



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

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HABITAT CONSERVATION
PLANNING BRANCH

California Endangered Species Act
Incidental Take Permit No. 2081-2014-083-04

ROBERTS RANCH, HOLLISTER

Authority: This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

Permittee: Hollister Enterprise, LLC
Principal Officer: Peter Hellmann, Manager
Contact Person: Peter Hellmann, 510-612-2027
Mailing Address: 18 Crow Canyon Court, Suite 190
San Ramon, California 94583

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 **November 1, 2028**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

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

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

Project Location:

The Roberts Ranch residential development (Project) is located on the southeastern edge of the City of Hollister adjacent to State Route 25 in San Benito County (Figure 1). It is situated within S1/2 Section 1, Township 13 South, Range 5 East on the United States Geological Survey 7.5-minute Tres Pinos quadrangle (Figure 2). The site is bounded on the south by State Route 25, on the west by Enterprise Road and an adjacent residential subdivision, on the north by undeveloped rangeland and on the east by Fairview Avenue and a residential subdivision.

Project Description:

The Project includes the development of 54.9 acres of cultivated row crops into a residential development. The proposed Project involves the subdivision of the subject property into 214 residential lots with associated infrastructure and landscaping, and the subsequent construction of single family residences on the lots. Residential lots will comprise 48.8 acres of the 54.9-acre site; the remaining acreage will be devoted to a detention and water quality basin near the southwestern corner (0.72 acre), a park at the northwestern corner (2.5 acres), a right-of-way dedication along the northeastern boundary adjacent to Fairview Road (0.6 acre), and a linear park in the northwestern portion of the development (0.7 acre).

During construction, Project activities will include grubbing, excavation, and mass grading within the development envelope; heavy equipment staging; stockpiling of soils; materials transport, laydown, and storage; trench digging and backfilling to install subsurface utilities; existing road paving and improvements; construction of new roads, and dwelling units; construction of the water supply distribution system and wastewater collection system; tree and other vegetation removal and trimming; fencing installation; landscaping and re-vegetation of green space strips.

Equipment needed to perform the above Covered Activities include bulldozers, backhoes, motor graders, hovel scrapers, compactors, water trucks, front-end loaders, concrete pumpers, pavers, rollers, and haul trucks.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ³

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

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

Impacts of the Taking on Covered Species:

Project activities and their impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include grubbing, excavation, and mass grading within the Project site; heavy equipment staging; stockpiling of soils; materials transport, laydown, and storage; trench digging and backfilling to install subsurface utilities; existing road paving and improvements; construction of new roads, water supply and sewer collection facilities and accessory buildings; fencing installation; landscaping and re-vegetation of green space strips; and capture and relocation of Covered Species as required in this ITP (Covered Activities).

Covered Activities may result in incidental take of individuals of the Covered Species in the form of mortality ("kill") from vehicle/equipment strikes during site preparation and hauling of materials and spoils; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during vegetation removal, grubbing, cut/fill, grading, compaction, and trenching; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation, top soil, or soil compaction, grading activities, and development of roadbeds, structure building pads, and other surface infrastructure; entrapment and burial within trenches for utilities, open pipelines, or uncovered excavations; crushing by equipment; and vehicle strikes on access roads due to increased Project-related traffic. Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of pursue, catch, capture, or attempt to do so through the capture or entrapment in holes or trenches, by uncovering through the excavation of burrow systems, by corralling into a confined area when barrier fencing is constructed, and when individuals are relocated out of harm's way for mortality reduction as required by this ITP.

The Covered Species is known to have occurred in the Project vicinity. There are several known Covered Species occurrences within dispersal distance of the site east of Fairview Road. The California Natural Diversity Database (CNDDDB) includes 12 Covered Species occurrences within 3.1 miles of the site, four of which are within 1.24 miles (Figure 3). The closest of the occurrences is at two seasonal stock ponds approximately 0.25 mile to the east, where hundreds of juveniles were observed on May 29, 1997 and April 7, 2000 (CNDDDB Occurrence No. 412). Covered Species were also observed in two ponds within the Ridgemark Golf Course in 1993, 1994, 1995, and 1999 (CNDDDB Occurrence No. 190). The Project site is also just outside a Critical Habitat Unit for the Covered Species as identified by the United States Fish and Wildlife Service (USFWS).

The Project is expected to cause the permanent loss of 54.9 acres of habitat for the Covered Species through grading and excavation over the entire Project site. Approximately 10 acres of habitat impacts will occur between 381 meters and 630 meters from any potential Covered Species breeding location and approximately 45 acres of habitat impacts will occur between 631 meters and 2092 meters from any potential Covered Species breeding location.

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Therefore, habitat impacts will occur in areas where the Covered Species are expected to occur. However, the Project site has been actively cultivated with row crops since the early 1970s and is significantly isolated from dispersal by the Covered Species due to urban residential development to the west, south, and east as well as major roadways to the south and east. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; and introduction or spread of invasive species. The areas where authorized take of the Covered Species is expected to occur include the entire Project site (Project Area).

