

# CANDIDATE CONSERVATION AGREEMENT FOR THE SAN FERNANDO VALLEY SPINEFLOWER

## 1. INTRODUCTION

This Candidate Conservation Agreement (CCA) for the San Fernando Valley spineflower (spineflower; *Chorizanthe parryi* var. *fernandina*) is a collaborative effort between The Newhall Land and Farming Company, a California limited partnership (Newhall Land) and the U.S. Fish and Wildlife Service (Service) to implement conservation measures for the spineflower. The CCA provides for Newhall Land to voluntarily implement conservation measures described in the San Fernando Valley Spineflower Enhancement and Introduction Plan (Introduction Plan), attached as **Exhibit A** to this CCA, with the goal of enhancing the status of the species. The Introduction Plan describes the strategy by which Newhall Land will voluntarily establish new, protected spineflower occurrences within the species' historical range, building on conservation measures required by the California Department of Fish and Wildlife (CDFW) under the Newhall Ranch Spineflower Conservation Plan (SCP), attached as **Exhibit B** to this Agreement. This CCA specifically pertains to the additional voluntary conservation measures recommended by the Service in the Introduction Plan, and also provides the authority for the Service to work with Newhall Land and the CDFW in the monitoring and management of the Introduction Plan and the SCP.

The Introduction Plan provides for Newhall Land to voluntarily establish new, protected spineflower occurrences within the species' historical range that will increase the resiliency of the existing populations and expand the redundancy and representation of the species. Newhall Land will voluntarily conserve an additional 1,498 acres of its property for the benefit of the spineflower, and carry out additional spineflower conservation activities within portions of those 1,498 acres and at sites near Elizabeth Lake within a portion of the Petersen Ranch Mitigation Bank as depicted on **Exhibit C** hereto (collectively, the "Additional Conservation Areas"). These actions, collectively known as the "Additional Conservation Measures", will contribute to reducing and eliminating current and/or potential future threats to the persistence of the spineflower as a species by expanding the area of protected conservation land for spineflower, increasing the number and extent of protected spineflower occurrence locations, and providing protection for spineflower introduction sites from development-related stressors. The Additional Conservation Measures will result in at least two new self-sustaining and persistent spineflower occurrences and will increase the number of ecoregions in which spineflower is represented.<sup>1</sup>

The Additional Conservation Measures build on the SCP Conservation Measures and utilize information on spineflower habitat and life history needs developed under the SCP. The CDFW approved the SCP and issued an incidental take permit (Permit No. 2081-2008-012-05, the ITP) under the California Endangered Species Act, California Fish and Game Code §§2050-2085 (CESA), in 2010 for the SCP and the proposed Newhall Land development within the SCP

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<sup>1</sup> Ecoregions denote areas of general similarity in ecosystems and in the type, quality, and quantity of environmental resources, and are designed to serve as a spatial framework for ecosystem monitoring and management (Western Geographic Science Center 2017).

area.<sup>2</sup> The areas subject to the SCP (SCP Enrolled Lands) are depicted on **Exhibit D** to this CCA and include seven spineflower preserves, totaling approximately 228 acres, which will be preserved and managed for the benefit of spineflower in perpetuity. The requirements of the SCP and ITP are collectively known as the “SCP Conservation Measures.” Together, the SCP Conservation Measures and the Additional Conservation Measures will be implemented in accordance with the federal Endangered Species Act, as amended (Act), 16 U.S.C. §§1531 *et seq.*, and CESA, to benefit the spineflower.

## **2. HISTORY OF SPINEFLOWER CONSERVATION EFFORTS AND CCA DEVELOPMENT**

The spineflower was thought to be extinct until it was rediscovered on the former Ahmanson Ranch property in Ventura County, California, in May 1999. The Service identified the spineflower as a candidate species for listing under the Act in the October 25, 1999, Candidate Notice of Review, with a listing priority of “3” that reflected the imminent development threat to the only known extant population from the proposed Ahmanson Ranch development project (64 Fed. Reg. 57534, 57541). The spineflower was listed as endangered under CESA in 2001.

In 2003, the State of California acquired the Ahmanson Ranch property and transferred it to the Santa Monica Mountains Conservancy for purposes of conservation, research, and compatible public uses, thereby eliminating the development threat to the Ahmanson Ranch spineflower population. The Ahmanson Ranch property is now called the Upper Las Virgenes Canyon Open Space Preserve.

Also in 2003, following the discovery of spineflower on Newhall Land property in the Santa Clarita Valley in northern Los Angeles County, California, Newhall Land contacted the Service expressing its desire to enter into a CCA that would provide for long-term conservation of spineflower occurrence locations on Newhall Land property.

Around the same time, Newhall Land began working with the CDFW to develop a conservation plan for the spineflower under CESA (*i.e.*, the SCP). Coordination with the Service and the CDFW identified information needed to inform the conservation plan, including a spineflower pollinator study and evaluation of soil, geology and other factors that influence habitat suitability and species distribution for spineflower, and the need to collect spineflower seed for long-term conservation and possible reintroduction efforts.

