



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 25, 2020

Mr. Ryan Lopez  
Natural Resources Group, Inc.  
3002 Beacon Boulevard  
West Sacramento, CA 95691  
[ropez@natural-resources-group.com](mailto:ropez@natural-resources-group.com)

Subject: Incidental Take Permit for Wings Landing Tidal Habitat Restoration Project,  
2081-2020-014-03, Solano County

Dear Mr. Lopez:

Enclosed is the Incidental Take Permit for the above referenced project, which has been signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully and sign the acknowledgement on the permit no later than 30 days from CDFW signature and prior to initiation of ground-disturbing activities. Alternatively, a signed hardcopy can be mailed to:

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

You are advised to keep a copy of the signed permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of the permit. Note that you are required to comply with certain conditions of approval prior to continuation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Mr. Andy Rockriver, Senior Environmental Scientist (Specialist), at [Andy.Rockriver@wildlife.ca.gov](mailto:Andy.Rockriver@wildlife.ca.gov); or Ms. Gina Van Klompenburg, Senior Environmental Scientist (Supervisory), at [Gina.VanKlompenburg@wildlife.ca.gov](mailto:Gina.VanKlompenburg@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
A handwritten signature in black ink that reads "Gregg Erickson".  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

*Conserving California's Wildlife Since 1870*



California Department of Fish and Wildlife  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534

California Endangered Species Act  
Incidental Take Permit No. 2081-2020-014-03

**WINGS LANDING TIDAL HABITAT RESTORATION PROJECT**

**Authority:**

This Native Plant Protection Act (NPPA) Incidental Take Permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code sections 1907 and 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, sections 786.9 and 783.0 et seq. NPPA prohibits the take<sup>1</sup> of any native plant designated by the California Fish and Game Commission as an endangered or rare species.<sup>2</sup> CDFW may authorize the take of any such species by permit. (Fish and Game Code, § 1907, subdivision (a); Cal. Code Regs., tit. 14, § 786.9).

|                           |   |
|---------------------------|---|
| <b>Permittee:</b>         | <b>Natural Resources Group, Inc.</b>                    |
| <b>Principal Officer:</b> | <b>Ryan Lopez, Director of Conservation Science</b>     |
| <b>Contact Person:</b>    | <b>Ryan Lopez, (916) 372- 5595</b>                      |
| <b>Mailing Address:</b>   | <b>3002 Beacon Boulevard, West Sacramento, CA 95691</b> |

**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 **December 31, 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 Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

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

<sup>2</sup>The definitions of an endangered and rare species for purposes of NPPA are found in Fish and Game Code section 1901. Rev. 2015.3.17.

## **Project Location:**

The Wings Landing Tidal Habitat Restoration Project (Project) is located in the north-central Suisun Marsh, approximately one mile south of the City of Suisun City, in Solano County (see Figure 1). The Project is located at a latitude of North 38.219949° and a longitude of West 121.038819°. The Project site is adjacent to Peytonia Slough to the north, Suisun Slough to the east, and Boynton Slough to the south.

## **Project Description:**

The Project consists of restoring managed marsh, managed perennial channels, managed seasonal channels, and uplands to a tidal marsh ecosystem. Permittee will restore and permanently protect approximately 267 acres of tidal wetlands on Wings Landing. Permittee will reconnect the adjacent marsh and subtidal channels in Boynton, Peytonia, and Suisun sloughs to the newly restored tidal and subtidal marsh within the Project site. Additionally, the greater tidal flows will result in increased availability of wetland-derived primary and secondary production to the surrounding areas. The Project is intended to help fulfill a portion of the 8,000-acre tidal habitat restoration obligations of the Department of Water Resources (DWR) contained within Reasonable and Prudent Alternative (RPA) of the U.S. Fish and Wildlife Service (USFWS) Delta Smelt Biological Opinion (BiOp) for long-term coordinated operations of the State Water Project (SWP) and the federal Central Valley Project (CVP). Because restoration of tidal habitat will provide access for salmonid rearing at Wings Landing, the Project will also be consistent with RPA I.6.1 of the National Marine Fisheries Service (NMFS) Salmonid BiOp for SWP/CVP operations. The Project will contribute to the 800 acres of Longfin Smelt wetland habitat mitigation requirement in the 2009 California State Water Project Delta Facilities and Operations ITP (2081-2009-001-03). Additionally, the Project will contribute to meeting the purpose and objectives of the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP). The SMP provides a comprehensive 30-year plan for activities within the Suisun Marsh, including tidal restoration activities, and managed wetland management. Upon completion of the Project, the Project will be transferred to DWR to meet the BiOp and ITP mitigation obligations.

Main Project activities include cross berm enhancement, tidal channel restoration, channel plug construction, tidal depressions creation, water control structure removal, levee breaching, and Mason's lilaeopsis transplanting, maintenance, and monitoring. Tractors with mower/disc, a bulldozer, excavators, dump trucks, a skip loader, water trucks, a compactor, as well as other equipment will be used to construct the Project.

**Cross Berm Enhancement:** Cross berm enhancement includes cross berm improvement and borrow-ditch restoration. Located at the southwest boundary of the Project is a 2,473-foot interior levee ("cross berm") that is shared and managed jointly by the Wings Landing Duck Club and the Walnut Creek Gun Club (WCGC). Permittee will convert this interior levee into an exterior levee. Permittee will raise the levee to 9.1 feet elevation with a crest width of 12 feet.

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Geotechnical analysis concluded that the maximum ultimate settlement of the cross berm is 6 inches. Permittee will build the levee to 9.6 feet to account for settlement. The improved cross berm will have a slope of 2H:1V on the WCGC side, and 3H:1V on the Project side. For the benefit of upland species, including salt marsh harvest mouse, Permittee will construct transitional habitat with 10H:1V slopes on the north and south ends of the cross berm.

Prior to placing material, Permittee will strip topsoil from the interior levee using a tractor with mower and bulldozer. A bulldozer will push excess soil material to the side of the levee to establish a seed bank for post-construction levee restoration. The ground surface exposed after stripping will be scarified to a depth of up to 12 inches (as determined by the on-site Geotechnical personnel), moisture conditioned (if necessary) and re-compacted. Where new material is placed on the existing levee slopes, Permittee will bench and/or key the section, as directed by on-site Geotechnical personnel.

