

EXISTING MEASURES	COMMENTS	EFFECTIVENESS OF THE MEASURE
<p>Pre-Construction Preconstruction Surveys. No more than 14 days prior to initiating ground- or vegetation-disturbing Project activities, the Project area shall be surveyed for Mohave Ground Squirrel Covered Species by the Designated/Authorized Biologists using protocols approved in advance by CDFW. If a Covered Species or sign of a Covered Species is found, a follow-up survey shall be conducted no more than 48 hours in advance of initiating ground- or vegetation-disturbing Project activities. During the surveys, all burrows, pallets, and dens of Covered Species that may be affected by Project activities shall be prominently flagged by the Designated/Authorized Biologists and avoided to the maximum possible extent during Project activities. Permittee shall include the survey results in the ASR.</p>	<p>See strike-out and red font wording in the existing measure to the left. I would go with the 30-day period given in the next two measures rather than 14 days given here. Short of trapping MGS prior to disturbance, there is no way to survey for MGS. Their burrows cannot be differentiated from other rodent species.</p>	<p>Inef effe</p> <p>Comment [AN1]: I did not include General Provisions on the ITPs since they are probably the same on all permits</p>
<p>Pre-Construction Preconstruction Surveys. The Designated Biologist shall perform a Preconstruction survey for the covered species no more than 30 days prior to construction activities for each Project area of work. The Pre-Construction Preconstruction survey shall cover the Project work area and 50 feet beyond the limits of the work area to identify all potential burrows used by the Covered Species. Permittee shall provide the Pre-Construction Preconstruction Survey results in a written report to CDFW's Regional Representative at least 7 days prior to the beginning of Covered Activities for each area of work within the Project Area. The Preconstruction survey reports shall include, but not be limited to, methodology, date and times of survey, a discussion and map of the locations of each potential Covered Species burrow, and an estimated date of Covered Species relocation as defined in Conditions of Approval (MGS Relocation Plan)</p>	<p>In my work, I survey a 300-foot wide area for tortoise burrows. 50 feet is too narrow. By surveying a larger area, I have more burrows into which I can place a displaced tortoise.</p>	<p>50 feet is ineffective in finding enough tortoise burrows into which a displaced tortoise can be placed.</p>
<p>Pre-Construction Preconstruction Surveys. No more than 30 days prior to ground-disturbing activities, the Designated Biologist shall conduct a Preconstruction Survey for the Covered Species. These surveys shall cover the Project area plus a 50 foot buffer zone around the Project area. The Designated Biologist shall flag all potential dens and burrows within this area to alert biological and work crews to their presence. The Designated Biologist shall submit a report to CDFW documenting the results of the Preconstruction Surveys within 30 days after performing them.</p>	<p>The conundrum here in that the surveys are done 30 days prior to disturbance but the report may not be submitted until 30 days after the survey, which would be at the time of disturbance. Going with 7 days to submit the report makes more sense. Obviously, the first three measures are supposed to be the same. Discrepancies include surveys within 14 vs 30 days of construction, and submitting the report within 7 vs 30 days after the survey.</p>	<p>In general this measure is ineffective. I've found that CDFW biologists are generally too busy to respond to these reports or modify proposed measures.</p> <p>Comment [AN2]: All these 3 pre-construction measures seem to could be combined into one comprehensive measure</p>
<p>Delineation of ESA. Permittee shall clearly delineate Endangered Species Areas (ESAs) Endangered Species Areas (ESAs) before construction activities commence commence. ESAs shall be marked with brightly-</p>	<p>This measure is missing an effective distance for ESAs. In my experience, although we survey out to</p>	<p>This measure is highly effective, as it allows the</p>

