



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

RECEIVED

SEP 03 2019
HABITAT CONSERVATION
PLANNING BRANCH

California Endangered Species Act
Incidental Take Permit No. 2081-2019-005-04

HOLLISTER TK-8 SCHOOL SITE

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: Hollister School District
Principal Officer: Diego Ochoa, Superintendent
(831) 630-6300, extension 306
Mailing Address: 2690 Cienega Road
Hollister, California 95023

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 **February 28, 2022**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.6 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"].)

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

Project Location:

The Hollister TK-8 School Site (Project) is located east of the City of Hollister, in unincorporated San Benito County (Figure 1) approximately 200 feet north-east of the intersection of Fairview and Sunnyslope roads (Project Area; Figure 2) at approximately 36° 50' 26.77" N latitude, 121° 21' 41.61" W longitude. The Project is located within the Tres Pinos, California 7.5-minute United States Geological Survey (USGS) quadrangle, Township 12 South, Range 6 East, Section 31, and Township 13 South, Range 6 East, Section 6.

Project Description:

The Project includes construction of a 900-student transitional kindergarten through eighth-grade school on a 12-acre undeveloped, vacant agricultural site. Take authorization for this Project was originally permitted under ITP No. 2081-2013-032-04 as part of the Santana Ranch. Subsequently, the Project portion of Santana Ranch was sold to the Permittee necessitating acquisition of a new ITP for take authorization. The site is currently fallowed, sloped, and contains no trees or aquatic resources. The school site will include approximately 36 classrooms divided among several classroom buildings, an administrative/library building, parking lot, driveways, sidewalks, landscaping, and underground utilities at the eastern and southern portions of the site. Project activities include earthwork; grading; cut and fill (leveling); installation of fencing, utilities, and wastewater and stormwater collection infrastructure; concrete paving; landscaping; construction of driveways and buildings; operation of heavy equipment; ground compaction; stockpiling and deposit of soils; material and equipment transport and laydown; and trenching and backfilling.

The Project Area will be accessed from the south via an existing developed road (Sunnyslope Road); from the east via the future Santana Ranch Drive, which is currently being developed in association with an adjacent development; and from the north via an access route originating from an adjacent property which is currently being developed in association with the same adjacent development.

Equipment needed to perform the above Covered Activities include graders, blade scrapers, compactors, rollers, dump trucks, asphalt trucks, excavators, loaders, backhoes, concrete trucks, light-duty pick-up trucks, haul trucks, trenchers, skid-steers, cranes, augers, post diggers, and water buffaloes.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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

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

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

Impacts of the Taking on Covered Species:

Project activities will cumulatively disturb no more than 12 acres and 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: earthwork; grading; cut and fill (leveling); installation of fencing, utilities, and wastewater and stormwater collection; concrete paving; landscaping; construction of roads and buildings; operation of heavy equipment; ground compaction; stockpiling and deposit of soils; material and equipment transport and laydown; and trenching and backfilling (collectively referred to as Covered Activities).

Covered Activities may result in incidental take of individuals of the Covered Species in the form of mortality ("kill") from vehicle/equipment strikes during site preparation and hauling of materials and spoils; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during vegetation removal, grubbing, cut/fill, grading, compaction, and trenching; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation, top soil, or soil compaction, grading activities, and development of roadbeds, structure building pads, and other surface infrastructure; entrapment and burial within trenches for utilities, open pipelines, or uncovered excavations; crushing by equipment; and vehicle strikes on access roads due to increased Project-related traffic. Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of pursue, catch, capture, or attempt to do so through the capture or entrapment in holes or trenches, by uncovering through the excavation of burrow systems, by corralling into a confined area when barrier fencing is constructed around the Project Area, and when individuals are relocated out of harm's way as required by this ITP.

The Project is expected to cause the permanent loss of 12 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover and increased vulnerability to predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2017011004 adopted by Hollister School District on March 7, 2017, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in Santana Ranch Mixed Use Development Project, San Benito County, California Biological Opinion (File No. 2008-00401S) (8-8-14-4F) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

5. General Provisions:

- 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved individuals identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.
- 5.3. Designated Biologist and Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the

same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. For the duration of Covered Activities, this training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, skunks, and domesticated/feral cats and dogs.
- 5.7. 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.
- 5.8. 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), plastic sheeting, or similar material, in potential Covered Species' habitat.
- 5.9. Dogs. Permittee shall prohibit 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.
- 5.10. Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.

