

## Eligibility Determination for the Santa Barbara County Cultivation General Conservation Plan

The following steps will help you determine whether your project, or projects, may be eligible for an Endangered Species Act (ESA) section 10(a)(1)(B) permit under the General Conservation Plan for Cultivation Activities in Santa Barbara County (GCP). The GCP and associated documents can be found here: <https://www.fws.gov/ventura/endangered/habitatconservation/CultivationGCP/index.html>. The GCP is designed to cover activities associated with the installation and operation of vineyards, crops, and other agricultural development that overlap with the California tiger salamander and their habitats within Santa Barbara County. If you determine that your proposed project, or projects, is not eligible for coverage under the GCP, recommendations are provided in the steps below to assist you with compliance with the ESA. If you determine that your project, or projects, may be eligible for coverage, you will need to submit this completed form with your application for a section 10(a)(1)(B) permit, along with additional information described below.

1. Does your project(s) have the potential to result in take<sup>1</sup> of the California tiger salamander or their habitats? At the permit application stage, you may assume potential take. A more detailed analysis of impacts will be required in the Individual Permit Package.
  - a. If yes, proceed to step 2.
  - b. If no, coordinate with the Ventura Fish and Wildlife Office to receive documentation for your records that your project(s) will not result in take of the California tiger salamander. Permits issued through the GCP only address potential take of the California tiger salamander. Contact the Service if any other species may be affected.
  
2. Is the proposed project a “Covered Activity” under the GCP? For a description of Covered Activities, see Section 2 of the GCP.
  - a. If yes, proceed to step 3.
  - b. If no, your project cannot address ESA compliance needs through the GCP. Please contact the Service to determine next steps to address any potential project impacts to listed species or their habitats.
  
3. Will take of California tiger salamanders be incidental to the proposed project? Section 10(a)(1)(B) authorizes the issuance of permits for take resulting from non-federal activities that may occur incidentally to otherwise lawful measures with the provision of an HCP. The term incidental take is defined as take that is “incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.”
  - a. If yes, proceed to step 4.
  - b. If no, project cannot address ESA compliance needs through the GCP. Please contact the Service to determine next steps to address any potential project impacts to listed species or their habitats.

4. Is the proposed project an otherwise lawful activity? The ESA statute and the associated implementing regulations and policies of the U.S. Fish and Wildlife Service require that the proposed action must be otherwise lawful.
  - a. If yes, proceed to step 5.
  - b. If no, the Service cannot issue a Federal Fish and Wildlife Permit for actions that do not meet this requirement. Contact the Service to determine if there are other pathways to comply with the statute.
  
5. Do you agree to conduct an historical/cultural review of your project site and work with the State Historic Preservation Office and Tribal Historic Preservation Officers to overcome any significant impacts; avoid any impacts to Indian sacred sites; and not limit access to Indian sacred sites on Federal lands?
  - a. If yes, proceed to step 6.
  - b. If not, the project may not be in compliance with the Service's analysis of the GCP for which a finding of no significant impact was determined.
  
6. If your project will be on or will impact any park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas under Federal ownership or jurisdiction, do you agree to work with managing entities and meet their requirements?
  - a. If yes, proceed to step 7.
  - b. If not, the project may not be in compliance with the Service's analysis of the GCP for which a finding of no significant impact was determined.
  
7. Has your company been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, where such assessment or conviction evidences a lack of responsibility?
  - a. If yes, please contact the Service to determine if such penalty may preclude you from being eligible for this GCP.
  - b. If no, proceed to step 8.

8. Do you agree to implement minimization and mitigation measures, funding assurances for mitigation and changed circumstances, and reporting requirements as described in the GCP?
  - a. If yes, proceed to step 9.
  - b. If no, your project cannot address ESA compliance needs through this GCP. The applicant should, to the maximum extent practicable minimize their impacts to federally-listed species and provide assurances of funding for mitigation and changed circumstances. Contact the Service to determine next steps to address any potential project impacts to listed species or their habitats.
  
9. Do you acknowledge that a complete Permit Application Package, which includes an Individual Project Package, must be submitted to the Service and approved? See Section 6 of the GCP for additional information on the submittal process.
  - a. If yes, proceed to step 10.
  - b. If no, your Permit application cannot be approved. An incidental take permit cannot be issued until your Permit Application Package has been approved by the Service.
  
10. Your project may be eligible for coverage under the GCP. Your next step is to submit this document (completed and signed), a section 10(a)(1)(B) permit application, and the other documents identified in the checklist on the following page. For more information on the permit application process, see Section 6 of the GCP. If your project has a federal nexus, we recommend that you contact the Service before putting together your permit application.

**Certification:** I hereby certify the information submitted in this Eligibility Determination for the General Conservation Plan is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001 (50 CFR 13.12(a)(5)).

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Signature of applicant/person responsible for permit

Date of signature (mm/dd/yyyy)

Name:

Company Name:

Company Address:

Phone Number:

Email:

### GCP Permit Application Checklist:

Completed and signed Eligibility Determination (this document)

Completed Section 10(a)(1)(B) application and processing fee (currently \$100.00). The application and step-by-step application guidance can be found here:

[linked to form on GCP website](#)

General map and list of counties to be included for the Area of Permit Coverage (may be the entire Planning Area).

All information above should be submitted electronically to: [sbc-cultivationgcp@fws.gov](mailto:sbc-cultivationgcp@fws.gov), with a subject line of "Cultivation GCP Company Name Permit Application". Additionally, the original signed permit application should be submitted to the following address:

U.S. Fish and Wildlife Service  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

For additional discussion on the permit application and implementation process, see Section 7 of the GCP.

<sup>1</sup> Section 9 of the ESA prohibits "take" of threatened and endangered species. The term "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct" (16 USC § 1532(3)(19)). The term "harm" is defined to include any act "which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR § 17.3). The term "harass" is defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR § 17.3).