Once the cross berm has reached the target elevation and slopes and has been compacted sufficiently, Permittee will revegetate the levee using the previously stripped topsoil material with existing seed bank which could be supplemented with a native seed mix. A maximum of 11,400 cubic yards (CY) of material will be required to raise the cross berm to 9.1 feet in elevation. Cross berm improvement will impact approximately 10.9 acres, all within uplands, including approximately 2.18 acres on the cross berm, and up to an additional 8.72 acres in the borrow areas.

The borrow-ditch located adjacent to the cross berm on the Project side was the result of removing material for the creation and maintenance of the cross berm. Permittee will fill this borrow-ditch with approximately 8,900 CY of material that will be generated on-site via excavation of the tidal depressions. Prior to placing tidal depression material into the borrow-ditch, all marsh vegetation will be salvaged and set aside. Once the borrow-ditch has neared the tidal marsh elevation of 3 feet NAVD88, the salvaged material will be placed back on top of the newly filled borrow-ditch to facilitate vegetative growth. Permittee will use an excavator and truck to dig and move material from the tidal depression to the borrow-ditch, and a bulldozer or excavator to spread the material out in the borrow-ditch. The impact acreage for borrow-ditch restoration is approximately 3.2 acres (not including the area of the tidal depression), all within the managed perennial channel.

Tidal Channel Restoration: Permittee will use material excavated from created and enhanced channels to construct channel plugs and to create variable elevation habitat berms and mounds along the channels. These constructed berms and mounds will vary in elevations from mid to high marsh. Permittee will use an excavator to remove material from the channels and place it in mounds alongside the channels in designated areas. Permittee will place some material in a dump truck for transport to a nearby locations for use as channel plugs. A bulldozer or excavator will move the material to form the desired shape. No compaction is expected following channel construction. Created and enhanced channels will have a 6-foot base width at a maximum elevation of one-foot. Created and enhanced

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channels will have banks with a maximum 2H:1V slope, with bottom widths of approximately 6 feet wide. Emergent vegetation (e.g., tules) is expected to quickly colonize these new tidal areas, including the habitat berms. Natural colonization would be supplemented with seeding of native plants.

Permittee will excavate approximately 9,200 CY of material, with a total impact area of 8.15 acres, during internal channel creation and enhancement. Approximately 3.54 acres of impact will be the result of channel excavation and enhancement, and 4.61 additional acres of impact will result from the placement of the excavated material (not including the acreage for the channel plugs).

Channel Plugs: Permittee will construct channel plugs to block water flow to some existing channels and direct water movement into desired locations, such as the enhanced and created channels and the tidal depressions. Permittee will construct eight channel plugs along the existing perimeter channels and one large plug in the center channel. The channel plugs will be no higher than the mean higher high water (MHHW) elevation to ensure that they support tidal marsh vegetation. Fill material placed to create the channel plugs is anticipated to recruit native vegetation naturally but may be supplemented with marsh vegetation clumps salvaged onsite and seeding of native vegetation.

Permittee will construct channel plugs using material excavated during channel creation and channel enhancement. Channel plugs will have a maximum elevation of 5 feet with a maximum 5H:1V slope. Channel plugs will require approximately 3,720 CY of material. Approximately 0.88 acres of managed marsh and channels will be impacted by channel plugs. Channel plug material will be transported and placed using a dump truck, excavator, bulldozer, and scraper/tractor.

Tidal Depressions: Permittee will create seven tidal depressions: six smaller depressions around the center channel plug and one large depression west of the center plug, south of Breach 2. Material generated by the creation of the tidal depressions in excess of that necessary for borrow ditch restoration will be sidecast in mounds to create bathymetric diversity. Permittee will excavate tidal depressions with a maximum 4H:1V slope to an elevation of 1.24 feet, the mean lower low water (MLLW). The largest depression will be approximately 5.5 acres in area, while the smaller six depressions average 0.273 acres, ranging from 0.1 to 0.41 acres in area. Permittee will excavate approximately 17,620 CY of material. Approximately 7.17 acres of managed marsh will be impacted by tidal depression creation.

Structure Removal: Permittee will remove five water control structures in order to eliminate future maintenance of these features and to prevent unplanned levee breaches. Permittee will use material harvested from the inboard side of the exterior levees to backfill the removed water control structures. Permittee will use a long-arm excavator, placed temporarily on the adjacent levee top if necessary (no more than 24 hours), to remove the water control

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structures and other debris onto a dump truck to be disposed of according to local regulations. After removing water control debris and structures, Permittee will backfill the levee by placing material in the newly open areas to match the elevation, top width, and geometry of the adjacent levees. Approximately 180 CY will be removed which will impact approximately 0.028 acres of tidal channel, 0.021 acres of uplands, and 0.022 acres of managed channels. Native plant revegetation is expected to occur naturally after breaching.

Levee Breaches: Permittee will create five levee breaches to restore tidal influence and maximize tidal excursion. Breaches 1, 2, 3, and 5 will re-connect the Project site to adjacent sloughs, and Breach 4 will connect the restored brood pond to the restored main tidal marsh. Permittee located breaches on existing water control structures in order to minimize impacts to special-status plants and wildlife, as well as for ease of construction. Permittee will maintain perimeter levees as upland “islands” to provide high tide refuge, wave sheltering, and sea-level rise/climate change accommodation.

Permittee will use an excavator to remove water control structures and other debris at each breach. Dump trucks will be used to transport structures and debris off-site for disposal according to local regulations. Permittee will excavate levee breaches to a bottom width of 25 feet, aside from Breach 4, which would have a width of 6 feet. Breaches will have slopes of 1H:1V and will be excavated to various depths: Breaches 1, 2, and 5 will be excavated to - 2 feet NAVD88, while Breaches 3 and 4 will be excavated to 1.24 and 3.5 feet NAVD88 respectively. Permittee will excavate approximately 2,770 CY during breaching activities, which will impact 0.371 acres of upland, enhanced tidal marsh, and managed channel. Permittee will place excavated soil on the disturbed upland levee tops and other disturbed areas near the cross berm for future levee maintenance. Areas surrounding breaches are expected to revegetate naturally, but revegetation may be supplemented where necessary by marsh vegetation salvaged during excavation and spreading of a native seed mix. Permittee will not armor the breaches and will allow them to evolve naturally following construction, unless conditions develop that meet an intervention threshold.

