCP/HCP and IA and receive those assurances identified in the IA.
4. The following conditions apply to birds:

This section 10(a)(1)(B) Permit under the FESA also constitutes a Special Purpose Permit under 50 CFE 21.27 for the take, as defined by 50 CFR 10.12, of those Covered Species that are listed as threatened or endangered under the FESA of 1973, as amended, and protected by the Migratory Birds Treaty Act (MBTA). Such Special Purpose Permit shall be valid for a period of 3 years from the effective date, provided the section 10(a)(1)(B) Permit remains in effect for such period. Such Special Purpose Permit shall be renewed, provided that the Permittee continues to fulfill their obligations under this agreement. Each renewal shall be valid for the maximum period of time allowed by 50 CFR 21.27 or its successor at the time of renewal.

affect reporting requirements associated with FESA section 10(a)(1)(A) permits for federally listed species.

11. In the vicinity of known burrowing owl locations, the Water Authority will keep construction sites free of opened pipes (18 inches or less in diameter), rubble piles, etc. to prevent burrowing owls from moving onto project site.
12. Section 7.2.2.2 (page 7-7) of the NCCP/HCP states that management plans for existing Habitat Management Areas will be revised and endowments will be increased as appropriate to meet the Plan requirements for Covered Species within one year of permit issuance. This timeline is hereby revised as follows: management plans and endowments will be revised as appropriate to meet the Plan requirements for Covered Species as needed [e.g., when species-specific mitigation is required for species not currently managed under existing agreements ( existing conservation banking agreements, San Miguel HMA)].
13. The use of goats for weed abatement and/or fuel management as a Covered Activity will be addressed through the Minor Amendment process provided consistency with the Plan is demonstrated.

**Attachment 2. San Diego County Water Authority NCCP/HCP Covered Species.**

Common Name	Scientific Name	State/Federal Status	CNPS List	Plan Policies
<b>LISTED PLANTS</b>				
California Orcutt grass	<i>Orcuttia californica</i>	CE/FE	1B	MA
Encinitas baccharis	<i>Baccharis vanessae</i>	CE/FT	1B	NE
Munz's onion	<i>Allium munzii</i>	CT/FE/CH	1B	MA
Otay Mesa mint	<i>Pogogyne nudiuscula</i>	CE/FE	1B	NE, VP
Otay tarplant	<i>Deinandra (Hemizonia) conjugens</i>	CE/FT/CH	1B	NE
San Diego ambrosia	<i>Ambrosia pumila</i>	-/FE/CH	1B	NE
San Diego button-celery	<i>Eryngium aristulatum</i> var. <i>parishii</i>	CE/FE	1B	NE, VP
San Diego mesa mint	<i>Pogogyne abramsii</i>	CE/FE	1B	NE, VP
San Diego thornmint	<i>Acanthomintha ilicifolia</i>	CE/FT/CH	1B	NE
Spreading navarretia	<i>Navarretia fossalis</i>	-/FT/CH	1B	NE, VP
Thread-leaved brodiaea	<i>Brodiaea filifolia</i>	CE/FT/CH	1B	NE
Willow monardella	<i>Monardella viminea</i>	CE/FE/CH	1B	NE
<b>UNLISTED PLANTS</b>				
California adolphia	<i>Adolphia californica</i>	-/-	2	--
Chaparral nolina	<i>Nolina cismontana</i>	-/-	1B	--
Dunn's mariposa lily	<i>Calochortus dunnii</i>	CR/-	1B	NE
Felt-leaved monardella	<i>Monardella hypoleuca</i> subsp. <i>lanata</i>	-/-	1B	NE
Lakeside ceanothus	<i>Ceanothus cyaneus</i>	-/-	1B	NE
Munz's sage	<i>Salvia munzii</i>	-/-	2	--
Nuttall's scrub oak	<i>Quercus dumosa</i>	-/-	1B	--
Orcutt's brodiaea	<i>Brodiaea orcuttii</i>	-/-	1B	--
Parry's tetraococcus	<i>Tetraococcus dioicus</i>	-/-	1B	--
San Diego barrel cactus	<i>Ferocactus viridescens</i>	-/-	2	--
San Diego goldenstar	<i>Muilla clevelandii</i>	-/-	1B	--
San Diego marsh-elder	<i>Iva hayesiana</i>	-/-	2	--
Smooth tarplant	<i>Centromadia pungens</i> subsp. <i>laevis</i>	-/-	1B	--
Southern tarplant	<i>Centromadia parryi</i> subsp. <i>australis</i>	-/-	1B	--
Sticky-leaved dudleya	<i>Dudleya viscida</i>	-/-	1B	--
Variegated dudleya	<i>Dudleya variegata</i>	-/-	1B	NE
<b>LISTED INVERTEBRATES</b>				
Quino checkerspot butterfly	<i>Euphydryas editha quino</i>	-/FE/CH	--	--
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	-/FE/CH	--	NE, VP
San Diego fairy shrimp	<i>Branchinecta sandiegonensis</i>	-/FE/CH	--	NE, VP
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	-/FT/CH	--	MA
<b>UNLISTED INVERTEBRATES</b>				
Harbison's dun skipper	<i>Euphyes vestris harbisoni</i>	-/-/*	--	NE