- 5.11. 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 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.
- 5.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and after any break from Covered Activities of more than 30 days and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when vegetation and soil disturbance 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 exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. These compliance inspections shall continue until the completion of Covered Activities.
- 6.4. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW quarterly, commencing in November 2019, and thereafter in February, May, August, and November no later than the 5th day of the month it is due, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed within the Project Area, both for the prior quarter and a total since ITP issuance, as well as an estimate of the expected number of acres to be disturbed in the successive quarter; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the previous quarter. Quarterly 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, the Region CESA Program, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the Region CESA Program email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the

timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.6. 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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. CDFW shall review and provide approval; or alternatively, specific comments which identify items which are necessary for completion prior to CDFW approval of the Final Mitigation Report.
- 6.7. Covered Species Mortality Reduction and Relocation Plan. Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a Covered Species *Mortality Reduction and Relocation Plan*. The Covered Species *Mortality Reduction and Relocation Plan*

shall include, but not be limited to; a discussion of the survey, excavation method, capture, handling, and relocation methods; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The Covered Species *Mortality Reduction and Relocation Plan* must indicate that only the approved Designated Biologist(s) is/are authorized to capture and handle individuals of the Covered Species or approved Designated Monitors under the direct supervision of the Designated Biologist.

- 6.8. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.9. Notification of Take or Injury. Permittee, its employees, agents, contractors or sub- contractors 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) 243-4014. The initial notification to CDFW shall include information regarding the location, species, number of individuals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, GPS location of the individual(s), and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. Take Minimization Measures:

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

- 7.1. Pre-Activity Clearance Surveys and Reporting. No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the area, including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW approved Covered Species *Mortality Reduction and Relocation Plan* (Condition of Approval 6.7). The Permittee shall provide the survey results to

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

CDFW in a written report no more than 14 days prior to the beginning of Covered Activities.

- 7.2. Flag Burrows. During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 7.3 below.
- 7.3. Small Mammal Burrow Excavation. Prior to any vegetation- and ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2, above, and within 562 meters of known or potential Covered Species breeding habitat and that cannot be avoided by 50 feet, shall be fully excavated under the direct supervision of the Designated Biologist(s) in accordance with the CDFW-approved Covered Species *Mortality Reduction and Relocation Plan* (Condition of Approval 6.7). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 feet of the Project Area except that burrows outside of the Permittee's access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist(s) in accordance with the CDFW-approved Covered Species *Mortality Reduction and Relocation Plan*. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1 above.
- 7.4. Covered Species Exclusion Fencing. If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittee shall install temporary exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours **after** small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist(s) in accordance with Condition of Approval 7.3 above to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). The exclusion fence shall be buried a minimum of four inches below ground-surface

and shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one-way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3, above, prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species *Mortality Reduction and Relocation Plan*. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.

- 7.5. Covered Species Exclusion Fence Installation. The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of Covered Activities. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary.
- 7.6. Delineation of Ingress and Egress Routes. All access roads shall be flagged in the field from the paved road and vehicle ingress and egress shall be limited by the Permittee to these designated ingress and egress routes.
- 7.7. Covered Species Observations. During all Covered Activities, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist(s) can relocate the Covered Species following the CDFW-approved Covered Species *Mortality Reduction and Relocation Plan* specified in Condition of Approval 6.7 above.
- 7.8. Covered Species Record of Observations and Handling. All records of Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.9 above. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 6.8. This information should also be included in the Quarterly Compliance and Annual Status Reports.

- 7.9. Covered Species Injury. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.7, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. Covered Species observations should also be reported in accordance with Conditions of Approval 6.8, 6.9, and 7.8 above.
- 7.10. Open Excavations. Permittee shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.
- 7.10.1. Covers. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.
- 7.10.1.1. From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 50 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less

than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide.

7.10.1.2. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 50 percent chance of precipitation at the Project Area within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100-foot intervals, and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, then Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found in accordance with the Covered Species *Mortality Reduction and Relocation Plan* and by no later than 1 hour after sunrise.

7.10.1.3. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.

7.10.1.4. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.

- 7.11. Materials Inspection. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 1 inch or greater that are stored for one or more overnight periods 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 allow the animal to safely escape that section of the structure before moving and utilizing the structure.
- 7.12. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment 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, especially if the animal is inside the fenced Project Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species *Mortality Reduction and Relocation Plan* required in Condition of Approval 6.7 above.
- 7.13. Precipitation. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.4 and 7.5 above.
- 7.14. Night Work. Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.
- 7.15. Soil Stockpiles. Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above.