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (EIR) (SCH No.: 2016011053) certified by the City of Hollister on March 6, 2018, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for the Project pursuant to the

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Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

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

5. General Provisions:

- 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist. Permittee shall submit to CDFW, for approval, the name, qualifications, business address, and contact information of a Designated Biologist(s) at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved biologists identified as Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. A select group of project workers designated as Construction Crew Monitors may also be approved for specific inspection and monitoring activities. Construction Crew Monitors and their specific activities shall also be approved in advance and in writing by CDFW.
- 5.3. Designated Biologist/Biological Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and/or Biological Monitor(s) shall have authority to immediately stop any activity that does not

comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

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

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- 5.9. Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those accompanied by authorized security personnel or local, state, or federal law enforcement officials.
- 5.10. Delineation of Project Area Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.11. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval above (Project Access) of this ITP.
- 5.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 5.15. 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.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. 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.
- 6.2. 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.
- 6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily at the Project Area until the pre-activity clearance surveys (Condition of Approval 7.1), small mammal burrow excavation (Condition of Approval 7.4), Covered Species exclusion fence installation (Conditions of Approval 7.5 and 7.6), and initial grading activities are complete. The Designated Biologist(s), Biological Monitor(s), and/or Construction Crew Monitor(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all 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. The Designated Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.4. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW quarterly, starting the first quarter after the ITP is issued, no later than the 5th day of the month, along with a copy of the MMRP table with notes showing

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the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed within the Project Area, both for the prior quarter and a total since ITP issuance, as well as an estimate of the expected number of acres to be disturbed in the successive quarter; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the previous quarter. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Central Region CESA Program email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) for each calendar year no later than the first day of the first full month after the date in which the ITP was issued, 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 Quarterly Compliance Reports for that year identified in Condition of Approval 6.4; (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 disturbance, both for the prior calendar year, and a total since ITP issuance; (7) the number of acres of permanent disturbance anticipated to occur in the Project Area during the coming year; (8) a summary of all pre-activity surveys conducted and the annual and cumulative number of building pads, utilities installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the reporting year; and (9) information about other Project related impacts on the Covered Species.
- 6.6. 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

- 6.7. 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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. Covered Species Mortality Reduction and Relocation Plan. The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for approval prior to the beginning of Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential upland habitat; the area within 1.3 miles of known or potential breeding habitat for the Covered Species; the area within 562 meters of known or potential breeding habitat for the Covered Species; an identification of survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility and submit it to CDFW for written approval prior to the start of Covered Activities. Covered Activities within the Project Area may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and works under the direct supervision of the Designated Biologist.
- 6.9. Notification of Take or Injury. Permittee, their employees, agents, contractors or sub-contractors shall immediately notify the Designated Biologist(s) 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(s) shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification shall include information regarding the location, species, and number of animals taken or injured and the ITP tracking number. Following initial notification, Permittee shall send CDFW a written report

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within two calendar days of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs of the location and the Covered Species, explanation as to the cause of take or injury, and any other pertinent information. After initial notification, CDFW will direct Permittee as to the final disposition of the carcass.

- 6.10. Notification of Relocated Covered Species. The Designated Biologist or Designated Representative shall notify CDFW if any Covered Species are relocated pursuant to the Covered Species Mortality Reduction and Relocation Plan and/or per Condition of Approval 7.8 below. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include photos and information regarding the size, weight, life history stage, location of release and any other details required by the Covered Species Mortality Reduction and Relocation Plan.

7. Take Minimization Measures:

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

- 7.1. Pre-Activity Clearance Surveys. No more than 14 days prior to starting ground-disturbing Covered Activities in the Project Area, the Designated Biologist shall survey any portions of the Project Area located within 1.3 miles of known or potential Covered Species breeding habitat. These surveys shall provide 100 percent visual coverage of the Project Area and a 50-foot buffer zone. If any life stages (adults, eggs, or larvae) of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.8 above. The Permittee shall provide the survey results to CDFW in a written report no more than five (5) days after performing pre-construction surveys, and no less than five (5) days prior to the beginning of Covered Activities within the Project Area of the approved phase.
- 7.2. Delineation of Ingress and Egress Routes. All access roads shall be flagged in the field from the paved road and vehicle operation shall be limited by the Permittee to these designated ingress and egress routes.

- 7.3. Flag Burrows. The Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless of whether the burrow is in the Project Area or the associated buffer zone.
- 7.4. Small Mammal Burrow Excavation. In the portions of the Project Area to be disturbed that are within 562 meters of known or potential Covered Species breeding habitat, all small mammal burrows flagged per Condition of Approval 7.3 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand and/or by using small mechanical equipment in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.8 above. This excavation requirement applies regardless if the burrow is located within the Project Area or the Project Area's 50-foot buffer zone. The Designated Biologist shall relocate any live Covered Species discovered during burrow excavation in accordance with the Covered Species Mortality Reduction and Relocation Plan required in ITP Condition of Approval 6.8 above. Excavation shall occur no more than 14 days after the completion of the Covered Species pre-construction surveys as described in Condition of Approval 7.1 above.
- 7.5. Covered Species Wildlife Exclusion Fencing. Prior to any surface disturbance, Permittee shall install temporary wildlife exclusion fencing (exclusion fence) around the perimeter of the Project Area(s) to prevent Covered Species migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed after small mammal burrows inside the planned fence zone are hand excavated by the Designated Biologist in accordance with Condition of Approval 7.4 above to prevent entrapment of Covered Species within the Project Area. The exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (typically June 1 through October 31). The exclusion fence shall be buried a minimum of four inches below ground surface and shall be equipped with one-way exits to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one-way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot

no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.4 above prior to commencing fence installation. Refuge areas shall be inspected each morning during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.8 above.

- 7.6. Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the Project Area.
- 7.7. Covered Species Observations. During construction, operation, and maintenance of all phases, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.8 above.
- 7.8. Record of Handling and Covered Species Reporting. All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDB as per Condition of Approval 6.6. This information should also be included in the Quarterly and Final Compliance Reports.
- 7.9. Precipitation. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Site. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in the Project Area until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may

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continue during rainfall events within the Project Area once it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.5 and 7.6 above.

