



**Torrance Logistics
Company LLC**
111 W. Ocean Blvd.
Suite 1500
Long Beach, CA 90802
www.pbfenergy.com

Submitted via Certified Mail- 7018 1130 0000 7905 9447

September 18, 2019

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

RECEIVED

SEP 24 2019

**HABITAT CONSERVATION
PLANNING BRANCH**

Re: Incidental Take Permit for M55 Anomaly Repair (2081-2019-010-04)

Dear Madam or Sir:

On behalf of the Torrance Pipeline Company, LLC, Torrance Logistics Company, LLC (TLC), respectfully submits this signed acknowledgement of the receipt of this ITP.

Should you have any questions regarding this application, please contact me at (310) 212-4190 or renee.nygaard@pbfenergy.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "Renee Nygaard", is written over a horizontal line.

Renee Nygaard
Environmental Manager

cc: Rachel Brossman



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

RECEIVED

SEP 24 2019

HABITAT CONSERVATION
PLANNING BRANCH

California Endangered Species Act
Incidental Take Permit No. 2081-2019-010-04

M55 ANOMALY REPAIRS

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: | Torrance Logistics Company LLC |
| Principal Officer: | Paul Davis, President Western Region |
| Contact Person: | Rachel Brossman, (310) 212-4195 |
| Mailing Address: | 12851 East 166th Street Cerritos, California 90703 |

Effective Date and Expiration Date of this ITP:

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

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.9 of this ITP.

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

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

Project Location:

The M55 Anomaly Repairs (Project) are located in western Kern County, California at the southern end of the San Joaquin Valley (Figure 1). They are situated east of the Temblor Mountain Range near the town of McKittrick, California. The Project is separated into two repair areas, Dig Site 01 and Dig Site 06 (Figure 2). Dig Site 01 is located approximately 4 miles north of McKittrick within Section 32, Township 29 South, Range 22 East, Mount Diablo Base and Meridian (MDBM) on Bureau of Land Management-owned land and occurs within the Department of Oil, Gas, and Geothermal Resources (DOGGR) administrative boundary of the Cymric Oil Field in the Reward United States Geological Survey (USGS) 7.5-minute quadrangle. This Dig Site can be accessed along a dirt access road 250 feet east of State Route (SR) 33 (Figure 3). Dig Site 06 is located approximately 0.75 mile south of McKittrick within the northeast $\frac{1}{4}$ of Section 29, Township 30 South, Range 22 East, MDBM on privately-owned surface estate. Dig Site 06 occurs within the DOGGR administrative boundary of the McKittrick Oil Field and within the Reward USGS 7.5-minute topographic quadrangle. This Dig Site can be accessed by existing roadways approximately 500 feet north of SR 58 and 1,900 feet west of SR 33 (Figure 4).

Project Description:

The Project includes repairs to two segments of the M-55 pipeline that carries heavy crude oil from Kern County to the Torrance refinery in the city of Torrance, California (Figure 1). The Project footprint includes the two ingress and egress roadways, pipeline repair sections, and surrounding area that will accommodate the storage and transport of equipment and stockpiling of soils. The 12-inch M-55 pipeline segments where repairs will be conducted are comprised of partially buried pipeline spanning stream channels. These segments will be further exposed using backhoes and hand tools to a depth of five feet, depending on the amount of soil erosion that has occurred within the stream channel. Dig Site 01 spans approximately 40-feet long by 10-feet wide and Dig Site 06 will span 95-feet long by 10-feet wide.

Both excavation pits from the pipeline exposure will be lined with Visqueen plastic sheeting to contain existing coating material removed during sandblasting and any other materials from Project activities. Following lining of the excavation pits, gang trucks with air compressors will be used to sandblast the exposed portions of pipeline. Once sandblasting has been completed, the sandblasted material will be gathered and removed from the Project area. Following material removal, a qualified technician will perform a non-destructive examination or analysis of the exposed pipe using a handheld device, generator, and a pick-up truck. If the analysis of the exposed pipeline determines additional repairs are required, a full steel encirclement sleeve will be fitted and welded over the compromised section of pipe using a welding truck. Regardless if additional repairs are completed, the excavation pit will again be lined with Visqueen plastic sheeting and re-coated with epoxy and allowed to dry before site cleanup occurs. The total length of time this repair work will take is between 7 to 15 days depending on the level of repairs needed.