Mason's *Lilaeopsis*: If pre-construction surveys indicate Mason's *lilaeopsis* (*Lilaeopsis masonii*) will be impacted by construction-related activities at the breach locations, Permittee will attempt to salvage and translocate these plants.

Construction Timeline: Permittee anticipates starting construction in September 2020. The Project is anticipated to occur over one construction year and would end by November 30. In-water work will occur between August 1 to November 30. Construction may be further restricted beginning in October to accommodate waterfowl hunting on adjacent properties. It is expected that construction would generally occur between 8 and 10 hours a day, 5 days a week.

**Covered Species Subject to Take Authorization Provided by this ITP:**

This ITP covers the following species:

| Name  | NPPA Status       |
|---|-------------------|
| 1. Mason’s lilaeopsis ( <i>Lilaeopsis masonii</i> ) | Rare <sup>3</sup> |

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

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

Project activities 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 excavation of levee soil, removal of water control structures, levee repair/backfilling, post-construction erosion, and the collection, handling, and transplanting of the Covered Species (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as excavation of levee breaches, erosion of habitat, siltation, and the handling, collection, and translocation of Covered Species. The areas where authorized take of the Covered Species is expected to occur include the levees and adjacent tidal wetlands encompassing Wings Landing (collectively, the Project Area).

The Project is expected to cause the permanent loss of loss of 54.4 square feet of 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, the Project’s incremental contribution to cumulative impacts (indirect impacts), and stress resulting from collection, handling, and transplanting of the Covered Species.

**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 translocation of Covered Species as authorized by this ITP.

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.2, subd. (c)(3)(A).

## Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** CDFW, acting as lead agency, certified an Environmental Impact Report (SCH No. 2003112039) on December 22, 2011, and DWR, acting as responsible agency, adopted an Addendum on July 31, 2020 analyzing the Project pursuant to the California Environmental Quality Act (CEQA)(Pub. Resources Code, § 21000 et seq.). Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of DWR's 2020 Addendum.
3. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
4. **General Provisions:**
  - 4.1. 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.
  - 4.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history 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.



- 4.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist 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 in consultation with CDFW.
- 4.4. 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 NPPA 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.
- 4.5. 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.
- 4.6. 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.
- 4.7. 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.
- 4.8. 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.

- 4.9. 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.
- 4.10. 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. 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.
- 4.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area unless provided for as described in Condition of Approval 4.10 of this ITP.
- 4.12. 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.
- 4.13. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.14. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

## **5. Monitoring, Notification and Reporting Provisions:**

- 5.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

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- 5.2. 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.
- 5.3. 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 in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 5.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Compliance Monitoring 5.3 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, by the 5th of each month following the first month of Covered Activities. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and/or via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Andy Rockriver ([Andy.Rockriver@wildlife.ca.gov](mailto:Andy.Rockriver@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto: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.
- 5.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Monitoring Reports for that year identified in Condition of Approval 5.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available

information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 5.6. 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.
- 5.7. 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.
- 5.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken, including translocated, or injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002. 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 plant, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

## **6. 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:

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- 6.1. Pre-Construction Survey for Covered Species. A qualified biologist shall conduct pre-construction surveys for Covered Species prior to starting construction activities. If Covered Species are identified in the Project Area, they shall be flagged and avoided. If any Covered Species cannot be avoided, Permittee will attempt to salvage and translocate these plants. Permittee shall consult with CDFW before attempting to transplant the individuals to suitable habitat. Permittee shall submit to CDFW for approval, at least 30 days prior to transplanting, a Covered Species translocation plan (see details Condition of Approval 7.2.6.2).
- 6.2. Minimize Impacts to Waterside Wetlands. Permittee shall minimize impacts to tidal wetland habitat along levees as this habitat may support Covered Species. Permittee shall operate construction equipment from the top of levees or from barges to the extent possible.
- 6.3. Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one project site and/or waterbody to another. Prevention best management practices and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>.
- 6.4. Post-Construction Survey for Covered Species. Permittee shall conduct a Post-Project Survey for the Covered Species at each breach location where the Pre-Construction Survey (see above Condition of Approval 6.1) indicated Covered Species was present within 50 feet of each side of the breach. This survey shall be conducted within 45 days of completing breaching activities. The survey shall indicate the relative condition of each population, identify any construction-related impacts (e.g. covered in silt, crushed by equipment, erosion), and assess the Covered Species risk to erosion of the breach. Permittee shall submit the survey results to CDFW no later than 30 days after completing the Post-Project Survey.
- 6.5. Post-Project Breach Stabilization. If bank erosion at a constructed breach will result in the take or foreseeable take of Covered Species in the upcoming wet season, Permittee shall consult with CDFW to discuss bank stabilization measures to prevent Covered Species from eroding away. If bank stabilization measures are not feasible, CDFW may require Permittee to transplant and monitor the Covered Species.

## **7. Habitat Management Land Acquisition and Restoration:**

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to NPPA to fully mitigate

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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, Permittee shall provide vegetation monitoring and management of Covered Species on Wings Landing for a seven-year period and restore at least 272 ft<sup>2</sup> (Table 1) of Habitat Management (HM) lands in an appropriate intertidal area on Wings Landing pursuant to Condition of Approval 7.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 7.3 below. The final size of the HM lands may be adjusted up or down depending on the results of the pre-construction survey for Covered Species (Condition of Approval 6.1). Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 8 below for all uncompleted obligations.

| Table 1. Mitigation Calculations |                  |                        |
|----------------------------------|------------------|------------------------|
| Impacted plants (square feet)    | Mitigation Ratio | HM Lands (square feet) |
| 54.4*                            | 5:1              | 272*                   |

