

suspending or revoking the extension of take authorization to the covered activity.

Neighboring Landowner Assurances

This Plan calls for the acquisition of land and coordinated management of a Preserve System for the benefit of covered species. As a result of the conservation strategy described in the Plan, some populations of listed species are expected to increase in the preserves and elsewhere. Landowners adjacent to or near preserves may be concerned that populations of state- or federally listed species in the preserves may expand and colonize or use their lands, potentially restricting their land use activities.

Active private ranches, cropland, pasture, orchards, or vineyards are the lands that would most likely be adjacent to HCP/NCCP Preserves. Moreover, these land uses would be the most likely to be affected by the presence of new covered species or increasing populations of covered species. For these reasons, Neighboring Landowner Assurances will apply only to agricultural lands, as defined below. Other land uses (e.g., urban development) are excluded from Neighboring Landowner Protections because ongoing take of covered species is not expected to occur within these areas. If take occurs, events are expected to be limited and geographically restricted to the immediate boundary with HCP/NCCP preserves.

By providing Neighboring Landowner Assurances, this Plan acknowledges that successful implementation of the conservation strategy may cause listed species to use nearby agricultural lands. Take coverage afforded by Neighboring Landowner Assurances could result in a diminution of the benefits of the conservation strategy in instances where species expand or increase their populations within the permit area. Neighboring Landowner Assurances do not provide for take of existing populations and occupied habitat of covered species; accordingly, this program would not reduce these populations or habitat from current conditions.

Neighboring Landowner Assurances provide incidental take permit coverage on an “opt-in” basis for all agricultural lands within 1.0 mile of the boundary of any land or property acquired or placed under easement by the HCP/NCCP Implementing Entity or by another organization in partnership with the HCP/NCCP Implementing Entity (i.e., the land becomes part of the HCP/NCCP Preserve System). This opt-in approach allows for landowners to willingly participate in the Plan. The approach is required by USFWS to allow an affirmative statement be made by willing landowners to participate in the Plan. Those landowners that do not seek to participate would not be required to do so but would also not receive coverage for incidental take for their ongoing activities.

The neighboring landowner protections listed below will be offered under the Plan.

- Agricultural lands within 1.0 mile of preserve boundaries may be covered for incidental take of all covered species authorized for take under the Plan's associated Section 10(a)(1)(B) and NCCP permits, should any such lands support increased use or become inhabited by covered species *after* establishment of a preserve parcel within 1.0 mile. Take coverage will not be provided for individuals or populations of covered species that inhabit the neighboring lands prior to the establishment of a preserve parcel, as identified in a baseline survey (see below).
- Coverage under the take permits will be offered to neighboring lands actively being used for agricultural purposes at the time that the HCP/NCCP preserve is established within 1.0 mile. For purposes of this Plan, *agricultural* means normal agricultural practices including but not limited to crop planting and production, soil tilling, crop harvesting, livestock grazing, forage production, animal production and husbandry, fence construction and maintenance, vehicle or horse use, and construction and maintenance of typical farm outbuildings.
- *Actively being used for* means lands on which usual and customary agricultural practices are occurring, including normal crop rotation practices, at the time the neighboring HCP/NCCP preserve is established. For example, if agricultural lands that are used for crop production lie fallow in accordance with normal crop-rotation practices at the time the neighboring preserve is established, those lands would be considered to be actively used for agricultural purposes. Such coverage shall continue, subject to the terms and conditions of the Plan, the Implementing Agreement, and the take permits, for as long as the neighboring lands are actively being used for agricultural purposes and the permits remain in effect.
- Coverage will not be offered to neighboring lands devoted to non-agricultural purposes at the time the nearby HCP/NCCP Preserve is established. Take coverage does not include conversion of agriculture to other uses.
- A change in land cover as defined by the land cover types in this Plan (e.g., cropland to vineyard) would require landowners reapplying to the Implementing Entity for Neighboring Landowner Assurances in order to determine the new baseline condition of covered species on the affected property.
- Conversion from grazing land to vineyards or other cultivated agriculture is not a covered activity under this Plan (see Chapter 2) and is not eligible for Neighboring Landowner Assurances.
- At least annually, the Implementing Entity will send a letter to each neighboring landowner whose lands are actively used for agricultural purposes and are within 1.0 mile of the new preserve boundary. The letter will explain the ECCC HCP/NCCP and the landowner's eligibility for coverage under the Plan's take permits. Landowners who are interested in receiving this coverage must affirmatively respond to the Implementing Entity. Prior to receiving coverage under the Plan, the environmental baseline must be determined. Landowners will have the option of either

allowing biologists with the Implementing Entity to survey their property at no cost or hiring and paying for their own consultants to do so. Reports prepared by landowner consultants will be reviewed by the Implementing Entity for adequacy.

- The survey report will address the areas proposed for neighboring landowner protections and will include, at a minimum, a description of habitat for covered species (extent and quality), existing records of covered species within 1 mile of the parcel proposed for coverage, and the results of surveys for covered species on the parcel proposed for coverage. Upon receipt of a biological report approved by the Implementing Entity and a *Certificate of Inclusion* signed by the landowner, the Implementing Entity will grant take coverage to the landowner under this program.
- A change in ownership of land enrolled in the neighboring land program requires the new landowner to notify the Implementing Entity in order to continue coverage. This notification allows the Implementing Entity to verify that the new landowner wishes to continue to be enrolled in the program. No new surveys are required to continue coverage under the program.
- The Implementing Entity will maintain a record of all correspondence and certificates of inclusion sent to neighboring landowners subject to these protections, as well as signed certificates of inclusion returned by landowners. The Implementing Entity will notify USFWS and CDFG annually of the number, location, and size of neighboring lands entered into the program. Copies of the certificates will be provided to USFWS and CDFG upon request. The location of all neighboring lands enrolled in the program will be mapped in the Implementing Entity's GIS database.

Public Access to Conservation Easements Held by Private Landowners

It is not the intent of the Implementing Entity to allow general public access on conservation easements that are part of the HCP/NCCP Preserve System. Public access on private lands managed under the HCP/NCCP could conflict with ongoing agricultural operations and could pose a safety risk to the public. Public access to lands under conservation easements could also pose a risk of unwanted trespass onto adjacent privately held lands. Generally, the Implementing Entity will leave decisions regarding public access up to the landowner but will restrict access through the conservation easement where that access may conflict with the conservation goals of the site. All conservation easements will provide for access for the Implementing Entity's biologists to conduct management and biological monitoring necessary for compliance with the Plan's adaptive management and biological monitoring program.