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<p>colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. ESAs are defined as all areas that warrant special protection and work exclusion zones, as declined described in condition of approval (Exclusion Fencing Installation). No Covered Activities are allowed within ESAs during construction activities except per Conditions of Approval (MGS Burrow Excavation).</p>	<p>300 feet for burrows and mark them only so we can find them (we don't want to attract either people or predators), the ESAs should be highly marked and within 50 feet.</p>	<p>biologists good opportunities to remind construction workers that they are in protected habitats.</p>
<p>Employee Education. Indirect impacts from vehicle strikes will be minimized by employee education on the proper procedures for operating vehicles on the site, including using proper vigilance to avoid wildlife, maintaining safe speed limits on access/patrol roads, and prohibiting travel off the established roadways.</p>	<p>I would drop this measure, and am not sure if I am familiar with it. It is important that the biologists explain the rationale behind protective measures but I don't think it needs to be elucidated as a measure.</p>	<p>Vehicle protective measures are effective but the goal of the measure doesn't need to be presented as a measure.</p>
<p>WEAP. A Worker Environmental Awareness Program (WEAP) training shall be provided to construction personnel that discusses the Mohave ground squirrel, its description and habits, and how to distinguish the Mohave ground squirrel from the more common antelope ground squirrel (<i>Xerospermophilus mohavensis</i>) and juvenile California ground squirrel (<i>Otospermophilus beecheyi</i> <i>Otospermophilus beecheyi</i>). Photos of Mohave ground squirrel and antelope ground squirrel will be provided to be left and maintained on site to assist construction personnel with identification.</p>	<p>I've seen the WEAP concept in only a few instances, but it seems to be an exception rather than the rule. More often I see "Awareness Program" or "Education Program," which is simple and straightforward. I can't, for example, imagine myself going up to a construction worker and telling him that he has violated the WEAP.</p>	<p>I regularly include photographs of MGS but rarely the other species. I don't see any harm in it.</p>
<p>Monitor Vegetation Removal. A qualified Biologist shall monitor removal of native scrub and ornamental vegetation planted within and adjacent to the Project. If Mohave ground squirrels are observed during construction, construction activities shall cease and the CDFW shall be contacted immediately to discuss obtaining a take authorization and to discuss associated mitigation.</p>	<p>I've never seen anything regarding ornamental vegetation and would remove it. The 2nd measure should be stand alone, however, remember that these are measures in the Incidental Take Permit; as it reads, it sounds like if a MGS is observed the permit may need to be required. I'd drop all of it.</p>	
<p>Vegetation Site Clearing. During project construction, all vegetation cleared from the impact area should be removed immediately. No soils excavated from the site shall be kept on site unless secured; stockpiled soils shall be secured with extra strength cover foil buried at least one foot underground to discourage wildlife from burrowing.</p>	<p>I'd drop these measures. In most projects, we create brush piles and stockpile soils so that they can be used to begin to reclaim the site. The soils are spread back over the right-of-way and the brush added to that to discourage future use of the bladed area as a road.</p>	
<p>Burrow Avoidance. Where feasible, the Designated Biologist shall establish an ESA of 50 feet or greater around suspected or known to be occupied Covered Species desert</p>	<p>We cannot tell MGS burrows from other rodent burrows, so I disagree that they should be flagged</p>	<p>It is not possible to find and flag MGS burrows, so this</p>

