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PLANNING BRANCH

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

California Endangered Species Act
Incidental Take Permit No. 2081-2019-034-04

CYMRIC SURFACE EXPRESSION EMERGENCY CLEANUP

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

Permittee:	Chevron North America Exploration and Production Company, a Division of Chevron U.S.A., Inc
Principal Officer:	Robert Fragione, San Joaquin Valley Business Unit Operations Manager
Contact Person:	Kacy Twist, (661) 654-7129
Mailing Address:	9525 Camino Media Bakersfield, California 93311

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **March 1, 2020**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 4.8 of this ITP.

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

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

Project Location:

The Cymric Surface Expression Emergency Cleanup Project (Project) is located within the existing California Division of Oil, Gas, and Geothermal Resources (DOGGR) Administrative Boundaries of the Cymric Oil Field in western Kern County, California. The Project is approximately 4 miles northwest of the town of McKittrick in Township 30 North, Range 21 West, Section 1 (Figure 1). The Project is specifically within Assessor's Parcel Number 156-040-03, United States Geological Survey (USGS) 7.5-minute quadrangle map Reward, Mount Diablo Base and Meridian (Figure 2).

Project Description:

On May 10, 2019, a surface expression (seep) released crude oil and produced water into a nearby dry streambed. Additional surface expression locations appeared on June 8, 2019, June 23, 2019 and July 22, 2019 and released crude oil and produced water into the same stream in a southern pattern upstream (Figure 3). The released crude oil and produced water was contained within the dry streambed until it was deemed safe to begin cleaning it up (Figure 4). The stream was divided into two segments by an earthen berm and cleanup of northern division (Division 1) began first. A road was expanded and small pad installed on the west side of the stream for safe access by heavy equipment to conduct cleanup activities.

Cleanup of Division 1 consists of pumping of the oil and produced water mixture from the stream with submersible pumps and vacuum trucks and using a long-armed excavator to mix clean soil and/or solidifying/absorbent materials into the oil and produced water mixture to absorb the liquid, then excavating the contaminated soil. Front-end loaders then scoop up contaminated soil to take to the staging and stockpile area (1Y Staging Area; Figure 5). At the stockpile area, additional front-end loaders are used to load the contaminated soil into haul trucks for delivery to the approved off-site waste disposal facilities.

Once Division 1 is inspected to determine if the cleanup endpoints have been met, cleanup of the southern division (Division 2) will be delayed until an additional engineered earthen berm is constructed to further contain and secure the oil/water mixture within that stream segment and until the cause of the surface expression leak has been determined and corrected to ensure it no longer leaks.

Cleanup response activities include: construction of earthen berms inside and outside of the streambed to contain surface expression fluids and contaminated soil; construction and widening of roadways and ramps for access to safely implement and complete cleanup response activities; construction and widening of pads for access, observation, driving, parking, equipment and vehicle storage, or any other reason required to safely implement and complete cleanup response activities; clearing, grading, cutting, filling, or any dirt moving activity necessary to safely implement and complete cleanup response activities; excavation and removal of any contaminated soils using heavy equipment or any other equipment required to safely implement and complete cleanup response activities; use of submersible pumps and temporary tanks to remove and store standing oil/water mixture; use of vacuum

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trucks to remove the oil/water mixture; use, storage, and transportation of solidifying/absorbent materials such as sodium polyacrylate; transportation of the oil/water mixture, contaminated soils, and clean soils; storage/stockpiling of contaminated soils; excavation of clean soils from a borrow area; seep source identification; well abandonments; facility construction; and other well work and activities related to identifying and stopping seep flow.

In order to keep wildlife from entering the Project area, wildlife exclusion and hazing activities include the use of propane cannons (e.g., zon gun) primarily at night with blasts occurring at intervals of between 30 to 90 seconds, the use of exterior light towers at night, and installation and removal of wildlife exclusion fencing where it is safe and feasible to do so.

The Project also entails site access and travel by vehicles and equipment. These include the increased use of any existing road, pad, facility, etc., for personnel, security staff, and visitors; the use of designated haul routes to and from the streambed and the storage and stockpile areas; the use of designated haul routes to and from the storage and stockpile areas to public roadways for transportation of contaminated soils to off-site waste disposal sites (Figure 2).

