



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

California Endangered Species Act
Incidental Take Permit No. 2081-2019-054-04

LATERAL 13 FRESH WATER PIPELINE REPLACEMENT 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 take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	West Kern Water District
Principal Officer:	J.D. Bramlet, Director of Operations
Contact Person:	J.D. Bramlet, 661-763-3151, extension 125
Mailing Address:	Post Office Box 1105, 800 Kern Street Taft, California 93268

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 **July 1, 2025**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 4.9 of this ITP.

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

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

Project Location:

The Lateral 13 Fresh Water Pipeline Replacement (Project) is located in western Kern County, immediately southeast of the town of Valley Acres, California (Figure 1). The Project site (Figure 2) primarily lies within Section 28, Township 31 South, Range 24 East, Mount Diablo Base & Meridian (MDB&M) and includes portions of the following Assessor's Parcel Numbers:

298-240-22
298-240-23
298-240-19
298-240-18
298-240-15
298-190-04

Project Description:

The Project includes the pipeline installation, excavation, replacement, hydrotesting, and repair, and other activities. The existing right-of-way (ROW) is approximately 4,202 feet in length. The construction width for the Project will be approximately 35 feet in width and the permanent easement will be 15 feet in width. The installation of the replacement pipeline segment will include the following general sequence of activities:

Site Preparation

Site preparation activities will include installing temporary fencing/signage around the staging/storage areas and installing temporary fencing/signage identifying environmentally sensitive areas along the pipeline segment. Temporary fencing will be composed of T-posts and rope. The pipeline in the area of the repair segment has an existing access ROW of 12 feet centered on the pipe. The proposed new ROW will be 15 feet wide centered on the pipe. The pipeline ROW was issued in 1937 and the pipeline was constructed shortly thereafter. Site preparation activities will require a temporary extension of this ROW to accommodate the removal of vegetation and soil and to allow adequate workspace. General access to the site does not require any site preparation improvements. However, clearing and grubbing of the ROW will be required.

Mobilization

Mobilization includes all work related to the movement of equipment, materials, temporary sanitary facilities, supplies, and personnel to the Project site. Construction equipment, such as backhoe, front end loader, excavator, water truck, and whacker packer will be placed in previously identified staging/storage areas. One such area is located near the freshwater sump on the northern portion of the ROW segment to be repaired. Another staging area is located along the southern end of the ROW.

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Installation/Construction of Erosion & Dust Control Measures

All temporary stockpiles will be covered with plastic sheeting or visqueen to reduce the potential for erosion. Straw wattles will be placed around each stockpile, and a temporary fence will be installed to prevent entry and use by kit foxes. Any excess dirt will be removed from the temporary areas and properly disposed of.

Pipeline Trenching and Dirt Excavation

Prior to trenching, the ROW will be potholed and existing underground facilities will be exposed in order to prevent any damage to such facilities. The construction process involves clearing/grubbing with a motor grader. Approximately 3,000 lineal feet along the ROW will be subject to clearing and grubbing. This would be followed by trench excavation measuring approximately 36 inches wide by 60 inches deep using either an excavator or equipment similar to a Cleveland Trencher. Dirt excavated from the new ROW for the pipeline trench and concrete thrust blocks will be temporarily stored along adjacent previously disturbed staging/storing areas.

It is anticipated that the following equipment identified in the below table (Table 1) will be utilized for the construction activities:

Table 1: List of Equipment

Front End Loader (one)	Scraper/Motor Grader (one)
Excavator or Cleveland Trencher (one)	Water Truck, Water Pumps, Water Buffalo (one)
Backhoe (one)	Hand Tools, Whacker Packers (several)
Equipment and Crew Trucks (Tools and Small Equipment) (several)	Cement Truck (one)

Poured in Place Concrete Thrust Blocks and Curing, Stripping Forms

Concrete thrust blocks will be poured in place within the trench where support is required and allowed to cure over an appropriate amount of time. The concrete thrust blocks will be located at varying depths below grade. During this time, the concrete thrust blocks will be covered with forms that will also prevent any wildlife from coming into contact with the concrete. Any concrete wash out waste resulting from the pours for the thrust blocks will be placed in a temporary concrete wash out containment area. After the concrete work is completed, the concrete waste will be collected and properly disposed of off-site at the completion of the Project.