- 7.10. Work Hours. Permittee shall confine all construction to daylight hours (sunrise to sunset).
- 7.11. Stockpiles. Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding pools; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.
- 7.12. Curbs, Berms, and/or Dikes. Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to The Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.13. Fieldwork Code of Practice. To ensure that the Designated Biologist(s) do not convey disease on- or off-site, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 7.14. Covering, Ramping, and Inspecting Excavations. Permittee shall minimize the potential for Covered Species to become entrapped in excavations to the maximum extent practicable. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.
- 7.14.1. Covers. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively

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working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.

7.14.1.1. From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 70 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide.

7.14.1.2. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation at the Project Footprint within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100-foot intervals, and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, then Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. Within 0.621 mile (1,000 meters) of a Covered Species breeding site, from October 15 until the breeding site dries in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation within 72 hours, no more than 12,000 linear feet of trench within 0.621 mile of each breeding site, and no more than 20,000 linear feet of trench within 0.621 mile of breeding sites cumulatively, may remain uncovered overnight. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Biological Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found, by 1 hour after sunrise. No more than 12,000 feet of

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trench shall be left uncovered overnight per Designated Biologist or Biological Monitor available for the morning survey.

7.14.1.3. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the cover boards. The hardware cloth shall be secured to the edge of the cover boards and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.

7.14.1.4. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.

7.15. Materials Inspection. 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 structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure on its own or relocated as per the Covered Species Mortality Reduction and Relocation Plan described in Condition of Approval 6.8 above before moving and utilizing the structure.

7.16. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.8.

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- 7.17. Herbicide Use. Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 3 mph. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.
- 7.18. Covered Species Injury. Permittee shall bear any costs associated with the care or treatment of Covered Species injured as a result of Project-related activities. Permittee shall identify a CDFW-approved wildlife rehabilitation or veterinary facility or other qualified individual before starting Covered Activities to bring such injured Covered Species for care or treatment. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to the CDFW-approved wildlife rehabilitation or veterinary facility. Live injured Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians (USGS National Wildlife Health Center, 2001). Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9. Notification shall include the date, time, location and circumstances of the incident and the name of the facility where the animal was taken. If an injured Covered Species is found during Project construction, the individual shall be evaluated by the Designated Biologist(s) who shall then immediately contact the CDFW Regional Representative, via e-mail and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured Covered Species shall be placed in a shaded container and kept moist, then the following steps shall be taken:
- 7.18.1. If the injury is minor or healing and the Covered Species is likely to survive, the Covered Species shall be released immediately in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan as identified in Condition of Approval 6.8. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9.
- 7.18.2. If it is determined that the Covered Species has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility followed by notification as described in Condition of Approval 6.9. Permittee shall notify CDFW of the injury to the Covered

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Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9.

8. Habitat Management Land Acquisition :

CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Factors considered for the Project to determine adequate compensation include distance from potential breeding locations, the small size of the contiguous potential habitat patch, the historic and existing land use practices of the property cultivated in row crops and the potential dispersal barriers between the Project's habitat features and potential breeding sites. Ten acres of habitat impacts will occur between 381 meters and 630 meters from any potential Covered Species breeding location and approximately 45 acres of habitat impacts will occur between 631 meters and 2,092 meters from any potential Covered Species breeding location. Covered Species use upland habitat features less frequently at these distances than upland habitat features closer to potential breeding locations and typically occur in greater densities closer to breeding locations. In addition, active agricultural activities surround the closest potential breeding location and the second potential breeding location is surrounded by a mix of rural development and agricultural activities. Covered Species may only reach the Project site by dispersing from the closest potential breeding site along a patch of potential upland habitat adjacent to the Project site. Therefore, only a small number of Covered Species individuals may be able to reach the potential breeding locations and the Project site.

To meet this compensatory habitat requirement, the Permittee shall either purchase 65 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.1) OR shall provide for both the permanent protection and management of 65 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

- 8.1. Covered Species Credits. Permittee shall purchase 65 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 9 below.

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OR:

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

- 8.2.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
- 8.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but

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need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.

- 8.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include grazing, fence repair, continuing trash removal, site monitoring and biological surveys, vegetation and invasive species management, and pond maintenance. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.
- 8.3. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, the Permittee shall ensure that the HM lands are perpetually managed, maintained,

and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

8.3.1. 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).;

- 8.3.2. 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). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.
- 8.3.2.1. 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.
- 8.3.2.2. 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:
- 8.3.2.2.1. 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.
- 8.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.3.2.2.3. 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.
- 8.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other

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endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

- 8.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

9. Performance Security

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

- 9.1. Security Amount. The Security shall be in the amount of **\$3,250,000.00**. This amount is based on the current per acre cost of one credit for the Covered Species at the CDFW-approved Sparling Ranch Conservation Bank which has available credits for the genetically distinct population segment for the Covered Species and with the appropriate service area covering the Project.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in ~~writing~~ by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.