The total footprint of the proposed Project is approximately 28.64 acres. Within this 28.64 acres, the Project footprint will include the Project Work Areas (defined as discrete areas where covered activities will occur within the Project footprint), excavation areas, staging areas, stockpiling areas, access roadways, and exclusion fencing areas (Figures 4 and 5). This includes the 8.18 acres of Covered Species habitat that will be temporarily impacted by the excavation, site access, and staging of excavated material and equipment. The remaining 20.46 acres of previously disturbed areas (prior to when the surface expression began) and dirt roadways that will be utilized for Project Area access, ingress and egress, storage, and staging of materials and equipment. The disturbed areas and dirt roadways are existing and consist of hard, compacted soils devoid of vegetation.

Nothing in this ITP shall preclude CDFW's ability to assess injury to natural resources as a result of the spill and to seek damages from the Permittee or other responsible parties as appropriate.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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

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

⁴See *Id.*, subd. (b)(6)(B).

⁵See *Id.*, subd. (b)(6)(E).

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include clearing, grubbing, grading, removing vegetation, cut and fill, excavating to remove contaminated soil, spills or leaks of hydrocarbons or other chemicals, seep source identification, well abandonment, facility construction, other well work and activities to identify and stop seep flow, materials laydown and storage, heavy equipment storage, stockpiling contaminated soil, Project-related traffic, installation and removal of temporary exclusion fencing, use of wildlife hazing methods such as propane cannons and lighting, and other activities described in the Project Description section of this ITP (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 den or burrow collapse that results in crushing or suffocation of underground individuals due to excavation; crushing by equipment; entrapment and burial within excavations; entanglement in, or crushing by, moving equipment parts; or by ingestion of, or entrapment in, spilled oil, produced water, or other hazardous materials. Incidental take, including mortality, of Covered Species due to vehicle strikes may occur in connection with Project-related traffic during cleanup and security activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so from entrapment in excavations, uncovering through the excavation of dens and burrow systems, by corralling into a confined area if exclusion fencing is constructed around the Project Area, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: staging and stockpile areas, excavation areas, exclusion fencing areas, access and material haul routes, security routes, at any other areas where Covered Activities will occur (collectively, the Work Area(s)), and traveling to and from each Work Area within the Project Area as depicted in Figure 2 (collectively, the Project Area). The Work Area(s) are defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur.

The Project is expected to cause the temporary loss of 8.18 acres of habitat for the Covered Species. There may be Work Areas, such as created access roadways, within this 8.18 acres that are unable to be fully restored. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from excavation, stress and exposure due to capture and relocation, short-term loss of denning and burrowing habitat used for shelter, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

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Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular ingress and egress, staging and parking, and noise- and vibration-generating activities that may 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. **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.

3. General Provisions:

- 3.1. Designated Representative. Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing within one (1) business day after issuance of this ITP 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.
- 3.2. Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) within one (1) business day after issuance of this ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing and shall also

obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat and San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW.

- 3.3. Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 3.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 3.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

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- 3.6. Trash Abatement. Permittee shall initiate a trash abatement program 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.
- 3.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 3.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 3.9. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 3.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 3.4.
- 3.11. Delineation of Project Boundaries. Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, flags, or other highly visible marking along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, flagged, or marked areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.

- 3.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 3.13. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 3.14. 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 Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.11 of this ITP.
- 3.15. 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 new fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall ensure the proper storage and handling of hazardous materials within the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.
- 3.16. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 3.17. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

4. Monitoring, Notification and Reporting Provisions:

- 4.1. Notification of Non-compliance. The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 4.2. Giant Kangaroo Rat (GKR) Mortality Reduction and Relocation Plan. Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW within three (3) days after issuance of this ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.
- 4.3. San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW within three (3) days after issuance of this ITP. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.

- 4.4. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. 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 no-disturbance exclusion buffers; 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 daily during construction.
- 4.5. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all GKR and SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Weekly Compliance Report described in Condition of Approval 4.6 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 4.8 below shall include cumulative results, analysis of data collected, and conclusions.
- 4.6. Weekly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.4 into a Weekly Compliance Report commencing with the first Monday after work has begun and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Weekly 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 Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 4.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Weekly Compliance Report or Final Mitigation Report, whichever is submitted first relative to the observation.
- 4.8. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Weekly Compliance Reports; (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.
- 4.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.