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The total footprint of the proposed Project is 1.56 acres. Within this 1.56 acres, the Project footprint will include the access roadways, the Project work areas, excavation areas, staging areas, and exclusion fencing areas. This includes the 0.239 acres of Allscale scrub habitat that will be temporarily impacted by the excavation and work areas, pipeline repair, and staging of equipment and the remaining 1.321 acres of existing access dirt roadways that will be utilized for the storage and staging of materials and equipment (Figures 3 and 4). The dirt roadways are existing and the materials and equipment staging area consist of hard compacted soils devoid of vegetation.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

| Name | CESA Status |
|--|-------------------------|
| 1. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>) | Threatened ³ |
| 2. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>) | Threatened ⁴ |

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include clearing, grubbing, removing vegetation, excavation to expose pipeline, backfill and compaction of the pipeline trench, spills or leaks of hydrocarbons or other chemicals, grading, materials laydown and storage, heavy equipment storage, Project-related traffic, installation and removal of temporary exclusion fencing, and other activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as den or burrow collapse that results in crushing or suffocation of underground individuals due to site preparation and excavation; crushing by equipment; entrapment and burial within excavations; and vehicle strikes from Project-related traffic during construction activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so from entrapment in excavations, uncovering through the excavation of dens and burrow systems, by corralling into a confined area when exclusion fencing is constructed around the Project Area, vehicular strikes, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(B).

⁴See *Id.*, subd. (b)(6)(E).

Species is expected to occur include: staging areas, pipeline excavation work areas, pipeline repair areas, exclusion fencing areas, and access routes (collectively, the Project Area).

The Project is expected to cause the temporary loss of 0.239 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 excavation, stress and exposure due to capture and relocation, short-term loss of denning and burrowing habitat used for shelter, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No.1600-2019-0113-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the 2017 Programmatic Biological Opinion on Oil and Gas Activities on Bureau of Land Management Lands in the San Joaquin Valley (08ESMF00-2016-F-0683) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered

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Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

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

5. General Provisions:

- 5.1. Designated Representative. Before 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 in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) at least 14 days before starting Covered Activities. 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. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of small mammal species, including San Joaquin antelope squirrel (SJAS), as well as experience in the eviction and excavation of dens actively being used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors who will work under the direction/supervision of the Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors and their specific activities shall be approved in advance and in writing by CDFW.

- 5.3. Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist 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.
- 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, and feral 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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each

product's safety or hazards to wildlife to CDFW with any such request for approval.

- 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) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 5.9. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 5.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 5.4.
- 5.11. Delineation of Project Boundaries. Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags before starting Covered Activities along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.13. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this

ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

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

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least 14 days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.

- 6.3. San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 14 calendar days prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 6.4. San Joaquin Kit Fox (SJKF) Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 14 days prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.
- 6.5. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall

prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections daily during construction.

- 6.6. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Weekly Compliance Report described in Condition of Approval 6.7 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 6.9 below shall include cumulative results, analysis of data collected, and conclusions.
- 6.7. Weekly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Weekly Compliance Report commencing with the first Monday after work has begun and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Weekly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.8. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Weekly Compliance Report or Final Mitigation Report, whichever is submitted first relative to the observation.

- 6.9. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Weekly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.10. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.

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. The "Repair Site" is further defined to only include the two Pipeline Repair sites and not the associated staging areas or access roadways. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Designated Biologist On-site. The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species.
- 7.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.

- 7.3. Lighting. Permitted shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.
- 7.4. Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 7.5. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 7.6. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 7.20 and 7.23.
- 7.7. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.
- 7.8. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 7.9. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 7.10. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered

Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure.

Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.

- 7.11. Trench Inspection. The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plan described in Condition of Approval 6.3 above.
- 7.12. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species

may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.

- 7.13. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.
- 7.14. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS relocation as described in Condition of Approval 6.3, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 6.4.
- 7.15. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of

Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 7.18 and 7.21. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 7.19, 7.20, 7.22 and 7.23.

- 7.16. Temporary Exclusion Fencing. Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Repair Sites, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Repair Site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Repair Site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Repair Site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Repair Site. If the Designated Biologist determines that temporary exclusion fencing will not be installed around a particular Repair Site within the Project Area, CDFW shall be notified regarding the specific Repair Site and the reasoning for not installing the fencing around that area and a sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the specific Repair Site throughout the duration that Covered Activities will occur.
- 7.17. Temporary Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 7.20 below prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Repair Sites. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.
- 7.18. SJAS Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be

occupied SJAS burrows within and adjacent to the Repair Sites to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 7.19 and 7.20 below.