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tortoise burrows.	and avoided. Rather, the custom is to excavate all rodent burrows within the right-of-way, stake the boundaries, and ensure that no one goes outside the staked area. Tortoise burrows are diagnostic and may be delineated, so long as we avoid attracting people and predators.	measure is completely useless.
Clearance Survey and Burrow Collapse. Immediately prior to start of ground disturbance activities, the Designated Biologist shall resurvey the Project Area and access route for Covered Species and their burrows. The Designated Biologist shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance to this ITP. The number of burrows collapsed and animals rescued from those burrows shall be maintained in the Biologist's daily monitoring notes.	After excavating more than 10,000 rodent burrows, I don't believe that "rat-holing" is an effective measure to find MGS. However, it does help find hatchling tortoises and other reptiles, which can be removed. Although it was recently rejected by Julie Vance, I think it's still prudent to collect data on the ratio of burrows excavated to the numbers of different taxa rescued. So, I've inserted that wording.	Rat-holing is totally ineffective, but I'm hesitant to eliminate it because it does allow rescue of other animals and it "feels good."
Authorized Biologist(s). Only the Authorized Biologist(s) may independently excavate burrows and handle the Covered Species. Biological monitors may excavate burrows and gain handling experience so long as they are under the direct supervision of the Authorized Biologist.	Although most of my associates are Authorized Biologists, I do occasionally have biological monitors who need the experience. If they are never allowed to handle tortoises or MGS under supervision of the AB, how can they expect to get the necessary experience?	Again, I think this measure would be more effective if a training aspect were recognized, as the added wording allows.
Vehicle Inspection. Construction personnel shall look for Covered Species on the ground around and under vehicles and in and around other equipment and building materials being stored on the Project site prior to moving them.	<ul style="list-style-type: none"> Clearly all three of these measures are addressing the same issue. The first one is too truncated and the third one is cumbersome, identifying "Permitted Biologists" (a term I rarely even hear; I've heard of Authorized Biologists, Biological Monitors, and Designated Biologists but not Permitted Biologists). The middle one seems best, so I struck out the other two. It does bring up the issue that CDFW needs desperately to standardize its titles for biologists so that assigned duties can be readily understood. There are too many conflicting terms as currently being 	Having workers check under their vehicles (which is sporadic at best) is one of the best measures we can identify.
Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall be contacted to move the animal. Magnetic signs or rearview mirror placards reminding personnel to check beneath their vehicles shall be given to all construction workers and other personnel entering the Project area. These materials are to be used on all personal vehicles and heavy equipment that enter the Project area.		
Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under		

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<p>vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location. Alternatively, Permitted Biologists shall contact the Designated Biologist to determine if the animal may be safely moved within the conditions of this ITP.</p>	<p>used.</p> <ul style="list-style-type: none"> ● I added wording about placards or magnetic signs as these are very well received and I think effective. They are placed on both personal vehicles and heavy equipment, as mentioned. 	
<p><u>CDFW Notification.</u> The Designated Representative shall immediately notify CDFW of any Covered Species encountered during burrow survey and burrow excavation, or no later than noon on the next business day if the incident occurs outside of normal business hours. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location and circumstance of the incident, the name of the party actually relocating the individual, and the location (including GPS coordinates) where the animal was moved.</p>	<p>In a ITP-approved project overseen by Becky Jones in October 2015, we handled 4 tortoises 10 times and excavated 21 tortoise burrows. Had I called her every time one or the other of these activities occurred, neither one of us would be able to do our jobs. She and I agreed through email that I would include all these observations in official monitoring logs and reports. If there is an emergency, sure, we should talk, but if it is standard work on the project site where we are following other protective measures, I would drop this. This type of information already gets published in monthly and annual status reports, so I would drop it, and have crossed it out.</p>	<p>This level of reporting is ineffective as it distracts from the work being accomplished.</p>
<p><u>Delineation of Ingress and Egress Routes.</u> Permittee shall designate ingress and egress routes by flagging all ingress and egress such routes in the field from paved roads and unimproved access roads to the Project Site. Permittee shall limit all vehicle operation to ingress and egress routes, established roads, staging and parking areas as described in Condition (Staging Areas of the General Permit Provisions).</p>	<p>A few edits have been added for clarification.</p>	<p>I have found this measure to be effective. Otherwise, people are driving everywhere.</p>
<p><u>Covered Species Observation.</u> During all phases of Project implementation all workers shall inform the Designated Biologist if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which that could injure or kill the animal shall cease until the Covered Species is moved by the Designated Biologist or it moves from the construction area of its own accord.</p>	<p>Semantics. However, I would point out that there may be one Designated Biologist and dozens of Biological Monitors. Wouldn't it be better to have the construction worker report the animal to the nearest biologist rather than seek out the top dog? This may be the place where "Permitted Biologist" is used to refer to every biologist of every caste system.</p>	<p>Very effective. I regularly tell construction workers that there are 20 of them for every one biologist, and they do tend to see more animals during monitoring. I've even gone so far as to offer \$50 to the first tortoise observation, which really</p>

