



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

California Endangered Species Act
Incidental Take Permit No. 2081-2018-047-04

BLOCK 12 DEVELOPMENT PROJECT

Authority: This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs. tit. 14, § 783.4).

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MAY 15 2019

**HABITAT CONSERVATION
PLANNING BRANCH**

Permittee: Aera Energy LLC
Principal Officer: Christina Sistrunk, President and CEO
Contact Person: Maddy Symm, Environmental Specialist
(661) 665-5000
Mailing Address: 10000 Ming Avenue
Bakersfield, California 93311

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2053**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.13 of this ITP.

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

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

Project Location:

The Block 12 Development Project (Project) is located at the southwestern edge of the existing California Division of Oil, Gas & Geothermal Resources (DOGGR) Administrative Boundaries of South Belridge Oil Field in the Belridge Producing Complex in the unincorporated portion of western Kern County (Figure 1). The Project is approximately 40 miles west of Bakersfield, 25 miles north of Taft, and 8 miles north of McKittrick along State Route (SR) 33 in Township 29 South, Range 21 East, Sections 7, 10, and 12. The Project extends east and west of both SR 33 and Lost Hills Road and is bounded by Delfern Road to the south (Figure 2).

Project Description:

On May 27, 2015, CDFW issued CESA ITP No. 2081-2014-043-04 to Aera Energy LLC with an expiration date of May 31, 2035 for a previous version of the Block 12 Development Project with a smaller geographic area and associated disturbance. The former Block 12 Development Project is located within the geographic area of the current Project. The Permittee has requested a single ITP for all activities to avoid confusion with ITP requirements and compliance. As such, the Project covered under this ITP will supersede CESA ITP No. 2081-2014-043-04 and involves a larger Project Area where oil-related construction, operations and maintenance, and abandonment activities will occur over a period of 35 years.

The Project consists of the expansion of existing facilities, including the construction (drilling and completion) of new wells, operations and maintenance (O&M), and plugging and abandonment activities associated with oil-producing wells, steam injection wells, pipelines, access roads, and electric power lines within a 394-acre Project Area for the extraction of heavy oil enhanced by steam injection operations.

The Project will use existing infrastructure and previously disturbed areas where possible for the construction, O&M, and eventual plugging and abandonment of approximately 131 wells including oil production, steam injection, and an estimated 53 replacement wells if any original wells fail during the permit term. Within the approximately 394-acre Project Area depicted in Figure 2, the Project will include a phased approach to the construction of new wells within the 287-acre Development Envelope with the majority being constructed within five years after the permit is issued, with a maximum permanent disturbance of 46 acres and a maximum temporary disturbance of 9 acres. The Project Area will also include an approximately 107-acre area that will not be developed as part of this Project (i.e., non-development area) but is included in the Project Area to allow for permit compliance activities.

The Project construction activities (collectively, Construction Activities) includes site preparation activities, pipeline, access road, and power line installation activities, permanent ancillary facility installation activities, mobilization/drilling activities, and completion activities.

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The Construction Activities will minimize new disturbance and habitat fragmentation by consolidating infrastructure and confining all Project-related vehicle and equipment staging, parking, storage, laydown, and temporary equipment storage areas to previously disturbed areas to the greatest extent practicable.

Construction Activities

Site Preparation

Site preparation activities for the Project's well pad locations, roadway extensions, pipeline corridors, and utilities will include voluntary installation of temporary exclusion fencing to prohibit wildlife from entering the site, vegetation clearing, grading, dust control, and compaction of soil. Each well pad will require grading an approximately 170-foot by 75-foot (0.3-acre) disturbance area with an additional temporary sump excavation area of approximately 12-foot by 50-foot (0.01-acre) area to store drilling mud and cuttings. Sumps will be approximately 15 to 20 feet deep with the soil stockpiled on-site to be used as backfill upon completion of drilling activities. The soil within each temporary sump will be mechanically compacted using heavy equipment after excavation. All disturbance areas will remain unpaved. Site preparation will include the use of backhoes, front loaders, graders, scrapers, water trucks, rathole rigs, cranes, and work trucks.

Access Roads, Pipelines and Utility Corridors

New access roads will be created for access to the well pads and as central arterial roads. Roads to well pads will be approximately 10 feet wide and central arterial roads will be approximately 20 feet wide. Creation of new access roads will result in a total disturbance area of approximately 5 acres.

New pipelines installed within the Project Area will connect the new wells to the existing pipeline infrastructure. Steam pipelines, ranging from 3 to 8 inches in diameter, will be installed to carry steam to the steam injection wells from existing steam generation facilities located on the South Belridge Oil Field. Flow pipelines, approximately 2 to 3 inches in diameter, and condensate vapor recovery pipelines, ranging from 3 to 10 inches in diameter, will be installed to carry oil, produced water, and condensate vapor from the production wells to the existing dehydration facility on the South Belridge Oil Field. Pipeline corridors will be co-located along roads to the greatest extent possible to minimize new disturbance.

Temporary disturbance corridors approximately 20 feet wide will be created for pipeline installation, repair, or replacement, for a total of 9 acres. Temporary disturbance areas will be reclaimed after construction activities are complete. Permanent disturbance corridors from installed pipelines will be approximately 10 feet wide, for a total of 4 acres.

Pipelines will be placed a minimum of 12 inches above the ground and supported by either concrete sleepers or steel T-supports. Sleepers will be installed on the ground surface and staked into place. T-supports will be installed by auguring holes in the ground, placing the supports, and then using cement to set the supports into place. Pipelines will most likely be composed of carbon steel, cement-lined, or other materials, as appropriate. Pipeline installation will require the use of forklifts, cranes, and backhoes.

Overhead electrical lines will be co-located within the pipeline corridor rights-of-way and other disturbance areas or along roadways. Overhead electrical lines will be installed concurrently with the pipelines and any temporary disturbance associated with these lines will occur within the temporary pipeline disturbance corridor. Installation of overhead electrical distribution lines will require the use of bucket trucks, tensioners, and manlifts. Small segments of underground electric lines may need to be installed from the nearest pole to the new well head. These segments will be located within the well pad footprint.

Permanent Ancillary Facilities

Permanent ancillary facilities will include new manifolds, steam splitters, and the remote cyclic steam or other permanent infrastructure required for completing new wells. These facilities would be installed on small concrete pads within the well pad disturbance area.

Mobilization/Drilling

Designated staging areas located within the well pad disturbance areas will be prepared one at a time and will include temporary ancillary facilities, pipe racks, temporary staging tanks, vehicle parking, and the drilling supervisor's trailer. No permanent tanks, offices, or parking will be required in the Project Area. Once staging is complete for a site, a 90-foot-high drilling rig will be mobilized, rigged up, and drilling will commence. Up to two drilling rigs, the machines used to drill a wellbore, will be active in the designated drilling areas of the Project Area at any time. The drilling rig requires the use of a power system, hoisting system, rotating equipment, circulation system, and blowout prevention system.

As the well deepens during the drilling process, steel casing will be installed and cemented in the well to prevent the sides of the wellbore from collapsing or caving, to protect the wellbore against abnormal pressure, and to protect underground water and mineral-bearing formations. Potential hydrocarbon formations will be evaluated during the drilling activities. Sumps will be used to store drilling fluids, cuttings, and water produced during drilling operations. Approximately 2.5 acre-feet of water will be used for drilling operations for all wells constructed for this Project. Mobilization/drilling will include the use of a drilling rig, backhoe, forklifts or front loaders, semi-trucks to move the drilling rig, trailers for material delivery, trailers/living quarters, temporary tanks, cranes, cement pump trucks, water trucks and work trucks. Drilling operations will be conducted 24-hours per day, 7 days per week until all wells are completed.

Completion

The completion activities will occur concurrently with the mobilization/drilling activities. Once drilling activities reach the target depth, the wells will be fully tested and evaluated and then either completed and produced or plugged and abandoned. If a well is determined to have economic production potential, the well will be completed and the pumping unit or steam injection unit installed on the well pad area. The units will be mounted on a gravel base on the well pad. There is no permanent concrete foundation and no trenching required.

Upon completion of a well, any free liquid will be removed from the associated temporary sump and transferred to the location of the next well to be drilled. The sump will be closed by mixing non-hazardous solids with drying materials, then backfilling the sump using stockpiled soil materials. Sump closure will begin about two (2) days after drilling completion and requires approximately one (1) day to complete. Each sump will be filled within five (5) days after drilling is complete.