5. 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:

- 5.1. Designated Biologist On-site. The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species.

- 5.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.
- 5.3. Delineation of Ingress and Egress Routes. Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 5.4. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 5.5. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.19, 5.22, and 5.24.
- 5.6. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3 above.
- 5.7. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 5.8. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 5.9. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a

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Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3 above.

- 5.10. Excavation Inspection. The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3 above.
- 5.11. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 5.12. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species

moves from the Project Area of its own accord or a GKR or SJAS is moved by the Designated Biologist as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3 above.

- 5.13. Burrow and Den Surveys and Mapping. The Designated Biologist(s) shall survey the Project Area to identify and flag all potential active and inactive Covered Species burrows and dens within seven (7) days of issuance of this ITP. The surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for four (4) nights with tracking medium and infrared cameras to determine the current use of the den(s). Permittee shall provide the survey results in a written report to CDFW's Regional Representative within five (5) days after survey completion. The report shall include, but not be limited to, date and time of survey, a discussion of the type and map of the locations of each potential or known Covered Species burrow and/or den, a discussion of whether the burrows will be excavated and an estimated date of burrow excavation as defined in Conditions of Approval 4.2 and 4.3, and a discussion of whether the dens will be excavated or otherwise blocked from use and an estimated date of SJKF den excavation or blockage installation as defined in Conditions of Approval 5.23 and 5.24.
- 5.14. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area within seven (7) days of issuance of this ITP. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.18, 5.21, and 5.23. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.19, 5.22 and 5.24.
- 5.15. Vegetation Removal. When it is safe to do so, Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.

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- 5.16. Temporary Exclusion Fencing. At the discretion of the Designated Biologist, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Work Areas within the Project Area to exclude Covered Species from Covered Activities when it is safe to do so. Fencing material and design shall be reviewed and approved in writing by CDFW (email will suffice) before exclusion fencing installation. If the Designated Biologist determines that temporary exclusion fencing will not be installed around a particular Work Area within the Project Area, CDFW shall be notified regarding the specific Work Area and the reasoning for not installing the fencing around that area. A sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the specific Work Area throughout the duration that Covered Activities will occur.
- 5.17. Temporary Exclusion Fencing Installation. In Work Areas where exclusion fencing will be installed, the Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 5.19 and 5.22 below prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.
- 5.18. GKR Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within the Work Area. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Condition of Approval 5.19 below. Permittee shall provide the GKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR excavation will commence as described in Condition of Approval 4.2.
- 5.19. GKR Burrow Excavation. At the discretion of the Designated Biologist, all potential GKR burrows detected within the Work Areas that can be safely accessed, but cannot be avoided per Condition of Approval 5.18, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR

encountered during burrow excavation to the CDFW-approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.2). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.

- 5.20. Protection of GKR Food Stores. Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 4.2, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.
- 5.21. SJAS Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval 5.22 below.
- 5.22. SJAS Burrow Excavation. At the discretion of the Designated Biologist, all potential SJAS burrows detected within the Work Areas that can be safely accessed, but cannot be avoided per Condition of Approval 5.21, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any SJAS encountered during burrow excavation to the CDFW-approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 4.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.
- 5.23. SJKF Den Avoidance. Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after

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Covered Activities are completed in the Project Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.

- 5.24. SJKF Den Excavation. Under the supervision of the Designated Biologist without advance tracking or camera monitoring, Permittee may excavate potential dens that cannot be avoided as per Condition of Approval 5.23 and that do not show any signs of SJKF use or characteristics suggesting it is a SJKF den. Known dens (including dens in natural substrate and in/under man-made structures) and natal dens that cannot be avoided as per Condition of Approval 5.23 shall not be excavated without consultation with the USFWS and CDFW. Permittee shall obtain written guidance (e-mail will suffice) from both agencies regarding the most appropriate course of action for the known and natal dens. Prior to obtaining written guidance, known dens and natal dens shall be avoided as per Condition of Approval 5.23.
- 5.25. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility within seven (7) days of issuance of this ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 4.9. Notification shall include the name of the facility where the animal was taken.

6. Habitat Management Land Acquisition:

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Other factors that were evaluated in determining the estimate of the acreage required include the extent to which certain Work Areas in the Project Area may not be able to be fully restored once Covered Activities are complete and an assessment of the potential compensatory habitat to be of higher quality than the Project Area.

