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HABITAT CONSERVATION
PLANNING BRANCH

California Department of Fish and Wildlife
Bay Delta Region
2825 CORDELIA ROAD, SUITE 100
FAIRFIELD, CA 94534

California Endangered Species Act
Incidental Take Permit No. 2081-2016-038-03

PG&E EAGLE RIDGE ACCESS ROAD REPAIR PROJECT

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

Permittee: Pacific Gas and Electric Company

Principal Officer: Brian Spirou, Supervisor Environmental Planning & Permitting
(925) 328-5028

Contact Person: Erin Rice, Land Planner
(925) 724-9378

Mailing Address: 2730 Gateway Oaks, Room 220
Sacramento, CA 95833

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2023**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.9 of this ITP.

Project Location:

The Eagle Ridge Access Road Repair (Project) is located within the Eagle Ridge Preserve, at 8876 Manning Road, Livermore, within the County of Alameda (See Figure 1). The center of Project activity is located approximately 0.6 miles east of Collier Canyon Road and 3.75 miles west of Vasco Road at

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

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

approximately Latitude 37.750645, Longitude -121.801710 or Section 19, Township 2S, Range 2E, U.S. Geological Survey (USGS) map Livermore and Tassajara, or 8876 Manning Road, Livermore, CA 94551; Assessor's Parcel Number 903-0002-03, 903-0002-001-01, 006-200-006-2, and 505-040-006.

Project Activities are at an access road to the North Dublin Transmission Station, and the adjacent hillside. The Pacific Gas and Electric Company (PG&E) (Permittee) owns a Right-of-Way along the terminal access road. Access will be from Manning Road through the Eagle Ridge Preserve via a gate owned and operated by Eagle Ridge Preserve LLC.

Project Description:

The Project includes the repair of an existing road to the North Dublin Transmission Station, restoring two gully areas adjacent to the road, reshaping and repairing hill slope topography, and collapsing and filling of sinkholes. See Figure 2 for the Project components: proposed improvements and staging area (collectively, the Project Area). The construction period for the entire Project is expected to take approximately three months. Sinkhole repair, hillside topography recontouring, and road repair activities could occur simultaneously.

Road Repair

The 20-foot-wide access road that branches from the Eagle Ridge Preserve's ranch road to the North Dublin Transmission Station asphalt road is built on subgrade with high clay concentration. The road has many surface cracks, contains numerous small mammal burrows within the road prism, and has poor drainage. The road will be removed, pulverized, and rebuilt. The existing asphalt will be grinded and excavated to a subgrade to re-stabilize and re-contour the area. The grading and ripping of the subgrade will be conducted to engineering specifications to achieve soil compaction and avoid a repeat of problems with clay swelling.

Due to conservation easements that are just outside of the road easement, the rebuilt road footprint will be confined as closely as possible to the existing alignment. Some work along the road shoulders and cross-drain culverts will be necessary to ensure proper drainage and site function. The total work footprint includes a 20-foot-wide road work area and temporary disturbances on portions on either side of the pavement shown in Figure 2, for a total estimated impact area of 2.648 acres.

The estimate for time needed to conduct the road rebuild portion of this project is six to eight weeks.

Gully Repair

Two gully areas will be repaired as specified by engineering design to ensure proper dispersal of road runoff. The locations of the gully repair areas are shown in Figure 2. Gully Repair Area #1 is located on the lower third of the road alignment and is approximately 16-foot-long by 167-foot-wide. Gully Repair Area #2 is located approximately 250 feet south of the northern most cross drain culvert and approximately 100 feet west of a rock road shoulder. A 4-foot-wide, 6-foot-long, and 2-foot-deep sinkhole has developed in this area. The gully repair areas will be restored by reshaping the area with native soil and reseeded.

Three existing cross drain structures (18 to 24-inch corrugated metal pipes) and associated armored piped inlet and rock armored outfalls will not be replaced or altered. The road will be extensively outsloped and undulated to encourage dispersed road drainage and minimize flow to the cross-drain culverts.

The estimate for time needed to conduct the gully repair project is four to six weeks.

Hillslope Topography and Sinkhole Stabilization

Sinkholes that vary in size and depth (ranging from one to six feet wide, one to five feet long, and four to over five feet deep) have formed as a result of road runoff from the cross-drain culvert discharging into the surrounding soil and/or possibly from small mammal burrowing activity.

There are three sinkhole repair areas. Sinkhole Repair Area #1 is downslope of the northernmost cross drain culvert, and Sinkhole Repair Area #2 is downslope from Gully Repair Area #2. Sinkhole Repair Area #3 is across from Gully Repair Area #1. All sinkholes in these areas will be repaired. The main sinkhole repair area is downslope of the northernmost cross drain culvert under the transition station access road. (see Figure 2).

The sinkholes will be collapsed using a tracked bulldozer and filled in, and the hillslope will be reshaped to contour following engineering specifications. The Project will use off-site clean fill material to fill the sinkholes. Once the sinkhole repair area is filled, the hillside will be re-contoured to ensure proper drainage.

The estimate for time needed to conduct the Hillslope Topography and Sinkhole Stabilization portion of the project is four to six weeks.

Following completion of all proposed construction activities related to the repair and stabilization of the sinkholes, and road repair, the work areas will be inspected on foot with the property owners (or their representative) to discuss any remaining concerns, and the disturbed areas will be revegetated in accordance with a Vegetation Restoration Plan (VRP) approved by CDFW.

Project Equipment and Machinery

The Permittee will use 4x4 work trucks, hand tools, light-duty pickup trucks and trailers or lowbed trailers to haul equipment, tracked excavator, tracked backhoe, loader, grader, small bulldozer, and water truck. Paving equipment would be also be utilized to asphalt the road surface.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
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.

