

**CALIFORNIA ENDANGERED SPECIES ACT AND  
NATURAL COMMUNITY CONSERVATION PLANNING ACT  
MANAGEMENT AUTHORIZATION**

**FOR IMPLEMENTATION OF  
POWAY SUBAREA HABITAT CONSERVATION PLAN  
AND NATURAL COMMUNITY CONSERVATION PLAN**

**THE CITY OF POWAY**

(Tracking No. 2835-1995-037-5)

**SUMMARY**

The City of Poway (hereinafter "City" and "Permittee") has requested a Management Authorization ("MA") pursuant to California Fish and Game Code Sections 2081 and 2835 for species covered under the "Poway Subarea Habitat Conservation Plan" (hereinafter "PSHCP").

The PSHCP addresses the potential impacts of development, natural habitat loss and species endangerment and creates a plan to mitigate for the loss of Covered Species and their habitats due to the direct and indirect impacts of future development of both private and public lands within the PSHCP area. The PSHCP provides for the establishment of a 13,300 acre Mitigation Area which includes most of the remaining habitat for the Covered Species within the jurisdictional limits of the City. The Area, which includes 11,880 acres of natural habitats, will permanently conserve approximately 10,800 acres of these lands under the PSHCP. Approximately 5,400 acres of land within the Area are currently dedicated as open space. 5,400 acres of additional habitat lands will be permanently conserved through future dedications, local land use controls on development, and acquisition. Portions of the PSHCP are known or potential habitat for forty-three (43) Species of Concern. Eight (8) of these Species of Concern are presently listed as Endangered or Threatened Species pursuant to Fish and Game Code Section 2070 and California Code of Regulations Title 14, Sections 670.2 and 670.5. The "take" of these listed species is prohibited unless authorized by the Department pursuant to Fish and Game Code Sections 2081 or 2835. Take of additional covered species would be authorized upon the effective date of approval of subarea plans applicable to such species and for such time as the applicable subarea plan remains in effect.

Pursuant to Sections 2081 and 2835, the Department authorizes Permittee to "take" the following enumerated species, subject to the terms and conditions of this MA:

Plants

1. Encinitas baccharis (*Baccharis vanessae*) (endangered)
  2. San Diego thorn-mint (*Acanthomintha ilicifolia*) (endangered)
  3. Willowy monardella (*Monardella linoides* ssp. *viminea*) (endangered)
  4. Slender-pod jewelflower (*Caulanthus stenocarpus*)
  5. Lakeside ceanothus (*Ceanothus cyaneus*)
  6. Summer holly (*Comarostaphylis diversifolia* spp. *diversifolia*)
  7. Palmer's ericameria (*Ericameria palmeri* ssp. *palmeri*)
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8. San Diego barrel cactus (*Ferocactus viridescens*)
  9. Heart-leaved pitcher sage (*Lepechinia cardiophylla*)
  10. Narrow-leaved nightshade (*Solanum tenuilobatum*)
  11. San Diego Golden star (*Muilla clevelandii*)

Amphibians

12. California red-legged frog (*Rana aurora draytonii*)
13. Arroyo southwestern toad (*Bufo microscaphus californicus*)

Reptiles

14. Coastal rosy boa (*Lichamura trivirgata rosafusca*)
15. Coastal western whiptail (*Cnemidophorus tigris multiscutatus*)
16. Coast patch-nosed snake (*Salvadora hexalepis virgulata*)
17. Coronado Island skink (*Eumeces skiltonianus interparietalis*)
18. Granite spiny lizard (*Sceloporus orcutti*)
19. Northern red diamond rattlesnake (*Crotalus ruber ruber*)
20. Orange-throated whiptail (*Cnemidophorus hyperythrus beldingi*)
21. San Diego banded gecko (*Coleonyx variegatus abbotti*)
22. San Diego horned lizard (*Phrynosoma coronatum blainvillet*)
23. San Diego ringneck snake (*Diadophis punctatus similis*)
24. Silvery legless lizard (*Anniella pulchra pulchra*)
25. Southwestern pond turtle (*Clemmys marmorata* ssp. *pallida*)
26. Two-striped garter snake (*Thamnophis hammondi*)

Birds

27. American peregrine falcon (*Falco peregrinus*) (endangered)
28. Bald eagle (*Haliaeetus leucocephalus*) (endangered)
29. Least Bell's vireo (*Vireo bellii* ssp. *pusillus*) (endangered)
30. Southwestern willow flycatcher (*Empidonax trailli extimus*) (endangered)

