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California Department of Fish and Wildlife  
Central Region  
1234 EAST SHAW AVENUE  
FRESNO, CALIFORNIA 93710

California Endangered Species Act  
Incidental Take Permit No. 2081-2018-051-04

**STATE ROUTE 119-43/ENOS LANE INTERSECTION IMPROVEMENT PROJECT**

**Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

<b>Permittee:</b>	<b>California Department of Transportation</b>
<b>Principal Officer:</b>	<b>Dena Gonzalez, Biology Branch Chief</b>
<b>Contact Person:</b>	<b>Ronald Cummings, (559) 445-6260</b>
<b>Mailing Address:</b>	<b>855 M Street, Suite 200 Fresno, California 93721</b>

**Effective Date and Expiration Date of this ITP:**

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2023**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.10 of this ITP.

<sup>1</sup>Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 [for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill"].)

<sup>2</sup>The definition of an endangered, threatened, and candidate species for purposes of CESA are found in Fish and Game Code sections 2062, 2067, and 2068, respectively.

**Project Location:**

The Project involves improvements to the intersection of State Route 119 and State Route 43/Enos Lane southwest of the city of Bakersfield in Kern County. The Project Area is located within Sections 35 and 36 of Township 30 South, Range 25 East, and Sections 1 and 2 of Township 31 South, Range 25 East, Mount Diablo Baseline and Meridian. The Project Area is centered near latitude 35.267381/longitude -119.252701, and can be found on the *Tupman, California* 7.5-minute quadrangle United States Geological Survey topographic map (Figure 1).

**Project Description:**

The Project involves updating a 0.7-mile segment of State Route (SR) 119 between points of conformance located 0.4 miles west of the intersection of SR 119 and Enos Lane and 0.3 miles east of the intersection; and a 0.6-mile segment of SR 43/Enos Lane between points of conformance 0.4 miles north of the SR 43/Enos Lane and SR 119 intersection and 0.2 miles south of the intersection. Additionally, the existing conventional intersection will be replaced with a 220-foot diameter roundabout intersection offset to the southeast to avoid Project-related impacts to the adjoining Kern Water Bank Authority conservation bank property. The Project Area encompasses approximately 7.5 acres comprised of what currently exists as paved roadway (3.69 acres), ruderal habitat adjoining the paved roadway (2.88 acres), and saltbrush scrub habitat (0.93 acres) (Figure 3).

To accomplish the Project, Permittee will: 1) relocate utilities which exist northwest of the intersection; 2) demolish the existing conventional roadway and intersection and reconstruct curved roadways and a roundabout intersection between the points of conformance; and 3) restore temporarily disturbed areas.

Utility Relocation: Prior to Project construction, a single Pacific Gas and Electric Company (PG&E) power pole will be relocated within the Project Area and an overhead telephone line will be removed. Additionally, existing underground fiber optic lines will be replaced employing horizontal directional drilling (HDD). This utility relocation work will occur in the northwest quadrant of the intersection and will be performed by PG&E, Verizon, and Charter Communications under oversight by Permittee.

Intersection and Roadway Improvements: The existing intersection and approaching segments of roadway will be demolished and reconstructed in phases necessitating road closure and traffic detours. The conventional roadways approaching the intersection will be replaced with curved "chicane" approaches designed to slow traffic, and the improved intersection will be sized to accommodate large variance permitted trucks and extralegal (oversize/overweight) vehicles. The circulatory path will be double-lane in the east-west direction and single-lane in north-south direction (Figure 2). The demolition activities will include some vegetation clearing, breaking up and removing the existing asphaltic-concrete pavement, and mass grading. The reconstruction activities will include cutting-and-filling, excavation, trenching, contouring, compaction, and the placement of formwork in preparation

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT



for the new concrete approaches and the roundabout intersection including truck aprons, an intersection center island, splitter island curbs, outside gutter, sidewalks and bicycle paths, curb ramp areas, and drainage inlets. The updated roadways and intersection will then be paved and striped, and signage will be installed.

**Restoration of Disturbed Areas:** Once construction is completed, disturbed areas beyond the roadway will be restored to pre-project conditions through seeding and/or planting in accordance with a CDFW-approved restoration plan.

The Project activities will involve: roadway demolition, mass grading, excavation, trenching, compaction, contouring, the placement of imported soils or engineered fill, and the installation of asphaltic concrete and Portland concrete cement pavement and features. The Project activities will also involve the use of HDD equipment for utility relocation, and equipment staging, materials stockpiling, and laydown areas at the Project Area (Figure 3). All cleared vegetation, Project-related debris, and excess materials will be exported from the Project Area. The Project involves no blasting, nightwork, tree removal, or ground-disturbance associated with the traffic detours.

To accomplish these Project activities, the Permittee will use equipment and other machinery such as asphalt pavers/rollers, backhoes, Bidwell and roller screeds, Bobcat® tractors, bulldozer/loaders, chainsaws, artificial lighting, concrete pumps, concrete mixer trucks, cranes, dump trucks, excavators, flatbed trucks, fork lifts, front-end loaders, aerial lifts, graders, haul trucks, motor graders, HDD equipment, paint/stripping trucks, roller/compactor, concrete cutting saw, shoulder paver, hydro-seed truck, semi-tractor trailer haul trucks, and water trucks.

**Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

Name	CESA Status
1. Tipton kangaroo rat ( <i>Dipodomys nitratooides nitratooides</i> )	Endangered <sup>3</sup>
2. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> ) (SJKF)	Threatened <sup>4</sup>

These species and only these species are the "Covered Species" for the purposes of this ITP.

**Impacts of the Taking on Covered Species:**

Project activities and their impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include the utility relocation, demolition, and

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(D)

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(E)



construction activities and include the operation of heavy equipment to accomplish directional drilling, vegetation clearing and grubbing, mass grading, excavation, contouring, trenching, cut and fill work, and ground compaction; stockpiling of spoils; installation of relocated underground utilities; Project-related vehicle traffic; vibration; and excavation of Covered Species burrows and translocation of Covered Species as required under this ITP. Take may also result from activities associated with concrete pouring and washout, materials and equipment transport and laydown, and equipment staging.

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities during the utility relocation, roadway demolition, or reconstruction work; during earthwork; collapse or excavation of occupied burrows that result in crushing or suffocation of underground individuals during cut/fill, grading, and compaction; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation, top soil, or soil compaction, and development of roadbeds; entrapment and burial within uncovered excavations; crushing by equipment; and vehicle strikes due to increased Project-related traffic. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit and/or capture through: entrapment in holes or open trenches; uncovering individuals during the excavation of burrow systems; corralling individuals into a confined area when exclusion fencing is constructed around portions of the Project Area, and when individuals of the Covered Species are captured, collected, and relocated or translocated out of harm's way as required by this ITP.

The Project is expected to cause the **permanent** loss of no more than 0.41 acres of Covered Species habitat and the **temporary** loss of no more than 3.4 acres of Covered Species habitat. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts to the Covered Species include: noise and vibrations from tunneling, soil disturbance, heavy equipment operation, and increased traffic; from capture and relocation; stress through disorientation; loss of foraging opportunities; and loss of breeding and burrowing habitat used for shelter, reproduction, and escape cover; and long-term effects due to increased pollution; displacement from preferred habitat; increased competition for food and space, introduction or spread of invasive species; changes in drainage patterns that favor different vegetative growth; and increased vulnerability to predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

#### **Incidental Take Authorization of Covered Species:**

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT



activities outside the scope of the Covered Activities, take of Covered Species resulting from activities outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

**Conditions of Approval:**

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area which includes areas used for vehicular, equipment, and/or machinery ingress and egress, staging, laydown, and parking, and noise, percussion, and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study/Mitigated Negative Declaration (SCH No. 2015041023) adopted by California Department of Transportation in October 2015, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **Federal Endangered Species Act Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the *Formal Consultation on the State Route 119/43/Enos Lane Intersection Safety Improvement Project* (referral: 08ESMF00-2014-F-0651) prepared and issued for the Project pursuant to the Federal Endangered Species Act (16 U.S.C. § 1531 et seq.). Where measures for the Covered Species in the federal Section 7 Consultation are less protective or in conflict with this ITP, the terms and conditions of this ITP shall control for purposes of CESA and this ITP.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1).
5. **General Provisions:**
  - 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT

- 5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist(s) at least one week prior to initiating Covered Activities under this ITP. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, and natural history of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individuals of the Covered Species and to minimize disturbance of Covered Species habitat. Permittee shall obtain CDFW written approval of the Designated Biologist(s) before they act in the Designated Biologist capacity; and shall also obtain approval in advance, in writing, if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW.
- 5.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of individuals of the Covered Species.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before initiating Covered Activities. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, their status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protective measures.
- 5.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook at the Project Area throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Area upon request by CDFW.



- 5.6. Trash Abatement. Permittee shall implement a trash abatement program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral cats and dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist.
- 5.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to the Covered Species and other species, such as monofilament netting (erosion control matting) or similar material.
- 5.9. Delineation of Project Area Boundaries. Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.10. Project Access. Project-related personnel shall access the Project Area from the existing state routes and shall not cross Covered Species' habitat outside of, or en route to, the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for as described above.
- 5.12. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 5.13. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.14. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all excess or temporary fill and construction refuse, including, but not limited to, broken equipment parts, falsework, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

## **6. Monitoring, Notification and Reporting Provisions:**

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Tipton Kangaroo Rat (TKR) Relocation Plan. The Permittee shall submit a TKR Relocation Plan to CDFW for approval at least 14 days prior to initiating Covered Activities. The Relocation Plan (Plan) shall include, but not be limited to, a specific plan for trapping, a map and number of acres of the proposed site for relocation/release, burrow excavation methods, release methods (i.e., soft release, hard release, or some other method), artificial burrow design and installation, and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Relocation activities shall not proceed until the Plan has been approved in writing by CDFW's Regional Representative. The Plan shall include a minimum of five consecutive nights of trapping and shall end with three consecutive nights without capture of TKR, during the optimal activity period of April 1 to October 31. When trapping efforts occur outside of the optimal activity period (November 1 – March 31), trapping efforts will consist of a minimum of six consecutive nights and shall end with at least four consecutive nights resulting in no TKR captures. Once the Relocation Plan is approved by CDFW, it may be used for all TKR relocation activities for the duration of this ITP. Any proposed changes to the approved Relocation Plan shall be submitted in writing to CDFW and shall be approved by CDFW in writing prior to implementation of any proposed Relocation Plan modifications.



