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PLANNING BRANCH

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

California Endangered Species Act  
Incidental Take Permit No. 2081-2018-064-05

**SOLOMON CANYON CAPITAL MAINTENANCE PROJECT (EA 05-1G130)**

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

<b>Permittee:</b>	<b>California Department of Transportation (Caltrans)</b>
<b>Principal Officer:</b>	<b>Larry Bonner, Senior Environmental Planner</b>
<b>Contact Person:</b>	<b>Amy Millan, Associate Biologist 805-549-3095</b>
<b>Mailing Address:</b>	<b>50 Higuera Street San Luis Obispo, CA 93401-5415</b>

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP authorization to take the Covered Species shall expire on 6/30/2024.

Notwithstanding the expiration date on the take authorization provided by this ITP,

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

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

Incidental Take Permit  
No. 2081-2018-064-05  
CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
SOLOMON CANYON CAPITAL MAINTENANCE PROJECT

Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

**Project Location:**

The Solomon Canyon Capital Maintenance Project (Project) is located on State Route 1 (SR-1) from post mile (PM) R36.1 to PM 49.5 near the unincorporated area of Orcutt to intersection of SR-1 and SR-166 in the City of Guadalupe, Santa Barbara County (See Figure 1). The Project's southern limit is located approximately 2 miles west of Orcutt near Solomon Canyon Road at latitude 34.87115 and longitude -120.46795 (NAD 83).

**Project Description:**

The Project includes the resurfacing of a section of SR-1, a designated state highway, to maintain and prevent structural failure. Caltrans is the entity responsible for maintaining SR-1 in conformance with legislative authority (Streets and Highway Code §91). Maintenance and preventing structural failure of the state highway is necessary to provide safe passage for the public and comply with Caltrans' legislative authority.

The purpose of the Project is to preserve and extend the life of the existing pavement and improve the ride quality for public traveling on SR-1. The Project is needed because this section of road has an overall priority number of 8 (based on the Pavement Condition Survey) which identifies this segment as having major pavement distress. Project activities include the resurfacing of two existing lanes and related shoulders of SR-1 from PM R36.4 to PM 49.2 with 0.2 feet (ft) of gap graded rubberized hot mix asphalt concrete (RHMA).

In locations where the pavement is heavily distressed, the uppermost 0.4 ft of pavement will be removed by a cold-planing machine, which grinds the existing pavement and transfers the grinds, via an attached conveyor, to an end-load dump truck. The removed pavement will be hauled away by trucks and disposed of properly. Cracks wider than one-quarter inch (in) will be cleaned by forced air and sealed with asphalt-concrete (AC) sealant. The removed pavement will then be replaced with 0.4 ft of hot mix asphalt (HMA). Bottom or end-dump trucks will deliver the new HMA, where it will be applied by a paving machine and compacted by a roller. Removal/cold-planing and placement of RHMA will be extended across the entire travel way and shoulders. Additional AC grinding in the vicinity of the Waldorf Overhead Crossing and Solomon Canyon Creek Bridge will be required to make a smooth transition to each of these existing structures.

Shoulder backing consisting of imported aggregate material will be placed throughout the project limits to back up the edge of pavement to an offset of three feet. Dikes and curbs will be repaired, replaced, or upgraded where needed to meet current standards in the Highway Design Manual. Compacted embankment material will be placed behind



the back of the dikes where necessary. No new dikes or curbs will be constructed as part of this Project.

All of the existing pavement delineation (including markers and markings) removed during the removal/cold-planing process and/or placement of RHMA will be replaced in their original locations following completion of work.

Existing metal beam guardrail (MBGR) will be upgraded to meet the current standards for a Midwest Guardrail System (MGS). Existing MBGR wood posts will be removed and new wood posts (6 ft 3 in spacing) will be installed. An auger (6 in diameter) will be used to drill new holes to a depth of no more than 6 ft for new wood posts. Clean dirt will be used to backfill post holes. Unused dirt from drilling will be hauled away and disposed of properly. A Concrete Barrier Transition will be constructed at all four corners of Waldorf Overhead Crossing (PM 46.46) and Solomon Canyon Creek Bridge (PM 47.91) to meet current standards.

Road-side drainages will be upgraded/replaced as needed in order to raise existing drainage inlets to grade. Utility relocation is not anticipated as part of this Project. One-way traffic control will likely be allowed for a maximum of two miles in length.

### **Construction Staging, Storage, and Access**

Construction equipment staging/storage would be within the current alignment along SR-1 in already disturbed areas within existing Caltrans right-of-way (ROW). No new ROW acquisition is proposed for this Project.

### **Equipment**

Equipment anticipated to complete the Project includes, but is not limited to, trucks, bulldozers, backhoes, forklifts, cold-planing machine, dump trucks, compactors, excavators, jackhammers, compressors, scrapers, paver grinders, and pavers. Other equipment that may be used would be to meet the Project's goals and objectives without modifying its scope or nature or the effectiveness of minimization, mitigation or monitoring measures.

### **Construction Schedule**

The Project is scheduled to take approximately 90 workdays to complete.. Ground disturbing activities outside the traveled way (i.e. not directly on paved asphalt) will occur between July 1 and October 1 between PM R36.1 and PM 46. The Project should be completed within one year, but any activities not completed would be reinitiated the

following year within same work limits and work periods. Caltrans expects Project activities to occur during both day and night.

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

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander ( <i>Ambystoma californiense</i> ; CTS)	Threatened <sup>3</sup>

Only this species is a "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 and detailed in the Project Description that are expected to result in incidental take of individuals of the Covered Species include (but are not limited to) road resurfacing, staging and storage, ingress/egress, upgrading guardrail to MBGR, and shoulder work (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as: 1) collision with (or crushing) Project vehicles on road, shoulder or staging areas within the ROW; and, 2) ground disturbance and excavation activities associated with shoulder back activities, drilling holes for installing MGBR and maintaining/replacing existing dikes and curbs. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, and capture, or attempt to do so, of the Covered Species from capture (or pursuit and attempted capture) and relocation. Additionally, take of an unknown number of Covered Species may occur from ground disturbance/excavation activities, or trapped individuals undetected/unobserved in ground disturbance/excavation areas. The areas where authorized take of the Covered Species is expected to occur include Caltrans ROW between PM 46 and the beginning of Project Activities at PM 36.1, but may occur anywhere between PM R36.1 to PM 49.2 (collectively, the Project Area).

The Project is expected to cause the permanent loss of 6.53 acres of habitat and temporary loss of 4.74 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts

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<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).



include: cumulative injury or mortality; stress resulting from noise and vibrations from ground disturbance; capture and relocation; incidental introduction of non-native species; opportunistic predation from meso-predators attracted to human presence (e.g. raven, crows, coyote, and feral animals); and, infection of novel disease agents. Cumulative effects are estimated to be very low considering the avoidance of impacts to breeding habitat, the small amount of potential upland habitat that would be affected in relation to the total amount of habitat that occurs in the region, the lower quality of CTS habitat that will be impacted by the project, and the low amount of take (e.g., injury and/or mortality to CTS) that would likely occur. The Project is not expanding the use of SR-1 and an increase in traffic volume on SR-1 in Project Area is not expected to result from the Project.

#### **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 inadvertent crushing/vehicle collisions and capture and relocation of Covered Species as authorized by this ITP.

CDFW cannot quantify the precise number of Covered Species that may be taken as a result of the proposed action but can estimate a range of take that would reasonably occur based on Project Activities and other similar projects previously conducted in the Project vicinity. Due to the cryptic life history and variability in densities over time and space, the Covered Species may or may not be present at the time of pre-construction surveys. Some individuals may not be detected due to small size, underground status, and nocturnal activity. CDFW anticipates the overall potential for take from crushing/vehicle collisions to be low given the manner that the Project would be conducted. Similarly, CDFW anticipates take in the form of capture and relocation would be low but cannot precisely predict amount of take beyond estimation based on similar projects.

However, CDFW must provide an initial limit for all forms of take because if significant amounts of Covered Species are encountered it indicates that the assumptions about risk were not accurate or some important information about the Covered Species in the Project Area was not known. Therefore, if two (2) adult, subadult, or juvenile Covered Species are found dead or injured, or if six (6) Covered Species are captured and

relocated, the extent of take authorized would be met. If this occurs, Caltrans would need to contact CDFW immediately and consult to ensure that no additional take could occur related to Project. Covered Activities that may result in take shall cease during this consultation because additional take cannot be authorized without amendment of 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, vehicle parking, staging and storage of construction equipment and materials 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 Mitigated Negative Declaration and Initial Study (SCH No. 201811028) adopted by Permittee on May 30, 2018, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the California Department of Transportation's Solomon Canyon Road Capital Maintenance Project, Santa Barbara County, California (EA:05-1 G130) (BO: 2018-F-0040) for the Project pursuant to the Federal Endangered Species Act (FESA; 16 U.S.C. §1531 et seq.). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
5. **General Provisions:**



- 5.1. Designated Representative. Before initiating Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist and Monitors. No less than 30 days before initiating Covered Activities Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist and Designated Monitor(s). Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, capture and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist and/or Monitor(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
- 5.3. Designated Biologist Permits. The Designated Biologist shall hold all applicable state and federal permits including an active Scientific Collecting Permit (SCP) from CDFW that specifically names Covered Species surveys as an authorized activity. Authorization without explicit permission for handling Covered Species is not adequate for Covered Species surveys. Any proposed biologists that do not have an active SCP must work under the supervision of one who has an active SCP. These individuals shall be referred to as Designated Monitor(s). The Designated Biologist with the active SCP must be present at all surveys and during all initial ground disturbing activities to help minimize or avoid impacts to Covered Species and to minimize disturbance of Covered Species habitat. Designated Monitor(s) may monitor Project activities after initial ground disturbing activities have been completed provided the Designated Biologist with the active SCP can be contacted should the need arise to relocate a Covered Species. Work that could potentially harm the Covered Species would have to be stopped until the Designated Biologist arrives to relocate the Covered Species to the pre-approved location.
- 5.4. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP and/or to

order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Neither the Designated Biologist, Designated Monitors, nor CDFW shall be liable for any costs incurred in complying with the Terms and Conditions of this ITP, including cease-work orders issued by CDFW.

- 5.5. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist or Designated Monitor(s) 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. These forms shall be filed at the worksite offices and be available upon request.
- 5.6. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.7. 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.
- 5.8. 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.