- 7.19. SJAS Relocation. The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Repair Sites that cannot be avoided per Condition of Approval 7.18 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the approved SJAS Mortality Reduction and Relocation Plan (Conditions of Approval 6.3). Traps shall only be open during the time of day when **on-site temperatures** are within the 68-degree to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.
- 7.20. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 7.19 and prior to commencing Covered Activities within the Repair Sites, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Repair Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 7.19 above. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 6.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.
- 7.21. SJKF Den Avoidance. Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall

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

- 7.22. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 7.21 with an artificial den prior to den excavation (as described in Condition of Approval 7.23 below). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 6.4. Pre-activity surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 7.14) and avoidance measures (as described in Condition of Approval 7.21) implemented prior to the installation of artificial dens.
- 7.23. SJKF Den Excavation. Potential dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist without advance tracking or camera monitoring. Known dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.21

may be destroyed only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.

- 7.24. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 6.10. Notification shall include the name of the facility where the animal was taken.

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.

To meet this requirement, the Permittee shall either purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for SJAS and SJKF (Condition of Approval 8.2) OR provide for both the permanent protection and management of 0.263 acre of Habitat Management (HM) lands with SJAS-occupied habitat for SJAS and SJKF pursuant to Condition of

Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

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

8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$6,250.00/acre for 0.263 acres: **\$1,643.75**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees;

8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at **\$7,555.88**;

8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at **\$12,816.14**;

8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$494,309.46/acre for 0.263 acres: **\$130,003.39**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;

8.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$12,000.00**.

8.2. Covered Species Credits. Permittee shall purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.

OR:

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

- 8.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
- 8.3.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.

8.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

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

8.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment

deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).
- 8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

- 8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.
- 8.5. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9. Performance Security:

The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount. The Security shall be in the amount of **\$164,019.16**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements

no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may

Incidental Take Permit
No. 2081-2019-010-04
TORRANCE LOGISTICS COMPANY LLC
M55 ANOMALY REPAIRS

subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-010-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Brandon Sanderson, Environmental Scientist
California Department of Fish and Wildlife
Region 4 (Central Region) SLO Field Office
3196 Higuera Street, Suite A
San Luis Obispo, California 93401
Telephone (805) 594-6141
Fax (805) 542-4609

Compliance with CEQA:

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

Incidental Take Permit
No. 2081-2019-010-04
TORRANCE LOGISTICS COMPANY LLC
M55 ANOMALY REPAIRS

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Weekly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.263 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

| | |
|-------------------|---|
| FIGURE 1 | Project Location |
| FIGURE 2 | Project Repair Locations (Aerial Map) |
| FIGURE 3 | Dig Site 01 |
| FIGURE 4 | Dig Site 06 |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2A, 2B | Proposed Lands for Acquisition Form; Habitat Management Lands Checklist |
| ATTACHMENT 3 | Letter of Credit Form |
| ATTACHMENT 4 | Mitigation Payment Transmittal Form |

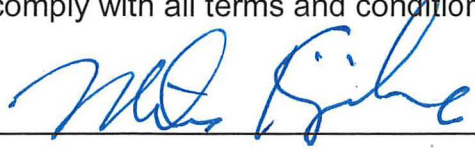
ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on August 8, 2019


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: 9/16/19

Printed Name: Miles Kajioaka Title: Director, Western Region Logistics

Incidental Take Permit
No. 2081-2019-010-04
TORRANCE LOGISTICS COMPANY LLC
M55 ANOMALY REPAIRS