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<p>Covered Species Handling Records. All personnel on the Project site shall immediately report all encounters with the Covered Species to a Designated/Authorized Biologist. If a Covered Species is identified by construction personnel, a Designated/Authorized Biologist, or other personnel at any time during Project activities, the Permittee shall immediately stop all work in the area and a Designated/Authorized Biologist shall allow it to escape unimpeded or an Authorized Biologist(s) may relocate the Covered Species as described in this ITP and the Handling Guidelines. Permittee shall not resume work until the Authorized Biologist(s) has relocated the animal or allowed it to move outside the Project area on its own.</p> <p>A Designated/Authorized Biologist or the Designated Representative shall immediately notify the CDFW Regional Office and Regional Representative of the incident via telephone followed by a written incident report submitted within 2 days. Notification shall include the ITP number, date, time, location and circumstances of the finding or incident, general condition and health of the Covered Species, any apparent injuries and state of healing, any diagnostic markings (such as identification numbers), the name of the Authorized Biologist that physically relocated the Covered Species, and a description with GPS coordinates of the location where the animal was moved. The Authorized Biologist(s) shall maintain records of all Covered Species encountered during Project activities.</p>	<ul style="list-style-type: none"> ● The first half of this measure is the same as the above one, with more detail, so maybe it's better? ● I have here the same comment as above; do you really want us to call you every time we see a tortoise? This information gets recorded in a daily log, is reported during monthly reports, and will show up in the annual status report. It seems excessive to call every time we see what we expect to see. With regards to Aga's observation, it would be good to include temperature measured at 2.5 cm above the ground in fresh shade and indicate, if it's true, that the animal experienced heat stress. 	<p>gets them interested.</p> <p>Same observations as above.</p> <p>Comment [AN3]: Should it include weather conditions too?</p>
<p>Trench Inspections. Designated/Authorized Biologists shall inspect open trenches, auger holes, or other excavations that may act as pit-fall traps a minimum of twice a day in the spring, fall and winter, at least three times a day in the summer and just prior to back-filling. Any Covered Species found shall be safely removed and relocated out of harm's way by the Authorized Biologist(s). Permittee shall maintain earthen escape ramps for all open trenches at intervals of no greater than 0.25 mile. Permittee shall cover or ramp all other excavations that remain open overnight to prevent them from becoming pit-fall traps.</p>	<ul style="list-style-type: none"> ● I've been inspecting trenches for 26 years, and never follow these guidelines; the intervals are too widely spaced. Depending on the project, I'm inspecting the length of the trench hourly. During pipe installation, for example, I am standing by the trench at the point of installation, so I'm inspecting it on a minute-by-minute basis. ● If feasible, it is best to require backfill very near the point of installation. There may be some projects where miles of open trench are required, but in my experience (including one 77-mile pipeline), there's rarely more than a quarter mile of open trench, and 	<p>As written, I don't think the measure is effective. As an Authorized Biologist, I'm inspecting the trench all day long continuously, but I'm not sure if CDFW is receptive to that or how it would</p> <p>Comment [AN4]: Should the temperature requirements be added. If temperature exceeds 90 then biologist should inspect every 2 hours or more often? MGS get stressed so easily</p>

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	more often, the trench is backfilled as the pipe is installed, so there are less than several hundred feet of open trench at any one time.	
<p><u>Daily Entrapment Inspections.</u> The Designated Biologist and/or biological monitor shall inspect all open holes and trenches within the Project at the beginning, middle, and end of each day for trapping animals. The designated Biologist and/or biological monitor shall inspect all covered holes and trenches at least once daily. To prevent inadvertent entrapment of Covered Species or any other animals, Permittee shall provide escape ramps in all excavated steep-walled holes and trenches. The Designated Biologist and/or biological monitor shall also oversee the covering of all excavated, steep-walled holes or trenches at the close of each working day by plywood or other barrier materials such that animals are unable to burrow under or enter and become entrapped. The outer two-feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Holes or trenches that are covered shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. Before holes or trenches are filled, the Designated Biologist and/or biological monitor shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project related activities and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to expect unimpeded before allowing work to continue. If, at any time, a trapped or injured covered Species is discovered, Permittee shall contact CDFW's Regional Representative within one (1) working day of the incident or the Designated Biologist shall capture and relocate the Covered Species as per the Relocation Plans described in Conditions of Approval (MGS Relocation Plan).</p>		

