



NATIVE ENDANGERED SP. HABITAT  
CONSERVATION PLAN

**Permit Number:** ESPER5267797

**Version Number:** 0

**Effective:** 2023-11-22 **Expires:** 2033-11-21

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**Issuing Office:**

**Department of the Interior**

**U.S. FISH AND WILDLIFE SERVICE**

ES Sacramento Permit Office  
2800 Cottage Way, Suite W-2606  
Sacramento, California 95825-1846  
permitsR8ES@fws.gov

**Digitally signed by**

**Permittee:**

Paul and Melanie Kasson  
1177 Oxford Way  
Stockton, California 95204  
U.S.A.

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Authority: Statutes and Regulations: 16 U.S.C. 1539 (a) 50 CFR 17.22, 50 CFR 13

**Location where authorized activity may be conducted:**

The permit area consists of 0.47-acre (ac) project site on Assessor Parcel Number 074-326-050 at 2680 Cottontail Lane in Los Osos, San Luis Obispo County, California.

**Reporting requirements:**

Project implementation and annual monitoring reports will be submitted to the Service by January 31 of the following year during the 10-year ITP period. Annual reports to the Service will include a brief summary or list of project activities accomplished during the reporting year (e.g., this includes development/construction activities, and other covered activities); project impacts (e.g., number of acres graded, number of buildings constructed, etc.); description of any take that occurred for each covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); description of conservation strategy implemented; monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable); description of circumstances that made adaptive management necessary and how it was implemented. A table including the cumulative totals by reporting period of all adaptive management changes to the HCP, including a very



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brief summary of the actions; description of any changed or unforeseen circumstances that occurred and how they were dealt with; funding expenditures, balance, and accrual; and description of any minor or major amendments.

**Authorizations and Conditions:**

- A. General conditions set out in Subpart D of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance 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. Acceptance of this Permit serves as evidence that the Permittee and its authorized agents understand and agree to abide by the terms of this Permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act of 1973, as amended, provides for civil and criminal penalties for failure to comply with permit conditions.
  - E. The authorization granted by this permit is subject to, and in compliance with the 2680 Cottontail Lane Project Low-Effect Habitat Conservation Plan (HCP; SWCA 2023). This permit and its supporting HCP are binding upon the Permittee and/or any authorized officer, employee, contractor, or agent conducting permitted activities.
  - F. The Permittee is authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (in the form of capture, injury, or mortality) the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) within the 0.47-acre parcel legally described as County of San Luis Obispo Assessor Parcel Number 074-326-050 and physically located at 2680 Cottontail Lane in Los Osos, San Luis Obispo County, California to the extent that the take would otherwise be prohibited under section 9 of the Act and its implementing regulations or pursuant to a rule promulgated under section 4(d) of the Act.
- Take of individual Morro shoulderband snails is authorized in the form of capture for all individuals encountered during project activities with the intent to relocate out of harm's way and injury or mortality of up to five individuals in association with activities covered under the HCP for the duration of the 10-year permit term. All take must be incidental to otherwise lawful activities associated with the development of a single-family residences and associated uses as described in the HCP and conditioned herein.



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G. This permit is transferable to subsequent owners of the covered property, however specific steps, per 50 C.F.R. § 13.25, must be undertaken by the Permittee for this to be done. Prior to transference of ownership of facilities and rights-of-way access, the Permittee and the new property owner must provide signed notification to the Service, identified in Condition L below, that a transfer of ownership is pending. This notification must include the permit number as it appears above, seller's name, the tax identification number of the property, and a Form 3-200-56 completed and signed by the buyer. The new owner must also provide a signed agreement stating the buyer is aware of, and agrees to, the terms and conditions of the HCP and this permit. The buyer also agrees not to exceed the incidental take amount allowed in this permit. Failure to follow these guidelines may result in a violation of section 9 of the Act, which may result in legal penalties, and/or the suspension or revocation of the Permit.

H. Prior to the commencement of any activity that could result in take of Morro shoulderband snail, the applicant will demonstrate that \$43,607.49 of compensatory funding has been provided to the National Fish and Wildlife Foundation Impact Directed Environmental Account (NFWF IDEA) program. The provision of funding will offset the impacts resulting from the project.

I. Only Service-approved biologists can conduct pre-activity and construction surveys for Morro shoulderband snail and monitor for, capture, and move individual snails out of harm's way into a Service-approved receptor site. The Permittee and/or their authorized office, employee, contractor, or agent must request and receive approval of those biologists he wishes to have conduct said activities and the receptor site prior to the commencement of any activities that could result in take of Morro shoulderband snail. Requests must be received at least 10 working days prior to the commencement of specified activities. The approved biologist will notify the Ventura Fish and Wildlife Office of their intent to conduct surveys or monitoring either by phone or writing (electronic mail permissible) 48 hours prior to the anticipated start of said activities. It should be noted that possession of a section 10(a)(1)(A) recovery permit for Morro shoulderband snail cannot substitute for this approval process and that written Service approval is valid only for the area described in the HCP and authorized in this permit.