Figure 1. Project Location

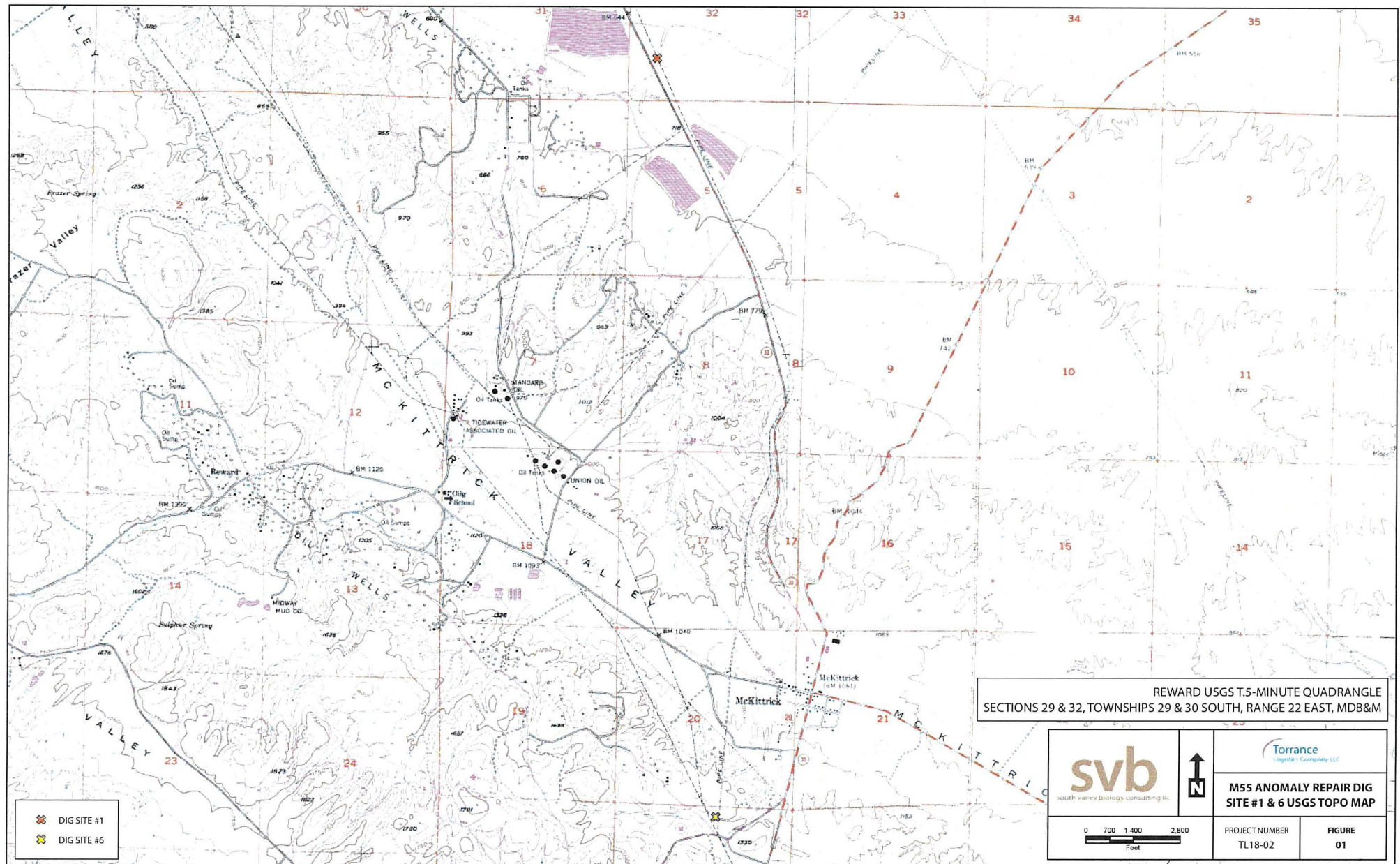
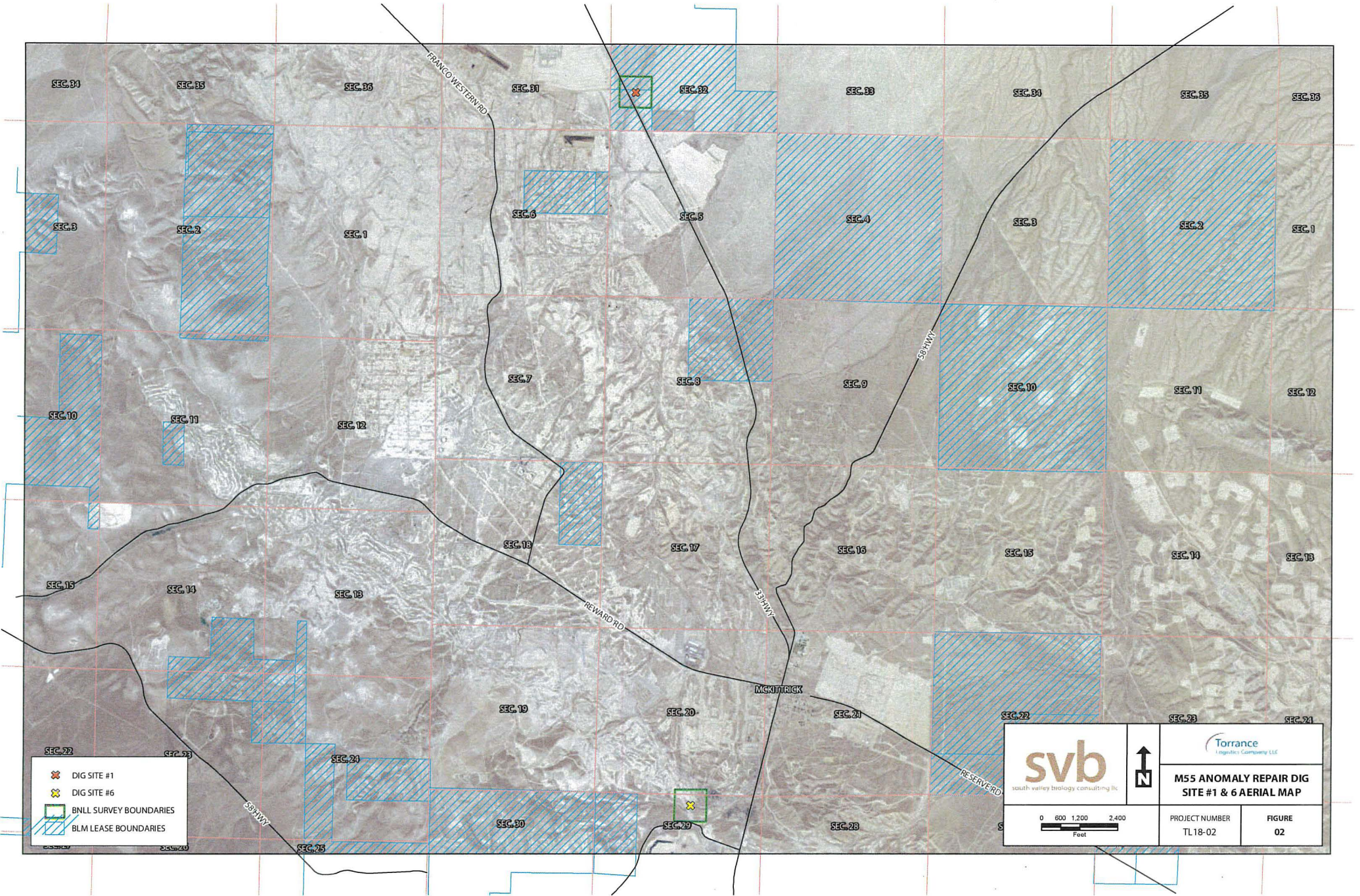