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include operating machinery and heavy equipment, movement of equipment and vehicles, staging of equipment, storage of materials, clearing, excavating, filling, grading, and placement of fill, and paving (Covered Activities).

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

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as unearthing Covered Species during trenching, excavation, and dredging; crushing during all earthmoving activities, operating heavy equipment, and movement of vehicles and materials; and trampling by construction workers. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture and relocation. The areas where authorized take of the Covered Species is expected to occur include the access road, gully repair areas, and hillslope and sinkhole repair areas (Figure 2; collectively, the Project Area).

The Project is expected to cause the temporary loss of 2.648 acres of upland habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from construction and capture and relocation, long-term effects due to displacement from preferred habitat, increased competition for food and space, increased vulnerability to predation, and disruption of migration or foraging due to temporary barriers.

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 Mitigated Negative Declaration and Initial Study (SCH #2018062037 dated September 18, 2018) developed by the California Department of Fish and Wildlife as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). For purposes of this ITP, where the terms and conditions for the Covered Species in the Mitigated Negative Declaration are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion (No. 08ESMF00-2017-F-0791) (Bay Area Operations and Maintenance Habitat Conservation Plan) for the Project pursuant to the 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 in writing the name, qualifications, business address, and contact information of the biological monitor(s) (Designated Biologist) at least 20 days before starting Covered Activities. Information included in this notification should include, at a minimum:

- a. relevant education;
- b. relevant training on species identification, survey techniques, handling individuals of different age classes, and handling of different life stages by a permitted biologist or recognized species expert;
- c. a summary of field experience conducting requested activities;
- d. a summary of U.S. Fish and Wildlife Service (USFWS) biological opinions and CDFW Incidental Take Permits for which the proposed monitors were responsible, including level (e.g. construction monitoring versus handling); this should also include the names and qualifications of persons under which the work was supervised as well as the amount of work experience on the actual project;
- e. any relevant professional references with contact information. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species.

At least one Designated Biologist(s) who is legally authorized to collect and handle the Covered Species shall be on-site or on-call within 30 minutes of travel time from the Project site at all times during Covered Activities. Authorizations from CDFW for biologists that lack collecting and handling experience may be limited to working under the supervision of more experienced biologists. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered

Activities, and shall also obtain written approval in advance if the Designated Biologist(s) must be changed.

- 5.3. Designated Biologist(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(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(s) 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 a fact sheet 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 Binder. The Designated Biologist(s) shall maintain a construction-monitoring binder 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 binder 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. Permittee shall ensure that no trash remains at any site after daily construction.
- 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(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles or enter adjacent tributaries, swales, or wetlands. Chemical additives used for dust suppression must be reviewed and approved by CDFW prior to use.
- 5.8. Equipment and Invasive Plant Species. Permittee shall ensure off-road equipment is clean of mud, soil, and plant parts prior to being brought to the Project Area. Permittee shall ensure off-road equipment moved from areas of known and targeted noxious weeds are to be cleaned prior to being moved to another site not in the immediate vicinity. If Permittee operates on-road equipment on contaminated, vegetated surfaces, Permittee shall ensure the equipment is cleaned prior to departing areas with known weed populations.

- 5.9. Erosion Control. Permittee shall utilize erosion control measures throughout all phases of the Project. No phase of the Project may be started if its associated erosion control measures cannot be completed prior to the onset of a storm event. Permittee shall monitor erosion control measures before, during, and after each storm event and repair and/or replace ineffective measures immediately. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to starting any phase of the Project that may result in sediment runoff to aquatic habitat. Erosion control measures that must be left in place during the rainy season (typically October 15 to April 15) shall be arranged in such a way as to allow movement of the Covered Species. Observation of impacts such as repeated occurrences of Covered Species that appear to be impeded from moving towards breeding ponds, may require additional mitigation actions by the Permittee, as described in Condition 6.11 and Section 8 of this permit.
- 5.10. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (which may be in erosion control matting or straw wattles) or similar material.
- 5.11. Delineation of Project Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of any work area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities within the fenced, staked, or flagged areas. Permittee shall maintain stakes and flags until the completion of Covered Activities in that area.
- 5.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place barriers as necessary to minimize the disturbance of Covered Species' habitat and minimize risk to Covered Species. Permittee shall remove barriers and delineation materials as soon as possible, after cessation of construction activity and in accordance with Condition of Approval 7.2 (Covered Species Exclusion Plan), unless otherwise authorized by CDFW. Permittee shall maintain all signage and delineation materials in working order until it is removed.
- 5.13. Project Access. Project-related personnel shall access the Project Area using routes identified in Figure 2 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, designated overland travel routes, staging, and parking areas. Vehicles will not exceed a speed limit of 10 mph on unpaved roads within natural land-cover types, or 5 mph during off-road travel. 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.
- 5.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project 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.
- 5.15. 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 limit the storage and handling of hazardous materials within the Project Area to sites approved by the Designated Biologist(s) and reported to CDFW, and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 5.16. CDFW Access. Permittee shall provide CDFW staff with reasonable access to, and within, the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.17. No Pets or Firearms. Permittee shall not allow pets or firearms within any work areas. This shall not apply to authorized security personnel, or local, state, or federal law enforcement officials.
- 5.18. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from that work area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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. Documentation of Project Area and Covered Activities. Permittee shall conduct photo monitoring of the Project Area. Photo points shall provide comprehensive views of the Project Area including areas where Covered Activities will occur. Prior to commencement of work, Permittee shall identify representative views of all portions of the Project Area where impact to Covered Species upland habitat could occur, at intervals of no less than 1000 feet. Permittee shall photograph the project area from flagged points, noting the direction and magnification of each photo. On a monthly basis, Permittee shall photograph the Project Area from the established photo points using the same direction and magnification as pre-construction photos. Permittee shall provide labeled copies of photographs taken at each photo point to CDFW as a component of Monthly Compliance Reports (see Condition of Approval 6.6). Upon completion of construction, Permittee shall photograph post-project conditions from the flagged photo points using the same direction and magnification as pre-project photos. Labeled digital copies of pre- and post-project photographs shall be sent to CDFW within forty-five (45) days of completion of the project.