Completion activities include the use of a clean out run on pump (COROP) rig, cranes, manlifts, and work trucks. Completion of all Construction Activities is expected within approximately five years of the commencement of construction. Additional wells and associated facilities may be constructed during the permit term, but the total temporary and permanent disturbance amounts will not be exceeded and all wells drilled under this permit will be plugged and abandoned within the permit term. Replacement wells will be drilled if a well fails during the life of the permit. Replacement wells will utilize the existing well pad as feasible but may result in up to 0.155 acre of additional disturbance for each well.

Emergency Clean-Up

Even with preventative measures properly utilized during drilling, there is a risk that drilling activities may result in a spill and/or blowout (the uncontrolled release of crude oil from an oil well after pressure control systems have failed), which, in turn, would result in the release of gas and/or oil. Impacts within the 394-acre Project Area from spilled oil, produced water, or other hazardous substances and actions necessary to remediate or respond to such spills outside the spill footprint that affect more acreage than considered in this ITP (e.g., more than nine (9) acres of total temporary disturbance and zero (0) acres of permanent disturbance when taking into account the cumulative disturbance from all activities up until the time of the spill), are not covered by this ITP. In the event of a spill of oil, produced water, or other hazardous substance, CDFW will work with the Permittee to identify any impacts associated within the spill footprint (not covered by this ITP), as well as impacts associated with actions necessary to remediate the spill which are covered by this ITP, so long as the cumulative temporary disturbance impact cap is not exceeded. In the event of a spill, CDFW will evaluate impacts which are not described in or covered by this ITP, including impacts to all biological resources. Nothing in this ITP shall preclude CDFW's ability to assess injury to natural resources as a result of any spill and to seek damages from the Permittee or other responsible parties as appropriate.

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In the event of a blowout/spill, all procedures outlined in the Aera Energy Blowout Prevention Plan (2007) and the Aera Energy Drilling Emergency Action Plan for the Belridge Producing Complex (2014) will be followed. Drilling blowout prevention equipment will be selected and installed at each well during completion in accordance with the DOGGR (2006) Blowout Prevention in California: Equipment Selection and Testing manual (Publication No. MO7).

Emergency clean-up procedures typically include:

- Manual clean-up procedures utilizing shovels to separate oil from sand, hand tools to remove oil-coated grasses and weeds, and pruning shears to trim off oil-coated branches from plants.
- Mechanical clean-up procedures utilizing powered equipment such as backhoes and/or bobcats to remove oil-contaminated soil in large areas and/or create berms for oil spill containment.

Production/Operations and Maintenance Activities

The Project's oil production and O&M activities (collectively, O&M Activities) will include the use of both light and heavy equipment, limited to those areas already disturbed by Construction Activities, in association with:

- visual inspection and monitoring of production and ancillary facilities, safety systems, and equipment;
- well workover;
- pipeline inspection, maintenance and replacement;
- overhead electric power line inspection, maintenance, and replacement; and
- vegetation management.

For maintenance, each well will be visually inspected and serviced at least once a month pursuant to the requirements listed for maintenance and monitoring of production facilities, safety systems, and equipment (Cal. Code Regs., tit 14, § 1777). If downhole components of the well, such as tubing, safety valves, or electrical submersible pumps, malfunction, a workover of the well may be necessary. During a workover, a workover rig typically removes the wellhead and replaces the completion string.

Inspection, replacement, and maintenance of pipelines and pipeline corridors, including vegetation removal to allow for visual inspection, will occur at regular intervals pursuant to good oilfield practice and applicable standards (Cal. Code Regs., tit 14, § 1774). When pipelines are determined to be defective, replacement or repair will occur. The duration of pipeline maintenance activities varies with the length of the pipeline to be replaced or

repaired. Operators are required to prepare a pipeline management plan for all pipelines pursuant to the requirements listed for pipeline management (Cal. Code Regs., tit 14, § 1774.2).

A variety of trucks, hand tools, and a workover rig may be used during O&M Activities which will commence upon completion of each Construction Activity component and is expected to continue until the expiration of this ITP.

Well Plugging and Abandonment

Well plugging and abandonment will occur when a well is dry, becomes no longer needed, or is no longer productive. When this occurs, the associated wellhead equipment and all facilities, including associated pipelines, will be dismantled, salvaged, and stored at a central storage location within the Belridge Producing Complex. Facility closure and site reclamation would comply with DOGGR regulatory closure requirements, specifically, the well site and lease restoration requirements (Cal. Code Regs., tit. 14, § 1776), which requires all construction materials, cellars, production pads, and piers be removed and the resulting excavations filled with soil and properly compacted to prevent settling.

Well plugging and abandonment activities will take place within previously disturbed areas and require approximately 1 day per well to complete. Once the Project Area is abandoned, the area previously occupied by the well and ancillary facilities will be restored to the condition of the surrounding areas and original contours by removing artificial embankments, backfilling excavations, and grading and reseeding with vegetation or native seed at the appropriate time of year.

A variety of trucks and accessory equipment including pumps, portable tanks, and other equipment may be used to plug and abandon wells. Restoration may include the use of trucks and hand tools.

Project Summary

The Project includes the expansion of an oil production development at the southeast portion of the South Belridge Oil Field with approximately 131 wells within an approximately 287-acre Development Envelope. In summary, the Project activities include vegetation clearing, grading, dust control, compaction of soil, and excavation during site preparation activities for the Project's well pad locations, roadways, pipeline corridors, utilities, and sumps; pipeline installation and pipeline connection to the existing infrastructure; drilling and staging of ancillary facilities, pipe racks, temporary staging tanks, vehicle parking, and the drilling supervisor's trailer during drilling and mobilization activities; installation of pumping or steam injection units and closure of the sumps during completion; clean-up of a blowout or spill in the designated disturbance areas in the event one occurs; monitoring, inspecting, well workovers, pipeline testing/maintenance, vegetation management, well plugging, abandonment, dismantling, and site restoration during O&M activities.

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Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Giant kangaroo rat (<i>Dipodomys ingens</i>)	Endangered ³
2. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Threatened ⁴
3. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁵

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

Impacts of the Taking on Covered Species:

Project activities and their 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, clearing, removing vegetation, grading, leveling (soil cut and/or fill), soil compaction at well sites, and drilling; construction of new access roads, pipeline and utility corridors; excavation and backfilling of temporary sumps; installation of sleepers or T-supports to accommodate pipelines; installation of overhead electrical lines; direct contact with moving parts of wells; clean-up of accidental spills or blowouts of oil, produced water, or other hazardous materials commonly used in oil fields; transport of drill rigs, construction, and production materials and other Project-related traffic; installation of temporary exclusion fencing; ongoing O&M and repair of the new infrastructure constructed for this Project; ongoing O&M and repair of existing infrastructure within the Project Area; site restoration; and other activities described in the Project Description section of this ITP (Covered Activities). Oil spills and blow-outs are not a Covered Activity.

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as den or burrow collapse resulting in crushing or suffocation of underground individuals due to site preparation and excavation; entrapment and burial within open pipelines; crushing by equipment in the Project area; entanglement in, or crushing by, moving well parts; or by ingestion of, or entrapment in, spilled oil, produced water, or other hazardous materials. Incidental take, including mortality of Covered Species due to vehicle strikes may occur in connection with Project-related traffic during construction and ongoing O&M and repair activities. Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species via entrapment in holes or excavations, uncovering Covered

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

⁴See *Id.*, subd. (b)(6)(B).

⁵See *Id.*, subd. (b)(6)(E).

Species through the excavation of dens and burrow systems, by corralling Covered Species into a confined area if exclusion fencing is constructed around work disturbance areas, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: well pads, existing or new access roads, pipeline and utility corridors, at any other areas where Covered Activities will occur (collectively, the Work Area(s), and traveling to and from each Work Area within the Development Envelope as depicted in Figure 2 (collectively, the Project Area). The Work Area(s) are defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

The Project is expected to cause the permanent loss of 46 acres of habitat for the Covered Species and temporary loss of 9 acres of habitat for the Covered Species (Table 1). 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: stress resulting from noise and vibrations from soil disturbance and drilling, individual short-term and long-term health effects due to increased pollution, stress and exposure due to capture and relocation, displacement from preferred habitat, loss of foraging opportunities, increased competition for food and space, loss of denning and burrowing habitat used for shelter, and increased vulnerability to predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

Table 1
Project Impacts

	Previous Block 12 Development Area Impacts (acres)		Additional Block 12 Development Area Impacts (acres)		Total (acres)	
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary
New Well Pad Impacts (acres)	13	0	15	0	28	0
Replacement Well Pad Impacts (acres)	3	0	6	0	9	0
Access Road Impacts (acres)	2	0	3	0	5	0
Pipeline Impacts (acres)	1	5	3	4	4	9
Total (acres)	19	5	27	4	46	9

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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 capture 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, and noise and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Revisions to the Kern County Zoning Ordinance - 2015 (C), Focused on Oil and Gas Permitting Environmental Impact Report (SCH No.: 2013081079) certified by Kern County on October 30, 2015 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in any Lake or Streambed Alteration (LSA) Agreement issued for this Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the incidental take permit and corresponding Aera Energy LLC Block 12 Development Project Habitat Conservation Plan that will be issued for the Project pursuant to the federal Endangered Species Act (ESA), unless those terms and conditions are less protective of the Covered Species or otherwise conflict with the conditions of this ITP. In those instances, the conditions of approval set forth in this ITP shall control.