Figure 2. Project Repair Locations (Aerial Map)




Legend:


- DIG SITE #1
- DIG SITE #6
- BNLL SURVEY BOUNDARIES
- BLM LEASE BOUNDARIES



svb
south valley biology consulting llc



↑



Torrance
Logistics Company LLC

**M55 ANOMALY REPAIR DIG
SITE #1 & 6 AERIAL MAP**

PROJECT NUMBER
TL18-02

FIGURE
02

0 600 1,200 2,400
Feet

Figure 3. Dig Site 01

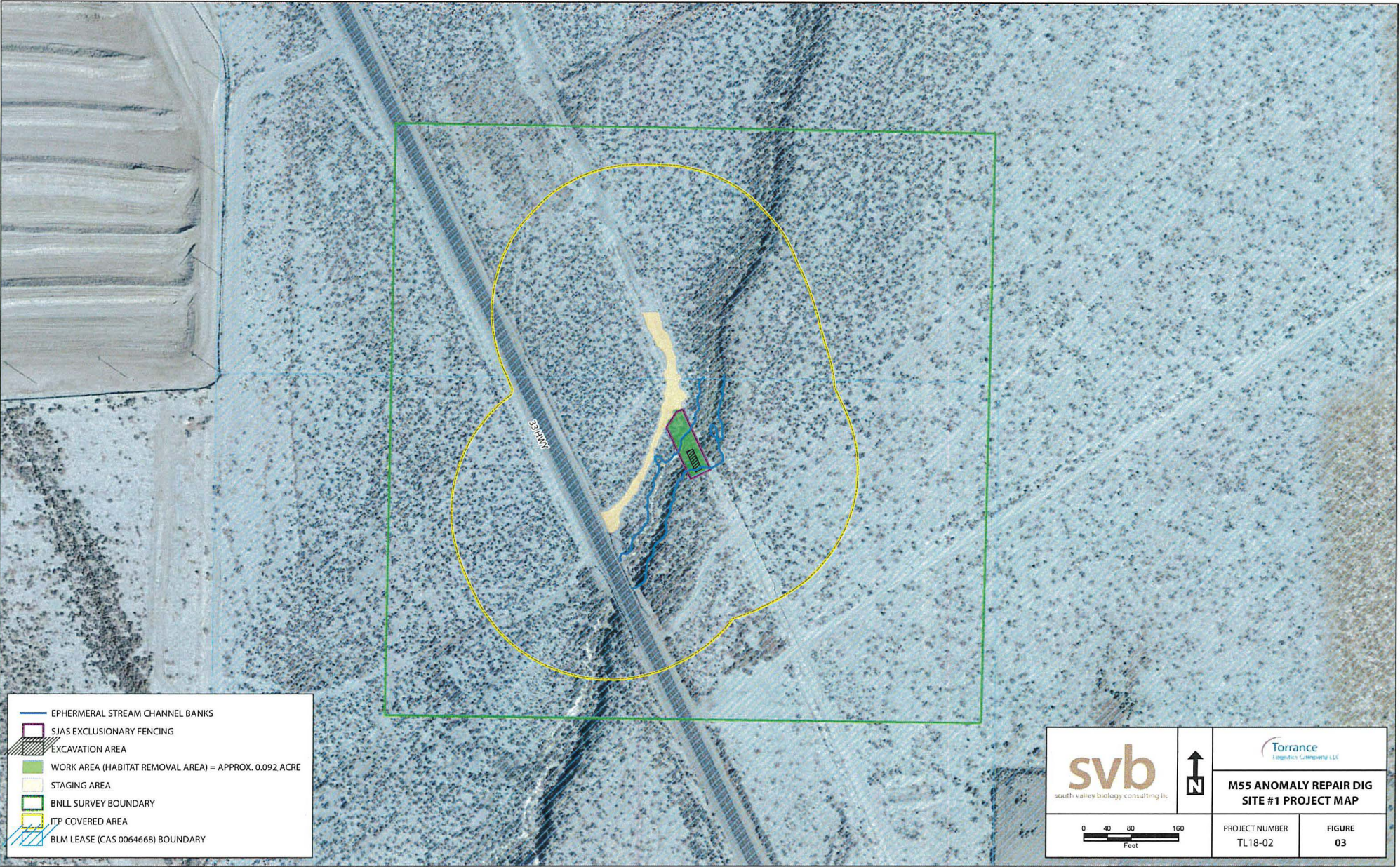


Figure 4. Dig Site 06



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-010-04

PERMITTEE: Torrance Logistics Company LLC

PROJECT: M55 Anomaly Repairs

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|---|--|---------------------|---|-------------------|--------------------------|
| 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 in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) at least 14 days before starting Covered Activities. 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. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of small mammal species, including San Joaquin antelope squirrel (SJAS), as well as experience in the eviction and excavation of dens actively being used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors who will work under the direction/supervision of the Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors and their specific activities shall be approved in advance and in writing by CDFW. | ITP Condition # 5.2 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 3 | <u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. | ITP Condition # 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, and feral 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. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval. | ITP Condition # 5.7 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee | |
| 6 | <u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 5.4. | ITP Condition # 5.10 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 7 | <u>Delineation of Project Boundaries</u> . Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags before starting Covered Activities along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. | ITP Condition # 5.11 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 8 | <u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. | ITP Condition # 5.12 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 9 | <u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities. | ITP Condition # 6.1 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 10 | <u>San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan</u> . Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW no more than 14 calendar days prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications. | ITP Condition # 6.3 | Before commencing ground- or vegetation-disturbing activities | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|--|----------------------|--|-------------------|--------------------------|
| 11 | <u>San Joaquin Kit Fox (SJKF) Den Replacement Plan.</u> Permittee shall submit a SJKF Den Replacement Plan to CDFW no more than 14 days prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications. | ITP Condition # 6.4 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 12 | <u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes. | ITP Condition # 7.4 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 13 | <u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS relocation as described in Condition of Approval 6.3, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 6.4. | ITP Condition # 7.14 | Before commencing ground- or vegetation-disturbing activities | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|---|----------------------|--|-------------------|--------------------------|
| 14 | <u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 7.18 and 7.21. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 7.19, 7.20, 7.22 and 7.23. | ITP Condition # 7.15 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 15 | <u>Temporary Exclusion Fencing.</u> Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Repair Sites, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Repair Site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Repair Site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Repair Site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Repair Site. If the Designated Biologist determines that temporary exclusion fencing will not be installed around a particular Repair Site within the Project Area, CDFW shall be notified regarding the specific Repair Site and the reasoning for not installing the fencing around that area and a sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the specific Repair Site throughout the duration that Covered Activities will occur. | ITP Condition # 7.16 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 16 | <u>Temporary Exclusion Fencing Installation.</u> The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 7.20 below prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Repair Sites. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. | ITP Condition # 7.17 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 17 | <u>SJAS Burrow Avoidance.</u> The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Repair Sites to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 7.19 and 7.20 below. | ITP Condition # 7.18 | Before commencing ground- or vegetation-disturbing activities | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|---|----------------------|---|-------------------|--------------------------|