\*Final numbers may be adjusted based on Covered Species pre-construction survey

7.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

- 7.1.1. Land acquisition costs for HM lands identified in Condition of Approval 7.2 below, estimated at \$3,000/acre for one acre: **\$3,000**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirement.
- 7.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 7.2.4 below, estimated at **\$20,000**.
- 7.1.3. Interim management period funding as described in Condition of Approval 7.2.5 below, estimated at **\$18,000**.
- 7.1.4. Long-term management funding as described in Condition of Approval 7.3 below of **\$6,000** annually in perpetuity for 272 ft<sup>2</sup>. Long-term management

funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

- 7.1.5. Covered Species management and monitoring funding as described in Condition of Approval 7.2.6 below, estimated at **\$140,000**.
- 7.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW, estimated at **\$3,000**.
- 7.2. Habitat Protection, Management and Monitoring. To provide for the perpetual protection and management of HM lands, Permittee shall:
  - 7.2.1. Fee Title/Conservation Easement. Permittee shall maintain ownership of HM lands in fee title and shall convey a conservation easement to CDFW over the HM lands. Any transfer of fee title ownership shall be pursuant to terms approved in writing by CDFW and in compliance with state law. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).
  - 7.2.2. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying a conservation easement over the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.
  - 7.2.3. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change.
  - 7.2.4. Start-up Activities. Provide for the implementation and funding of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking>). This plan can be incorporated into the larger Wings Landing land management plan; (2)

conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) conducting litter removal; (5) conducting initial habitat enhancement; and (6) installing signage.

- 7.2.5. Interim Management (Initial and Capital). Enhancement of the HM lands shall begin in 2020 with site preparation related to preparing and enhancing the site for the translocation and monitoring of the Covered Species. Permittee shall fund and ensure implementation of the interim management on the HM lands. The interim management period shall be a minimum of three years from the date that the Permittee begins the Covered Activities. Interim management period activities shall be those defined as necessary to manage the land and shall include trash removal, site monitoring, vegetation and invasive species management, mowing, and overall site maintenance.
- 7.2.6. Covered Species Management and Monitoring. To mitigate habitat impacts associated with Covered Activities, Permittee shall survey and monitor the status of translocated plants and representative reference occurrences of the Covered Species on Wings Landing levees. Permittee shall develop a monitoring and management plan to benefit Covered Species using management funds as described in Condition of Approval 7.3 and subject to Condition of Approval 7.4.
- 7.2.6.1. At least 30 days before impacting Covered Species habitat, Permittee shall prepare and submit to CDFW for approval a Mason's Lilaopsis Monitoring and Management Plan (MLMMP), including a baseline assessment, to facilitate management and monitoring of Covered Species on Wings Landing. The MLMMP shall include detail adequate to allow efficient implementation by vegetation management contractors under the direction of the Designated Biologist. Management activities may include, but not limited to, invasive species control, trash removal, and biotechnical bank stabilization measures to abate Project-related erosion of Covered Species habitat.
- 7.2.6.2. As part of the MLMMP, Permittee shall include a translocation plan for the Covered Species occurrences at Breach 1 and Breach 5. This plan shall describe: (1) the location and patch size of the existing occurrences to be transplanted; (2) identify the HM Lands where the Covered Species will be transplanted, subject to CDFW review and approval. This section will become the Habitat Management Lands. (3) the existing habitat conditions of the proposed Habitat Management Lands; (4) transplanting methods and techniques; (5) a monitoring and maintenance plan for the Habitat Management Lands; and (6) success criteria for the transplanted Covered



Species. The monitoring and maintenance plan reporting can be incorporated into the Annual Wings Landing Mason's Lilaepsis Monitoring Report (Annual Report) as described below in Condition of Approval 7.2.6.4.

- 7.2.6.3. Permittee shall ensure that the approved MLMMP is fully implemented over a seven-year term beginning from the issuance date of this ITP.
- 7.2.6.4. Permittee shall provide CDFW an Annual Report on the status of the Covered Species located on the levees of Wings Landing, excluding the levee section not owned by Permittee, no later than January 31 of every year beginning with issuance of this ITP and continuing for seven years. Each annual report shall include, at a minimum: (1) names and titles of each survey crew member; (2) survey methods and dates; (3) the size and location of each reference site and translocated occurrence of the Covered Species in the HM lands; (4) the relative habitat condition of each occurrence; (5) the specific habitat conditions in the HM lands, including percent cover of all other plant species in the HM lands; and (6) a brief analysis of the status of translocated Covered Species relative to the other occurrences on Wings Landing. If the translocated occurrence decreases by greater than 25% relative to the other on-island reference occurrences, then Permittee shall immediately notify CDFW for possible additional management actions. Each Annual Report shall also include a summary of any Covered Species management that occurred during the year.
- 7.2.6.5. If after initiating management activities, Permittee or CDFW personnel deem that an alternative management approach, the costs of which would not exceed the cost estimate described under Condition of Approval 7.1.5, would be more successful in protecting or enhancing Covered Species habitat, the MLMMP shall be revised accordingly. All revisions of the MLMMP shall be approved by CDFW personnel one month prior to conducting new or modified activities.
- 7.2.6.6. Following completion of the seven-year monitoring period, Permittee shall prepare a summary report describing the success of the Covered Species as determined by the MLMMP. The report shall detail Covered Species monitoring and management approaches used on Wings Landing, any management adaptations attempted, the percent invasive species cover in each management area at the end of each management year, a description of the response of the Covered Species to management activities over the management period, and any other information that would inform future monitoring and management activities on Wings Landing. The report shall be submitted to CDFW staff for review.

- 7.3. Endowment Fund. Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 7.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

Manager, Permittee shall prepare a Property Analysis Record (PAR) [or PAR-equivalent analysis (hereinafter "PAR")] to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

7.3.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

7.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

7.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

7.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

7.3.3. Transfer Long-term Endowment Funds. If Endowment establishment is triggered, per Condition of Approval 7.3, Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

7.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, and expenses incurred from other state agency reviews. Permittee shall also reimburse CDFW for any unmet mitigation required in this ITP.

## 8. Performance Security

Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 8.1. Security Amount. The Security shall be in the amount of **\$184,000**. This amount is based on the cost estimates identified in Condition of Approval 7.1 above.
- 8.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 8.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 8.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 8.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 8.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 8.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - Written documentation of the acquisition of HM lands;
  - Copies of all executed and recorded conservation easements; and
  - Timely submission of all required reports; and
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment or transfer of the HM lands to DWR.