To meet this requirement, the Permittee shall either purchase 12.27 acres of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for the Covered Species (Condition of Approval 6.2) OR provide for both the permanent protection and management of 12.27 acres of Habitat Management (HM) lands with occupied Covered Species habitat pursuant to Condition of Approval 6.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 6.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 7.

6.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:

6.1.1. Land acquisition costs for HM lands identified in Condition of Approval 6.3 below, estimated at \$6,250.00/acre for 12.27 acres: **\$76,687.50**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees;

6.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 6.3.5 below, estimated at **\$37,765.07**;

6.1.3. Interim management period funding as described in Condition of Approval 6.3.6 below, estimated at **\$22,009.50**;

6.1.4. Long-term management funding as described in Condition of Approval 6.4 below, estimated at \$33,982.47/acre (approximately) for 12.27 acres: **\$416,964.85**. Long-term management funding is estimated initially for the

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purpose of providing Security to ensure implementation of HM lands management;

- 6.1.5. 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 to CDFW as described in Condition of Approval 6.5, estimated at **\$12,000.00**.

- 6.2. Covered Species Credits. Permittee shall purchase 12.27 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank no later than 18 months from the issuance of this ITP since Security will be provided pursuant to Condition of Approval 7 below.

OR:

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

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

- 6.3.2. 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

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Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

- 6.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 6.3.4. 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;
- 6.3.5. 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 <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 6.3.6. 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, Covered Species monitoring surveys, equipment, travel, and other necessary management activities. Permittee shall either (1) provide

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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.

- 6.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 6.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 6.3.5. 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.

- 6.4.1. 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).;

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

6.4.2.1. 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.

6.4.2.2. 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:

6.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

6.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments

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shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

6.4.3. 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.

6.5. 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.

7. Performance Security:

The Permittee shall ensure funding (Security) within five (5) days of issuance of this ITP to complete any activity required by Condition of Approval 6. Permittee shall provide Security as follows:

7.1. Security Amount. The Security shall be in the amount of **\$565,426.92**. This amount is based on the cost estimates identified in Condition of Approval 6.1 above.

7.2. 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.

7.3. Security Timeline. The Security shall be provided to CDFW within five (5) days of issuance of this ITP.

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

7.5. 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.

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

7.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and 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, the Permittee must complete the required purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank or 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 the 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 the 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 the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to, the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and

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revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-034-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
Region 4 – Central Region Office
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4020

and a copy to:

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

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

Annee Ferranti, Environmental Program Manager
California Department of Fish and Wildlife
Region 4 – Central Region Office
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4020

Compliance with CEQA:

As the "public agency which has the principal responsibility of...approving [the Project]," (Pub. Resources Code, §21067), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, §21000 et seq.). CDFW has determined that this Project is exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency." (Pub. Resources Code, §21080, subd. (b)(4).). CDFW has filed a Notice of Exemption for the Project.

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application and 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) Weekly 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 12.27 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

Incidental Take Permit
No. 2081-2019-034-04

CHEVRON NORTH AMERICA EXPLORATION & PRODUCTION CO.
CYMRIC SURFACE EXPRESSION EMERGENCY CLEANUP PROJECT

funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

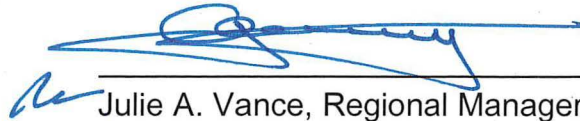
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Area Map
FIGURE 3	Project Surface Expression Locations Map
FIGURE 4	Project Impacts Map
FIGURE 5	Project 1Y Staging Area Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/14/19



Julie A. Vance, Regional Manager
REGION 4 – CENTRAL REGION

ACKNOWLEDGMENT

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

By: David E. Reed Date: 8-21-2019

Printed Name: David Reed Title: Operations Superintendent
DOA for Robert Fragione

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Figure 1- Project Vicinity Map