| 18 | <u>SJAS Relocation</u> . The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Repair Sites that cannot be avoided per Condition of Approval 7.18 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the appropriate SJAS Mortality Reduction and Relocation Plan (Conditions of Approval 6.3). Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. | ITP Condition # 7.19 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 19 | <u>SJAS Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 7.19 and prior to commencing Covered Activities within the Repair Sites, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Repair Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 7.19 above. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 6.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping. | ITP Condition # 7.20 | Before commencing ground- or vegetation-disturbing activities | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|---|----------------------|--|-------------------|--------------------------|
| 20 | <u>SJKF Den Avoidance.</u> Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Site when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. | ITP Condition # 7.21 | Before commencing ground- or vegetation-disturbing activities / Entire Project | Permittee | |
| 21 | <u>SJKF Den Replacement.</u> Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 7.21 with an artificial den prior to den excavation (as described in Condition of Approval 7.23 below). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 6.4. Pre-construction surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 7.14) and avoidance measures (as described in Condition of Approval 7.21) implemented prior to the installation of artificial dens. | ITP Condition # 7.22 | Before commencing ground- or vegetation-disturbing activities | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|---|----------------------|--|-------------------|--------------------------|
| 22 | <p><u>SJKF Den Excavation</u>. Potential dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist without advance tracking or camera monitoring. Known dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.21 may be destroyed only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.</p> | ITP Condition # 7.23 | Before commencing ground- or vegetation-disturbing activities | Permittee | |
| 23 | <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, the Permittee shall either purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank with habitat credits for SJAS (Condition of Approval 8.2) <u>OR</u> provide for both the permanent protection and management of 0.263 acre of Habitat Management (HM) lands with SJAS-occupied habitat pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.</p> | ITP Condition # 8 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 24 | <p><u>Cost Estimates.</u> CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$6,250.00/acre for 0.263 acres: \$1,643.75. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements and associated real estate broker and escrow fees; Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$7,555.88; Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$12,816.14; Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$494,309.46/acre for 0.263 acres: \$130,003.39. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$12,000.00. | ITP Condition #8.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 25 | <p><u>Covered Species Credits.</u> Permittee shall purchase 0.263 acre of Covered Species credit from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 10 below.</p> <p>OR:</p> | ITP Condition #8.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 26 | <u>Fee Title/Conservation Easement</u> . To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). | ITP Condition #8.3.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 27 | <u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. | ITP Condition #8.3.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 28 | <u>HM Lands Documentation</u> . Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services. | ITP Condition #8.3.3 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 29 | <u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. | ITP Condition #8.3.4 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 30 | <u>Start-up Activities.</u> Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage; | ITP Condition #8.3.5 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 31 | <u>Interim Management (Initial and Capital).</u> Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, Covered Species monitoring surveys, equipment, travel, and other necessary management activities. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager. | ITP Condition #8.3.6 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 32 | <u>Endowment Fund.</u> If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3, The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment. | ITP Condition #8.4 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 33 | <u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4). | ITP Conditions #8.4.