Even if Security is provided, Permittee must complete the first year of required vegetation monitoring and management on Wings Landing no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional vegetation monitoring and management and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does

not complete these requirements within the specified timeframe.

### **Amendment:**

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

### **Stop-Work Order:**

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

### **Compliance with Other Laws:**

This ITP sets forth CDFW's requirements for the Permittee to implement the Project pursuant to NPPA. 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, CA 94244-2090

Alternatively, the Permittee shall email the digitally signed ITP to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

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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 (2081-2020-014-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Gregg Erickson, Regional Manager  
California Department of Fish and Wildlife – Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Telephone: (707) 428-2002  
[R3CESA@wildlife.ca.gov](mailto:R3CESA@wildlife.ca.gov)

and a copy to:

Habitat Conservation Planning Branch  
California Department of Fish and Wildlife  
Attention: CESA Permitting Program  
Post Office Box 944209  
Sacramento, CA 94244-2090  
[CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov)

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

Andy Rockriver, Senior Environmental Scientist (Specialist)  
California Department of Fish and Wildlife – Bay Delta Region  
2109 Arch Airport Road, Suite 100  
Stockton, CA 95206  
Telephone: (209) 234-3433  
[Andy.Rockriver@wildlife.ca.gov](mailto:Andy.Rockriver@wildlife.ca.gov)

### **Compliance with CEQA:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is the lead agency pursuant to CEQA with respect to this ITP because of its prior environmental review of the Project. (See generally Pub. Resources Code, §§ 21067, 21069). CDFW's prior environmental review of the Project is set forth in the Suisun Marsh Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement/Environmental Impact Report (SCH No. 2003112039). DWR, as responsible agency, adopted the Wings Landing Tidal Habitat Restoration Project CEQA Addendum for the Wings Landing Tidal Habitat Restoration Project on July 31, 2020. At the time DWR adopted the CEQA Addendum and approved the

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Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

The Lead Agency action of ITP approval carries out an activity contemplated by CDFW's 2011 Suisun Marsh Habitat Management, Preservation, and Restoration Plan EIR, which activity is described in more specificity by the 2020 DWR Responsible Agency Addendum adopted July 31, 2020. This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of its EIR and DWR's Addendum for the Project and the environmental effects related to issuance of this ITP [CEQA Guidelines, § 15096, subd. (f)]. CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by CDFW in 2011 and DWR in 2020, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

### **Findings Pursuant to CESA:**

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in the NPPA, CESA and related regulations. [Fish and Game 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, Wings Landing Tidal Habitat Restoration Project CEQA Addendum to the Suisun Marsh Habitat Management, Preservation, and Restoration Plan Environmental Impact Statement/Environmental Impact Report, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to NPPA:

- (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) implementation of a vegetation monitoring and management plan; (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

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adequate compensation. Based on this evaluation, CDFW determined that the translocation of Covered Species from the breach locations, the protection and management in perpetuity of 272 square feet of compensatory habitat that is contiguous with other protected Covered Species habitat, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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

#### **Attachments:**

|               |   |
|---------------|---|
| FIGURE 1      | Map of Project                              |
| ATTACHMENT 1  | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2A | Habitat Management Lands Checklist          |
| ATTACHMENT 3  | Letter of Credit Form                       |
| ATTACHMENT 4  | Mitigation Payment Transmittal Form         |

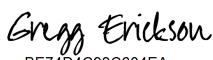
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**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 8/25/2020.

DocuSigned by:

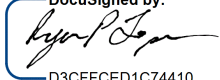
  
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Gregg Erickson, Regional Manager  
Bay Delta Region

**ACKNOWLEDGMENT**

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

DocuSigned by:

  
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By: \_\_\_\_\_ Date: 8/25/2020

Printed Name: Ryan P Lopez Title: Director of Conservation Science

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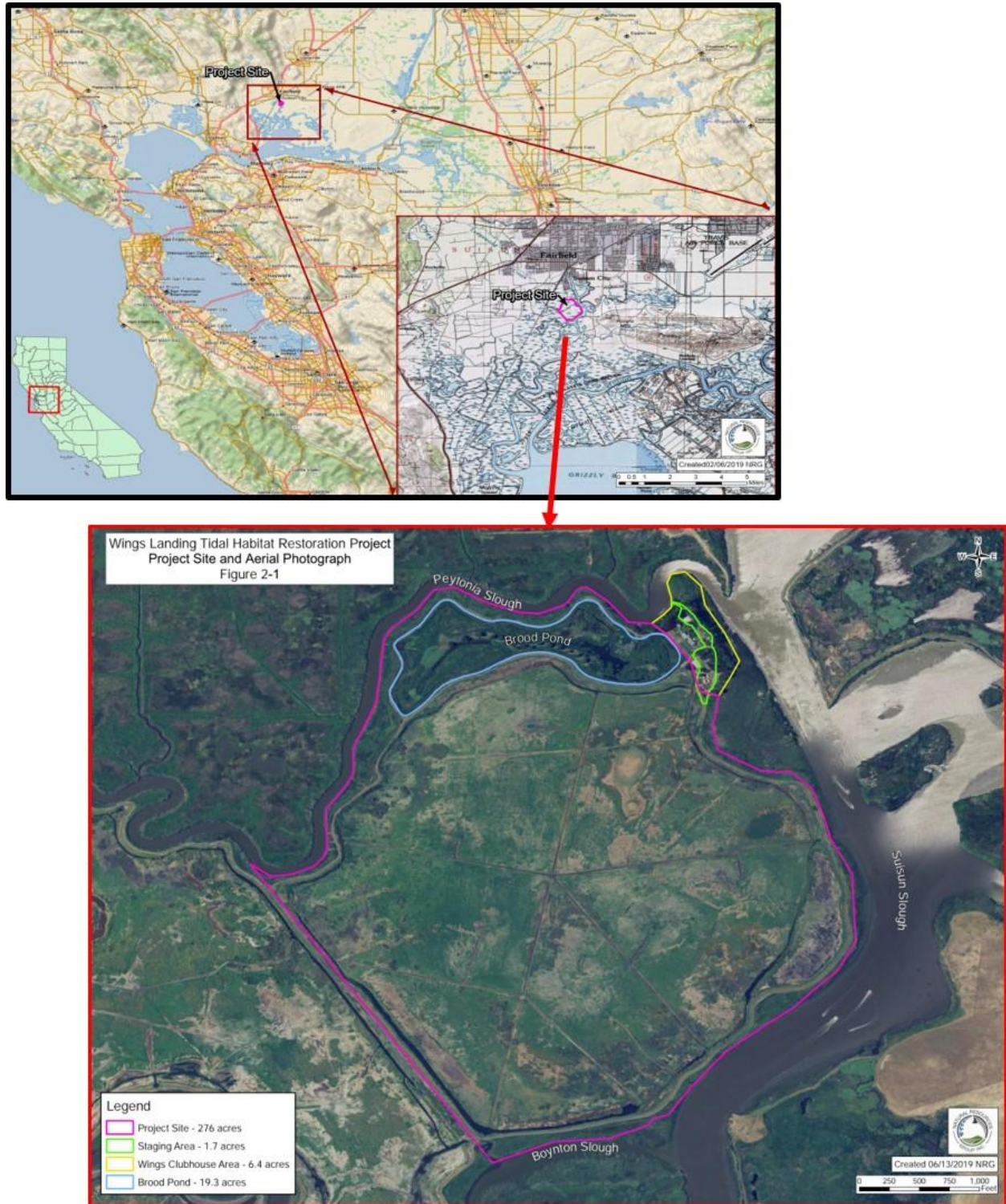


