



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

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JAN 17 2019

HABITAT CONSERVATION
PLANNING BRANCH

Office of the General Manager

January 14, 2019

VIA USPS

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
P.O. Box 944209
Sacramento, CA 94244-2090

Incidental Take Permit for the
Foothill Feeder Repair and Future Inspections Project (No. 2081-2017-069-05)

Enclosed is one signed original copy of the Incidental Take Permit for the above-referenced project. Metropolitan understands this ITP becomes effective once this original is acknowledged by signature of the Permittee and returned to CDFW's Habitat Conservation Planning Branch. If you have any questions, please contact me at (213) 217-6276.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean Carlson", is written over a horizontal line.

Sean Carlson
Team Manager, Environmental Planning Section

SC:sc

SharePoint\CDFW Incidental Take Permit for Foothill Feeder Repair and Future Inspections Project

Enclosure



California Department of Fish and Wildlife
South Coast Region
3883 RUFFIN ROAD
SAN DIEGO, CA 92123

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JAN 17 2019

HABITAT CONSERVATION
PLANNING BRANCH

California Endangered Species Act
Incidental Take Permit No. 2081-2017-069-05

FOOTHILL FEEDER REPAIR AND FUTURE INSPECTIONS 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 sections 2081.10 and 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² Additional prohibitions found in Fish and Game Code section 5515 prohibit the take of fully protected fish except as provided by Fish and Game Code section 2081.10. Notwithstanding Section 5515, CDFW may authorize the incidental take of unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) attributable to the periodic dewatering, inspection, maintenance, modification, or repair, including emergency repair, of the Metropolitan Water District of Southern California's (Permittee) Foothill Feeder water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Fish & G. Code, §§ 2081.10, 5515; and Cal. Code Regs., tit. 14, § 783.4).

Permittee:	The Metropolitan Water District of Southern California
Principal Officer:	Sean Carlson, Senior Environmental Specialist
Contact Person:	Sean Carlson, (213) 217-6276
Mailing Address:	PO Box 54153 Los Angeles, CA 90054-0153

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 **June 15, 2048**.

¹Pursuant 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, subd. (b), "take" ... means to catch, capture or kill].)

²The 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.

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 7.11 and the Permittee's Long-Term obligations required by Condition of Approval 9 and 10 of this ITP.

Project Location:

The Foothill Feeder transports untreated water from Castaic Lake to the Jensen Plant, which is located in the community of Granada Hills. The feeder extends south from Castaic Lake under the Santa Clara River (River) and several of its tributaries to Magazine Canyon Shaft and the Jensen Plant in Los Angeles County. The Foothill Feeder Repair and Future Inspections Project (Project) consists of the six locations defined below for planned shutdowns for routine inspection, maintenance, and repair (Project Area).

The Foothill Feeder traverses three jurisdictions: unincorporated northwestern Los Angeles County east of Interstate 5 (I-5), the City of Santa Clarita, and the City of Los Angeles (Figure 1, Regional Map). Starting at the Castaic Lake Dam, the Foothill Feeder runs south on the east side of the Wayside Honor Rancho/Pitchess Detention Center for approximately 4.4 miles, then through the community of Valencia near Decoro Drive and McBean Parkway. Near the intersection of Railroad Avenue and Magic Mountain Parkway, the Foothill Feeder parallels the east side of Railroad Avenue and crosses Placerita Canyon Road, near Master's College. The Foothill Feeder veers south near the intersection of Newhall Avenue and Pine Street and generally parallels Pine Street for approximately 2.6 miles. The Foothill Feeder intersects State Route 14 (Antelope Valley Freeway) near Sierra Highway and veers southeast for approximately 0.80 miles to Magazine Canyon station (Station No. 778+05). At this junction, the Balboa Inlet Tunnel begins and flow continues southeast past I-5 and toward the Joseph Jensen Water Treatment Plant (Jensen Plant).

Castaic Valley Dewatering Discharge Location (Station No. 17+40)

The first blow-off site (Station No. 17+40) is located in Castaic Valley at the Castaic Lagoon in the city of Castaic. This blow-off drains the northernmost portion of the Foothill Feeder from Castaic Lake Dam; Latitude: 34° 30' 37" N, Longitude 118° 36' 22" W; Township 5 North, Range 16 West, Section 19, USGS 7.5-minute map Warm Springs Mountain quadrangle.

Charlie Canyon Dewatering Discharge Location (Station No. 97+34)

The second blow-off site (Station No. 97+34) is located in an ephemeral reach of lower Charlie Canyon, east of Castaic Creek and in Castaic Valley; Latitude: 34° 29' 35" N, Longitude 118° 35' 33" W; Township 5 North, Range 16 West, Section 30, USGS 7.5-minute map Newhall quadrangle.

San Francisquito Canyon High-Rise Dewatering Discharge Location (Station No. 287+70)

The third blow-off site (Station No. 287+70), the San Francisquito Canyon High-Rise Blow-Off, is located immediately east of San Francisquito Creek and approximately 0.5 miles north

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of the intersection of Decoro Drive and McBean Parkway in the city of Santa Clarita; Latitude: 34° 27' 01" N, Longitude 118° 33' 24" W; Township 4 North, Range 16 West, Section 09, USGS 7.5-minute map Newhall quadrangle.

San Francisquito Canyon Low-Rise Dewatering Discharge Location (Station No. 321+40)

The fourth blow-off site (Station Nos. 287+70 and 321+40), the San Francisquito Canyon Low-Rise Blow-Off, is located southeast of the intersection of McBean Parkway and Decoro Drive and empties into a local storm drain that outfalls into San Francisquito Creek; Latitude: 34° 26' 32" N, Longitude 118° 33' 28" W; Township 4 North, Range 16 West, Section 09, USGS 7.5-minute map Newhall quadrangle.

Santa Clara River Dewatering Discharge Activities (Station No. 383+90)

The fifth blow-off site (Station No. 383+90), the Santa Clara River Blow-off, drains the pipeline from south of the Santa Clara Rejection Tower to the Saugus Tunnel near the intersection of San Fernando Road and Circle J Ranch Road. This blow-off is located in Saugus at the northern edge of the River, south of Bridgeport Lane, and east of Bridgeport Park; Latitude: 34° 25' 31" N, Longitude 118° 32' 48" W; Township 4 North, Range 16 West, Section 15, USGS 7.5-minute map Newhall quadrangle.

Placerita Canyon Dewatering Discharge Activities (Station No. 521+21)

The sixth blow-off site (Station No. 521+21) is located in Placerita Canyon approximately 0.25 miles east of San Fernando Road and at the northern terminus of Alderbrook Drive in Newhall, and it is used to dewater the Saugus Tunnel, Placerita Tunnel, Newhall Siphon, and Newhall Tunnel areas of the Foothill Feeder; Latitude: 34° 23' 28" N, Longitude 118° 31' 51" W; Township 4 North, Range 16 West, Section 35, USGS 7.5-minute map Newhall quadrangle.

Mitigation Lands: Stickleback Ranch

The Project's habitat restoration activities shall occur at Stickleback Ranch (Mitigation Lands), located in Soledad Canyon, a major tributary to the Upper Santa Clara River, within the boundary of the Angeles National Forest in unincorporated Los Angeles County. The site is generally bounded by Soledad Canyon Road to the south, as well as undeveloped parcels to the north, east, south, and west. The Southern Pacific Railroad crosses the site to the north; Latitude: 34° 26' 21" N, Longitude 118° 17' 57" W; Township 4 North, Range 14 West, Section 12, USGS 7.5 minute map Agua Dulce quadrangle.

Project Description:

The Foothill Feeder and the Jensen Plant are critical to Permittee's water treatment and distribution system. Periodic dewatering and inspections of the Foothill Feeder are necessary to ensure the continued safety and reliability of Permittee's system. Shutdown activities consist of preparation, dewatering, inspections, and refilling activities. The Project also includes grading of existing access roads and hand weed-abatement around structures at

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any of the 19 stations as needed along the pipeline. After completing the grading of existing roads, the Project involves placing aggregate base (e.g., crushed rock used for road base or road surfacing) as needed to create an all-weather driving surface. This activity requires the use of a single front-end loader, a single grader, a truck to deliver the grader and loader, a water truck for dust suppression, and a truck to deliver aggregate at each of the 18 stations. These activities require two workers at all substructure locations along the feeder over a 2-week period in the month leading to the shutdown of the Foothill Feeder. Additionally, the Project requires approximately four two-way truck trips on a daily basis at each of the work site locations to support these activities.

The gradual reduction of water flows into the Foothill Feeder from Castaic Lake allows Permittee to scale down operations at the Jensen Plant in anticipation of a minimum plant influent flow. Ultimately, the Project will achieve minimum water flow conditions and maintain those conditions until the scheduled shutdown. The initiation of the shutdown involves closing the valves completely and dropping the flows on the Foothill Feeder to zero.

Minor maintenance of valves and electrical equipment occurs at all locations along the pipeline. Maintenance activities require a two-man crew and approximately four two-way truck trips on a daily basis. Permittee will store materials needed for both preparation and shutdown activities at staging locations at the Castaic Lake and Magazine Canyon/Balboa Inlet Tunnel area (Station Nos. 383+87 and 778+05).

Shutdowns and subsequent refilling involve isolating water in the system, blowing off water in the pipeline segments through gravity and subsequently pumping out the remaining water in the system, providing entrance and exit/ventilation locations, conducting eddy current testing inspections, conducting maintenance and upgrade activities, and refilling the pipeline.

Dewatering Discharge Activities for Routine Inspection, Maintenance, and Repairs

To permit the entrance of workers into the Foothill Feeder pipeline for inspection, Permittee will shut off water entering the pipeline as described previously. Due to the varying topography in this region, the pipeline cannot be drained or pumped from a central location. Therefore, Permittee will discharge water by gravity from blow-off sites at lower elevations to drain the upper elevations of the pipeline. Permittee will pump out water remaining in the pipeline below the blow-off sites and discharge the water at the blow-off sites. Collectively, the gravity discharge and pumping are referred to as "dewatering discharge." Dewatering of the pipeline involves discharging water from six blow-off sites either directly into the River or to tributaries that drain into the River. Once the valves are completely closed, Permittee will undertake an initial and partial dewatering of the Foothill Feeder by gravity flow through the Los Angeles Department of Water and Power (LADWP) connection LA35 and through the Jensen Plant. The first dewatering of the Foothill Feeder requiring discharge beyond Permittee's distribution system is a controlled discharge initiated at the Jensen Plant into Bull Creek, an open wash located adjacent to the plant (which the Permittee will completely shut

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down). Discharge into Bull Creek will dewater the upper elevations of the Foothill Feeder along the Magazine Canyon/Balboa Inlet Tunnel area. Discharge into Bull Creek will be approximately 166 acre-feet over a period of approximately 15 hours. Personnel will then isolate and secure the inlet valves at the Foothill Pressure Control Structure, the Castaic Lake Water Agency service connection, the LADWP's LA35 service connection slide gate, the LADWP/Metropolitan Interconnection at Magazine Canyon, and the influent slide gates at the Jensen Plant.

After securing and isolating the inlet valves, Permittee will discharge water by gravity from six blow-off sites and discharge water at the Jensen Plant into Bull Creek, to drain the remaining upper elevations of the pipeline. Permittee will open plug valves at blow-off sites incrementally to maintain an average valve opening of 50% during gravity flow. The dewatering of the pipeline involves the discharge of raw water from the pipeline into storm drains that discharge directly to San Francisquito Creek, a tributary to the River; natural stream channels; and the River and its tributaries at the blow-off sites (illustrated in Figure 2, Vicinity Map). In addition, Permittee will implement best management practices (BMPs) such as sandbags, Aqua Dam, riprap, or similar devices to reduce and dissipate the water energy exiting the pipeline.

Table 1 below presents the amount of gravity flow and pumping discharge proposed at each of the six locations for planned shutdowns for routine inspection, maintenance, and repair. As noted in the table, all of the blow-off locations require pumping of the pipeline with the exception of the Castaic Valley Blow-Off site.

Table 1
Future Inspections Gravity Flow and Pumping Discharge

Blow-Off Location	Gravity Flow			Pumping ^a		
	AF	cfs	Duration	AF	gpm	Duration
Castaic Valley – Station No. 17+40	12.1	18.1	8 hours	—	—	—
Charlie Canyon – Station No. 97+34	54.2	15.3	43 hours	4.6	1,200	21 hours
San Francisquito Canyon High-Rise – Station No. 287+70	18.2	16.6	13.2 hours	31.9	2,400	48.1 hours
San Francisquito Canyon Low-Rise – Station No. 321+40	10.7	16.6	7.79 hours	31.9	1,200	48.1 hours
Santa Clara River – Station No. 383+90	116	31.5	31 hours	50	3,600	75 hours
		42.5	11 hours			
Placerita Canyon – Station No. 521+20	32	10.7	31 hours	12.5	1,200	31 hours

Source: Metropolitan 2005.

Notes: AF= acre-feet; cfs = cubic feet per second; gpm = gallons per minute.

No pumping is needed at Castaic Valley. In addition, the pumping acre-feet for the San Francisquito Low-Rise and High-Rise is a shared volume.

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Dewatering at blow-off locations, pumping of excess water, and fresh air pumping ventilation activities involve the use of temporary light sources, including overhead floodlights, at some of these locations. Table 2 below presents the equipment needed at each location during dewatering activities. Equipment may include trailer-mounted outdoor light stands, a 30-ton crane to install and remove the submersible pumps, a 125 kW trailer-mounted generator submersible pumps, and a utility truck to support the pumping operations.