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 34 | <u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager. | ITP Conditions #8.4.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 35 | <u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees. | ITP Conditions #8.4.2.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 36 | <u>Endowment Buffers/Assumptions.</u> Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. | ITP Conditions #8.4.2.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 37 | <u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. | ITP Conditions #8.4.3 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| 38 | <u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW. | ITP Conditions #8.5 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 39 | <p><u>Performance Security.</u> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount.</u> The Security shall be in the amount of \$164,019.16. This amount is based on the cost estimates identified in Condition of Approval 8.1 above. <u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first. <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. <u>Security Transmittal.</u> If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other. <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP. <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p> | ITP Condition # 9 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee | |
| DURING CONSTRUCTION | | | | | |
| 40 | <p><u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections daily during construction.</p> | ITP Condition # 6.5 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 41 | <u>Record of Covered Species Relocation Efforts.</u> The Designated Biologist shall maintain a record of all SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 6.7 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 6.10 below shall include cumulative results, analysis of data collected, and conclusions. | ITP Condition # 6.6 | Entire Project | Permittee | |
| 42 | <u>Weekly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Weekly Compliance Report commencing with the first Monday after work has begun and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Weekly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule. | ITP Condition # 6.7 | Entire Project | Permittee | |
| 43 | <u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. | ITP Condition # 6.8 | Entire Project | Permittee | |
| 44 | <u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours. | ITP Condition # 6.2 | Entire Project | Permittee | |
| 45 | <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 | |
| 46 | <u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials. | ITP Condition # 5.8 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 47 | <u>Firearms and Dogs.</u> Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials. | ITP Condition # 5.9 | Entire Project | Permittee | |
| 48 | <u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification. | ITP Condition # 5.13 | Entire Project | Permittee | |
| 49 | <u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of the ITP. | ITP Condition # 5.14 | Entire Project | Permittee | |
| 50 | <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 # 5.15 | Entire Project | Permittee | |
| 51 | <u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP. | ITP Condition # 5.16 | Entire Project | Permittee | |
| 52 | <u>Designated Biologist On-site.</u> The Designated Biologist shall be on-site during all activities that may result in the take of Covered Species. | ITP Condition # 7.1 | Entire Project | Permittee | |
| 53 | <u>Work Hours.</u> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species. | ITP Condition # 7.2 | Entire Project | Permittee | |
| 54 | <u>Lighting.</u> Permitted shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area. | ITP Condition # 7.3 | Entire Project | Permittee | |
| 55 | <u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations. | ITP Condition # 7.5 | Entire Project | Permittee | |
| 56 | <u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 7.19 and 7.22. | ITP Condition # 7.6 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 57 | <u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above. | ITP Condition # 7.7 | Entire Project | Permittee | |
| 58 | <u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. | ITP Condition # 7.8 | Entire Project | Permittee | |
| 59 | <u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion. | ITP Condition # 7.9 | Entire Project | Permittee | |
| 60 | <u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above. | ITP Condition # 7.10 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
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| 61 | <u>Trench Inspection</u> . The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plan described in Condition of Approval 6.3 above. | ITP Condition # 7.11 | Entire Project | Permittee | |
| 62 | <u>Pipes and other Structures Entrapment Prevention</u> . Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species. | ITP Condition # 7.12 | Entire Project | Permittee | |
| 63 | <u>Covered Species Observations</u> . All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist. | ITP Condition # 7.13 | Entire Project | Permittee | |