Newhall Land funded the research and seed collection efforts identified by the resource agencies, and worked with the CDFW to develop biological goals and objectives, success criteria, and management and monitoring measures for the SCP that would ensure the long-term conservation of the spineflower. The Service commented on the draft SCP in 2007, leading to changes including the addition of an adaptive management program. During development of the SCP, Newhall Land also worked with the Service to develop a CCA, producing drafts in 2006 and 2008.

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<sup>2</sup> The California Department of Fish and Game (CDFG) was officially renamed the California Department of Fish and Wildlife (CDFW) as of January 1, 2013. For consistency, all references to the department in this document use its current name, with the exception of documents cited in this CCA that were published by CDFG prior to the name change.

Work with the CDFW culminated in December 2010, when the CDFW approved the SCP and ITP, which require Newhall Land to establish a permanent managed preserve system on its property for the benefit of the spineflower.

From 2015 through 2017, Newhall Land updated the draft CCA to reflect the SCP Conservation Measures already carried out, to incorporate research conducted under the SCP on spineflower occurrence, ecology and habitat characterization, and to incorporate the Additional Conservation Measures described in the Introduction Plan. The Additional Conservation Measures will conserve Additional Conservation Areas containing suitable spineflower habitat, as identified through criteria developed from the SCP habitat characterization study, and conduct targeted introduction and management of spineflower within portions of the Additional Conservation Areas. The Additional Conservation Measures, as refined in consultation with the Service and CDFW, are included in this final CCA.

### **3. SUMMARY OF CONSERVATION STRATEGY**

Through the SCP, the CDFW has required Newhall Land to provide for the perpetual conservation and management of seven spineflower preserves, totaling 228 acres, located within the SCP Enrolled Lands on Newhall Land property and depicted on **Exhibit D** to this CCA. The SCP spineflower preserves contain approximately three-quarters of the cumulative occupied spineflower habitat on Newhall Land property, totaling approximately 15.4 acres, in addition to land targeted for spineflower expansion and buffer areas intended to protect spineflower occurrence locations from development-related threats. The SCP spineflower preserves are connected to a larger system of open space and habitat, totaling approximately 10,000 acres that will be permanently conserved through implementation of the SCP and the Newhall Ranch RMDP. Newhall Land has granted conservation easements to the CDFW over all of the SCP spineflower preserves. The SCP Conservation Measures include habitat enhancement and creation measures for spineflower, and experimental introduction of spineflower in areas outside of existing occupied habitat. Newhall Land has already provided more than \$4 million in endowments to fund management and monitoring of the SCP spineflower preserves, and will provide approximately \$2 million more in SCP endowments as required by the ITP.

Newhall Land has also provided an endowment of approximately \$1.15 million under the SCP for perpetual management of the spineflower population at the former Ahmanson Ranch property, now called the Upper Las Virgenes Canyon Open Space Preserve. Together, the SCP Enrolled Lands and the Upper Las Virgenes Canyon Open Space Preserve contain and conserve both known extant populations of the spineflower.

The Additional Conservation Areas are intended to further increase the distribution of the spineflower within its historic range and include approximately 1,498 acres: (1) three Additional Conservation Areas totaling approximately 825 acres are contiguous with or adjacent to the existing San Martinez Grande and Potrero spineflower preserves established under the SCP (all of which would be considered part of the Santa Clarita population); (2) an Additional Conservation Area of 357 acres is located in the Simi Valley watershed on the southern boundary of Newhall Land property in Ventura County; (3) an Additional Conservation Area of approximately 316 acres is located on Newhall Land property in the Castaic Mesa area in northern Los Angeles County, near a known extirpated population location; and (4) an Additional Conservation Area containing spineflower introduction sites is located in a portion of

the Petersen Ranch Mitigation Bank adjacent to Elizabeth Lake, also near a known extirpated population location.<sup>3</sup>

In carrying out the Additional Conservation Measures as described in the Introduction Plan, Newhall Land will introduce spineflower within portions of the Additional Conservation Areas with the goal of establishing at least two new self-sustaining and persistent spineflower occurrences—at least one of which will be in a different ecoregion from the existing populations. Spineflower introduction will occur on a total of at least 10 acres within the Additional Conservation Areas. Newhall Land will also cause permanent conservation instruments to be recorded over each of the Additional Conservation Areas to ensure that spineflower habitat values are maintained.<sup>4</sup> Newhall Land will fund all initial habitat enhancement and spineflower introduction activities within the Additional Conservation Areas, estimated at approximately \$3.35 million, and will fund one or more endowments to provide perpetual management and monitoring within the Additional Conservation Areas, based on a Property Analysis Record, currently estimated at a total of approximately \$4.1 million.