Table 2
Equipment for Dewatering Activities

Blow-Off Location	Trailer Mounted Outdoor Light Stands	125 kilowatt (kw) trailer-mounted generator	Submersible pump(s)	Truck	Crane
Castaic Valley – Station No. 17+40	Yes	-	-	-	-
Charlie Canyon – Station No. 97+34	Yes	One	One 6-inch	One utility truck	-
San Francisquito Canyon High-Rise – Station No. 287+70	Yes	One	Two 8-inch	One utility truck	30-ton
San Francisquito Canyon Low-Rise – Station No. 321+40	Yes	One	One 6-inch	One utility truck	30-ton
Santa Clara River – Station No. 383+90	Yes	Two	One 12-inch, Two 8-inch	One boom truck	30-ton
Placerita Canyon – Station No. 521+20	Yes	One	Two 8-inch	One utility truck	30-ton

Source: Metropolitan 2017.

Castaic Valley Dewatering Discharge Activities (Station No. 17+40)

Gravity flow occurs over approximately 4-hours at this location. This location does not require pumping of the pipeline following the gravity discharge. However, the workforce at this location consists of a two-man crew during the discharge period.

Charlie Canyon Dewatering Discharge Activities (Station No. 97+34)

Water discharges at this location through a pipe into an unpaved, scrub-lined upland ditch that directs water toward the natural, sandy-bottomed Charlie Canyon Creek, approximately 50 feet to the north. Charlie Canyon Creek flows toward Castaic Creek, which is approximately 1.25 miles to the southwest of this blow-off site. The work force at this location consists of two-man crews on 12-hour shifts during dewatering.

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San Francisquito Canyon High-Rise Dewatering Discharge Activities (Station No. 287+70)

Water flows out of the blow-off and into a 30-foot-long gabion-lined ditch within the pad prior to entering the San Francisquito Creek Channel. Permittee may discharge up to 18.2 acre-feet of water from this location. Operational considerations made prior to the commencement of the dewatering activities will dictate which location is used to dewater the San Francisquito Canyon portion of the pipeline. The work force at this blow-off location consists of two-man crews on 12-hour shifts during dewatering operations, and a three-man crew to install and remove the submersible pumps.

San Francisquito Canyon Low-Rise Dewatering Discharge Activities (Station No. 321+40)

San Francisquito Canyon Low-Rise Blow-Off discharges up to 10.7 acre-feet by gravity flow. The work force at this blow-off location consists of two-man crews on 12-hour shifts during dewatering, and a three-man crew to install and remove the submersible pumps.

Santa Clara River Dewatering Discharge Activities (Station No. 383+90)

The gravity flow discharge at this location occurs over approximately 42-hours. Following completion of the gravity flow, pumping of water remaining in low spots in the pipeline occurs for an additional 75 hours. The work force at this location consists of two-man crews on 12-hour shifts during the dewatering activities, and a three-man crew to install and remove the submersible pumps. Dewatering activities occur continuously over the 5 days that are required to empty the pipeline at this location.

Placerita Canyon Dewatering Discharge Activities (Station No. 521+21)

At this location, water discharges through a pipe and then cascades down the slope of the bank over energy-dissipating rock prior to entering Placerita Creek. Placerita Creek runs west into Newhall Creek, which then runs north into the south fork of the River. The work force at this location consists of two-man crews on 12-hour shifts during dewatering.

Dewatering Discharge Activities for Emergency Repairs

Emergencies in the project region, such as an earthquake or other unforeseen event, may affect all or parts of the Foothill Feeder. An emergency scenario has the potential to necessitate an unplanned, emergency pipeline dewatering and repair, including replacement of badly damaged segments of the facility. A minor leak does not constitute an emergency if the Permittee can monitor and resolve the leak according to planned maintenance procedures. Rather, an emergency involves unexpected pipeline damage that endangers human health and safety and/or water supply, requiring immediate attention and resolution. An emergency may require partial or full shutdown of the Foothill Feeder as soon and as rapidly as possible with a 100% valve opening. The extent of the shutdown (full or partial) depends on the location and scope of the emergency.

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Mitigation/Conservation Activities:

The Mitigation Lands consist of an abandoned RV park, waste dump sites interspersed with invasive wetland species, and multiple abandoned vehicles, equipment, dwellings, and facilities. Portions of the property burned in the 2016 Sand Fire. The site is a location known to support Covered Species habitat. Mitigation and Conservation activities may include but are not limited to habitat protection, long-term habitat management funding, and monitoring including habitat enhancement and/or restoration, examples of which may include: removing fish barriers within the active channel, recontouring channels to create new clean pools and slow-moving channels with connection to existing perennial flowing water, increasing the total area of suitable habitat for Covered Species, and other conservation measures deemed necessary to maintain or increase the Covered Species population within the River. Permittee will conduct Mitigation and Conservation activities in accordance with a plan approved by CDFW (see Attachment 1).

Covered Activities Subject to Take Authorization Provided by this ITP (Covered Activities):

This ITP covers the components of the Foothill Feeder Repair and Future Inspections Project described above that have the potential to result in the take of Covered Species, including the dewatering discharges at the six project blow-off locations, rescue and relocation activities associated with dewatering events, and the mitigation/conservation activities.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species under Assembly Bill (AB) 2488 and Fish and Game Code section 2081.10, permitting CDFW to authorize incidental take of the following endangered and fully protected species:

Name	CESA Status
Unarmored threespine stickleback (<i>Gasterosteus aculeatus williamsoni</i>)	Endangered ³ , Fully Protected ⁴

This species and only this species is the "Covered Species" for the purposes of this ITP.

Impacts of the Taking on Covered Species:

Governor Brown signed AB 2488 into law on September 16, 2016, with an effective date of January 1, 2017. AB 2488 amended Section 5515 of Fish and Game Code and added Fish and Game Code section 2081.10 "Section 2081.10" that authorizes CDFW to issue a permit to Permittee authorizing the incidental take of Covered Species attributable to the periodic dewatering, inspection, maintenance, modification, or repair, including emergency repair, of the Foothill Feeder (see Figure 3 for Project Map of Covered Activities with Potential Take of

³See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(2)(L).

⁴See Cal. Code Regs. tit. 14 § 5.93.

Covered Species). During the 2007 dewatering discharges, 32 individuals of the Covered Species were moved from an area along the River between the Santa Clara River Blow-Off and Interstate-5 Freeway. In 2012, dewatering discharges did not result in the stranding of Covered Species. Incidental take of individuals of the Covered Species in the form of pursuit and capture (or rescue and relocate) may occur as a result of Covered Activities. It is assumed that each dewatering event that involves rescue and relocation may take up to 100 individuals of the Covered Species (300 individuals of the Covered Species total over the duration of the permit). This estimate is based on previous dewatering events and the assumption that, of the six to twelve dewatering events anticipated over the permit duration, two dewatering events may result in stranding of Covered Species, and that one emergency dewatering event may also occur during this period that may result in strandings. It is further estimated that, should rescue and relocation of the Covered Species be necessary, Project dewatering activities may result in mortality of up to 15 individuals of the Covered Species during relocation, if necessary, for the duration of the 30-year permit. Take or injury to Covered Species may also occur incidentally, as a result of conservation activities on Mitigation Lands. Therefore, the maximum number of fish that will be rescued and relocated during all project activities will be 320 individuals of the Covered Species and the maximum mortality of Covered Species from all activities will be 20 individuals for the duration of the 30-year permit.

Possible impacts of authorizing take include adverse impacts to the Covered Species related to change in contour and/or gradient of bed, channel, or bank; degradation or aggradation of channel; loss of bank stability during dewatering discharges; increase of bank erosion during dewatering discharges; increase in sediment transport; and change in pH. These potential changes may result in stranding and direct take of the Covered Species, including eggs and juvenile fish.

Incidental Take Authorization of Covered Species:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including activities that may occur in the course of implementing mitigation or conservation actions. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance and implementation of Conditions of Approval. Pursuant to Section 2081.10 subdivision (a)(3), the take authorization provides for Permittee's development and implementation, in cooperation with CDFW, of an adaptive management process for monitoring the effectiveness of the Conditions of Approval to minimize and fully mitigate the impacts to the Covered Species, adjusting as necessary, in collaboration with CDFW and to satisfy the conservation standard of subdivision (d) of section 2805.

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area that may cause take. CDFW's issuance of this ITP and Permittee's authorization

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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 Supplemental Environmental Impact Report (SCH No.: 2005071082) certified by The Metropolitan Water District of Southern California on March 13, 2018 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in any Lake and Streambed Alteration Agreement (LSA) reached between Permittee and CDFW for the Project pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the forthcoming Habitat Conservation Plan and Biological Opinion for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the Conditions of Approval set forth in this ITP shall control.
5. **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), which is included as Attachment 2 to this ITP.
6. **General Provisions:**
 - 6.1. 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.

- 6.2. Qualified Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Qualified Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Qualified Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species and has substantial relevant experience evaluating impacts to inland fisheries (Fish & G. Code, § 2081.10(a)(4)). The Qualified Biologist is responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Qualified Biologist in writing before starting Covered Activities, and shall obtain approval in advance in writing if the Qualified Biologist must be changed.
- 6.3. Qualified Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Qualified Biologist shall have authority to immediately stop Project activities that do not comply with this ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.
- 6.4. Worker Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area prior to performing Covered Activities. The program shall consist of a presentation from the Qualified 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, its 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 protection measures. Permittee shall repeat this training prior to each instance of Covered Activities for all employees that will be conducting work in the Project Area.
- 6.5. Monitoring Notebook. The Qualified Biologist shall maintain a notebook on-site for the dewatering discharge activities. The monitoring notebook 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 monitoring notebook is available for review at the Project site upon request by CDFW.

- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the permit in the Project Area. 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 dogs.
- 6.7. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat in the Project Area.
- 6.8. Project Access. During Covered Activities, Project-related personnel shall access the Project Area using existing easements and shall not cross Covered Species' habitat outside of or in route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, easements, staging, and parking areas. If Permittee determines construction of new routes for travel are necessary in habitat containing Covered Species, 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.
- 6.9. 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.
- 6.10. 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.
- 6.11. Spill Containment. Permittee shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. If a spill occurs above a reportable quantity, the Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550. If a spill occurs of any quantity, the Permittee shall immediately initiate the cleanup activities. Permittee shall notify and consult with CDFW regarding clean-up procedures.
- 6.12. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the

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Project Area and Mitigation Lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 6.13. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all scour and erosion control materials, and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. 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.
- 7.3. CNDDDB Observations. The Qualified Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation, and the Qualified Biologist shall include copies of the submitted forms with each Post-Construction Report.
- 7.4. Notification of Take or Injury. The Qualified Biologist shall immediately notify the Permittee and CDFW 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 Qualified Biologist or Designated Representative shall provide initial notification via email to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Victoria Tang (victoria.tang@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. 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

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information.

- 7.5. Covered Species Dewatering Plan. The Qualified Biologist shall prepare a management plan (Covered Species Dewatering Plan) that includes BMPs; pre-construction surveys; biological monitoring; fish exclusion techniques; Covered Species stranding surveys; a monitoring, rescue, and relocation plan; and criteria for the reasonable and feasible mimicking of streamflows following the CDFW-approved Covered Species Dewatering Plan prepared and submitted to CDFW 60 days prior to Project Activities pursuant to Condition of Approval 8.6.
- 7.6. Pre-Construction Survey Report. The Qualified Biologist shall submit a report documenting the results of the pre-construction survey to CDFW within five days after performing the survey described in Condition of Approval 8.2. Permittee shall submit pre-construction survey results, habitat and weather conditions, and estimated length and downstream limits of discharge spread areas. The report shall also include maps and GPS coordinates.
- 7.7. Construction Compliance Monitoring Records. The Qualified Biologist shall be on-site daily when Covered Activities occur. The Qualified Biologist shall conduct 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 in the Project Area. The Designated Representative or Qualified Biologist shall prepare daily written observation and inspection records summarizing: oversight activities; compliance inspections; and observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. Construction Compliance Monitoring Records shall also include all Record of Handling documentation described in Condition of Approval 8.7. Permittee shall submit the Construction Compliance Monitoring Records with the Post-Construction Report.
- 7.8. Post-Construction Report. The Designated Representative or Qualified Biologist shall provide a Post-Construction Report to CDFW no later than 45 days after each pipeline shutdown including biological notes, color photographs of project-related activities and surrounding staging areas, the GPS coordinates of the placement of erosion control measures, and the GPS coordinates of the downstream discharge spread areas of each dewatering. Each Post-Construction Report shall include, at a minimum: (1) a summary of all Compliance Monitoring Records for that year identified in Condition of Approval 7.7; (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

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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 estimated width and length of each downstream dewatering discharge spread area; (7) an estimate of the area of erosion control placement within the stream areas both for the prior calendar year, and a total width, length, and area since ITP issuance; (8) a log where the valve operator received a request to stop and/or modify the dewatering discharges; and (9) all information about other impacts from Covered Activities on the Covered Species.

7.9. Habitat Mitigation and Monitoring Plan. The Permittee shall submit to CDFW for its review and approval a Habitat Mitigation and Monitoring Plan (HMMP). This plan shall include various plans to address Mitigation Lands approved for compensatory mitigation for covered species impacts and to address conservation actions.

7.9.1. Stickleback Mitigation Program. The Permittee shall submit to CDFW for its review and approval an HMMP that includes the Stickleback Mitigation Program (SMP) described in Condition of Approval 9.3 prior to activities on Mitigation Lands. This plan shall address all project areas identified as compensatory mitigation for Covered Species in this ITP, and shall include the start-up costs, the implementation of the restoration, and the initial 5-year monitoring. The SMP may include additional areas necessary for compensatory mitigation under other Agreements or permits with CDFW and other local, state, and federal agencies;

7.9.2. Long-Term Adaptive Management Plan. Permittee shall provide an HMMP that includes the Long-Term Adaptive Management Plan (LTAMP) derived from Conditions of Approval 10.1 to ensure Permittee's conservation actions are proportional to the project impacts;

7.9.2.1. Emergency Management Plan. Permittee shall develop and incorporate an Emergency Management Plan into the HMMP to respond to potential catastrophic events as described in Condition of Approval 10.2;

7.9.2.2. Provisions. Permittee shall develop and incorporate specific terms and conditions with CDFW, which if violated, will result in the suspension or revocation of the permit, in whole or in part as described in Condition of Approval 10.3;

7.9.3. Covered Species' Population Management Plan. Permittee shall provide a Covered Species' Population Management Plan (CSPMP) derived from Conditions of Approval 10.4 to contribute to the conservation of the Covered Species; and,

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7.9.4. Assurance Plan. Permittee shall incorporate an Assurance Plan into the HMMP and include alternative actions in the event that the proposed conservation action(s) meet the fully mitigated standard and conservation standard as described in Condition of Approval 10.5.

