



December 13, 2017

Ms. Shirley Innecken
San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, CA 92023

**Letter of Permission for Access to Conduct Weed Abatement Activities
on Selected South Coast Region Ecological Reserves**

Dear Ms. Innecken:

The Department of Fish and Wild (Department) would like to continue weed abatement activities by the Carlsbad Watershed Network Invasive Species Program (PROGRAM) on Department properties. The Department therefore authorizes you and your associates with the San Elijo Conservancy (CONSERVANCY) access to the following Ecological Reserves: Agua Hedionda Lagoon (AHLER), Batiquitos Lagoon (BLER), Buena Vista Lagoon (BVLER), Buena Vista Creek (BVCER) (including any additions to BVCER), Carlsbad Highlands (CHER) and San Elijo Lagoon (SELER) for the purpose of conducting weed abatement, revegetation and restoration activities.

The CONSERVANCY agrees to the following conditions:

1. No take of any threatened or endangered species will occur as a result of this activity. If any activities shall fall between the dates of February 15 through September 15, the Department representative for each Reserve will be notified 48 hours in advance for coordination and all conditions placed on the PROGRAM through current United States Fish and Wildlife Service and Department permits and/or agreements will be observed;
2. All efforts to minimize native habitat and wildlife disturbance will be observed;
3. Access for PROGRAM is granted through December 31, 2027;
4. Any use of All Terrain Vehicles (ATVs) will be coordinated with reserve managers;
5. Orange/yellow safety vests will be worn by at least half of the abatement crew and all ATV drivers;
6. Any use of kayaks will be coordinated with reserve managers;
7. Personal Floatation Devices (PFDs) will be worn by all persons operating a kayak;

8. Only certified pesticide applicators may apply herbicide. Herbicide use should be coordinated with Mr. John Ekhoff to ensure that Department Pesticide Recommendation Use forms (Form 680) are properly completed. All herbicide use will be reported monthly to Mr. John Ekhoff;
9. All information collected while conducting weed abatement activities on Reserves will be provided to appropriate reserve manager and botanist;
10. This letter does not authorize you to access private property adjacent to Department lands without landowner permission;
11. Notify local public safety agencies (police, fire) and the Department in case of an emergency;
12. A copy of this Letter of Permission will be kept on your person while on the property;
13. The State shall not be liable and you will indemnify, hold harmless and at the option of the State, defend the State, its officers, agents, and employees against and for any and all liability, claims, damages or injuries of any kind and from any cause, arising out of or connected in any way with the exercise of this Letter of Permission;
14. The Department reserves the right to terminate this activity at any time if it is determined to be incompatible with the Department's management goals or objectives;
15. Entry upon any Reserve by the CONSERVANCY, for purposes stated herein shall constitute acceptance by you of all terms and conditions of this Letter of Permission.

Please coordinate all abatement and restoration activities with the Department representatives Mr. Gabriel Peñafior (reserve manager for AHLER/ BVLER/ CHER/ BVCER/ BLER), Ms. Tracie Nelson (reserve manager for SELER) and Mr. John Ekhoff (botanist). You may use the letterhead address for written correspondence, and contact phone numbers are listed below:

Gabriel Peñafior - (858) 627-4249

John Ekhoff - (858) 467-4205

Tracie Nelson - (858) 735-7109

Ms. Shirley Innecken
San Elijo Lagoon Conservancy
January 12, 2016
Page 3 of 4

We look forward to continuing to work with you to implement the PROGRAM on our properties. If you have any questions, please contact the aforementioned Department representatives or me at (858) 627-3939.

Sincerely,

Tim Dillingham
Senior Environmental Scientist
Lands Program Supervisor
South Coast Region

ec: Lieutenant Scott Bringman, DFW
Warden Ken Snyder, DFW
Warden Noel Richards, DFW
Gabriel Peñaflor, DFW
Lands Chron File