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

California Endangered Species Act  
Incidental Take Permit No. 2081-2019-009-04

**SHIDELER OIL EXPLORATORY DRILLING PROJECT**

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

**Permittee:** Valley Resources, LLC  
**Principal Officer:** Kerry Zemp, Production Engineer  
**Contact Person:** Kerry Zemp  
(661) 444-3929  
Chris Boyd  
(661) 529-5484  
**Mailing Address:** 1520 Las Canoas Road  
Santa Barbara, California 93105

**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 **September 30, 2023**.

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 6.12 of this ITP.

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

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

**Project Location:**

The Shideler Oil Exploratory Drilling Project (Project) is located within the existing California Division of Oil, Gas & Geothermal Resources (DOGGR) Administrative Boundaries of North Belridge Oil Field in the Belridge Producing Complex in the unincorporated portion of western Kern County (Figure 1). The Project is approximately 9.4 miles southwest of Lost Hills and approximately 1.35 miles from State Route (SR) 33 in Township 27 South, Range 20 East, Section 28. The Project is specifically within Assessor's Parcel Number 068-230-04, United States Geological Survey (USGS) 7.5 Minute Quad Map Blackwells Corner, MDB&M; Latitude 35.556080°, Longitude -119.825051° (Figure 2).

**Project Description:**

The Project consists of the construction of one drilling pad with two roadway access points to drill one initial exploratory oil well followed by drilling two additional oil producing wells within two to three years, if the exploratory well is deemed successful, within a 1.995-acre Project Site (Project Site). The Project activities include exclusion fencing installation activities, site preparation activities, mobilization/drilling activities, completion activities, and possible well plugging and abandonment activities if the initial well is deemed unsuccessful after 12 months of testing.

*Site Preparation*

Site preparation activities for the Project's well pad location and roadway access points will include installation of temporary exclusion fencing to prohibit wildlife from entering the site, vegetation clearing, grading, dust control, compaction of soil, and installation of Class II aggregate containing a mixture of ¾-inch gravel and sand to a depth of four inches. The well pad will require grading an approximately 335-foot by 249-foot (1.915-acre) disturbance area with two additional roadway access areas of approximately 25-foot by 70-foot (0.040-acre) areas for a total Project Site of 1.995 acres. Site preparation will include the use of backhoes, front loaders, graders, scrapers, dump trucks, water trucks, compactor, rathole rigs, cranes, and work/service trucks.

*Exclusion Fencing Installation*

Upon completion of surveys, trapping, relocation, and burrow excavation required by this ITP, any un-trenched, temporary exclusion fence will be removed and trenched exclusion fencing will be installed using a small walk-behind mechanical trencher around the 1.995-acre Project Site with 20-foot wide by 40-inch high ground-sealed access gates at two access road entrances. The fence will be 30-inch tall, high-density polyethylene mesh fence (ERTEC - E-fence™) with a 5-inch climber barrier constructed at the top. Five-foot long metal t-posts installed 18 inches deep at approximately 10-foot spacings will support the mesh fencing material. The total dimensions of the exclusion fence are 335-foot long by 249-foot wide and two 25-foot by 70-foot roadway access areas. All exclusion fencing and associated materials will be removed upon completion of the Project prior to expiration of this ITP.

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### *Mobilization/Drilling*

Designated staging areas located within the well pad disturbance areas will be prepared one at a time and will include temporary ancillary facilities, pipe racks, temporary storage tanks to contain the bentonite clay drilling mud, vehicle parking, and the drilling supervisor's trailer. Once staging is complete for a site, a drilling rig will be mobilized, rigged up, and drilling will commence. The drilling rig includes a power system, hoisting system, rotating equipment, and a circulation system. An appropriate blowout prevention system will be installed on the conductor pipe to divert fluids to a reserve tank.

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

### *Completion*

The completion activities will occur immediately following the mobilization/drilling activities. Once drilling activities reach the target depth, the well will be initially tested and evaluated. If the initial, short-term production test determines the well has commercial value, a longer-term (up to 12 months) production test may be completed. At that point, if the well is determined to have economic production potential, the well will be completed by installing the pumping unit at the well head on the existing gravel base with up to two additional wells being drilled and completed within the Project Site. Once the initial well is completed, a temporary separator to separate produced gas from produced liquid, a flare to relieve pressure by burning off excess natural gas, a 350 barrel wash tank to separate the produced water from oil, two 500 barrel oil storage tanks, and two 500 barrel produced water tanks will also be installed within the Project Site. If testing reveals that the well does not have economic production potential, the well will be plugged and abandoned. Completion activities include the use of a completion/production rig, a circulation tank with pump, a 500-barrel tank containing a potassium chloride and water solution, and work/service trucks.

### *Well Plugging and Abandonment*

Well plugging and abandonment will occur if the initial well is not productive. If this occurs, the associated wellhead equipment and all facilities will be dismantled, salvaged, and stored. Facility closure and site reclamation would comply with DOGGR regulatory closure requirements (Cal. Code Regs., tit. 14, § 1776), which requires that all construction materials, cellars, production pads, and piers be removed, and the resulting excavations filled with soil and properly compacted to prevent settling. Well plugging and abandonment activities will take place within the disturbed Project Site. Once the Project Site is abandoned, the area

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previously occupied by the well will be remain graveled for future drilling activities or other oil-producing infrastructure. Concrete trucks and the drilling rig will be used to plug and abandon wells.