9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; or
- Conservation Bank Credit Purchase Receipt; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

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

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14,

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section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2014-083-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie Vance, Regional Manager
California Department of Fish and Wildlife
Region 4 – Central Region
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
Fax (559) 243-4022

and a copy to:

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

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

Renée Robison
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 274
Fax (559) 243-4020

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, City of Hollister. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Roberts Ranch Subdivision Prezone EIR, (SCH No.: 2016011053) dated January 9, 2017, that the City of Hollister certified for Roberts Ranch Subdivision Prezone on March 6, 2018. At the time the lead agency certified the EIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

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

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- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 65 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

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Attachments:

FIGURE 1	Regional Location
FIGURE 2	Project Location
FIGURE 3	CNDDDB Occurrences & Critical Habitat Designation
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice
ATTACHMENT 3A, 3B	Proposed Lands for Acquisition Form; Habitat Management Lands Checklist
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 10/30/18



Julie A. Vance, Regional Manager
REGION 4 CENTRAL REGION

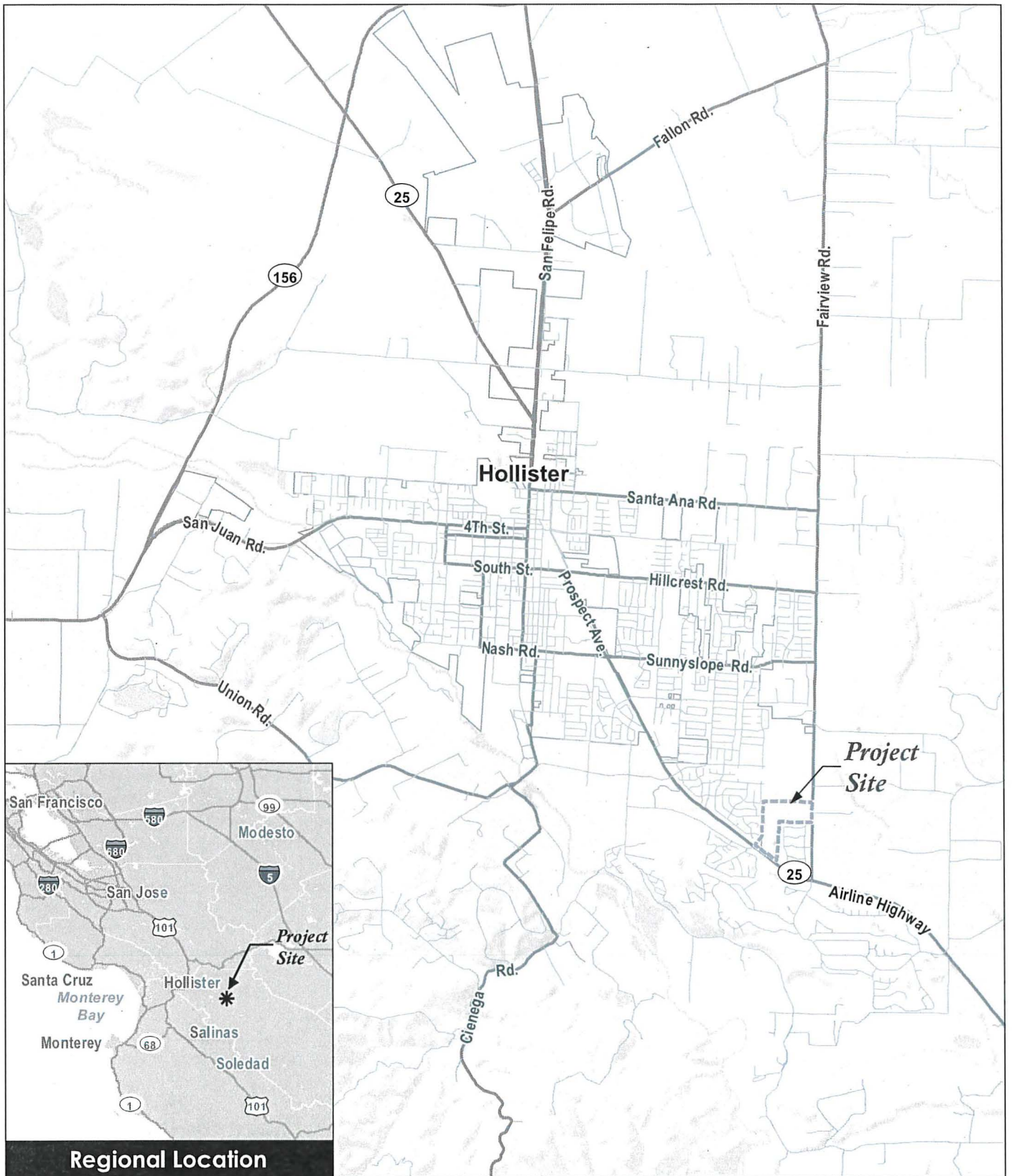
ACKNOWLEDGMENT

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

By:  Date: 2/12/19

Printed Name: Peter Hellmann Title: Manager

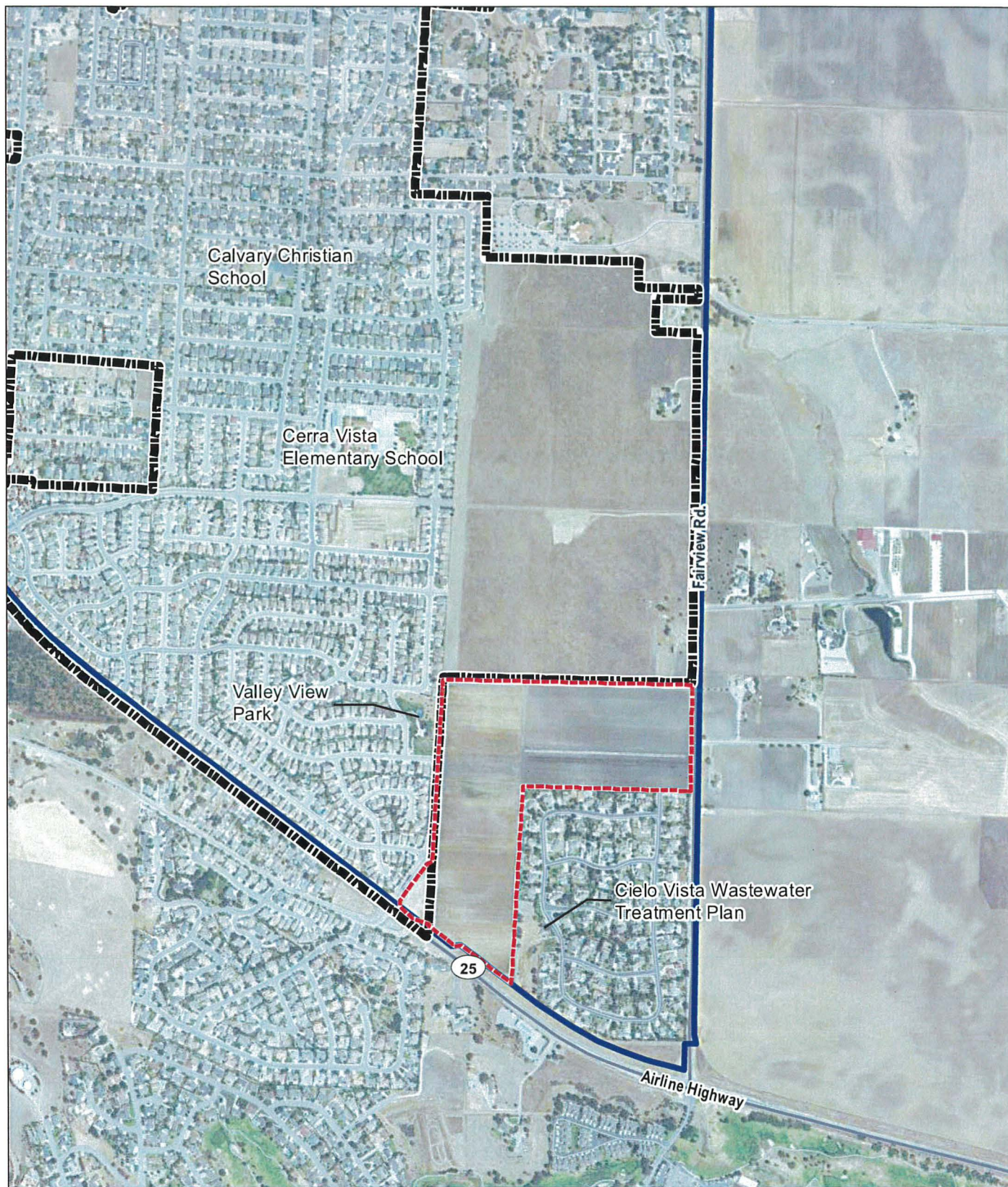
Incidental Take Permit
No. 2081-2014-083-04
HOLLISTER ENTERPRISE, LLC
ROBERTS RANCH



Source: ESRI 2015

Figure 1

Project Location



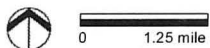
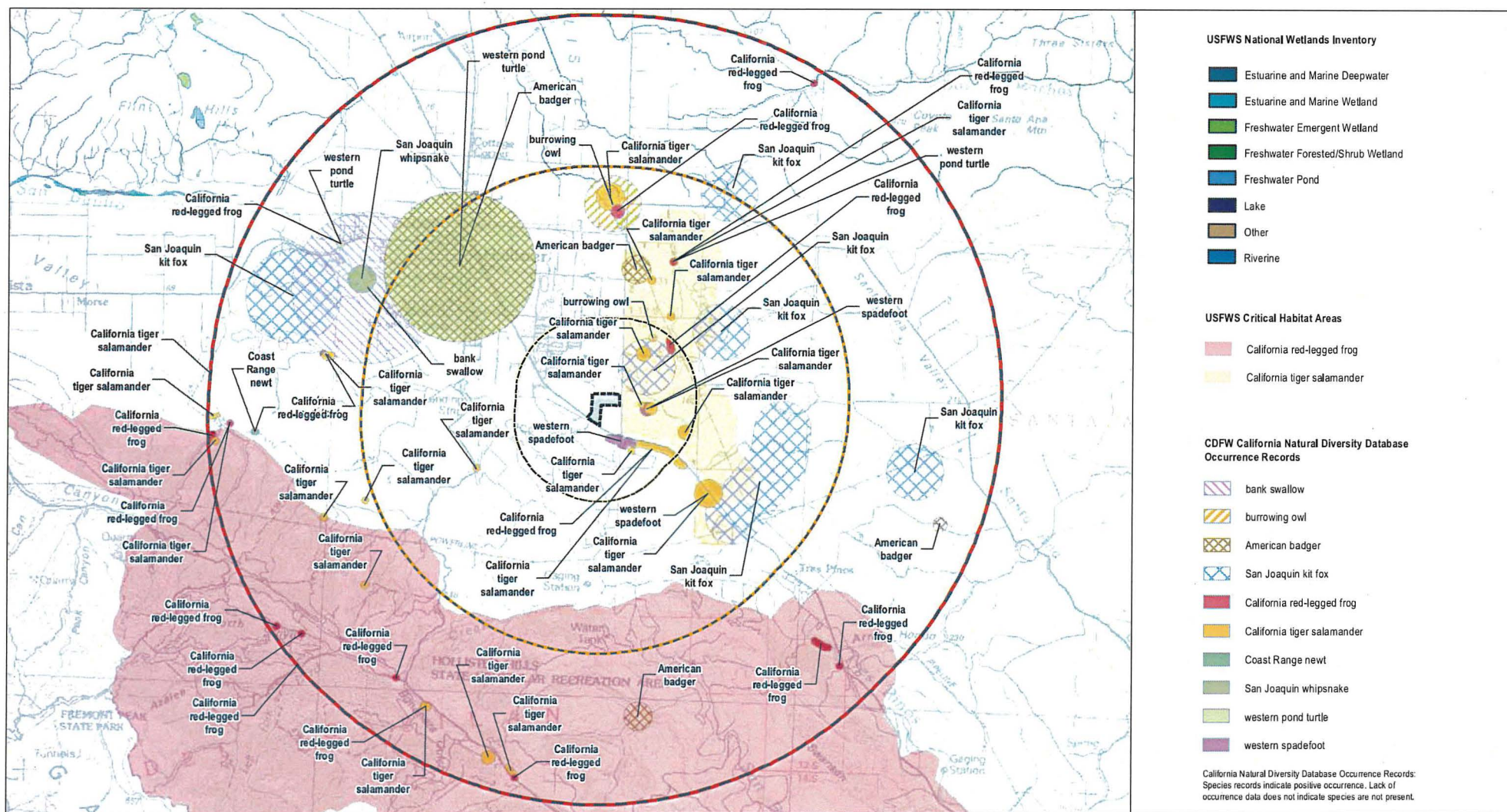
0 1000 ft