- 6.4. Covered Species Exclusion Fence Plan. Permittee shall submit a Covered Species Exclusion Fence Plan to CDFW for approval no more than 45 days after issuance of this ITP. The Covered Species Exclusion Fence Plan shall include, but not be limited to, a description of the fencing design, material, installation method, removal method, maintenance, timing, location of gaps, etc. The plan shall include a proposal to extend at least 50 feet past the ends of the Project Area and taper back toward the roadway or terminate with a turn-around. The plan shall indicate that the Designated Biologist will supervise fence-line grubbing, trenching, construction, and installation to minimize potential impacts to TKR and SJKF.
- 6.5. Compliance Monitoring. The Designated Biologist(s) shall be at the Project Area **daily** and during all Covered Activities until: the Pre-construction Surveys (as required in accordance with Condition of Approval 7.1) are complete; the TKR trapping (as required in accordance with Condition of Approval 7.2) is complete; the TKR burrow excavation (as required in accordance with Condition of Approval 7.3) is complete; the required SJKF avoidance buffer zones (as required in accordance with Condition of Approval 7.4) are established; any SJKF den blockage or excavation work (as required in accordance with Conditions of Approval 7.5, and 7.6, respectively) is complete; the Covered Species exclusion fence installation (Condition of Approval 7.7) is complete; and the initial ground disturbance is complete. The Designated Biologist shall conduct these daily compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring at the Project Area. After the implementation of Conditions of Approval 7.1 through 7.7 and all initial ground disturbance has been completed, the Designated Biologist(s) shall be at the Project Area at least once **weekly** to conduct these compliance inspections. The Designated Representative or Designated Biologist(s) shall prepare daily/weekly written observations and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 6.6. Covered Species Observations. During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species moves from the Project Area of its own volition, or is moved by the Designated Biologist(s).
- 6.7. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the Compliance Monitoring records into a Quarterly

Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative, Regional Office and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Javier Mendez (javier.mendez@wildlife.ca.gov), the regional office email is R4CESA@wildlife.ca.gov and the headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.8. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.9. CNDDDB Observations. The Designated Biologist shall submit all observations of the Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project



impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

- 6.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

## **7. Take Minimization Measures:**

The following requirements are intended to ensure the minimization of incidental take of individuals of the Covered Species in the Project Area during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1 Pre-Construction Survey. Prior to any ground disturbance within the Project Area, the Designated Biologist(s) shall examine the Project Area: plus a 50-foot buffer for potential TKR burrows; and plus a 500-foot buffer (where feasible) for SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, those den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Construction Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The Pre-Construction Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential TKR burrow, the number of potential SJKF dens, and a discussion and map of the locations of each.
- 7.2 TKR Trapping. All potential TKR burrows at and within 50 feet of the Project Area that cannot be avoided shall be live trapped by the Designated Biologist(s) prior to the initiation of ground-disturbing Covered Activities (including exclusion fence installation) to minimize direct mortality. The trapping shall occur consistent with the CDFW-approved TKR Relocation Plan required in Condition of Approval 6.3.

Any captured TKR shall be relocated to a CDFW approved release site identified in the TKR Relocation Plan. The Designated Biologist(s) shall submit a report of the trapping/relocation effort to CDFW at least five business days prior to commencement of Covered Activities.

- 7.3 TKR Burrow Excavation. Following live trapping activities, the Designated Biologist shall perform or oversee the excavation by hand of any small mammal burrows that cannot be avoided by a 50-foot no-disturbance buffer, and that have the potential to be occupied by TKR. The Designated Biologist shall ensure that any TKR encountered in the excavated burrows are captured by hand and relocated in accordance with the approved TKR Relocation Plan (described in Condition of Approval 6.3). Dormant or torpid TKR encountered shall also be relocated to an artificial burrow installed at a CDFW-approved release site identified in the TKR Relocation Plan.
- 7.4. SJKF Den Avoidance. The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:
- 7.4.1. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.
- 7.4.2. If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.
- 7.4.3. If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.
- 7.4.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 500 feet shall be established around the den.

If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 7.5 and 7.6 as appropriate.

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT



- 7.5. SJKF Den Blockage. The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 7.4, but outside the disturbance footprint. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to insure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of construction activities within the proscribed buffer distance.
- 7.6 SJKF Den Excavation. Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed only after the Designated Biologist has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den ESA may be removed once the Covered Species is no longer using the area.
- 7.7 Covered Species Exclusion Fence Installation. Following burrow excavation activities, the Designated Biologist shall perform or oversee installation of the TKR exclusion fence. The fence shall be installed in accordance with the CDFW-approved Covered Species Exclusion Fence Plan (described in Condition of Approval 6.4). This fence may also serve as the Project Area Boundaries as required under Condition of Approval 5.9. The exclusion fence shall be installed



to prevent movement of the Covered Species into the Project Area once ground- or vegetation-disturbing activities commence. Permittee shall place exclusion fence at the edge of the temporary impact area, and because the exclusion fence cannot cross SR 119 or SR43/Enos Lane, the fencing shall be extended at least 50 feet past the ends of the Project Area and tapered back toward the roadway to the extent possible. The Designated Biologist shall supervise fence-line grubbing, trenching, construction, and installation to minimize potential impacts to the Covered Species. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration of the active construction period. Exclusion fence shall be keyed six to eight inches into the ground to deter the Covered Species in the adjacent areas from digging under and entering the Project Area. The exclusion fence shall be constructed of tightly woven material that prevents climbing and entrapment of any species.

- 7.8 Daily Entrapment Inspections. The Designated Biologist(s) or Biological Monitor(s) shall inspect all open holes, sumps, and trenches at the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible



before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate individual TKR as per the Relocation Plan described in Conditions of Approval 6.3.