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<p>Open Hole and Trench Inspection. The Designated Biologist shall inspect all open holes and trenches within the Project at the beginning, middle, and end of each day for trapping animals. If any trenched or holes are left unfilled overnight, Permittee shall provide earthen escape ramps to allow animals to escape. Before trenches and holes are filled the Designated Biologist shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project- related activities and notify the Designated Biologist immediately. Project Workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible, or the Designated Biologist shall move Covered Species out of harm's way before allowing work to continue. IF at any time a trapped or injured Covered Species is discovered, Permittee shall contact CDFW's Regional Representative within one working day of the incident. Permittee shall ensure that following the filling of pipeline trenches, soil replacement does not result in the creation of berms along the Project limits.</p>		
<p>Temporary Exclusion Fencing. Prior to any Covered Activities associated with the Project, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Project work areas to exclude Covered Species from Construction Activities.</p>		
<p>Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Temporary Exclusion Fencing shall be installed to avoid Covered Species burrows when feasible. The temporary exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Construction Activities associated with the Project. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and inform Permittee necessary maintenances and repairs.</p>		
<p>Pipe Inspections. Workers shall thoroughly inspect for covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the pipe is subsequently moved, buried, or capped. If during inspection a Covered Species is discovered inside a pipe, workers shall allow the animal to safely escape that section of pipe before moving and utilizing the pipe. Alternatively, the Designated Biologist shall be contracted to move the animal.</p>		<p>Comment [AN5]: See below for different parameters</p>
<p>Pipe Inspections. Workers shall thoroughly inspect for covered Species in all construction pipe, culverts, or similar structures with a diameter of 3.8 centimeters (1.5 inches) or greater that are stored for one or more overnight periods before the pipe is subsequently</p>		<p>Comment [AN6]: See above for different parameters</p>

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<p>moved, buried, or capped. If a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the animal has escaped on its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written guidance (e-mail will suffice) from CDFW prior to proceeding with eviction of the Covered Species.</p>		<p>Comment [AN7]: Should it be contacted by the Designated Biologist or Monitoring Biologist</p>
<p>Vehicle Speed. Vehicle speeds will not exceed 20 miles per hour during maintenance/replacement activities. The speed limit will be maintained along the Project Route and on unpaved access roads while driving in desert tortoise habitat.</p>		
<p>Burrow Inspection. Before Covered Activities begin, the Designated Biologist shall examine the Project area for covered species and their burrows. The Designated Biologist shall use specialized equipment (e.g. fiber optics) if necessary to thoroughly inspect all burrows. The Designated biologist shall fully extract by hand any burrows with the potential to be occupied by the Covered Species within the Project area. Before initiating the collapse of any burrows or dens, the Permittee shall adhere to the following provisions specific to each species as well as the provisions in the CDFW-approved relocation plans required per Conditions of Approval (Mohave Ground Squirrel Relocation).</p>		
<p>Mohave Ground Squirrel Burrow Excavation. Following live trapping activities conducted to address Condition of Approval (MGS Relocation) and prior to starting Covered Activities, any potential MGS burrows present within the portion of the Project site to be disturbed shall be fully excavated by hand by the Designated Biologist or under the direct supervision of the Designated Biologist. Any MGS encountered during burrow excavation shall be allowed to escape of harm's way to the adjacent natural habitat, or if captured during live trapping activities, to be relocated to the CDFW-approved release site identified in the MGS Relocation Plan by the Designated Biologist as described in Condition of Approval (Mohave Ground Squirrel Relocation Plan). Any dormant MGS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW Approved facility.</p>		<p>Comment [AN8]: MGS TAG does not recommend relocation, but if relocation is recommended would it be prudent to collar squirrels to monitor survival rate and get data on that. Pit tagging could also be an option but collar is less invasive to already stressed squirrel.</p>