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

6. General Provisions:

- 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 6.2. Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist within 30 days of issuance of this 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(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat and San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Biological Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Biological Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Biological Monitor. Biological Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Biological 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.

- 6.3. Designated Biologist/Biological Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and Biological Monitor 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.
- 6.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for all Covered Species 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.
- 6.5. 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.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.

- 6.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 6.9. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 6.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 6.4.
- 6.11. Delineation of Project Boundaries. Permittee shall clearly delineate the boundaries of each Work Area within the Project Area where the Covered Activities will occur during each specific Project phase, with fencing, stakes, or flags before starting Covered Activities along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of all Covered Activities in each Work Area.
- 6.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project 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.
- 6.13. 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. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. 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.

- 6.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Work Area(s) using previously disturbed areas, to the extent practicable. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Work Area(s) within the Project Area unless provided for as described in Condition of Approval 6.11 above.
- 6.15. Oil Containment. Permittee shall keep oil out of open sumps. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a sump, Permittee shall employ measures to preclude Covered Species access to that pit until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.
- 6.16. Facility and Equipment Operation. Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.
- 6.17. 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 also ensure the storage, use, handling, and disposal of hazardous materials in the Project Area are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.
- 6.18. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.19. 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.
- 6.20. Herbicide Use. Permittee shall ensure that any application of herbicide is done by a licensed applicator in accordance with all applicable federal, state, and local

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laws and regulations. Permittee shall minimize herbicide use and shall only use those herbicides approved by CDFW.

- 6.21. Rodenticide Use. Permittee shall prohibit the use of rodenticides in the Project Area.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least 14 days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner than 14 days after its receipt of the notification.
- 7.2. Notification of Non-compliance. The Designated Representative or Designated Biologist 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 or Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Giant Kangaroo Rat (GKR) Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW no later than 30 days after the issuance of this ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist or approved Biological Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.

- 7.4. San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW no later than 30 days after the issuance of this ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist or approved Biological Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all SJAS relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 7.5. San Joaquin Kit Fox (SJKF) Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW no later than 30 days after the issuance of this ITP. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.
- 7.6. Compliance Monitoring. A Designated Biologist shall be on-site for the duration of the day on which ground disturbing activities are conducted during construction, planned maintenance, or unplanned maintenance activities and on all days when construction, planned maintenance, or unplanned maintenance activities occurs in any footprint with vegetation, small mammal burrows, and/or where potential

Covered Species dens or burrows do or may occur. The Designated Biologist(s) on-site shall have been approved by CDFW for the Covered Species which could be taken during the Covered Activities occurring on that day. The Designated Biologist(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 no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Work Areas within the Project Area. The Designated Representative or Designated Biologist(s) 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) shall conduct daily compliance inspections during the Construction Activities Phase. The Designated Biologist(s) shall conduct compliance inspections a minimum of once per month during the O& M Activities Phase.

- 7.7. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 7.9 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 7.13 below shall include cumulative results, analysis of data collected, and conclusions.
- 7.8. As-Built Development Plans. Permittee shall submit as-built development plans to CDFW within six (6) months of completing Construction Activities. The as-built plan sheets shall delineate and quantify the extent of all permanent Project features, including wells, access roads, pipelines, and all other ancillary facilities and features associated with the Project. The as-built plans shall include an estimate of the temporary disturbance during construction by highlighting the temporary disturbance areas on the as-built plan sheets. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Construction Activities are complete and shall be verified by the Designated Biologist. The plans shall be

submitted in Portable Document Format (PDF) or a similar electronic format and as shapefiles for use in ArcMap.

- 7.9. Monthly Compliance Report (Construction Activities). The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.6 and 7.7 into a Monthly 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 for Construction Activities. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and a total since ITP issuance; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Area during the coming month; a summary of all pre-activity surveys conducted; and the number of wells, pipelines, roads, and other ground disturbing activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative on the 15th of each month, to CDFW's Regional Office, 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.
- 7.10. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.9; (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 MMRP table 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) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or a den or burrow was encountered, location, if avoidance was achieved, and if not, what other measures were implemented; (7) beginning and ending dates of any

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construction activities, O&M, emergency-related activities, and other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; and (9) a summary of the cumulative status of the amount of permanent and temporary habitat disturbance acreage that occurred within the Project area during the prior year and in all previous years since ITP issuance; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project area during the coming year; and a summary of the annual and cumulative number of wells, pipelines, roads, and other ground- or vegetation-disturbing activities authorized under the Covered Activities which occurred during the reporting year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 7.9 above.

- 7.11. Emergency Clean-Up Report. Permittee shall notify CDFW immediately of an oil spill and/or blowout by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. Permittee shall also immediately notify the Designated Biologist to be on-site to monitor clean-up activities. The initial notification shall be followed by a written incident report (Emergency Clean-Up Report) within two (2) calendar days of the spill and/or blowout. The Emergency Clean-Up Report shall include the date and time the spill and/or blowout began, location, circumstances of the incident, estimated disturbance area, number of animals taken or injured due to the incident, ITP Number, any other pertinent information, and photograph(s), if possible.
- 7.12. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area 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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.13. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly 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.

- 7.14. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.

8. Take Minimization Measures:

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

Specific Measures for Facilities Construction, Drilling, Abandonment, Spill Response and Remediation, and Ground- or Vegetation-Disturbing O&M Activities

- 8.1. Designated Biologist On-site. The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species.
- 8.2. Work Hours. Permittee shall confine all ground- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Any vehicle traffic necessary during nighttime hours for all other activities within the Project Area shall not exceed a speed limit of 10 miles per hour and shall be conducted with extra caution to minimize impacts to Covered Species.
- 8.3. Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 8.4. Equipment Fueling. Permittee shall complete all equipment fueling and equipment maintenance at least 100 feet from Covered Species dens, burrows, or precincts. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all equipment fueling locations.

- 8.5. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or precincts. To the greatest extent practicable, vehicles left overnight shall not be located at least 50 feet of all Covered Species dens or burrows.
- 8.6. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.
- 8.7. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species use. In all locations, bundled or loose materials not be shall be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Pallets or materials on skids outside of SJKF exclusionary fencing shall be spread out to avoid creating corridors attractive to SJKF or placed on taller skids to elevate them high enough from the ground to discourage SJKF using the materials as a den.
- 8.8. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State" in accordance with Fish and Game Code 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 8.9. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.
- 8.10. Trench Inspection. The Designated Biologist shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and

end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations of any depth with sidewalls greater than 1:1 (45 degree) slope and no escape ramps with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. Designated Biologist shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the Covered Species as per the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.

- 8.11. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.

- 8.12. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species which could harm the animal shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.
- 8.13. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 8.14, 8.24, and 8.28. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 8.17, 8.20, 8.25, 8.26, 8.29, and 8.30.

GKR Specific Measures

- 8.14. GKR Burrow Map Surveys and Burrow Avoidance. The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify and flag all potential GKR burrows, whether they appear active or inactive, within the Work Area and buffer no more than 14 days prior to initiating any Covered Activities in each Work Area of the Project Area. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within the Work Area. If the 50 foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.15, 8.16, 8.17, and 8.20 below. Permittee shall provide the GKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion and prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will commence as described in Condition of Approval 7.3.
- 8.15. GKR Temporary Exclusion Fencing. Permittee shall install Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area

immediately following surveys to flag all potential GKR burrows in accordance with Condition of Approval 8.14 above. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist using hand tools within the Work Area. Permittee shall install Temporary Exclusion Fencing in a sequential manner that corresponds to the progression of active Covered Activities at the Work Area. Temporary Exclusion Fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.