6.4. Daily Compliance Monitoring. Unless otherwise authorized by CDFW in writing, the Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to:

- a. minimize incidental take of the Covered Species;
- b. prevent unlawful take of species;
- c. check for compliance with all measures of this ITP;
- d. check all exclusion zones (see Conditions of Approval 7.2-7.4); and
- e. ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, weather conditions (including rainfall and humidity), observations of Covered Species and other wildlife species, and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist(s) shall conduct compliance inspections a minimum of one day per week during periods of inactivity longer than 5 days. On days during periods of construction inactivity with 0.10" or more of rainfall, inspections shall be on a daily basis.

6.5. Weekly Compliance Monitoring. During periods of inactivity, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week only after Permittee obtains written approval from CDFW. If CDFW approves weekly compliance monitoring, temporary barriers shall be inspected daily before, during, and after rain events. Daily compliance inspections shall resume if the Designated Biologist or CDFW finds the Permittee is out of compliance with any conditions of this ITP including the failure to maintain the temporary barrier described in Condition of Approval 7.4.

6.6. Monthly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval 6.4 and 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program by the 10th working day of the following month. At the time of this ITP's approval, the CDFW Regional Representative is Serge Glushkoff, Senior Environmental Scientist (Serge.Glushkoff@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.

6.7. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum:

- a. a brief description of previously submitted Monthly Compliance Reports for the previous calendar year;

- b. a general description of the current status of the Project Area and Covered Activities, including actual or projected completion dates, if known;
 - c. a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure;
 - d. an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts;
 - e. all available information about Project-related incidental take of the Covered Species;
 - f. an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and
 - g. information about other Project impacts on the Covered Species.
- 6.8. CNDDDB Observations. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or Final Mitigation Report, whichever is submitted first relative to the observation.
- 6.9. Final Mitigation Report. No later than 45 days after Project completion and completion of all mitigation, monitoring measures, and success criteria included in this ITP, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum:
- a. a summary of all Monthly Compliance Reports;
 - b. a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented;
 - c. all available information about Project-related incidental take of the Covered Species;
 - d. information about other Project impacts on the Covered Species;
 - e. beginning and ending dates of all Covered Activities;
 - f. 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;
 - g. 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
 - h. any other pertinent information.
- 6.10. Notification of Take or Injury. Permittee 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) or Designated Representative shall provide initial notification to CDFW by calling the CDFW Representative at (707) 339-6191, and email notification if direct contact is not immediately established. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, in compliance with Conditions 7.17, 7.18 and 7.19, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, GPS location of the animal or carcass, photographs of the location and the animal if possible, measurements (snout-vent and total length) explanation as to cause of take or injury, and any other pertinent information, including location of release if relevant.

CDFW shall retain the right to require additional documentation or tabulation of Covered Species occurrences, particularly in cases with multiple occurrences.

If the Covered Species is found recently deceased, the Designated Biologist(s) shall immediately bag, label, and preserve the carcass in a freezer. The label shall include time and date of discovery, GPS location, circumstances surrounding death (if known), and ITP tracking number. Permittee shall deliver specimens to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.

6.11. Temporary Impact Criteria. To be considered a temporary impact, all temporary impacts must meet the following criteria:

- a. recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the temporary impact;
- b. temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (Condition of Approval 8.6); and
- c. all wildlife exclusion barriers must be removed prior to October 31 or the first rainfall of 0.25", whichever occurs later.

An amendment to this ITP and additional compensatory mitigation may be required to account for additional impacts associated with not meeting the temporary impact criteria.

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 Covered Species Surveys. Prior to the commencement of Covered Activities, the Designated Biologist(s) shall survey all work areas for presence of Covered Species. This shall entail inspection of all portions of Project Area, including fissures and cracks in the road and burrows beneath the road for Covered Species immediately prior to and during excavation or removal. The Designated Biologist shall then follow initial grading equipment to look for Covered Species. Grading activities shall be done in a manner that allows Designated Biologists to safely survey the area. Multiple biologists may be necessary to survey the area appropriately. If the Designated Biologist(s) or anyone else discovers a Covered Species, Permittee shall cease all activity in the vicinity of the occurrence until relocation has been completed in accordance with Condition of Approval 7.17.
- 7.2. Covered Species Exclusion Plan. Prior to commencing Covered Activities, Permittee shall submit to CDFW a Covered Species Exclusion Plan for CDFW review and approval. Ground-breaking work shall not begin until the plan is approved. The plan shall evaluate each work area based on planned work activities, season of work, Covered Species occurrence to date, duration of site activity, potential Covered Species breeding locations and anticipated directions of potential migration based on Covered Species life cycles and locations of ponds and estivation habitats. The plan shall include the locations of the exclusion barriers and

discussion of potential effects on seasonal migration, and indicate when the barriers will be erected and removed.

The exclusion barrier shall not include plastic monofilament netting in its construction. The plan shall include multiple escape funnels, ramp, or other methods to allow Covered Species to leave the Project Area unharmed and to prevent entry to it.