Figure 1. Location of Wings Landing Tidal Habitat Restoration Project in Suisun Marsh, Solano County.

**Attachment 1****CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)  
CALIFORNIA NATIVE PLANT PROTECTION ACT****INCIDENTAL TAKE PERMIT NO. 2081-2020-014-03****PERMITTEE: Natural Resources Group, Inc.****PROJECT: Wings Landing Tidal Habitat Restoration Project****PURPOSE OF THE MMRP**

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the California Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with sections 1907 and 2081, subdivisions (b) and (c) of the Fish and Game Code and sections 786.9 and 783.0 et seq. of California Code of Regulations, Title 14. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

**TABLE OF MITIGATION MEASURES**

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

|   | Mitigation Measure  | Source               | Implementation Schedule   | Responsible Party | Status / Date / Initials |
|---|---|----------------------|---|-------------------|--------------------------|
| <b>BEFORE DISTURBING SOIL OR VEGETATION</b> |   |                      |   |                   |                          |
| 1   | 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.   | ITP Condition # 4.1  | Before commencing ground- or vegetation-disturbing activities/ Entire Project                         | Permittee         |                          |
| 2   | Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history 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.   | ITP Condition # 4.2  | Before commencing ground- or vegetation-disturbing activities   | Permittee         |                          |
| 3   | Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist 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 in consultation with CDFW.   | ITP Condition # 4.3  | Before commencing ground- or vegetation-disturbing activities/ Entire Project                         | Permittee         |                          |
| 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 NPPA 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. | ITP Condition # 4.4  | Before commencing ground- or vegetation-disturbing activities/ Entire Project                         | Permittee         |                          |
| 5   | 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.  | ITP Condition # 4.6  | Before commencing ground- or vegetation-disturbing activities and during construction/ Entire Project | Permittee         |                          |
| 6   | 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.   | ITP Condition # 4.9  | Before commencing ground- or vegetation-disturbing activities/ Entire Project                         | Permittee         |                          |
| 7   | CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.  | ITP Condition # 4.13 | Before commencing ground- or vegetation-disturbing activities/ Entire Project                         | Permittee         |                          |

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| 8  | Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.   | ITP Condition # 5.1   | Before commencing ground- or vegetation-disturbing activities  | Permittee |  |
| 9  | Pre-Construction Survey for Covered Species. A qualified biologist shall conduct pre-construction surveys for Covered Species prior to starting construction activities. If Covered Species are identified in the Project Area, they shall be flagged and avoided. If any Covered Species cannot be avoided, Permittee will attempt to salvage and translocate these plants. Permittee shall consult with CDFW before attempting to transplant the individuals to suitable habitat. Permittee shall submit to CDFW for approval, at least 30 days prior to transplanting, a Covered Species translocation plan (see details Condition of Approval 7.2.6.2).   | ITP Condition # 6.1   | Before commencing ground- or vegetation-disturbing activities  | Permittee |  |
| 10 | <p>Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 7.2 below, estimated at \$3,000/acre for one acre: \$3,000. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirement.</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 7.2.4 below, estimated at \$20,000.</p> <p>Interim management period funding as described in Condition of Approval 7.2.5 below, estimated at \$18,000.</p> <p>Long-term management funding as described in Condition of Approval 7.3 below of \$6,000 annually in perpetuity for 272 ft2. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>Covered Species management and monitoring funding as described in Condition of Approval 7.2.6 below, estimated at \$140,000.</p> <p>Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW, estimated at \$3,000.</p> | ITP Condition # 7.1   | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 11 | Fee Title/Conservation Easement. Permittee shall maintain ownership of HM lands in fee title and shall convey a conservation easement to CDFW over the HM lands. Any transfer of fee title ownership shall be pursuant to terms approved in writing by CDFW and in compliance with state law. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).   | ITP Condition # 7.2.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 12 | HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying a conservation easement over the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.  | ITP Condition # 7.2.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 13 | Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change.  | ITP Condition # 7.2.3 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |

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| 14 | Start-up Activities. Provide for the implementation and funding of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://www.wildlife.ca.gov/Conservation/Planning/Banking">https://www.wildlife.ca.gov/Conservation/Planning/Banking</a> ). This plan can be incorporated into the larger Wings Landing land management plan; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) conducting litter removal; (5) conducting initial habitat enhancement; and (6) installing signage.  | ITP Condition # 7.2.4   | Before commencing ground- or vegetation-disturbing activities or by August 1, 2019   | Permittee |  |
| 15 | Interim Management (Initial and Capital). Enhancement of the HM lands shall begin in 2020 with site preparation related to preparing and enhancing the site for the translocation and monitoring of the Covered Species. Permittee shall fund and ensure implementation of the interim management on the HM lands. The interim management period shall be a minimum of three years from the date that the Permittee begins the Covered Activities. Interim management period activities shall be those defined as necessary to manage the land and shall include trash removal, site monitoring, vegetation and invasive species management, mowing, and overall site maintenance.   | ITP Condition # 7.2.5   | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 16 | At least 30 days before impacting Covered Species habitat, Permittee shall prepare and submit to CDFW for approval a Mason's Lilaopsis Monitoring and Management Plan (MLMMP), including a baseline assessment, to facilitate management and monitoring of Covered Species on Wings Landing. The MLMMP shall include detail adequate to allow efficient implementation by vegetation management contractors under the direction of the Designated Biologist. Management activities may include, but not limited to, invasive species control, trash removal, and biotechnical bank stabilization measures to abate Project-related erosion of Covered Species habitat.   | ITP Condition # 7.2.6.1 | At least 30 days before impacting Covered Species habitat  | Permittee |  |
| 17 | As part of the MLMMP, Permittee shall include a translocation plan for the Covered Species occurrences at Breach 1 and Breach 5. This plan shall describe: (1) the location and patch size of the existing occurrences to be transplanted; (2) identify the HM Lands where the Covered Species will be transplanted, subject to CDFW review and approval. This section will become the Habitat Management Lands. (3) the existing habitat conditions of the proposed Habitat Management Lands; (4) transplanting methods and techniques; (5) a monitoring and maintenance plan for the Habitat Management Lands; and (6) success criteria for the transplanted Covered Species. The monitoring and maintenance plan reporting can be incorporated into the Annual Wings Landing Mason's Lilaopsis Monitoring Report (Annual Report) as described below in Condition of Approval 7.2.6.4.                           | ITP Condition # 7.2.6.2 | At least 30 days before impacting Covered Species habitat  | Permittee |  |
| 18 | Permittee shall ensure that the approved MLMMP is fully implemented over a seven-year term beginning from the issuance date of this ITP.   | ITP Condition # 7.2.6.3 | Before commencing ground- or vegetation-disturbing activities  | Permittee |  |
| 19 | Endowment Fund. Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 7.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this | ITP Condition # 7.3     | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |

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|    | <p>ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>   |                        |  |           |  |
| 20 | <p>Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>  | ITP Condition # 7.3.1  | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 21 | <p>Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) [or PAR-equivalent analysis (hereinafter "PAR")] to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> | ITP Conditions # 7.3.2 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |



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| 22 | Transfer Long-term Endowment Funds. If Endowment establishment is triggered, per Condition of Approval 7.3, Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.   | ITP Conditions # 7.3.3 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 23 | Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, and expenses incurred from other state agency reviews. Permittee shall also reimburse CDFW for any unmet mitigation required in this ITP.   | ITP Conditions # 7.4   | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |
| 24 | <p>Performance Security. Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>Security Amount. The Security shall be in the amount of \$184,000. This amount is based on the cost estimates identified in Condition of Approval 7.1 above.</p> <p>Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</p> <p>Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</p> <p>Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p>Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p>Written documentation of the acquisition of HM lands;</p> <p>Copies of all executed and recorded conservation easements; and</p> <p>Timely submission of all required reports; and</p> <p>Written confirmation from the approved Endowment Manager of its receipt of the full Endowment or transfer of the HM lands to DWR.</p> <p>Even if Security is provided, Permittee must complete the first year of required vegetation monitoring and management on Wings Landing no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional vegetation monitoring and</p> | ITP Condition # 8      | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided) | Permittee |  |



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|                            | management and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.  |                      |  |           |  |
| <b>DURING CONSTRUCTION</b> |  |                      |  |           |  |
| 25                         | 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.  | ITP Condition # 4.5  | During Construction/<br>Entire Project                       | Permittee |  |
| 26                         | 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.   | ITP Condition # 4.7  | During Construction/<br>Entire Project                       | Permittee |  |
| 27                         | 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.  | ITP Condition # 4.8  | During Construction/<br>Entire Project                       | Permittee |  |
| 28                         | 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. 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. | ITP Condition # 4.10 | During Construction/<br>Entire Project                       | Permittee |  |
| 29                         | Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area unless provided for as described in Condition of Approval 4.10 of this ITP.  | ITP Condition # 4.11 | During Construction/<br>Entire Project                       | Permittee |  |
| 30                         | 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.   | ITP Condition # 4.12 | During Construction/<br>Entire Project                       | Permittee |  |
| 31                         | Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all 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 # 4.14 | During Construction and Post-construction/<br>Entire Project | Permittee |  |
| 32                         | 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.   | ITP Condition # 5.2  | During Construction/<br>Entire Project                       | Permittee |  |
| 33                         | 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  | ITP Condition # 5.3  | During Construction/<br>Entire Project                       | Permittee |  |

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|    | all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.  |                     |  |           |  |
| 34 | Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Compliance Monitoring 5.3 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, by the 5th of each month following the first month of Covered Activities. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and/or via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Andy Rockriver (Andy.Rockriver@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 # 5.4 | During Construction/<br>Entire Project | Permittee |  |
| 35 | 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 Monitoring Reports for that year identified in Condition of Approval 5.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance since ITP issuance; and (7) information about other Project impacts on the Covered Species.                     | ITP Condition # 5.5 | During Construction/<br>Entire Project | Permittee |  |
| 36 | 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.   | ITP Condition # 5.6 | During Construction/<br>Entire Project | Permittee |  |
| 37 | Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken, including translocated, or injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (707) 428-2002. 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 plant, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.   | ITP Condition # 5.8 | During Construction/<br>Entire Project | Permittee |  |
| 38 | Minimize Impacts to Waterside Wetlands. Permittee shall minimize impacts to tidal wetland habitat along levees as this habitat may support Covered Species. Permittee shall operate construction equipment from the top of levees or from barges to the extent possible.  | ITP Condition # 6.2 | During Construction/<br>Entire Project | Permittee |  |