| | Mitigation Measure | Source | Implementation Schedule | Responsible Party | Status / Date / Initials |
|--------------------------|--|----------------------|--|-------------------|--------------------------|
| 64 | <u>Covered Species Injury</u> . If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 6.11. Notification shall include the name of the facility where the animal was taken. | ITP Condition # 7.24 | Entire Project | Permittee | |
| 65 | <u>Notification of Take or Injury</u> . Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information. | ITP Condition # 6.10 | Entire Project | Permittee | |
| 66 | <u>Designated Biologist/Designated Monitor Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. | ITP Condition # 5.3 | Entire Project | CDFW | |
| POST-CONSTRUCTION | | | | | |
| 67 | <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 # 5.17 | Post-construction | Permittee | |
| 68 | <u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. | ITP Condition # 6.9 | Post-construction and after completion of mitigation | Permittee | |

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

Date: _____

TO: Regional Representative

Facsimile: _____

FROM: _____

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

| <u>Section(s)</u> | <u>Township</u> | <u>Range</u> | <u>County</u> | <u>Acres</u> |
|-------------------|-----------------|--------------|---------------|--------------|
|-------------------|-----------------|--------------|---------------|--------------|

| | | | | |
|-------|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ | _____ |
|-------|-------|-------|-------|-------|

Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

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

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

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

Documents in this package include:

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

Included are additional documents:

- ☐ document(s) to support title exceptions
- ☐ document(s) to explain title encumbrances
- ☐ a plot or map of easements/encumbrances on the property
- ☐ Policy of Title Insurance (an existing title policy is not acceptable)
- ☐ County Assessor Parcel Map(s) for subject property
- ☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)
- ☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

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

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

☐ Biological Resources Report

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