Placing the Pipe within the Trench and Anchor to the Concrete Thrust Blocks

Segments of the new 12-inch ductile iron pipe will be placed within the trench and anchored to the concrete thrust blocks. Each segment will be connected to the following segment.

Connecting the New Pipeline to the Existing Pipeline

Once the entire span has been completed, the new pipeline will be tied into the existing pipeline at connection points near each end. A Smith-Blair repair coupling will be used to connect the new replacement ductile iron pipe to the existing steel pipe.

Conducting Hydrostatic Testing to Ensure Pipeline Integrity

Hydrostatic testing will then take place to ensure pipeline integrity and any necessary changes will be made. The source of water will be fresh water either from the fire hydrant located at the corner of Orange Street and Cypress Street near the north end of the alignment, or from the existing West Kern Water District water pipeline near the beginning of the alignment on the south end. Disposal of the used hydrostatic test water including dichlorination and controlled discharge will occur at the existing freshwater sump near Station 10+00 located in the northerly portion of the pipeline segment.

Installation of Surface Features – including air release valves, blow-off valves, and valve boxes

Surface features will include the installation of air release valves, blow-off valves, gate valves, and valve boxes where necessary. While the rest of the extent of the Project pipeline lies underground, these features will remain above ground. The Project design calls for these ancillary features to be located in the following locations:

- A 2-inch air release valve assembly located at the northerly end of the pipeline alignment on Orange Street near Station 1+00;
- A 2-inch air release valve assembly located at Station 6+50 in an existing dirt area;
- A 2-inch air release valve assembly located at Station 10+25 near the southeast corner of freshwater sump;
- A 12-inch gate valve at Station 11+00 in the dirt road;
- A 2-inch air release valve assembly located near Station 18+00;
- A 12-inch gate valve at Station 21+00;
- A 12-inch gate valve at Station 31+00;
- A blow-off valve assembly at Station 39+97 at the southerly end of the pipeline alignment in the road;
- A 12-inch gate valve at Station 39+97.

Abandonment of the Existing Pipeline Segment

The existing 8-inch steel pipeline will be abandoned in place.

Demobilization

Demobilization will consist of the removal of all work-related equipment, materials, temporary sanitary facilities, supplies, and personnel from the Project site.

Site Cleanup and Restoration

Site cleanup and restoration will consist of the removal of all site preparation materials, including temporary fencing and signage, Visqueen, straw-waddles, and additional equipment. Any exposed areas and remaining soil piles will be spread along the Project site to facilitate regrowth of vegetation and return to habitat.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include site preparation, mobilization, installation/construction of erosion and dust control measures, pipeline trenching, dirt excavation, poured in place concrete thrust block and curing, stripping forms, transportation and assembly of pipeline section, placing the pipe within the trench and anchor to the concrete thrust blocks, connecting the replacement pipeline to the existing pipeline, conducting hydrostatic testing to ensure pipeline integrity, installation of surface features – including air release valves, blow-off valves, and valve boxes, abandonment of existing pipeline segment, demolition, and site cleanup and restoration (Covered Activities).

The equipment to be used for this Project includes the following: front end loader; scraper/motor grader; excavator or Cleveland trencher; water truck, water pumps, water buffalo; backhoe; hand tools, whacker packers; equipment and crew trucks (tools and small equipment); and cement truck.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as: equipment strikes during ingress and egress and hauling of materials, collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during grading and compaction, entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during top soil, or soil compaction, grading activities, the capture or entrapment in holes or trenches,

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

⁴See *Id.*, subd. (b)(6)(E).

excavation of burrow systems, entrapment within barrier fencing constructed around the Project Area. Incidental take of Covered Species may also occur from the Covered Activities in the form of pursuit, catch, capture, or attempt to do so during capture and relocation of Covered Species out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur is the area defined by the construction length and width of the ROW- (collectively, the Project Area).

The Project is expected to cause the permanent loss of 1.04 acres of habitat for the Covered Species, and temporary loss of 2.42 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 earthwork, equipment operation, and traffic; temporary displacement; increased vulnerability to predation, exposure, or stress through disorientation; and loss of burrowing habitat used for shelter and escape cover. 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.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. 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

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Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

3. General Provisions:

- 3.1. 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.
- 3.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. 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. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist and/or Designated Monitor shall prohibit open communication with CDFW.
- 3.3. 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.