31. Swainson's Hawk (*Buteo swainsoni*) (threatened)
32. Burrowing owl (*Speotyto cunicularia* ssp. *hypugasa*)
33. California rufous-crowned sparrow (*Aimophila ruficeps* ssp. *canescens*)
34. Coastal California gnatcatcher (*Polioptila californica* ssp. *californica*)
35. Coastal cactus wren (*Campylorhynchus brunneicapillus* ssp. *couesi*)
36. Cooper's hawk (*Accipiter cooperi*)
37. Ferruginous hawk (*Buteo regalis*)
38. Golden eagle (*Aquila chrysaetos canadensis*)
39. Northern harrier (*Circus cyaneus*)
40. Tricolored blackbird (*Agelaius tricolor*)

### Mammals

41. Dulzura California pocket mouse (*Chaetodipus californicus femoralis*)
42. Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)
43. American Badger (*Taxidea taxus*)

### ADDITIONAL COVERED SPECIES

Pursuant to the conditions of the Implementing Agreement (IA), the Department authorizes Permittee to take the additional following species upon the effective date of U.S. Fish and Wildlife Service approval of one or more applicable Multiple Species Conservation Program (MSCP) subarea plans and for such time as the MSCP remains in effect:

### Plants

44. California orcutt grass (*Orcuttia californica*) (endangered)
45. Coastal dunes milk vetch (*Astragalus tener* var. *titi*) (endangered)
46. Dehesa bear-grass (*Nolina interrata*) (endangered)
47. Dunn's mariposa lily (*Calochortus dunnii*) (rare)
48. Gander's butterweed (*Senecio ganderi*) (rare)
49. Nevin's barberry (*Berberis nevinii*) (endangered)
50. Otay mesa mint (*Pogogyne nudiuscula*) (endangered)
51. Otay tar plant (*Hemizonia conjugens*) (endangered)
52. Salt marsh bird's beak (*Cordylanthus maritimus* spp. *maritimus*) (endangered)
53. San Diego button-celery (*Eryngium aristulatum* spp. *parishii*) (endangered)
54. San Diego mesa mint (*Pogogyne abramsii*) (endangered)
55. Short-leaved dudleya (*Dudleya blochmaniae* ssp. *brevifolia*) (endangered)
56. Small-leaved rose (*Rosa minutifolia*) (endangered)
57. Thread-leaf brodiaea (*Brodiaea filifolia*) (endangered)

58. Aphanisma (*Aphanisma blitoides*)
59. Coast wallflower (*Erysimum ammophilum*)
60. Del Mar manzanita (*Arctostaphylos glandulosa* var. *crassifolia*)
61. Del Mar Mesa sand aster (*Lessingia filaginifolia* var. *linifolia*)
62. Dense reed grass (*Calamogrostis koelerioides*)
63. Felt-leaved monardella (*Monardella hypoleuca* ssp. *lanata*)
64. Gander's pitcher sage (*Lepechinia ganderi*)
65. Little mousetail (*Myosurus minimus* ssp. *apus*)
66. Nuttall's lotus (*Lotus nuttallianus*)
67. Orcutt's bird beak (*Cordylanthus orcuttiamus*)

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68. Orcutt's brodiaea (*Brodiaea orcuttii*)
69. Otay manzanita (*Arctostaphylos otayensis*)
70. Parry's tetracoccus (*Tetracoccus dioicus*)
71. Protstrate navarretia (*Navarretia fossalis*)
72. San Diego ambrosia (*Ambrosia pumila*)
73. San Miguel savory (*Satureja chandleri*)
74. Shaw's agave (*Agave shawii*)
75. Snake cholla (*Opuntia parryi* var. *serpentina*)
76. Sticky dudleya (*Dudleya viscida*)
77. Tecate cypress à *Cupressus forbesii*)
78. Torrey pine (*Pinus torreyana* ssp. *torreyana*)
79. Wart-stemmed ceanothus (*Ceanothus verrucosus*)
80. Variegated dudleya (*Dudleya variegata*)

#### Invertebrates

81. Riverside fairy shrimp (*Streptocephalus woottoni*)
82. Salt marsh skipper (*Panoquina errans*)
83. San Diego fairy shrimp (*Branchinecta sandiegoensis*)
84. Thorne's hairstreak butterfly (*Mitoura thornei*)