#### **4. PURPOSE AND GOALS**

The purpose of this CCA is to provide for the implementation of the Introduction Plan and Additional Conservation Measures therein to enhance the status of spineflower populations. The Additional Conservation Measures will:

- Increase the understanding of spineflower habitat requirements and life history characteristics so that population expansion and augmentation can be achieved;
- Provide for expansion of existing spineflower occurrence locations and targeted introduction of spineflower in suitable habitat at additional locations within the Additional Conservation Areas, establishing at least two new self-sustaining and persistent spineflower occurrences.
- Implement an adaptive management program for the introduced populations that will include enhancement, maintenance, and monitoring efforts with the intent to continue conservation efforts in perpetuity.

The goal of this CCA is to contribute to ensuring that the spineflower is not in danger of extinction or likely to become so within the foreseeable future, by expanding the scope of measures to prevent, reduce and eliminate threats to the spineflower, and by increasing the number and geographic range of the species to increase its resiliency, redundancy, and representation.

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<sup>3</sup> The area containing spineflower introduction sites at Elizabeth Lake is considered an Additional Conservation Area for purposes of this Agreement, but, because it is within the Petersen Ranch Mitigation Bank which is already designated for conservation purposes as a mitigation bank, Newhall Land will not set aside or conserve any additional acreage at Elizabeth Lake. Newhall Land has obtained the consent of the landowner, Land Veritas, to perform spineflower introduction within a portion of the Mitigation Bank consisting of approximately 7 acres at Elizabeth Lake, containing approximately 2 acres of areas identified in the Introduction Plan as potential spineflower introduction sites. The Elizabeth Lake Additional Conservation Area will be managed consistent with the management practices for the other Additional Conservation Areas and will exist within the larger conserved area of the surrounding mitigation bank.

<sup>4</sup> Land Veritas will be responsible for placing a conservation instrument over the Elizabeth Lake Additional Conservation Area.

## 5. PARTIES

**5.1 Service.** The Service, an agency of the U.S. Department of the Interior, is responsible for the administration of the Act, including determinations about whether plant and animal species should be listed as endangered or threatened, designations of critical habitat, and the monitoring of candidate species for which the Service has found listing to be warranted but precluded due to other higher priority listing actions (16 U.S.C. §1533(b)(3)(B)).

This CCA will be implemented through the Service's Ventura Fish and Wildlife Office. The tracking number to be used when referring to this CCA is **CCA 2017-SFVS**.

**5.2 Newhall Land.** Newhall Land is the record owner of or otherwise owns or controls an interest in real property that is the subject of this CCA, including the SCP Enrolled Lands and the Additional Conservation Areas (excluding the Elizabeth Lake Additional Conservation Area within the Petersen Ranch Mitigation Bank).

## 6. AUTHORITY

Sections 2, 4, 6, 7 and 10 of the Act (16 U.S.C. §§ 1531–1544) and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. §§ 661–667e) authorize the Service to enter into this CCA. Section 2 of the Act states that encouraging parties, through federal financial assistance and a system of incentives, to develop and maintain conservation programs is a key to safeguarding the nation's heritage in fish, wildlife and plants. Section 4(a)(1) of the Act requires the Service to determine whether any species is endangered or threatened because of any of the five designated "threat" factors listed in the Act. Section 4(b)(1)(A) requires the Service to make a listing determination after taking into account state and local conservation efforts to protect the species.

Section 6 of the Act authorizes cooperation, to the maximum extent practicable, between the Service and the states to further the intent of the Act. Under the Service's published interagency cooperative policy regarding the role of state agencies in Act activities (59 Fed. Reg. 34275), it is the policy of the Service to utilize the expertise of, and solicit information from and participation by, state agencies in implementing all aspects of the federal Act. Section 7 of the Act requires the Service to review programs that it administers and to utilize such programs in furtherance of the purposes of the Act. By entering into this CCA, the Service is utilizing its Candidate Conservation Programs to provide federal oversight and further the conservation of plant species.

## 7. SPECIES STATUS AND DISTRIBUTION.

**7.1 Scientific Name.** The spineflower's scientific name is *Chorizanthe parryi* var. *fernandina*.

**7.2 Common Name.** The spineflower's common name is San Fernando Valley spineflower.

**7.3 Service Region.** The spineflower is located in U.S. Fish and Wildlife Service, Pacific Southwest Region (R8).



**7.4 Legal Status.** At the federal level, the spineflower has been identified as a candidate species under the Act since 1999, and on September 15, 2016 the Service published a proposed rule to list the spineflower as a threatened species under the Act (81 FR 63454). At the state level, the spineflower was listed as endangered under CESA, effective September 8, 2002.

**7.5 Plant Group and Family.** The spineflower is a small, prostrate annual plant in the buckwheat family (Polygonaceae). It grows low to the ground, with several stems branching out from the base and spreading horizontally, reaching a height of up to 12 inches (30 centimeters) and measuring 2–16 inches (5–40 centimeters) across. The basal leaves are oblanceolate to oblong, 0.2 to 1.6 inches (5–40 millimeters) long, alternate, entire, and covered with stiff, straight, appressed hairs. Lower bracts are entire and leaf-like, while upper bracts are reduced.

