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**HABITAT CONSERVATION
PLANNING BRANCH**

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

**Native Plant Protection Act
Incidental Take Permit No. 2081-2016-050-04**

TRACT 2428, TOSCANO

Authority: This Native Plant Protection Act Incidental Take Permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to the Fish and Game Code section 1900 et seq. (NPPA) and California Code of Regulations, title 14, section 786.9, subdivision (b), applying the set of conditions and procedures at California Code of Regulations, title 14, section 783 et seq. NPPA prohibits the take¹ of any native plant listed as rare by the California Fish and Game Commission. [Fish and Game Code, §§ 1904, 1908; Cal. Code Regs., tit. 14, §§ 670.2, 786.9, subd. (a)(2)], CDFW may authorize the take of any such rare native plant by permit applying the set of conditions and procedures set forth in the California Code of Regulations, title 14, section 783 et seq. (Cal. Code Regs., tit. 14, § 786.9).

Permittee: Margarita Ranch SLO, LLC
Principal Officer: Dennis Moresco, Vice President
Contact Person: Dennis Moresco, (805) 466-5100
Mailing Address: 7305 Morro Road, Suite 207
Atascadero, California 93422

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 **August 1, 2038**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

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

Project Location:

The Tract 2428, Toscano Project (Project) is located at the northern end of Calle Malva, north of Margarita Avenue and east of South Higuera Street, within the City of San Luis Obispo (City), San Luis Obispo County (Figure 1). The Project is located at approximately 35.258652°, -120.663105°. The Project site is bounded by the South Hills Open Space to the north and east, and residential development to the south and west.

Project Description:

The Project includes the development of 28-acres of a 99-acre undeveloped parcel into a residential subdivision. The Project includes a 161-lot single family detached residential development with 26 affordable housing and 6 open market-rate condominium units. The Project includes the development of pedestrian paths and infrastructure (storm water collection/retention; potable water delivery; wastewater collection; telecommunications, electric, and gas). The remainder, 71-acres of the 99-acre parcel, will be dedicated to the City in an Open Space Easement as part of the South Hills Natural Reserve (SHNR). Construction of the Project (except for the affordable housing) will occur in three phases that are projected to take a minimum of four years starting with on-site grading. The location of each phase is depicted in Figure 2. In addition, individuals of the Covered Species within the Project impact footprint will be collected and relocated to lands located on-site within the open space parcels of the 28-acre development area, and off-site within designated locations of the SHNR and Laguna Lake Natural Reserve (LLNR).

During construction, Project activities will include: grubbing, excavation, and mass grading within the 99-acre development envelope; heavy equipment staging; stockpiling of soils; materials transport, laydown, and storage; trench digging and backfilling to install subsurface utilities; existing road paving and improvements; construction of new roads and dwelling units; construction of the water supply distribution system and wastewater collection facilities; tree and other vegetation removal and trimming; landscaping and re-vegetation of cut slopes; relocation of adobe sanicle (*Sanicula maritima*); and other activities related to build out of the Project. Equipment needed to perform the above Project activities include: bulldozers, backhoes, motor graders, hovel scrapers, water trucks, front-end loaders, pavers, rollers, and haul trucks.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Adobe sanicle (<i>Sanicula maritima</i>)	Rare ³

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

³See Cal. Code Regs. tit. 14 § 670.2, subd. (c)(3)(B).

Impacts of the Taking on Covered Species:

The California Natural Diversity Database (CNDDDB) lists one occurrence of the Covered Species within the Project site (CNDDDB Occurrence 20). Althouse & Meade (A&M) conducted botanical and wildlife surveys of the Project site between March and July 2005 and detected the Covered Species in March of that year. In its July 2005 Biological Assessment Report, A&M reported that there were four patches of the Covered Species in seep wetlands on-site, totaling approximately 500 plants (Figure 3; Althouse and Meade 2005). In 2016, A&M conducted site inspections on January 20 and February 1 when emerging leaves were detectable, and again on March 1 when plants were in full bloom to determine the location and extent of the Covered Species patches on-site. Over 500 plants were detected in three patches in the vicinity of three of the four patches identified in 2005 (Figure 3). The Project supports approximately 0.163 acre (7,100 square feet) of the Covered Species that are included in CNDDDB Occurrence 20. The Project contains approximately 500 Covered Species plants that occur in three distinct patches (Patch 1, approx. 250 plants, 0.028 acre; Patch 2, approx. 200 plants, 0.039 acre, Patch 3, approx. 65 plants, 0.096 acre) depicted in Figure 3. Patch 2 will be completely removed as it is within lots designated for residential housing development. Patch 1 will be avoided and not be impacted by Project activities, and Patch 3 will be protected in the City of San Luis Obispo's easement area.

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: grubbing and grading of the entire Project site; vegetation (including tree) removal; trench digging and backfilling; pile driving, road and footpath construction; housing unit and associated infrastructure construction; operation of heavy equipment; vehicle and foot traffic; and collection and relocation of Covered Species as required in this ITP (Covered Activities).