- 5.9. 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 habitat for Covered Species.
- 5.10. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area during Covered Activities. Authorized security personnel or local, state, or federal law enforcement officials may possess firearms and service dogs within Project Area.
- 5.11. Delineation of Property Boundaries. Before initiating ground or vegetation disturbing project activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area that is within 1.3 miles of a known or potential Covered Species breeding pond with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary (see Condition of Approval 7.2) to minimize the disturbance of Covered Species' habitat. Contract plans shall include environmentally sensitive area fencing and shall be installed by contractor or Permittee.
- 5.13. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for access are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross habitat for Covered

Species outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of this ITP.

- 5.15. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.16. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.17. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before initiating ground or vegetation disturbing activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP including (but not limited) to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities include ground disturbance outside the traveled way (i.e. not directly on paved asphalt) or potential for handling and relocation of the Covered Species exists. The Designated Biologist shall conduct compliance



inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and, (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after ground or vegetation disturbing activities are completed.

6.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 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. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Mr. Matthew Chirdon ([matthew.chirdon@wildlife.ca.gov](mailto:matthew.chirdon@wildlife.ca.gov)) and Headquarters CESA Program e-mail is [CESA@wildlife.ca.gov](mailto: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, it will notify Permittee in writing of the new reporting schedule.

6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) beginning 12 months after issuance date of this ITP, and subsequent ASRs every 12 months thereafter 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 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres of Covered Species habitat

subject to both temporary and permanent disturbance, both for the prior reporting year, and a total since ITP issuance; and, (7) information about other Project impacts on the Covered Species.

- 6.6. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist or Representative 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.
- 6.8. 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 CDFW Regional Representative Mr. Matthew Chirdon at (805) 640-1165 and Regional Office at (858) 636-3160. 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 to CDFW Regional Representative within two (2) calendar days. The report shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS); the name of the party that identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions



undertaken; if possible provide a photograph; explanation as to cause of take or injury; and, any other pertinent information.

- 6.8.1. Injured Covered Species. If a Covered Species is injured as a result of Project-related activities, it shall be immediately taken to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility prior to the start of ground or vegetation disturbing activities and provide this information as part of the Relocation Plan as Conditioned in Measure 7.1 (California Tiger Salamander Relocation Plan) of this ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species.

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

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

- 7.1. Covered Species Relocation Plan. Permittee shall develop a Relocation Plan for Covered Species and submit it to CDFW for approval prior to ground-disturbing activities occurring within 1.3 miles of known CTS breeding pools or in suitable upland habitat. Permittee shall quantify the amount, relative location, and quality of suitable habitat (e.g., breeding, upland, and dispersal habitat) including invasive and non-native species present, available upland burrows, and potential barriers for movement.

- 7.1.1. The Designated Biologist(s) shall relocate any CTS within the Project Area impacted by Covered Activities to an active rodent burrow system or appropriate breeding pond described in the Relocation Plan, unless otherwise approved in advance by CDFW. The Designated Biologist(s) shall follow the Capture and Handling measures outlined in this ITP. When relocating a CTS, the Designated Biologist(s) shall follow the following recommendations (based on the best available scientific evidence (Shafer et al., 2008<sup>4</sup>):

- 7.1.1.1. Do not relocate salamanders to sites that already contain populations of Covered Species.
- 7.1.1.2. Do not relocate salamanders to areas where non-native tiger salamander or hybrids are within the 1.3 miles.

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<sup>4</sup> Shaffer, H. B., D. G. Cook, B. Fitzpatrick, K. Leyse, A. Picco, and P. C. Trenham. 2008. Guidelines for the relocation of California tiger salamanders (*Ambystoma californiense*). Final Report. 23 pp.

- 7.1.1.3. Never move injured or diseased animals.
- 7.1.1.4. Never move hybrid salamanders.
- 7.1.1.5. Keep relocations within 656 feet of the original location where the individual was found when feasible.

7.2. Project Exclusionary Measures. Prior to commencing any ground disturbing, staging, or other Covered Activities outside the traveled way (i.e. not directly on paved asphalt) between PM R36.4 and PM 46.0 between October 1 and June 30 Permittee shall install a temporary barrier to prevent CTS from dispersing into the Project Area, unless otherwise authorized by this ITP. Permittee shall submit the design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities outside the traveled way between PM R36.4 and PM 46.0. Permittee shall place the barrier around the construction footprint within 1.16 miles (1,867 m) of potential or known CTS breeding sites and the barrier shall be maintained by Permittee throughout all construction activities. The Designated Biologist(s) shall inspect the area prior to installation. The Designated Biologist(s) shall inspect the barrier daily and during and after storm events. Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects. To avoid potential entanglement of CTS, Permittee shall not use plastic monofilament netting.

7.3. Pre-Project Activities Refuge Feature Surveys. No more than 30 days and no less than 12 days prior to beginning any Covered Activities Permittee shall conduct burrow surveys and relocation to minimize mortality or injury to Covered Species in areas within 1.16 miles (1,867 m) of known or potential ponds. The Designated Biologist(s) shall identify and flag all potential burrows within the pre-Project Activities survey area subject to ground disturbance. Burrow surveys may involve a combination of burrow excavation and/or simulated rain event to evacuate burrows. Burrow excavation and evacuation should only occur on burrows that are located within areas that are subject to ground disturbing activities. Permittee will retain CDFW-approved biologist(s) (i.e., persons in possession of valid handling permits for Covered Species) to conduct burrow excavation and evacuation. The biologist(s) will be allowed sufficient time to excavate burrows and relocate Covered Species to a suitable relocation site.

7.3.1. Refuge Feature Excavation. The Designated Biologist shall scope and excavate all potential refuge features, including small-mammal burrows, individual rocks and rock piles, and other accessible features with an entrance diameter of greater than or equal to 0.5 inches, as well as gopher



digging piles and mounds in the Project Area that are within 1.16 miles (1867 m) of known or potential ponds. The area of excavation shall be limited to areas of proposed ground disturbance outside the traveled way. Timing of excavation shall occur outside the Covered Species Breeding season (on or after June 1 and before November 1). The Designated Biologist(s) may utilize a fiber optic scope or similar device to scope the burrows to determine if Covered Species are present; burrow excavation will proceed after the burrow has been scoped. If the biologist is unable to scope the entire length of the burrow, it may be scoped and excavated in sections. For example, if the scope can only reach the first 3 feet of a burrow, excavation will only occur along those 3 feet. The biologist will then scope the next 3 feet before that is excavated and so on and so forth until the end of the burrow is reached or the burrow diameter is less than 0.5 inches. Burrow excavation may be performed using hand tools or via gentle excavation using construction equipment, under the direct supervision of a CDFW-approved biologist, until it is certain that the burrows are unoccupied or the burrow navigates to areas that are not subject to ground disturbing activities.

- 7.3.2. Burrow Evacuation. If simulated rain event is used to evacuate burrows Permittee shall water the site a minimum of three (3) consecutive days to mimic a rain event to potentially stimulate the Covered Species to emerge from burrows so they may be captured and relocated. The Designated Biologist(s) shall survey the area each morning following watering and relocate any Covered Species.

- 7.4. Pre-Ground Disturbance Surveys. Prior to initiating ground or vegetation disturbing activities associated with Covered Activities, the Designated Biologist(s) shall perform a pre-construction survey within the boundaries of the Project Area plus a 50-foot buffer zone around the construction area. If any life stages of the Covered Species (adults, eggs, or larvae) are found, the approved Designated Biologist shall contact CDFW. Only the approved Designated Biologist is authorized to capture and handle Covered Species. The Designated Biologist(s) shall complete walking surveys of the Project Area prior to any ground-disturbing activity (such as borrow areas, soils deposition areas, road construction or improvement sites, or fence installation/repair sites). The Designated Biologist(s) shall survey suitable habitat features, such as aquatic and upland areas and beneath woody debris, for Covered Species. The Designated Biologist(s) shall conduct pre-ground disturbance surveys in conjunction with exclusion fence installation. If the Designated Biologist(s) or anyone else observes Covered Species, the

Designated Biologist(s) shall move the animal to a safe location nearby (subject to Condition of Approval 7.1).

7.4.1. Work Adjacent to Ponds. Initial ground or vegetation disturbing activities that occur within 620 meters of ponds known as SAMA-9, SAMA-21, GUAD-5, GUAD-7, GUAD-6, GUAD-9, GUAD-10, or other ponds that become known or potential breeding ponds potentially occupied by the Covered Species, shall be monitored by a Designated Biologist. The Designated Biologist shall be on site until all Covered Species have been relocated (if necessary), workers are instructed, and disturbance of habitat is completed. After that time, Permittee may retain the Designated Biologist on-site or a Designated Monitor to monitor on-site compliance with all avoidance and minimization measures. In the event a Covered Species is observed by the Designated Monitor, the Designated Biologist shall be recalled to the site.

7.5. Ground Clearing. Initial construction ground or vegetation clearing activities in Project Area shall be restricted to (on or after July 1 and before October 1), unless otherwise agreed to by CDFW in writing. Permittee shall minimize the area to be disturbed whenever vegetation must be cleared, underground structures need to be excavated, or access roads need to be repaired. The need to minimize the area disturbed and the limits of the work area shall be clearly explained to all contractors and equipment operators by Permittee inspectors, the Designated Representative, the Designated Biologist, or Designated Monitor.

7.6. Work in Dry Weather During Day Light. Activities within Project Area (see pg. 4) shall be restricted to periods of low rainfall (less than ½ inch per 24 hour period), or time periods with less than a 70% forecasted chance of rain. Permittee shall monitor the National Weather Service (NWS) 24-hour forecast for the project area. If work must continue when greater than 70% chance of rain is forecast, then a Designated Biologist must survey the Project site before construction begins each day that rain is forecast. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys. If rain exceeds ½ inch during a 24 hour period, work shall cease until no further rain (greater than 70% chance) is forecast.

7.7. Work During Day Light. All Covered Activities within Covered Species potential upland habitat shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species migration/active season from October 1 to June 30. Permittee shall use



sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. If night work cannot be avoided during this time period then a Designated Biologist must survey the project site before construction begins each night. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys.

7.8. Work on Wet Nights Prohibited. Ground-disturbing night work within Project Area (see pg. 4) shall be strictly prohibited when measurable rain is occurring and/or a 70% or greater chance of rainfall is predicted within 24 hours of project activity. Ground disturbing night work may not resume until a 70% or greater chance of rainfall is not predicted within 24 hours.

7.9. Soil Stockpiles. Soil stockpiles shall be placed where soil shall not pass into potential Covered Species breeding pools; nor shall it pass into any other waters of the state per Fish and Game Code sections 5650 and 5652. Stockpiles shall be appropriately protected to prevent soil erosion.