#### Birds

85. Belding's savannah sparrow (*Passerculus sandwichensis* ssp. *beldingi*) (endangered)
86. California brown pelican (*Pelecanus occidentalis* ssp. *californicus*) (endangered)
87. California least tern (*Sterna antillarum* ssp. *browni*) (endangered)
88. Light-footed clapper rail (*Rallus longirostris* ssp. *levipes*) (endangered)
89. Canada goose (*Branta canadensis* *moffitti*)
90. Elegant tern (*Sterna elegans*)
91. Grasshopper sparrow (*Ammodramus savannarum*)
92. Large-billed savannah sparrow (*Passerculus sandwichensis*)
93. Long-billed curlew (*Numenius americanus*)

94. Mountain plover (*Charadrius montanus*)
95. Reddish egret (*Egretta rufescens*)
96. Western bluebird (*Sialia mexicana*)
97. Western snowy plover (*Charadrius alexandrinus ssp. nivosus*)
98. White-faced ibis (*Plegadis chihi*)

#### Mammals

99. Mountain lion (*Felis concolor*)
100. Southern mule deer (*Odocoileus hemionus fuliginata*)

The California Department of Fish and Game (hereinafter "Department") has found and determined that the PSHCP, as implemented by the IA and this MA, meets the requirements for a Natural Community Conservation Plan (NCCP) for purposes of the NCCP Act, and specifically for purposes of California Fish and Game Code Sections 2081 and 2835. The "take" authorization provided by this MA extends to each of the enumerated species and shall extend to any such species listed pursuant to Fish and Game Code Sections 2070 or 2074.2 after the effective date of this MA.

The Department has determined that the preservation, conveyance, acquisition, and long-term management of habitat for the enumerated species will offset the impacts contemplated by the PSHCP and will result in preserving core areas for the species in order to achieve sustainable populations. The Department has determined further that the PSHCP will not result in jeopardy to the continued existence of the enumerated species and may, through the acquisition of habitat lands, protect the species from further degradation.

## PROJECT DESCRIPTION

### PROJECT LOCATION

The PSHCP area covers all land within the jurisdictional boundaries of the City of Poway located in northwestern San Diego County. The total area of the PSHCP consists of 25,000 acres, including the Area which is comprised of 13,300 acres. The lands include both private and public ownership. The PSHCP was prepared as a subarea plan under the draft Multiple Species Conservation Program (MSCP) in Southwestern San Diego and the Multiple Habitat Conservation planning effort in Northwestern San Diego County. The proposed MSCP and MHCP are recognized under the State of California's Natural Community Conservation Planning Act of 1991 as on-going multiple species planning programs.

### PROJECT DESCRIPTION

The City desires to: (1) effect development within the PSHCP area in phases determined appropriate by respective developers of each portion thereof; and (2) minimize and mitigate the

impacts on Species of Concern and their habitats by providing for the conservation of such species and their habitat substantially in the Area.

The future development activities contemplated by the PSHCP and IA include (1) urban facilities, structures, and uses, without limitation, (2) residential, commercial, facilities and infrastructure improvements, (3) road and related transportation facilities.

#### HABITAT DESCRIPTION

Eighteen natural habitat types have been identified to occur within the PSHCP area: coastal sage scrub (7,213 acres), chaparral (4,995 acres), coast and southern coast live oak forest (324 acres), non-native grassland (579 acres), coast live oak woodland (262 acres), coastal sage/chaparral scrub (90 acres), native grassland (70 acres), willow scrub (56 acres), mulefat scrub (50 acres), eucalyptus woodland (33 acres), disturbed floodplain (23 acres), southern sycamore riparian woodland (9.5 acres), freshwater marsh (4 acres), southern cottonwood willow riparian forest (1.66 acres), Baccharis scrub (0.64 acres), wet meadow (0.35 acres), coast live oak (0.10 acres) and pond (0.05 acres).

#### PROJECT IMPACTS

Over time and appropriate build-out, the PSHCP will result in combined permanent loss of the following natural habitats: coastal sage scrub (1,478 acres), chaparral (871 acres), coast and southern coast live oak forest (95 acres), non-native grassland (252 acres), coast live oak woodland (83 acres), coastal sage/chaparral scrub (0 acres), native grassland (9 acres), willow scrub (33 acres), mulefat scrub (8 acres), eucalyptus woodland (10 acres) and disturbed floodplain (0.3 acres). Of the 13,711 acres of natural habitat within the PSHCP area, approximately 2,879 acres will be subject to permanent impacts.