7.10. Annual Mitigation Compliance Reports. The Designated Representative or Qualified Biologist shall submit a copy of the MMRP table with notes showing the current implementation status of each mitigation measure, compliance with permit conditions, and effectiveness of the LTAMP in contributing to the conservation of the Covered Species (Fish & G. Code, §§ 2081.10(f)). Permittee shall make available to the public and submit Annual Mitigation Compliance Reports to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Victoria Tang (victoria.tang@wildlife.ca.gov) and 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.

7.11. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Qualified Biologist shall prepare the Final Mitigation Report, which shall include, at a minimum: (1) a Mitigation Site As-Built Report to CDFW with a plan or map diagram showing the restored area on the mitigation site within the active channel. Photographs from representative vantage points shall also be included to document the final site conditions; (2) a summary of all Quarterly Compliance Reports; (3) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (4) all available information about Project-related incidental take of the Covered Species; (5) information about other Project impacts on the Covered Species; (6) beginning and ending dates of Covered Activities; (7) 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; (8) recommendations on how mitigation measures might be changed to more effectively minimize take and fully mitigate the impacts of future projects on the Covered Species; and, (9) any other pertinent information.

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8. Take Minimization Measures:

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

- 8.1. Pre-Work Check. Permittee shall check access road maps and environmental resource databases to identify potential sensitive areas before any Covered Activities occur (including dewatering discharges) that may disturb the Covered Species or their habitat.
- 8.2. Pre-Construction Surveys. Prior to Covered Activities associated with dewatering discharges, the Qualified Biologist shall perform pre-construction surveys for the Covered Species within the path of the downstream dewatering discharge spread areas and shall follow Condition of Approval 7.6 as described.
- 8.3. Emergency Dewatering Discharge Surveys. Upon commencement of emergency dewatering discharge activities, Permittee shall immediately notify CDFW, and the Qualified Biologist shall perform biological monitoring and surveys for the Covered Species in the Project Area within the path of the downstream dewatering discharge spread areas. If the Qualified Biologist finds any Covered Species in the Project Area during Covered Activities, the Qualified Biologist shall follow Conditions of Approval 7.4 and 7.5 as described.
- 8.4. Biological Monitors. Prior to implementation of Covered Activities associated with dewatering discharges, the Qualified Biologist shall monitor activities within the stream and the path of the downstream dewatering discharge spread areas. The Qualified Biologist may designate biological monitors to perform monitoring activities. A biological monitor is an individual experienced with construction level biological monitoring, who is able to recognize species in the Project Area and is familiar with the habits and behavior of those species. Biological monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project. Permittee shall request CDFW approval of all biological monitors for the project prior to the commencement of Covered Activities. Designated Representative or Qualified Biologist shall prepare daily written observation and inspection records as identified in Condition of Approval 7.7.
- 8.5. Covered Species in the Project Area. If the Qualified Biologist finds any Covered Species in the Project Area during Covered Activities, the Qualified Biologist shall rescue and relocate the Covered Species, if required, in accordance with the CDFW-approved Covered Species Dewatering Plan prepared pursuant to Condition of

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Approval 7.5. During the dewatering discharge activities, the Qualified Biologist shall have immediate, reliable communication with the valve operator, and shall have the authority to stop and/or modify the dewatering discharges if, in the professional opinion of the Qualified Biologist, the activity has the potential to adversely affect Covered Species. Modifications to the dewatering activities may include reducing the discharge rate.

- 8.6. Covered Species Dewatering Plan. The Qualified Biologist shall prepare a Covered Species Dewatering Plan that includes BMPs; pre-construction surveys; biological monitoring; fish exclusion techniques; Covered Species stranding surveys; a monitoring, rescue, and relocation plan; and criteria for the reasonable and feasible mimicking of stream flows. Covered Activities may not proceed until CDFW approves the Covered Species Dewatering Plan in writing. Only the approved Qualified Biologist is authorized to capture and handle Covered Species. Permittee shall consult with CDFW to determine the appropriate content of the Dewatering Plan (see Attachment 3).
- 8.7. Record of Handling. The Designated Representative or Qualified Biologist shall document the following information for all Covered Species captures and sightings as identified in Conditions of Approval 7.4 and 7.5, such as: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; the general condition and health of each individual; any diagnostic markings; sex; age (juvenile or adult); actions undertaken (GPS coordinates of relocated areas); and habitat description. Permittee shall submit this information to the CNDDDB as per Condition of Approval 7.3. The Construction Compliance Monitoring Records described in Condition of Approval 7.7 shall also include all Record of Handling documentation.
- 8.8. Covered Species Injury. Permittee shall include measures in the Covered Species Dewatering Plan and Habitat Mitigation and Monitoring Plan to address injury to covered species. If a Covered Species is injured as a result of Project-related 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 or email followed by a written incident report as described in Condition of Approval 7.4.
- 8.9. Sediment and Runoff Control. Permittee or project personnel shall not place sediment from Project-related activities in upland areas or seasonally dry portions of the ephemeral drainages where it might likely be washed into the stream or inundated by high flows, or where it is likely to have a negative impact on native vegetation. Permittee shall utilize runoff control measures so that runoff from erodible surfaces will be diverted into stable areas with little erosion potential. Permittee shall

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place frequent water checks on dirt roads, cat tracks, or other work trails to control erosion.

- 8.10. Erosion Control Measures. Permittee shall utilize erosion control measures throughout all phases of operation (1) where sediment runoff from exposed channel banks or slopes threatens to enter the stream or (2) to mitigate bank erosion, deep cutting, and scouring of stream areas during dewatering discharges. Any type of erosion control blanket or other measures shall not use erodible plastic and shall be weed-free. Any netting used must be flexible (e.g., "soft" hemp, to prevent trapping snakes or other animals in the netting). Permittee shall place any sandbags or other forms of water diversion prior to dewatering discharges.
- 8.11. Turbidity Monitoring. Permittee shall monitor turbidity levels (Nephelometric Turbidity Units (NTU)) in the stream areas of Castaic Lagoon, Charlie Canyon, San Francisquito Canyon, Santa Clara River, and Placerita Canyon during dewatering discharge activities, and placement of scour and erosion control measures. The Qualified Biologist shall measure upstream and downstream of the disturbance areas to monitor if the turbidity exceeds 40 NTU. The Qualified Biologist shall have the authority to modify the dewatering discharges as described in Condition of Approval 8.19. Permittee shall include the turbidity levels in the Construction Compliance Monitoring Records (see Condition of Approval 7.7) and the Post-Construction Report (see Condition of Approval 7.8).
- 8.12. Chlorine. Permittee shall add neutralization chemicals to the discharged water prior to the release to any storm drains or waterbodies to control chlorine in the dewatering discharges.
- 8.13. Removal of Hazardous Substances. Permittee shall prevent from contaminating the soil and/or entering the waters of the state the following substances: raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that may be hazardous to aquatic life, resulting from Project related activities. In the event that any of these materials are placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of the Permittee, Permittee shall have the substances immediately removed.
- 8.14. Equipment Maintenance. Permittee shall ensure all equipment used for Covered Activities in or near streams in the Project Area is free of leaks. Permittee shall check and maintain equipment daily during Covered Activities to prevent leaks of materials that, if introduced to water, may be deleterious to aquatic life, wildlife, or riparian habitat. Permittee shall designate staging/storage areas for equipment, materials, fuels, and lubricants located outside of the stream's normal high water area.

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Permittee shall position stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream over drip pans. Permittee shall place drip pans under the engines of equipment parked for the night.

- 8.15. Decontamination of Project Equipment. Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the streambed and make contact with water or wetted soils prior to entering and after exiting the stream. If equipment is operating to avoid contact with water or wetted soils, then it is otherwise permissible to conduct the work without specialized decontamination procedures for aquatic invasive animal species, but activities would need to be in compliance with other Conditions of this ITP and any other federal, state, or local laws or ordinances.

If decontamination for aquatic invasive animal species is applicable, Permittee shall decontaminate project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140°F or hotter water and soak for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different watershed, and returned to the project site.

- 8.16. Spill Prevention and Control Plan. Permittee shall prepare a spill prevention and control plan prior to the start of Covered Activities to minimize the potential for hazardous, toxic, or petroleum substances released into the Project Area during construction and project operation. In addition, Permittee will place sand bags, biologs, or other containment features around the areas used for fueling or other uses of hazardous materials to ensure that these materials do not accidentally leak into a stream or aquatic habitat.

- 8.17. Unauthorized Materials. Permittee shall remove any materials placed in seasonally dry portions of a stream or aquatic habitat in the Project Area that may be deleterious to aquatic life prior to inundation by high flows.

- 8.18. Work Window. Permittee shall implement Covered Activities associated with the

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dewatering discharges within the period of November 1 to March 30 of each year of this ITP.

- 8.19. Ramping. Permittee shall slowly ramp discharge rates such that increase in flow rate in the stream areas is gradual and scouring of the channel bed and banks does not occur. During the dewatering discharge activities, the Qualified Biologist shall have immediate, reliable communication with the valve operator, and shall have the authority to stop and/or modify the dewatering discharges if, in the professional opinion of the Qualified Biologist, the activity has the potential to adversely scour the stream and affect Covered Species or turbidity exceeds 40 NTU as described in Condition of Approval 8.11.

9. Long Term Monitoring and Habitat Management:

CDFW has determined that restoration, permanent protection and perpetual management and monitoring of compensatory habitat to maintain and enhance UTS habitat is necessary and required, pursuant to CESA and AB 2488, 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 in the Project Area, the extent to which the Covered Activities will impact the Covered Species, and CDFW's estimate of the management and conservation activities required to provide for adequate compensation.

To meet the requirement, Permittee shall provide for both the permanent protection and management of the Mitigation Lands, which is owned in fee title by Mountains Recreation and Conservation Authority (Land Manager) as it relates to Covered Species pursuant to Condition of Approval 9.1 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.2 below. Permittee shall complete permanent protection and funding for perpetual management of compensatory habitat before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 11 below for all uncompleted obligations.

- 9.1. Habitat Protection. To provide for the perpetual protection and management of Mitigation Lands, the Permittee shall enact the following measures:

- 9.1.1. Protection/Conservation Easement. CDFW, in its sole discretion, may authorize Land Manager to manage Mitigation Lands provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. Permittee shall ensure that Mitigation Lands associated with this ITP are permanently protected through a

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conservation easement, deed restriction, covenant or other long-term protection mechanism, as approved by CDFW. CDFW shall act as a grantee for a conservation easement over the Mitigation Lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as manager over the Mitigation Lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If a conservation easement is used and CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement or property protection mechanism before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966 subd. (j) and 65967 subd. (e);

- 9.1.2. Mitigation Lands Approval. Permittee shall obtain CDFW approval of Start-up Activities through written CDFW approval of Habitat Mitigation and Monitoring Plan (see Condition of Approval 9.1.4). Permittee shall also obtain CDFW written approval of Mitigation Lands meeting final success criteria;
- 9.1.3. Land Manager. Permittee shall designate both an interim and long-term Land Manager for the Mitigation Lands approved by CDFW. The interim and long-term Land Managers may, but need not, be the same. The interim and/or long-term Land Managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term Land Managers. Land Manager shall coordinate with CDFW to ensure the Qualified Biologist, pursuant to Section 2081.10 subdivision (a)(4), has the minimum qualifications to conduct land management actions, biological surveys, and Covered Species surveys. Permittee shall provide the minimum qualifications of the Land Manager for authorization and approval. Prior to Covered Species surveys or any scheduled activities within the channel of the Mitigation Lands, Permittee shall notify CDFW of the interim and long-term Land Manager designation at least 30 days in advance. Permittee shall inform CDFW of any subsequent changes in the Land Manager within 30 days of the change; and shall implement an agreement between CDFW, Permittee, and the Land Manager that CDFW has the authority to withdraw funds from the endowment to satisfy ITP obligations if the Land Manager is not successfully mitigating and satisfying the conservation standard; and,
- 9.1.4. Start-up Activities. Permittee shall implement start-up activities, including the initial site protection and enhancement of Mitigation Lands, once CDFW approves the Mitigation Lands. Start-up activities include, at a minimum: (1)

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preparing a HMMP for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) incorporating a baseline biological assessment and a baseline hydrology report; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing, if applicable; (5) conducting litter removal; and, (6) conducting initial habitat restoration or enhancement.