The areas where authorized take of the Covered Species is expected to occur include: the entire Tract 2428 Project location, the 71-acre Open Space area dedicated to the City as part of the South Hills Natural Preserve and Covered Species transplant receiver site locations on the Laguna Lake Natural Preserve area (collectively, the Project Area [See Figures 1 & 4]).

Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of mortality ("kill") as individuals are damaged, destroyed, buried or excavated during grading, grubbing, trenching, pile driving, vegetation removal, heavy equipment operation, and vehicle and foot traffic; removal of soil that renders parts of the seed bank or propagules for the Covered Species inviable or causes it to be lost; erosion of substrates supporting the Covered Species which could cause uprooting, washing away and burying and/or could cause substrate to become unstable for growth; and from habitat loss and modification such as removal or modification of the seed bank, modification of hydrology; and loss of individuals during habitat restoration, management, and monitoring as individuals are

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

relocated from the Project site to conservation areas. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of catch, capture, or attempt to do so during collection and relocation of individuals from the Project Area (salvage) as required by this ITP.

The Project is expected to cause the permanent loss of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: changes in the habitat that make the species more vulnerable to competition, disease, or herbivory; introduction or spread of invasive species; changes in hydrology that favors different vegetative growth; and herbicide use. Individuals or the seed bank displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for collection and relocation of Covered Species as authorized by this ITP.

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular, ingress and egress, staging and parking. CDFW's issuance of this ITP, and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (EIR) (SCH No. 2000051062) certified by the City of San Luis Obispo (City) on October 22, 2004, of the Mitigated Negative Declaration (MND) (SCH No. 2006011049) adopted by the City on July 11, 2007, and of the Addendum to the MND

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

approved by the City on April 2014, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. LSA Compliance: Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Notification (LSAN) (Notification No. 1600-2014-0129-R4 for the Project executed by CDFW pursuant to Fish and Game Code Section 1600 et seq.

4. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Permittee shall also ensure that the Designated Biologist has experience with all ITP measures assigned to the Designated Biologist in the ITP. The Designated Biologist shall be 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 Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved individuals identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

- 5.3. Designated Biologist/Biological Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 5.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.6. Delineation of Property Boundaries. Before starting Covered Activities Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 5.7. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the applicable Work Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area. The Work Area

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

is defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

- 5.8. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.9. 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 unless provided for as described in Condition of Approval 5.8 of this ITP.
- 5.10. 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.
- 5.11. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project 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.
- 5.12. Refuse Removal. 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.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily until the pre-activity clearance surveys and initial grading activities are complete. The Designated Biologist(s) and/or Designated Monitor(s) 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 Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist(s) and/or Designated Monitor(s) shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.4. Biannual Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 (Compliance Monitoring) into a Biannual Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Biannual Compliance Reports shall be submitted no later than the 15th day of the month it is due, commencing with December 2018 and shall be submitted in the months of December and June thereafter. The Biannual report shall be submitted 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 Office email is R4CESA@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.

- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) for each calendar year no later than the first day of the first full month following the date in which the ITP was issued, of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Biannual Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.6. CNDDDB Observations. The Designated 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 Designated Biologist shall include copies of the submitted forms with the next Biannual Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Biannual Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. As-Built Development Plans. Permittee shall submit as-built development plans to CDFW in the Biannual Compliance Report as required in Condition of Approval 6.4 above. The as-built plan sheets shall delineate and quantify the extent of permanent Project features, including roads, lots, single family dwellings, infrastructure, and all other facilities and features associated with the

previous six months of the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan sheets. Permittee shall monitor, calculate, and record the total amount of Covered Species habitat disturbed (see Condition of Approval 7.1 below and as depicted in the Covered Species Collection and Relocation Plan) within the Project Area and shall include this in the as-built plans. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from survey data acquired after six months of Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format.

7. 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:

- 7.1. Covered Species Collection and Relocation Plan. The Designated Biologist shall prepare a Covered Species Collection and Relocation Plan, based on findings of the research conducted under Scientific Collecting Permit (SCP) No. 2081(a)-16-022-RP, and submit it to CDFW for approval prior to the beginning of Covered Activities. The Covered Species Collection and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents habitat areas and known locations for the Covered Species; a description of Covered Species survey timing and methodology as required under Condition of Approval 7.2 below; an identification of the hand excavation, handling, storage, germination, and translocation methods for salvaged seed and plants collected from the Work Area in accordance with Conditions of Approval 7.3 and 7.4 below; identification and layout of where translocated individual germinated plants and translocated plants will be placed that have been collected in accordance with Conditions of Approval 7.3 and 7.4; a five-year monitoring plan that shall include at least three monitoring events from February through July annually; quantifiable multi-year survival rates and other success criteria; pesticide free invasive species eradication methods and other adaptive management strategies; and a five year contingency plan to remedy unsuccessful translocations. Covered Activities within the Project Area may not proceed until the Covered Species Collection and Relocation Plan is approved in writing by CDFW and success criteria under the SCP for the Covered Species are fully met.
- 7.2. Botanical Surveys. Prior to starting vegetation- or ground-disturbance Covered Activities in all Work Areas depicted in the Covered Species Collection and Relocation Plan map which represent habitat areas and known locations for the

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

Covered Species, the Designated Biologist shall conduct botanical surveys. The botanical surveys shall be floristic in nature and cover the entire Work Area and shall be timed appropriately to detect the Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area and a 50-foot buffer zone. The Permittee shall provide the survey results to CDFW in a written report no more than 30 days prior to the beginning of Covered Activities within the Work Area.