- 7.3. Exclusion Barrier Installation. The Designated Biologist(s) will supervise the installation of the exclusion barriers. The bottom six inches of the barriers shall be buried, if feasible, or otherwise adequately secured to prevent Covered Species movement into the Project Area. Following barrier installation, the qualified biologist(s) shall block holes or burrows entrances within work areas, of burrows avoided by construction activities, if any, that appear to extend under the barrier to minimize Covered Species movement into the Project Area. The exclusion barriers shall remain in place until the Permittee completes all Covered Activities and all construction equipment has been removed from the work area. Any Covered Species found along the barrier shall be relocated in accordance with Condition of Approval 7.17. Permittee shall provide refuge opportunities such as natural cover objects (e.g., fallen logs, leaf litter, and branches), or artificial cover boards along or near the outside of the barrier. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the barrier. When the Permittee cannot avoid burrows, burrows shall be hand excavated (see Condition of Approval 7.7) prior to excavation activities. The Designated Biologist(s) shall relocate Covered Species found during excavation (see Condition of Approval 7.17). Following excavation, the Designated Biologist(s) shall block holes or burrows which appear to extend under the fencing to minimize Covered Species movement into the Project Area.
- 7.4. Exclusion Barrier Inspection and Maintenance. The Permittee shall maintain the exclusion barrier to ensure that it is functional and without defects. The Designated Biologist(s) shall inspect the barrier at least three times per week, as well as during and after a storm event, until it is removed to look for Covered Species and to ensure barrier integrity. If the barrier is damaged, Permittee shall repair the exclusion barrier immediately. CDFW may require increased inspection intervals based upon planned construction activities at each site, recent and forecasted weather events, and the results of pre-construction surveys, and previous inspections and Covered Species occurrences. Permittee shall maintain the exclusion barriers continuously until all construction activities are completed within the work areas. Permittee will remove the exclusion barrier as soon as possible, but no later than 7 days after activities have ceased.
- 7.5. Erosion Control Plan. Permittee shall provide for CDFW review and approval an Erosion Control Plan prior to implementing erosion control within the Project Area. CDFW may require modifications to the plan in order to facilitate movement of the Covered Species. The erosion control plan shall include the approximate location, material and spacing of any device used for erosion control and shall include a monitoring plan to ensure that erosion control devices remain effective after rain events. If it appears from monitoring observations that movement of Covered Species is being impeded, CDFW shall retain the right to require more frequent monitoring. Permittee shall provide refuge opportunities, such as

coverboards, along or near the outer side of the barrier structures that are determined through monitoring observations to be barriers to Covered Species movement.

- 7.6. Pre-construction Burrow Identification. The Designated Biologist(s) shall mark all burrows within each work area no less than seven days prior to earthmoving activities in those areas. Permittee shall stake and flag burrows that will not be graded or excavated but that are within the active work area for the duration of Project activities to ensure construction personnel are aware of their location, and to facilitate avoidance of these areas where possible.
- 7.7. Burrow Excavation and Avoidance. Permittee shall submit a burrow excavation protocol to CDFW for review and approval prior to Covered Activities. After marking burrows in accordance with Condition of Approval 7.6, the Designated Biologist(s) shall inspect all identified burrows in areas to be graded or excavated for presence of Covered Species. If Covered Species are observed, they shall be relocated as described in Condition of Approval 7.17.
- 7.8. Dry Weather and Dry Season Restriction. Permittee shall ensure that Covered Activities involving ground disturbance and heavy equipment use (such as excavation, grading, and contouring) are limited to the period from April 15 to October 14 of each year (Dry Season) until the expiration of this ITP. Covered Activities that do not require ground disturbance (i.e., inspections, welding, etc.) are not subject to this condition.

The Permittee shall monitor the National Weather Service (NWS) 72-hr forecast for the Project Area. If a 30% or more chance of rain is predicted within 72 hours during Covered Activities, Permittee shall cease all Covered Activities until no further rain is forecast. Ground disturbing activities may resume 48 hours after the rain ceases when there is a less than a 40% chance of precipitation in the 24-hour forecast.

The Designated Biologist(s) shall keep records of both rainfall and humidity on-site and subject to inspection (see Condition of Approval 6.4).

- 7.9. Time of Day Work Restriction. Permittee shall terminate all major construction activities 30 minutes before sunset and shall not resume them until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department. If an activity has been started that cannot be finished during daylight hours, Permittee may conduct nighttime work for up to a total of seven nights throughout the entire Project Area while this ITP is valid and will notify CDFW prior to each night of work. Covered Activities during the night are not allowed if Covered Activities occurred the previous night (i.e. no consecutive nights of Covered Activities). Permittee shall limit nighttime work in extent, duration, and brightness to the maximum extent possible. Permittee shall face lighting downward and will only use lighting in the immediate workspace. The Designated Biologist(s) will continue to be present during all night work. Permittee shall not conduct any nighttime work if a 30% or more chance of rain is predicted within 72 hours (see Condition of Approval 7.8).
- 7.10. Structure Inspection. Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored in the Project Area for one or more overnight periods are either

securely capped prior to storage or thoroughly inspected by the Designated Biologist(s) before the pipe is buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.17.