- 9.2. Long Term Management Funding. The Permittee shall ensure that the long-term Land Manager manages, maintains, and monitors the Mitigation Lands as described in this ITP, Condition of Approval 9.1.3, and the final HMMP approved by CDFW. After obtaining CDFW approval of the Mitigation Lands, Permittee shall provide long-term management funding for the perpetual management of the Mitigation Lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the Mitigation Lands consistent with the management plan(s) required by Condition of Approval 7.9. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon, unless otherwise previously approved by CDFW in writing. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term Land Manager implements the management and monitoring of the Mitigation Lands according to the HMMP. The long-term Land Manager shall manage and monitor the Mitigation Lands in perpetuity to preserve their conservation values in accordance with this ITP, the easement, and the final HMMP. Such activities shall be funded through the Endowment:

- 9.2.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Unless otherwise previously approved by CDFW in writing, Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968 subdivision (b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968 subdivision (b)(2); and, (iv) a copy of the proposed Endowment Manager's

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certification pursuant to Government Code section 65968 subdivision (e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081 subdivision (b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Fish and Game Code section 2081 subdivision (b)(4);

9.2.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the Mitigation Lands, Habitat Management Plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the Mitigation Lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager, unless otherwise previously approved by CDFW in writing and:

9.2.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR, unless otherwise previously approved by CDFW in writing, and adjust for any additional administrative, periodic, or annual fees; and,

9.2.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment, unless otherwise previously approved by CDFW in writing, and use that will substantially ensure long-term viability and security of the Endowment;

9.2.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

9.2.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.

9.2.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

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9.2.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager within 60 days of CDFW approval of the Endowment Deposit Amount identified above, unless otherwise previously approved by CDFW in writing. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of Mitigation Lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

9.3. Stickleback Mitigation Program at Mitigation Lands. Permittee shall submit the SMP as part of the HMMP as described in Condition of Approval 7.9.1 for CDFW review and approval, prior to Project initiation activities. A riverine restoration biologist and a qualified inland fisheries biologist with expertise in southern California ecosystems and the Covered Species shall prepare the HMMP. Restoration implementation involves methods for conservation activities, maintaining (e.g., weeding, supplemental watering) and monitoring the restored area for an initial period of five years, and then managing in-perpetuity. Permittee shall consult with CDFW to determine appropriate contents of the SMP (See Attachment 1).

No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report as described in Condition of Approval 7.11.

9.4. Site Conditions of Covered Species at Mitigation Lands. Permittee shall protect, maintain, manage, restore, and/or enhance the active channel of the Mitigation Lands to enhance site conditions for Covered Species. Any activities implemented as part of the HMMP associated with the active channel including road/crossing easements shall be monitored to ensure:

- 9.4.1. There are no long-term or cumulative impacts to the Covered Species;
- 9.4.2. Restored area does not result in debris accumulation, high water velocity, turbulence, and/or inadequate water depths within the culverts;
- 9.4.3. There are no sources of mortality, or other stressors, for the Covered Species;
- 9.4.4. There are suitable habitat conditions for the Covered Species within the Mitigation Lands;
- 9.4.5. There is fish passage within the Mitigation Lands; and,
- 9.4.6. There are hydrology and hydraulic studies to establish baseline conditions and

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success criteria to restore Covered Species site conditions in order to evaluate the potential effects of restoration and management actions.

10. Long-Term Adaptive Management Plan and Covered Species' Population Management Plan:

Permittee shall provide a LTAMP and a Covered Species' Population Management Plan (CSPMR) within the HMMP to ensure Permittee's conservation actions are commensurate to the project impacts, to assist in the conservation of the Covered Species, and for monitoring the effectiveness of, and adjusting as necessary, the measures to minimize and fully mitigate the impacts.

10.1. Long-Term Adaptive Management Plan. Permittee shall submit to CDFW (a) framework of the LTAMP no more than six months after permit issuance, and (b) conceptual LTAMP for approval prior to project activities. Permittee shall include the LTAMP as part of the overall HMMP, and it shall include the establishment of measurements to determine if conservation actions are being implemented roughly proportional in time and extent to the impact on the Covered Species. The LTAMP shall also include a schedule for conducting monitoring activities prior to the start of the year's monitoring efforts. Permittee shall use the results of new information gathered through the monitoring program of the LTAMP and from others sources to adjust management strategies and practices to assist in providing for the conservation of the Covered Species. Permittee shall identify adaptive management strategies based on consultation with CDFW for the CSPMP, Post-Construction Report, and other sources, which will assist in providing for the conservation of Covered Species within the Santa Clara River Watershed (Watershed). Adaptive management shall identify strategies to: (a) provide additional or alternative contributions to the conservation of the Covered Species within the Watershed; and, (b) ensure the mitigation(s) and Mitigation Lands continue to satisfy the conservation standard (Fish and G. Code, § 2805 subd. (d)) and the fully mitigated standard (Fish and G. Code, § 2081, subd. (b)(2)). Permittee shall consult with CDFW to determine appropriate contents of the LTAMP (see Attachment 4).

10.2. Emergency Management Plan. Permittee shall develop and incorporate into the HMMP an Emergency Management Plan for the Covered Species at the Mitigation Lands in response to potential catastrophic events such as, but not limited to: fire, toxic spills or discharges, stream desiccation due to drought or depletion of natural spring flows, temperatures due to climate change, erosion, landslide, or flooding.

10.3. Provisions. CDFW shall include a provision requiring notification to the Permittee of a specified period of time to cure any default prior to suspension or revocation of the

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permit in whole or in part. These terms and conditions shall address, but are not limited to, provisions specifying the actions the CDFW shall take under all of the following circumstances:

- 10.3.1. If Permittee fails to provide adequate funding for the implementation of the LTAMP within the Watershed;
- 10.3.2. If Permittee adopts, amends, or approves any plan or project without concurrence of the wildlife agencies and CDFW that is inconsistent with the objectives and requirements of the approved plan;
- 10.3.3. If Permittee's level of take exceeds that authorized by the permit;
- 10.3.4. If Permittee fails to ensure implementation of the monitoring program and adaptive management program; and,
- 10.3.5. If Permittee does not maintain the proportionality between take and conservation measures specified in the permit and does not cure the default within 45 days or enter into an agreement with CDFW within 45 days to expeditiously cure the default, the CDFW shall suspend or revoke the permit, in whole or in part.

10.4. Covered Species' Population Management Plan. Permittee shall develop and/or implement a CSPMP to address the critically imperiled status of the Covered Species and to incorporate listed conservation action(s) into the LTAMP to satisfy the conservation standard pursuant to Section 2081.10 subdivision (a)(3). Permittee shall provide support funding and support staff, in coordination with the CDFW Fisheries Branch, that may include (but not be limited to): (1) providing survey equipment kits; (2) funding a collaborative translocation program; (3) funding genetic studies to ascertain taxonomic relationships; (4) developing the genetic composition collection for species detection; (5) providing funding for laboratory analysis; (6) providing a Qualified Biologist, pursuant to Section 2081.10 subdivision (a)(4) to work closely with CDFW's South Coast Region to develop rigorous sampling procedures and protocols; and, (7) assisting in the assessment of the Covered Species populations within the Watershed. Every 5 years, Permittee shall provide an update with an evaluation of the effectiveness of the conservation actions in meeting the CDFW's conservation goals for the Covered Species. The evaluation shall include at a minimum:

- 10.4.1. An annual evaluation of known population trends, known threats to the species, and reasonably foreseeable impacts on the species from other related project and activities within the Watershed;
- 10.4.2. An annual population survey of Covered Species within the Watershed and an assessment to ensure continued take will not jeopardize the species;

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10.4.3. Information from collaborative science research that will assist in addressing scientific uncertainties and informing adaptive management practices; and,

10.4.4. A comparison of current population surveys and previous year's population trends.

10.5. Assurance Plan. Permittee shall incorporate an Assurance Plan into the HMMP and include alternative conservation action(s) in the event that the proposed conservation action(s) does not meet the fully mitigated standard and conservation standard. The Assurance Plan, shall at a minimum, include the conservation actions identified in the Covered Species' Population Management Plan.

11. Performance Security

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 and 10 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

11.1. Security Amount. The Security shall be in the amount of **\$780,866**. This amount is based on the cost estimates identified in the draft "Stickleback Movie Ranch Property, Soledad Canyon, Los Angeles County Long-Term Management and Monitoring Costing" submitted to CDFW on October 18, 2018. This draft PAR-equivalent analysis may be subject to changes based on refinements, additional information, and CDFW's review and comments.

11.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW.

11.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin.

11.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

11.5. Security Transmittal. Permittee shall transmit it to CDFW by way of an approved instrument such as escrow, irrevocable letter of credit, or other manner approved in advance in writing by CDFW.

11.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

11.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and

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received confirmation that all secured requirements have been satisfied, as evidenced by:

- 11.7.1. Written documentation of the restoration consistent with ITP Habitat Mitigation and Monitoring Plan of the Mitigation Lands (Condition of Approval 7.9);
- 11.7.2. Written confirmation from the approved Endowment Manager of its receipt of Endowment, unless previously approved by other method by CDFW in writing; and,
- 11.7.3. Timely submission of all required reports.

CDFW may require the Permittee to provide additional Mitigation Lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframes in ITP management plans.

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 will 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. This ITP may be amended when required by the LTAMP or when modified by a subsequent environmental document pursuant to CEQA (Fish & G. Code, §§ 2081.10(d)).

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activities 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 Qualified 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.

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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
P.O. Box 944209
Sacramento, CA 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 (2081-2017-069-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Mr. Ed Pert, Regional Manager
C/o Ms. Victoria Tang
California Department of Fish and Wildlife
3883 Ruffin Rd.
San Diego, CA 92123
(562) 430-5082
Victoria.Tang@wildlife.ca.gov

and a copy to:

Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
P.O. Box 944209
Sacramento, CA 94244-2090

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

Ms. Victoria Tang
Dept. of Fish & Wildlife/R5
4665 Lampson Avenue, Suite C
Los Alamitos, CA 90720

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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, The Metropolitan Water District of Southern California. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Foothill Feeder Repair and Future Inspections Project Supplemental EIR, (SCH No. 2005071082) certified by The Metropolitan Water District of Southern California on March 13, 2018. At the time the lead agency certified the Supplemental EIR and approved 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 Supplemental EIR 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.

Findings Pursuant to CESA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA, Fish and Game Code section 2081.10, and related regulations. (Fish & G. Code §§ 2081, subds. (b)-(c), 2081.10; 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; Foothill Feeder Repair and Future Inspections Project Supplemental EIR; the results of site visits on December 7, 2016, February 3, 2017, October 25, 2017; and consultations on December 21, 2016, January 11, 2017, February 21, 2017, March 7, 2017, March 14, 2017, April 12, 2017, September 15, 2017, September 21, 2017, October 3, 2017, October 5, 2017, November 15, 2017, November 16, 2017, January 10, 2018, March 13, 2018; 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 and with Fish and Game Code section 2081.10:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise

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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; (2) establishment of avoidance zones; (3) worker education; and, (4) Annual 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 acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of the active channel within Mitigation Lands 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,
- (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.
- (9) All measures necessary to satisfy the conservation standard of subdivision (d) of Fish and Game Code section 2805 for the Covered Species are incorporated in the Project

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through this ITP as described in Condition of Approval 10.4.

(10) This ITP, as described in Condition of Approvals 10.1 and 10.4, provides for the development and implementation of an adaptive management plan for monitoring the effectiveness of, and adjusting as necessary, the measures to minimize and fully mitigate the impacts of the authorized take on the Covered Species and to satisfy the conservation standard of subdivision (d) of Fish and Game Code section 2805.

(11) This ITP requires that a biologist who has substantial relevant experience relating to impacts to inland fisheries will be on duty whenever an activity is conducted that may affect the Covered Species.

(12) The Permittee has consulted with CDFW to consider feasible measures to avoid and minimize incidental take of the Covered Species.

(13) This ITP includes conditions that cover biological and scientific considerations, including, but not limited to, criteria for the handling of stranded Covered Species and their relocation into suitable habitat, the dewatering of the Foothill Feeder, and the reasonable and feasible mimicking of stream flows.

(14) The conditions of this ITP are in compliance with the project description, mitigation measures, and release plan set forth in the Supplemental EIR.

(15) This ITP requires the Permittee to report to CDFW within six months after every dewatering of the Foothill Feeder and that report must address compliance with permit conditions and the effectiveness of the adaptive management plan in contributing to the conservation of the Covered Species.