- 7.3. Placement of Exclusion Fencing. All individuals and patches of the Covered Species that would not be directly impacted by vegetation- or ground-disturbing activities shall be avoided by a minimum 50 feet. Sturdy, highly visible, orange plastic construction avoidance fencing shall be installed around Covered Species avoidance areas and located in accordance with direction from the Designated Biologist(s). The Permittee may request an alternative fence design but shall receive written permission from CDFW prior to the use of any alternative fence design. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least biweekly during the construction period. Fencing shall be removed upon completion of Covered Activities in the Work Area containing the fencing. Any Covered Species that cannot be avoided by a minimum of 50 feet shall be salvaged and relocated in accordance with Condition of Approval 7.4 below.
- 7.4. Covered Species Relocation. Prior to initiating vegetation- or ground-disturbing activities and no more than 14 days after surveys have been completed in accordance with Condition of Approval 7.2, if any of the Covered Species are found in the Work Area or within the 50-foot buffer zone, the Designated Biologist shall excavate and transplant them in accordance with the CDFW-approved Collection and Relocation plan as required in Condition of Approval 7.1.
- 7.5. Notification of Plant Damage. If a Covered Species is destroyed or damaged as a result of Covered Activities, the Permittee shall notify CDFW of the incident within 24 hours. Notification shall include the extent to which damage to the Covered Species occurred and shall be via telephone and email, followed by a written incident report submitted to CDFW. Permittee shall submit the written incident report to CDFW within five (5) days of the incident. Notification shall include the date, time, location (GPS coordinates), and circumstances of the incident.
- 7.6. Herbicide Use. Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three (3) miles per

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

hour (mph). Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.

- 7.7. Avoid Introduction of Herbicides into Waters. Permittee shall ensure herbicide mixing sites are only located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area or a stream. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.

8. Habitat Management Land Acquisition:

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

To meet this compensatory habitat requirement, the Permittee shall provide for both the permanent protection and management of Habitat Management (HM) lands located on-site within the open space parcels of the 28-acre development area, and off-site within the SHNR and LLNR (Figure 1), by recording a conservation easement, selecting a land manager, and funding the long-term management of the HM lands, pursuant to Condition of Approval 8.1 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.2 below. See: <https://www.wildlife.ca.gov/Conservation/Planning/Endowments>. The Project will deed 71 acres to the SHNR of which 0.884 acre shall be placed under conservation easement. The conservation easement area includes existing occupied Covered Species habitat and approximately 0.2 acre of high-quality Covered Species habitat proximal to existing plants that will be available as a receiver site for relocated Covered Species. The proposed project actions would retain plants on-site within open space parcels and would expand population locations onto the SHNR and the LLNR in locations appropriate for successful establishment and growth of the Covered Species. Implementation of measures to be included in the Covered Species Collection and Relocation Plan shall maintain both the number of individuals and genetic diversity of the Covered Species population currently found within the Project development area and will have the benefit of establishing new and separate populations in the San Luis Obispo area. **The permanent protection and the funding of the long-term management of the HM lands shall be completed prior to the commencement of any vegetation- or**

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

ground-disturbing Covered Activities in any Work Area that has suitable habitat for the Covered Species (as depicted in the Covered Species Collection and Relocation Plan).

8.1. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

- 8.1.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM 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. The 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);
- 8.1.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.1.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW; and if applicable, the Wildlife Conservation Board and the Department of General Services;

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

- 8.1.4. Land Manager. Designate both an interim and long-term land manager 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. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.1.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see Long-term Management Plan under Bank Document Templates at: <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates> ; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.1.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.2. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM 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 HM lands consistent with the management plan(s) required by Condition of Approval 8.1.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. 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 HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

- 8.2.1. 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. 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(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(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(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(b)(4).;

8.2.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term 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 HM 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.

8.2.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

8.2.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

8.2.2.2.1. 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.

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

8.2.2.2.3. 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.

8.2.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM 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.

- 8.3. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2016-050-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005, extension 121
Fax (559) 243-4026

and a copy to:

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

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

Brandon Sanderson
California Department of Fish and Wildlife
3196 Higuera Street, Suite A
San Luis Obispo, California 93401
Telephone (805) 594-6141
Fax (805) 542-4609

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

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, City of San Luis Obispo. (See generally Pub. Resources Code, §§ 21067, 21069) The lead agency's prior environmental review of the Project is set forth in the Margarita Area Specific Plan EIR, (SCH No. 2000051062) dated October 2004 that the City of San Luis Obispo certified for the Tract 2428, Toscano Project on October 22, 2004; in the King Ventures Revised Vesting Tentative Tract Map MND, (SCH No. 2006011049) dated January 2006 that the City adopted for Toscano Project on July 11, 2007; and in the Addendum to the MND approved by the City on April 2014. At the time the lead agency adopted, certified 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 is available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration and 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 and related regulations (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2)).