- 8.16. GKR Temporary Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as high winds and heavy rain for the duration of the Covered Activities in that Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.
- 8.17. GKR Relocation. Any potential GKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 8.14 shall be live trapped by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 7.3). The Designated Biologist shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials within the release cages or artificial burrows.
- 8.18. GKR January 1-August 31 Trapping Constraints. To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise. The Designated Biologist shall release any captured pregnant or lactating/nursing female or dependent juvenile GKR immediately at the trap location.

- 8.19. GKR Weather Constraints for Trapping. During the threat of inclement weather, such as the National Weather Service **prediction** of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for GKR. Additionally, the Designated Biologist shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.
- 8.20. GKR Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 8.17 and prior to commencing Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential GKR burrows within the fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 7.3). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.
- 8.21. GKR Pregnant or Lactating Females and Dependent Juveniles. Permittee shall minimize disturbance to pregnant or lactating female or dependent juvenile GKR trapped and released according to Condition of Approval 8.18 above during burrow excavation. Permittee shall not excavate precincts known to contain a pregnant or lactating female and/or dependent juvenile GKR. Permittee shall maintain a 250-foot buffer between precincts containing pregnant or lactating females and/or dependent juvenile GKR and all Covered Activities until lactation has ceased. The Designated Biologist may monitor activity at the precinct with a remote camera. Because the occupied precinct will be enclosed with fencing that could potentially inhibit or preclude foraging, the Designated Biologist shall place a sufficient amount of seed to sustain a nursing female with dependents at the precinct opening. If the Designated Biologist can determine with certainty which precinct the pregnant and/or lactating female with dependents is occupying, adjacent precincts may be excavated only if impacts to the precinct occupied by the pregnant and/or lactating female with dependents are completely avoided.
- 8.22. Protection of GKR Food Stores. Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 7.3, Permittee shall leave undisturbed any

GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.

SJAS Specific Measures

- 8.23. SJAS Pre-Activity Surveys. The Designated Biologist shall perform a Pre-Activity Survey for SJAS no more than 14 days prior to initiating Covered Activities in each Work Area of the Project Area. The Pre-Activity Survey shall cover the Work Area and 50 feet beyond the limits of the Work Area to identify all potential burrows used by Covered Species. The Pre-Activity survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval 7.4.
- 8.24. SJAS Burrow Avoidance. The Designated Biologist shall establish a 50-foot or greater no-disturbance buffer around suspected or known to be occupied SJAS burrows within or adjacent to the Project Area to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.25 and 8.26 below.
- 8.25. SJAS Relocation. The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within each Work Area of the Project Area that cannot be avoided per Condition of Approval 8.24 prior to commencing ground- or vegetation-disturbing Covered Activities. The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 7.4). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice).

Approval to conduct relocation outside of this time period will require the seven-day forecast **predicted by the National Weather Service** that can be independently verified by both CDFW and the Permittee to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site. Traps shall only be open during the time of day when **on-site temperatures** are within the 68 to 86 degrees Fahrenheit criterion and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.

- 8.26. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 8.25 and prior to commencing Covered Activities within a particular Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 8.25 above. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 7.4). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.

SJKF Specific Measures

- 8.27. SJKF Pre-Activity Surveys. The Designated Biologist shall perform a Pre-Activity Survey for SJKF no more than 14 days prior to conducting Covered Activities in the Project Area. The Pre-Activity Survey shall cover the Project Area and 50 feet

beyond the limits of the Project Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential SJKF dens, a discussion and map of the locations of each potential, known, and natal SJKF den.

- 8.28. SJKF Den Avoidance. Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in that Work Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. To avoid SJKF dens during Covered Activities, Permittee shall establish a minimum 50-foot no-disturbance buffer around a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) or if a SJKF is found in an "atypical" den (e.g., a pipe or culvert). If a known den (one that shows evidence of current use) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Area.
- 8.29. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 8.28, with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance.

If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval 8.30) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 7.5.

- 8.30. SJKF Den Excavation. The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.28 only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.
- 8.31. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any

costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) days calendar days of the incident as described in Condition of Approval 7.14.

Specific Measures for All Non-Ground- or Non-Vegetation-Disturbing O&M Activities

- 8.32. O&M Activity Requirement. Permittee shall implement all General Provisions set forth in Conditions of Approval 6 and 7 of this ITP for all non-ground- or non-vegetation-disturbing O&M Covered Activities.
- 8.33. O&M Activity Designated Biologist On-site. The CDFW-approved Designated Biologist or Biological Monitor shall be on-site during all activities that may result in the take of Covered Species.
- 8.34. O&M Activity Work Hours. Permittee shall confine any non-ground- or non-vegetation-disturbing O&M Covered Activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response, security, or O&M be conducted at speeds of less than 10 miles per hour (mph) to minimize impacts to nocturnal Covered Species, GKR and SJKF.
- 8.35. O&M Activity Vehicle Parking. During all non-ground- or non-vegetation-disturbing O&M Covered Activities, Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or precincts. Vehicles left overnight shall not be located within 50 feet of small mammal burrows.
- 8.36. O&M Activity Vehicle and Equipment Inspection. During all non-ground- or non-vegetation-disturbing O&M Activities, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If the Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of this ITP.
- 8.37. O&M Activity Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly

inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email prior to proceeding with eviction of the Covered Species.

- 8.38. O&M Activity Covered Species Observations. During all non-ground- or non-vegetation-disturbing O&M Covered Activities, workers shall inform the Designated Biologist immediately if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species is moved by the Designated Biologist or it moves from the Project Area of its own accord.
- 8.39. O&M Activity GKR Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows or precincts during all non-ground- or non-vegetation-disturbing O&M Covered Activities. If the 50-foot no-disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.17 and 8.20 above.
- 8.40. O&M Activity SJAS Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows during Covered Activities. If the 50-foot no-disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.25 and 8.26 above.
- 8.41. O&M Activity SJKF Den Avoidance. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered, prior to conducting non-ground- or non-vegetation disturbing O&M activities, a minimum 50-foot no-disturbance buffer shall be established around the den. If a known den (one that shows evidence of current use or use in the past) is discovered prior to conducting O&M Activities, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with 2 or more openings) is discovered prior to conducting non-ground- or non-vegetation disturbing O&M activities, a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Area. If these

no-disturbance buffers cannot be established, then den excavation shall occur in accordance with Condition of Approval 8.30 above.

- 8.42. O&M Activity Covered Species Injury. If a Covered Species is injured as a result of conducting O&M Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) days calendar days of the incident as described in Condition of Approval 7.14.

9. Habitat Management Land Acquisition and Restoration:

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 acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall provide for the permanent protection and management of 214.8 acres of Habitat Management (HM) lands, including the 80.8 credits previously deducted at the Coles Levee Ecosystem Preserve and 32 credits previously purchased from Kern Water Bank Authority as required by CESA ITP No. 2081-2014-043-04 for the original Block 12 Project now covered by this ITP.

To meet the requirement for additional compensatory habitat, the Permittee shall provide for both the permanent protection and management of 102 acres of HM lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.3 below. The HM Lands shall consist of the following properties owned in fee by the Permittee:

- "Section 20" (60 acres), located approximately 4 miles northeast of the Project Area, 1.5 miles south of Lerdo Highway and 0.1 mile east of the California Aqueduct (Figure 1).
- "Section 28" (42 acres), located approximately 3 miles southeast of the Project Area and 1.5 miles east of State Route 33 (Figure 1).

Permanent protection and funding for perpetual management of these HM Lands must be complete before starting Covered Activities. To satisfy this condition, Permittee must obtain written approval from CDFW for both the form of the conservation easement and

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the title review and record CDFW-approved conservation easements on the above described properties totaling 102 acres and deposit the costs for the long-term management endowment, initial and capital costs, and interim costs (first 3 years of management) for all such HM Lands prior to engaging in any Covered Activities.

The Permittee shall also restore the on-site nine acres of temporarily impacted Covered Species habitat after completion of Construction Activities and 37 acres of permanently impacted Covered Species habitat once all wells are plugged and abandoned prior to the end of the permit term pursuant to Condition of Approval 9.5 below.