- Project Site
- Hollister City Limit
- Sphere of Influence

Source: Esri 2015

Figure 2

Aerial Photograph



1-mile Buffer 3-mile Buffer 5-mile Buffer

Source: CDFW 2015, USFWS 2015, USGS 2006

CNDDDB version 09/2015. Please Note: The occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped. Lack of information in the CNDDDB about a species or an area can never be used as proof that no special status species occur in an area. In addition, this map represents a subset of the species listed in the CNDDDB database; only the wildlife species that are most likely to occur and/or require protective measures are depicted.

Figure 3
CNDDDB Occurrences and Critical Habitat Designation

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2014-083-04

PERMITTEE: Hollister Enterprise, LLC

PROJECT: Roberts Ranch, Hollister

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW, for approval, the name, qualifications, business address, and contact information of a Designated Biologist(s) at least 14 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist(s) may be assisted by approved biologists identified as Biological Monitors that do not meet the qualifications to be a Designated Biologist. Biological Monitors and their activities shall be approved in advance and in writing by CDFW. A select group of project workers designated as Construction Crew Monitors may also be approved for specific inspection and monitoring activities. Construction Crew Monitors and their specific activities shall also be approved in advance and in writing by CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Designated Biologist	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Project Area Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Designated Representative	
8	<u>Covered Species Mortality Reduction and Relocation Plan</u> . The Designated Biologist shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for approval prior to the beginning of Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the portion of the Project Area which represents potential upland habitat; the area within 1.3 miles of known or potential breeding habitat for the Covered Species; the area within 562 meters of known or potential breeding habitat for the Covered Species; an identification of survey, excavation, capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility and submit it to CDFW for written approval prior to the start of Covered Activities. Covered Activities within the Project Area may not proceed until the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling Covered Species unless approved in writing by CDFW and works under the direct supervision of the Designated Biologist.	ITP Condition # 6.8	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	
9	<u>Pre-Activity Clearance Surveys</u> . No more than 14 days prior to starting ground disturbing Covered Activities in the Project Area, the Designated Biologist shall survey any portions of the Project Area located within 1.3 miles of known or potential Covered Species breeding habitat. These surveys shall provide 100 percent visual coverage of the Project Area and a 50-foot buffer zone. If any life stages (adults, eggs, or larvae) of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.8 of the ITP. The Permittee shall provide the survey results to CDFW in a written report no more than five (5) days after performing pre-construction surveys, and no less than five (5) days prior to the beginning of Covered Activities within the Project Area of the approved phase.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	
10	<u>Delineation of Ingress and Egress Routes</u> . All access roads shall be flagged in the field from the paved road and vehicle operation shall be limited by the Permittee to these designated ingress and egress routes.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Flag Burrows</u> . The Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Where feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained regardless of whether the burrow is in the Project Area or the associated buffer zone.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	
12	<u>Small Mammal Burrow Excavation</u> . In the portions of the Project Area to be disturbed that are within 562 meters of known or potential Covered Species breeding habitat, all small mammal burrows flagged per Condition of Approval 7.3 that cannot be fully avoided by at least 50 feet shall be fully excavated by hand and/or by using small mechanical equipment in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan prepared in accordance with Condition of Approval 6.8 of the ITP. This excavation requirement applies regardless if the burrow is located within the Project Area or the Project Area's 50-foot buffer zone. The Designated Biologist shall relocate any live Covered Species discovered during burrow excavation in accordance with the Covered Species Mortality Reduction and Relocation Plan required in ITP Condition of Approval 6.8. Excavation shall occur no more than 14 days after the completion of the Covered Species pre-construction surveys as described in ITP Condition of Approval 7.1.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	
13	<u>Covered Species Wildlife Exclusion Fencing</u> . Prior to any surface disturbance, Permittee shall install temporary wildlife exclusion fencing (exclusion fence) around the perimeter of the Project Area(s) to prevent Covered Species migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed after small mammal burrows inside the planned fence zone are hand excavated by the Designated Biologist in accordance with ITP Condition of Approval 7.4 to prevent entrapment of Covered Species within the Project Area. The exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (typically June 1 through October 31). The exclusion fence shall be buried a minimum of four inches below ground surface and shall be equipped with one way exits to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no disturbance buffer from the fence line, they shall be excavated as described in ITP Condition of Approval 7.4 prior to commencing fence installation. Refuge areas shall be inspected each morning during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan specified in ITP Condition of Approval 6.8.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<u>Exclusion Fencing Installation.</u> The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the active construction period. Permittee shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the Project Area.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Designated Biologist	
15	<u>Fieldwork Code of Practice.</u> To ensure that the Designated Biologist(s) do not convey disease on- or off-site, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Designated Biologist	
16	<u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in ITP Condition of Approval 6.8.	ITP Condition # 7.16	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Designated Biologist	
17	<u>Habitat Management Land Acquisition:</u> Permittee shall either purchase 65 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.1) OR shall provide for both the permanent protection and management of 65 acres of Habitat Management (HM) lands pursuant to ITP Condition of Approval 8.2 and the calculation and deposit of the management funds pursuant to ITP Condition of Approval 8.3. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to ITP Condition of Approval 9 for all uncompleted obligations.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