- 7.9 Materials Inspection. Workers shall thoroughly inspect for individuals of the Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If, during inspection, an individual of the Covered Species is discovered inside the structure, workers shall notify the Designated Biologist and allow the Covered Species to safely escape the structure before moving and utilizing the structure.
- 7.10 Equipment Inspection. Workers shall thoroughly inspect for individuals of the Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.
- 7.11 Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.11. Notification shall include the name of the facility where the animal was taken.
- 7.12 Record of Handling. The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of individuals of the Covered Species. This information shall include for each animal; (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult / juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Report described in Condition 6.7 of this ITP. The Relocation Summary in the Final Mitigation Report shall include cumulative results, analysis of data collected, and conclusions.
- 7.13 Habitat Restoration Plan. All temporarily impacted habitat (ruderal or saltbush scrub) will be restored to pre-project conditions. Restoration will be assisted by re-seeding and/or replanting the temporarily impacted area(s). Re-seeding

and/or replanting will be completed by November 15<sup>th</sup> of the year that the Covered Activities are completed and the temporarily impacted area(s) cannot remain disturbed for more than one (1) calendar year without undergoing restoration efforts. A Habitat Restoration Plan will include a seed mix and/or planting mix, methods to seed and/or plant, proposed success criteria, and a contingency plan if restoration efforts perform unsuccessfully. The Habitat Restoration Plan will be provided to CDFW for review and written approval prior to implementation of the Habitat Restoration Plan.

## **8 Habitat Management Land Acquisition:**

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat at and near the Project Area, the extent to which the Covered Activities will impact the Covered Species, CDFW's estimate of the extent of take which could occur and the estimate of the number of Covered Species credits required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase 4.97 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area. The Covered Species credits shall provide for the long-term benefit of the Covered Species. The CDFW-approved conservation bank shall: have a service area that encompasses the Project Area, be known to provide habitat to support the Covered Species, have been conserved in perpetuity through a conservation easement, and have funds for long-term management of the conserved lands. Endowment costs shall be included in the sale price of the mitigation or conservation bank credits.

- 8.1 Covered Species Credits. Permittee shall purchase 4.97 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank and provide proof of credit purchase to CDFW prior to initiating Covered Activities under this ITP.

### **Amendment:**

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.



**Stop-Work Order:**

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**Compliance with Other Laws:**

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to CESA. This ITP does not necessarily create an entitlement to proceed with the Project. Permittee is responsible for complying with all other applicable federal, state, and local law.

**Notices:**

The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-051-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4005

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, California 94244-2090

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of addressing issues that arise during implementation of this ITP is:

Javier Mendez  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4014, extension 288

**Compliance with CEQA:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in both the Initial Study/Mitigated Negative Declaration (SCH No.: 2015041023) adopted by California Department of Transportation in October 2015 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). At the time the lead agency adopted the Mitigated Negative Declaration, approving the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT



**Findings Pursuant to CESA:**

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2).)

CDFW finds based on substantial evidence in the ITP application, and Initial Study/Mitigated Negative Declaration, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection through the purchase of covered species credits from a CDFW approved mitigation or conservation bank; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the extent of take which could occur over the term of this ITP. Based on this evaluation, CDFW determined that the purchase of conservation bank credits in advance of initiating Covered Activities, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT

- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**Figures and Attachments:**

Figure 1	Project Location
Figure 2	Roundabout Intersection
Figure 3	Project Area
Attachment 1	Mitigation Monitoring and Reporting Program