J. Minimization and mitigation measures and monitoring/reporting obligations must be consistent with those identified in HCP Chapter 5. Submit required reporting and notifications regarding activities under this permit electronically to [FW8VenturaITP@fws.gov](mailto:FW8VenturaITP@fws.gov).

K. All remains of dead, intact Morro shoulderband snails subject to take in accordance with this permit must be placed with educational or research institutions holding the appropriate State and Federal permits, such as the Santa Barbara Natural History Museum (Contact: Paul Collins, Santa Barbara Natural History Museum, Vertebrate Zoology Department, 2559 Puesta Del Sol, Santa Barbara, California 93460, (805)



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682-4711, extension 154), or any other place designated in writing by the Service. Arrangements regarding the remains as museum specimens with the receiving institution need to complete prior to the commencement of any survey/monitoring activity.

L. The Permittee and the U.S. Fish and Wildlife Service agree that modification and amendments to this Permit may occur through its effective term. The Permit is based upon the Permittee's expected compliance with the provisions and commitments established in the HCP and the Permit's stated terms and conditions identified herein. The following procedures shall govern the modification and amendment process:

1. Either the Permittee or the U.S. Fish and Wildlife Service may propose modifications and/or amendments to this Permit by providing written notice. Such notice shall include a statement of the reason for the proposed modification and an analysis of its environmental effects, including its effects on operations on the covered species. This analysis shall be conducted jointly between the Permittee and the contact office of the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service or the Permittee will use best efforts to respond to a proposed modification or amendment within sixty (60) days of receipt of such notice. Absent any objection from the U.S. Fish and Wildlife Service or the Permittee, the proposed modification and/or amendment will be determined as minor and will become effective upon written approval by the U.S. Fish and Wildlife Service or the Permittee.
2. The U.S. Fish and Wildlife Service will not propose or approve minor modifications or amendments to this Permit if the U.S. Fish and Wildlife Service determines that such modifications would result in operations under the Permit that are significantly different from those analyzed in connection with the original HCP, adverse effects on the environment that are new or significantly different from those analyzed in connection with the HCP or additional take of the covered species not analyzed in connection with the HCP. If, for any reason, a receiving party determines that a proposed amendment or modification is not minor, it must be processed in accordance with the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. § 13 and § 17.
3. Any amendment or modification must conform with all applicable legal requirements, including but not limited to the Endangered Species Act, the National Environmental Policy Act, and the U.S. Fish and Wildlife Service's permit regulations at 50 C.F.R. § 13 and § 17.

M. The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating and/or minimizing impacts to the Morro shoulderband snail, changes in circumstances could arise which were not fully anticipated by this permit, and which may result in



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substantial and adverse change in the status of the Morro shoulderband snail. The U.S. Fish and Wildlife Service's policy regarding changed and unforeseen circumstances is contained in the final "No Surprises" rule published on February 23, 1998 (63 FR 8859) and codified at 50 C.F.R. §§ 17.22(b)(5), 17.32(b)(5), 222.22(g).

Unforeseen and/or changed circumstances may become apparent either to the Permittee, authorized agents or to personnel of the U.S. Fish and Wildlife Service. For the purposes of implementation of this condition, unforeseen circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that could not reasonably have been anticipated by the U.S. Fish and Wildlife Service at the time of development of the HCP, and that result in a substantial and adverse change in the status of the Morro shoulderband snail. Changed circumstances are defined as changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by the U.S. Fish and Wildlife Service, and that can be planned for. Should either unforeseen or changed circumstances arise, the Permittee and the contact office of the U.S. Fish and Wildlife Service will meet within twenty (20) working days following notice. The U.S. Fish and Wildlife Service and Permittee will together agree upon appropriate and reasonable measures for addressing such circumstances, within the rule of applicable law, and the Permittee will implement appropriate and reasonable measures within an additional thirty (30) working days, unless a longer period of time is agreed to by the U.S. Fish and Wildlife Service.

N. A copy of this permit must be in the possession of the Permittee and/or his authorized office, employee, contractor, or agent while conduction activities that could result in take of Morro shoulderband snail. Please direct any questions regarding use and reliance on this permit electronically to [FW8VenturaITP@fws.gov](mailto:FW8VenturaITP@fws.gov) to the Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003, (805) 644-1766 and include the permit number in all correspondence concerning the permit.

O. For purposes of receiving reports, monitoring compliance, and administration of the terms and conditions of this permit, the contact office of the U.S. Fish and Wildlife Service is:

U.S. Fish and Wildlife Service  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003  
(805) 644-1766  
[FW8VenturaITP@fws.gov](mailto:FW8VenturaITP@fws.gov)