#### SPECIES OF CONCERN

Based on recorded observations and a biological assessment performed for the PSHCP, 14 of the 43 Species of Concern are known to occur in the PSHCP area; the remaining species are closely associated with habitats in the PSHCP area and have been treated as potentially occurring. Regarding the eight (8) listed endangered and threatened species; the following are known to occur in the PSHCP area: the Encinitas baccharis, San Diego thornmint and Willow monardella.

The life history information and PSHCP specific status for each of the 43 Species of Concern is referenced in the PSHCP.

## EFFECTS ON SPECIES OF CONCERN

The 43 enumerated species will be subject to direct and indirect adverse impacts and take associated with public and private projects and activities covered by the PSHCP. The areas where primary impacts to these species will occur encompass habitat for the species listed above are detailed in the PSHCP.

## HABITAT MANAGEMENT LANDS

### PRESERVATION OF LANDS

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Under the PSHCP, provisions are made for the establishment of a 13,000 acre Area, of which approximately 10,800 acres would be preserved as biological open space. In association with this project, the City shall preserve, acquire, and convey the conserved habitat and offsite conservation lands as detailed in the IA.

## SPECIFIC CONDITIONS REQUIRED

### CONSERVATION PROGRAM AND MITIGATION MEASURES

1. All "Land Use and Management" and "Implementation" requirements, as detailed in the PSHCP, shall be implemented by the City, as specified in the corresponding IA between the Department, the Service and the City.
2. The term of this MA shall commence on the date that the IA is executed by the last of the parties thereto and shall terminate 50 years from that date. This period is subject to earlier termination pursuant to provisions of the IA.

### DISCLAIMER

3. Upon timely satisfaction of the conditions of this MA, the City will have adequately mitigated impacts to endangered species and achieved compliance with the California Endangered Species Act with regard to the project. Nonetheless, the City must understand and recognize that this MA does not constitute or imply compliance with, or entitlement to proceed with the project, under laws and regulations beyond the authority and jurisdiction of the Department. The City has independent responsibility for compliance with any and all applicable laws and regulations.
4. Following execution of the PSHCP and issuance by the Department of this MA, the City's decision whether or not to proceed with said project shall be voluntary, and subject to all other pertinent law and regulations. As such, the City will hold the State of California and the Department of Fish and Game harmless, in any violation of the law, lien, suit, or claim of

injury or damage which may result from any aspect of the project, including fulfillment of the obligations under this MA and the California Endangered Species Act/Federal Endangered Species Act IA.

## DEPARTMENT FINDINGS

### SPECIES OF CONCERN

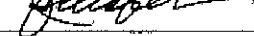
The Department has found and determined that the PSHCP, as implemented by the IA and this MA, meet the requirements for an NCCP for purposes of the NCCP Act, and specifically for purposes of California Fish and Game Code Sections 2081 and 2835. In this regard, the Department has found and determined that if the terms conditions of this MA are complied with, the taking of the enumerated species, including the modification of their habitat, as contemplated by the PSHCP, the IA, and this MA, will not result in jeopardy to their continued existence and may, through the preservation, acquisition, and conveyance of the Conserved Habitat and the Offsite Conservation Lands, protect the species from further degradation. The PSHCP and the IA, to the extent practicable, minimize and mitigate the impacts of the taking of the enumerated species (including, without limitation, the modification of their habitat). The Department has considered the Initial Study prepared by the City regarding the issuance of this MA and execution of the IA amending this MA allowing the Project and Plan activities to proceed as contemplated by the PSHCP.

### OTHER SPECIES

In the event that a species not enumerated in this MA is listed as endangered or threatened pursuant Fish and Game Code Section 2070, or is a candidate for such listing pursuant to Fish and Game Code Section 2074.2, the Department shall consider, and if appropriate, expeditiously act to negotiate and execute, an MOU with the City providing for the management of the species in order that the Project and the Plan Activities may proceed in accordance with CESA.

In determining whether any further mitigation measures are required to amend this MA to include an additional species, the Department shall: (1) take into consideration that the City has minimized and mitigated the impacts to the species enumerated in this MA within the Plan Area to the maximum extent practicable; and, (2) cooperate with the City in good faith to minimize, consistent with CESA, any impediment to the Project's completion resulting from the listing of a species not enumerated in this MA.

## CALIFORNIA DEPARTMENT OF FISH AND GAME

BY:   
Jacqueline E. Schafer, Director

DATED: 7/18/96