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 12/5/18



Julie A. Vance, Regional Manager  
CENTRAL REGION

**ACKNOWLEDGMENT**

The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions

By: Dena S. Gonzalez

Date: 12-10-2018

Printed Name: Dena S. Gonzalez

Title: Biology Senior

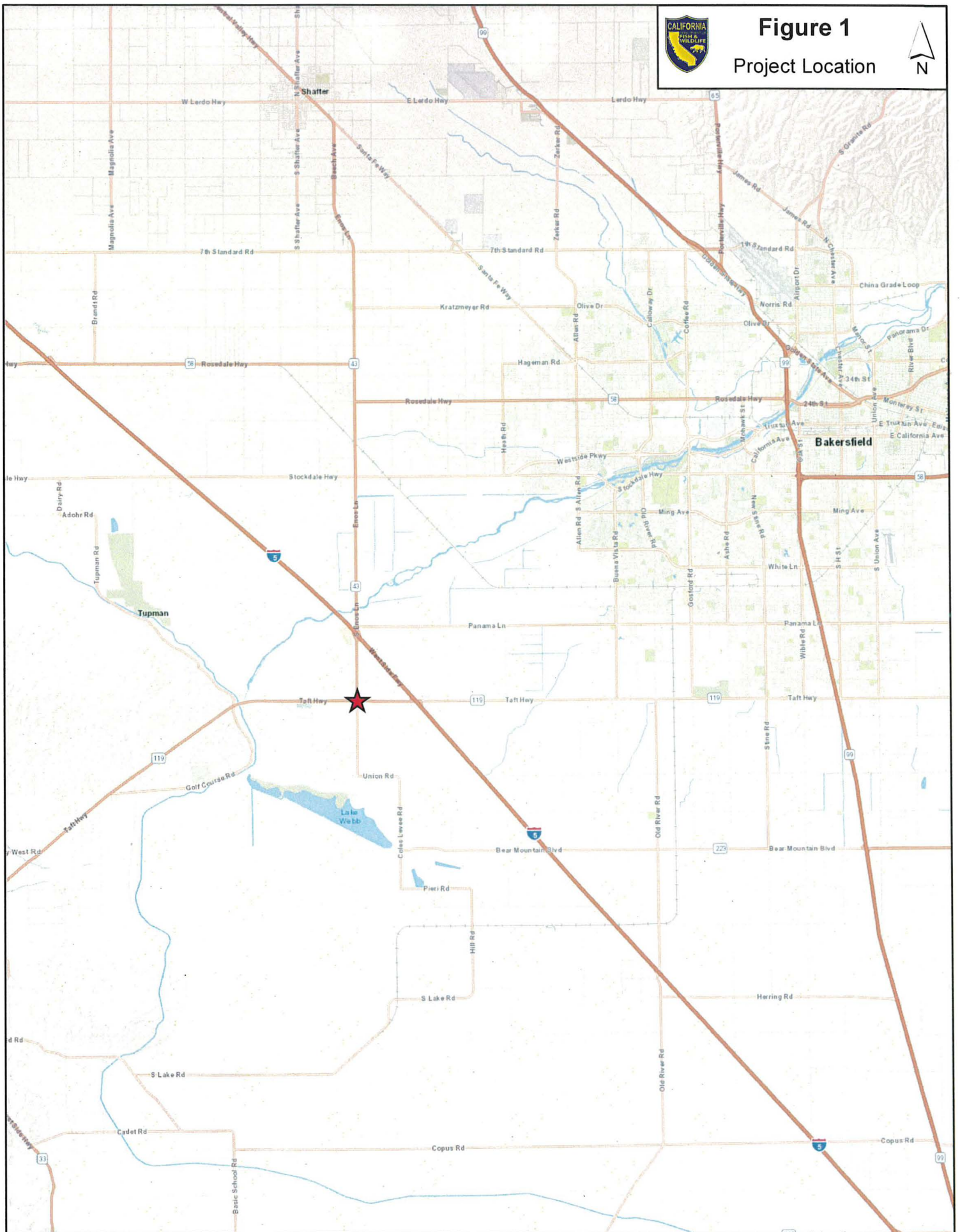
Incidental Take Permit  
No. 2081-2018-051-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 119-43-ENOS LANE INTERSECTION IMPROVEMENT PROJECT