CDFW finds based on substantial evidence in the ITP application, the Margarita Area Specific Plan EIR, the King Ventures Revised Vesting Tentative Tract Map MND, the Addendum to the MND, the Mitigation, Monitoring, and Reporting Plan for Special Status Plants and Sensitive Habitats at Tract 2428, the Scientific Collecting Permit No. 2081(a)-16-022-RP, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

- (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; (4) Covered Species relocation based on Covered Species and receiver site specific research; and (5) Biannual 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 area required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, 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.

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

Attachments:

FIGURE 1	Project Location
FIGURE 2	Construction Phase
FIGURE 3	Covered Species Occurrences
FIGURE 4	Laguna Lake Natural Reserve Receiver Site
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

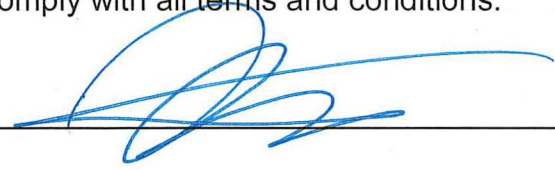
on 10/24/18



Julie A. Vance, Regional Manager
CENTRAL REGION

ACKNOWLEDGMENT

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

By:  Date: 3.18.19

Printed Name: DENNIS MORESCO Title: VICE PRESIDENT

Incidental Take Permit
No. 2081-2016-050-04
MARGARITA RANCH SLO, LLC
TRACT 2428, TOSCANO

Figure 1. Project Location



Toscana

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Map Updated: July 21, 2016 12:40 PM



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Figure 2. Construction Phases