Common Name	Scientific Name	State/Federal Status	CNPS List	Plan Policies
Mountain lion	<i>Felis concolor</i>	-/-/*	--	--
Northwestern San Diego pocket mouse	<i>Chaetodipus fallax fallax</i>	CSC/-	--	--
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	CSC/-	--	--
San Diego desert woodrat	<i>Neotoma lepida intermedia</i>	CSC/-	--	--
Southern grasshopper mouse	<i>Onychomys torridus ramona</i>	CSC/-	--	--

California Native Plant Society (CNPS) Lists

- 1B = Species rare, threatened, or endangered in California and elsewhere.  
 2 = Species rare, threatened, or endangered in California, but more common elsewhere.  
 3 = Species for which more information is needed (a review list).  
 4 = A watch list of species of limited distribution.

Federal and State Listed Plants

- FE = Federally listed, endangered  
 FT = Federally listed, threatened  
 FC = Federal Candidate for listing  
 CH = Critical Habitat proposed and/or designated  
 CE = State listed, endangered  
 CT = State listed, threatened  
 CR = State listed, rare

Plan Policies

- NE = Narrow Endemic Policy  
 VP = Vernal Pool Protection Policy  
 MA = Major Amendment Species

Other

- CFP = California Fully Protected Species. No take of individuals is permitted.  
 CSC = CDFG Species of Special Concern  
 \* = Taxa listed with an asterisk fall into one or more of the following categories:
  - Taxa considered under Section 15380(d) of CEQA guidelines.
  - Population(s) in California that may be peripheral to the major portion of a taxon's range, but which are threatened with extirpation within California.
  - Taxa closely associated with a habitat that is declining in California at an alarming rate (e.g., wetlands, riparian, old growth forests, desert aquatic systems, native grasslands).

**Attachment 3. San Diego County Water Authority NCCP/HCP Covered Species Take Estimation by Loss of Individuals and/or Suitable Habitat.**