- 7.16. Curbs, Berms, and/or Dikes. Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to The Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.17. Herbicide Use. Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 3 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.
- 7.18. Fieldwork Code of Practice. To ensure that the Designated Biologist(s) does not convey disease, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

8. Habitat Management Land Acquisition:

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

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

To meet this requirement, 134.75 Covered Species Upland Habitat credits were previously purchased from the Sparling Ranch Conservation Bank as required by CESA ITP No. 2081-2013-032-04 for the adjacent Santana Ranch project. These credits were purchased by Stonecreek Properties, LLC, and Guerra Nut Shelling, the permittees of the aforementioned ITP, on 11 July 2018 to mitigate impacts associated with Phase 4 of the Santana Ranch project. In July 2018, the Permittee purchased a 12-acre parcel within Phase 4 of the Santana Ranch development which had been previously mitigated for through the credit purchase described above. Therefore, impacts of the Project are considered fully compensated for.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

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 (2081-2019-005-04) 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
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4022

and a copy to:

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

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

Renée Robison
California Department of Fish and Wildlife
Region 4 – Central Region
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 274
Fax (559) 243-4022

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Hollister School District. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Hollister TK-8 School Site (Santana Ranch) Project Mitigated Negative Declaration (MND), (SCH No.: 2017011004) dated February 2017 that the Hollister School District adopted for Hollister TK-8 School Site on March 7, 2017. At the time the lead agency adopted the MND and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, the Hollister TK-8 School Site (Santana Ranch) Project MND, Santana Ranch Residential Development Biological Opinion, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (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) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area,

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

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 compensatory habitat that was protected as part of CESA ITP No. 2081-2013-032-04 is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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

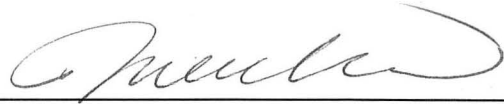
Attachments:

FIGURE 1	Map of Project Location
FIGURE 2	Map of Project Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/28/19



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

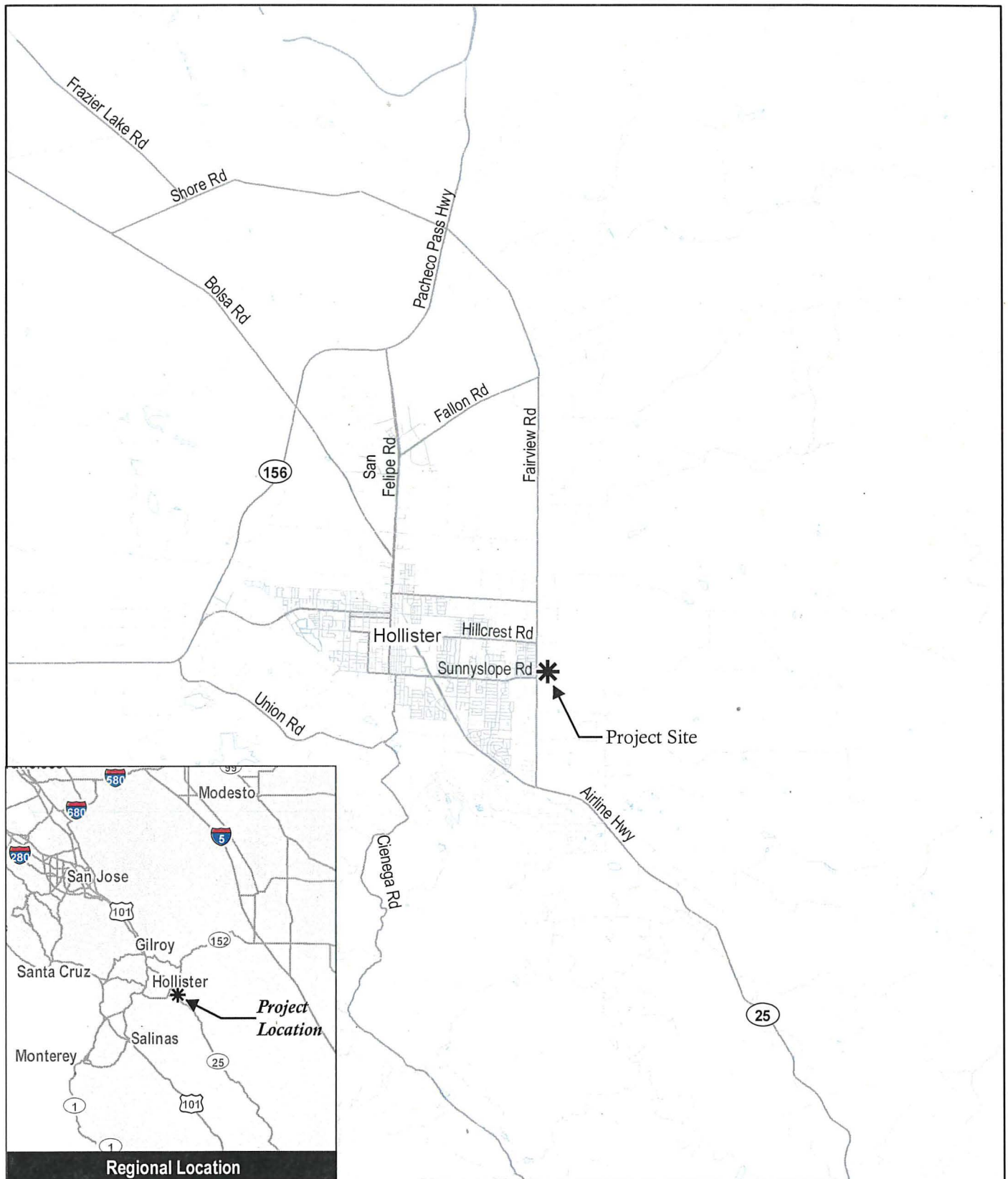
By: 