- 3.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 3.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 3.6. 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.
- 3.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 3.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 3.9. Delineation of Property Boundaries. Permittee shall clearly delineate the boundaries of the Work Area with fencing, stakes, or flags before starting

Covered Activities. The Work Area is defined as a discrete zone along any part of the active phase of the Project Area where Covered Activities will occur. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in each Work Area.

- 3.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 3.11. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 3.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Work Area(s) using previously disturbed areas, to the extent practicable. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Work Area(s) within the Project Area unless provided for as described in Condition of Approval 3.9 of this ITP.
- 3.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 3.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 3.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all fill material 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.

4. Monitoring, Notification and Reporting Provisions:

- 4.1. Notification Before Commencement. The Designated Representative shall notify CDFW three (3) calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 4.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 4.3. SJAS Mortality Reduction and Relocation Plan. Permittee shall submit a San Joaquin antelope squirrel (SJAS) Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 4.4. SJKF Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of

important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

- 4.5. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Work Areas within the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 4.6. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative on the 15th 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.

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- 4.7. 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 4.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 4.8. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 4.9. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all 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.
- 4.10. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. 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 calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and, if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

5. Take Minimization Measures:

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

- 5.1. Designated Biologist On-site. The Designated Biologist shall be on-site during all ground-disturbing or vegetation-disturbing activities that may result in the take of Covered Species.
- 5.2. 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.
- 5.3. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW.
- 5.4. Lighting. Permitted shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Work Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Work Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Work Area.
- 5.5. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 5.6. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.19 and 5.24.

- 5.7. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the temporary exclusion fence required in Condition of Approval 5.16, the Designated Biologist shall move the SJAS out of harm's way in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 4.3.
- 5.8. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 5.9. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 5.10. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 4.3 above.
- 5.11. Trench Inspection. The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at

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the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plans described in Condition of Approval 4.3 above.

- 5.12. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Work Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 5.13. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.
- 5.14. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered

Activities in the Work Area. The pre-activity surveys shall cover the Work Area and 50 feet beyond the limits of the Work Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Work Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS relocation as described in Condition of Approval 4.3, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 5.19.

- 5.15. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.18 and 5.22. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.16, 5.17, 5.19, 5.20, 5.21, 5.23, and 5.24.
- 5.16. Temporary Exclusion Fencing. Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Work Area, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Project site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Project

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site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Project site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Project site.

- 5.17. Temporary Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 5.24 below prior to commencing fence installation if the fence design requires trenching or other ground disturbance to be installed. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.

SJKF Specific Measures

- 5.18. SJKF Den Avoidance. If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den such as a pipe or culvert, a minimum 50-foot buffer around the potential or "atypical" den shall be established using flagging. If a known SJKF den is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are reared) is discovered, a buffer of at least 200 feet around the den using flagging shall be established. For any natal dens with pups, the den shall have a buffer of at least 500 feet around it using flagging. The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative within four (4) hours via telephone or e-mail if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to the Project Area.
- 5.19. SJKF Den Excavation. For active dens and potential 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 5.18, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the den may be excavated or

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blocked temporarily under the supervision of the Designated Biologist(s), the latter situation (blocking, as opposed to destruction) being required when the den will not be directly impacted by construction activities. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within the construction footprint but within the no-disturbance buffer) shall be blocked with sandbags or other CDFW-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of construction activities in a given Work Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.

- 5.20. Unblocking Temporarily Blocked SJKF Dens. SJKF dens blocked as per Condition of Approval 5.19 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active construction activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.
- 5.21. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 5.18 with an artificial den prior to den excavation (as described in Condition of Approval 5.19 above). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 4.4.

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Pre-construction surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 5.14) and avoidance measures (as described in Condition of Approval 5.18) implemented prior to the installation of artificial dens.