Emergency Response and Environmental Remediation of spills less than or equal to 0.5 acres, including all activities necessary to protect public health, safety, the environment or property during an emergency, including responses to and remediation of spills or releases of petroleum, produced water, or hazardous substances; and actions required in response to Acts of God such as flood, fire or seismic activity. A spill or accidental release is not a Covered Activity under this ITP, only the response and cleanup activities associated with a spill of no more than 0.5 acres are included as Covered Activities. Should a spill or release affect an area of greater than 0.5 acres within the Project Area the response and remedial actions will not be covered under this ITP. In the event of a spill, CDFW will evaluate impacts which are not described in or covered by this ITP, including impacts to all biological resources. Nothing in this ITP shall preclude CDFW's ability to assess injury to natural resources as a result of any spill and to seek damages from the Permittee or other responsible parties as appropriate.

#### *Project Summary*

The Project includes the construction of one drilling pad with two access points to drill one initial exploratory oil well and, if the exploratory well is deemed successful, two additional oil producing wells within two years within a 1.995-acre Project Site. In summary, the Project activities include vegetation clearing, grading, dust control, compaction of soil, installation of Class II aggregate, and excavation during site preparation activities for the Project's well pad location; exclusion fencing installation and removal; drilling and staging of ancillary facilities, pipe racks, temporary storage tanks, vehicle parking, and the drilling supervisor's trailer during drilling and mobilization activities; production testing, installing pumping units, a temporary separator, flare, wash tank, two oil stock tanks, and two water tanks during completion activities; and well dismantling, plugging, and abandonment.

#### **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 <sup>3</sup>
2. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	Threatened <sup>4</sup>

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

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

<sup>4</sup>See *Id.*, subd. (b)(6)(E).



**Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include grubbing, clearing, removing vegetation, grading, leveling (soil cut and/or fill), soil compaction, drilling, and installation of temporary facilities at Project Site; direct contact with moving parts of wells; transport of drill rigs, construction, and production materials and other Project-related traffic; installation and removal of temporary exclusion fencing; and other activities described in the Project Description section of this ITP (Covered Activities). Oil spills and blow-outs are not a Covered Activity under this ITP and the clean-up of oil and/or produced water from spill(s) and blow outs that exceed 0.5 acres will require take authorization through the acquisition of a separate ITP.

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as den or burrow collapse resulting in crushing or suffocation of underground individuals due to site preparation and excavation; crushing by equipment in the Project Site; entanglement in, or crushing by, moving well parts; or by ingestion of, or entrapment in, spilled oil, produced water, or other hazardous materials. Incidental take, including mortality of Covered Species due to vehicle strikes may occur in connection with Project-related traffic during construction. Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species via entrapment in holes or excavations, uncovering Covered Species through the excavation of dens and burrow systems, by corralling Covered Species into a confined area when exclusion fencing is constructed around work disturbance areas, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include the 1.995-acre well pad and roadway access areas (the Project Site).

The Project is expected to cause the permanent loss of 1.995 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 soil disturbance, compaction, and drilling, individual short-term and long-term health effects due to increased pollution, stress and exposure due to capture and relocation, displacement from preferred habitat, loss of foraging opportunities, increased competition for food and space, loss of denning and burrowing habitat used for shelter, and increased vulnerability to predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

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**Incidental Take Authorization of Covered Species:**

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Site, 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 Site, including areas used for vehicular ingress and egress, staging and parking, and noise- and vibration-generating activities that may/will cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Revisions to the Kern County Zoning Ordinance - 2015 (C), Focused on Oil and Gas Permitting Environmental Impact Report (SCH No.: 2013081079) certified by Kern County on October 30, 2015 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species of the United States Fish and Wildlife Service (USFWS) approval letter for the Project to purchase credits from the Kern Water Bank Conservation Bank as well as the terms and conditions set forth in the Kern Water Bank Conservation Bank Habitat Conservation Plan/Natural Community Conservation Plan pursuant to section 10(a)(1)(B) of the Federal Endangered Species Act (ESA) and Fish and Game Code section 2800, respectively. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control. A copy of the conservation credit certificate issued by KWBA and a copy of the bank ledger must be provided to CDFW before starting Covered Activities.

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- 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 within 30 days of issuance of this ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.

- 5.3. Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and 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 Site before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for all Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Site. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Site.
- 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 only 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 Site 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 Site with fencing, stakes, or flags before starting Covered Activities along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Project Site. Permittee shall maintain all fencing, stakes, and flags until the completion of all Covered Activities.
- 5.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Site 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 Site 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 Site. 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

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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 Site, 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 Site using previously disturbed areas, to the extent practicable. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Site unless provided for as described in Condition of Approval 5.11 above.
- 5.15. Facility and Equipment Operation. Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.
- 5.16. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall also ensure the storage, use, handling, and disposal of hazardous materials in the Project Site are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.
- 5.17. Oil Containment. Permittee shall keep oil out of open sumps. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a sump, Permittee shall employ measures to preclude Covered Species access to that pit until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.
- 5.18. Well Cellar Maintenance. Permittee shall properly maintain well cellars by appropriate design and maintenance, and keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.
- 5.19. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Site 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.

- 5.20. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Site 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.
- 5.21. Herbicide Use. Permittee shall ensure that any application of herbicide is done by a licensed applicator in accordance with all applicable federal, state, and local laws and regulations. Permittee shall minimize herbicide use and shall only use those herbicides approved by CDFW.
- 5.22. Rodenticide Use. Permittee shall prohibit the use of rodenticides in the Project Site.