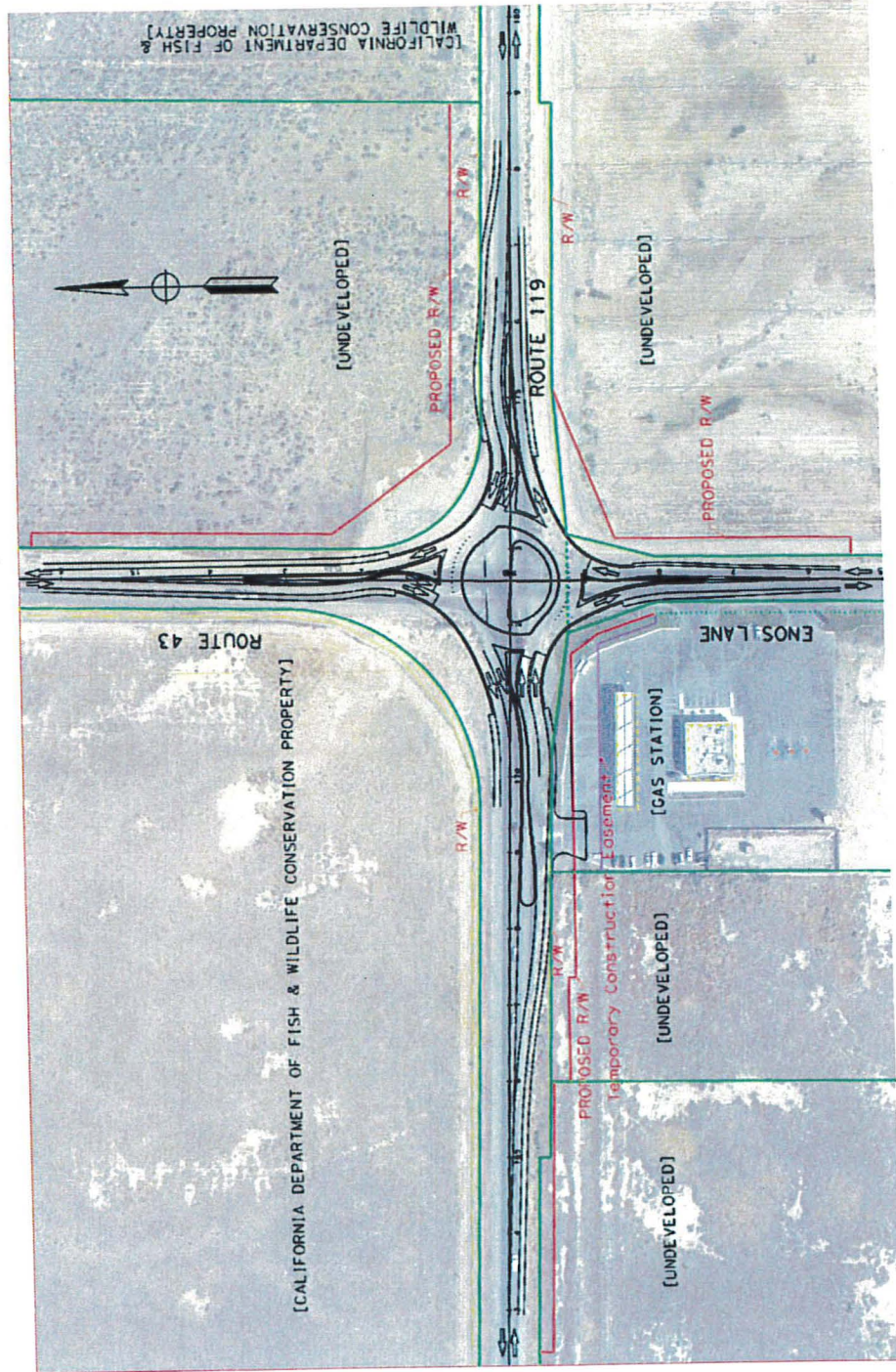


**Figure 1**  
Project Location





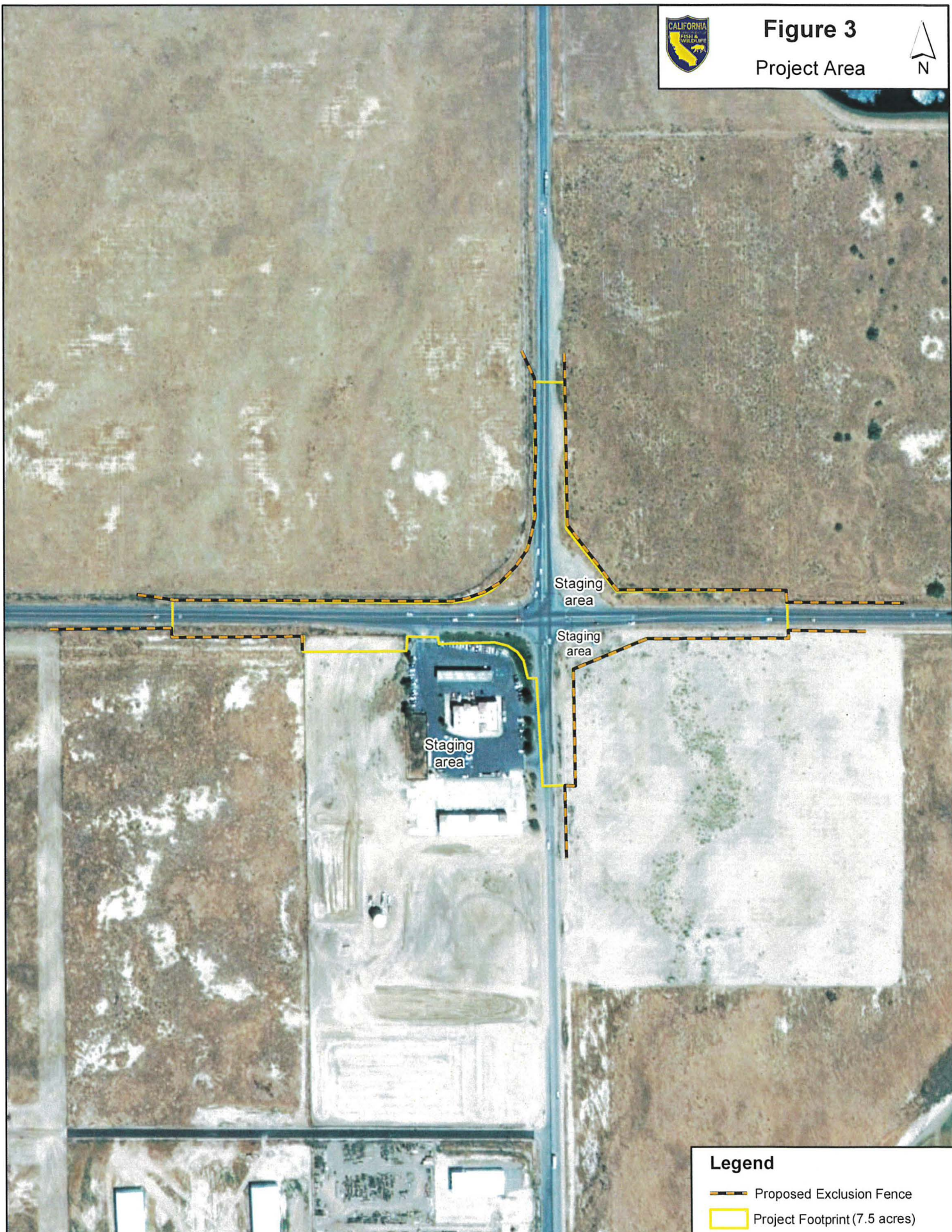
**Figure 2**  
Roundabout Intersection







**Figure 3**  
Project Area



**Legend**

- Proposed Exclusion Fence
- Project Footprint (7.5 acres)



## **Attachment 1**

### **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT**

**INCIDENTAL TAKE PERMIT NO. 2081-2018-051-04**

**PERMITTEE: California Department of Transportation**

**PROJECT: State Route 119-43/Enos Lane Intersection  
Improvement Project**

#### **PURPOSE OF THIS MMRP**

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

#### **OBLIGATIONS OF PERMITTEE**

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittee has the primary responsibility for monitoring compliance with all mitigation measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the ITP itself and are summarized at the front of the attached table.