- 7.11. Open Excavation, Trenches, and Inspection. To prevent the accidental entrapment of Covered Species, Permittee shall cover all excavated holes or trenches deeper than 6 inches with plywood or similar material with no cracks or open spaces, at the end of each workday. Edges of plywood shall be sealed with dirt and plywood shall be weighted down to prevent it from moving. At the end of each workday, Permittee shall ramp foundation trenches or large excavations that cannot easily be covered to allow trapped animals an escape method. The ramp may be constructed of either dirt fill or wood planking or other suitable material placed at an angle no greater than 30 degrees. The Designated Biologist(s) shall inspect holes, trenches, and ramps each morning that Covered Activities occur, or otherwise at intervals of no less than 24 hours. The Designated Biologist(s) will thoroughly inspect such holes or trenches for trapped Covered Species. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.17.
- 7.12. Vehicle and Equipment Inspections. The Permittee shall inspect all equipment and vehicles at the beginning of every workday, prior to commencement of work activities. Prior to movement, the Permittee shall inspect areas beneath all vehicles and equipment that have remained stationary for ten minutes or longer. If a Covered Species is discovered, Permittee shall not move equipment until the animal has left voluntarily or is removed by the Designated Biologist(s) according to the Covered Species Relocation Plan, Condition of Approval 7.17.
- 7.13. Imported Fill. All imported fill shall be weed-free and must be tested for compatibility for use near waterways. Permittee must ensure that fill material does not contain any contaminants that pose a risk to aquatic organisms and Covered Species that is greater than that already present, and must conduct and document an environmental assessment of the soil source. This documentation must be submitted to CDFW and approved prior to importing the fill.
- 7.14. Spoils Piles. Permittee shall place spoils piles away from concentrations of small mammal burrows.
- 7.15. Prohibited Plant Species. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/paf/>
- 7.16. Notification of Non-Native Tiger Salamanders (NNTS) or Hybrids. The Designated Biologist(s) shall immediately notify CDFW if a barred tiger salamander (*Ambystoma tigrinum mavortium*) or an *Ambystoma* hybrid or individual with unusual or unique characteristics of coloration or size is found within the Project Area within 24 hours of discovery. In consultation with the Permittee, CDFW shall determine what additional measures are necessary to address local non-native or *Ambystoma* hybrid populations.
- 7.17. Covered Species Relocation. Permittee shall submit a Covered Species Relocation Plan to CDFW for its approval prior to the start of Covered Activities. The Relocation Plan will

include relocation site selection criteria, and may be combined with an Excavation Protocol document. When Covered Species are observed, the Designated Biologist(s) shall relocate any individuals found to an active rodent burrow system located no more than 300 feet outside of the Project Area, or the nearest suitable burrow beyond that distance. Permittee may also propose alternative locations developed in consultation with the Eagle Ridge Preserve Manager beyond 300 feet outside of the Project Area in the Relocation Plan. The relocation areas shall be identified by the Designated Biologist based upon best suitable habitat available, and Covered Species life history / time of year and approved by CDFW prior to the start of Covered Activities. The Covered Species shall be released as soon as possible. A suitable burrow should be at least three inches in depth and have moist and cool conditions. If burrow density allows, the Designated Biologist(s) shall only release one animal per burrow. The Designated Biologist(s) may encourage Covered Species to enter the burrows by gently nudging if they do not enter on their own. If the animal repeatedly walks away from the burrow, or partially enters it and then turns around, the Designated Biologist(s) shall remove it and find another burrow. The Designated Biologist(s) shall release individual Covered Species one at a time rather than as a group.

7.18. Covered Species Documentation. The Designated Biologist(s) shall document occurrence and relocation sites by photographs and GPS positions. When handled, the Designated Biologist(s) will photograph and measure (snout-vent) the Covered Species for identification purposes prior to relocation. The Designated Biologist(s) shall monitor the Covered Species until it is determined that it is not imperiled by predators or other dangers. Permittee shall provide all documentation to CDFW within 48 hours of Covered Species relocation.

7.19. Covered Species Handling and Injury. The Designated Biologist(s) shall capture, handle, and assess Covered Species according to the Restraint and Handling of Live Amphibians Protocol, USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001; Attachment 3).

The Designated Biologist(s) shall place captured Covered Species individually into a dark, clean plastic container of suitable size with enough room so the animal can move freely. The Designated Biologist(s) shall ensure that hands are thoroughly washed and free of lotions, oils, repellents, or solvents prior to handling Covered Species, and shall keep the container moist with damp paper towels, soft foam rubber, or natural or synthetic sponge free of soaps and antibacterial/antifungal treatments. Containers used for holding or transporting shall not contain any standing water. The lids of the containers shall have small air holes for ventilation. Sponges shall not be reused and all other housing materials shall be disinfected between occupants according to the Fieldwork Code of Practice (Attachment 4).

If an injured Covered Species is found during the Project term, the individual shall be evaluated by the Designated Biologist(s). Permittee shall contact the CDFW Regional Representative immediately, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the Designated Biologist(s) shall place the injured Covered Species in a shaded container and keep it moist. If the CDFW Regional Representative is not available or has not responded within two hours of initial attempts then the following steps shall be taken:

- a) If the Designated Biologist(s) determines 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 Condition of Approval 7.17.
- b) If the Designated Biologist(s) determines that the Covered Species has major or serious injuries as result of Project-related activities, it shall be transported immediately to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity, the individual shall remain in captivity and shall not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and USFWS. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall document the circumstances of the injury, the procedure followed, and the final disposition of the injured animal in a written incident report as described in Condition of Approval 6.10.

8. Habitat Management Land Acquisition and Restoration:

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

To meet this requirement, the Permittee shall either purchase a total of 2.648 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) within the East Alameda County Conservation Strategy (EACCS) CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) OR shall provide for both the permanent protection and management of 2.648 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below.

- 8.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and the restoration of temporarily disturbed habitat as follows:
 - 8.1.1. Purchase of 2.648 acres of California tiger salamander credits from a CDFW-approved mitigation or conservation bank is estimated at **\$132,400**.
 - 8.1.2. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.6 is estimated at **\$9,300**.
- 8.2. Covered Species Credits. Permittee shall purchase 2.648 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.

OR

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

- 8.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
- 8.3.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking>); (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;

- 8.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.
- 8.4. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that

the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).