Attachments:

FIGURE 1	Regional Map
FIGURE 2	Vicinity Map
FIGURE 3	Project Map of Covered Activities with Potential Take of Covered Species
FIGURE 4	Stickleback Ranch-Mitigation Lands Map
ATTACHMENT 1	Stickleback Mitigation Program at Mitigation Lands
ATTACHMENT 2	Mitigation Monitoring and Reporting Program
ATTACHMENT 3	Covered Species Dewatering Plan
ATTACHMENT 4	Long-Term Adaptive Management Plan
ATTACHMENT 5	Letter of Credit Form

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ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on January 7 2019

 "for" Erinn Wilson
Ed Pert, Regional Manager
SOUTH COAST 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:  Date: January 14, 2019

Printed Name: Sean Carlson Title: Team manager, Environmental Planning Section

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Figure 1: Regional Map

Figure 2: Vicinity Map

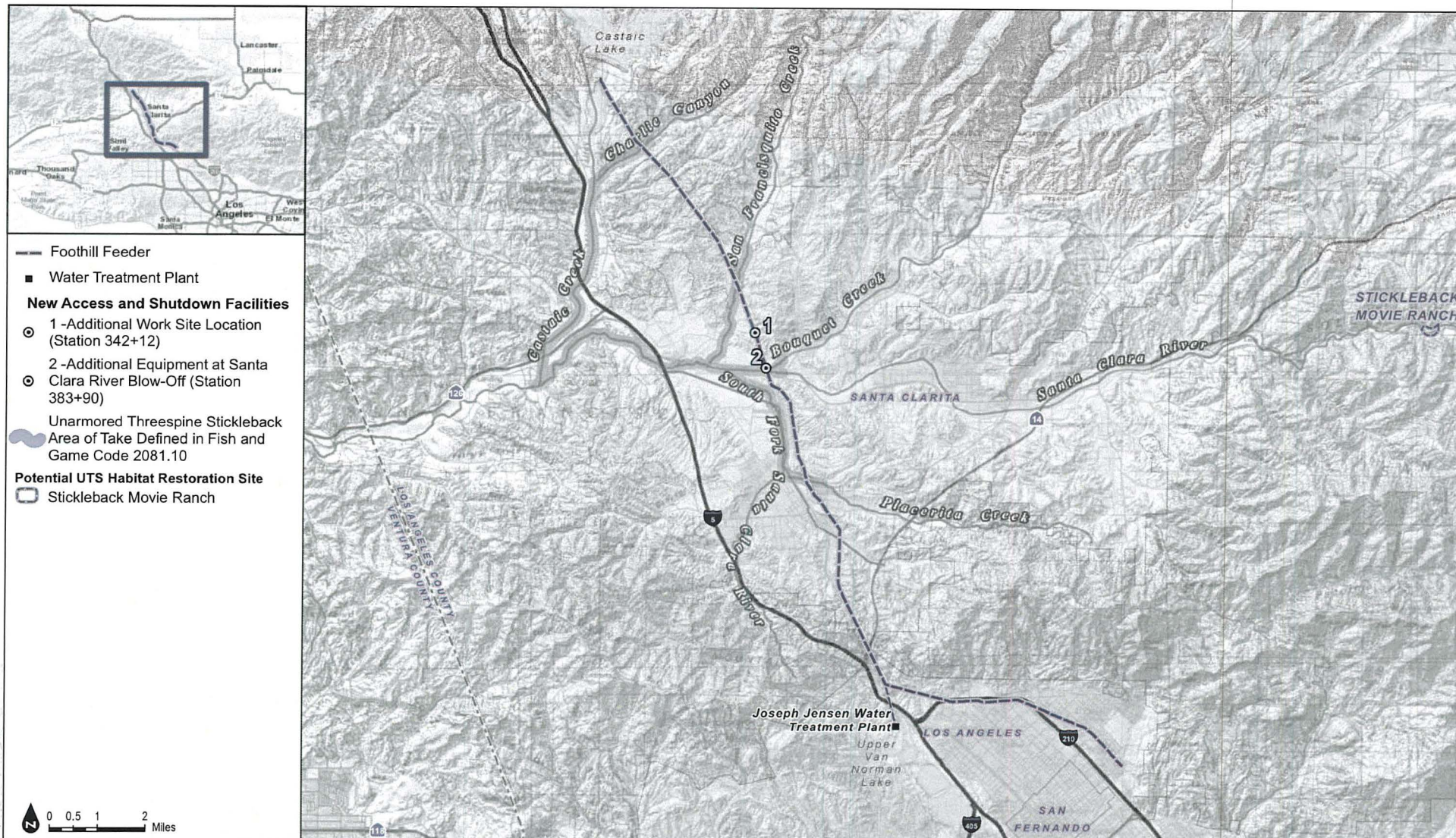
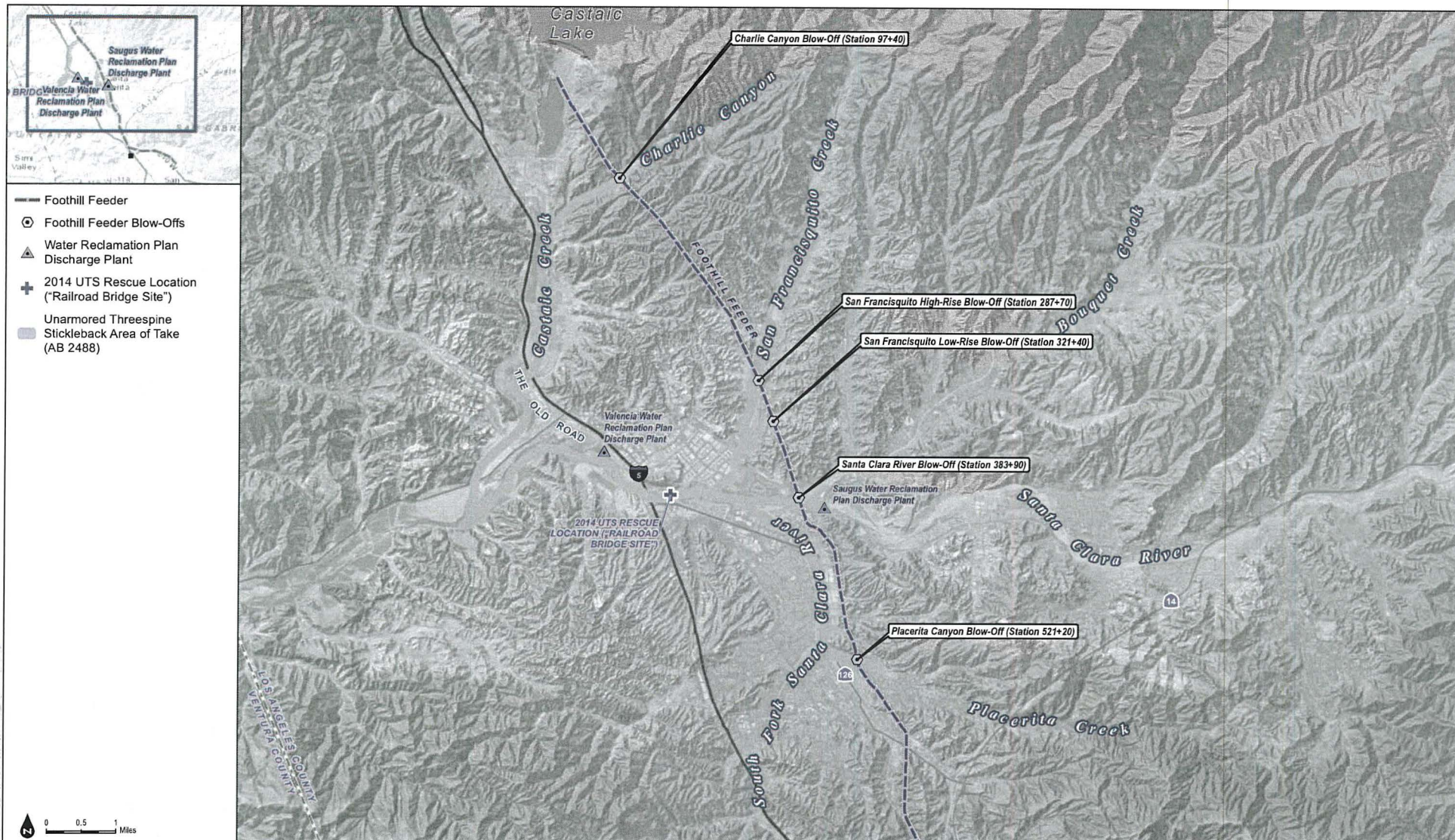


FIGURE 2-2
Project Vicinity

Figure 3: Project Map of Covered Activities with
Potential Take of UTS



SOURCE: MWD 2015

DUDEK

Foothill Feeder Application for Section 2081 Incidental Take Permit

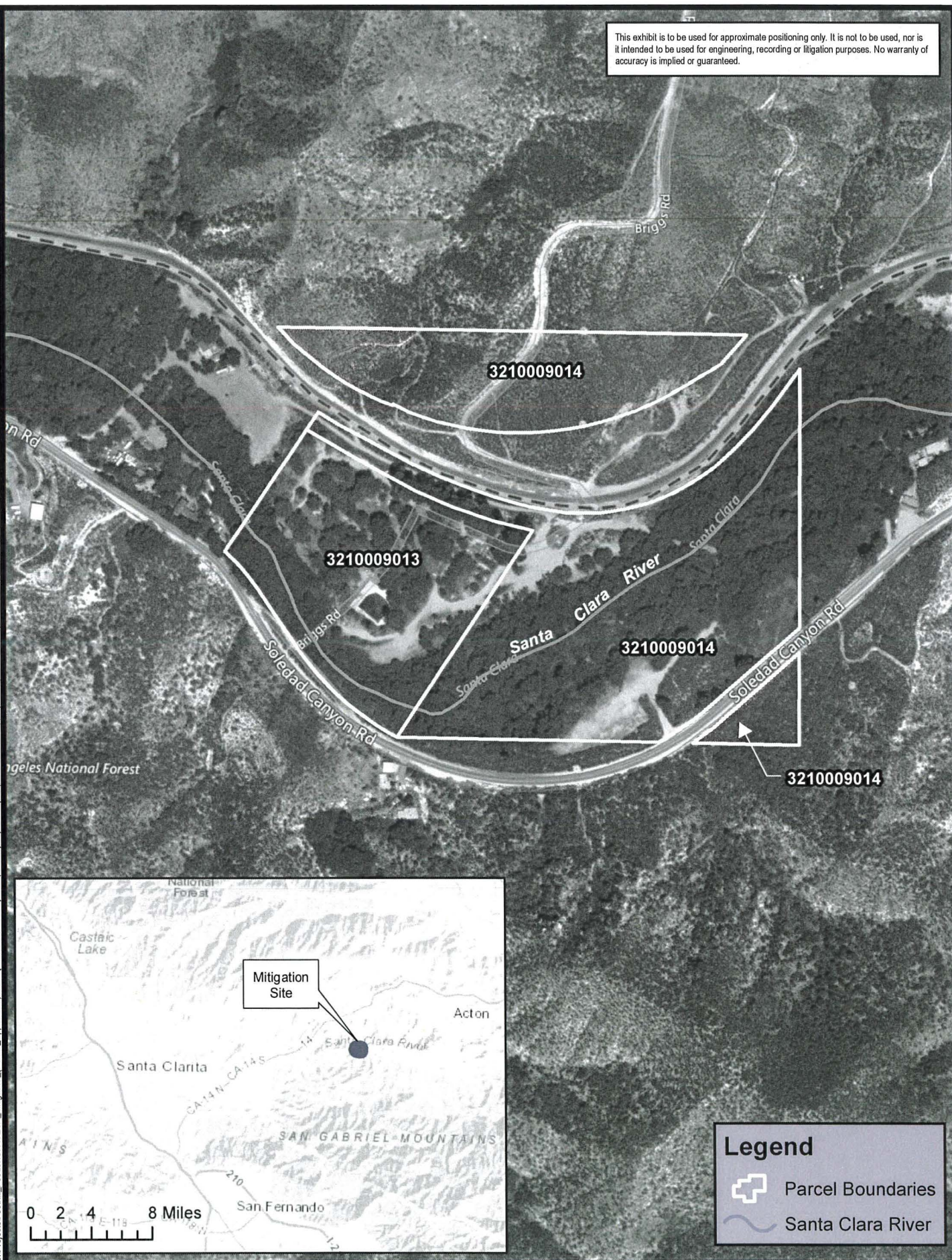
FIGURE 3

Unarmored Threespine Stickleback Area of Take

Figure 4: Stickleback Ranch Mitigation Lands Map

This exhibit is to be used for approximate positioning only. It is not to be used, nor is it intended to be used for engineering, recording or litigation purposes. No warranty of accuracy is implied or guaranteed.

J:\Projects\Foothill Feeder\GIS\CESA Mitigation (Permit Application).mxd [Printed 3/21/2018] Prepared by: Aly Unanyan (Geodatics & Mapping Team) Checked by: Sean Carlson Job#: GIS18-03-24



Legend

- Parcel Boundaries
- Santa Clara River

ATTACHMENT 1: Stickleback Mitigation Plan at Mitigation Lands

Minimum Scope for the Stickleback Mitigation Program at Mitigation Lands

Permittee shall conduct Mitigation and Conservation activities in accordance with a program approved by CDFW that shall include the following activities:

- Enhance and restore natural processes that support UTS habitat characteristics along the stream channels (e.g., hydrology, sediment deposition, and scour);
- Site preparation activities, including removal of non-native plants and wildlife;
 - Activities will necessitate a crew of five to seven workers, using a mini-excavator, a front loader, two dump trucks, two pick-up trucks, a hand auger, and a water truck;
 - The crew will stage all materials and park equipment and vehicles either on site or nearby in an area that does not support special-status species, critical habitat, wetlands, and/or water. It is anticipated that the crew will work Monday through Friday, 7:00 a.m. to 5:00 p.m.;
 - Dewatering of groundwater may be necessary during habitat restoration or enhancement. This will depend on the depth of groundwater at the time of construction. Any extracted groundwater will be placed in a Baker tank to remove suspended sediments and then released back into the River or used for dust control;
- Site preparation procedures, including removal of non-native plants and wildlife;
- Measures for revegetating the site with native plants appropriate to support UTS habitat;
- Measures to exclude unauthorized entry into restored/enhanced areas;
- Contingency measures such as erosion control, replanting, or weeding to implement in the event that performance criteria are not met;
- Long-term site protection through a conservation easement and management funding; and,
- A long-term adaptive management plan that provides in-perpetuity management of the conservation site, describes adaptive management measures, and includes a Property Assessment Record for the funding mechanism.