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<p>Mohave Ground Squirrel Burrow Excavation. The Authorized Biologist shall fully excavate by hand all burrows within the Project Area that are suspected or known to be occupied by Mohave ground squirrels. The Designated Biologist shall allow Mohave ground squirrels encountered in the excavated burrows during their <i>active period</i> to escape out of harm’s way. During the Mohave ground squirrel <i>dormant period</i>, the Designated Biologist shall collect and immediately relocate them to an artificial burrow at a protected off-site location approved in advance by CDFW’s Regional Representative. The Mohave ground squirrel may only be relocated by the Designated Biologist. The Designated Biologist shall prepare relocation burrows in the following manner: (1) A hole of at least two feet deep shall be dug; (2) install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45-degree angle; (3) cover the surface end of the three-inch pipe remaining open with dirt. The Designated Biologist shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.</p>		<p>Comment [AN9]: I thought the CDFW TAG does not recommend relocation, especially during dormant state</p>
<p>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.</p>		
<p>Bi-weekly/Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval (Compliance Monitoring) into a Bi-weekly/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. Bi-weekly/Monthly Compliance Reports shall be submitted to CDFW’s Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW’s Regional Representative. At the time of this ITP’s approval, the CDFW Regional Representative is Rebecca Jones (Rebecca.Jones@wildlife.ca.gov). CDFW may at any time increase the timing and</p>		

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<p>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.</p>		
<p>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 Bi-Weekly/Monthly Compliance Reports for that year identified in Condition of Approval (Monthly Compliance Report); (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 disturbance, both for the prior calendar year, and a total since ITP issuance and (7) information about other Project impacts on the Covered Species.</p>		
<p>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 Bi-weekly, Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.</p>		
<p>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</p>		

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to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.		
Notification Of Take Or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167 and Regional Representative Rebecca Jones at Rebecca.Jones@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.		
Care of Injured Species. If a Covered Species is injured as a result of Project-related activities or if a Covered Species is otherwise found injured within or in the vicinity of the Project site during Project activities, an Authorized Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify a CDFW-approved wildlife rehabilitation or veterinary facility capable of treating the Covered Species prior to the start of ground- or vegetation-disturbing activities. Permittee shall bear all costs associated with the care or treatment of injured Covered Species within or in the vicinity of the Project site during Project activities. A Designated/Authorized Biologist or the Designated Representative shall notify CDFW of the injury to the Covered Species immediately as described in Condition (Notification of Take or Injury).		
Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear all costs associated with the care of treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and email followed by a written incident report within two calendar days of the incident as described in Condition of Approval (Notification of Take or Injury). (Notification shall include the name of the facility where the animal is taken)		
MGS Relocation. The Designated Biologist shall allow any Mohave ground squirrels encountered in the excavated burrows during their active period to escape unimpeded out		<div data-bbox="1675 1247 2066 1326" style="border: 1px solid black; padding: 5px;"> <p>Comment [AN10]: There were two identical measures only the wording in brackets was different</p> </div>