9.1 Cost Estimates. The Permittee owns the HM lands which will be protected from trespass (fenced) and placed under recorded conservation easement in advance of initiating Covered Activities. CDFW has estimated the cost of the perpetual management of the HM lands, including those associated with transaction fees, a short-term interim management period, and the long-term in perpetuity:

9.1.1. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at **\$143,410.96**;

9.1.2. Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at **\$184,721.06**;

9.1.3. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$11,135.91/acre for 102 acres at two (2) sites: **\$1,135,862.40**. This is an initial estimate of the long-term management funding for implementation of HM lands management and will be finalized through the development of the final management plan as described in Condition of Approval 9.2.5 and calculation of the endowment fund as described in Condition of Approval 9.3.2.

9.1.4. Related transaction fees including but not limited to 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 as described in Condition of Approval 9.4, estimated at **\$12,000.00**.

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

9.2.1. 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);

- 9.2.2. 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;
- 9.2.3. 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;
- 9.2.4. 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.

- 9.2.5. 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 <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (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; (7) equipment purchases; and (8) installing signage;
- 9.2.6. 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, Covered Species monitoring surveys, equipment, travel, and other necessary management activities. 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.
- 9.3. 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 9.2.5. 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.

9.3.1. 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).;

9.3.2. 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.

9.3.2.1. 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.

9.3.2.2. 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:

9.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

9.3.2.2.3. 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.

9.3.3. 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 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.

- 9.4. 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.
- 9.5. Habitat Restoration. Once Construction Activities are complete, all areas of temporary impacts shall be restored to pre-Project or better condition. Additionally, once each well is plugged and abandoned, Permittee shall restore that specific Work Area previously occupied by the well and ancillary facilities to the condition of the surrounding areas and original contours by removing artificial embankments, backfilling excavations, and grading and reseeding using vegetation or native seeding at the appropriate time of year. Within six (6) months of issuance of this ITP, the Permittee shall submit to CDFW for approval a Habitat Restoration Plan to facilitate revegetation of the temporary impact areas and the abandoned well Work Area(s) and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas and abandoned well Work Area(s), such as native seed mixes, application methods, avoidance and minimization measures, restoration measures, proposed performance criteria, and a funding source to cover the costs of restoration. The plan shall also indicate the best time of year for seeding to occur to ensure adequate growth without supplemental watering or shall describe the methods of supplemental watering delivery.

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,

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section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-047-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4022

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

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

Sarah Bahm
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014
Fax (559) 243-4020

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, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Revisions to the Kern County Zoning Ordinance - 2015 (C), Focused on Oil and Gas Permitting Environmental Impact Report (EIR) (SCH No.: 2013081079) dated July 2015 that Kern County certified on October 30, 2015. At the time the lead agency certified the EIR and approved the Project, it also adopted mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's 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 Revisions to the Kern County Zoning Ordinance - 2015 (C), Focused on Oil and Gas Permitting EIR, the results of site visits and consultations, and the administrative record of proceedings, that issuance of

Incidental Take Permit
No. 2081-2018-047-04
AERA ENERGY LLC
BLOCK 12 DEVELOPMENT PROJECT

this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of a total of 214.8 acres 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

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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.

Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Area Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A	Proposed Lands for Acquisition Form
ATTACHMENT 2B	Habitat Management Lands Checklist

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on

12/10/18



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:

Christina S. Sistrunk

Date:

5/8/19

Printed Name:

Christina S. Sistrunk

Title:

President & CEO
Aera Energy, LLC

Incidental Take Permit
No. 2081-2018-047-04
AERA ENERGY LLC
BLOCK 12 DEVELOPMENT PROJECT

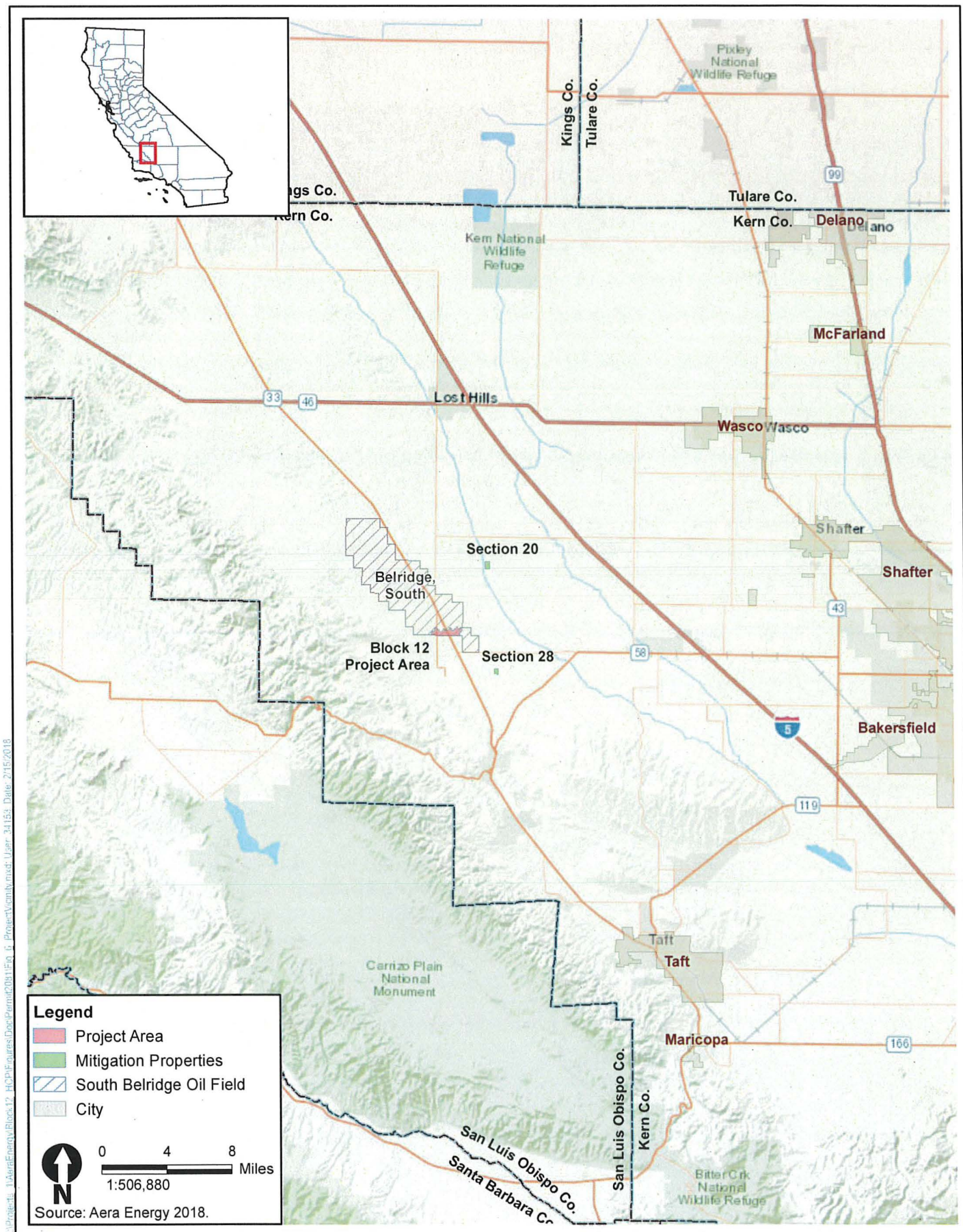
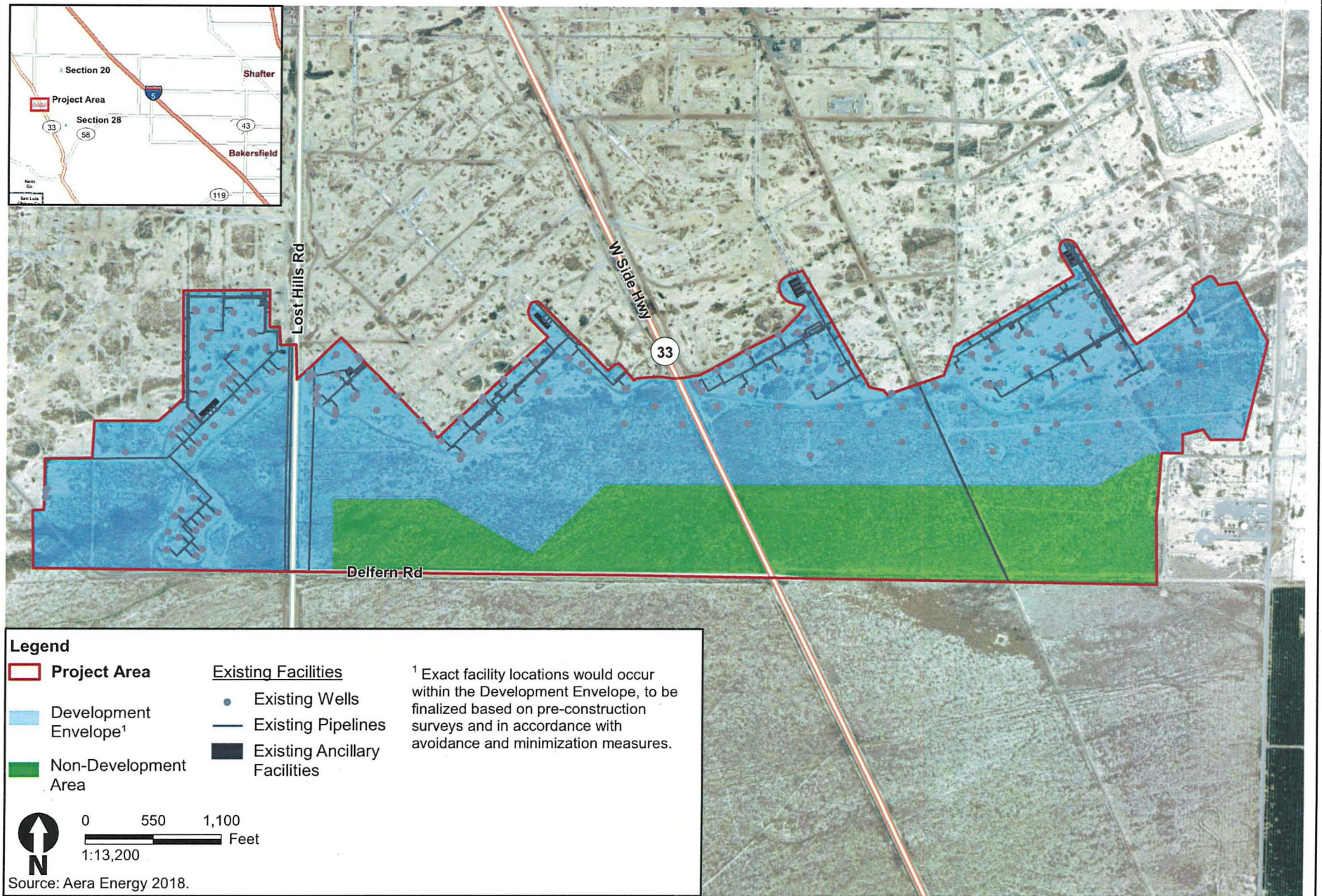