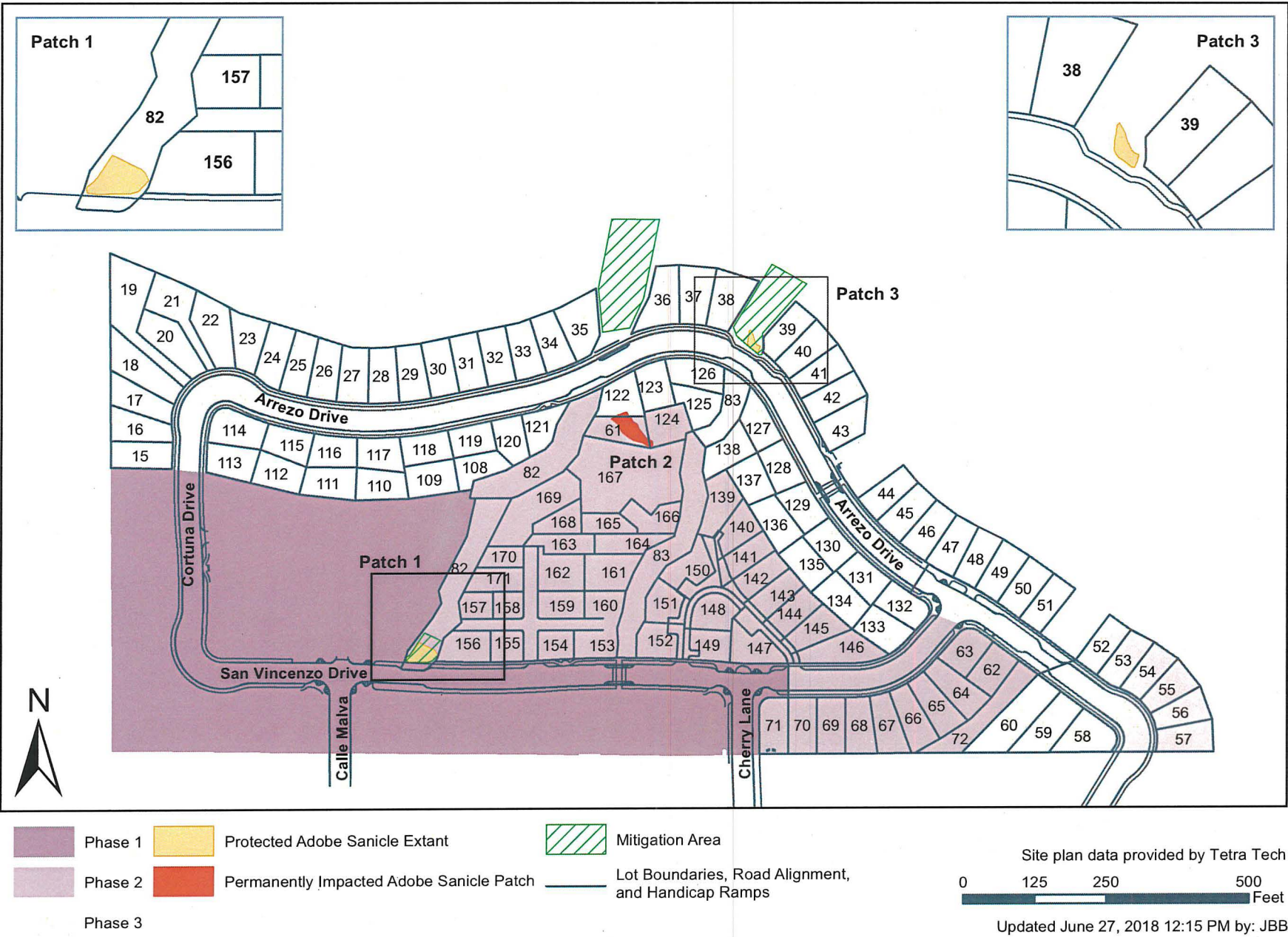
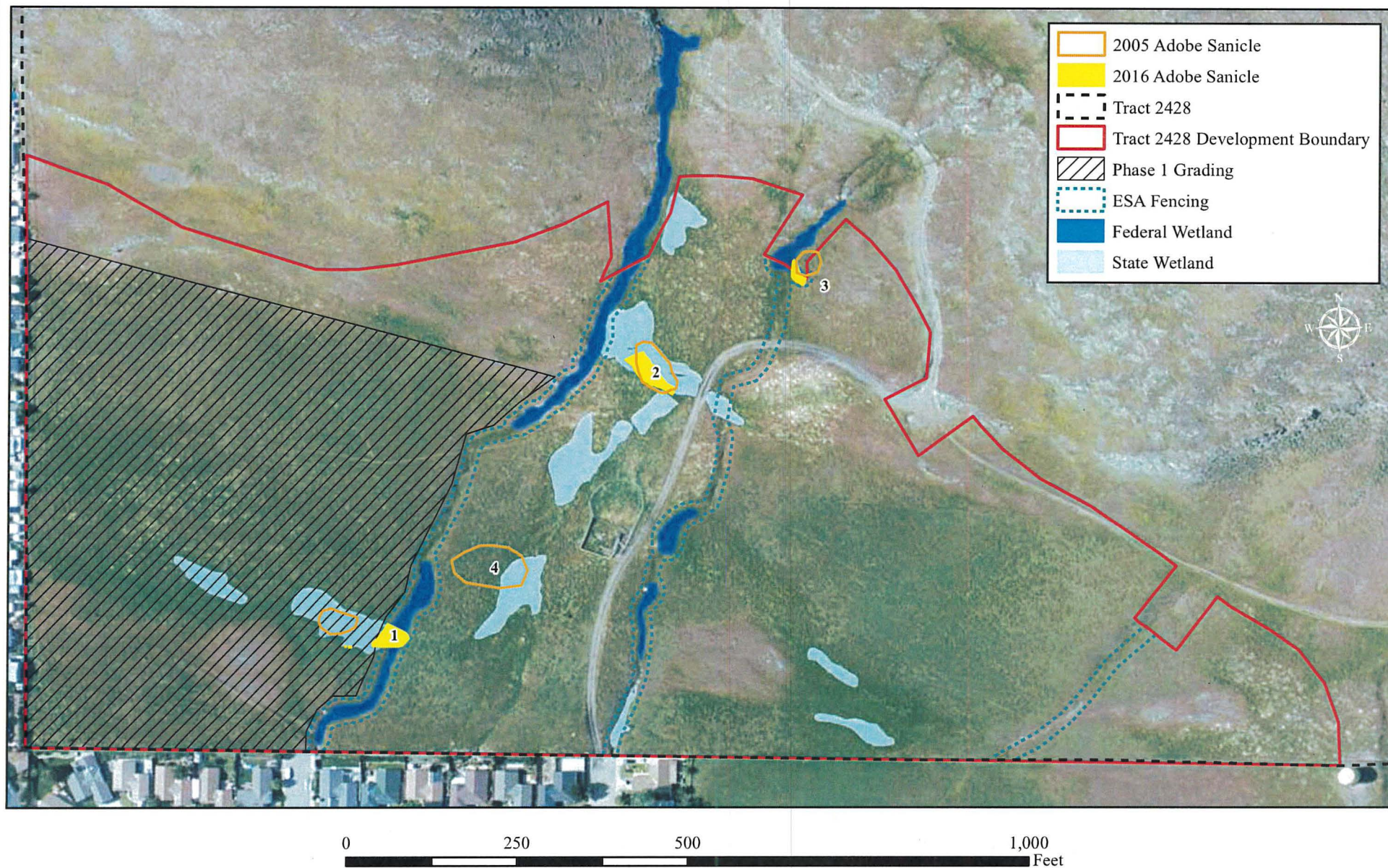