SJAS Specific Measures

- 5.22. SJAS Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS and SJKF burrows within and adjacent to the Work Area to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 5.23 and 5.24.
- 5.23. SJAS Relocation. The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Work Area that cannot be avoided per Condition of Approval 5.22 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the appropriate SJAS Mortality Reduction and Relocation Plan (Condition of Approval 4.3). Traps shall only be open during the time of day when **on-site temperatures** are within the 68- to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.
- 5.24. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 5.23 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Work Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 5.23 above. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved

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release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 4.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.

6. Habitat Management Land Acquisition:

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

To meet this requirement, the Permittee shall purchase 6 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 6.1)

- 6.1. Covered Species Credits. Permittee shall (1) purchase 6 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank(s) prior to initiating Covered Activities, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the CDFW-approved mitigation or conservation bank and a credit ledger or similar document from the mitigation or conservation bank. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.

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

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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 (2081-2019-054-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014
Fax (559) 243-4026

and a copy to:

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

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

Craig Bailey
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 227
Fax (559) 243-4020

Compliance with CEQA:

As the "public agency which has the principal responsibility of...approving [the Project]," (Pub. Resources Code, §21067), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, §21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because it is an action necessary to maintain, repair, and recondition an existing pipeline. (Pub. Resources Code, §21080.21, subd. (a) and §21080.23.). CDFW has filed a Notice of Exemption for the Project.

Findings Pursuant to CESA:

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 6 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

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


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

Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Area and Project Site
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 7/1/2020

DocuSigned by:

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Julie A. Vance, Regional Manager
 CENTRAL REGION