- 8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) [or PAR-equivalent analysis (hereinafter "PAR")] to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.
- 8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

- 8.5. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.
- 8.6. Habitat Restoration. Permittee shall restore on-site the 2.648 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Prior to commencement of Covered Activities, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of 2.648 acres of temporary construction disturbance on-site. Covered Activities shall not commence until CDFW approves the plan. The plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods, and a proposal to prevent the spread of *Phytophthora* and other pathogens. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The plan shall also indicate the best time of year for seeding to occur, and three years of monitoring and success criteria. The Permittee shall ensure that the contractor successfully implements the plan. Plantings undertaken between April 15 and October 15 shall include regular watering to ensure adequate growth if necessary. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's Inventory Database, which is accessible at: <http://www.cal-ipc.org/paf/>.
- 8.6.1. Conserve Topsoil. The Permittee shall remove and stockpile separately, the top six (6) to twelve (12) inches of soils. Permittee shall place this stockpiled topsoil material back to replicate the original soil stratigraphy at the end of construction.
- 8.6.2. Restore Tributaries and Swales. Permittee shall return tributary and swale contours as near as possible to pre-project grade and conditions.
- 8.6.3. Genetic Material for Mitigation Plantings. Permittee shall locally source plant material used for re-vegetation; plant material shall consist of native vegetation. Permittee shall ensure original genetic material (i.e., plants or seeds) for all mitigation plantings was collected from within 50 miles of the Project site. However, the plants/seed may have been propagated by a grower outside of this area.
- 8.6.4. Revegetation. Permittee shall complete revegetation as soon as possible after Covered Activities are completed. Permittee shall cover seeding placed between October 15 and April 15 with broadcast straw, jute netting, coconut fiber blanket, or similar erosion control blanket. Permittee shall not use monofilament or woven plastic strands.
- 8.6.5. Phytophthora and Pathogens – Pre-Construction. The Project Area is at risk of *Phytophthora infestation*. All vehicular equipment moving onto the access road shall be pressure washed prior to entry to reduce the risk of transporting vegetation pathogens and other invasive agents. A discussion of *Phytophthora* sudden oak death shall be included in the pre-construction training.
- 8.6.6. Phytophthora – All Construction Phases. Permittee and all contractors shall follow sanitation protocol specified in the Sanitation Guidelines for Professional Crews issued

by the California Oak Mortality Task Force (<http://www.suddenoakdeath.org/pdf/Professional%20sanitation%20guide.pdf>) prior to entering, during Covered Activities, and prior to leaving the Project Area. This measure shall be included in the Vegetation Restoration Plan.

8.6.7. Phytophthora – Post-Construction. Permittee shall implement measures to avoid using plant stock that may be infected with the plant pathogen *Phytophthora* spp. Measures to avoid contamination with *Phytophthora* spp. may include, but are not limited to, avoiding collection of propagules (a) from known or likely infected areas; (b) during wet conditions; (3) when soil is muddy; or (d) from within 0.5 meter of the soil surface. Measures may also include implementing heat or chemical treatments to collected seeds prior to installation. Such measures shall be included in the planting plan in the Vegetation Restoration Plan that Permittee shall submit to CDFW for review and approval.

8.7 Interim Restoration Obligation. Permittee is responsible for monitoring and maintaining the restored areas until the Vegetation Restoration Plan success criteria have been met. This obligation shall remain beyond the expiration date of this Permit.

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 **\$141,700**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) 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 6) 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:

Incidental Take Permit
No. 2081-2016-038-03
Pacific Gas and Electric Company
PG&E Eagle Ridge Access Road Repair Project

- Timely submission of all required reports;
- Proof of purchase of Covered Species Credits;
- An on-site inspection by CDFW; and
- Written approval from CDFW.

Even if Security is provided, the Permittee must complete the required purchase of Covered Species Credits no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional Covered Species Credits and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

Amendment:

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

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist(s) 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, CA 94244-2090

Incidental Take Permit
No. 2081-2016-038-03
Pacific Gas and Electric Company
PG&E Eagle Ridge Access Road Repair Project

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 (2081-2016-038-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Gregg Erickson, Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Telephone (707) 428-2002

And a copy to:

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

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

Serge Glushkoff
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
Telephone (707) 339-6191
Serge.Glushkoff@wildlife.ca.gov

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a lead agency pursuant to CEQA with respect to this ITP. (See generally Pub. Resources Code, § 21067). CDFW's environmental review of the Project is set forth in the Mitigated Negative Declaration and Initial Study (SCH No. 2018062037) dated September 18, 2018, that CDFW adopted for the Pacific Gas & Electric Company Eagle Ridge Access Road Repair Project.

This ITP, along with CDFW's related findings to document its compliance with CEQA, which are available as a separate document, provide evidence of CDFW's independent judgment and analysis and the determination that based on the whole record before it, including the Mitigated Negative Declaration for the Project and comments received, that there is no substantial evidence that the Project will have a significant effect 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 and Game Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subs. (a)-(b), and 783.5, subd. (c)(2)].

Incidental Take Permit
No. 2081-2016-038-03
Pacific Gas and Electric Company
PG&E Eagle Ridge Access Road Repair Project

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project 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 2.648 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) 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
- (7) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Map of Project Area
FIGURE 2	Project Components
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENTS 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 3	Restraint and Handling of Live Amphibians
ATTACHMENT 4	Declining Amphibian Task Force Fieldwork Code of Practice
ATTACHMENT 5	Letter of Credit Form
ATTACHMENT 6	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8-12-19 .