Figure 3. Covered Species Occurrences



Toscano

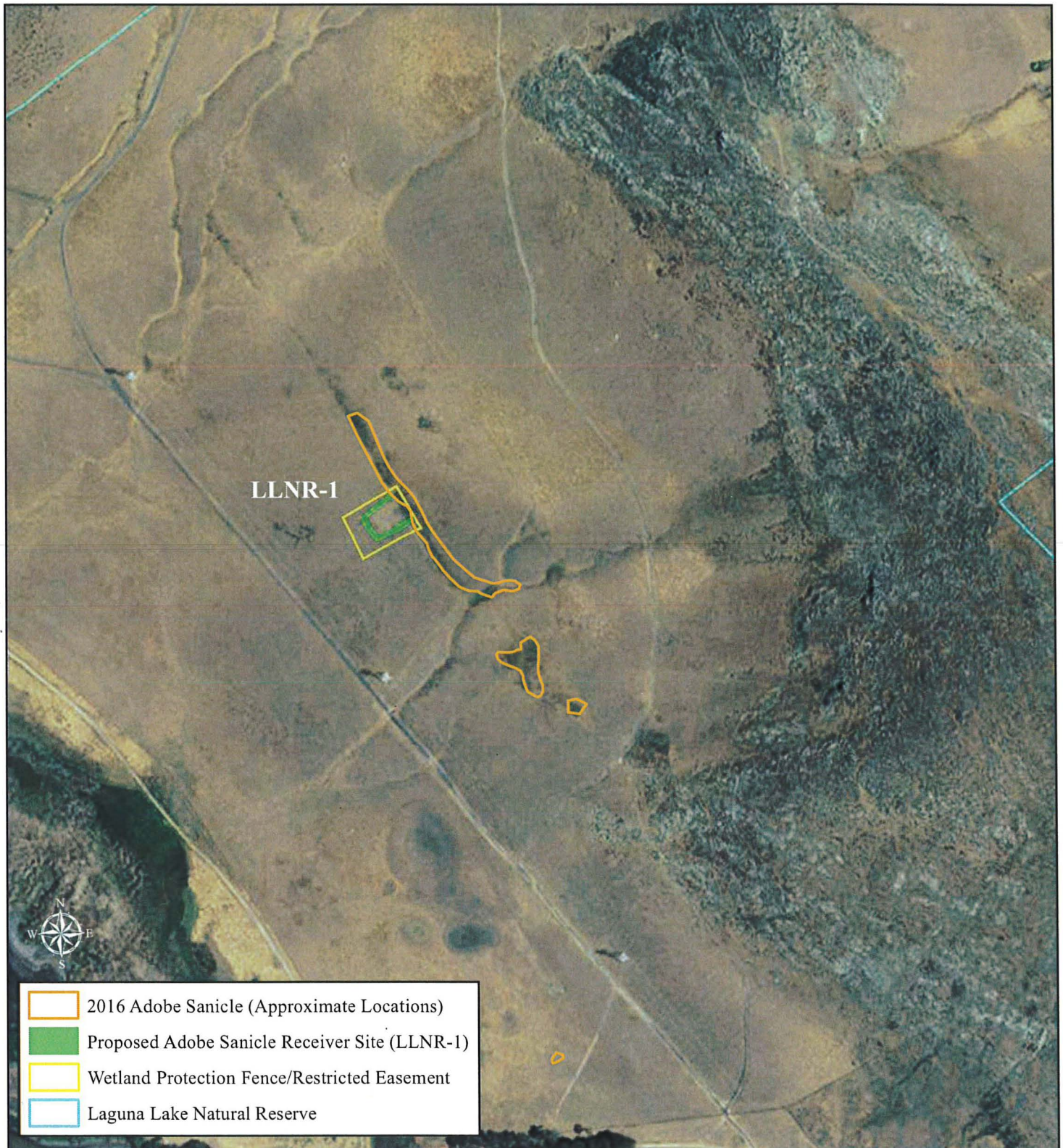
Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Map Updated: August 29, 2016 03:11 PM



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Figure 4. Laguna Lake Natural Reserve Receiver Site



0 250 500 1,000 Feet

Toscano

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Map Updated: August 29, 2016, 11:54 AM



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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2016-050-04