## **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. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner than 14 days after its receipt of the notification.
- 6.2. Notification of Non-compliance. The Designated Representative or Designated Biologist shall immediately notify CDFW in writing (email will suffice) if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative or Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. San Joaquin Antelope Squirrel (SJAS) Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW no later than 30 days after the issuance of this ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s);

detailed release methods (i.e., soft release, hard release, or another method); and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treating injured SJAS. Only the Designated Biologist or approved Designated Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all SJAS relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.

- 6.4. San Joaquin Kit Fox (SJKF) Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW no later than 30 days after the issuance of this ITP. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project 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 within the Project Site may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.
- 6.5. Compliance Monitoring. A Designated Biologist shall be on-site for the duration of the day on which ground-disturbing activities are conducted during construction. The Designated Biologist(s) on-site shall have been approved by CDFW for the Covered Species which could be taken during the Covered Activities occurring on that day. The Designated Biologist(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Project Site. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their



sign, survey results, and monitoring activities required by this ITP. The Designated Biologist(s) shall conduct daily compliance inspections during 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; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 6.8 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 6.12 below shall include cumulative results, analysis of data collected, and conclusions.
- 6.7. As-Built Development Plans. Permittee shall submit as-built development plans to CDFW within six (6) months of completing construction activities. The as-built plan sheets shall delineate and quantify the extent of all permanent Project features, including wells and all other ancillary facilities and features associated with the Project. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Construction Activities are complete and shall be verified by the Designated Biologist. The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format and as shapefiles for use in ArcMap.
- 6.8. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.5 and 6.6 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed by the Project, both for the prior month, and a total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Site during the coming month, if applicable; a summary of all pre-activity surveys conducted; and the number of wells, facilities, and other activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative on the 15<sup>th</sup> of each month, to CDFW's

Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.9. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Site and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the MMRP table with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or a den or burrow was encountered, location, if avoidance was achieved, and if not, what other measures were implemented; (7) beginning and ending dates of any construction activities, emergency-related activities, and other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; and (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Site during the prior year and in all previous years since ITP issuance, if applicable; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and a summary of the annual and cumulative number of wells, facilities, and other activities authorized under the Covered Activities which occurred during the reporting year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.
- 6.10. Emergency Clean-Up Report. Permittee shall notify CDFW immediately of an oil spill and/or blowout by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. Permittee shall also immediately notify the Designated Biologist to be on-site to monitor clean-up activities. The initial notification shall be followed by a written incident report (Emergency Clean-Up Report) within two (2) calendar days of the spill and/or blowout. The Emergency Clean-Up Report shall include the date and time the spill and/or

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blowout began, location, circumstances of the incident, estimated disturbance area, number of animals taken or injured due to the incident, ITP Number, any other pertinent information, and photograph(s), if possible. If the spill or blowout exceeds 0.5 acres, the clean-up activities will not be covered under this ITP.

- 6.11. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Site to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.12. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.13. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.

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

The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Site during Covered Activities. 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 ground- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Any vehicle traffic necessary during nighttime hours for all other activities within the Project Site shall not exceed a speed limit of 10 miles per hour and shall be conducted with extra caution to minimize impacts to Covered Species.
- 7.3. Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 7.4. Equipment Fueling. Permittee shall complete all equipment fueling and equipment maintenance at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all equipment fueling locations.
- 7.5. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species dens or burrows. Vehicles left overnight shall be located at least 50 feet from of all Covered Species dens or burrows.
- 7.6. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the fenced Project Site, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Site and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.
- 7.7. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Materials shall not be placed outside of exclusionary fencing.



- 7.8. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State" in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 7.9. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS is inside the fenced Project Site, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Site and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.
- 7.10. Trench Inspection. The Designated Biologist shall inspect all trenches, open holes, sumps, and other excavations within the Project Site at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations of any depth with sidewalls greater than 1:1 (45 degree) slope and no escape ramps with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each workday, and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. On weekends and any other non-workdays, trained workers shall thoroughly inspect them for Covered Species and shall notify the Designated Biologist immediately if Covered Species are discovered. Designated Biologist shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately.

Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.

- 7.11. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Site be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 7.12. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Site 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 Site of its own accord or is moved by the Designated Biologist.
- 7.13. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Site. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 7.15 and 7.21. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Site. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 7.16, 7.19, 7.22, and 7.23.

#### *SJAS Specific Measures*

- 7.14. SJAS Pre-Activity Surveys. The Designated Biologist shall perform a Pre-Activity Survey for SJAS no more than 14 days prior to initiating Covered Activities in the



Project Site. The Pre-Activity Survey shall cover the Project Site to identify all potential burrows used by Covered Species. The Pre-Activity survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities in the Project Site. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval 6.3.

- 7.15. **SJAS Burrow Avoidance.** The Designated Biologist shall establish a 50-foot or greater no-disturbance buffer around suspected or known to be occupied SJAS burrows within and adjacent to the Project Site 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 7.16, 7.17, 7.18 and 7.19 below.
- 7.16. **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 Project Site that cannot be avoided per Condition of Approval 7.15 prior to commencing ground- or vegetation-disturbing 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 SJAS Mortality Reduction and Relocation Plan (Condition 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 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.
- 7.17. **SJAS Relocation Weather Constraints.** Approval to conduct relocation outside of the main activity period for the species (April 1 to September 30) will require the Permittee to submit to CDFW for independent verification the seven day forecast **predicted by the National Weather Service** demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no

prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site.

- 7.18. SJAS Relocation Additional Timing Constraints. If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.
- 7.19. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 7.16 and prior to commencing Covered Activities within the Project Site, 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 Project Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 7.16 above. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 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.