Figure 1 Project Vicinity
Aera Energy Block 12 Development Project

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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. 2081-2018-047-04

PERMITTEE: Aera Energy LLC

PROJECT: Block 12 Development Project

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 # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist within 30 days of issuance of 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(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat and San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Biological Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Biological Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Biological Monitor. Biological Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Biological 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 # 6.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for all Covered Species 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 # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	Delineation of Project Boundaries. Permittee shall clearly delineate the boundaries of each Work Area within the Project Area where the Covered Activities will occur during each specific Project phase, with fencing, stakes, or flags before starting Covered Activities along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of all Covered Activities in each Work Area.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project 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.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Notification Before Commencement. The Designated Representative shall notify CDFW at least 14 days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner than 14 days after its receipt of the notification.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Giant Kangaroo Rat (GKR) Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW no later than 30 days after the issuance of the ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist or approved Biological Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of the ITP. Any proposed changes to the CDFW approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan.</u> Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW no later than 30 days after the issuance of the ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist or approved Biological Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all SJAS relocation activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>San Joaquin Kit Fox (SJKF) Den Replacement Plan.</u> Permittee shall submit a SJKF Den Replacement Plan to CDFW no later than 30 days after the issuance of the ITP. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 8.14, 8.24, and 8.28. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 8.17, 8.20, 8.25, 8.26, 8.29, and 8.30.	ITP Condition # 8.13	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<u>GKR Burrow Map Surveys and Burrow Avoidance.</u> The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify and flag all potential GKR burrows, whether they appear active or inactive, within the Work Area and buffer no more than 14 days prior to initiating any Covered Activities in each Work Area of the Project Area. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within the Work Area. If the 50 foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.15, 8.16, 8.17, and 8.20 below. Permittee shall provide the GKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion and prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will commence as described in Condition of Approval 7.3.	ITP Condition # 8.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<u>GKR Temporary Exclusion Fencing.</u> Permittee shall install Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area immediately following surveys to flag all potential GKR burrows in accordance with Condition of Approval 8.14 above. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist using hand tools within the Work Area. Permittee shall install Temporary Exclusion Fencing in a sequential manner that corresponds to the progression of active Covered Activities at the Work Area. Temporary Exclusion Fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.	ITP Condition # 8.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<u>GKR Temporary Exclusion Fencing Installation.</u> The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as high winds and heavy rain for the duration of the Covered Activities in that Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 8.16	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>GKR Relocation.</u> Any potential GKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 8.14 shall be live trapped by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured GKR to the CDFW approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 7.3). The Designated Biologist shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials within the release cages or artificial burrows.	ITP Condition # 8.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>GKR January 1-August 31 Trapping Constraints.</u> To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise. The Designated Biologist shall release any captured pregnant or lactating/nursing female or dependent juvenile GKR immediately at the trap location.	ITP Condition # 8.18	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>GKR Weather Constraints for Trapping.</u> During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for GKR. Additionally, the Designated Biologist shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.	ITP Condition # 8.19	Before commencing ground- or vegetation-disturbing activities	Permittee	
19	<u>GKR Burrow Excavation.</u> Immediately following live trapping activities conducted to address Condition of Approval 8.17 and prior to commencing Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential GKR burrows within the fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR encountered during burrow excavation to the CDFW approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 7.3). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.	ITP Condition # 8.20	Before commencing ground- or vegetation-disturbing activities	Permittee	
20	<u>GKR Pregnant or Lactating Females and Dependent Juveniles.</u> Permittee shall ensure that pregnant or lactating female or dependent juvenile GKR are not disturbed during burrow excavation. Permittee shall not excavate precincts containing a pregnant or lactating female and/or dependent juvenile GKR. Permittee shall maintain a 250-foot buffer between precincts containing pregnant or lactating females and/or dependent juvenile GKR and all Covered Activities until lactation has ceased. The Designated Biologist may monitor activity at the precinct with a remote camera. Because the occupied precinct will be enclosed with fencing that could potentially inhibit or preclude foraging, the Designated Biologist shall place a sufficient amount of seed to sustain a nursing female with dependents at the precinct opening. If the Designated Biologist can determine with certainty which precinct the pregnant and/or lactating female with dependents is occupying, adjacent precincts may be excavated only if impacts to the precinct occupied by the pregnant and/or lactating female with dependents are completely avoided.	ITP Condition # 8.21	Before commencing ground- or vegetation-disturbing activities	Permittee	
21	<u>Protection of GKR Food Stores.</u> Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 7.3, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.	ITP Condition # 8.22	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<u>SJAS Pre-Activity Surveys.</u> The Designated Biologist shall perform a Pre-Activity Survey for SJAS no more than 14 days prior to initiating Covered Activities in each Work Area of the Project Area. The Pre-Activity Survey shall cover the Work Area and 50 feet beyond the limits of the Work Area to identify all potential burrows used by Covered Species. The Pre-Activity survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval 7.4.	ITP Condition # 8.23	Before commencing ground- or vegetation-disturbing activities	Permittee	
23	<u>SJAS Burrow Avoidance.</u> The Designated Biologist shall establish a 50 foot or greater no-disturbance buffer around suspected or known to be occupied SJAS burrows within or adjacent to the Project Area to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.25 and 8.26 below.	ITP Condition # 8.24	Before commencing ground- or vegetation-disturbing activities	Permittee	
24	<u>SJAS Relocation.</u> The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within each Work Area of the Project Area that cannot be avoided per Condition of Approval 8.24 prior to commencing ground- or vegetation-disturbing Covered Activities. The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 7.4). SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). Approval to conduct relocation outside of this time period will require the seven-day forecast predicted by the National Weather Service that can be independently verified by both CDFW and the Permittee to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site. Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86 degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.	ITP Condition # 8.25	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<u>SJAS Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 8.25 and prior to commencing Covered Activities within a particular Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 8.25 above. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 7.4). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the commencement of live trapping.	ITP Condition # 8.26	Before commencing ground- or vegetation-disturbing activities	Permittee	
26	<u>SJKF Pre-Activity Surveys</u> . The Designated Biologist shall perform a Pre-Activity Survey for SJKF no more than 14 days prior to conducting Covered Activities in the Project Area. The Pre-Activity Survey shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential SJKF dens, a discussion and map of the locations of each potential, known, and natal SJKF den.	ITP Condition # 8.27	Before commencing ground- or vegetation-disturbing activities	Permittee	
27	<u>SJKF Den Avoidance</u> . Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in that Work Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. To avoid SJKF dens during Covered Activities, Permittee shall establish a minimum 50-foot no disturbance buffer around a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) or if a SJKF is found in an "atypical" den (e.g., a pipe or culvert). If a known den (one that shows evidence of current use) is discovered, Permittee shall establish a minimum no disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, a no disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF occupied natal dens are discovered within or immediately adjacent to the Project Area.	ITP Condition # 8.28	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>SJKF Den Replacement</u> . Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 8.28, with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100 meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval 8.30) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 7.5.	ITP Condition # 8.29	Before commencing ground- or vegetation-disturbing activities	Permittee	