Figure 2 - Project Area Map

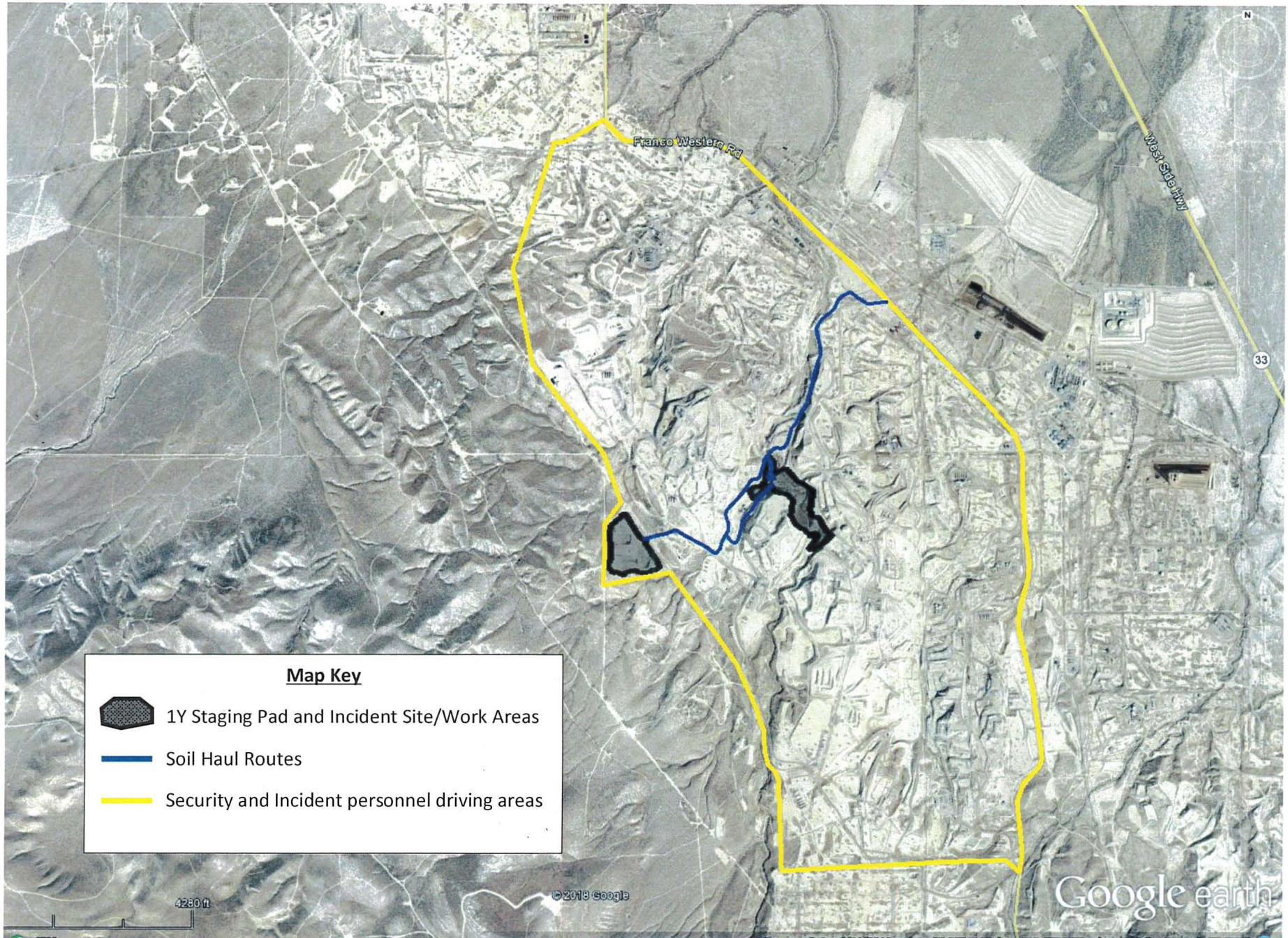


Figure 3 - Project Surface Expression Locations Map



Figure 4 - Project Impacts Map



Figure 5 - 1Y Staging Area Map

Area (black polygon) used for obtaining clean borrow soil, contaminated soil stockpiling and storage, storage of solidifying/absorbant materials, and staging of equipment