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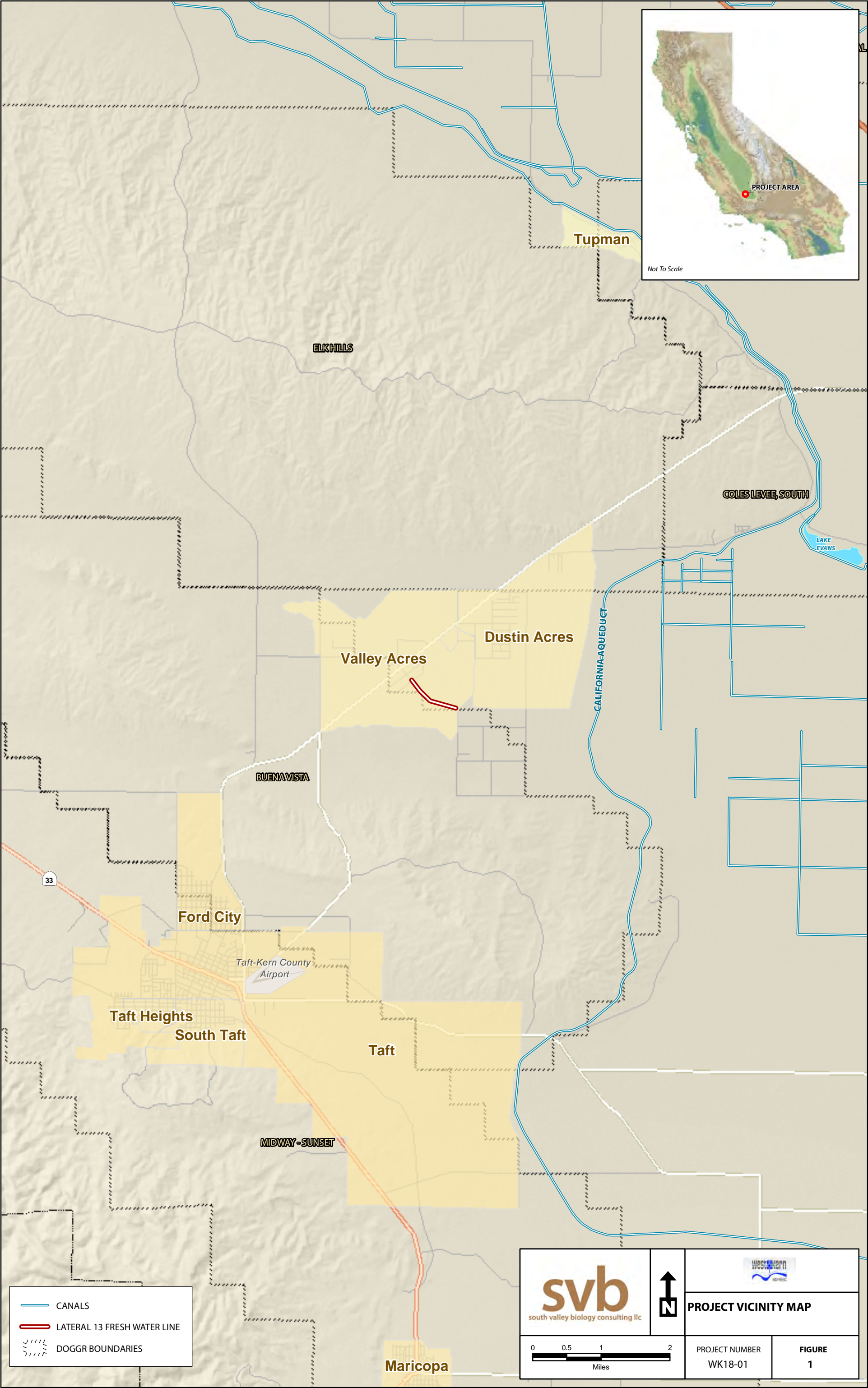
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