#### **VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

CDFW may, at its sole discretion, verify compliance with any mitigation measure or independently assess the effectiveness of any mitigation measure.



## TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Source, Implementation Schedule, Responsible Party, and Status/Date/Initials. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Source column identifies the ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing Covered Activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist(s) at least one week prior to initiating Covered Activities under the ITP. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, and natural history of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individuals of the Covered Species and to minimize disturbance of Covered Species habitat. Permittee shall obtain CDFW written approval of the Designated Biologist(s) before they act in the Designated Biologist capacity; and shall also obtain approval in advance, in writing, if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW.	ITP Condition # 5.2	Before commencing Covered Activities/ Entire Project	Permittee	
3	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before initiating Covered Activities. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, their status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all the protective measures.	ITP Condition # 5.4	Before commencing Covered Activities/ Entire Project	Permittee	
4	Permittee shall implement a trash abatement program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral cats and dogs.	ITP Condition # 5.6	Before commencing Covered Activities/ Entire Project	Permittee	
5	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist.	ITP Condition # 5.7	Before commencing Covered Activities/ Entire Project	Permittee	
6	Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.9	Before commencing Covered Activities/ Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing Covered Activities	Permittee	
8	The Permittee shall submit a TKR Relocation Plan to CDFW for approval at least 14 days prior to initiating Covered Activities. The Relocation Plan (Plan) shall include, but not be limited to, a specific plan for trapping, a map and number of acres of the proposed site for relocation/release, burrow excavation methods, release methods (i.e., soft release, hard release, or some other method), artificial burrow design and installation, and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Relocation activities shall not proceed until the Plan has been approved in writing by CDFW's Regional Representative. The Plan shall include a minimum of five consecutive nights of trapping and shall end with three consecutive nights without capture of TKR, during the optimal activity period of April 1 to October 31. When trapping efforts occur outside of the optimal activity period (November 1 – March 31), trapping efforts will consist of a minimum of six consecutive nights and shall end with at least four consecutive nights resulting in no TKR captures. Once the Relocation Plan is approved by CDFW, it may be used for all TKR relocation activities for the duration of the ITP. Any proposed changes to the approved Relocation Plan shall be submitted in writing to CDFW and shall be approved by CDFW in writing prior to implementation of any proposed Relocation Plan modifications.	ITP Condition # 6.3	Before commencing Covered Activities	Permittee	
9	Permittee shall submit a Covered Species Exclusion Fence Plan to CDFW for approval no more than 45 days after issuance of the ITP. The Covered Species Exclusion Fence Plan shall include, but not be limited to, a description of the fencing design, material, installation method, removal method, maintenance, timing, location of gaps, etc. The plan shall include a proposal to extend at least 50 feet past the ends of the Project Area and taper back toward the roadway or terminate with a turn-around. The plan shall indicate that the Designated Biologist will supervise fence-line grubbing, trenching, construction, and installation to minimize potential impacts to TKR and SJKF.	ITP Condition # 6.4	Before commencing Covered Activities	Permittee	
10	Permittee shall purchase 4.97 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank and provide proof of credit purchase to CDFW prior to initiating Covered Activities under the ITP.	ITP Condition # 8.1	Before commencing Covered Activities	Permittee	
<b>DURING CONSTRUCTION</b>					
11	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of individuals of the Covered Species.	ITP Condition # 5.3	Entire Project	Permittee	
12	The Designated Biologist shall maintain a construction-monitoring notebook at the Project Area throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Area upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
13	Permittee shall prohibit use of erosion control materials potentially harmful to the Covered Species and other species, such as monofilament netting (erosion control matting) or similar material.	ITP Condition # 5.8	Before commencing Covered Activities/ Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
14	Project-related personnel shall access the Project Area from the existing state routes and shall not cross Covered Species' habitat outside of, or en route to, the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.10	Entire Project	Permittee	
15	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species habitat outside of the marked Project Area unless provided for as described above.	ITP Condition # 5.11	Entire Project	Permittee	
16	Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.12	Entire Project	Permittee	
17	Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.13	Entire Project	Permittee	
18	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	
19	The Designated Biologist(s) shall be at the Project Area daily and during all Covered Activities until: the Pre-construction Surveys (as required in accordance with Condition of Approval 7.1) are complete; the TKR trapping (as required in accordance with Condition of Approval 7.2) is complete; the TKR burrow excavation (as required in accordance with Condition of Approval 7.3) is complete; the required SJKF avoidance buffer zones (as required in accordance with Condition of Approval 7.4) are established; any SJKF den blockage or excavation work (as required in accordance with Conditions of Approval 7.5, and 7.6, respectively) is complete; the Covered Species exclusion fence installation (Condition of Approval 7.7) is complete; and the initial ground disturbance is complete. The Designated Biologist shall conduct these daily compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring at the Project Area. After the implementation of Conditions of Approval 7.1 through 7.7 and all initial ground disturbance has been completed, the Designated Biologist(s) shall be at the Project Area at least once weekly to conduct these compliance inspections. The Designated Representative or Designated Biologist(s) shall prepare daily/weekly written observations and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.	ITP Condition # 6.5	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species moves from the Project Area of its own volition, or is moved by the Designated Biologist(s).	ITP Condition # 6.6	Entire Project	Permittee	
21	The Designated Representative or Designated Biologist shall compile the Compliance Monitoring records into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative, Regional Office and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Javier Mendez (javier.mendez@wildlife.ca.gov), the regional office email is R4CESA@wildlife.ca.gov and the headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.7	Entire Project	Permittee	