The Stickleback Mitigation Program shall include, at a minimum:

- A legal description of all parcels of the Mitigation Lands, a location map, and a plat map showing easements;
- A description of survey information of habitat reference site(s) with known UTS populations;
- A description of planting location(s);
- A descriptions of methodology(ies) and schedule(s);
- A list of native plant (tree, shrub, grass) species to be used, container sizes, and seeding rates (if applicable);
- A description of the irrigation methodology(ies), if necessary;
- A list of measures to control exotic vegetation and exotic non-native species;
- A description of monitoring and reporting procedures;
- A sample of the data collection sheet;
- A specific success criteria based on a reference site;
- An estimated description of the physical conditions of the Mitigation Lands (at mitigation sign-off), including water resources and habitat types, and a map that identifies the location of the site;
- A summary of baseline studies for Mitigation Lands, such as baseline biological and hydrology data for all parcels, existing groundwater levels, base flow, minimum flow rate during dry months, and maximum flow rate during wet months;

- A development of 2D models of hydrodynamics and channel instabilities of existing conditions;
 - A designation of land management entity;
 - A Property Analysis Record, or equivalent, with assumptions specified; and,
 - A designation of responsible parties and the entity or entities identified to hold and manage the land in perpetuity.
-

ATTACHMENT 2: Mitigation Monitoring and Reporting Program

Attachment 2

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

INCIDENTAL TAKE PERMIT NO. 2081-2017-069-05

PERMITTEE: **The Metropolitan Water District of Southern California**

PROJECT: **Foothill Feeder Repair and Future Inspections Project**

PURPOSE OF THIS MMRP

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the California 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 California Incidental Take Permit (ITP) and in attachments to the ITP. The omission of a permit requirement from the attached table does not relieve 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 and ensuring 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 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
BEFORE DISTURBING SOIL OR VEGETATION (PRE-CONSTRUCTION)					
1	Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this incidental take permit (ITP) or adopted thereafter.	ITP Condition of Approval # 1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Supplemental Environmental Impact Report (SCH No.: 2005071082) certified by The Metropolitan Water District of Southern California on March 13, 2018 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).	ITP Condition of Approval # 2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in any Lake and Streambed Alteration Agreement (LSA) reached between Permittee and CDFW for the Project pursuant to Fish and Game Code section 1600 et seq.	ITP Condition of Approval # 3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the forthcoming Habitat Conservation Plan and Biological Opinion for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the Conditions of Approval set forth in this ITP shall control.	ITP Condition of Approval # 4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth in the ITP and as set forth in this Mitigation Monitoring and Reporting Program (MMRP).	ITP Condition of Approval # 5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	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.	ITP Condition of Approval # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Qualified Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Qualified Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species and has substantial relevant experience evaluating impacts to inland fisheries (Fish & G. Code, § 2081.10(a)(4)). The Qualified Biologist is responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Qualified Biologist in writing before starting Covered Activities, and shall obtain approval in advance in writing if the Qualified Biologist must be changed.	ITP Condition of Approval # 6.2	At least 30 days before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee and CDFW (for approval)	
8	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area prior to performing Covered Activities. The program shall consist of a presentation from the Qualified 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, its 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 protection measures. Permittee shall repeat this training prior to each instance of Covered Activities for employees that will be conducting work in the Project Area.	ITP Condition of Approval # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	The Qualified Biologist shall maintain a notebook on-site for the dewatering discharge activities. The monitoring notebook 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 monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition of Approval # 6.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the permit in the Project Area. 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 dogs.	ITP Condition of Approval # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
11	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat in the Project Area.	ITP Condition of Approval # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	During Covered Activities, Project-related personnel shall access the Project Area using existing easements and shall not cross Covered Species' habitat outside of or in route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, easements, staging, and parking areas. If Permittee determines construction of new routes for travel are necessary in habitat containing Covered Species, 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.	ITP Condition of Approval # 6.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
13	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.	ITP Condition of Approval # 6.9	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
14	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 of Approval # 6.10	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
15	Permittee shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill. If a spill occurs above a reportable quantity, the Permittee shall immediately notify the California Emergency Management Agency at 1-800-852-7550. If a spill occurs of any quantity, the Permittee shall immediately initiate the cleanup activities. Permittee shall notify and consult with CDFW regarding clean-up procedures.	ITP Condition of Approval # 6.11	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
16	Permittee shall provide CDFW staff with reasonable access to the Project Area and Mitigation Lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition of Approval # 6.12	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
17	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition of Approval # 7.1	14 Days before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
18	The Qualified Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation, and the Qualified Biologist shall include copies of the submitted forms with each Post-Construction Report.	ITP Condition of Approval # 7.3	Within 60 days of observation/ Entire Project/ Post-Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	Permittee shall check access road maps and environmental resource databases to identify potential sensitive areas before any Covered Activities occur (including dewatering discharges) that may disturb the Covered Species or their habitat.	ITP Condition of Approval # 8.1	Entire Project	Permittee	
20	Prior to Covered Activities associated with dewatering discharges, the Qualified Biologist shall perform pre-construction surveys for the Covered Species within the path of the downstream dewatering discharge spread areas and shall follow Condition of Approval 7.6 as described. The Qualified Biologist shall submit a report documenting the results of the pre-construction survey to CDFW within five days after performing the survey described in Condition of Approval 8.2. Permittee shall submit pre-construction survey results, habitat and weather conditions, and estimated length and downstream limits of discharge spread areas. The report shall also include maps and GPS coordinates.	ITP Condition of Approval # 7.6 and 8.2	Within five days after pre-construction survey/ Before commencing ground- or vegetation-disturbing activities/	Permittee	
21	Upon commencement of emergency dewatering discharge activities, Permittee shall immediately notify CDFW, and the Qualified Biologist shall perform biological monitoring and surveys for the Covered Species in the Project Area within the path of the downstream dewatering discharge spread areas. If the Qualified Biologist finds any Covered Species in the Project Area during Covered Activities, the Qualified Biologist shall follow Conditions of Approval 7.4 and 7.5 as described.	ITP Condition of Approval # 8.3	Upon commencement of emergency dewatering discharge activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<p>The Qualified Biologist shall prepare a Covered Species Dewatering Plan that includes best management practices (BMPs); pre-construction surveys; biological monitoring; fish exclusion techniques; Covered Species stranding surveys; a monitoring, rescue, and relocation plan; and criteria for the reasonable and feasible mimicking of streamflows following the CDFW-approved Covered Species Dewatering Plan prepared and submitted to CDFW 60 days prior to Project Activities pursuant to Condition of Approval 8.6. Covered Activities may not proceed until CDFW approves the Covered Species Dewatering Plan in writing. Only approved Qualified Biologist(s) are authorized to capture and handle Covered Species. The plan shall also include the following information:</p> <ul style="list-style-type: none"> i) A review of previous dewatering discharges and the most-up-to-date status of the downstream River populations of the Covered Species to ensure discharge flows do not impact critical UTS populations; ii) A summary of the biological and scientific methods and requirements for pre-construction surveys for UTS and determining the presence and extent of aquatic habitat; iii) A summary of the biological and scientific procedures for biological monitoring of stranded UTS (including adults, juveniles, and egg masses); iv) A summary of the biological and scientific criteria for determining when stranded or potentially stranded UTS shall be rescued; v) A specification that UTS shall only be relocated to a suitable area pre-approved by CDFW for relocation. Suitable habitat parameters shall include flow velocity, water depth, fish passage, and property access; vi) A summary of the biological and scientific procedures for capturing, handling, and transporting stranded fish; vii) A summary of the biological and scientific procedures for decontamination of any equipment to be used in the rescue and relocation of UTS; and, viii) A summary of the reporting parameters of rescue and relocation efforts for CDFW submittal. Documentation shall include the following: <ul style="list-style-type: none"> (1) Dates and times; (2) Whether or not UTS were rescued from clearly isolated pools or rescued as a precaution from pools that may have been connected to stream flows; (3) GPS Coordinates and Photos of each location(s) where UTS were relocated (locations to be approved by CDFW prior to each dewatering discharge); (4) Total accounting of UTS rescued; (5) Total accounting of mortality of UTS (if any); and, (6) Total accounting of other native aquatic species rescued or relocated. 	ITP Conditions of Approval # 7.5 and 8.6	60 days before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Permittee shall include measures in the Covered Species Dewatering Plan and Habitat Mitigation and Monitoring Plan to address injury to Covered Species. If a Covered Species is injured as a result of Project-related activities, Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone or email followed by a written incident report as described in Condition of Approval 7.4.	ITP Condition of Approval # 8.8	Before commencing ground- or vegetation-disturbing activities/ Notify immediately and provide written report within two calendar days upon take or injury of Covered Species/ Entire Project	Permittee	
24	Permittee shall prepare a spill prevention and control plan prior to the start of Covered Activities to minimize the potential for hazardous, toxic, or petroleum substances released into the Project Area during construction and Project operation. In addition, Permittee will place sand bags, biologs, or other containment features around the areas used for fueling or other uses of hazardous materials to ensure that these materials do not accidentally leak into a stream or aquatic habitat.	ITP Condition of Approval # 8.16	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
25	Prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP, if Security is provided pursuant to Condition of Approval 11, Permittee shall provide for both the permanent protection and management of the Stickleback Ranch, which is owned in fee title by Mountains Recreation and Conservation Authority.	ITP Condition of Approval #9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
26	To provide for the acquisition and protection of the Mitigation Lands, CDFW, in its sole discretion, may authorize Land Manager to manage Stickleback Ranch provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. Permittee shall ensure that Mitigation Lands associated with this ITP are permanently protected through a conservation easement, deed restriction, covenant or other long-term protection mechanism, as approved by CDFW. CDFW shall act as a grantee for a conservation easement over the Mitigation Lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as manager over the Mitigation Lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).	ITP Condition of Approval #9.1 and 9.1.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	Permittee shall obtain CDFW approval of Start-up activities through written CDFW approval of Habitat Mitigation and Monitoring Plan (see Condition of Approval 9.1.4). Permittee shall also obtain CDFW written approval of Mitigation Lands meeting final success criteria.	ITP Condition of Approval #9.1.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>Permittee shall designate both an interim and long-term Land Manager for the Mitigation Lands approved by CDFW. The interim and long-term Land Managers may, but need not, be the same. The interim and/or long-term Land Managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term Land Managers. Land Manager shall coordinate with CDFW to ensure the Qualified Biologist, pursuant to Section 2081.10 subdivision (a)(4), has the minimum qualifications to conduct land management actions, biological surveys, and Covered Species surveys. Permittee shall provide the minimum qualifications of the Land Manager for authorization and approval. Prior to Covered Species surveys or any scheduled activities within the channel of the Mitigation Lands, Permittee shall notify CDFW of the interim and long-term Land Manager designation at least 30 days in advance prior to scheduled activities within the channel and prior to Covered Species surveys. Permittee shall inform CDFW of any subsequent changes in the Land Manager within 30 days of the change; and shall implement an agreement between CDFW, Permittee, and the Land Manager that CDFW has the authority to withdraw funds from the endowment to satisfy ITP obligations if the Land Manager is not successfully mitigating and satisfying the conservation standard.</p>	ITP Condition of Approval #9.1.3	30 days before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	<p>Permittee shall implement Start-up Activities, including the initial site protection and enhancement of Mitigation Lands, once CDFW approves the Mitigation Lands. Start-up activities include, at a minimum:</p> <p>(1) preparing a HMMP for CDFW approval (see http://www.dfg.ca.gov/habcon/conplan/mitbank/);</p> <p>(2) incorporating a baseline biological assessment and a baseline hydrology report;</p> <p>(3) developing and transferring Geographic Information Systems (GIS) data if applicable;</p> <p>(4) establishing initial fencing, if applicable; (5) conducting litter removal; and,</p> <p>(6) conducting initial habitat restoration or enhancement.</p>	ITP Condition of Approval #9.1.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
30	<p>Permittee shall ensure that the long-term Land Manager manages, maintains, and monitors the Mitigation Lands as described in this ITP, Condition of Approval 9.1.3, and the final HMMP approved by CDFW. After obtaining CDFW approval of the Mitigation Lands, Permittee shall provide long-term management funding for the perpetual management of the Mitigation Lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the Mitigation Lands consistent with the management plan(s) required by Condition of Approval 7.9. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon, unless otherwise previously approved by CDFW in writing. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term Land Manager implements the management and monitoring of the Mitigation Lands according to the HMMP. The long-term Land Manager shall manage and monitor the Mitigation Lands in perpetuity to preserve their conservation values in accordance with this ITP, the easement, and the final HMMP.</p>	ITP Condition of Approval #9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<p>The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Unless otherwise previously approved by CDFW in writing, Permittee shall submit to CDFW a written proposal that includes:</p> <p>(i) the name of the proposed Endowment Manager;</p> <p>(ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation;</p> <p>(iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968 subdivision (b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968 subdivision (b)(2); and,</p> <p>(iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968 subdivision (e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081 subdivision (b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081 subdivision (b)(4).</p>	ITP Condition of Approval #9.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
32	<p>After obtaining CDFW approval of the Mitigation Lands, long-term management plan, and Endowment Fund Manager, Permittee shall prepare a Property Analysis Record (PAR) [or PAR-equivalent analysis (hereinafter "PAR")] to calculate the amount of funding necessary to ensure long-term management of the Mitigation Lands (Endowment Deposit Amount). Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Fund Manager.</p> <p>Permittee shall obtain the capitalization rate from the selected Endowment Fund Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>Permittee shall include in PAR assumptions the following buffers for endowment establishment, unless otherwise previously approved by CDFW in writing, and use that will substantially ensure long-term viability and security of the Endowment:</p> <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • For all large capital expenses to occur periodically but not annually, such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Fund Manager and CDFW. 	ITP Conditions of Approval #9.2.2, 9.2.2.1, 9.2.2.2, 9.2.2.2.1, 9.2.2.2.2, and 9.2.2.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<p>Permittee shall transfer the long-term endowment funds to the Endowment Fund Manager within 60 days of CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Fund Manager may pool the Endowment Fund with other endowments for the operation, management, and protection of Mitigation Lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment Fund.</p>	ITP Condition of Approval #9.2.3	Within 60 days of CDFW approval/ Before commencing ground- or vegetation-disturbing activities	Permittee	
34	<p>Permittee shall submit the Stickleback Mitigation Program (SMP) as part of the HMMP as described in Condition of Approval 7.9.1 for CDFW review and approval, prior to Project initiation activities. A riverine restoration biologist and a qualified inland fisheries biologist with expertise in southern California ecosystems and the Covered Species shall prepare the HMMP. Restoration implementation involves methods for conservation activities, maintaining (e.g., weeding, supplemental watering) and monitoring the restored area for an initial period of five years, and then managing in-perpetuity. The plan shall include, at a minimum:</p> <ul style="list-style-type: none"> i. A legal description of all parcels of the Mitigation Lands, a location map, and a plat map showing easements; ii. A description of survey information of habitat reference site(s) with known UTS populations; iii. A description of planting location(s); iv. A descriptions of methodology(ies) and schedule(s); v. A list of native plant (tree, shrub, grass) species to be used, container sizes, and seeding rates (if applicable); vi. A description of the irrigation methodology(ies), if necessary; vii. A list of measures to control exotic vegetation and exotic non-native species; viii. A description of monitoring and reporting procedures; ix. A sample of the data collection sheet; x. A specific success criteria based on a reference site; xi. An estimated description of the physical conditions of the Mitigation Lands (at mitigation sign-off), including water resources and habitat types, and a map that identifies the location of the site; xii. A summary of baseline studies for Mitigation Lands, such as baseline biological and hydrology data for all parcels, existing groundwater levels, base flow, minimum flow rate during dry months, and maximum flow rate during wet months; xiii. A development of 2D models of hydrodynamics and channel instabilities of existing conditions; xiv. A designation of land management entity; xv. A Property Analysis Record, or equivalent, with assumptions specified; and, xvi. A designation of responsible parties and the entity or entities identified to hold and manage the land in perpetuity. 	ITP Conditions of Approval #9.3 and 7.9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	Permittee shall provide a Long-Term Adaptive Management Plan (LTAMP) and a Covered Species' Population Management Plan (CSPMP) within the HMMP to ensure Permittee's conservation actions are commensurate to the project impacts, to assist in the conservation of the Covered Species, and to monitor the effectiveness of, and adjust as necessary, the measures to minimize and fully mitigate the impacts.	ITP Condition of Approval #10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