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-034-04

PERMITTEE: Chevron North America Exploration and
Production Company

PROJECT: Cymric Surface Expression Emergency Cleanup

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
IMMEDIATELY AFTER ISSUANCE					
1	<u>Designated Representative</u> . Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing within one (1) business day after issuance of the ITP of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 3.1	Within one (1) business day after issuance / Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) within one (1) business day after issuance of the ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat and San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW.	ITP Condition # 3.2	Within one (1) business day after issuance / Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 3.4	Immediately after issuance / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program 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 # 3.6	Immediately after issuance / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Delineation of Project Boundaries.</u> Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, flags, or other highly visible marking along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, flagged, or marked areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 3.11	Immediately after issuance / Entire Project	Permittee	
6	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 3.12	Immediately after issuance / Entire Project	Permittee	
7	<u>Giant Kangaroo Rat (GKR) Mortality Reduction and Relocation Plan.</u> Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW within 14 3 days after issuance of the ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of the ITP. Any proposed changes to the CDFW approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.2	Within 3 days after issuance / Entire Project	Permittee	
8	<u>San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan.</u> Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW within 14 3 days after issuance of the ITP. Burrow excavation shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.3	Within 3 days after issuance / Entire Project	Permittee	
9	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 5.3	Immediately after issuance / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>Burrow and Den Surveys and Mapping.</u> The Designated Biologist(s) shall survey the Project Area to identify and flag all potential active and inactive Covered Species burrows and dens within seven (7) days of issuance of this ITP. The surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for 4 nights with tracking medium and infrared cameras to determine the current use of the den(s). Permittee shall provide the survey results in a written report to CDFW's Regional Representative within five (5) days after survey completion. The report shall include, but not be limited to, date and time of survey, a discussion of the type and map of the locations of each potential or known Covered Species burrow and/or den, a discussion of whether the burrows will be excavated and an estimated date of burrow excavation as defined in Conditions of Approval 4.2 and 4.3, and a discussion of whether the dens will be excavated or otherwise blocked from use and an estimated date of SJKF den excavation or blockage installation as defined in Conditions of Approval 5.23 and 5.24.	ITP Condition # 5.13	Within seven (7) days after issuance / Entire Project	Permittee	
11	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area within seven (7) days of issuance of the ITP. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.18, 5.21, and 5.23. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.19, 5.22 and 5.24.	ITP Condition # 5.14	Within seven (7) days after issuance / Entire Project	Permittee	
12	<u>Vegetation Removal.</u> When it is safe to do so, Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.	ITP Condition # 5.15	Immediately after issuance / Entire Project	Permittee	
13	<u>Temporary Exclusion Fencing.</u> At the discretion of the Designated Biologist, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Work Areas within the Project Area to exclude Covered Species from Covered Activities when it is safe to do so. Fencing material and design shall be reviewed and approved in writing by CDFW (email will suffice) before exclusion fencing installation. If the Designated Biologist determines that temporary exclusion fencing will not be installed around a particular Work Area within the Project Area, CDFW shall be notified regarding the specific Work Area and the reasoning for not installing the fencing around that area. A sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the specific Work Area throughout the duration that Covered Activities will occur.	ITP Condition # 5.16	Immediately after issuance / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<u>Temporary Exclusion Fencing Installation.</u> In Work Areas where exclusion fencing will be installed, the Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 5.19 and 5.22 prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 5.17	Immediately after issuance / Entire Project	Permittee	
15	<u>GKR Burrow Avoidance.</u> The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within the Work Area. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Condition of Approval 5.19. Permittee shall provide the GKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR excavation will commence as described in Condition of Approval 4.2.	ITP Condition # 5.18	Immediately after issuance / Entire Project	Permittee	
16	<u>GKR Burrow Excavation.</u> At the discretion of the Designated Biologist, all potential GKR burrows detected within the Work Areas that can be safely accessed, but cannot be avoided per Condition of Approval 5.18, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR encountered during burrow excavation to the CDFW approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.2). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed within the release cages or artificial burrows.	ITP Condition # 5.19	Immediately after issuance / Entire Project	Permittee	
17	<u>Protection of GKR Food Stores.</u> Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 4.2, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.	ITP Condition # 5.20	Immediately after issuance / Entire Project	Permittee	
18	<u>SJAS Burrow Avoidance.</u> The Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas to be disturbed by Covered Activities. If the 50-foot no disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval 5.22.	ITP Condition # 5.21	Immediately after issuance / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<u>SJAS Burrow Excavation.</u> At the discretion of the Designated Biologist, all potential SJAS burrows detected within the Work Areas that can be safely accessed, but cannot be avoided per Condition of Approval 5.21, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any SJAS encountered during burrow excavation to the CDFW approved release site(s) identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 4.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.	ITP Condition # 5.22	Immediately after issuance / Entire Project	Permittee	
20	<u>SJKF Den Avoidance.</u> Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.	ITP Condition # 5.23	Immediately after issuance / Entire Project	Permittee	