7.10. Disease Prevention. To ensure that disease are not conveyed between work sites by the Designated Biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (Attachment 5) must be followed at all times. All equipment that may come in contact with aquatic habitat must first be disinfected with ethanol solution. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

7.11. Inspection of Excavated Areas. The Designated Biologist(s) shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and before they are backfilled. Designated Biologist shall safely remove and relocate any Covered Species they find in accordance with this ITP and as conditioned in Condition of Approval 7.1.

7.12. Repair, Replace, & Rehabilitation of Dikes and Curbs. Within 1.3 miles of known occupied, or potential occupied Covered Species breeding pond site(s), Permittee shall follow their Standard Plan Type E curbs and Type D and Type E Dikes designs as the preferred designs (refer to Caltrans Standard Plan A87A & A87B, Curbs, Dikes, and Driveways) when such structures require replacement, rehabilitation, or new construction.

## **8. 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 from 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, the known mortality of Covered Species resulting from vehicle traffic during Covered Species migration over heavily traveled roads such as Solomon Canyon Road, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, CDFW shall either authorize the use/allocation of 15.43 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR Permittee shall provide for both the permanent protection and management of an equivalent or greater amount of acres of biologically valuable and functional Habitat Management (HM) lands pursuant to Condition of Approval 8.3 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

**8.1. Cost Estimates.** If CDFW does not authorize use/allocation of Covered Species Credits Permittee shall estimate the cost of acquisition, protection, and perpetual management of the HM lands as follows:

8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$27,250.00/acre for 15.43 acres: **\$420,468.00**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at **\$2,006.00**;

8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at **\$24,536.00**;

8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at **\$12,629.00**. Long-term management funding is



estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

8.1.5. 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 as described in Condition of Approval 8.5 to be determined.

8.2. Covered Species Credits. On May 29, 2018, Permittee purchased 58 Covered Species credits (Bulk Credit Purchase) from La Purisima Conservation Bank (Bank) that were transferred to Permittee for future use. As of the date this ITP is executed no credits have been approved to be deducted from the Bulk Credit Purchase (see Table 1.0 below).

8.2.1. No less than 30 days prior to initiating Covered Activities, Permittee shall request written approval from CDFW to acknowledge Covered Species credits are available from Permittee's Bulk Credit Purchase and request approval to use a total of 15.43 acres of Covered Species credits from Bank. Permittee shall implement the following to formally use credits.

**Table 1.0 Covered Species Credits Transferred to Permittee**

Date	Bank Name	Bulk Credits	Debits	Balance
5/29/2018	La Purisima CB	58.0	0	58.0
		Total	Total	
	Grand Total	+58.0	(0)	+58.0

8.2.1.1. Permittee shall contact CDFW Regional Representative and request acknowledgement of whether 15.43 credits are available, if Bank is in good standing, and approve/deny the use of credits for this ITP (2081-2018-064-05). CDFW shall respond in writing within 7 business days to acknowledge or deny that credits are available from Permittee's Bulk Credit Purchase or remainder of credits existing at that time.

8.2.1.2. If credits are acknowledged in writing by CDFW, Permittee shall contact Bank Sponsor with ITP number, Project name and location, and request 15.43 credits to be deducted from Bulk Credit Purchase or remainder existing at that time (as of execution of this ITP 58.0 credits remain).

8.2.1.3. The Permittee shall provide duly executed copy of the Bank Credit Purchase Agreement (Exhibit F-2 of CBEI) formally approved by CDFW for deduction of 15.43 acres from Bulk Credit Purchase or remainder of credits existing at that time.

OR:

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

8.3.1. 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. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 8.3.2. 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 2B]) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for Project impacts on Covered Species;
- 8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see [Attachment 2A]). 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;
- 8.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.

8.3.5. 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; and, (7) installing signage;

8.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either: (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense; (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance; or, (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

8.4. Endowment Fund. Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The



Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.

8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and, (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4);

8.4.2. 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). Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

- 8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to account for underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.4.3. 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.
- 8.5. 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. Performance Security**

If Permittee fails to implement Condition 8 (Habitat Management Land Acquisition and Restoration) of this ITP prior to the issuance of the Executed ITP, or any portion of Condition of Approval 8 (Habitat Management Land Acquisition and Restoration) that have not been completed before Covered Activities begin, Permittee may only proceed with Covered Activities after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 (Habitat Management Land Acquisition and Restoration); Permittee shall provide Security as follows:

- 9.1. Security Amount. The Security shall be in the amount of **\$459,638.00**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see [Attachment 4]) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - Written documentation of the acquisition of the HM lands;
  - Copies of all executed and recorded conservation easements;

- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.

**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 Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**Stop-Work Order:**

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

**Compliance with Other Laws:**

This ITP sets forth CDFW's requirements for 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 laws.

**Notices:**

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, CA 94244-2090

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-064-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Ed Pert, Regional Manager  
California Department of Fish and Wildlife  
3883 Ruffin Road  
San Diego, CA 92123  
Telephone (858) 467-4201  
Fax (858) 467-4299

and a copy to:

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

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

Mr. Matt Chirdon  
P.O. Box 891  
Ojai, CA 93024  
Telephone (805) 640-1165  
Fax (805) 640-1165

**Compliance with CEQA:**

Incidental Take Permit  
No. 2081-2018-064-05  
CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
SOLOMON CANYON CAPITAL MAINTENANCE PROJECT

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation (Caltrans). (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Solomon Canyon Pavement Preservation Project, (SCH No. 201811028) dated April 2018 that the Caltrans adopted for Solomon Canyon Capital Maintenance Project on May 30, 2018. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

**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, Solomon Canyon Pavement Preservation Project MND/IS, Natural Environment Study State Route 1 in Santa Barbara County Solomon Canyon Rd. to State Route 166, dated September 2017, the results of site visit June 28, 2018, and phone consultations 4/17/2018, 9/10/2018, and 12/20/2018, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (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 15.43 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 finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of Permittee as necessary to avoid jeopardy and as required by law.

**List of Tables and Figures:**

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**Attachments:**

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ATTACHMENT 2B	Proposed Lands for Acquisition Form	pg. 47
ATTACHMENT 3	Letter of Credit Form	pg. 48-52
ATTACHMENT 4	Mitigation Payment Transmittal Form	pg. 53
ATTACHMENT 5	Declining Amphibian Code of Practice	pg. 54

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**on 6-12-19Ed Pert, Regional Manager  
SOUTH COAST REGION**ACKNOWLEDGMENT**

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

By: Larry E. Bonner Date: 8-1-19Printed Name: Larry E. Bonner Title: Senior Environmental Planner