36	<p>Permittee shall submit to CDFW (a) framework of the LTAMP no more than six months after permit issuance, and (b) conceptual LTAMP for approval prior to project activities. Permittee shall include the LTAMP as part of the overall HMMP, and it shall include the establishment of measurements to determine if conservation actions are being implemented roughly proportional in time and extent to the impact on the Covered Species. The LTAMP shall also include a schedule for conducting monitoring activities prior to the start of the year's monitoring efforts. Permittee shall use the results of new information gathered through the monitoring program of the LTAMP and from others sources to adjust management strategies and practices to assist in providing for the conservation of the Covered Species. Permittee shall identify adaptive management strategies based on consultation with CDFW for the Covered Species Population Management Plan, Post-Construction Report, and other sources, which will assist in providing for the conservation of Covered Species within the Santa Clara River Watershed (Watershed). Adaptive management shall identify strategies to: (a) provide additional or alternative contributions to the conservation of the Covered Species within the Watershed; and (b) ensure the mitigation(s) and Mitigation Lands continue to satisfy the conservation standard (Fish and G. Code, § 2805 subd. (d)) and the fully mitigated standard (Fish and G. Code, § 2081, subd. (b)(2)). Permittee shall consult with CDFW to determine appropriate contents of the LTAMP. The Long-Term Adaptive Management Plan Program shall, at a minimum:</p> <ol style="list-style-type: none"> Details on information on public uses, facilities, and operations found on the property; Details on CEQA documentation for any management practices or activities that are not exempt; Details on avoidance measures under CESA for any state-listed species found on the property; Details on the management goals needed to protect, enhance, manage, and conserve the habitat values for which the property was acquired, including long-term as well as immediate management goals; Details on the general operations and maintenance staffing, equipment, and associated costs; Details on the start-up or infrastructure costs; Details on the management constraints (physical or political); Details on acceptable public uses; Details on anticipated public use or natural resource conflicts; 	ITP Conditions of Approval #10.1, 7.9.2 and 7.9.3	Before commencing ground- or vegetation-disturbing activities/ Within six months of issuance of the ITP	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<ul style="list-style-type: none"> x. Details of any additional agreements, memoranda of understanding, CDFW internal coordination for state listed species or Section 7 consultations under the federal Endangered Species Act, or cooperative management agreements; xi. Details on re-contouring of the active channel; xii. Details on measures to alleviate soil compaction; xiii. Details on the pitting or imprinting of the surface to allow small areas for seeds and rain water to be captured and hydro-seeded and/or hand-broadcasted (where appropriate); xiv. Details on the native plant species to be used, container sizes, and seeding rates; xv. Details on the collection, storage, and replacement of the topsoil (if it was collected); xvi. Details on the seed collection procedures and permits needed; xvii. Details on the planting schedule; xviii. Details on a description of the irrigation methodology; xix. Details on the measures to control exotic vegetation on site; xx. Details on the specific success criteria for restored habitat; xxi. Details on the monitoring program; xxii. Details on the contingency measures should the success criteria not be met; and, xxiii. Details on the identification of the party responsible for meeting the success criteria and providing for restoration. 	ITP Condition of Approval #10.1, 7.9.2, and 7.9.3	Before commencing ground- or vegetation-disturbing activities/ Within six months of issuance of the ITP	Permittee	
37	Permittee shall develop and incorporate into the HMMP an Emergency Management Plan for the Covered Species at the Mitigation Lands in response to potential catastrophic events such as, but not limited to: fire, toxic spills or discharges, stream desiccation due to drought or depletion of natural spring flows, temperatures due to climate change, erosion, landslide, or flooding;	ITP Conditions of Approval #10.2 and 7.9.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
38	Permittee shall incorporate an Assurance Plan into the HMMP and include alternative conservation action(s) in the event that the proposed conservation action(s) does not meet the fully mitigated standard and conservation standard. The Assurance Plan, shall at a minimum, include the conservation actions identified in the Covered Species' Population Management Plan.	ITP Condition of Approval #10.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<p>Permittee may proceed with Covered Activities only after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 and 10 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> The Security shall be in the amount of \$780,866. This amount is based on the cost estimates identified in Condition of Approval 9. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW. The Security shall be provided to CDFW before Covered Activities begin. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. Permittee shall transmit it to CDFW by way of an approved instrument such as escrow, irrevocable letter of credit, or other manner approved in advance in writing by CDFW. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of the ITP. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Timely submission of all required reports; An on-site inspection by CDFW; and Written approval from CDFW. <p>Even if Security is provided, Permittee must complete the required acquisition, protection, and transfer of all Mitigation Lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require Permittee to provide additional Mitigation Lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.</p>	ITP Conditions of Approval # 11, 11.1, 11.2, 11.3, 11.4, 11.5, 11.6, 11.7, 11.7.1, 11.7.2, and 11.7.3	Before commencing ground- or vegetation-disturbing activities	Permittee/ CDFW (for approval)	
DURING SOIL OR VEGETATION DISTURBANCE (THROUGHOUT-CONSTRUCTION)					
40	To ensure compliance with the Conditions of Approval of this ITP, the Qualified Biologist shall have authority to immediately stop Project activities that do not comply with this ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition of Approval # 6.3	Entire Project	Permittee	
41	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.	ITP Condition of Approval # 7.2	Within 24 hours of non-compliance/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	The Qualified Biologist shall immediately notify the Permittee and CDFW 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 Qualified Biologist or Designated Representative shall provide initial notification via email to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Victoria Tang (victoria.tang@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. 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 of Approval # 7.4	Notify immediately and provide written report within two calendar days upon take or injury of Covered Species/ Entire Project	Permittee	
43	The Qualified Biologist shall be on-site daily when Covered Activities occur. The Qualified Biologist shall conduct 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 in the Project Area. The Designated Representative or Qualified Biologist shall prepare daily written observation and inspection records summarizing: oversight activities; compliance inspections; and observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. Construction Compliance Monitoring Records shall also include all Record of Handling documentation described in Condition of Approval 8.7. Permittee shall submit the Construction Compliance Monitoring Records with the Post-Construction Report.	ITP Condition of Approval # 7.7	Entire Project	Permittee	
44	Permittee shall submit to CDFW for its review and approval a HMMP that includes various plans such as the Stickleback Mitigation Program (Condition of Approval 7.9.1), the Long-Term Adaptive Management Plan (Condition of Approval 7.9.2), the Emergency Management Plan (Condition of Approval 7.9.2.1), the Provisions (Condition of Approval 7.9.2.2), the Covered Species' Population Management Plan (Condition of Approval 7.9.3), and the Assurance Plan (Condition of Approval 7.9.4), to address on-site Mitigation Lands approved for compensatory mitigation for covered species impacts and to address conservation actions.	ITP Condition # 7.9, 7.9.1, 7.9.2, 7.9.3, and 7.9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee/ CDFW (for approval)	
45	Prior to implementation of Covered Activities associated with dewatering discharges, the Qualified Biologist shall monitor activities within the stream and the path of the downstream dewatering discharge spread areas. The Qualified Biologist may designate biological monitors to perform monitoring activities. A biological monitor is an individual experienced with construction level biological monitoring, who is able to recognize species in the Project Area and is familiar with the habits and behavior of those species. Biological monitors shall have academic and professional experience in biological sciences and related resource management activities as it pertains to this project. Permittee shall request CDFW approval of all biological monitors for the project prior to the commencement of Covered Activities. Designated Representative or Qualified Biologist shall prepare daily written observation and inspection records as identified in Condition of Approval 7.7.	ITP Condition of Approval # 8.4	Before commencing ground- or vegetation-disturbing activities and Entire Project	Permittee and CDFW (for approval)	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	If the Qualified Biologist finds any Covered Species in the Project Area during Covered Activities, the Qualified Biologist shall rescue and relocate the Covered Species, if required, in accordance with the CDFW-approved Covered Species Dewatering Plan prepared pursuant to Condition of Approval 7.5. During the dewatering discharge activities, the Qualified Biologist shall have immediate, reliable communication with the valve operator, and shall have the authority to stop and/or modify the dewatering discharges if, in the professional opinion of the Qualified Biologist, the activity has the potential to adversely affect Covered Species. Modifications to the dewatering activities may include reducing the discharge rate.	ITP Condition of Approval # 8.5	Entire Project	Permittee	
47	The Designated Representative or Qualified Biologist shall document the following information for all Covered Species captures and sightings as identified in Conditions of Approval 7.4 and 7.5, such as: the date, time, and location of each occurrence using Global Positioning System (GPS) technology, the name of the party that actually identified the Covered Species, the general condition and health of each individual, any diagnostic markings, sex, age (juvenile or adult), actions undertaken (GPS coordinates of relocated areas), and habitat description. Permittee shall submit this information to the CNDDDB as per Condition of Approval 7.3. The Construction Compliance Monitoring Records described in Condition of Approval 7.7 shall also include all Record of Handling documentation.	ITP Condition of Approval # 8.7	Entire Project	Permittee	
48	Permittee or project personnel shall not place sediment from Project-related activities in upland areas or seasonally dry portions of the ephemeral drainages where it might likely be washed into the stream or inundated by high flows, or where it is likely to have a negative impact on native vegetation. Permittee shall utilize runoff control measures so that runoff from erodible surfaces will be diverted into stable areas with little erosion potential. Permittee shall place frequent water checks on dirt roads, cat tracks, or other work trails to control erosion.	ITP Condition of Approval # 8.9	Entire Project	Permittee	
49	Permittee shall utilize erosion control measures throughout all phases of operation (1) where sediment runoff from exposed channel banks or slopes threatens to enter the stream or (2) to mitigate bank erosion, deep cutting, and scouring of stream areas during dewatering discharges. Any type of erosion control blanket or other measures shall not use erodible plastic and shall be weed-free. Any netting used must be flexible (e.g., "soft" hemp, to prevent trapping snakes or other animals in the netting). Permittee shall place any sandbags or other forms of water diversion prior to dewatering discharges.	ITP Condition of Approval # 8.10	Prior to dewatering discharges/ Entire Project	Permittee	
50	Permittee shall monitor turbidity levels (Nephelometric Turbidity Units (NTU) in the stream areas of Castaic Lagoon, Charlie Canyon, San Francisquito Canyon, Santa Clara River, and Placerita Canyon during dewatering discharge activities, and placement of scour and erosion control measures. NTUThe Qualified Biologist shall measure upstream and downstream of the disturbance areas to monitor if the turbidity exceeds 40 NTU. The Qualified Biologist shall have the authority to modify the dewatering discharges as described in Condition of Approval 8.19. Permittee shall include the turbidity levels in the Construction Compliance Monitoring Records (see Condition of Approval 7.7) and the Post-Construction Report (see Condition of Approval 7.8).	ITP Condition of Approval # 8.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	To control chlorine in the dewatering discharges, neutralization chemicals shall be added to the discharged water prior to the release to any storm drains or waterbodies.	ITP Condition of Approval # 8.12	Entire Project	Permittee	
52	Permittee shall prevent from contaminating the soil and/or entering the waters of the state the following substances: raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that may be hazardous to aquatic life, resulting from Project-related activities. In the event that any of these materials are placed within or where they may enter a stream or lake, by Permittee or any party working under contract, or with the permission of Permittee, Permittee shall have the substances immediately removed.	ITP Condition of Approval # 8.13	Entire Project	Permittee	
53	Permittee shall ensure all equipment used for Covered Activities in or near streams in the Project Area is free of leaks. Permittee shall check and maintain equipment daily during Covered Activities to prevent leaks of materials that, if introduced to water, may be deleterious to aquatic life, wildlife, or riparian habitat. Permittee shall designate staging/storage areas for equipment, materials, fuels, and lubricants located outside of the stream's normal high water area. Permittee shall position stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream over drip pans. Permittee shall place drip pans under the engines of equipment parked for the night.	ITP Condition of Approval # 8.14	Entire Project	Permittee	
54	<p>Decontamination of Project Equipment. Permittee shall decontaminate all tools, waders and boots, and other equipment that will enter the streambed and make contact with water or wetted soils prior to entering and after exiting the stream. If equipment is operating to avoid contact with water or wetted soils, then it is otherwise permissible to conduct the work without specialized decontamination procedures for aquatic invasive animal species, but activities would need to be in compliance with other Conditions of this ITP and any other federal, state, or local laws or ordinances.</p> <p>If decontamination for aquatic invasive animal species is applicable, Permittee shall decontaminate project gear and equipment utilizing one of three methods: drying, using a hot water soak, or freezing, as appropriate to the type of gear or equipment. For all methods, Permittee shall begin the decontamination process by thoroughly scrubbing equipment, paying close attention to small crevices such as boot laces, seams, net corners, etc., with a stiff-bristled brush to remove all organisms. To decontaminate by drying, Permittee shall allow equipment to dry thoroughly (i.e., until there is a complete absence of water), preferably in the sun, for a minimum of 48 hours. To decontaminate using a hot water soak, Permittee shall immerse equipment in 140°F or hotter water and soak for a minimum of 5 minutes. To decontaminate by freezing, Permittee shall place equipment in a freezer 32°F or colder for a minimum of 8 hours. Repeat decontamination is required only if the equipment/clothing is removed from the site, used within a different watersheds, and returned to the project site.</p>	ITP Condition of Approval # 8.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	Permittee shall remove any materials placed in seasonally dry portions of a stream or aquatic habitat in the Project Area that may be deleterious to aquatic life prior to inundation by high flows.	ITP Condition of Approval # 8.17	Entire Project	Permittee	
56	All work shall be confined to the period of November 1 to March 30 of each year of the ITP until June 15, 2048.	ITP Condition of Approval # 8.18	Entire Project	Permittee	
57	Permittee shall slowly ramp discharge rates such that increase in flow rate in the stream areas is gradual, and scouring of the channel bed and banks does not occur. During the dewatering discharge activities, the Qualified Biologist shall have immediate, reliable communication with the valve operator, and shall have the authority to stop and/or modify the dewatering discharges if, in the professional opinion of the Qualified Biologist, the activity has the potential to adversely scour the stream and affect Covered Species or turbidity exceeds 40 NTU as described in Condition of Approval 8.11.	ITP Condition of Approval # 8.19	Entire Project	Permittee	
58	<p>CDFW shall include a provision requiring notification to the Permittee of a specified period of time to cure any default prior to suspension or revocation of the permit in whole or in part. These terms and conditions shall address, but are not limited to, provisions specifying the actions the CDFW shall take under all of the following circumstances:</p> <ul style="list-style-type: none"> i. If Permittee fails to provide adequate funding for the implementation of the LTAMP within the Watershed; ii. If Permittee adopts, amends, or approves any plan or project without concurrence of the wildlife agencies and CDFW that is inconsistent with the objectives and requirements of the approved plan; iii. If Permittee's level of take exceeds that authorized by the permit; iv. If Permittee fails to ensure implementation of the monitoring program and adaptive management program; and, <p>If Permittee does not maintain the proportionality between take and conservation measures specified in the permit and does not cure the default within 45 days or enter into an agreement with CDFW within 45 days to expeditiously cure the default, the CDFW shall suspend or revoke the permit, in whole or in part.</p>	ITP Conditions of Approval #10.3, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5 and 7.9.2.2	Entire Project/ Within 45 days of default	Permittee	
AFTER EACH WORK WINDOW (POST-CONSTRUCTION)					
59	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition of Approval # 6.13	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	<p>Permittee shall protect, maintain, manage, restore, and/or enhance the active channel of the Mitigation Lands to enhance site conditions for Covered Species. All activities implemented as part of the HMMP associated with the active channel including road/crossing easements shall be studied and monitored to ensure:</p> <ul style="list-style-type: none"> i. There are no long-term or cumulative impacts to the Covered Species; ii. Restored area does not result in high water velocity, turbulence, and/or inadequate water depths within the culverts; or debris accumulation at the culverts; iii. There are no sources of mortality, or other stressors, for the Covered Species; iv. There are suitable habitat conditions for the Covered Species within the Mitigation Lands; v. There is fish passage within the Mitigation Lands; and, vi. There are hydrology and hydraulic studies to establish baseline conditions and success criteria to restore Covered Species site conditions in order to evaluate the potential effects of restoration and management actions. 	ITP Conditions of Approval #9.4, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
61	<p>Permittee shall develop and/or implement a Covered Species' Population Management Plan to address the critically imperiled status of the Covered Species and to incorporate listed conservation action(s) into the LTAMP to satisfy the conservation standard pursuant to Section 2081.10 subdivision (a)(3). Permittee shall provide support funding and support staff, in coordination with the CDFW Fisheries Branch, that may include (but not be limited to): (1) providing survey equipment kits; (2) funding a collaborative translocation program; (3) funding genetic studies to ascertain taxonomic relationships; (4) developing the genetic composition collection for species detection; (5) providing funding for laboratory analysis; (6) providing a Qualified Biologist, pursuant to Section 2081.10 subdivision (a)(4) to work closely with CDFW's South Coast Region to develop rigorous sampling procedures and protocols; and, (7) assisting in the assessment of the Covered Species populations within the Watershed. Every 5 years, Permittee shall provide an update with an evaluation of the effectiveness of the conservation actions in meeting the CDFW's conservation goals for the Covered Species as defined by CDFW. The evaluation shall include at a minimum:</p> <ul style="list-style-type: none"> i. An annual evaluation of known population trends, known threats to the species, and reasonably foreseeable impacts on the species from other related project and activities within the Watershed; ii. An annual population survey of Covered Species within the Watershed and an assessment to ensure continued take will not jeopardize the species; iii. Information from collaborative science research that will assist in addressing scientific uncertainties and informing adaptive management practices; and, <p>A comparison of current population surveys and previous year's population trends.</p>	ITP Conditions of Approval #10.4, 10.4.1, 10.4.2, 10.4.3, and 10.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<p>The Designated Representative or Qualified Biologist shall provide a Post-Construction Report to CDFW no later than 45 days after each pipeline shutdown including biological notes, color photographs of Project-related activities and surrounding staging areas, the GPS coordinates of the placement of erosion control measures, and the GPS coordinates of the downstream discharge spread areas of each dewatering. Each Post-Construction Report shall include, at a minimum:</p> <p>(1) a summary of all Compliance Monitoring Records for that year identified in Condition of Approval 7.7;</p> <p>(2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known;</p> <p>(3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;</p> <p>(4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts;</p> <p>(5) all available information about Project-related incidental take of the Covered Species;</p> <p>(6) an accounting of the estimated width and length of each downstream dewatering discharge spread area,</p> <p>(7) an estimate of the area of erosion control placement within the stream areas both for the prior calendar year and a total width, length, and area since ITP issuance;</p> <p>(8) a log where the valve operator received a request to stop and/or modify the dewatering discharges; and,</p> <p>(9) all information about other impacts from Covered Activities on the Covered Species.</p>	ITP Condition of Approval # 7.8	Post-construction/ 45 days after pipeline shutdown	Permittee	
63	<p>The Designated Representative or Qualified Biologist shall submit a copy of the MMRP table with notes showing the current implementation status of each mitigation measure, compliance with permit conditions, and effectiveness of the LTAMP in contributing to the conservation of the Covered Species (Fish & G. Code, §§ 2081.10(f)). Permittee shall make available to the public and submit Annual Mitigation Compliance Reports to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Victoria Tang (victoria.tang@wildlife.ca.gov) and 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.</p>	ITP Condition of Approval # 7.10	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
64	<p>No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Qualified Biologist shall prepare the Final Mitigation Report, which shall include, at a minimum:</p> <p>(1) a Mitigation Site As-Built Report to CDFW with a plan or map diagram showing the restored area on the mitigation site within the active channel. Photographs from representative vantage points shall also be included to document the final site conditions;</p> <p>(2) a summary of all Quarterly Compliance Reports;</p> <p>(3) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented;</p> <p>(4) all available information about Project-related incidental take of the Covered Species;</p> <p>(5) information about other Project impacts on the Covered Species;</p> <p>(6) beginning and ending dates of Covered Activities;</p> <p>(7) 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;</p> <p>(8) recommendations on how mitigation measures might be changed to more effectively minimize take and fully mitigate the impacts of future projects on the Covered Species; and,</p> <p>(9) any other pertinent information.</p>	ITP Condition of Approval # 7.11	Post-construction/ 45 days after completion of mitigation	Permittee	
65	CDFW accepts the Final Mitigation Report as complete.	ITP Condition of Approval # 7.11	Post-construction	CDFW	