29	<u>SJKF Den Excavation</u> . The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 8.28 only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no disturbance buffer may be removed once the SJKF is no longer using the area.	ITP Condition # 8.30	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<p><u>Habitat Management Land Acquisition and Restoration.</u> 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 acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall provide for the permanent protection and management of 214.8 acres of Habitat Management (HM) lands, including the 80.8 credits previously deducted at the Coles Levee Ecosystem Preserve and 32 credits previously purchased from Kern Water Bank Authority as required by CESA ITP No. 2081-2014-043-04 for the original Block 12 Project now covered by the ITP.</p> <p>To meet the requirement for additional compensatory habitat, the Permittee shall provide for both the permanent protection and management of 102 acres of HM lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.3 below. The HM Lands shall consist of the following properties owned in fee by the Permittee:</p> <ul style="list-style-type: none"> • "Section 20" (60 acres), located approximately 4 miles northeast of the Project Area, 1.5 miles south of Lerdo Highway and 0.1 mile east of the California Aqueduct. • "Section 28" (42 acres), located approximately 3 miles southeast of the Project Area and 1.5 miles east of State Route 33. <p>Permanent protection and funding for perpetual management of these HM Lands must be complete before starting Covered Activities. To satisfy this condition, Permittee must obtain written approval from CDFW for both the form of the conservation easement and the title review and record CDFW-approved conservation easements on the above described properties totaling 102 acres and deposit the costs for the long-term management endowment, initial and capital costs, and interim costs (first 3 years of management) for all such HM Lands prior to engaging in any Covered Activities.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<p>Cost Estimates. The Permittee owns the HM lands which will be protected from trespass (fenced) and placed under recorded conservation easement in advance of initiating Covered Activities. CDFW has estimated the cost of the perpetual management of the HM lands, including those associated with transaction fees, a short-term interim management period, and the long term in perpetuity:</p> <ul style="list-style-type: none"> i) Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.2.5 below, estimated at \$143,410.96; ii) Interim management period funding as described in Condition of Approval 9.2.6 below, estimated at \$184,721.06; iii) Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$11,135.91/acre for 102 acres at two (2) sites: \$1,135,862.40. This is an initial estimate of the long-term management funding for implementation of HM lands management and will be finalized through the development of the final management plan as described in Condition of Approval 9.2.5 and calculation of the endowment fund as described in Condition of Approval 9.3.2. iv) Related transaction fees including but not limited to 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 as described in Condition of Approval 9.4, estimated at \$12,000.00. 	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
32	<p>Habitat Acquisition and Protection. To provide for the 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).</p>	ITP Condition # 9.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
33	<p>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.</p>	ITP Condition # 9.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
34	<p>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.</p>	ITP Condition # 9.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<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 # 9.2.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
36	<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 http://www.dfg.ca.gov/habcon/conplan/mitbank/); (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; (7) equipment purchases; and (8) installing signage.	ITP Condition # 9.2.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
37	<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, Covered Species monitoring surveys, equipment, travel, and other necessary management activities. 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 # 9.2.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
38	<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 9.2.5. 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. 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.	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<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).	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
40	<u>Calculate the Endowment Funds Deposit.</u> 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.	ITP Condition # 9.3.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
41	<u>Capitalization Rate and Fees.</u> 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.	ITP Condition # 9.3.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
42	<u>Endowment Buffers/Assumptions.</u> 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: <ul style="list-style-type: none"> • 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. • Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. • 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. 	ITP Condition # 9.3.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
43	<u>Transfer Long-term Endowment Funds.</u> 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.	ITP Condition # 9.3.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<u>Reimburse CDFW</u> . 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.	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
BEFORE NON-GROUND- OR NON-VEGETATION-DISTURBING OPERATION AND MAINTENANCE (O&M) ACTIVITIES					
45	<u>O&M Activity Requirement</u> . Permittee shall implement all General Provisions set forth in Conditions of Approval 6 and 7 of the ITP for all non-ground- or non-vegetation-disturbing O&M Covered Activities.	ITP Condition # 8.32	Before commencing non-ground- or non-vegetation-disturbing O&M activities / Entire Project	Permittee	
46	<u>O&M Activity GKR Burrow Avoidance</u> . The Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows or precincts during all non-ground- or non-vegetation-disturbing O&M Covered Activities. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.17 and 8.20 above.	ITP Condition # 8.39	Before commencing non-ground- or non-vegetation-disturbing O&M activities	Permittee	
47	<u>O&M Activity SJAS Burrow Avoidance</u> . The Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows during Covered Activities. If the 50-foot no disturbance buffer cannot be established; live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 8.25 and 8.26 above.	ITP Condition # 8.40	Before commencing non-ground- or non-vegetation-disturbing O&M activities	Permittee	
48	<u>O&M Activity SJKF Den Avoidance</u> . If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered, prior to conducting non-ground- or non-vegetation disturbing O&M activities, a minimum 50-foot no disturbance buffer shall be established around the den. If a known den (one that shows evidence of current use or use in the past) is discovered prior to conducting O&M Activities, Permittee shall establish a minimum no disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with 2 or more openings) is discovered prior to conducting non-ground- or non-vegetation disturbing O&M activities, a no disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Area. If these no disturbance buffers cannot be established, then den excavation shall occur in accordance with Condition of Approval 8.30 above.	ITP Condition # 8.41	Before commencing non-ground- or non-vegetation-disturbing O&M activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION ACTIVITIES					
49	<u>Compliance Monitoring.</u> A Designated Biologist shall be on site for the duration of the day on which ground disturbing activities are conducted during construction, planned maintenance, or unplanned maintenance activities and on all days when construction, planned maintenance, or unplanned maintenance activities occurs in any footprint with vegetation, small mammal burrows, and/or where potential Covered Species dens or burrows do or may occur. The Designated Biologist(s) on site shall have been approved by CDFW for the Covered Species which could be taken during the Covered Activities occurring on that day. The Designated Biologist(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 no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Work Areas within the Project Area. The Designated Representative or Designated Biologist(s) 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) shall conduct daily compliance inspections during the Construction Activities Phase. The Designated Biologist(s) shall conduct compliance inspections a minimum of once per month during the O& M Activities Phase.	ITP Condition # 7.6	Entire Project	Permittee	
50	<u>Record of Covered Species Relocation Efforts.</u> The Designated Biologist shall maintain a record of all SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 7.9 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 7.13 below shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 7.7	Entire Project	Permittee	
51	<u>Monthly Compliance Report (Construction Activities).</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.6 and 7.7 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure for Construction Activities. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and a total since ITP issuance; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Area during the coming month; a summary of all pre activity surveys conducted; and the number of wells, pipelines, roads, and other ground disturbing activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative on the 15th of each month, to CDFW's Regional Office, and Headquarters CESA Program. At the time of the 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 # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.9; (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 this MMRP table 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) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or a den or burrow was encountered, location, if avoidance was achieved, and if not, what other measures were implemented; (7) beginning and ending dates of any construction activities, O&M, emergency-related activities, and other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; and (9) a summary of the cumulative status of the amount of permanent and temporary habitat disturbance acreage that occurred within the Project area during the prior year and in all previous years since ITP issuance; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project area during the coming year; and a summary of the annual and cumulative number of wells, pipelines, roads, and other ground- or vegetation-disturbing activities authorized under the Covered Activities which occurred during the reporting year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 7.9 above.	ITP Condition # 7.10	Entire Project	Permittee	