Covered Animal Species	Incidental Take Limit
<b>LISTED INVERTEBRATES</b>	
Quino checkerspot butterfly <i>Euphydryas editha quino</i>	loss of cysts during salvage and re-introduction activities; loss of up to 5 acres of suitable habitat
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	loss of up to 5 acres of suitable habitat; loss of cysts during salvage and re-introduction activities
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	loss of cysts during salvage and re-introduction activities; loss of up to 5 acres of suitable habitat
Vernal pool fairy shrimp <i>Branchinecta lynchi</i>	incidental take is not authorized
<b>UNLISTED INVERTEBRATES</b>	
Harbison's dun skipper <i>Euphyes vestris harbisoni</i>	loss of up to 310 acres of suitable habitat; loss of up to 1 acre of occupied habitat for any single project
Hermes copper butterfly <i>Hermelycaena [Lycaena] hermes</i>	loss of up to 239 acres of suitable habitat; loss of up to 5 acres of occupied habitat for any single project
<b>LISTED AMPHIBIANS</b>	
Arroyo toad <i>Anaxyrus [Bufo] californicus</i>	capture and release of up to 20 arroyo toads; death or injury of up to 5 arroyo toads during translocation activities; loss of up to 815.1 acres of upland aestivation habitat or 44.9 acres of breeding habitat
<b>UNLISTED AMPHIBIANS</b>	
Western spadefoot toad <i>Spea hammondi</i>	capture of up to 50 individuals during any single translocation event; death or injury of up to 10 individuals during any single translocation event; loss of up to 258.2 acres of suitable habitat
<b>UNLISTED REPTILES</b>	
Belding's orange-throated whiptail <i>Aspidoscelis hyperythra beldingi</i>	loss of up to 282.9 acres of suitable habitat
Coastal rosy boa <i>Lichanura trivirgata roseofusca</i>	loss of up to 264.1 acres of suitable habitat
Coastal (western) whiptail <i>Aspidoscelis tigris stejnegeri</i>	loss of up to 238.8 acres of suitable habitat
Coast (San Diego) horned lizard <i>Phrynosoma coronatum blainvillii</i>	loss of up to 313.8 acres of suitable habitat
Coronado skink <i>Eumeces skiltonianus interparietalis</i>	loss of up to 320.4 acres of suitable habitat
(Northern) red-diamond rattlesnake <i>Crotalus ruber</i>	loss of up to 238.8 acres of suitable habitat
San Diego banded gecko <i>Coleonyx variegates abbottii</i>	loss of up to 238.8 acres of suitable habitat
San Diego ring-neck snake <i>Diadophis punctatus similis</i>	loss of up to 320.4 acres of suitable habitat
Southern Pacific (southwestern) pond turtle <i>Actinemys marmorata pallida</i>	loss of up to 52.9 acres of suitable habitat
<b>LISTED BIRDS</b>	
Coastal California gnatcatcher <i>Polioptila californica californica</i>	loss of up to 10 pairs; loss of up to 150.5 acres of suitable habitat

<sup>2</sup>Due to required compliance by the Permittee with the Migratory Bird Treaty Act of 1918 prohibition on the take of active nests, potential take of nests, eggs, or young was not evaluated or authorized.

**Attachment 4. San Diego County Water Authority NCCP/HCP Covered Species Habitat Loss by Vegetation Community.**

<b>Vegetation Community/Land Cover Type</b>	<b>Total Acres Lost</b>
<b>Upland Habitats</b>	
Chaparral, Coastal	<b>88.3</b>
Chaparral, Montane/Trans-montane	<b>0.0</b>
Coastal	<b>0.0</b>
Coniferous Forest	<b>0.0</b>
Grasslands	<b>56.3</b>
Oak Woodland and Forest	<b>25.3</b>
Sage Scrub, Coastal	<b>150.5</b>
Sage Scrub, Montane/Trans-montane	<b>0.0</b>
<b>Wetland Habitats</b>	
Aquatic, Freshwater	<b>1.5</b>
Riparian	<b>45</b>
Riparian (Disturbed)	<b>0.0</b>
Wetland (freshwater marsh, vernal pools)	<b>6.5<sup>1</sup></b>
<b>Total impacts to natural communities</b>	
	<b>373</b>
<b>Total impacts to agricultural lands<sup>2</sup></b>	
	<b>618</b>

<sup>1</sup>Vernal pool impacts will not exceed 5 acres including impacts to upland watersheds.

<sup>2</sup>We anticipate that only in limited instances will impacts to agricultural communities result in incidental take of Covered Species.