Spineflower typically blooms from April to June. The flowers are white, six-parted, 0.1 to 0.12 inches (2.5 to 3 centimeters) long, have unequal sepals, and are subtended by spine-tipped involucre. The six straight involucre teeth are unequal; there are three long outer ones and three inner shorter ones. The involucre teeth are never hooked, thus distinguishing it from its closest relative, Parry's spineflower (*Chorizanthe parryi* var. *parryi*).

The spineflower belongs to the genus *Chorizanthe* and was first described as *Chorizanthe fernandina* in 1880, based on a specimen collected in 1879, from the San Fernando Canyon in Los Angeles County. It was reclassified as *Chorizanthe parryi* var. *fernandina* in 1925, and has been recognized as a distinct taxon since that time.

## **8. CONSERVATION MEASURES AND OBLIGATIONS OF THE PARTIES**

**8.1 Cooperation with the CDFW.** Pursuant to Section 6 of the Act, and the Service's interagency cooperative policy regarding the role of state agencies in Act activities (59 FR 34275), the Service acknowledges that spineflower is currently listed as an endangered species pursuant to CESA. Because of this listing and the CDFW's regulatory power over the SCP and ITP, the Service acknowledges that the CDFW, in consultation with the County of Los Angeles, is in the best position to directly monitor compliance with the SCP Conservation Measures, with oversight provided by the Service at its discretion. The CCA provides the authority for the Service to work with Newhall Land and the CDFW in monitoring and management of both the Introduction Plan and the SCP.

**8.2 Description of Covered Lands.** This CCA applies to activities on the Additional Conservation Areas under the Introduction Plan.

**8.2.1 Additional Conservation Areas.** The Additional Conservation Areas shown on **Exhibit C** contain habitat considered suitable for the spineflower based on the best available scientific information, and provide for potential expansion of existing spineflower occurrence locations, introduction of new spineflower occurrences, and support of native communities and ecosystems on which spineflower depends. The Additional Conservation Areas comprise the following:

- (a) Certain real property located in the County of Los Angeles, State of California, and certain real property located in the County of Ventura, State of

California, consisting of three areas totaling 825 acres, which are referred to as the San Martinez Grande Preserve Expansion – Los Angeles County (410 acres), the San Martinez Grande Preserve Expansion – Ventura County (335 acres), and the Potrero Preserve Expansion (80 acres),

(b) Certain real property located in the County of Ventura, State of California, consisting of 357 acres, which is referred to as the Ventura County– Facing Simi Valley area.

(c) Certain real property located in the County of Los Angeles, State of California, consisting of 316 acres, which is referred to as the Castaic Mesa Area.

(d) Certain real property located in the County of Los Angeles, State of California, consisting of approximately 7 acres in the vicinity of Elizabeth Lake, which is a portion of the area referred to as the Petersen Ranch Mitigation Bank.

Newhall Land is the sole owner in fee simple of the San Martinez Grande Preserve Expansion – Los Angeles County, San Martinez Grande Preserve Expansion – Ventura County, Potrero Preserve Expansion, Ventura County– Facing Simi Valley, and the Castaic Mesa Area. Land Veritas is the sole owner in fee simple of the Peterson Ranch Mitigation Bank.

**8.2.2 SCP Enrolled Lands.** Newhall Land is the sole owner in fee simple of the SCP Enrolled Lands shown in **Exhibit D**. The distribution of spineflower on the SCP Enrolled Lands consists primarily of seven occurrence locations, with five located within the Newhall Ranch Specific Plan area, and one occurrence within each of the Entrada and Valencia Commerce Center project areas. Each occurrence location consists of occupied spineflower habitat that is proximate to each other within a particular area and separated from others by distance or existing natural or manmade site features, such as the Santa Clara River, ridgelines, and roadways.

### **8.3 Newhall Land Obligations.**

**8.3.1 Introduction Plan, Additional Conservation Measures.** Newhall Land agrees to implement all measures described in the Introduction Plan and summarized in this Section 8.3.1. The Introduction Plan will be implemented with an adaptive management approach. The program is set up with an initial 10-year implementation period for each introduction site that includes enhancement, introduction, maintenance, and monitoring. The intent of the program is to continue conservation efforts for enhancement of spineflower habitat beyond the initial 10-year implementation period, in perpetuity.

#### **(a) Dedication of Additional Conservation Areas.**

(1) Within ninety (90) days after the effective date of this CCA, Newhall Land shall record a restrictive covenant or deed restriction over each of the following Additional Conservation Areas: (1) San Martinez Grande Preserve Expansion – Los Angeles County, San Martinez Grande Preserve Expansion – Ventura County, and Potrero Preserve Expansion, (2) Ventura County – Facing Simi Valley, and (3) Castaic Mesa.

(2) Following initial implementation of the Spineflower Introduction Plan within each of the Additional Conservation Areas named in paragraph (1) above, and prior to beginning long-term management within each such Additional Conservation Area pursuant to paragraph (f) of this Section 8.3.1, Newhall Land shall grant a perpetual conservation easement over that Additional Conservation Area in favor of a qualified natural lands management organization or other entity approved by the Service.