53	<u>Emergency Clean-Up Report.</u> Permittee shall notify CDFW immediately of an oil spill and/or blowout by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. Permittee shall also immediately notify the Designated Biologist to be on-site to monitor clean-up activities. The initial notification shall be followed by a written incident report (Emergency Clean Up Report) within two (2) calendar days of the spill and/or blowout. The Emergency Clean-Up Report shall include the date and time the spill and/or blowout began, location, circumstances of the incident, estimated disturbance area, number of animals taken or injured due to the incident, ITP Number, any other pertinent information, and photograph(s), if possible.	ITP Condition # 7.11	Entire Project	Permittee	
54	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area 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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.12	Entire Project	Permittee	
55	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
56	<u>Designated Biologist On-site.</u> The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species.	ITP Condition # 8.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<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 # 6.5	Entire Project	Permittee	
58	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 6.8	Entire Project	Permittee	
59	<u>Firearms and Dogs.</u> Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 6.9	Entire Project	Permittee	
60	<u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 6.4.	ITP Condition # 6.10	Entire Project	Permittee	
61	<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. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. 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 # 6.13	Entire Project	Permittee	
62	<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 Work Area(s) using previously disturbed areas, to the extent practicable. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Work Area(s) within the Project Area unless provided for as described in Condition of Approval 6.11 above.	ITP Condition # 6.14	Entire Project	Permittee	
63	<u>Oil Containment.</u> Permittee shall keep oil out of open sumps. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a sump, Permittee shall employ measures to preclude Covered Species access to that pit until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.	ITP Condition # 6.15	Entire Project	Permittee	
64	<u>Facility and Equipment Operation.</u> Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.	ITP Condition # 6.16	Entire Project	Permittee	
65	<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 also ensure the storage, use, handling, and disposal of hazardous materials in the Project Area are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.	ITP Condition # 6.17	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
66	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.18	Entire Project	Permittee	
67	<u>Herbicide Use.</u> Permittee shall ensure that any application of herbicide is done by a licensed applicator in accordance with all applicable federal, state, and local laws and regulations. Permittee shall minimize herbicide use and shall only use those herbicides approved by CDFW.	ITP Condition # 6.20	Entire Project	Permittee	
68	<u>Rodenticide Use.</u> Permittee shall prohibit the use of rodenticides in the Project Area.	ITP Condition # 6.21	Entire Project	Permittee	
69	<u>Work Hours.</u> Permittee shall confine all ground- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Any vehicle traffic necessary during nighttime hours for all other activities within the Project Area shall not exceed a speed limit of 10 miles per hour and shall be conducted with extra caution to minimize impacts to Covered Species.	ITP Condition # 8.2	Entire Project	Permittee	
70	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 8.3	Entire Project	Permittee	
71	<u>Equipment Fueling.</u> Permittee shall complete all equipment fueling and equipment maintenance at least 100 feet from Covered Species dens, burrows, or precincts. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all equipment fueling locations.	ITP Condition # 8.4	Entire Project	Permittee	
72	<u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or precincts. To the greatest extent practicable, vehicles left overnight shall not be located at least 50 feet of all Covered Species dens or burrows.	ITP Condition # 8.5	Entire Project	Permittee	
73	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.	ITP Condition # 8.6	Entire Project	Permittee	
74	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species use. In all locations, bundled or loose materials not be shall be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Pallets or materials on skids outside of SJKF exclusionary fencing shall be spread out to avoid creating corridors attractive to SJKF or placed on taller skids to elevate them high enough from the ground to discourage SJKF using the materials as a den.	ITP Condition # 8.7	Entire Project	Permittee	
75	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State" in accordance with Fish and Game Code 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 8.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
76	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.	ITP Condition # 8.9	Entire Project	Permittee	
77	<u>Trench Inspection.</u> The Designated Biologist shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations of any depth with sidewalls greater than 1:1 (45 degree) slope and no escape ramps with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. Designated Biologist shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the Covered Species as per the approved GKR Mortality Reduction and Relocation Plan and SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 7.3 and 7.4 above.	ITP Condition # 8.10	Entire Project	Permittee	
78	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 8.11	Entire Project	Permittee	
79	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species which could harm the animal shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.	ITP Condition # 8.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
80	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.	ITP Condition # 7.14	Entire Project	Permittee	
81	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) days calendar days of the incident as described in Condition of Approval 7.14.	ITP Condition # 8.31	Entire Project	Permittee	
82	<u>Designated Biologist/Biological Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and Biological Monitor 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 # 6.3	Entire Project	CDFW	
DURING ALL NON-GROUND- OR NON-VEGETATION-DISTURBING O&M ACTIVITIES					
83	<u>O&M Activity Requirement.</u> Permittee shall implement all General Provisions set forth in Conditions of Approval 6 and 7 of the ITP for all non-ground- or non-vegetation-disturbing O&M Covered Activities.	ITP Condition # 8.32	Entire Project	Permittee	
84	<u>O&M Activity Designated Biologist On-site.</u> The CDFW approved Designated Biologist or Biological Monitor shall be on site during all activities that may result in the take of Covered Species.	ITP Condition # 8.33	Entire Project	Permittee	
85	<u>O&M Activity Work Hours.</u> Permittee shall confine any non-ground- or non-vegetation-disturbing O&M Covered Activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response, security, or O&M be conducted at speeds of less than 10 miles per hour (mph) to minimize impacts to nocturnal Covered Species, GKR and SJKF.	ITP Condition # 8.34	Entire Project	Permittee	
86	<u>O&M Activity Vehicle Parking.</u> During all non-ground- or non-vegetation-disturbing O&M Covered Activities, Permittee shall not allow vehicles to park on top of Covered Species dens, burrows, or precincts. Vehicles left overnight shall not be located within 50 feet of small mammal burrows.	ITP Condition # 8.35	Entire Project	Permittee	
87	<u>O&M Activity Vehicle and Equipment Inspection.</u> During all non-ground- or non-vegetation-disturbing O&M Activities, workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If the Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal can be safely moved under the Conditions of Approval of the ITP.	ITP Condition # 8.36	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
88	<u>O&M Activity Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate on its own volition within a reasonable timeframe, Permittee shall contact CDFW to obtain written concurrence via email prior to proceeding with eviction of the Covered Species.	ITP Condition # 8.37	Entire Project	Permittee	
89	<u>O&M Activity Covered Species Observations.</u> During all non-ground- or non-vegetation-disturbing O&M Covered Activities, workers shall inform the Designated Biologist immediately if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species is moved by the Designated Biologist or it moves from the Project Area of its own accord.	ITP Condition # 8.38	Entire Project	Permittee	
90	<u>O&M Activity Covered Species Injury.</u> If a Covered Species is injured as a result of conducting O&M Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) days calendar days of the incident as described in Condition of Approval 7.14.	ITP Condition # 8.42	Entire Project	Permittee	
POST-CONSTRUCTION					
91	<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 # 6.19	Post-construction	Permittee	
92	<u>As-Built Development Plans.</u> Permittee shall submit as-built development plans to CDFW within six (6) months of completing Construction Activities. The as-built plan sheets shall delineate and quantify the extent of all permanent Project features, including wells, access roads, pipelines, and all other ancillary facilities and features associated with the Project. The as-built plans shall include an estimate of the temporary disturbance during construction by highlighting the temporary disturbance areas on the as-built plan sheets. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Construction Activities are complete and shall be verified by the Designated Biologist. The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format and as shapefiles for use in ArcMap.	ITP Condition # 7.8	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
93	<u>Habitat Restoration.</u> Once Construction Activities are complete, all areas of temporary impacts shall be restored to pre-Project or better condition. Additionally, once each well is plugged and abandoned, Permittee shall restore that specific Work Area previously occupied by the well and ancillary facilities to the condition of the surrounding areas and original contours by removing artificial embankments, backfilling excavations, and grading and reseeding using vegetation or native seeding at the appropriate time of year. Within six (6) months of issuance of the ITP, the Permittee shall submit to CDFW for approval a Habitat Restoration Plan to facilitate revegetation of the temporary impact areas and the abandoned well Work Area(s) and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas and abandoned well Work Area(s), such as native seed mixes, application methods, avoidance and minimization measures, restoration measures, proposed performance criteria, and a funding source to cover the costs of restoration. The plan shall also indicate the best time of year for seeding to occur to ensure adequate growth without supplemental watering or shall describe the methods of supplemental watering delivery.	ITP Condition # 9.5	Post-construction	Permittee	
94	<u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 7.13	Post-construction	CDFW	



ATTACHMENT 2A

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: _____ DATE: _____

Regional Manager's Signature

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)