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**SOLOMON CANYON CAPITAL MAINTENANCE PROJECT**

Figure 1A 1

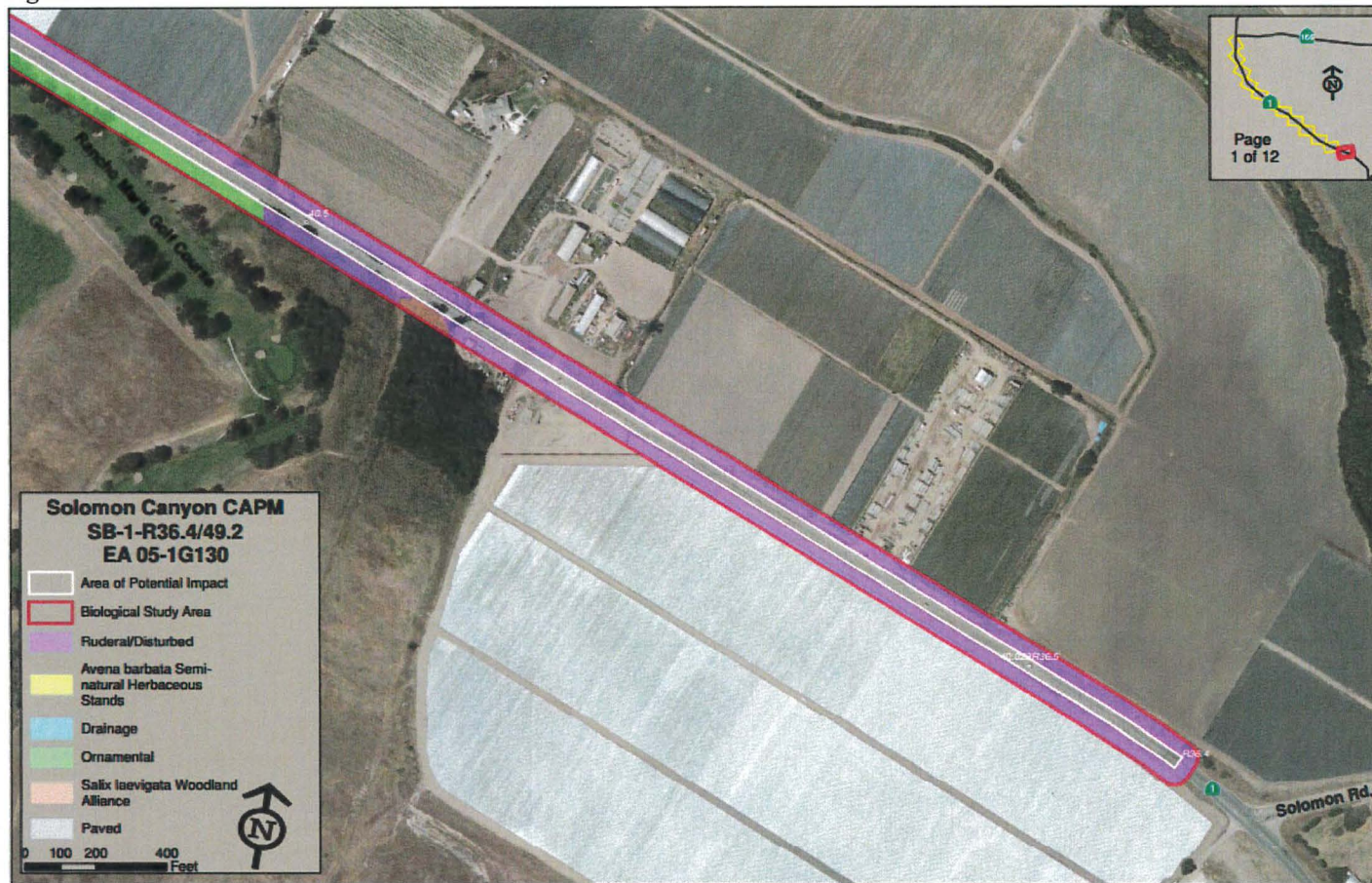


Figure 1A 2

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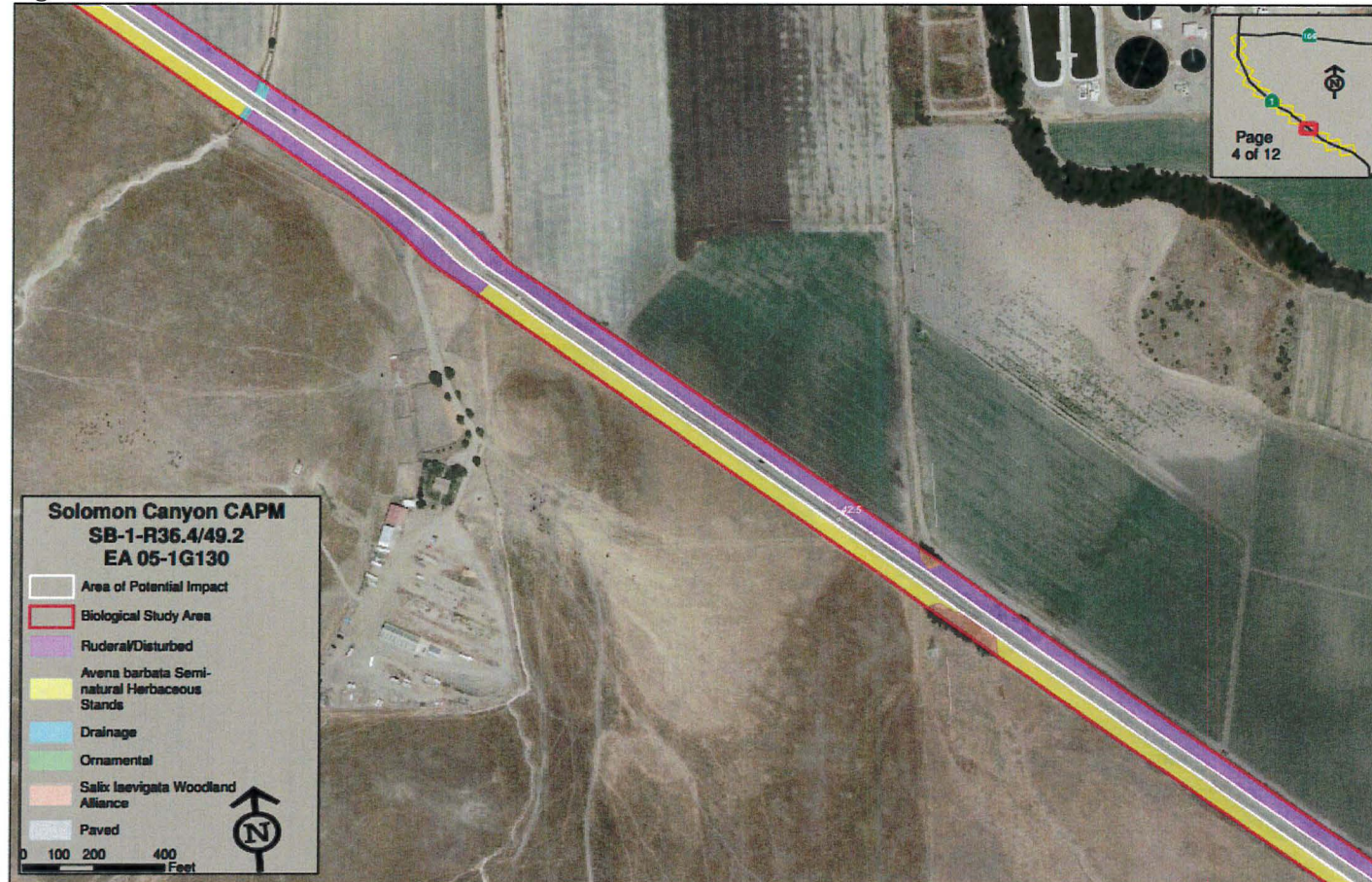
Figure 1A 3



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Figure 1A 4



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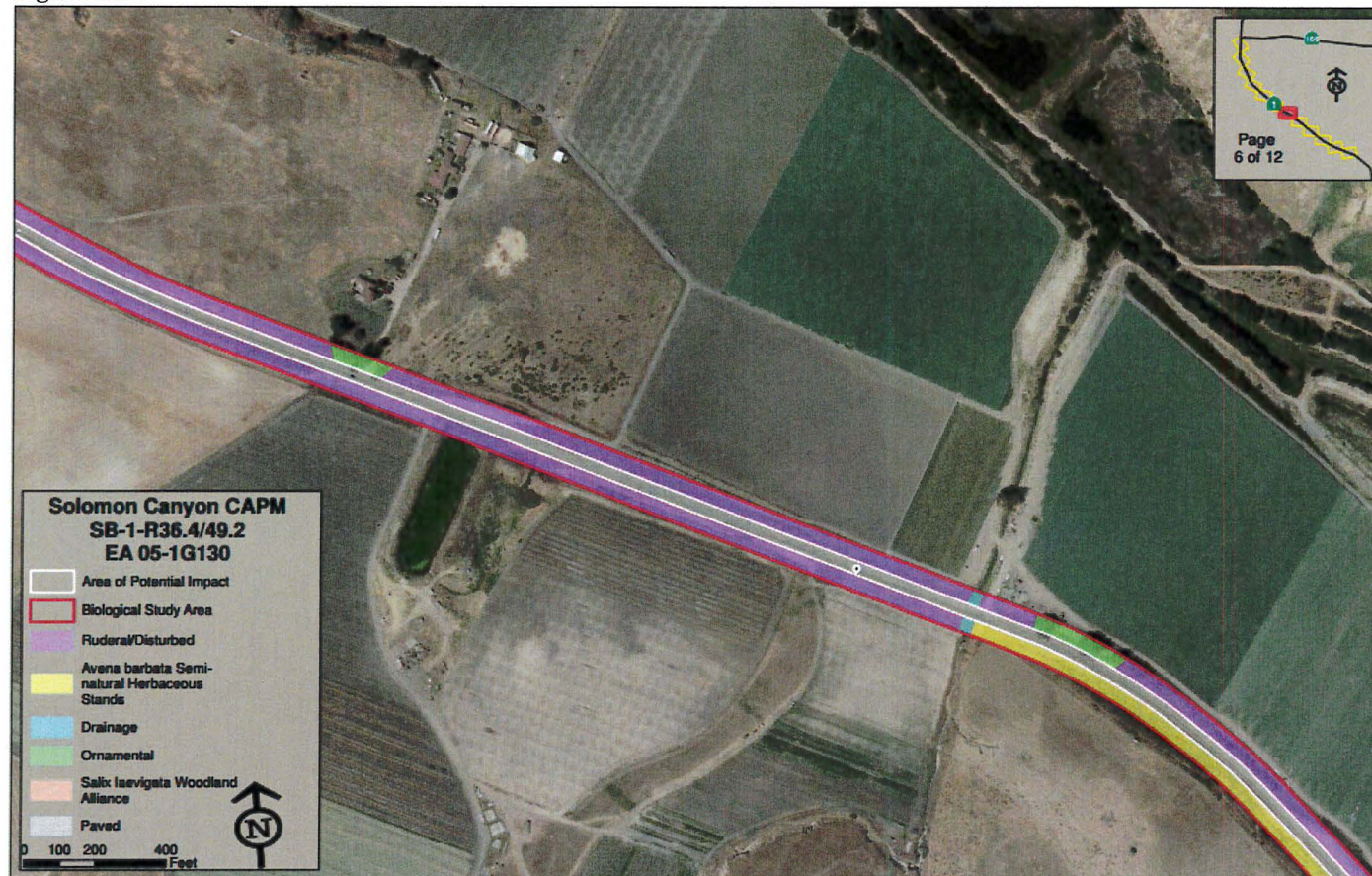
Figure 1A 5



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Figure 1A 6



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Figure 1A 7



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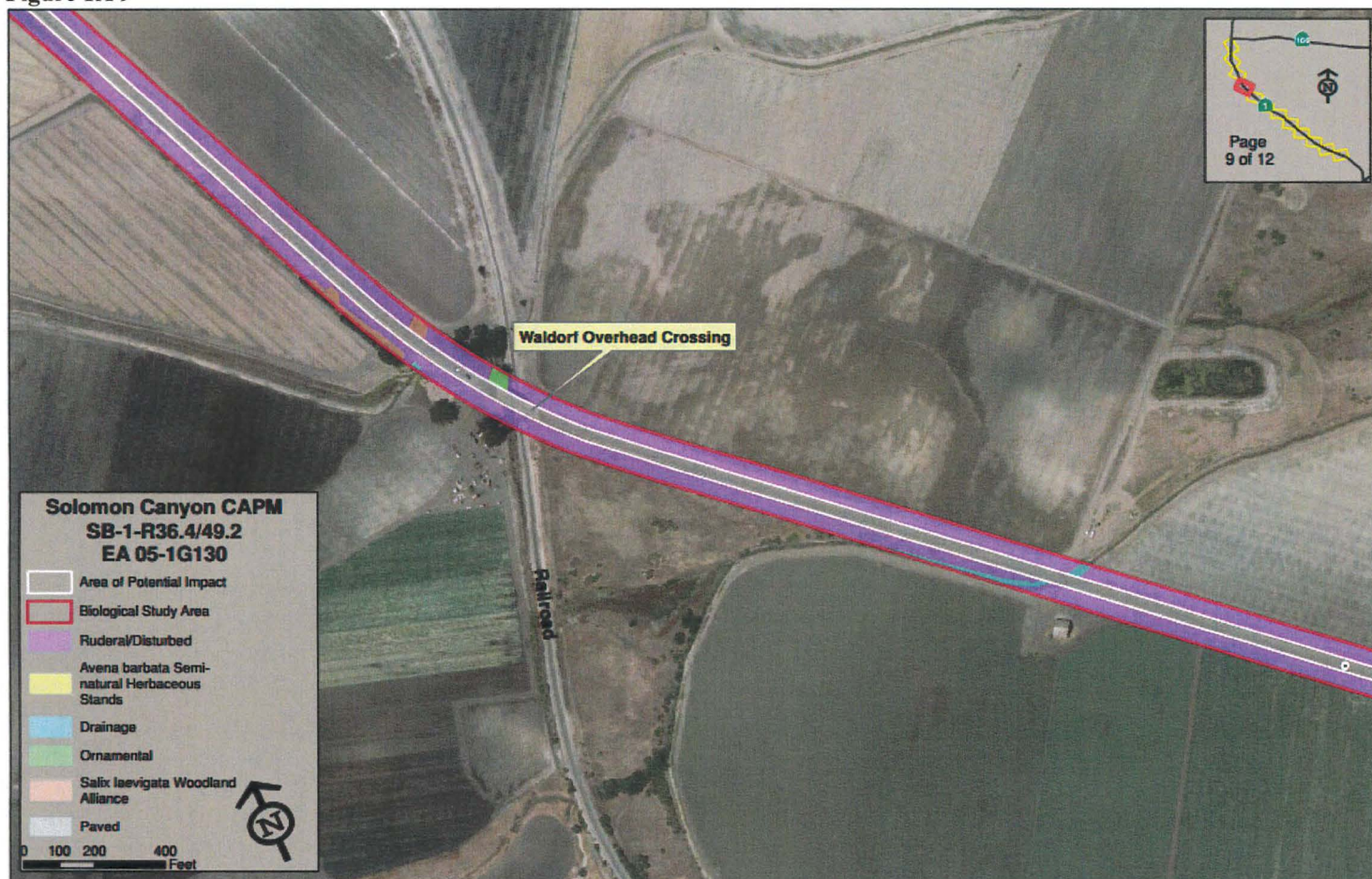
Figure 1A 8