(3) The Elizabeth Lake Additional Conservation Area is within a CDFW-approved mitigation bank with conservation instruments already covering portions of the property. To the extent this Additional Conservation Area does not already have legal site protections in place, the landowner, Land Veritas, will be responsible for placing conservation instruments over the introduction sites.

(4) All conservation instruments placed on the Additional Conservation Areas pursuant to this Subsection 8.3.1(a) shall prohibit activities and uses that would adversely affect any spineflower occurrences established at introduction sites within the Additional Conservation Areas.

**Phased Approach.** Newhall Land agrees to implement the Introduction Plan in accordance with the implementation schedule defined therein, which includes a phased approach. A phased approach will provide lead time to conduct seed bulking and wild seed collections needed to acquire the necessary seed resources to implement spineflower introduction in the various areas. The Phased Implementation Schedule outlined in Section 4.2 of the Introduction Plan and shown below includes a sequential schedule of steps to be implemented during the program at each introduction site.



### Phased Implementation Schedule

Phase	Introduction Areas	Implementation Sequence
1	Potrero Preserve Expansion San Martinez Grande Preserve Expansion – Los Angeles	Implementation began in 2016 with initiation of seeding trials at both locations; commencement of full-scale spineflower introduction in 2018
2	San Martinez Grande Preserve Expansion – Ventura County Castaic Mesa	Site investigations completed in 2017. Implementation will continue with seeding trials beginning in 2018, followed by full-scale spineflower introduction
3	Ventura County – Facing Simi Valley Elizabeth Lake	Site investigations completed in 2017. Implementation will continue with seeding trials beginning in 2020, followed by full-scale spineflower introduction

For each of the three phases in the Phased Implementation Schedule, Newhall Land shall implement the Task Implementation Schedule below (Section 4.2 of the Introduction Plan). The first step for each introduction site is the establishment of seeding trials. A series of initial seeding trials will be implemented at the proposed introduction areas prior to widespread introductions. The seeding trials are expected to take a minimum of 2 years to implement and obtain meaningful results. The seeding trials will be followed by more widespread spineflower introductions. The locations for widespread introductions will be based on where seeding trials demonstrate a reasonable probability of success and will occur on a minimum of 10 acres within the Additional Conservation Areas.

### Task Implementation Schedule

Year	Task	Seasonality	Stage of Program
Ongoing	Procure seed through wild collections and seed bulking at a nursery	November–June	Ongoing as needed to provide adequate seed in advance of planned seeding events
1–2	Implement Seeding Trials	Apply seed in fall or early winter	Start in fall and continue through two growing seasons
1–10	Conduct biological monitoring	Monthly during the growing season in Year 1 (November–June); four times per year thereafter	In Years 1 and 2, monitoring of seeding trials; Years 3–10, monitoring of introduction sites
2	Determine relative suitability of introduction area based on results of seeding trials and confer with Spineflower Adaptive Management Working Group about whether to proceed with widespread introductions <sup>5</sup>	Summer of second year	After second year results are known, but early enough to plan for spineflower introductions in the fall

<sup>5</sup> The Adaptive Management Working Group is established under the SCP, as described in Section 2.2 of the Introduction Plan.

### Task Implementation Schedule

Year	Task	Seasonality	Stage of Program
2	Conduct pre-disturbance survey for any other special status species within Additional Conservation Area	Spring or summer	Complete surveys in the appropriate season prior to spineflower introduction if land disturbance is planned
2	Prepare introduction site (fencing, weed control, thatch removal, scraping/compaction, etc.)	Summer or fall (July–October)	Complete site preparation prior to fall of spineflower introduction
2	Salvage and transfer topsoil (if applicable)	Summer or Fall (July–October)	Complete site preparation prior to fall of spineflower introduction
3	Apply spineflower seed (collected and bulked seed)	Fall or early winter (November–December)	Start prior to onset of rainy season at beginning of third year
3	Map spineflower introduction areas	Fall or Winter after seeding	At the beginning of the spineflower introduction stage
3–4	Implement supplemental watering	During the growing season only if natural rainfall is lacking for a period of greater than approximately 3 weeks	Only as needed during the first and second year after spineflower introduction
3–10	Perform maintenance and weed control	Monthly during the growing season (November–June), and as needed during the dry season (July–October)	Maintenance will continue through duration of 10-year period
4–5	Perform habitat enhancement in buffer areas	Fall or early winter	1–2 years after spineflower introduction
4–5	Apply native seed mix in spineflower introduction areas	Fall or early winter	1–2 years after spineflower introduction
8–10	Evaluate data collected in years 3–7 to examine the relationship of spineflower productivity, and whether separate standards should be applied to introduction sites in new ecoregions: account for differences in climate, elevation, and other variables that could affect spineflower productivity.	Winter	Evaluation at completion of the fifth year of conducting biological monitoring of introduction sites

(b) **Spineflower Seeding Trials.** Newhall Land began implementation of the Introduction Plan in 2016 by commencing site investigations to identify the Additional Conservation Areas and suitable spineflower introduction sites within the Additional Conservation Areas, and by commencing spineflower seeding trials within the San Martinez Grande Preserve Expansion – Los Angeles County and Potrero Preserve Expansion Additional Conservation Areas. Newhall Land shall continue to conduct spineflower seeding trials within each of the Additional Conservation Areas in

accordance with the Introduction Plan. As described in Sections 1.7 and 4.11 of the Introduction Plan, specific seed sources for targeted seeding locations will rely on available information from the spineflower genetics study that is currently in progress to ensure that the introduction program is consistent with the most current conservation principles of population genetics as well as the specific genetic characteristics of the spineflower populations.