21	<u>SJKF Den Excavation.</u> Under the supervision of the Designated Biologist without advance tracking or camera monitoring, Permittee may excavate potential dens that cannot be avoided as per Condition of Approval 5.23 and that do not show any signs of SJKF use or characteristics suggesting it is a SJKF den. Known dens (including dens in natural substrate and in/under man-made structures) and natal dens that cannot be avoided as per Condition of Approval 5.23 shall not be excavated without consultation with the USFWS and CDFW. Permittee shall obtain written guidance (e-mail will suffice) from both agencies regarding the most appropriate course of action for the known and natal dens. Prior to obtaining written guidance, known dens and natal dens shall be avoided as per Condition of Approval 5.23.	ITP Condition # 5.24	Immediately after issuance / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<p><u>Performance Security</u>. The Permittee shall ensure funding (Security) within five (5) days of issuance of the ITP to complete any activity required by Condition of Approval 6. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> Security Amount. The Security shall be in the amount of \$565,426.92. This amount is based on the cost estimates identified in Condition of Approval 6.1. 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. Security Timeline. The Security shall be provided to CDFW within five (5) days of issuance of the ITP. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. 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. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> 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. <p>Even if Security is provided, the Permittee must complete the required purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank or acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the 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 the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 7	Within five (5) days after issuance	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CLEANUP					
23	<u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 3.3	Entire Project	Permittee	
24	<u>Compliance Monitoring.</u> The Designated Biologist shall be on site daily when Covered Activities occur. 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 the ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections daily during construction.	ITP Condition # 4.4	Entire Project	Permittee	
25	<u>Designated Biologist On-site.</u> The Designated Biologist shall be on site during all activities that may result in the take of Covered Species.	ITP Condition # 5.1	Entire Project	Permittee	
26	<u>Record of Covered Species Relocation Efforts.</u> The Designated Biologist shall maintain a record of all GKR and SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Weekly Compliance Report described in Condition of Approval 4.7. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 4.9 shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 4.5	Entire Project	Permittee	
27	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 3.5	Entire Project	Permittee	
28	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 4.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.	ITP Condition # 4.9	Entire Project	Permittee	
30	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Weekly Compliance Report or Final Mitigation Report, whichever is submitted first relative to the observation.	ITP Condition # 4.7	Entire Project	Permittee	
31	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or a GKR or SJAS is moved by the Designated Biologist as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3.	ITP Condition # 5.12	Entire Project	Permittee	
32	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility within seven (7) days of issuance of the ITP. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 4.10. Notification shall include the name of the facility where the animal was taken.	ITP Conditions # 5.25	Entire Project	Permittee	
33	<u>Weekly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.5 into a Weekly Compliance Report commencing with the first Monday after work has begun and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Weekly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Conditions # 4.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	<u>Dust Control</u> . 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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	ITP Conditions # 3.7	Entire Project	Permittee	
35	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Conditions # 3.8	Entire Project	Permittee	
36	<u>Firearms and Dogs</u> . Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Conditions # 3.9	Entire Project	Permittee	
37	<u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 3.4.	ITP Conditions # 3.10	Entire Project	Permittee	
38	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 3.13	Entire Project	Permittee	
39	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.11 of the ITP.	ITP Condition # 3.14	Entire Project	Permittee	
40	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any new fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall ensure the proper storage and handling of hazardous materials within the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.	ITP Condition # 3.15	Entire Project	Permittee	
41	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 3.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<u>Work Hours.</u> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.	ITP Condition # 5.2	Entire Project	Permittee	
43	<u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 5.4	Entire Project	Permittee	
44	<u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.19, 5.22, and 5.24.	ITP Condition # 5.5	Entire Project	Permittee	
45	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3.	ITP Condition # 5.6	Entire Project	Permittee	
46	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 5.7	Entire Project	Permittee	
47	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 5.8	Entire Project	Permittee	
48	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3.	ITP Condition # 5.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
49	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.2 and 4.3.	ITP Condition # 5.10	Entire Project	Permittee	
50	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 5.11	Entire Project	Permittee	
POST-CLEANUP					
51	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and 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 # 3.17	Post-cleanup	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<p><u>Habitat Management Land Acquisition.</u> CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Other factors that were evaluated in determining the estimate of the acreage required include the extent to which certain Work Areas in the Project Area may not be able to be fully restored once Covered Activities are complete and an assessment of the potential compensatory habitat to be of higher quality than the Project Area.</p> <p>To meet this requirement, the Permittee shall either purchase 12.27 acres of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for the Covered Species (Condition of Approval 6.2) OR provide for both the permanent protection and management of 12.27 acres of Habitat Management (HM) lands with occupied Covered Species habitat pursuant to Condition of Approval 6.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 6.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 7.</p>	ITP Condition # 6	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
53	<p><u>Cost Estimates.</u> CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> Land acquisition costs for HM lands identified in Condition of Approval 6.3 below, estimated at \$6,250.00/acre for 12.27 acres: \$76,687.50. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees; Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 6.3.5, estimated at \$37,765.07; Interim management period funding as described in Condition of Approval 6.3.6, estimated at \$22,009.50; Long-term management funding as described in Condition of Approval 6.4, estimated at \$33,982.47/acre (approximately) for 12.27 acres: \$416,964.85. Long term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 6.5, estimated at \$12,000.00. 	ITP Condition # 6.1	Post-cleanup and within 18 months after issuance of the ITP since Security is required		