#### *SJKF Specific Measures*

- 7.20. SJKF Pre-Activity Surveys. The Designated Biologist shall perform a Pre-Activity Survey for SJKF no more than 14 days prior to conducting Covered Activities in the Project Site. The Pre-Activity Survey shall cover the Project Site and 50 feet beyond the limits of the Project Site to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Site to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities in the Project Site. The Pre-Activity



Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential SJKF dens, a discussion and map of the locations of each potential, known, and natal SJKF den.

- 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. To avoid SJKF dens during Covered Activities, Permittee shall establish a minimum 50-foot no-disturbance buffer around a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) or if a SJKF is found in an "atypical" den (e.g., a pipe or culvert). If a known den (one that shows evidence of current use) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Site.
- 7.22. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 7.21, with artificial dens prior to den excavation described in Condition of Approval 7.23 below to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, 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.

- 7.23. SJKF Den Excavation. The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.21 only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking, or camera monitoring as described above, shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Site. If an individual SJKF does not vacate a den within the Project Site within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to 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) days calendar days of the incident as described in Condition of Approval 6.13.

## **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

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implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Site, 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 purchase 5.985 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank with habitat credits for Covered Species (Condition of Approval 8.2) OR provide for both the permanent protection and management of 5.985 acres of HM lands with Covered Species-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. The purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank or the 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/acre for 5.985 acres: **\$37,406.25**. Land acquisition 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 **\$37,253.57**;
- 8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at **\$13,211.70**;
- 8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$27,361.91/acre for 5.985 acres: **\$163,761.03**. This is an initial estimate of the long-term management funding for implementation of HM lands management and will be finalized through the development of the final management plan as described in Condition of Approval 8.3.5 and calculation of the endowment fund as described in Condition of Approval 8.4.2.

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 5.985 acres of Covered Species habitat credits 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 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 <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; (7) equipment purchases; and (8) installing signage;
- 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. 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 **\$263,632.55**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above for the purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) or the permanent protection and funding for perpetual management of compensatory habitat (Condition of Approval 8.3) and the calculation and deposit of the management funds (Condition of Approval 8.4).

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 subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2019-009-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

Incidental Take Permit  
No. 2081-2019-009-04  
VALLEY RESOURCES, LLC  
SHIDELER OIL EXPLORATORY DRILLING PROJECT



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:

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

**Compliance with CEQA:**

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

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

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Incidental Take Permit  
No. 2081-2019-009-04  
VALLEY RESOURCES, LLC  
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**Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, the Revisions to the Kern County Zoning Ordinance - 2015 (C), Focused on Oil and Gas Permitting EIR, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Site, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of a total of 5.985 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

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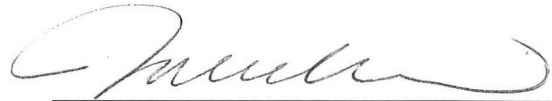
(8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those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

**Attachments:**

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Site Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A	Proposed Lands for Acquisition Form
ATTACHMENT 2B	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 9/27/19