PERMITTEE: Margarita Ranch SLO, LLC

PROJECT: Tract 2428, Toscano

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Permittee shall also ensure that the Designated Biologist has experience with all ITP measures assigned to the Designated Biologist in the ITP. The Designated Biologist shall be 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 Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved individuals identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
3	<u>Designated Biologist/Biological Monitor Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and/or Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the applicable Work Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area. The Work Area is defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Notification Before Commencement.</u> 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 # 6.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Covered Species Collection and Relocation Plan.</u> The Designated Biologist shall prepare a Covered Species Collection and Relocation Plan, based on findings of the research conducted under Scientific Collecting Permit (SCP) No. 2081(a)-16-022-RP, and submit it to CDFW for approval prior to the beginning of Covered Activities. The Covered Species Collection and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents habitat areas and known locations for the Covered Species; identification description of Covered Species survey timing and methodology as required under Condition of Approval 7.2 below; an identification of the hand excavation, handling, storage, germination, and translocation methods for salvaged seed and plants collected from the Work Area in accordance with Conditions of Approval 7.3 and 7.4 below; identification and layout of where translocated individual germinated plants and translocated plants will be placed that have been collected in accordance with Conditions of Approval 7.3 and 7.4; a five-year monitoring plan that shall include at least three monitoring events from April through July annually; quantifiable multi-year survival rates and other success criteria; pesticide free invasive species eradication methods and other adaptive management strategies; and a five year contingency plan to remedy unsuccessful translocations. Covered Activities within the Project Area may not proceed until the Covered Species Collection and Relocation Plan is approved in writing by CDFW and success criteria under the SCP for the Covered Species are fully met.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	<u>Botanical Surveys.</u> Prior to starting vegetation- or ground-disturbance Covered Activities in all Work Areas depicted in the Covered Species Collection and Relocation Plan map which represent habitat areas and known locations for the Covered Species, the Designated Biologist shall conduct botanical surveys. The botanical surveys shall be floristic in nature and cover the entire Work Area and shall be timed appropriately to detect the Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area and a 50-foot buffer zone. The Permittee shall provide the survey results to CDFW in a written report no more than 30 days prior to the beginning of Covered Activities within the Work Area.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>Placement of Exclusion Fencing.</u> All individuals and patches of the Covered Species that would not be directly impacted by vegetation- or ground-disturbing activities shall be avoided by a minimum 50 feet. Sturdy, highly visible, orange plastic construction avoidance fencing shall be installed around Covered Species avoidance areas and located in accordance with direction from the Designated Biologist(s). The Permittee may request an alternative fence design but shall receive written permission from CDFW prior to the use of any alternative fence design. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the construction period. Fencing shall be inspected at least biweekly during the construction period. Fencing shall be removed upon completion of Covered Activities in the Work Area containing the fencing. Any Covered Species that cannot be avoided by a minimum of 50 feet shall be salvaged and relocated in accordance with Condition of Approval 7.4 below.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
11	<u>Covered Species Relocation.</u> Prior to initiating vegetation- or ground-disturbing activities and no more than 14 days after surveys have been completed in accordance with Condition of Approval 7.2, if any of the Covered Species are found in the Work Area or within the 50-foot buffer zone, the Designated Biologist shall excavate and transplant them in accordance with the CDFW-approved Collection and Relocation plan as required in Condition of Approval 7.1.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
12	<u>Habitat Acquisition and Protection.</u> To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM 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. The 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 # 8.1.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 8.1.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 8.1.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<u>Land Manager</u> . Designate both an interim and long-term land manager 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. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 8.1.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see Long-term Management Plan under Bank Document Templates at: https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates ; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 8.1.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 8.1.6	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<p><u>Endowment Fund.</u> The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM 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 HM lands consistent with the management plan(s) required by Condition of Approval 8.1.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the 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 HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
19	<p><u>Identify an Endowment Manager.</u> 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. 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(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(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(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(b)(4).;</p>	ITP Condition # 8.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<p>Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term 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 HM 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.</p> <p>Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>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.</p> <p>Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>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.</p>	ITP Conditions # 8.2.2; 8.2.2.1; 8.2.2.2; 8.2.2.2.1; 8.2.2.2.2; 8.2.2.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
21	<p>Transfer Long-term Endowment Funds. Permittee shall transfer the long term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM 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 the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p>	ITP Conditions # 8.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<p>Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Conditions # 8.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
23	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
24	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.8	Entire Project	Permittee	
25	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.8 of the ITP.	ITP Condition # 5.9	Entire Project	Permittee	
26	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.10.	Entire Project	Permittee	
27	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project 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 the ITP.	ITP Condition # 5.11	Entire Project	CDFW	
28	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or the MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily until the pre-activity clearance surveys and initial grading activities are complete. The Designated Biologist(s) and/or Designated Monitor(s) 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 the 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 Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist(s) and/or Designated Monitor(s) shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 6.3	Entire Project	Permittee	
30	<u>Biannual Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 (Compliance Monitoring) into a Biannual Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Biannual Compliance Reports shall be submitted no later than the 15 th day of the month it is due, commencing with December 2018 and shall be submitted in the months of December and June thereafter. The Biannual report shall be submitted 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 Office email is R4CESA@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.	ITP Condition # 6.4	Entire Project	Permittee	
31	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) for each calendar year no later than the first day of the first full month following the date in which the ITP was issued, of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Biannual Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.5	Entire Project	Permittee	
32	<u>CNDDDB Observations.</u> The Designated 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 Designated Biologist shall include copies of the submitted forms with the next Biannual Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<u>As-Built Development Plans</u> . Permittee shall submit as-built development plans to CDFW in the Biannual Compliance Report as required in Condition of Approval 6.4 above. The as-built plan sheets shall delineate and quantify the extent of permanent Project features, including roads, lots, single family dwellings, infrastructure, and all other facilities and features associated with the previous six months of the Project. The as-built plans shall include an estimate of the permanent disturbance during construction by highlighting the estimated disturbance areas on the as-built plan sheets. Permittee shall monitor, calculate, and record the total amount of Covered Species habitat disturbed (see Condition of Approval 7.1 below and as depicted in the Covered Species Collection and Relocation Plan) within the Project Area and shall include this in the as-built plans. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from survey data acquired after six months of Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format.	ITP Condition # 6.8	Entire Project	Permittee	
34	<u>Notification of Plant Damage</u> . If a Covered Species is destroyed or damaged as a result of Covered Activities, the Permittee shall notify CDFW of the incident within 24 hours. Notification shall include the extent to which damage to the Covered Species occurred and shall be via telephone and email, followed by a written incident report submitted to CDFW. Permittee shall submit the written incident report to CDFW within five (5) days of the incident. Notification shall include the date, time, location (GPS coordinates), and circumstances of the incident.	ITP Condition # 7.5	Entire Project	Permittee	
35	<u>Herbicide Use</u> . Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three (3) miles per hour (mph). Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.6	Entire Project	Permittee	
36	<u>Avoid Introduction of Herbicides into Waters</u> . Permittee shall ensure herbicide mixing sites are only located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area or a stream. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.	ITP Condition # 7.7	Entire Project	Permittee	
POST-CONSTRUCTION					
37	<u>Refuse Removal</u> . 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 # 5.12	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<u>Final Mitigation Report</u> . No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Biannual Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.7	Post-construction and after completion of mitigation	Permittee	
OPERATION & MAINTENANCE PHASE					
39	<u>O&M Placement of Exclusion Fencing</u> . All individuals and patches of the Covered Species that would not be directly impacted by ground-disturbing activities shall be avoided by a minimum 50 feet. Sturdy, highly visible, orange plastic construction avoidance fencing shall be installed around Covered Species avoidance areas and located in accordance with direction from the Designated Biologist(s). The Permittee may request an alternative fence design, but shall receive written permission from CDFW prior to the use of any alternative fence design. Fencing shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last at least through the maintenance period. Fencing shall be inspected at least biweekly during the maintenance period. Fencing shall be removed upon completion of O&M Covered Activities in the area containing the fencing.	ITP Condition # 7.9	Operation and Maintenance Phase Entire Project	Permittee	
40	<u>O&M Covered Species Relocation</u> . Prior to initiating ground-disturbing activities and no more than seven days after surveys have been completed in accordance with Condition of Approval 7.8, if any of the Covered Species are found in the Project Area, the Designated Biologist shall excavate and transplant them in accordance with the CDFW-approved Collection and Relocation plan as required in Condition of Approval 7.1.	ITP Condition # 7.10	Operation and Maintenance Phase Entire Project	Permittee	
41	<u>O&M Notification of Plant Damage</u> . If a Covered Species is destroyed or damaged as a result of O&M Covered Activities, the Permittee shall notify CDFW of the incident within 24 hours. Notification shall include the extent to which damage to the Covered Species occurred and shall be via telephone and email, followed by a written incident report submitted to CDFW. Permittee shall submit the written incident report to CDFW within five (5) days of the incident. Notification shall include the date, time, location (GPS coordinates), and circumstances of the incident.	ITP Condition # 7.11	Operation and Maintenance Phase Entire Project	Permittee	
42	<u>O&M Herbicide Use</u> . Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three (3) mph. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.12	Operation and Maintenance Phase Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<u>O&M Avoid Introduction of Herbicides into Waters.</u> Permittee shall ensure herbicide mixing sites are only located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area or a stream. Permittee shall ensure that any herbicide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.	ITP Condition # 7.13	Operation and Maintenance Phase Entire Project	Permittee	