(c) **Spineflower Introduction.** Newhall Land shall conduct spineflower introduction within a total of at least 10 acres within the Additional Conservation Areas, in accordance with the Introduction Plan. Following completion of spineflower seeding trials within an Additional Conservation Area and a determination, made in consultation with the Spineflower Adaptive Management Working Group in accordance with Section 4.5 of the Introduction Plan, that the Additional Conservation Area contains habitat suitable for long-term persistence of the spineflower, Newhall Land shall conduct spineflower introduction and habitat enhancement at sites within that Additional Conservation Area.

Seed application methods for the spineflower introduction will follow those determined to be the most successful based on the seeding trials. The application method may include hand-broadcast seeding, salvage seedbank topsoil application, drill seeding, or other method determined to be successful. All seeded areas will be physically marked, signed, and fenced for protection where necessary to protect seeded areas from public access, adjacent grazing or ranching uses, or other incompatible uses. Supplemental watering may be conducted in the first two years, if needed, to facilitate the establishment of the newly planted spineflower seeds and to promote seed production.

(d) **Success Criteria.** The combined factors of documented success with other *Chorizanthe* introductions (discussed in Introduction Plan Section 1.8.1), the ability of the species to recolonize disturbed sites, introduction site selection based on scientific analysis of occupied sites, positive results of 2016 spineflower seeding trials in 10 test plot locations, and the enhancement and adaptive management program to aid establishment and persistence provide the rationale for expecting success of the spineflower introduction program described in the Introduction Plan. Newhall Land agrees to implement the Introduction Plan to successfully meet the goals, objectives, and success standards in accordance with Section 7.1 of the Introduction Plan and summarized here:

(i) Establish occupied spineflower habitat that exhibits sufficient abundance to support a self-sustaining population, including sufficient density, productivity, and seed viability. Success shall be measured as introduced spineflower plants exhibiting comparable levels of spineflower density, productivity, and seed viability compared to reference sites.

(ii) Establish self-sustaining spineflower populations at a minimum of two introduction sites, with at least one of the sites in a different ecoregion than the existing spineflower populations. Success shall be measured as at least two introduction sites each supporting a minimum viable population size (as

defined in the Introduction Plan) during Years 5–10 of the monitoring period, with natural recruitment of spineflower documented either by recruitment occurring outside the footprint of the area seeded, or by recurring recruitment within seeded areas, or both.

(iii) Demonstrate resilience of the introduced spineflower occurrences in the event of environmental stressors such as drought. Success shall be measured as spineflower at introduction sites exhibiting a stable or increasing trend (e.g., plant density, aerial extent) in 1 to 3 years following a poor spineflower year that resulted from an environmental stressor.

(iv) Demonstrate persistence of spineflower at the introduction sites. Success shall be measured as Newhall Land implementing a minimum of 10 years of active adaptive management that includes addressing deficiencies if interim success standards are not met. Successful introduction sites shall be permanently conserved and adequate funding for in-perpetuity management shall be secured. Informative project reports and sufficient documentation shall be prepared annually to enable outside observers to understand potential reasons for shortcomings or success.

(e) **Other measures required by Introduction Plan.** The goal of the Introduction Plan is to establish at least two new self-sustaining and persistent spineflower occurrences, at least one of which shall be located in a different ecoregion than the two existing spineflower populations. Therefore, in addition to implementation of initial habitat enhancement and spineflower introduction, Newhall Land shall conduct intensive maintenance and monitoring of the introduction sites following installation, in accordance with the Introduction Plan. In the event that spineflower is not successfully established and demonstrated to be self-sustaining in at least two locations by the end of the initial implementation period prescribed by the Introduction Plan, or is lost to other causes beyond the control of Newhall Land, Newhall Land shall reevaluate the Introduction Plan in consultation with the Service and the CDFW and develop an appropriate course of action to achieve the goal of the Introduction Plan.