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	<u>Covered Species Credits</u> . Permittee shall purchase 12.27 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 7. OR:	ITP Condition # 6.2	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
55	<u>Fee Title/Conservation Easement</u> . Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).	ITP Condition # 6.3.1	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
56	<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 6.3.2	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
57	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 6.3.3	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
58	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 6.3.4	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
59	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 6.3.5	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, Covered Species monitoring surveys, equipment, travel, and other necessary management activities. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 6.3.6	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
61	Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 6.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 6.3.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 6.4	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).	ITP Condition # 6.4.1	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
63	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Condition # 6.4.2	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
64	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Condition # 6.4.2.1	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
65	<u>Endowment Buffers/Assumptions.</u> Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition # 6.4.2.2	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
66	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Condition # 6.4.3	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
67	<u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 6.5	Post-cleanup and within 18 months after issuance of the ITP since Security is required	Permittee	
68	<u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Weekly Compliance Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 4.8	Post-cleanup and after completion of Habitat Management Land acquisition	Permittee / CDFW	

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

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

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

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

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

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

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

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

Documents in this package include:

☐ Fully executed, approved as to form Conservation Easement Deed or Grant Deed with legal description stamped by a licensed surveyor. Date executed: _____

☐ Proposed Lands for Acquisition Form (PLFAF)

☐ Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it must be less than two years old.)

☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than six months old when final processing is conducted.

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

☐ a plot or map of easements/encumbrances on the property

☐ Policy of Title Insurance (an existing title policy is not acceptable)

☐ County Assessor Parcel Map(s) for subject property

☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit _____ Other: _____
(write in type of permit)

☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)

☐ Biological Resources Report

☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)

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

Issue Date: [**date**]

Beneficiary:

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

Amount: U.S. \$[**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.
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

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]"*]

ATTACHMENT B

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

To:

[*Name of financial institution and address*]

Re: Incidental Take Permit No. [*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*"]]

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

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.

1. DATE: _____ TO: _____ Regional Manager _____ Region Office Address	2. FROM: _____ Name _____ Mailing Address _____ City, State, Zip _____ Telephone Number/FAX Number
3. RE: _____ Project Name as appears on permit/agreement	

4. AGREEMENT/ACCOUNT INFORMATION: (check the applicable type)

☐ 2081 Permit
 ☐ Conservation Bank
 ☐ 2835 NCCP
 ☐ 1802 Agreement
 ☐ 1600 Agreement
 ☐ Other _____

Project Tracking Number

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 \$ _____

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

ACCOUNTING OFFICE USE ONLY	
Description	FI\$Cal Coding
Speedchart (Project, Program, Reference, Fund)	
Reporting Structure	
Category	
Date Established: _____ By: _____	