ATTACHMENT 3: Covered Species Dewatering Plan

Minimum Scope for the Covered Species Dewatering Plan

The Covered Species Dewatering Plan shall include, at a minimum:

- A review of previous dewatering discharges and the most-up-to-date status of the downstream Santa Clara River populations of the Covered Species to ensure discharge flows do not impact critical UTS populations;
- A summary of the biological and scientific methods and requirements for pre-construction surveys for UTS and determining the presence and extent of aquatic habitat;
- A summary of the biological and scientific procedures for biological monitoring of stranded UTS (including adults, juveniles, and egg masses);
- A summary of the biological and scientific criteria for determining when stranded or potentially stranded UTS shall be rescued;
- A specification that UTS shall only be relocated to a suitable area pre-approved by CDFW for relocation. Suitable habitat parameters shall include flow velocity, water depth, fish passage, and property access;
- A summary of the biological and scientific procedures for capturing, handling, and transporting stranded fish;
- A summary of the biological and scientific procedures for decontamination of any equipment to be used in the rescue and relocation of UTS; and,
- A summary of the reporting parameters of rescue and relocation efforts for CDFW submittal. Documentation shall include the following:
 - Dates and times;
 - Whether or not UTS were rescued from clearly isolated pools or rescued as a precaution from pools that may have been connected to stream flows;
 - GPS Coordinates and Photos of each location(s) where UTS were relocated (locations to be approved by CDFW prior to each dewatering discharge);
 - Total accounting of UTS rescued;
 - Total accounting of mortality of UTS (if any); and,
 - Total accounting of other native aquatic species rescued or relocated.

ATTACHMENT 4: Long-Term Adaptive Management Plan

Minimum Scope for the Long-Term Adaptive Management Plan

The Long-Term Adaptive Management Plan Program shall, at a minimum:

- Provide survey data to determine the status of the Covered Species within the Monitoring Areas [such as the Watershed and the Mitigation Lands];
- Incorporate all known population data and Permittee's reports to establish an accounting of authorized take and an assessment of the authorized take; and,
- Incorporate management specifications. The management specification shall provide:
 - Details on information on public uses, facilities, and operations found on the property;
 - Details on CEQA documentation for any management practices or activities that are not exempt;
 - Details on avoidance measures under CESA for any state-listed species found on the property;
 - Details on the management goals needed to protect, enhance, manage, and conserve the habitat values for which the property was acquired, including long-term as well as immediate management goals;
 - Details on the general operations and maintenance staffing, equipment, and associated costs;
 - Details on the start-up or infrastructure costs;
 - Details on the management constraints (physical or political);
 - Details on acceptable public uses;
 - Details on anticipated public use or natural resource conflicts;
 - Details of any additional agreements, memoranda of understanding, CDFW internal coordination for state listed species or Section 7 consultations under the federal Endangered Species Act, or cooperative management agreements;
 - Details on re-contouring of the active channel;
 - Details on measures to alleviate soil compaction;
 - Details on the pitting or imprinting of the surface to allow small areas for seeds and rain water to be captured and hydro-seeded and/or hand-broadcasted (where appropriate);
 - Details on the native plant species to be used, container sizes, and seeding rates;
 - Details on the collection, storage, and replacement of the topsoil (if it was collected);
 - Details on the seed collection procedures and permits needed;
 - Details on the planting schedule;
 - Details on a description of the irrigation methodology;
 - Details on the measures to control exotic vegetation on site;
 - Details on the specific success criteria for restored habitat;
 - Details on the monitoring program;
 - Details on the contingency measures should the success criteria not be met; and,
 - Details on the identification of the party responsible for meeting the success criteria and providing for restoration.

ATTACHMENT 5: Letter of Credit Form

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. [***Number issued by financial institution***]

Issue Date: [***date***]

Beneficiary:

Department of Fish and Wildlife
Post Office Box 944209
Sacramento, CA 94244-2090
Attn: HCPB Mitigation Account Coordinator

Amount: U.S. \$780,866

Expiry: [***Date***] at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, The Metropolitan Water District of Southern California ("Applicant"), we, [***Name of financial institution***] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$780,866 ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the Foothill Feeder Repair and Future Inspections Project issued by CDFW to the Applicant on [***date***] (No. 2081-2017-069-05) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions [***numbers***] in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at The Metropolitan Water District of Southern California, 700 N Alameda St, Los Angeles, CA 90012.
6. The Certificate shall be completed and signed by an "Authorized Representative" of CDFW as defined in paragraph 12 below. Presentation by CDFW of a

completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [**name and address of financial institution**], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: The Metropolitan Water District of Southern California, PO Box 54153, Los Angeles, CA 90054-0153.

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [**expiration date**], or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____

ATTACHMENT A

IRREVOCABLE STANDBY LETTER OF CREDIT NO. **[Number issued by financial institution]**

CERTIFICATE FOR DRAWING

To:

[Name and address of financial institution]

Re: Incidental Take Permit No. 2081-2017-069-05

The undersigned, a duly Authorized Representative of the Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$780,866 .
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this Certificate as of the ____ day of _____, _____.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

[Insert one of the following: "DIRECTOR" or "GENERAL COUNSEL" or "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]"

ATTACHMENT B

IRREVOCABLE LETTER OF CREDIT NO. [***Number issued by financial institution***]
CERTIFICATE FOR CANCELLATION

To:

[Name of financial institution and address]

Re: Incidental Take Permit No. 2081-2017-069-05

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The natural expiration of this Credit has occurred."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of the ____ day of _____, _____.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

[Insert one of the following: "DIRECTOR" or "GENERAL COUNSEL" or "REGIONAL MANAGER, [NAME OF REGIONAL OFFICE]"