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

Applicant proposes that the following parcel(s) of land be considered for approval by the California Department of Fish and Wildlife as suitable for purposes of habitat management lands to compensate the adverse environmental impacts of the Project:

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
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_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

ATTACHMENT 2B
DEPARTMENT OF FISH AND WILDLIFE
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

The following checklist is provided to inform you of what documents are necessary to expedite the Department of Fish and Wildlife (CDFW) processing of your Habitat Management Land acquisition proposal. Any land acquisition processing requests which are incomplete when received, will be returned. The Region contact will review and approve the document package and forward it to the Habitat Conservation Planning Branch Senior Land Agent with a request to process the land acquisition for formal acceptance.

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ Conservation Easement OR ☐ Grant Deed

Documents in this package include:

- ☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: _____
- ☐ Proposed Lands for Acquisition Form (PLFAF)
- ☐ Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it must be less than two years old.)
- ☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

- ☐ document(s) to support title exceptions
- ☐ document(s) to explain title encumbrances
- ☐ a plot or map of easements/encumbrances on the property
- ☐ Policy of Title Insurance (an existing title policy is not acceptable)
- ☐ County Assessor Parcel Map(s) for subject property
- ☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)
- ☐ Final Permit or Agreement (or other appropriate instrument)
Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement
☐ Permit _____ Other: _____
(write in type of permit)
- ☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)
- ☐ Biological Resources Report
- ☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)