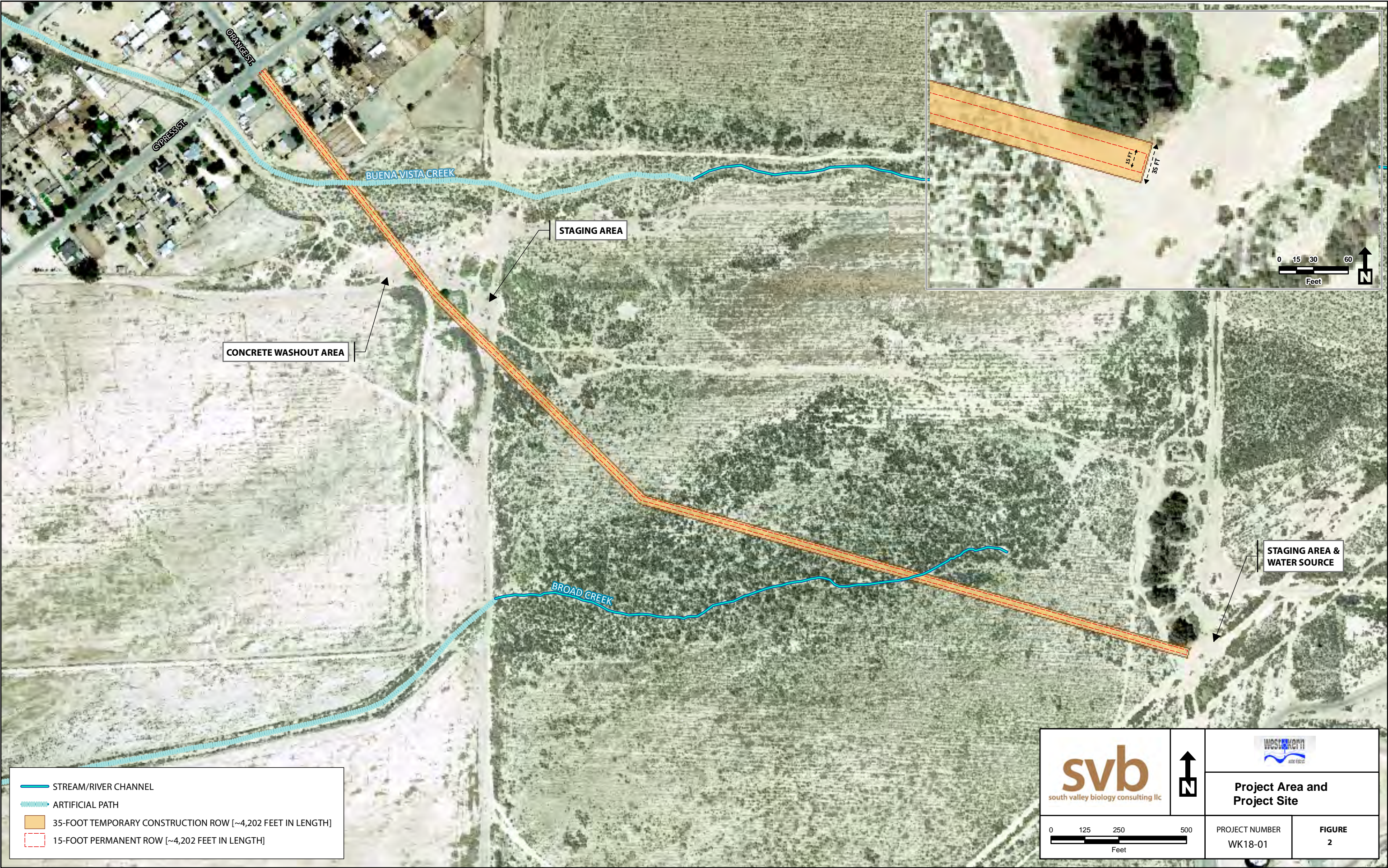
The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions

