

**APPENDIX D**  
**CERTIFICATE OF INCLUSION**  
**FOR NON-PARTICIPATING PROPERTY OWNERS**

This certifies that the property described as follows [DESCRIPTION OF THE ENROLLED LANDS COVERD BY THE SAFE HARBOR PERMIT], owned by [NAME OF NON-PARTICIPATING PROPERTY OWNER], is included within the scope of Permit No. [TE000000] issued by the U.S. Fish and Wildlife Service on [DATE] for a period of 30 years [END DATE] to the Carlsbad Fish and Wildlife Service Office under the authority of Section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended 16 U.S.C. § 1539(a)(1)(A). The Permit authorizes incidental take of California red-legged frogs from all lawful activities by Participating and Non-Participating Property Owners as part of the Programmatic California Red-Legged Frog Safe Harbor Agreement for Southern California (Agreement) to reintroduce populations and restore and enhance frog habitat. This Certificate of Inclusion extends take authorization to Non-Participating Property Owners within 1 mile of a translocation site covered under this Agreement or to properties that are occupied by the California red-legged frog as a result of translocations conducted under this Agreement. Pursuant to the Permit, the holder of this Certificate of Inclusion is authorized to engage in activities that may result in the incidental take of the California red-legged frog from any otherwise lawful activity on the above described lands, subject to the terms and conditions of the Permit, and the Agreement entered into pursuant thereto by the Carlsbad Fish and Wildlife Service Office and [NAME OF NON-PARTICIPATING PROPERTY OWNER] on [DATE].

This Certificate of Inclusion becomes binding upon the Non-Participating Property Owner on the date of the last signature below and continues for the length of the Agreement.

“It is understood that any ownership interest in these lands that is not addressed via an appropriate signature below (e.g., mineral interest) is not constrained by this agreement and will not be limited in any way from the exercise of such interests, except when related to the deliberate take of a listed species and any already extant legal obligations.”

\_\_\_\_\_  
Non-Participating Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carlsbad Fish and Wildlife Service Office  
Agreement Administrator

\_\_\_\_\_  
Date