(f) **Long-term management.** Following the initial 10-year implementation period for an Additional Conservation Area under the Introduction Plan, and a determination made in consultation with the Spineflower Adaptive Management Working Group that newly occupied spineflower habitat within the Additional Conservation Area contains one or more self-sustaining spineflower occurrences, Newhall Land or its designee shall conduct long-term management (including adaptive management), monitoring, and annual reporting of the newly occupied spineflower habitat within the Additional Conservation Area in perpetuity, in accordance with the Introduction Plan. If, based on the results of spineflower seeding trials, spineflower introduction is not conducted within an Additional Conservation Area, or if spineflower introduction does not succeed in establishing one or more self-sustaining spineflower occurrences in the Additional Conservation Area, then (i) for the Elizabeth Lake Additional Conservation Area, no long-term management shall be required under this Introduction Plan, and (ii) for all other Additional Conservation Areas, long-term

management shall include only general maintenance and reporting tasks appropriate for areas outside the spineflower introduction sites as described in Section 9.3 of the Introduction Plan and shall commence upon completion of initial implementation tasks within the Additional Conservation Area.

(g) **Funding.**

(1) **Implementation Costs.**

(A) Newhall Land shall fund all habitat enhancements, spineflower introduction and other implementation activities prescribed by the Introduction Plan during the 10-year initial implementation and monitoring period for each Additional Conservation Area. Such costs are currently estimated at approximately \$3.35 million for all Additional Conservation Areas combined.

(B) Within ninety (90) days after the effective date of this CCA, Newhall Land shall establish an escrow account and deposit the amount of \$3.35 million (less any amount already expended by Newhall Land to implement the Introduction Plan) into the account to guarantee funding for implementation of the Introduction Plan. The escrow instructions shall provide for release of funds to Newhall Land (i) annually, after written authorization by the Service, in an amount not to exceed the budgeted costs of Introduction Plan implementation tasks scheduled for the coming year or completed by Newhall Land at its own expense in the prior year; or (ii) upon termination of this CCA as provided in Section 11 of this CCA, in an amount equal to the balance remaining in the escrow account at the time of termination.

(2) **Long Term Management Costs.**

(A) Newhall Land shall fund one or more endowments sufficient to support perpetual management and monitoring of the Additional Conservation Areas as described in the Introduction Plan, based on one or more Property Analysis Records, currently estimated at a total amount of approximately \$4.1 million.

(B) The endowment for each Additional Conservation Area shall be established prior to commencement of long-term management within the Additional Conservation Area pursuant to paragraph (f) of this Section 8.3.1.

**8.3.2 SCP Conservation Measures.** To assist the Service in working with Newhall Land and the CDFW in the monitoring and management of the SCP, Newhall Land agrees to the obligations set forth below.

(a) Newhall shall include the Service as a member of the Spineflower Adaptive Management Working Group established under the SCP.



(b) Newhall shall provide the Service with copies of all reports, studies, notices and the like that Newhall Land is required to provide to the CDFW under the SCP.

**8.4 Service Obligations.** The Service agrees to undertake the obligations set forth below.

**8.4.1** Pursuant to Section 6 of the federal Act and the Service's interagency cooperative policy regarding the role of state agencies in Act activities (59 FR 34275), the Service shall cooperate with Newhall Land and the CDFW to implement the Additional Conservation Measures described in this CCA.

**8.4.2** The Service shall provide prompt review of any plans, reports, studies or other documents required by the Additional Conservation Measures set forth in this CCA, preferably within 30 days of receipt.

**8.4.3** The Service shall provide staffing necessary to promptly carry out its role, as described in the Additional Conservation Measures set forth in this CCA, including membership on the Spineflower Adaptive Management Working Group, to guide planning, management, and monitoring activities of the Introduction Plan and the SCP.

**8.4.4** The Service will consider the Additional Conservation Measures set forth in this CCA in accordance with its established policies when it evaluates the status of the species for possible listing.

## **9. DURATION OF CCA, RENEWAL**

The duration of this CCA will be 25 years from the date upon which the last party executes the CCA. The CCA can be renewed. At least 90 days prior to expiration of this CCA, the Service may notify Newhall Land of the upcoming renewal opportunity. Neither Newhall Land nor the Service is obligated to renew the CCA.

## **10. MODIFICATIONS TO THE CCA**

Any party may propose modifications to this CCA by providing written notice to the other party. Such notice shall include a statement of the proposed modification and the reason for such modification. The parties will use their best efforts to respond to proposed modifications within 30 days of actual delivery of such notice. Proposed modifications will become effective upon the other parties' written approval and completion of any necessary environmental analysis and/or approvals as required by the National Environmental Policy Act, the Act, the California Environmental Quality Act, CESA, or other applicable laws.

## **11. TERMINATION OF THE CCA**

**11.1** The Service may terminate its participation under this CCA prior to expiration only upon sixty (60) days prior written notice to Newhall Land.

**11.2** Newhall Land may terminate its participation under this CCA prior to expiration only upon sixty (60) days prior written notice to the Service.

**11.3** Upon termination of this CCA by either party, the obligations of each party to the CCA shall cease and terminate, and any financial assurance established by Newhall Land pursuant to Subsection 8.3.1(g)(1) of this CCA shall be released and/or returned to Newhall Land, provided that any conservation instruments recorded pursuant to Subsection 8.3.1(a) prior to termination of this CCA shall remain in effect following termination of the CCA, and any funds expended to establish endowments pursuant to Subsection 8.3.1(g)(2) of this CCA shall not be returned to Newhall Land following termination of the CCA.