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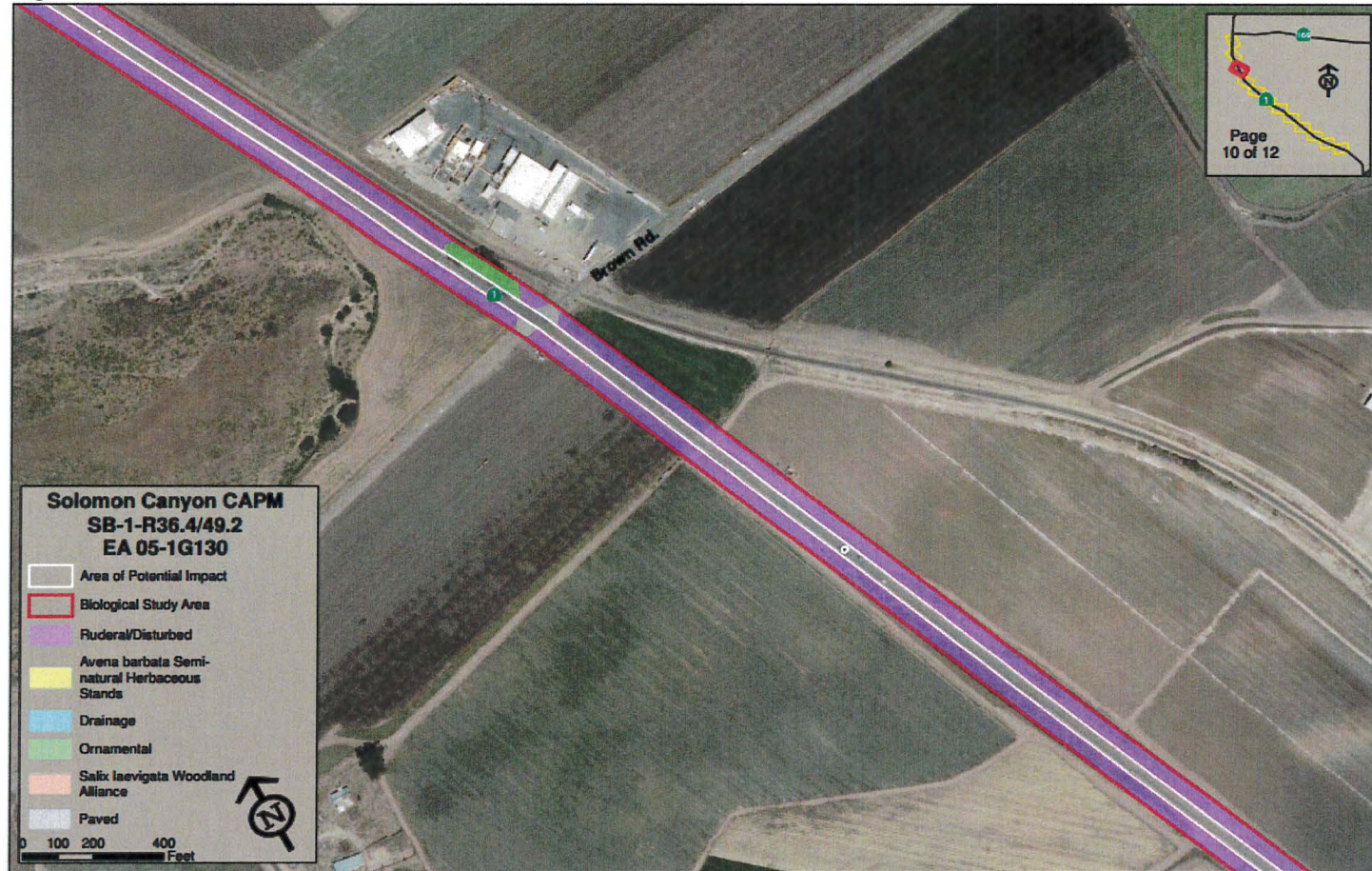
Figure 1A 9



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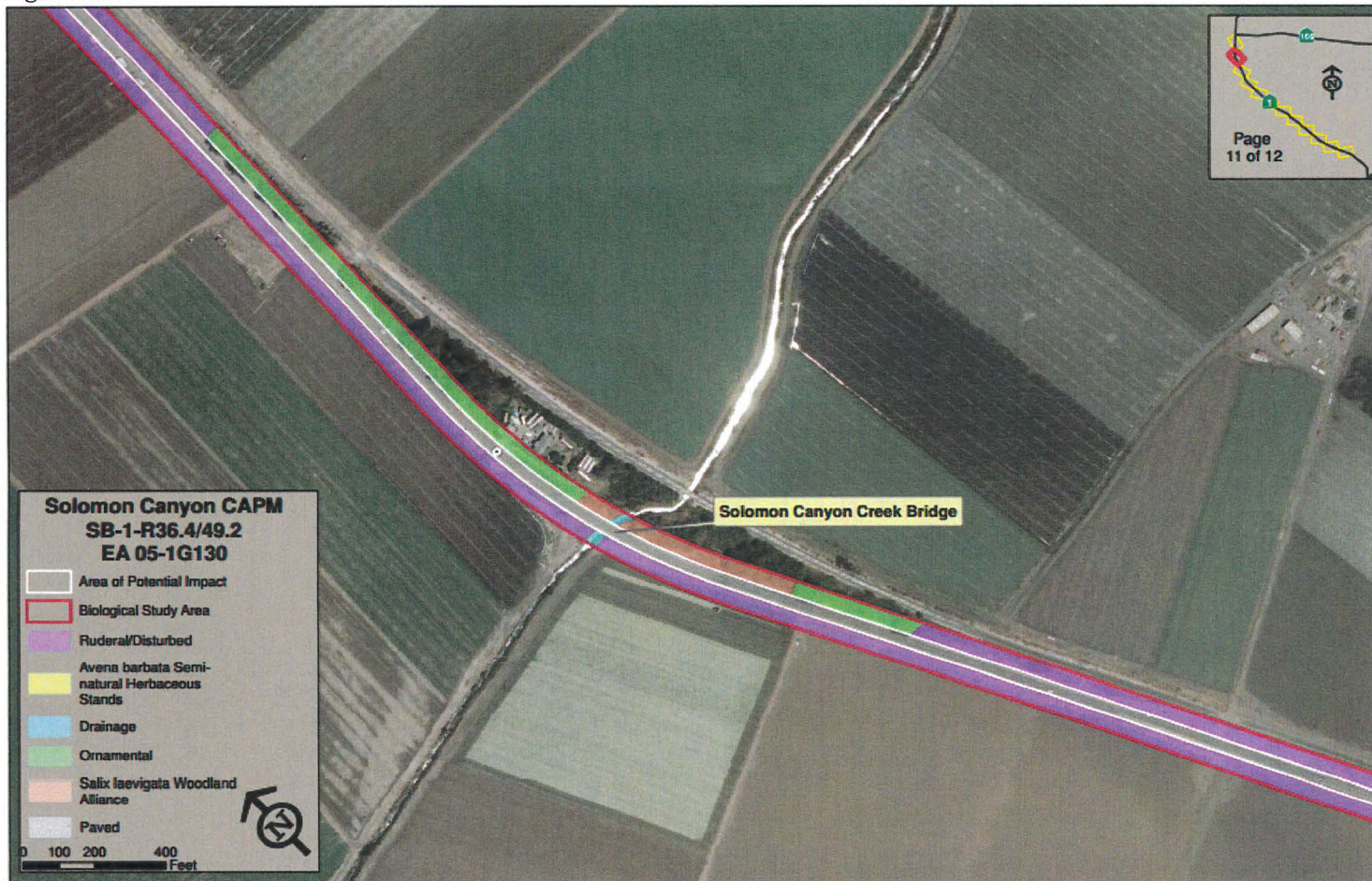
Figure 1A 10