22	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
23	The Designated Biologist shall submit all observations of the Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.9	Entire Project	Permittee	
24	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.11	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
25	Prior to any ground disturbance within the Project Area, the Designated Biologist(s) shall examine the Project Area: plus a 50-foot buffer for potential TKR burrows; and plus a 500-foot buffer (where feasible) for SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, those den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Permittee shall provide the Pre Construction Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The Pre-Construction Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential TKR burrow, the number of potential SJKF dens, and a discussion and map of the locations of each.	ITP Condition # 7.1	Before commencing Covered Activities/ Entire Project	Permittee	
26	All potential TKR burrows at and within 50 feet of the Project Area that cannot be avoided shall be live trapped by the Designated Biologist(s) prior to the initiation of ground-disturbing Covered Activities (including exclusion fence installation) to minimize direct mortality. The trapping shall occur consistent with the CDFW-approved TKR Relocation Plan required in Condition of Approval 6.3. Any captured TKR shall be relocated to a CDFW approved release site identified in the TKR Relocation Plan. The Designated Biologist(s) shall submit a report of the trapping/relocation effort to CDFW at least five business days prior to commencement of Covered Activities	ITP Condition # 7.2	Before commencing Covered Activities/ Entire Project	Permittee	
27	Following live trapping activities, the Designated Biologist shall perform or oversee the excavation by hand of any small mammal burrows that cannot be avoided by a 50-foot no disturbance buffer, and that have the potential to be occupied by TKR. The Designated Biologist shall ensure that any TKR encountered in the excavated burrows are captured by hand and relocated in accordance with the approved TKR Relocation Plan (described in Condition of Approval 6.3). Dormant or torpid TKR encountered shall also be relocated to an artificial burrow installed at a CDFW-approved release site identified in the TKR Relocation Plan.	ITP Condition # 7.3	Before commencing Covered Activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:</p> <p>If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.</p> <p>If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.</p> <p>If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.</p> <p>If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 500 feet shall be established around the den.</p> <p>If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 7.5 and 7.6 as appropriate.</p>	ITP Condition # 7.4	Entire Project	Permittee	
29	<p>The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 7.4, but outside the disturbance footprint. Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to insure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of construction activities within the proscribed buffer distance.</p>	ITP Condition # 7.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed only after the Designated Biologist has conducted four consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den ESA may be removed once the Covered Species is no longer using the area.	ITP Condition # 7.6	Entire Project	Permittee	
31	Following burrow excavation activities, the Designated Biologist shall perform or oversee installation of the TKR exclusion fence. The fence shall be installed in accordance with the CDFW-approved Covered Species Exclusion Fence Plan (described in Condition of Approval 6.4). This fence may also serve as the Project Area Boundaries as required under Condition of Approval 5.9. The exclusion fence shall be installed to prevent movement of the Covered Species into the Project Area once ground- or vegetation-disturbing activities commence. Permittee shall place exclusion fence at the edge of the temporary impact area, and because the exclusion fence cannot cross SR 119 or SR43/Enos Lane, the fencing shall be extended at least 50 feet past the ends of the Project Area and tapered back toward the roadway to the extent possible. The Designated Biologist shall supervise fence-line grubbing, trenching, construction, and installation to minimize potential impacts to the Covered Species. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration of the active construction period. Exclusion fence shall be keyed six to eight inches into the ground to deter the Covered Species in the adjacent areas from digging under and entering the Project Area. The exclusion fence shall be constructed of tightly woven material that prevents climbing and entrapment of any species.	ITP Condition # 7.7	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	The Designated Biologist(s) or Biological Monitor(s) shall inspect all open holes, sumps, and trenches at the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate individual TKR as per the Relocation Plan described in Conditions of Approval 6.3.	ITP Condition # 7.8			
33	Workers shall thoroughly inspect for individuals of the Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If, during inspection, an individual of the Covered Species is discovered inside the structure, workers shall notify the Designated Biologist and allow the Covered Species to safely escape the structure before moving and utilizing the structure.	ITP Condition # 7.9			
34	Workers shall thoroughly inspect for individuals of the Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.	ITP Condition # 7.10			
35	If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.11. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.11			

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of individuals of the Covered Species. This information shall include for each animal; (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult / juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Report described in Condition 6.7 of the ITP. The Relocation Summary in the Final Mitigation Report shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 7.12	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
37	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all excess or temporary fill and construction refuse, including, but not limited to, broken equipment parts, falsework, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.14	Entire Project and Post-construction	Permittee	
38	All temporarily impacted habitat (ruderal or saltbush scrub) will be restored to pre-project conditions. Restoration will be assisted by re-seeding and/or replanting the temporarily impacted area(s). Re-seeding and/or replanting will be completed by November 15th of the year that the Covered Activities are completed and the temporarily impacted area(s) cannot remain disturbed for more than one (1) calendar year without undergoing restoration efforts. A Habitat Restoration Plan will include a seed mix and/or planting mix, methods to seed and/or plant, proposed success criteria, and a contingency plan if restoration efforts perform unsuccessfully. The Habitat Restoration Plan will be provided to CDFW for review and written approval prior to implementation of the Habitat Restoration Plan.	ITP Condition # 7.13	Post-construction	Permittee	
39	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.10	Post-construction and after completion of mitigation	Permittee	
40	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 6.10	Post-construction	CDFW	