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<p>of harm's way. The Designated biologist shall collect and move MGS encountered during their dormant period to either a suitable natural burrow or an artificial burrow in suitable undisturbed habitat approved in advance and in writing by CDFW, consistent with the relocation plan required by Conditions of Approval (MGS Relocation Plan).</p>		
<p>MGS Relocation Plan. Permittee shall submit a MGS Relocation Plan to CDFW prior to beginning of Covered Activities. Ground- or vegetation-disturbing activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The MGS Relocation Plan shall include, but not be limited to, trapping methodology; timing, description of the burrow excavation methods; release location(s); and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the designated Biologist is authorized to capture, handle, and relocate MGS. Once the MGS Relocation Plan is approved by CFFW, it may be used for all MGS relocation activities for the duration of this ITP. Any proposed changes to the CDGF-approved MGS Relocation Plans shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed MGS Relocation Plan Modification.</p>		<p>Comment [AN11]: Does CDFW have a uniform template of what such plan shall include to guide project proponents, what is the success rate for the Plan? Monitoring involved? What happens if success rate is not achieved?</p>
<p>MGS Relocation Plan. The Permittee shall submit a MGS Relocation Plan to CDFW prior to initiating ground-disturbing activities in any areas occupied by MGS. Relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. Once the relocation plan is approved by CDFW, it may be used for all relocation activities for the duration of this ITP. Any proposed changes to the relocation plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed MGS relocation plan modifications.</p>		<p>Comment [AN12]: Does CDFW have a uniform template of what such plan shall include to guide project proponents, what is the success rate for the Plan? Monitoring involved? What happens if success rate is not achieved?</p>
<p>MGS Relocation. Any potential MGS burrows detected by the Designated Biologist within the closed Temporary Exclusion Fencing shall be live trapped by the Designated Biologist prior to the initiation of Covered Activities. The Designated Biologist shall relocate by captured MGS to the CDFW-approved release site identified in the MGS Relocation Plan (Condition of Approval- MGS Relocation Plan.). The designated Biologist shall consult with CDFW prior to initiating Covered Activities regarding the need and protocol for taking and preserving tissue/fluid samples from live animals. The Designated Biologist shall prepare artificial relocation burrows in the following manner: Dig a hole at least two (2) feet deep, place a nine (9) inch diameter plastic container (with thick enough walls that it will not collapse when buried) in the hole, place cotton bedding material in the container, connect the container to a three inch diameter flexible plastic pipe</p>		

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(with thick enough walls that it will not collapse when buried) running to the surface at a 45 degree angle, cover the artificial burrow with dirt leaving the surface end of the three inch pipe open, and place the MGS in the artificial burrows and lightly plug the burrow mouth with soils (in a manner similar to what MGS do in natural burrows).		
Record of MGS Relocation Efforts. The Designated Biologist shall maintain a record of all MGS observed and handled. This record shall include for each squirrel: (a) the locations (GPS coordinates and maps) and time and date of capture and/or observation as well as release; b) sex; c) approximate age (adult/juv); (d) weight; (e) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; (f) ambient temperature when handled and released; (g) any diagnostic markings (if applicable); and (h) digital photograph of each MGS handled.		
Designated biologist-on site. The Biologist shall be on site during all activities that may result in the take of MGS.		
Habitat Management Land Acquisition. To meet this requirement, the Permittee shall either purchase [XX] acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval- Covered Species Credits) OR shall provide for both the permanent protection and management of [XX] acres of Habitat Management (HM) lands pursuant to Condition of Approval- Habitat Acquisition and Protection, below and the calculation and deposit of the management funds pursuant to Condition of Approval – Endowment Fund below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval-Performance Security below for all uncompleted obligations.		
Habitat Management Land Acquisition. As per ITP [XX] remainder acreage in the amount of XX acres that has been deeded to CDFW may be applied towards future projects requiring State take authorization for MGS. Compensation for this ITP in the amount of XXX acres shall therefore, be subtracted from the last permitted remainder acreage of [XX], as PER ITP [XX], thus reducing the remainder acreage to [XX] acres. The remainder Acres of [XX] is available to the Permittee for future projects requiring State take authorization for MGS.		

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<p>Covered Species Credits. Permittee shall purchase [XX] acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval (Performance Security) below.</p>		
<p>Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall: Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p>		
<p>HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p>		
<p>HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents. All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the</p>		

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Wildlife Conservation Board and the Department of General Services;		
<p>Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.</p>		
<p>Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see http://www.dfg.ca.gov/habcon/conplan/mitbank/); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.</p>		
<p>Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management . Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>		
<p>Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval –Habitat Acquisition and</p>		

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<p>Protection, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 9.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</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>		
<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</p>		

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<p>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>		
<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). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <ul style="list-style-type: none"> • 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. • 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: • 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. • Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. • 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>Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as</p>		

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amended, and Probate Code sections 18501-18510, as amended.		
<p>Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>		
<p>PERFORMANCE SECURITY. The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> • Security Amount. The Security shall be in the amount of \$[XXX]. This amount is based on the cost estimates identified in Condition of Approval 9 above. • 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. • 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. • Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • 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. • 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. • 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: 		

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<ul style="list-style-type: none"> • Written documentation of the acquisition of the HM lands; • Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and • Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 month from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>		