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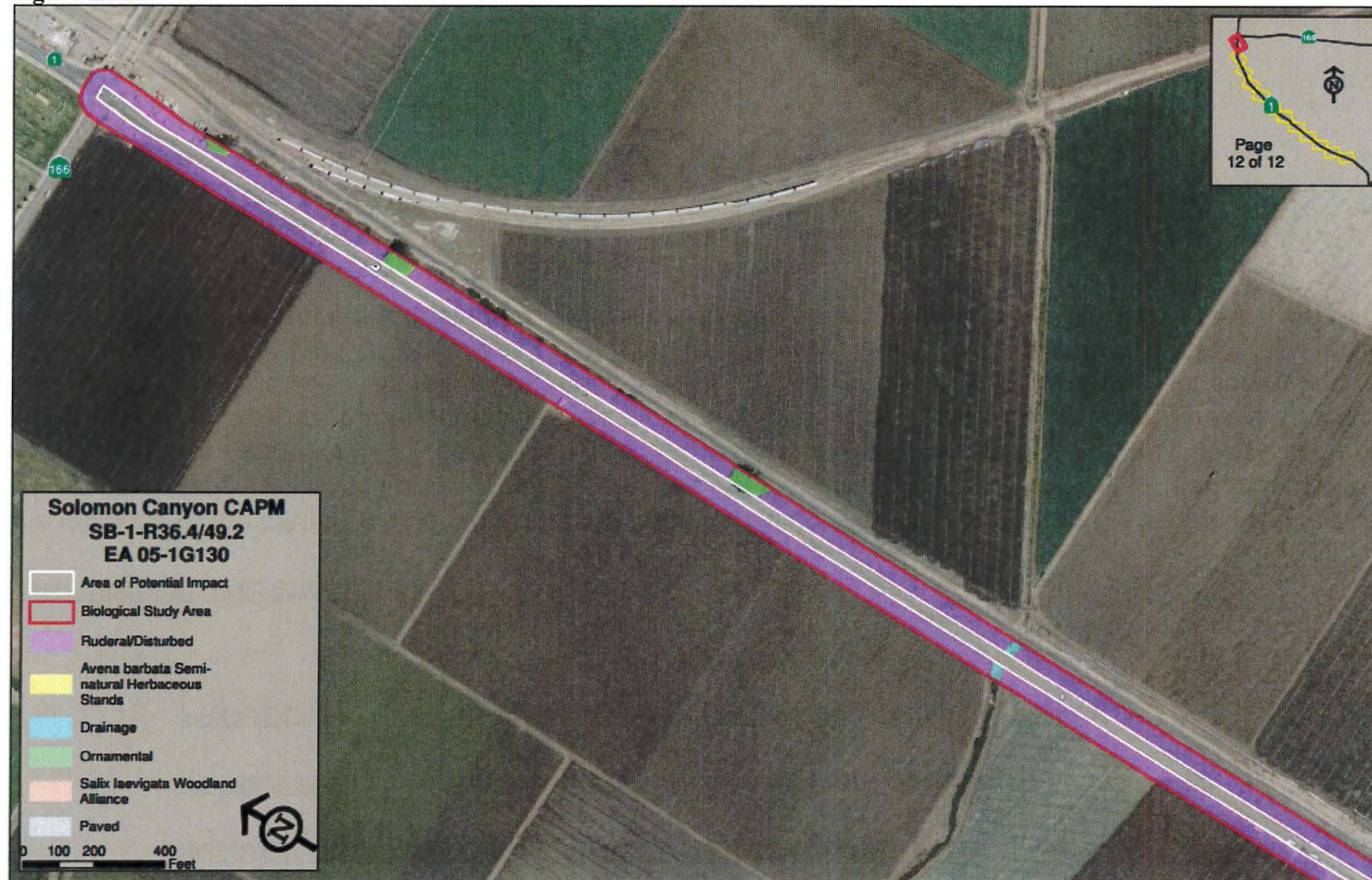
Figure 1A 11



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Figure 1A 12



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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. 2081-2018-064-05**

**PERMITTEE: California Department of Transportation**

**PROJECT: Solomon Canyon Capital Maintenance 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**

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

## **VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	Before initiating Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition #5.1	Before commencing ground- or vegetation-disturbing activities/	Permittee	
2	No less than 30 days before initiating Covered Activities Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist and Designated Monitor(s). Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, capture and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist and/or Monitor(s) in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition #5.2	Before commencing ground- or vegetation-disturbing activities/	Permittee	
3	The Designated Biologist shall hold all applicable state and federal permits including an active Scientific Collecting Permit (SCP) from CDFW that specifically names Covered Species surveys as an authorized activity. Authorization without explicit permission for handling Covered Species is not adequate for Covered Species surveys. Any proposed biologists that do not have an active SCP must work under the supervision of one who has an active SCP. These individuals shall be referred to as Designated Monitor(s). The Designated Biologist with the active SCP must be present at all surveys and during all initial ground disturbing activities to help minimize or avoid impacts to Covered Species and to minimize disturbance of Covered Species habitat. Designated Monitor(s) may monitor Project activities after initial ground disturbing activities have been completed provided the Designated Biologist with the active SCP can be contacted should the need arise to relocate a Covered Species. Work that could potentially harm the Covered Species would have to be stopped until the Designated Biologist arrives to relocate the Covered Species to the pre-approved location.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities/  Entire Project	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist or Designated Monitor(s) 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. These forms shall be filed at the worksite offices and be available upon request.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities/  Entire Project	Permittee	
5	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 # 5.7	Before commencing ground- or vegetation-disturbing activities/  Entire Project	Permittee	
6	Before initiating ground or vegetation disturbing project activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities/	Permittee	
7	Permittee shall clearly delineate habitat of the Covered Species within the Project Area that is within 1.3 miles of a known or potential Covered Species breeding pond with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary (see Condition of Approval 7.2) to minimize the disturbance of Covered Species' habitat. Contract plans shall include environmentally sensitive area fencing and shall be installed by contractor or Permittee.	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities/	Permittee	
8	The Designated Representative shall notify CDFW 14 calendar days before initiating ground or vegetation disturbing activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	<p>Permittee shall develop a Relocation Plan for Covered Species and submit it to CDFW for approval prior to ground-disturbing activities occurring within 1.3 miles of known CTS breeding pools or in suitable upland habitat. Permittee shall quantify the amount, relative location, and quality of suitable habitat (e.g., breeding, upland, and dispersal habitat) including invasive and non-native species present, available upland burrows, and potential barriers for movement.</p> <p>7.1.1. The Designated Biologist(s) shall relocate any CTS within the Project Area impacted by Covered Activities to an active rodent burrow system or appropriate breeding pond described in the Relocation Plan, unless otherwise approved in advance by CDFW. The Designated Biologist(s) shall follow the Capture and Handling measures outlined in this ITP. When relocating a CTS, the Designated Biologist(s) shall follow the following recommendations (based on the best available scientific evidence (Shafer et al., 2008 )):</p> <p>7.1.1.1. Do not relocate salamanders to sites that already contain populations of Covered Species.</p> <p>7.1.1.2. Do not relocate salamanders to areas where non-native tiger salamander or hybrids are within the 1.3 miles.</p> <p>7.1.1.3. Never move injured or diseased animals.</p> <p>7.1.1.4. Never move hybrid salamanders.</p> <p>7.1.1.5. Keep relocations within 656 feet of the original location where the individual was found when feasible.</p>	ITP Condition # 7.1	<p>Before commencing ground- or vegetation-disturbing activities/</p> <p>Entire Project</p>	Permittee	
10	<p>Prior to commencing any ground disturbing, staging, or other Covered Activities outside the traveled way (i.e. not directly on paved asphalt) between PM R36.4 and PM 46.0 between October 1 and June 30 Permittee shall install a temporary barrier to prevent CTS from dispersing into the Project Area, unless otherwise authorized by this ITP. Permittee shall submit the design to CDFW for approval no less than 30 days prior to the proposed start of Covered Activities outside the traveled way between PM R36.4 and PM 46.0. Permittee shall place the barrier around the construction footprint within 1.16 miles (1,867 m) of potential or known CTS breeding sites and the barrier shall be maintained by Permittee throughout all construction activities. The Designated Biologist(s) shall inspect the area prior to installation. The Designated Biologist(s) shall inspect the barrier daily and during and after storm events. Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects. To avoid potential entanglement of CTS, Permittee shall not use plastic monofilament netting.</p>	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>No more than 30 days and no less than 12 days prior to beginning any Covered Activities Permittee shall conduct burrow surveys and relocation to minimize mortality or injury to Covered Species in areas within 1.16 miles (1,867 m) of known or potential ponds. The Designated Biologist(s) shall identify and flag all potential burrows within the pre-Project Activities survey area subject to ground disturbance. Burrow surveys may involve a combination of burrow excavation and/or simulated rain event to evacuate burrows. Burrow excavation and evacuation should only occur on burrows that are located within areas that are subject to ground disturbing activities. Permittee will retain CDFW-approved biologist(s) (i.e., persons in possession of valid handling permits for Covered Species) to conduct burrow excavation and evacuation. The biologist(s) will be allowed sufficient time to excavate burrows and relocate Covered Species to a suitable relocation site.</p> <p>7.3.1. Refuge Feature Excavation. The Designated Biologist shall scope and excavate all potential refuge features, including small-mammal burrows, individual rocks and rock piles, and other accessible features with an entrance diameter of greater than or equal to 0.5 inches, as well as gopher digging piles and mounds in the Project Area that are within 1.16 miles (1867 m) of known or potential ponds. The area of excavation shall be limited to areas of proposed ground disturbance outside the traveled way. Timing of excavation shall occur outside the Covered Species Breeding season (on or after June 1 and before November 1). The Designated Biologist(s) may utilize a fiber optic scope or similar device to scope the burrows to determine if Covered Species are present; burrow excavation will proceed after the burrow has been scoped. If the biologist is unable to scope the entire length of the burrow, it may be scoped and excavated in sections. For example, if the scope can only reach the first 3 feet of a burrow, excavation will only occur along those 3 feet. The biologist will then scope the next 3 feet before that is excavated and so on and so forth until the end of the burrow is reached or the burrow diameter is less than 0.5 inches. Burrow excavation may be performed using hand tools or via gentle excavation using construction equipment, under the direct supervision of a CDFW-approved biologist, until it is certain that the burrows are unoccupied or the burrow navigates to areas that are not subject to ground disturbing activities.</p> <p>7.3.2. Burrow Evacuation. If simulated rain event is used to evacuate burrows Permittee shall water the site a minimum of three (3) consecutive days to mimic a rain event to potentially stimulate the Covered Species to emerge from burrows so they may be captured and relocated. The Designated Biologist(s) shall survey the area each morning following watering and relocate any Covered Species.</p>	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities/	Permittee	