## **12. EFFECT OF CCA**

The goal of this CCA is to contribute to ensuring that the spineflower is not in danger of extinction or likely to become so within the foreseeable future, by expanding the scope of measures to prevent, reduce, and eliminate threats to the spineflower, and by increasing the number and geographic range of the species to increase its resiliency, redundancy and representation.

## **13. ADDITIONAL PROVISIONS**

**13.1 Remedies.** Each party shall have all remedies otherwise available to enforce the terms of this CCA, except that no party shall be liable in damages for any cause of action arising under this CCA, including any breach of this CCA or any performance of, or failure to perform, an obligation under this CCA.

**13.2 Dispute Resolution.** The parties agree to work together in good faith to resolve any disputes, using dispute resolution procedures agreed upon by the parties.

**13.3 Availability of Funds.** Implementation of this CCA is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this CCA will be construed by the parties to require the appropriation or expenditure of any money from the U.S. Treasury. The parties acknowledge that the Service will not be required under this CCA to expend any federal agency-appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.

**13.4 No Third-Party Beneficiaries.** This CCA does not create any new right or interest in any member of the public as a third-party beneficiary, nor shall it authorize anyone not a party to this CCA to maintain a suit for personal injuries or damages pursuant to the provisions of this CCA. The duties, obligations and responsibilities of the parties to this CCA with respect to third parties shall remain as imposed under existing law.

**13.5 Relationship to Authorities.** The terms of this CCA shall be governed by and construed in accordance with applicable state and federal law. Nothing in this CCA is intended to limit the authority of the Service to fulfill its responsibilities under federal laws. All activities undertaken pursuant to this CCA must be in compliance with all applicable state and federal laws and regulations.

**13.6 Succession and Transfer.** This CCA shall be binding on and shall inure to the benefit of the parties and their respective successors and transferees, in accordance with applicable regulations (currently codified at 50 CFR §§13.24 and 13.25).

**13.7 Notices and Reports.** Any notices, demands or reports required by this CCA shall be given in writing and: (a) delivered in person (including messenger or courier service); (b) by facsimile (but only if also delivered in writing sent by certified mail, postage pre-paid, return receipt requested); (c) mailed by certified mail, postage pre-paid, return receipt requested; or (d) mailed by overnight mail service (Federal Express, United Parcel Service, *etc.*), addressed as follows:

If to the Service, addressed to:

Ventura Fish and Wildlife Office  
Attn: Field Supervisor  
U.S. Fish and Wildlife Service  
2493 Portola Road, Suite B  
Ventura, California 93003  
Telephone: (805) 644-1766  
Fax: (805) 644-3958

If to Newhall Land, addressed to:

The Newhall Land and Farming Company  
25124 Springfield Court, 3rd Floor  
Valencia, California 91355-1088  
Attention: Environmental Resources  
Telephone: (661) 255-4000

The Newhall Land and Farming Company  
c/o Five Point  
25 Enterprise, Suite 300  
Aliso Viejo, CA 92656  
Attention: Legal Notices  
Telephone: 949-349-1000

Each such notice, demand or report, if addressed and delivered as described above, shall be effective upon the date of actual delivery, whether or not accepted by addressee.

**13.8 Duplicate Originals.** This CCA may be executed by facsimile signatures and in counterparts, each of which when so executed, shall constitute an original, and all of which taken together shall constitute one and the same document. This CCA may also be executed in any number of duplicate originals. A complete original of this CCA shall be maintained in the official records of each of the parties hereto.

IN WITNESS WHEREOF, the parties have entered into this CCA, to be effective as of the date of the last signature shown below.

Dated: 9-11-17

**THE NEWHALL LAND AND FARMING COMPANY  
(A CALIFORNIA LIMITED PARTNERSHIP), a  
California limited partnership**

By: NWHL GP LLC, a Delaware limited liability company,  
its General Partner

By: LandSource Holding Company, LLC, a Delaware  
limited liability company, its Sole Member

By: Five Point Land, LLC, a Delaware limited liability  
company, its Sole Member

By: Five Point Operating Company, LLC, a Delaware  
limited liability company, its Sole Manager

By:   
\_\_\_\_\_

Name: Matt Carpenter  
Vice President

Its: Environmental Resources

Dated: 9/12/17

**UNITED STATES FISH AND WILDLIFE SERVICE**

By:   
\_\_\_\_\_

Name: Stephen P. Henry  
Field Supervisor

Its: Ventura Fish and Wildlife Office  
U.S. Fish and Wildlife Service

## **Exhibit “A”**

Spineflower Introduction Plan  
[Attached under separate cover]



**Exhibit “B”**

Spineflower Conservation Plan  
[Attached under separate cover]

## **Exhibit “C”**

Figure Depicting Additional Conservation Areas

## **Exhibit “D”**

Figure Depicting SCP Enrolled Lands