Julie A. Vance, Regional Manager  
CENTRAL REGION

**ACKNOWLEDGMENT**

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

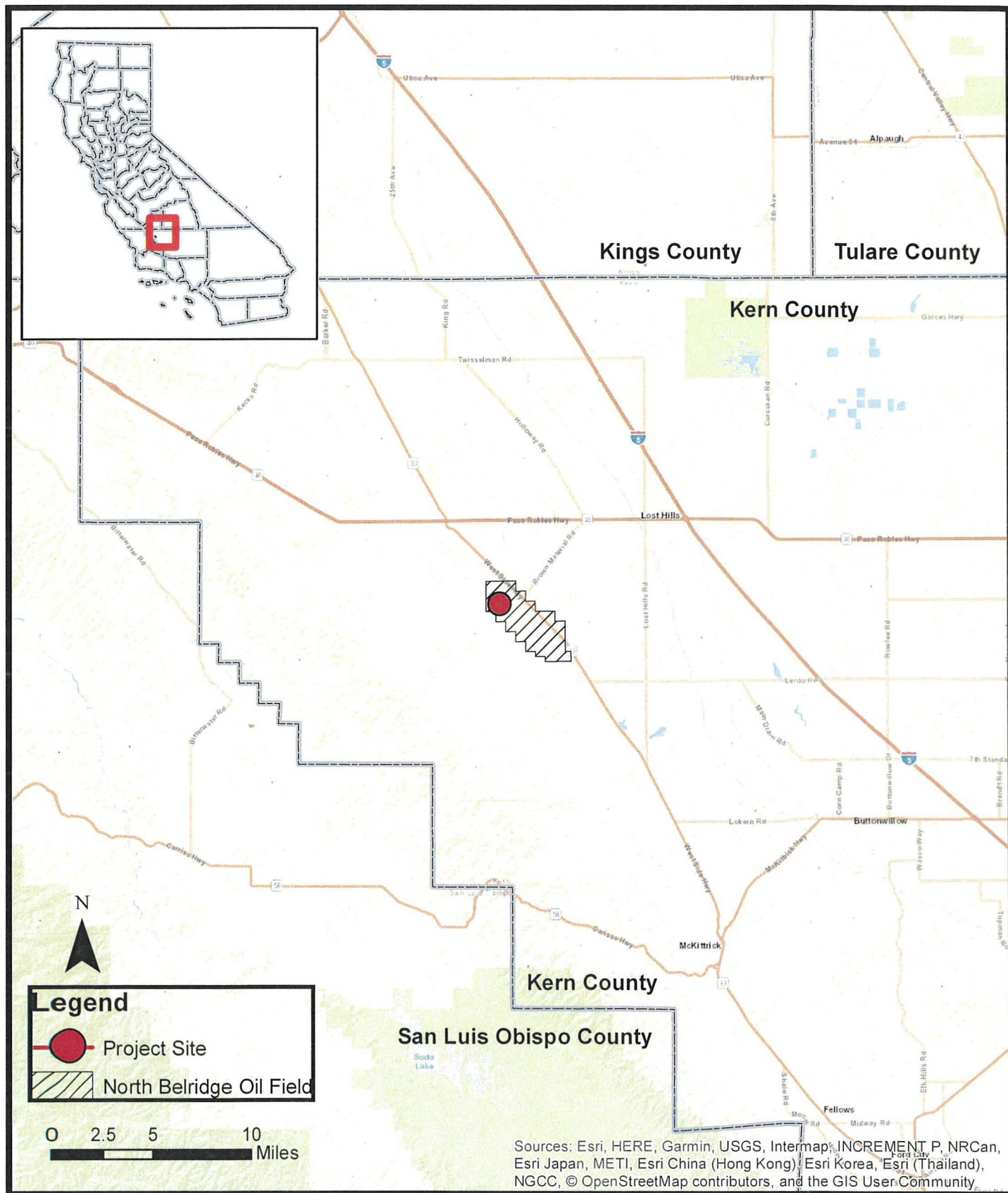
By: Kerry L. Zemp Date: 9/30/19

Printed Name: Kerry L. Zemp Title: Engineer

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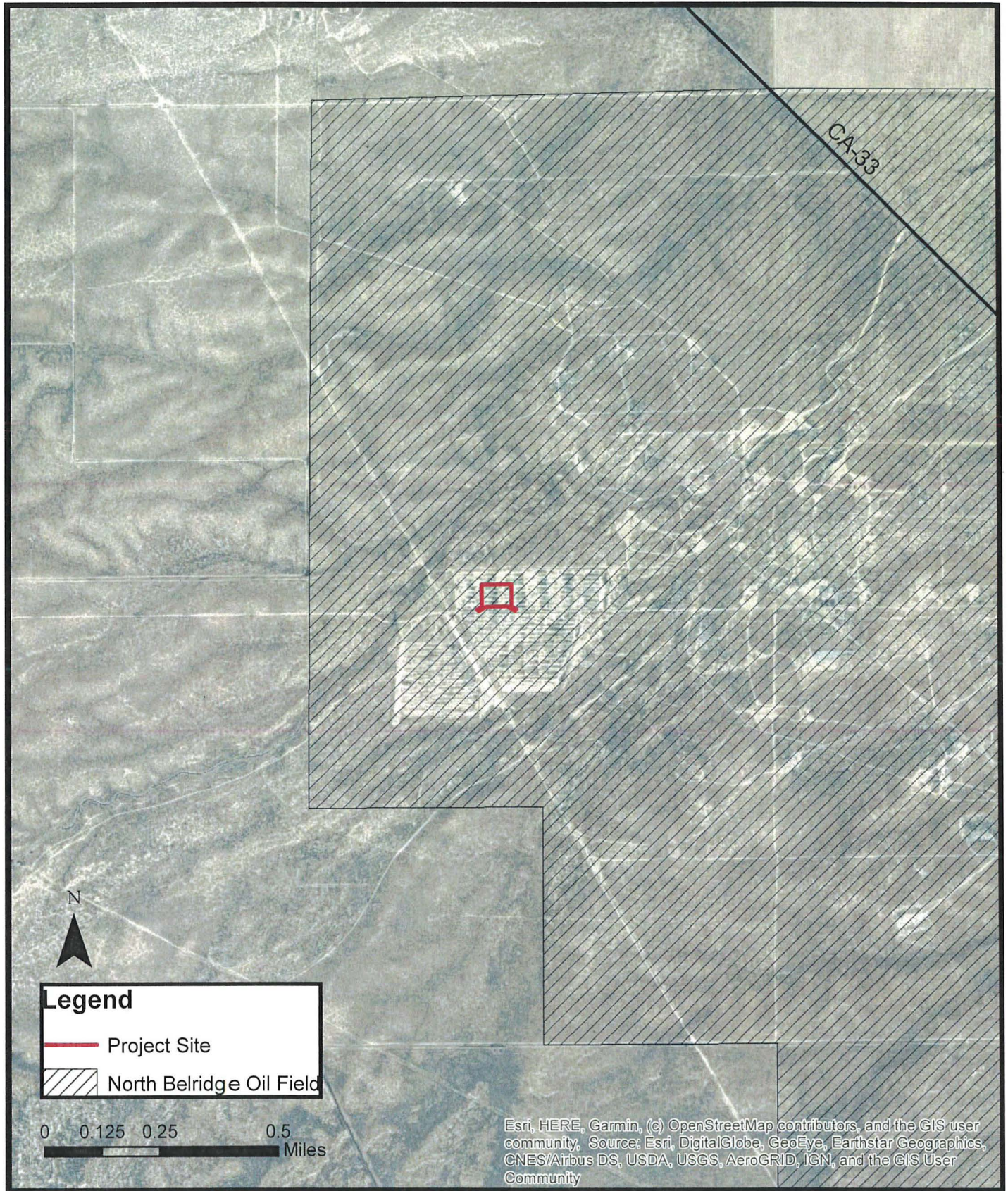