18	<u>Covered Species Credits:</u> Permittee shall purchase 65 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 the ITP if Security is provided pursuant to ITP Condition of Approval 9. OR:	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<u>Fee Title/Conservation Easement</u> : To provide for the acquisition and protection of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved by CDFW. Alternatively, a CDFW-approved non-profit organization qualified pursuant to California Government Code section 65965 or CDFW-approved public agency (collectively "approved entity") may hold fee title or act as grantee for a conservation easement over the HM lands. If an approved entity holds fee title, Permittee shall record a conservation easement in favor of CDFW or a CDFW-approved entity as grantee. If an approved entity holds a conservation easement, CDFW shall be named third-party beneficiary. The Permittee shall obtain CDFW approval of any conservation easement before its recordation.	ITP Condition # 8.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
20	<u>HM Lands Approval</u> . Permittee shall 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 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 8.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	<u>HM Lands Documentation</u> . Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 8.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	<u>Land Manager</u> . Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 8.2.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
23	<u>Start-up Activities</u> . Permittee shall 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.	ITP Condition # 8.2.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>Interim Management (Initial and Capital)</u> . Permittee shall 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 grazing, fence repair, continuing trash removal, site monitoring and biological surveys, vegetation and invasive species management, and pond maintenance. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 8.2.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	<u>Endowment Fund</u> . If the Permittee will permanently protect and perpetually manage compensatory habitat as described in ITP Condition of Approval 8.2, after obtaining CDFW approval of the HM lands, Permittee shall provide long term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).	ITP Condition # 8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Conditions # 8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions # 8.3.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	<u>Endowment Buffers/Assumptions.</u> Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Fund Manager and CDFW. 	ITP Conditions # 8.3.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long- term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Conditions # 8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM Lands to CDFW.	ITP Conditions # 8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<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 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> Security Amount. The Security shall be in the amount of \$3,250,000.00. This amount is based on the current per acre cost of one credit for the Covered Species at the CDFW-approved Sparling Ranch Conservation Bank which has available credits for the genetically distinct population segment for the Covered Species and with the appropriate service area covering the Project. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) 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 the 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 5) 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 the ITP; Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after all secured requirements have been met as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; or Conservation Bank Credit Purchase Receipt; and Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
26	<u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily at the Project Area until the pre-activity clearance surveys (Condition of Approval 7.1), small mammal burrow excavation (Condition of Approval 7.4), Covered Species exclusion fence installation (Conditions of Approval 7.5 and 7.6), and initial grading activities are complete. The Designated Biologist(s), Biological Monitor(s), and/or Construction Crew Monitor(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist(s) and/or Biological Monitor(s) shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 6.3	Entire Project	Permittee	
27	<u>Quarterly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Quarterly Compliance Report and submit it to CDFW quarterly, starting the first quarter after the ITP is issued, no later than the 5th day of the month, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed within the Project Area, both for the prior quarter and a total since ITP issuance, as well as an estimate of the expected number of acres to be disturbed in the successive quarter; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the previous quarter. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Central Region CESA Program email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) for each calendar year no later than the first day of the first full month after the date in which the ITP was issued, of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified in Condition of Approval 6.7. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in ITP Condition of Approval 6.4; (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 disturbance, both for the prior calendar year, and a total since ITP issuance; (7) the number of acres of permanent disturbance anticipated to occur in the Project Area during the coming year; (8) a summary of all pre-activity surveys conducted and the annual and cumulative number of building pads, utilities installations, pipelines, roads, and other ground disturbing Covered Activities within the Project Area which occurred during the reporting year; and (9) information about other Project related impacts on the Covered Species.	ITP Condition # 6.5	Entire Project	Permittee	
29	<u>CNDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.6	Entire Project	Permittee	
30	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or the MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	
31	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
32	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	
33	<u>Dogs.</u> Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those accompanied by authorized security personnel or local, state, or federal law enforcement officials.	ITP Condition # 5.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee/ Designated Representative	
35	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in the Condition of Approval 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
36	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	
37	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
38	<u>Notification of Take or Injury.</u> Permittee, their employees, agents, contractors or sub-contractors shall immediately notify the Designated Biologist(s) 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(s) shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification shall include information regarding the location, species, and number of animals taken or injured and the ITP tracking number. Following initial notification, Permittee shall send CDFW a written report within two calendar days of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs of the location and the Covered Species, explanation as to the cause of take or injury, and any other pertinent information. After initial notification, CDFW will direct Permittee as to the final disposition of the carcass.	ITP Condition # 6.9	Entire Project	Permittee	
39	<u>Notification of Relocated Covered Species.</u> The Designated Biologist or Designated Representative shall notify CDFW if any Covered Species are relocated pursuant to the Covered Species Mortality Reduction and Relocation Plan and/or per ITP Condition of Approval 7.8. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include photos and information regarding the size, weight, life history stage, location of release and any other details required by the Covered Species Mortality Reduction and Relocation Plan.	ITP Condition # 6.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	<u>Covered Species Observations.</u> During construction, operation, and maintenance of all phases, all workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW approved Covered Species Mortality Reduction and Relocation Plan specified in ITP Condition of Approval 6.8.	ITP Condition # 7.7	Entire Project	Permittee	