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| 39                       | Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one project site and/or waterbody to another. Prevention best management practices and guidelines for invasive plants can be found on the California Invasive Plant Council's website at: <a href="http://www.cal-ipc.org/ip/prevention/index.php">http://www.cal-ipc.org/ip/prevention/index.php</a> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <a href="http://www.protectyourwaters.net/">http://www.protectyourwaters.net/</a> .   | ITP Condition # 6.3     | During Construction/ Entire Project                  | Permittee |  |
| 40                       | Covered Species Management and Monitoring. To mitigate habitat impacts associated with Covered Activities, Permittee shall survey and monitor the status of translocated plants and representative reference occurrences of the Covered Species on Wings Landing levees. Permittee shall develop a monitoring and management plan to benefit Covered Species using management funds as described in Condition of Approval 7.3 and subject to Condition of Approval 7.4.   | ITP Condition # 7.2.6   | During Construction and Post-construction            | Permittee |  |
| <b>POST-CONSTRUCTION</b> |   |                         |  |           |  |
| 41                       | 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. | ITP Condition # 5.7     | Post-construction and after completion of mitigation | Permittee |  |
| 42                       | Post-Construction Survey for Covered Species. Permittee shall conduct a Post-Project Survey for the Covered Species at each breach location where the Pre-Construction Survey (see above Condition of Approval 6.1) indicated Covered Species was present within 50 feet of each side of the breach. This survey shall be conducted within 45 days of completing breaching activities. The survey shall indicate the relative condition of each population, identify any construction-related impacts (e.g. covered in silt, crushed by equipment, erosion), and assess the Covered Species risk to erosion of the breach. Permittee shall submit the survey results to CDFW no later than 30 days after completing the Post-Project Survey.  | ITP Condition # 6.4     | Post-construction                                    | Permittee |  |
| 43                       | Post-Project Breach Stabilization. If bank erosion at a constructed breach will result in the take or foreseeable take of Covered Species in the upcoming wet season, Permittee shall consult with CDFW to discuss bank stabilization measures to prevent Covered Species from eroding away. If bank stabilization measures are not feasible, CDFW may require Permittee to transplant and monitor the Covered Species.   | ITP Condition # 6.5     | Post-construction                                    | Permittee |  |
| 44                       | Permittee shall provide CDFW an Annual Report on the status of the Covered Species located on the levees of Wings Landing, excluding the levee section not owned by Permittee, no later than January 31 of every year beginning with issuance of this ITP and continuing for seven years. Each annual report shall include, at a minimum: (1) names and titles of each survey crew member; (2) survey methods and dates; (3) the size and location of each reference site and translocated occurrence of the Covered Species in the HM lands; (4) the relative habitat condition of each occurrence; (5) the specific habitat conditions in the HM lands, including percent cover of all other plant species in the HM lands; and (6) a brief analysis of the status of translocated Covered Species relative to the other occurrences on Wings Landing. If the   | ITP Condition # 7.2.6.4 | Post Project   | Permittee |  |

|    |   |                         |  |           |  |
|----|---|-------------------------|--|-----------|--|
|    | translocated occurrence decreases by greater than 25% relative to the other on-island reference occurrences, then Permittee shall immediately notify CDFW for possible additional management actions. Each Annual Report shall also include a summary of any Covered Species management that occurred during the year.  |                         |  |           |  |
| 45 | If after initiating management activities, Permittee or CDFW personnel deem that an alternative management approach, the costs of which would not exceed the cost estimate described under Condition of Approval 7.1.5, would be more successful in protecting or enhancing Covered Species habitat, the MLMMP shall be revised accordingly. All revisions of the MLMMP shall be approved by CDFW personnel one month prior to conducting new or modified activities.   | ITP Condition # 7.2.6.5 | Post-construction                                    | Permittee |  |
| 46 | Following completion of the seven-year monitoring period, Permittee shall prepare a summary report describing the success of the Covered Species as determined by the MLMMP. The report shall detail Covered Species monitoring and management approaches used on Wings Landing, any management adaptations attempted, the percent invasive species cover in each management area at the end of each management year, a description of the response of the Covered Species to management activities over the management period, and any other information that would inform future monitoring and management activities on Wings Landing. The report shall be submitted to CDFW staff for review. | ITP Condition # 7.2.6.6 | Post-construction and after completion of mitigation | Permittee |  |
| 47 | CDFW accepts the Final Mitigation Report as complete.   |                         | Post-construction and after completion of mitigation | CDFW      |  |

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

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

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

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

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

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

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

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

Documents in this package include:

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

☐ Proposed Lands for Acquisition Form (PLFAF)

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

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

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

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

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

☐ County Assessor Parcel Map(s) for subject property

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

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ Permit \_\_\_\_\_ Other: \_\_\_\_\_  
(write in type of permit)

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

☐ Biological Resources Report

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

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

---

Issue Date: [**date**]

Beneficiary:

California Department of Fish and Wildlife  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
Attn: HCPB Mitigation Account Coordinator

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

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

Dear Sirs:

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

7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to the CDFW, or to the account of the CDFW, in immediately available funds, as the CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give the CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, the CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to the CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which:  
(i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of the CDFW, as defined in paragraph 12 below.
12. An "Authorized Representative" shall mean either the Director of the Department of Fish and Wildlife, the General Counsel of the Department of Fish and Wildlife, or a Regional Manager of the Department of Fish and Wildlife.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify the CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at **[name and address of financial institution]**, specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be:  
(i) for the CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 1416 Ninth Street, 12th Floor, Sacramento, California 95814-2090 Attn: HCPB Mitigation Account Coordinator; and (ii) for the Applicant: **[name and address of applicant]**.
15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.

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

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

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

**[*Name of financial institution*]**

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

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

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



ATTACHMENT A

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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

ATTACHMENT B

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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

State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (NEW 07/28/17)

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

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

**4. AGREEMENT/ACCOUNT INFORMATION:** (check the applicable type)
☐ 2081 Permit    ☐ Conservation Bank    ☐ 2835 NCCP    ☐ 1802 Agreement    ☐ 1600 Agreement    ☐ Other \_\_\_\_\_

 \_\_\_\_\_  
 Project Tracking Number
**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:Check information:

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

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

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

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

c. Security:

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

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

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

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

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

| <b>ACCOUNTING OFFICE USE ONLY</b>                 |                |
|---|----------------|
| Description                                       | FI\$Cal Coding |
| Speedchart<br>(Project, Program, Reference, Fund) |                |
| Reporting Structure                               |                |
| Category  |                |
| Date Established: _____ By: _____                 |                |