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	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
12	Prior to initiating ground or vegetation disturbing activities associated with Covered Activities, the Designated Biologist(s) shall perform a pre-construction survey within the boundaries of the Project Area plus a 50-foot buffer zone around the construction area. If any life stages of the Covered Species (adults, eggs, or larvae) are found, the approved Designated Biologist shall contact CDFW. Only the approved Designated Biologist is authorized to capture and handle Covered Species. The Designated Biologist(s) shall complete walking surveys of the Project Area prior to any ground-disturbing activity (such as borrow areas, soils deposition areas, road construction or improvement sites, or fence installation/repair sites). The Designated Biologist(s) shall survey suitable habitat features, such as aquatic and upland areas and beneath woody debris, for Covered Species. The Designated Biologist(s) shall conduct pre-ground disturbance surveys in conjunction with exclusion fence installation. If the Designated Biologist(s) or anyone else observes Covered Species, the Designated Biologist(s) shall move the animal to a safe location nearby (subject to Condition of Approval 7.1).	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities/  Entire Project	Permittee	
13	CDFW shall either authorize the use/allocation of 15.43 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR Permittee shall provide for both the permanent protection and management of an equivalent or greater amount of acres of biologically valuable and functional Habitat Management (HM) lands pursuant to Condition of Approval 8.3 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.	ITP Condition # 8 & 8.2	Before commencing ground- or vegetation-disturbing activities/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<p>If CDFW does not authorize use/allocation of Covered Species Credits Permittee shall estimate the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <p>8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$27,250.00/acre for 15.43 acres: \$420,468.00. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;</p> <p>8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$2,006.00;</p> <p>8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$24,536.00;</p> <p>8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$12,629.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>8.1.5. 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 as described in Condition of Approval 8.5 to be determined.</p>	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities/	Permittee	
15	If Permittee fails to implement Condition 8.1 of this ITP prior to the issuance of the Executed ITP, or any portion of Condition of Approval 8 (Habitat Management Land Acquisition and Restoration) that have not been completed before Covered Activities begin, Permittee may only proceed with Covered Activities after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 (Habitat Management Land Acquisition and Restoration);	ITP Condition # 9.0	Before commencing ground- or vegetation-disturbing activities/	Permittee	
16	If Permittee fails to implement Condition 8.1 of this ITP prior to the issuance of the Executed ITP, then Permittee may only proceed with Covered Activities after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 (Habitat Management Land Acquisition and Restoration. The Security shall be in the amount of \$459,638.00. This amount is based on the cost estimates identified in Condition of Approval 8.1	ITP Condition # 9.1-9.7	Before commencing ground- or vegetation-disturbing activities/	Permittee	
<b>DURING CONSTRUCTION</b>					

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	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
17	To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Neither the Designated Biologist, Designated Monitors, nor CDFW shall be liable for any costs incurred in complying with the Terms and Conditions of this ITP, including cease-work orders issued by CDFW.	ITP Condition # 5.4	Entire Project	Permittee	
18	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.	ITP Condition # 5.6	Entire Project	Permittee	
19	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 # 5.7	Entire Project/  Before commencing ground- or vegetation-disturbing activities	Permittee	
20	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 # 5.8	Entire Project/	Permittee	
21	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 habitat for Covered Species.	ITP Condition # 5.9	Entire Project/	Permittee	
22	Permittee shall prohibit firearms and domestic dogs from the Project Area during Covered Activities. Authorized security personnel or local, state, or federal law enforcement officials may possess firearms and service dogs within Project Area.	ITP Condition # 5.10	Entire Project/	Permittee	
23	Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for access 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.	ITP Condition # 5.13	Entire Project/	Permittee	

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	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
24	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross habitat for Covered Species outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of this ITP.	ITP Condition # 5.14	Entire Project/	Permittee	
25	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.15	Entire Project/	Permittee	
26	Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.16	Entire Project/	Permittee	
27	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP including (but not limited) to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project/	Permittee	
28	The Designated Biologist shall be on-site daily when Covered Activities include ground disturbance outside the traveled way (i.e. not directly on paved asphalt) or potential for handling and relocation of the Covered Species exists. The Designated Biologist shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and, (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after ground or vegetation disturbing activities are completed.	ITP Condition # 6.3	Entire Project/	Permittee	

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	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
29	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 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. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Mr. Matthew Chirdon (matthew.chirdon@wildlife.ca.gov) and Headquarters CESA Program e-mail 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, it will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.4	Entire Project/	Permittee	
30	Permittee shall provide CDFW with an Annual Status Report (ASR) beginning 12 months after issuance date of this ITP, and subsequent ASRs every 12 months thereafter 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 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres of Covered Species habitat subject to both temporary and permanent disturbance, both for the prior reporting year, and a total since ITP issuance; and, (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.5	Entire Project/	Permittee	
31	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the 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 # 6.6	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<p>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 CDFW Regional Representative Mr. Matthew Chirdon at (805) 640-1165 and Regional Office at (858) 636-3160. 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 to CDFW Regional Representative within two (2) calendar days. The report shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS); the name of the party that identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; if possible provide a photograph; explanation as to cause of take or injury; and, any other pertinent information.</p>	ITP Condition # 6.8	Entire Project/	Permittee	
33	<p>Permittee shall quantify the amount, relative location, and quality of suitable habitat (e.g., breeding, upland, and dispersal habitat) including invasive and non-native species present, available upland burrows, and potential barriers for movement.</p> <p>7.1.1. The Designated Biologist(s) shall relocate any CTS within the Project Area impacted by Covered Activities to an active rodent burrow system or appropriate breeding pond described in the Relocation Plan, unless otherwise approved in advance by CDFW. The Designated Biologist(s) shall follow the Capture and Handling measures outlined in this ITP. When relocating a CTS, the Designated Biologist(s) shall follow the following recommendations (based on the best available scientific evidence (Shafer et al., 2008 ):</p> <p>7.1.1.1. Do not relocate salamanders to sites that already contain populations of Covered Species.</p> <p>7.1.1.2. Do not relocate salamanders to areas where non-native tiger salamander or hybrids are within the 1.3 miles.</p> <p>7.1.1.3. Never move injured or diseased animals.</p> <p>7.1.1.4. Never move hybrid salamanders.</p> <p>7.1.1.5. Keep relocations within 656 feet of the original location where the individual was found when feasible.</p>	ITP Condition # 7.1	Entire Project/	Permittee	

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	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
34	Initial ground or vegetation disturbing activities that occur within 620 meters of ponds known as SAMA-9, SAMA-21, GUAD-5, GUAD-7, GUAD-6, GUAD-9, GUAD-10, or other ponds that become known or potential breeding ponds potentially occupied by the Covered Species, shall be monitored by a Designated Biologist. The Designated Biologist shall be on site until all Covered Species have been relocated (if necessary), workers are instructed, and disturbance of habitat is completed. After that time, Permittee may retain the Designated Biologist on-site or a Designated Monitor to monitor on-site compliance with all avoidance and minimization measures. In the event a Covered Species is observed by the Designated Monitor, the Designated Biologist shall be recalled to the site.	ITP Condition # 7.4.1	Entire Project/	Permittee	
35	Initial construction ground or vegetation clearing activities in Project Area shall be restricted to (on or after July 1 and before October 1), unless otherwise agreed to by CDFW in writing. Permittee shall minimize the area to be disturbed whenever vegetation must be cleared, underground structures need to be excavated, or access roads need to be repaired. The need to minimize the area disturbed and the limits of the work area shall be clearly explained to all contractors and equipment operators by Permittee inspectors, the Designated Representative, the Designated Biologist, or Designated Monitor.	ITP Condition # 7.5	Entire Project/	Permittee	
36	Activities within Project Area (see pg. 4) shall be restricted to periods of low rainfall (less than ½ inch per 24 hour period), or time periods with less than a 70% forecasted chance of rain. Permittee shall monitor the National Weather Service (NWS) 24-hour forecast for the project area. If work must continue when greater than 70% chance of rain is forecast, then a Designated Biologist must survey the Project site before construction begins each day that rain is forecast. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys. If rain exceeds ½ inch during a 24 hour period, work shall cease until no further rain (greater than 70% chance) is forecast.	ITP Condition # 7.6	Entire Project/	Permittee	
37	All Covered Activities within Covered Species potential upland habitat shall terminate 30 minutes before sunset and shall not resume until 30 minutes after sunrise during the Covered Species migration/active season from October 1 to June 30. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for the geographic area where the project is located. If night work cannot be avoided during this time period then a Designated Biologist must survey the project site before construction begins each night. If a Designated Monitor is used to conduct surveys, a Designated Biologist must still be available to capture and relocate any Covered Species that are discovered during the surveys.	ITP Condition # 7.7	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	Ground-disturbing night work within Project Area (see pg. 4) shall be strictly prohibited when measurable rain is occurring and/or a 70% or greater chance of rainfall is predicted within 24 hours of project activity. Ground disturbing night work may not resume until a 70% or greater chance of rainfall is not predicted within 24 hours.	ITP Condition # 7.8	Entire Project/	Permittee	
39	Soil stockpiles shall be placed where soil shall not pass into potential Covered Species breeding pools; nor shall it pass into any other waters of the state per Fish and Game Code sections 5650 and 5652. Stockpiles shall be appropriately protected to prevent soil erosion.	ITP Condition # 7.9	Entire Project/	Permittee	
40	To ensure that disease are not conveyed between work sites by the Designated Biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (Attachment 5) must be followed at all times. All equipment that may come in contact with aquatic habitat must first be disinfected with ethanol solution. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.10	Entire Project/	Permittee	
41	The Designated Biologist(s) shall inspect all open trenches, auger holes, and other excavations that may trap Covered Species prior to any work in or around them and before they are backfilled. Designated Biologist shall safely remove and relocate any Covered Species they find in accordance with this ITP and as conditioned in Condition of Approval 7.1.	ITP Condition # 7.11	Entire Project/	Permittee	
42	Within 1.3 miles of known occupied, or potential occupied Covered Species breeding pond site(s), Permittee shall follow their Standard Plan Type E curbs and Type D and Type E Dikes designs as the preferred designs (refer to Caltrans Standard Plan A87A & A87B, Curbs, Dikes, and Driveways) when such structures require replacement, rehabilitation, or new construction.	ITP Condition # 7.12	Entire Project/	Permittee	
43	If CDFW does not authorize use/allocation of Covered Species Credits Permittee shall provide for the acquisition and perpetual protection and management of the HM lands by doing the following.	ITP Condition # 8.3	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<p>8.3. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, Permittee shall:</p> <p>8.3.1. 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. 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> <p>8.3.2. 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 2B]) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for Project impacts on Covered Species;</p> <p>8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see [Attachment 2A]). 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>	Cont'd ITP Condition # 8.3	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	<p>8.3.4. 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.</p> <p>8.3.5. 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 <a href="http://www.dfg.ca.gov/habcon/conplan/mitbank/">http://www.dfg.ca.gov/habcon/conplan/mitbank/</a>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and, (7) installing signage;</p> <p>8.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either: (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense; (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance; or, (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	Cont'd ITP Condition # 8.3	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<p>If CDFW does not authorize use/allocation of Covered Species Credits Permittee shall provide for the acquisition and perpetual protection and management of the HM lands by doing the following.</p> <p>Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. 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.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>8.4.1. 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);</p>	Condition # 8.4	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<p>8.4.2. 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). Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>8.4.2.1. 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.</p> <p>8.4.2.2. 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:</p> <p>8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to account for underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>8.4.2.2.3. 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.</p> <p>8.4.3. 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.</p>	Cont'd ITP Condition # 8.4	Entire Project/	Permittee	

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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	If CDFW does not authorize use/allocation of Covered Species Credits Permittee shall provide for the acquisition and perpetual protection and management of the HM lands by doing the following. 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 # 8.5	Entire Project/	Permittee	
<b>POST-CONSTRUCTION</b>					
49	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.17	Entire Project/	Permittee	
50	No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist or Representative 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.	ITP Condition # 6.7	Entire Project/	Permittee	
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ATTACHMENT 2A  
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)

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ATTACHMENT 2B

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:

Section(s)	Township	Range	County	Acres
------------	----------	-------	--------	-------

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: \_\_\_\_\_

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ATTACHMENT 3

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

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

Beneficiary:

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

Amount: U.S. \$***[dollar number]*** ***[(dollar amount)]***

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

Dear Sirs:

1. At the request and on the instruction of our customer, ***[name of applicant]*** ("Applicant"), we, ***[Name of financial institution]*** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$***[dollar number]*** ***[(dollar amount)]*** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of the CDFW pursuant to the terms of the incidental take permit for the ***[name of project]*** issued by the CDFW to the Applicant on ***[date]*** (No. ***[number]***) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions ***[numbers]*** in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by the CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.