**Figure 1 Project Vicinity**  
**Valley Resources, LLC Shideler Oil Exploratory Drilling Project**







**Figure 2 Project Site**  
**Valley Resources, LLC Shideler Oil Exploratory Drilling Project**







**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2019-009-04**

**PERMITTEE:** Valley Resources, LLC

**PROJECT:** Shideler Oil Exploratory Drilling Project

**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
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
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 within 30 days of issuance of the ITP. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of San Joaquin antelope squirrel, as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist shall prohibit open communication with CDFW.	ITP Condition # 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 Site before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for all Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Site. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Site. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Site.	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 Site with fencing, stakes, or flags before starting Covered Activities along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Project Site. Permittee shall maintain all fencing, stakes, and flags until the completion of all Covered Activities.	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 Site 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 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. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner than 14 days after its receipt of the notification.	ITP Condition # 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 later than 30 days after the issuance of the ITP. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treating injured SJAS. Only the Designated Biologist or approved Designated Monitors under the direct supervision of the Designated Biologist and approved in writing by CDFW are authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all SJAS relocation activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 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 later than 30 days after the issuance of the ITP. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project 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 within the Project Site may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 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>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Site. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 7.15 and 7.21. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Site. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 7.16, 7.19, 7.22, and 7.23.	ITP Condition # 7.13	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<u>SJAS Pre-Activity Surveys.</u> The Designated Biologist shall perform a Pre-Activity Survey for SJAS no more than 14 days prior to initiating Covered Activities in the Project Site. The Pre-Activity Survey shall cover the Project Site to identify all potential burrows used by Covered Species. The Pre-Activity survey shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68 and 86 degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to beginning Covered Activities in the Project Site. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow and the date when SJAS relocation will commence as described in Condition of Approval 6.3.	ITP Condition # 7.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<u>SJAS Burrow Avoidance.</u> The Designated Biologist shall establish a 50 foot or greater no-disturbance buffer around suspected or known to be occupied SJAS burrows within and adjacent to the Project Site 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 7.16, 7.17, 7.18 and 7.19.	ITP Condition # 7.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<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 Project Site that cannot be avoided per Condition of Approval 7.15 prior to commencing ground- or vegetation-disturbing 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 SJAS Mortality Reduction and Relocation Plan (Condition 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 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 # 7.16	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>SJAS Relocation Weather Constraints</u> . Approval to conduct relocation outside of the main activity period for the species (April 1 to September 30) will require the Permittee to submit to CDFW for independent verification the seven day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site.	ITP Condition # 7.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
18	<u>SJAS Relocation Additional Timing Constraints</u> . If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping.	ITP Condition # 7.18	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 7.16 and prior to commencing Covered Activities within the Project Site, 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 Project Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 7.16. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 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 # 7.19	Before commencing ground- or vegetation-disturbing activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<u>SJKF Pre-Activity Surveys.</u> The Designated Biologist shall perform a Pre-Activity Survey for SJKF no more than 14 days prior to conducting Covered Activities in the Project Site. The Pre-Activity Survey shall cover the Project Site and 50 feet beyond the limits of the Project Site to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Project Site to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least four (4) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Activity Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities in the Project Site. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential SJKF dens, a discussion and map of the locations of each potential, known, and natal SJKF den.	ITP Condition # 7.20	Before commencing ground- or vegetation-disturbing activities		
21	<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. To avoid SJKF dens during Covered Activities, Permittee shall establish a minimum 50-foot no-disturbance buffer around a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) or if a SJKF is found in an "atypical" den (e.g., a pipe or culvert). If a known den (one that shows evidence of current use) is discovered, Permittee shall establish a minimum no-disturbance buffer of 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied natal dens are discovered within or immediately adjacent to the Project Site.	ITP Condition # 7.21	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
22	<u>SJKF Den Replacement.</u> Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 7.21, with artificial dens prior to den excavation described in Condition of Approval 7.23 to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, 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.	ITP Condition # 7.22	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<p><b>SJKF Den Excavation.</b> The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 7.21 only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking, or camera monitoring as described above, shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Site. If an individual SJKF does not vacate a den within the Project Site within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to 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	
24	<p><b>Habitat Management Land Acquisition.</b> 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 Site, 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 purchase 5.985 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank with habitat credits for Covered Species (Condition of Approval 8.2) OR provide for both the permanent protection and management of 5.985 acres of HM lands with Covered Species-occupied habitat pursuant to Condition of Approval 8.3 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4. The purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank or the 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 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
25	<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"> <li>Land acquisition costs for HM lands identified in Condition of Approval 8.3, estimated at \$6,250.00/acre for 5.985 acres: <b>\$37,406.25</b>. 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;</li> <li>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5, estimated at <b>\$37,253.57</b>;</li> <li>Interim management period funding as described in Condition of Approval 8.3.6, estimated at <b>\$13,211.70</b>;</li> <li>Long-term management funding as described in Condition of Approval 8.4, estimated at \$27,361.91/acre for 5.985 acres: <b>\$163,761.03</b>. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;</li> <li>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 <b>\$12,000.00</b>.</li> </ul>	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	
26	<p><u>Covered Species Credits.</u> Permittee shall purchase 5.985 acres of Covered Species habitat credits 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.</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	
27	<p><u>Fee Title/Conservation Easement.</u> Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).</p>	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	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition #8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition #8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
30	<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	
31	<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 <a href="http://www.dfg.ca.gov/habcon/conplan/mitbank/">http://www.dfg.ca.gov/habcon/conplan/mitbank/</a> ); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; (7) equipment purchases; and (8) 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	
32	<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	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<p><b>Endowment Fund.</b> 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.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	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	
34	<p><b>Identify an Endowment Manager.</b> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>	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	
35	<p><b>Calculate the Endowment Funds Deposit.</b> 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.</p>	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	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	<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	
37	<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"> <li>• <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.</li> <li>• <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</li> <li>• <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.</li> </ul>	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	
38	<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	
39	<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