Date: AUGUST 30, 2019

Printed Name: DIEGO R. ORTIZ

Title: SUPERINTENDENT

Incidental Take Permit
No. 2081-2019-005-04
HOLLISTER SCHOOL DISTRICT
HOLLISTER TK-8 SCHOOL SITE PROJECT



Source: ESRI 2016

Figure 1
Project Location



0 800 feet.



School Project Site

Source: ESRI 2018

Figure 2
Map of Project Area



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-005-04

PERMITTEE: Hollister School District

PROJECT: Hollister TK-8 School Site

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative.</u> Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist.</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved individuals identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. For the duration of Covered Activities, this training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, skunks, and domesticated/feral cats and dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<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.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and after any break from Covered Activities of more than 30 days and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
8	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to; a discussion of the survey, excavation method, capture, handling, and relocation methods; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The Covered Species Mortality Reduction and Relocation Plan must indicate that only the approved Designated Biologist(s) is/are authorized to capture and handle individuals of the Covered Species or approved Designated Monitors under the direct supervision of the Designated Biologist.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	<u>Delineation of Ingress and Egress Routes</u> . All access roads shall be flagged in the field from the paved road and vehicle ingress and egress shall be limited by the Permittee to these designated ingress and egress routes.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<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.</p> <p>To meet this requirement, 134.75 Covered Species Upland Habitat credits were previously purchased from the Sparling Ranch Conservation Bank as required by CESA ITP No. 2081-2013-032-04 for the adjacent Santana Ranch project. These credits were purchased by Stonecreek Properties, LLC, and Guerra Nut Shelling, the permittees of the aforementioned ITP, on 11 July 2018 to mitigate impacts associated with Phase 4 of the Santana Ranch project. In July 2018, the Permittee purchased a 12-acre parcel within Phase 4 of the Santana Ranch development which had been previously mitigated for through the credit purchase described above. Therefore, impacts of the Project are considered fully compensated for.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					
11	<p><u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily when vegetation and soil disturbance 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 exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed. These compliance inspections shall continue until the completion of Covered Activities.</p>	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	<u>Quarterly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW quarterly, commencing in November 2019, and thereafter in February, May, August, and November no later than the 5th day of the month it is due, along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed within the Project Area, both for the prior quarter and a total since ITP issuance, as well as an estimate of the expected number of acres to be disturbed in the successive quarter; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the previous quarter. Quarterly 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, the Region CESA Program, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the Region CESA Program email is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.4	Entire Project	Permittee	
13	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.5	Entire Project	Permittee	
14	<u>Notification of Take or Injury.</u> Permittee, its employees, agents, contractors or sub- contractors 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) 243-4014. The initial notification to CDFW shall include information regarding the location, species, number of individuals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, GPS location of the individual(s), and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.8	Entire Project	Permittee	
16	<u>Notification of Non-compliance</u> . The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	
17	<u>Construction Monitoring Notebook</u> . The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
18	<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), plastic sheeting, or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	
19	<u>Dogs</u> . Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 5.9	Entire Project	Permittee	
20	<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 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 # 5.11	Entire Project	Permittee	
21	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
22	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	
23	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>Pre-Activity Clearance Surveys and Reporting.</u> No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the area, including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.7). The Permittee shall provide the survey results to CDFW in a written report no more than 14 days prior to the beginning of Covered Activities.	ITP Condition # 7.1	Entire Project	Permittee	
25	<u>Flag Burrows.</u> During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 7.3 below.	ITP Condition # 7.2	Entire Project	Permittee	