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5. The CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at [***name and address of financial institution***].
6. The Certificate shall be completed and signed by an "Authorized Representative" of the CDFW as defined in paragraph 12 below. Presentation by the CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, the CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to the CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify the CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.



14. Communications with respect to this Credit shall be in writing and addressed to us at **[name and address of financial institution]**, specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for the CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: **[name and address of applicant]**.
15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on **[expiration date]**, or any extended expiration date.
18. We hereby agree with the CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[Name of financial institution]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTACHMENT A (PART OF ATTACHMENT 3)

IRREVOCABLE STANDBY LETTER OF CREDIT NO. [Number issued by financial institution]  
CERTIFICATE FOR DRAWING

To:

[Name and address of financial institution]

Re: Incidental Take Permit No. [permit number]

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

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

Therefore, the CDFW has executed and delivered this Certificate as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY:

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

Incidental Take Permit  
No. 2081-2018-064-05  
CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
SOLOMON CANYON CAPITAL MAINTENANCE PROJECT



ATTACHMENT B (PART OF ATTACHMENT 3)

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

To:

*[Name of financial institution and address]*

Re: Incidental Take Permit No. *[permit number]*

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY:

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

Incidental Take Permit  
No. 2081-2018-064-05  
CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
SOLOMON CANYON CAPITAL MAINTENANCE PROJECT

## ATTACHMENT 4

State of California - Department of Fish and Wildlife  
**MITIGATION PAYMENT TRANSMITTAL FORM**  
 DFW 1057 (NEW 07/28/17)

**SAVE**

**PRINT**

**CLEAR**

**EMAIL**

**Project Applicant Instructions:** Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

<b>1. DATE:</b> <input style="width: 100%;" type="text"/>  <b>TO:</b> <input style="width: 100%;" type="text"/> Regional Manager <input style="width: 100%;" type="text"/> Region Office Address	<b>2. FROM:</b> <input style="width: 100%;" type="text"/> Name <input style="width: 100%;" type="text"/> Mailing Address <input style="width: 100%;" type="text"/> City, State, Zip <input style="width: 100%;" type="text"/> Telephone Number/FAX Number
<b>3. RE:</b> <input style="width: 100%;" type="text"/> Project Name as appears on permit/agreement	

<b>4. AGREEMENT/ACCOUNT INFORMATION:</b> (check the applicable type) <input type="checkbox"/> 2081 Permit <input type="checkbox"/> Conservation Bank <input type="checkbox"/> 2835 NCCP <input type="checkbox"/> 1802 Agreement <input type="checkbox"/> 1600 Agreement <input type="checkbox"/> Other <input style="width: 50px;" type="text"/> <input style="width: 100%;" type="text"/> Project Tracking Number
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**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:

Check information:

Total \$       Check No.   
 Account No.       Bank Routing No.

- |  |  |
|--|--|
| a. Endowment: for Long-Term Management                                 | Subtotal \$ <input style="width: 100px;" type="text"/> |
| b. Habitat Enhancement   | Subtotal \$ <input style="width: 100px;" type="text"/> |
| c. Security:   |  |
| 1. Cash Refundable Security Deposit                                    | Subtotal \$ <input style="width: 100px;" type="text"/> |
| 2. Letter of Credit  | Subtotal \$ <input style="width: 100px;" type="text"/> |
| 1. Financial Institution: <input style="width: 150px;" type="text"/>   |  |
| 2. Letter of Credit Number: <input style="width: 150px;" type="text"/> |  |
| 3. Date of Expiration: <input style="width: 150px;" type="text"/>      |  |

ACCOUNTING OFFICE USE ONLY	
Description	FISCAL Coding
Speedchart (Project, Program, Reference, Fund)	<input style="width: 100%;" type="text"/>
Reporting Structure	<input style="width: 100%;" type="text"/>
Category	<input style="width: 100%;" type="text"/>
Date Established: <input style="width: 150px;" type="text"/>	By: <input style="width: 150px;" type="text"/>

## ATTACHMENT 5

Incidental Take Permit  
 No. 2081-2018-064-05  
 CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)  
 SOLOMON CANYON CAPITAL MAINTENANCE PROJECT



## **The Declining Amphibian Task Force Fieldwork Code of Practice**

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting fieldwork at amphibian breeding sites or in other aquatic habitats. Observations of disease and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species, which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires, and all other surfaces. Rinse cleaned items with sterilized (e.g., boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp." Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolated species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately at the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid direct contact between them (e.g., via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

## Millan, Amy@DOT

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**From:** Rodriguez, Randy@Wildlife <Randy.Rodriguez@wildlife.ca.gov>  
**Sent:** Thursday, August 1, 2019 7:12 AM  
**To:** Millan, Amy@DOT; Bonner, Larry E@DOT  
**Cc:** Chirdon, Matthew@Wildlife; Wilson, Erinn@Wildlife  
**Subject:** RE: ITP for Caltrans Project: Solomon Canyon CAPM-Clarification on ITP

**Importance:** High

Hi Amy:

Thank you for capturing our discussion on Tuesday to reflect the clarification for conditions 5.3, 6.3 and 7.4.

CDFW appreciates Caltrans reaching out to coordinate on this ITP.

Randy

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**From:** Millan, Amy@DOT <Amy.Millan@dot.ca.gov>  
**Sent:** Tuesday, July 30, 2019 1:54 PM  
**To:** Rodriguez, Randy@Wildlife <Randy.Rodriguez@wildlife.ca.gov>; Bonner, Larry E@DOT <larry.bonner@dot.ca.gov>  
**Cc:** Chirdon, Matthew@Wildlife <Matthew.Chirdon@wildlife.ca.gov>  
**Subject:** RE: ITP for Caltrans Project: Solomon Canyon CAPM

Hi Randy,

Thank you for getting back to me regarding this ITP. Per our conversation earlier this afternoon, the answers to your questions are as follows:

1. There will be initial disturbance multiple times. Generally, for CAPM projects the unpaved shoulder of the whole project area (in this case, 9.3 miles) will be cleared of brush and vegetation over the course of a few days. The crew will then come in and pave the project area in one- to two-mile sections until the whole length is complete (this work will only be on previously paved areas). Finally, shoulder backing will be installed for the length of the project (this occurs in the unpaved area).
2. Correct. If CTS appear on-site after initial ground disturbance, the Designated Monitor will be present for ground disturbance outside the paved travel way and will contact the Designated Biologist and CDFW immediately.
3. Correct, that is how I interpret Condition 5.3. If the Designated Biologist will not be present after initial ground disturbance, then the Designated Monitor will be present for ground disturbance outside the paved travel way. I understand that the monitoring of work off the paved travel way after initial ground disturbance is completed is not optional.

I also would like to include for the record that we spoke about the language in Condition 6.3 that says "The Designated Biologist shall be on-site daily when Covered Activities include ground disturbance outside the traveled way (i.e., not directly on the paved asphalt)." We confirmed that the Designated Biologist will be present for all initial ground disturbance off the pavement. There will not be a Designated Biologist or Monitor on-site while work is occurring on the pavement.

Thank you,  
Amy



Every Californian should conserve water. Find out how at:



[SaveOurWater.com](http://SaveOurWater.com) · [Drought.CA.gov](http://Drought.CA.gov)

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**From:** Rodriguez, Randy@Wildlife

**Sent:** Friday, July 22, 2016 2:16 PM

On Jul 24, 2019, at 4:20 PM, Millan, Amy@DOT <[Amy.Millan@dot.ca.gov](mailto:Amy.Millan@dot.ca.gov)> wrote:

Hi Randy,

I just called and left you a voicemail on your cell phone. I'll be out of the office the rest of this week, so can you please include Larry Bonner on any relevant emails regarding this project?

Thank you for your help with this ITP.

~Amy

**From:** Millan, Amy@DOT

**Sent:** Monday, July 15, 2019 2:19 PM

**To:** Rodriguez, Randy@Wildlife <[Randy.Rodriguez@wildlife.ca.gov](mailto:Randy.Rodriguez@wildlife.ca.gov)>

**Subject:** ITP for Caltrans Project: Solomon Canyon CAPM

Hello Randy,

I'm the Biologist on the Solomon Canyon Capital Maintenance Project (CAPM) in Santa Barbara County (ITP 2081-2018-064-05). Matt Chirdon has been my contact for the ITP thus far, but I know that he is out on leave until mid-August. A couple things came up on our final review of the permit that I would like to clarify with you.

Matt and I had previously hashed out some requirements for "any" ground disturbance versus "initial" ground disturbance in the permit requirements. Upon further review of the permit I would like to clarify two Conditions of Approval that I believe were meant to include "initial" ground disturbance and may have been overlooked. These two Conditions are:

- Condition 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities include **(initial)** ground disturbance outside the traveled way (i.e. not directly on paved asphalt) or potential for handling and relocation of the Covered Species exists.
- Condition 7.4. Pre-Ground Disturbance Surveys.....The Designated Biologist(s) shall complete walking surveys of the Project Area prior to ~~any~~ **(initial)** ground-disturbing activity (such as borrow areas, soils deposition areas, road construction or improvement sites, or fence installation/repair sites).....

Some of the Conditions were changed to include the requirement for "initial" ground disturbance, as Matt and I agreed upon. Condition 5.3 (Designated Biologist Permits) specifically says that "The