40	<p><b>Performance Security.</b> The Permittee may proceed with Covered Activities <u>only after</u> 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> <p>a) <b>Security Amount.</b> The Security shall be in the amount of <b>\$263,632.55</b>. This amount is based on the cost estimates identified in Condition of Approval 8.1 for the purchase of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) or the permanent protection and funding for perpetual management of compensatory habitat (Condition of Approval 8.3) and the calculation and deposit of the management funds (Condition of Approval 8.4).</p> <p>b) <b>Security Form.</b> 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.</p> <p>c) <b>Security Timeline.</b> 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.</p> <p>d) <b>Security Holder.</b> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>e) <b>Security Transmittal.</b> 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 approved instrument such as escrow, irrevocable letter of credit, or other.</p> <p>f) <b>Security Drawing.</b> 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.</p> <p>g) <b>Security Release.</b> 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:</p> <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports.</li> </ul> <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	
<b>DURING CONSTRUCTION</b>					
41	<p><b>Designated Biologist/Designated Monitor Authority.</b> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and 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.</p>	ITP Condition # 5.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<u>Compliance Monitoring.</u> A Designated Biologist shall be on site for the duration of the day on which ground-disturbing activities are conducted during construction. The Designated Biologist(s) on site shall have been approved by CDFW for the Covered Species which could be taken during the Covered Activities occurring on that day. The Designated Biologist(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Project Site. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist(s) shall conduct daily compliance inspections during construction.	ITP Condition # 6.5	Entire Project	Permittee	
43	<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	
44	<u>Record of Covered Species Relocation Efforts.</u> The Designated Biologist shall maintain a record of all SJAS handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 6.8. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 6.12 shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 6.6	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>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall immediately notify CDFW in writing (email will suffice) if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	
47	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two (2) calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.	ITP Condition # 6.13	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Site 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 # 6.11	Entire Project	Permittee	
49	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Site 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 Site of its own accord or is moved by the Designated Biologist.	ITP Condition # 7.12	Entire Project	Permittee	
50	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) days calendar days of the incident as described in Condition of Approval 6.13.	ITP Condition # 7.24	Entire Project	Permittee	
51	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 6.5 and 6.6 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed by the Project, both for the prior month, and a total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Site during the coming month, if applicable; a summary of all pre activity surveys conducted; and the number of wells, facilities, and other activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative on the 15th of each month, to CDFW's Regional Office, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Site and Covered Activities, including actual or projected completion dates, if known; (3) a copy of this MMRP table with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or a den or burrow was encountered, location, if avoidance was achieved, and if not, what other measures were implemented; (7) beginning and ending dates of any construction activities, emergency-related activities, and other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; and (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Site during the prior year and in all previous years since ITP issuance, if applicable; the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and a summary of the annual and cumulative number of wells, facilities, and other activities authorized under the Covered Activities which occurred during the reporting year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8.	ITP Condition # 6.9	Entire Project	Permittee	
53	<u>Emergency Clean-Up Report.</u> Permittee shall notify CDFW immediately of an oil spill and/or blowout by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. Permittee shall also immediately notify the Designated Biologist to be on-site to monitor clean-up activities. The initial notification shall be followed by a written incident report (Emergency Clean Up Report) within two (2) calendar days of the spill and/or blowout. The Emergency Clean-Up Report shall include the date and time the spill and/or blowout began, location, circumstances of the incident, estimated disturbance area, number of animals taken or injured due to the incident, ITP Number, any other pertinent information, and photograph(s), if possible. If the spill or blowout exceeds 0.5 acres, the clean-up activities will not be covered under the ITP.	ITP Condition # 6.10	Entire Project	Permittee	
54	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 5.8	Entire Project	Permittee	
55	<u>Firearms and Dogs.</u> Permittee shall prohibit firearms and domestic dogs from the Project Site 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	
56	<u>Project Access.</u> Project-related personnel shall access the Project Site 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 Site. 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 Site, 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	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<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 Site using previously disturbed areas, to the extent practicable. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Site unless provided for as described in Condition of Approval 5.11.	ITP Condition # 5.14	Entire Project	Permittee	
58	<u>Facility and Equipment Operation</u> . Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.	ITP Condition # 5.15	Entire Project	Permittee	
59	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall also ensure the storage, use, handling, and disposal of hazardous materials in the Project Site are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.	ITP Condition # 5.16	Entire Project	Permittee	
60	<u>Oil Containment</u> . Permittee shall keep oil out of open sumps. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a sump, Permittee shall employ measures to preclude Covered Species access to that pit until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.	ITP Condition # 5.17	Entire Project	Permittee	
61	<u>Well Cellar Maintenance</u> . Permittee shall properly maintain well cellars by appropriate design and maintenance, and keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.	ITP Condition # 5.18	Entire Project	Permittee	
62	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project Site 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 # 5.19	Entire Project	Permittee	
63	<u>Herbicide Use</u> . Permittee shall ensure that any application of herbicide is done by a licensed applicator in accordance with all applicable federal, state, and local laws and regulations. Permittee shall minimize herbicide use and shall only use those herbicides approved by CDFW.	ITP Condition # 5.21	Entire Project	Permittee	
64	<u>Rodenticide Use</u> . Permittee shall prohibit the use of rodenticides in the Project Site.	ITP Condition # 5.22	Entire Project	Permittee	
65	<u>Work Hours</u> . Permittee shall confine all ground- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Any vehicle traffic necessary during nighttime hours for all other activities within the Project Site shall not exceed a speed limit of 10 miles per hour and shall be conducted with extra caution to minimize impacts to Covered Species.	ITP Condition # 7.2	Entire Project	Permittee	
66	<u>Equipment Fueling</u> . Permittee shall complete all equipment fueling and equipment maintenance at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment are present at all equipment fueling locations.	ITP Condition # 7.4	Entire Project	Permittee	
67	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of Covered Species dens or burrows. Vehicles left overnight shall be located at least 50 feet from of all Covered Species dens or burrows.	ITP Condition # 7.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the fenced Project Site, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Site and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3.	ITP Condition # 7.6	Entire Project	Permittee	
69	<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. Materials shall not be placed outside of exclusionary fencing.	ITP Condition # 7.7	Entire Project	Permittee	
70	<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 # 7.8	Entire Project	Permittee	
71	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist immediately and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS is inside the fenced Project Site, the Designated Biologist shall move the SJAS out of harm's way outside of the Project Site and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3.	ITP Condition # 7.9	Entire Project	Permittee	
72	<u>Trench Inspection.</u> The Designated Biologist shall inspect all trenches, open holes, sumps, and other excavations within the Project Site at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations of any depth with sidewalls greater than 1:1 (45 degree) slope and no escape ramps with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each workday, and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. On weekends and any other non-workdays, trained workers shall thoroughly inspect them for Covered Species and shall notify the Designated Biologist immediately if Covered Species are discovered. Designated Biologist shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 6.3.	ITP Condition # 7.10	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
73	<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 Site be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 7.11	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
74	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Site 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 # 5.20	Post-construction	Permittee	
75	<u>As-Built Development Plans.</u> Permittee shall submit as-built development plans to CDFW within six (6) months of completing construction activities. The as-built plan sheets shall delineate and quantify the extent of all permanent Project features, including wells and all other ancillary facilities and features associated with the Project. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Construction Activities are complete and shall be verified by the Designated Biologist. The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format and as shapefiles for use in ArcMap.	ITP Condition # 6.7	Post-construction	Permittee	
76	<u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.12	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>
-------------------	-----------------	--------------	---------------	--------------