By: J.D. Bramlet Date: 7/6/2020

Printed Name: J.D. Bramlet Title: Director of Operations
DocuSigned by:
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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-054-04

PERMITTEE: West Kern Water District

**PROJECT: Lateral 13 Fresh Water Pipeline Replacement
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
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 3.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. 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. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist and/or Designated Monitor shall prohibit open communication with CDFW.	ITP Condition # 3.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 3.4	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 # 3.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 3.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 3.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 3.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW three (3) calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Habitat Management Land Acquisition</u> . CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. To meet this requirement, the Permittee shall purchase 6 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 6.1).	ITP Condition # 6	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>Covered Species Credits</u> . Permittee shall (1) purchase 6 acres of Covered Species habitat credits from a CDFW-approved mitigation or conservation bank(s) prior to initiating Covered Activities, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the CDFW-approved mitigation or conservation bank and a credit ledger or similar document from the mitigation or conservation bank. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.	ITP Condition #6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>SJAS Mortality Reduction and Relocation Plan</u> . Permittee shall submit a San Joaquin antelope squirrel (SJAS) Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>SJKF Den Replacement Plan</u> . Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<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 # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.19 and 5.24.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered Activities in the Work Area. The pre-activity surveys shall cover the Work Area and 50 feet beyond the limits of the Work Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Work Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS relocation as described in Condition of Approval 4.3, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 5.19.	ITP Condition # 5.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.18 and 5.22. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.16, 5.17, 5.19, 5.20, 5.21, 5.23, and 5.24.	ITP Condition # 5.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>Temporary Exclusion Fencing.</u> Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Work Area, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Project site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Project site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Project site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Project site.	ITP Condition # 5.16	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>Temporary Exclusion Fencing Installation.</u> The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 5.24 below prior to commencing fence installation if the fence design requires trenching or other ground disturbance to be installed. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 5.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
19	<u>SJKF Den Avoidance.</u> If a potential SJKF den (any subterranean hole, four (4) inches or larger, for which available evidence is insufficient to conclude that it is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den such as a pipe or culvert, a minimum 50-foot buffer around the potential or "atypical" den shall be established using flagging. If a known SJKF den is discovered, Permittee shall establish a minimum buffer of at least 100 feet around the den using flagging. If a natal den (den in which SJKF young are reared) is discovered, a buffer of at least 200 feet around the den using flagging shall be established. For any natal dens with pups, the den shall have a buffer of at least 500 feet around it using flagging. The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative within four (4) hours via telephone or e-mail if any SJKF active dens, natal dens, or occupied atypical dens are discovered within or immediately adjacent to the Project Area.	ITP Condition # 5.18	Before commencing ground- or vegetation-disturbing activities	Permittee	
20	<u>SJKF Den Excavation.</u> For active dens and potential 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 5.18, and if, after five (5) consecutive days of monitoring with tracking medium and infrared camera, the Designated Biologist(s) has determined that SJKF is not currently present, the den may be excavated or blocked temporarily under the supervision of the Designated Biologist(s), the latter situation (blocking, as opposed to destruction) being required when the den will not be directly impacted by construction activities. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated (destroyed) under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den excavation shall cease immediately and tracking and camera monitoring as described above shall be conducted/resumed. Excavation of the den may be completed when, in the judgment of the Designated Biologist(s), the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during Covered Activities. Dens to be blocked (e.g., not within the construction footprint but within the no-disturbance buffer) shall be blocked with sandbags or other CDFW-approved material that ensures that SJKF cannot reenter or use the den during Covered Activities, but that can be easily removed at the cessation of construction activities in a given Work Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall contact USFWS and CDFW and receive written guidance (e-mail will suffice) from both agencies prior to proceeding with den excavation.	ITP Condition # 5.19	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<u>Unblocking Temporarily Blocked SJKF Dens.</u> SJKF dens blocked as per Condition of Approval 5.19 shall be unblocked (material at entrance removed) within 48 hours of the cessation of active construction activities and when the Designated Biologist(s) determines that potential resumed use will not result in harm to SJKF.	ITP Condition # 5.20	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<u>SJKF Den Replacement.</u> Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 5.18 with an artificial den prior to den excavation (as described in Condition of Approval 5.19 above). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 4.4. Pre-construction surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 5.14) and avoidance measures (as described in Condition of Approval 5.18) implemented prior to the installation of artificial dens.	ITP Condition # 5.21	Before commencing ground- or vegetation-disturbing activities	Permittee	
23	<u>SJAS Burrow Avoidance.</u> The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS and SJKF burrows within and adjacent to the Work Area to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 5.23 and 5.24.	ITP Condition # 5.22	Before commencing ground- or vegetation-disturbing activities	Permittee	
24	<u>SJAS Relocation.</u> The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Work Area that cannot be avoided per Condition of Approval 5.22 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the appropriate SJAS Mortality Reduction and Relocation Plan (Condition of Approval 4.3). Traps shall only be open during the time of day when on-site temperatures are within the 68- to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.	ITP Condition # 5.23	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<u>SJAS Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 5.24 and prior to commencing Covered Activities within the Project Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 5.24. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 4.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.	ITP Condition # 5.24	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					
26	<u>Compliance Monitoring</u> . The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 4.5	Entire Project	Permittee	
27	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.5 into a 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 be submitted to the CDFW offices 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 # 4.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<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. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 4.6; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 4.7	Entire Project	Permittee	
29	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 4.8	Entire Project	Permittee	
30	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 4.2	Entire Project	Permittee	
31	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 3.5	Entire Project	Permittee	
32	<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.	ITP Condition # 3.8	Entire Project	Permittee	
33	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 3.11	Entire Project	Permittee	
34	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.9 of the ITP.	ITP Condition # 3.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 3.13	Entire Project	Permittee	
36	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 3.14	Entire Project	Permittee	
37	<u>Designated Biologist On-site</u> . The Designated Biologist shall be on-site during all ground-disturbing or vegetation-disturbing activities that may result in the take of Covered Species.	ITP Condition # 5.1	Entire Project	Permittee	
38	<u>Work Hours</u> . Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW.	ITP Condition # 5.3	Entire Project	Permittee	
39	<u>Lighting</u> . Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Work Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Work Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Work Area.	ITP Condition # 5.4	Entire Project	Permittee	
40	<u>Equipment Fueling</u> . Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 5.5	Entire Project	Permittee	
41	<u>Vehicle and Equipment Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS is inside the temporary exclusion fence required in Condition of Approval 5.16, the Designated Biologist shall move the SJAS out of harm's way in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 4.3.	ITP Condition # 5.7	Entire Project	Permittee	
42	<u>Stockpiling Materials</u> . Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 5.8	Entire Project	Permittee	
43	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 5.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan required in Condition of Approval 4.3 above.	ITP Condition # 5.10	Entire Project	Permittee	
45	<u>Trench Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS as per the approved SJAS Mortality Reduction and Relocation Plans described in Condition of Approval 4.3 above.	ITP Condition # 5.11	Entire Project	Permittee	
46	<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 Work Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 5.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<u>Covered Species Observations</u> . All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.	ITP Condition # 5.13	Entire Project	Permittee	
48	<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. 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 calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and, if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 4.10	Entire Project	Permittee	
49	<u>Designated Biologist/Designated Monitor Authority</u> . 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.	ITP Condition # 3.3	Entire Project	CDFW	
POST-CONSTRUCTION					
50	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all fill material 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 # 3.15	Post-construction	Permittee	
51	<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 # 4.9	Post-construction and after completion of mitigation	Permittee	