26	<u>Small Mammal Burrow Excavation.</u> Prior to any vegetation- and ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2, above, and within 562 meters of known or potential Covered Species breeding habitat and that cannot be avoided by 50 feet, shall be fully excavated under the direct supervision of the Designated Biologist(s) in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.7). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 feet of the Project Area except that burrows outside of the Permittee's access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist(s) in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1 above.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p><u>Covered Species Exclusion Fencing.</u> If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittee shall install temporary exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours <u>after</u> small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist(s) in accordance with Condition of Approval 7.3 above to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). The exclusion fence shall be buried a minimum of four inches below ground-surface and shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one-way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3, above, prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area.</p>	ITP Condition # 7.4	Entire Project	Permittee	
28	<p><u>Covered Species Exclusion Fence Installation.</u> The Designated Biologist(s) shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of Covered Activities. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary.</p>	ITP Condition # 7.5	Entire Project	Permittee	
29	<p><u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist(s) can relocate the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.7 above.</p>	ITP Condition # 7.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Covered Species Record of Observations and Handling.</u> All records of Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.9 above. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 6.8. This information should also be included in the Quarterly Compliance and Annual Status Reports.	ITP Condition # 7.8	Entire Project	Permittee	
31	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.7, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated. Covered Species observations should also be reported in accordance with Conditions of Approval 6.8, 6.9, and 7.8 above.	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<p><u>Open Excavations.</u> Permittee shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittee shall ensure that all excavated, steep walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.</p> <p>7.10.1. <u>Covers.</u> Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.</p> <p>7.10.1.1. From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 50 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide.</p> <p>7.10.1.2. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 50 percent chance of precipitation at the Project Area within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100 foot intervals, and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, then Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found in accordance with the Covered Species Mortality Reduction and Relocation Plan and by no later than 1 hour after sunrise.</p>	ITP Condition # 7.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<p><u>Open Excavations.</u> (continued)</p> <p>7.10.1.3. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.</p> <p>7.10.1.4. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.</p>	ITP Condition # 7.10	Entire Project	CDFW	
33	<u>Materials Inspection.</u> Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of 1 inch or greater that are stored for one or more overnight periods 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 allow the animal to safely escape that section of the structure before moving and utilizing the structure.	ITP Condition # 7.11	Entire Project	CDFW	
34	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment 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, especially if the animal is inside the fenced Project Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.7 above.	ITP Condition # 7.12	Entire Project	CDFW	
35	<u>Precipitation.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.4 and 7.5 above.	ITP Condition # 7.13	Entire Project	CDFW	
36	<u>Night Work.</u> Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.	ITP Condition # 7.14	Entire Project	CDFW	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<u>Soil Stockpiles</u> . Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above.	ITP Condition # 7.15	Entire Project	CDFW	
38	<u>Curbs, Berms, and/or Dikes</u> . Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to The Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.	ITP Condition # 7.16	Entire Project	CDFW	
39	<u>Herbicide Use</u> . Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 3 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.17	Entire Project	CDFW	
40	<u>Fieldwork Code of Practice</u> . To ensure that the Designated Biologist(s) does not convey disease, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.18	Entire Project	CDFW	
41	<u>Designated Biologist and Designated Monitor Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 5.3	Entire Project	CDFW	
POST-CONSTRUCTION					
42	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. CDFW shall review and provide approval; or alternatively, specific comments which identify items which are necessary for completion prior to CDFW approval of the Final Mitigation Report.	ITP Condition # 6.6	Post-construction and after completion of mitigation	Permittee	

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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