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Description of Location of Parcel(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Value: \$

For Region Use Only

APPROVED \_\_\_\_

By: \_\_\_\_\_  
Regional Manager's Signature

DATE: \_\_\_\_\_

REJECTED \_\_\_\_

Region: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_





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

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

To: \_\_\_\_\_  
Regional Manager, Region Name

From: \_\_\_\_\_  
Project Applicant

Phone: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
CDFW assigned permit or agreement #

Project Name: \_\_\_\_\_

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

Documents in this package include:

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

Included are additional documents:

- ☐ document(s) to support title exceptions
- ☐ document(s) to explain title encumbrances
- ☐ a plot or map of easements/encumbrances on the property
- ☐ Policy of Title Insurance (an existing title policy is not acceptable)
- ☐ County Assessor Parcel Map(s) for subject property
- ☐ Site Location Map (Site location with property boundaries outline on a USGS 1:24,000 scale topo)
- ☐ Final Permit or Agreement (or other appropriate instrument)  
Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement  
☐ Permit \_\_\_\_\_ Other: \_\_\_\_\_  
(write in type of permit)
- ☐ Final Management Plan (if required prior to finalizing permit or agreement or if this package is for a Grant Deed)
- ☐ Biological Resources Report
- ☐ Draft Summary of Transactions ☐ hard copy ☐ electronic copy (both are required)





Attachment 3

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

---

Issue Date: [**date**]

Beneficiary:

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

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

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

Dear Sirs:

1. At the request and on the instruction of our customer, [**name of applicant**] ("Applicant"), we, [**Name of financial institution**] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$[**dollar number**] [(**dollar amount**)] ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of the CDFW pursuant to the terms of the incidental take permit for the [**name of project**] issued by the CDFW to the Applicant on [**date**] (No. [**number**]) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions [**numbers**] in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by the CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. The CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at [**name and address of financial institution**].
6. The Certificate shall be completed and signed by an "Authorized Representative" of the CDFW as defined in paragraph 12 below. Presentation by the CDFW of a

completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, the CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to the CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify the CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at **[name and address of financial institution]**, specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for the CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: **[name and address of applicant]**.
15. This Credit may not be transferred.



16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.

17. This Credit shall, if not canceled, expire on [**expiration date**], or any extended expiration date.

18. We hereby agree with the CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[Name of financial institution]**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTACHMENT A

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

To:

**[Name and address of financial institution]**

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

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



ATTACHMENT B

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

To:

[*Name of financial institution and address*]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: \_\_\_\_\_

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





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

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

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

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

☐ 2081 Permit  
 ☐ Conservation Bank  
 ☐ 2835 NCCP  
 ☐ 1802 Agreement  
 ☐ 1600 Agreement  
 ☐ Other \_\_\_\_\_

\_\_\_\_\_

Project Tracking Number

**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:

Check information:

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

a. Endowment: for Long-Term Management Subtotal \$ \_\_\_\_\_

b. Habitat Enhancement Subtotal \$ \_\_\_\_\_

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ \_\_\_\_\_

2. Letter of Credit Subtotal \$ \_\_\_\_\_

1. Financial Institution: \_\_\_\_\_

2. Letter of Credit Number: \_\_\_\_\_

3. Date of Expiration: \_\_\_\_\_

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