Gregg Erickson, Regional Manager
BAY DELTA REGION

ACKNOWLEDGMENT

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

By:  _____

Date: 8/15/2019 _____

Printed Name: BRIAN SPIREN _____

Title: Super NISUR _____

Incidental Take Permit
No. 2081-2016-038-03
Pacific Gas and Electric Company
PG&E Eagle Ridge Access Road Repair Project

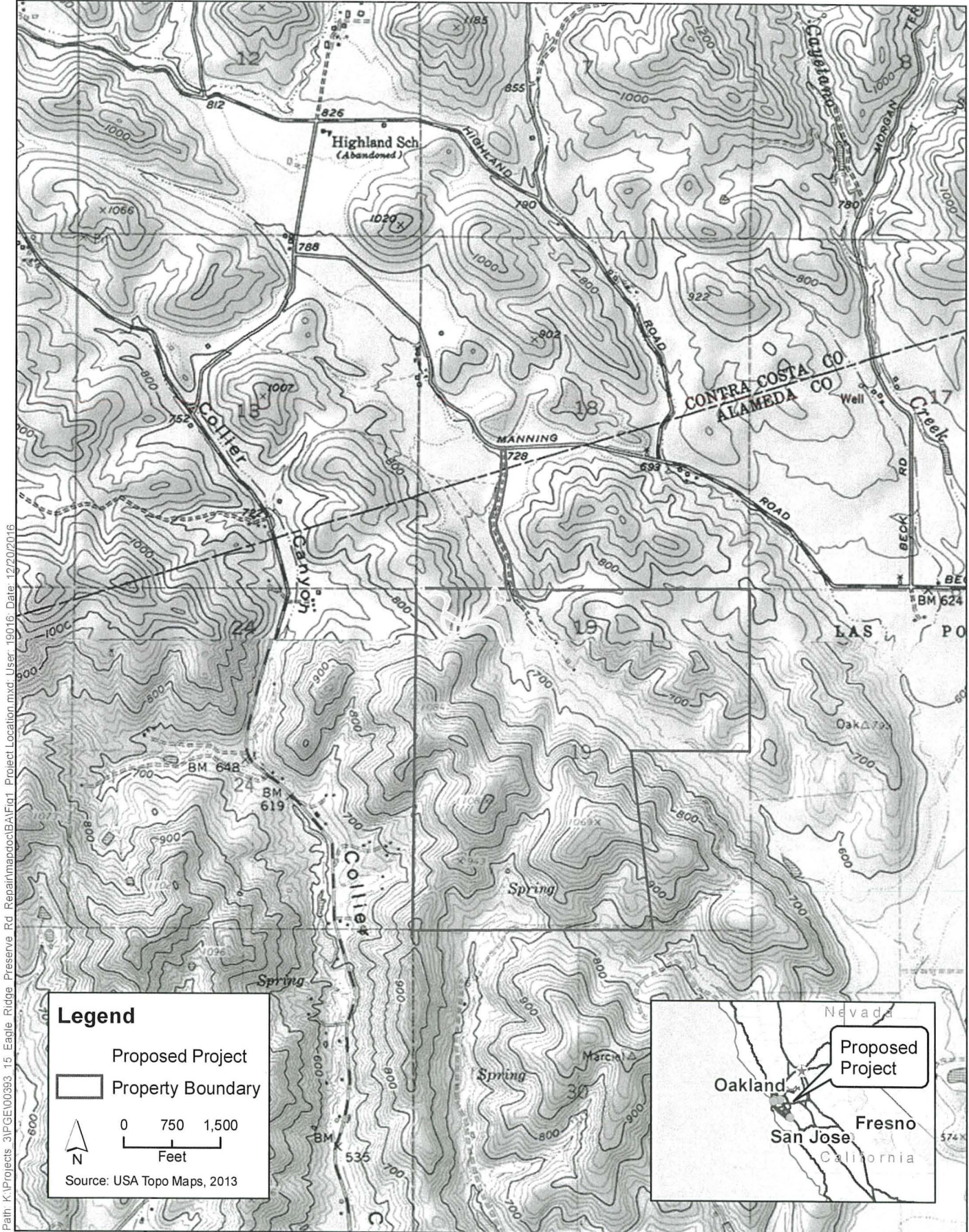


Figure 1
Location of the Proposed
Eagle Ridge Access Road Repair Project



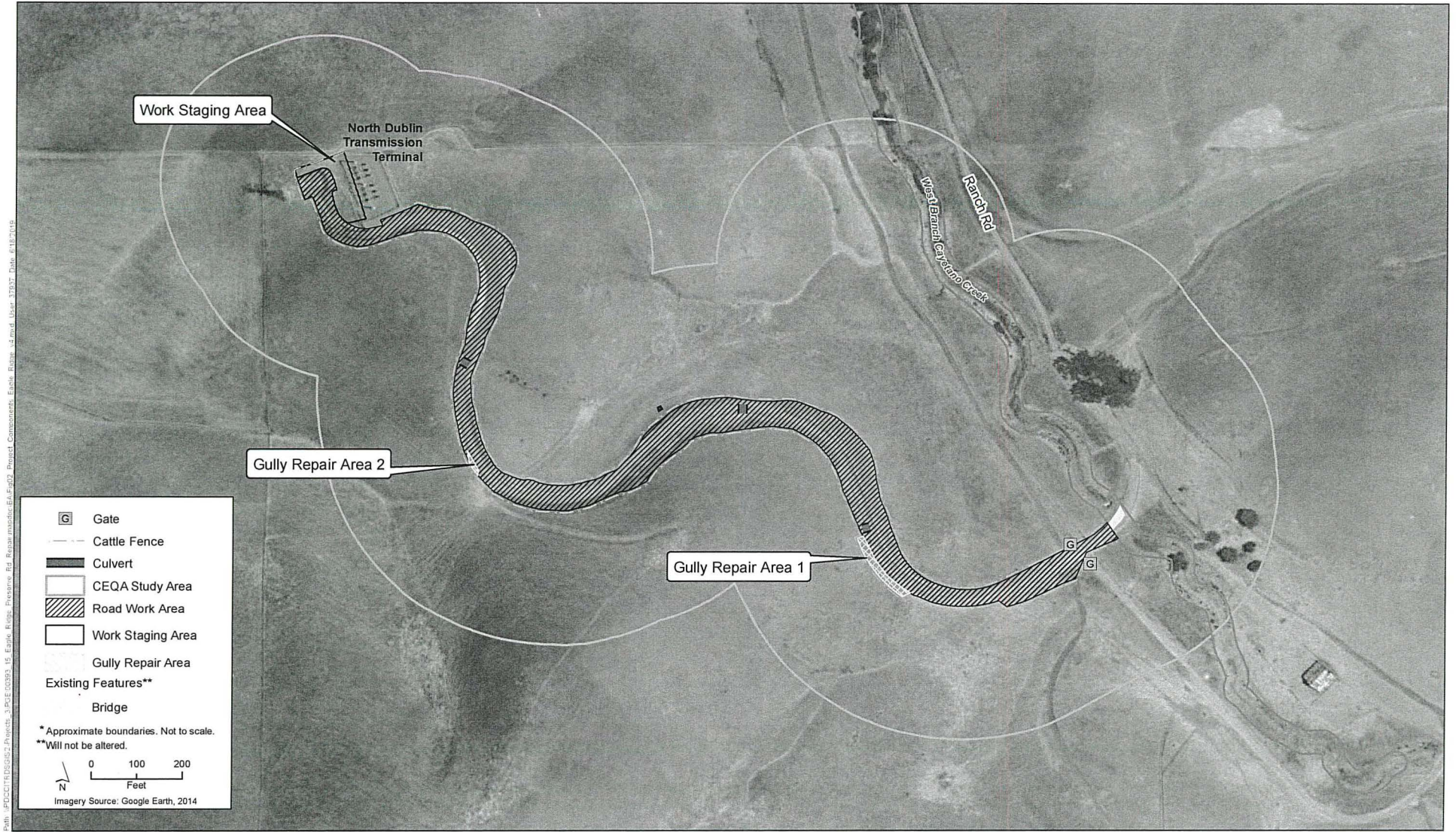


Figure 2
 Project Components for the
 Eagle Ridge Access Road Repair Project



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2016-038-03

PERMITTEE: Pacific Gas and Electric Company

PROJECT: PG&E Eagle Ridge Access Road Repair Project

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the California Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with 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 of 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	<p>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> <p>9.1. Security Amount. The Security shall be in the amount of \$141,700. This amount is based on the cost estimates identified in Condition of Approval 8.1.</p> <p>9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>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.</p> <p>9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 6) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • Timely submission of all required reports; • Proof of purchase of Covered Species Credits; • An on-site inspection by CDFW; and • Written approval from CDFW. <p>Even if Security is provided, the Permittee must complete the required purchase of Covered Species Credits no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional Covered Species Credits 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 # 9.1–9.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
2	Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<p>Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the biological monitor(s) (Designated Biologist) at least 20 days before starting Covered Activities. Information included in this notification should include, at a minimum: a. relevant education; b. relevant training on species identification, survey techniques, handling individuals of different age classes, and handling of different life stages by a permitted biologist or recognized species expert; c. a summary of field experience conducting requested activities; d. a summary of U.S. Fish and Wildlife Service (USFWS) biological opinions and CDFW Incidental Take Permits for which the proposed monitors were responsible, including level (e.g. construction monitoring versus handling); this should also include the names and qualifications of persons under which the work was supervised as well as the amount of work experience on the actual project; e. any relevant professional references with contact information. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species.</p> <p>At least one Designated Biologist(s) who is legally authorized to collect and handle the Covered Species shall be on-site or on-call within 30 minutes of travel time from the Project site at all times during Covered Activities. Authorizations from CDFW for biologists that lack collecting and handling experience may be limited to working under the supervision of more experienced biologists. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities, and shall also obtain written approval in advance if the Designated Biologist(s) must be changed.</p>	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