41	<u>Record of Handling and Covered Species Reporting.</u> All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the animal; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per ITP Condition of Approval 6.6. This information should also be included in the Quarterly and Final Compliance Reports.	ITP Condition # 7.8	Entire Project	Permittee	
42	<u>Precipitation.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Site. If a 70 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in the Project Area until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area once it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with ITP Conditions of Approval 7.5 and 7.6.	ITP Condition # 7.9	Entire Project	Permittee	
43	<u>Work Hours.</u> Permittee shall confine all construction to daylight hours (sunrise to sunset).	ITP Condition # 7.10	Entire Project	Permittee	
44	<u>Stockpiles.</u> Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding pools; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.	ITP Condition # 7.11	Entire Project	Permittee	
45	<u>Curbs, Berms, and/or Dikes.</u> Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to The Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.	ITP Condition # 7.12	Entire Project	Permittee	
46	<u>Covering, Ramping, and Inspecting Excavations.</u> Permittee shall minimize the potential for Covered Species to become entrapped in excavations to the maximum extent practicable. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described in ITP Condition of Approval 7.14.1. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.	ITP Condition # 7.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<p>Covers. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.</p> <ul style="list-style-type: none"> From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 70 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation at the Project Footprint within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100 foot intervals, and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, then Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. Within 0.621 mile (1,000 meters) of a Covered Species breeding site, from October 15 until the breeding site dries in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 70 percent chance of precipitation within 72 hours, no more than 12,000 linear feet of trench within 0.621 mile of each breeding site, and no more than 20,000 linear feet of trench within 0.621 mile of breeding sites cumulatively, may remain uncovered overnight. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Biological Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found, by 1 hour after sunrise. No more than 12,000 feet of trench shall be left uncovered overnight per Designated Biologist or Biological Monitor available for the morning survey. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the cover boards. The hardware cloth shall be secured to the edge of the cover boards and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. 	ITP Condition # 7.14.1	Entire Project	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	<u>Materials Inspection.</u> 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 structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure on its own or relocated as per the Covered Species Mortality Reduction and Relocation Plan described in ITP Condition of Approval 6.8 before moving and utilizing the structure.	ITP Condition # 7.15	Entire Project	Permittee/ Designated Biologist	
49	<u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in ITP Condition of Approval 6.8.	ITP Condition # 7.16	Entire Project	Permittee/ Designated Biologist	
50	<u>Herbicide Use.</u> Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 3 mph. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.17	Entire Project	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	<p><u>Covered Species Injury</u>. Permittee shall bear any costs associated with the care or treatment of Covered Species injured as a result of Project-related activities. Permittee shall identify a CDFW approved wildlife rehabilitation or veterinary facility or other qualified individual before starting Covered Activities to bring such injured Covered Species for care or treatment. If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility. Live injured Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians (USGS National Wildlife Health Center, 2001). Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.9. Notification shall include the date, time, location and circumstances of the incident and the name of the facility where the animal was taken. If an injured Covered Species is found during Project construction, the individual shall be evaluated by the Designated Biologist(s) who shall then immediately contact the CDFW Regional Representative, via e-mail and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured Covered Species shall be placed in a shaded container and kept moist, then the following steps shall be taken:</p> <ul style="list-style-type: none"> • If the injury is minor or healing and the Covered Species is likely to survive, the Covered Species shall be released immediately in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan as identified in ITP Condition of Approval 6.8. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in ITP Condition of Approval 6.9. • If it is determined that the Covered Species has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility followed by notification as described in ITP Condition of Approval 6.9. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in ITP Condition of Approval 6.9. 	ITP Condition # 7.18	Entire Project	Permittee/ Designated Biologist	
52	<p><u>Designated Biologist/Biological Monitor Activity</u>. To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and/or Biological Monitor(s) shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.</p>	ITP Condition # 5.3	Entire Project	Designated Biologist	
POST-CONSTRUCTION					
53	<p><u>Refuse Removal</u>. 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.</p>	ITP Condition # 5.15	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly 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 the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.7	Post-construction and after completion of mitigation	Permittee	

The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolated species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately at the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

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

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

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

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
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_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____ By: _____ DATE: _____

Regional Manager's Signature

REJECTED ____

Region: _____

Explanation: _____

ATTACHMENT 3B
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)

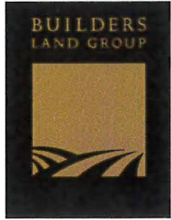
Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

☐ 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)



RECEIVED
FEB 15 2019
HABITAT CONSERVATION
PLANNING BRANCH

February 12, 2019

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

RE: Roberts Ranch, Hollister
Incidental Take Permit No. 2081-2014-083-04

Dear Sir or Madam:

You will find enclosed a fully-executed original of the above-referenced Incidental Take Permit. If you have any questions or need to contact the permittee for any reason, please call the undersigned at (510) 612-2027.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Hellmann", with a long, sweeping horizontal line extending to the right.

Peter Hellmann, Manager
Hollister Enterprise, LLC

RECEIVED

NOV 18 1964
U.S. DEPARTMENT OF
THE ARMY

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U.S. DEPARTMENT OF
THE ARMY