5	<p>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(s) 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 a fact sheet 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.</p>	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<p>Construction Monitoring Binder. The Designated Biologist(s) shall maintain a construction-monitoring binder 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 binder is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	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. Permittee shall ensure that no trash remains at any site after daily construction.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
8	Equipment and Invasive Plant Species. Permittee shall ensure off-road equipment is clean of mud, soil, and plant parts prior to being brought to the Project Area. Permittee shall ensure off-road equipment moved from areas of known and targeted noxious weeds are to be cleaned prior to being moved to another site not in the immediate vicinity. If Permittee operates on-road equipment on contaminated, vegetated surfaces, Permittee shall ensure the equipment is cleaned prior to departing areas with known weed populations.	ITP Condition # 5.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
9	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (which may be in erosion control matting or straw wattles) or similar material.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	Delineation of Project Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of any work area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities within the fenced, staked, or flagged areas. Permittee shall maintain stakes and flags until the completion of Covered Activities in that area.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
11	Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place barriers as necessary to minimize the disturbance of Covered Species' habitat and minimize risk to Covered Species. Permittee shall remove barriers and delineation materials as soon as possible, after cessation of construction activity and in accordance with Condition of Approval 7.2 (Covered Species Exclusion Plan), unless otherwise authorized by CDFW. Permittee shall maintain all signage and delineation materials in working order until it is removed.	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
12	Project Access. Project-related personnel shall access the Project Area using routes identified in Figure 2 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, designated overland travel routes, staging, and parking areas. Vehicles will not exceed a speed limit of 10 mph on unpaved roads within natural land-cover types, or 5 mph during off-road travel. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.13	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
13	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.	ITP Condition # 5.14	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	CDFW Access. Permittee shall provide CDFW staff with reasonable access to, and within, the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.16	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
15	Pre-activity Covered Species Surveys. Prior to the commencement of Covered Activities, the Designated Biologist(s) shall survey all work areas for presence of Covered Species. This shall entail inspection of all portions of Project Area, including fissures and cracks in the road and burrows beneath the road for Covered Species immediately prior to and during excavation or removal. The Designated Biologist shall then follow initial grading equipment to look for Covered Species. Grading activities shall be done in a manner that allows Designated Biologists to safely survey the area. Multiple biologists may be necessary to survey the area appropriately. If the Designated Biologist(s) or anyone else discovers a Covered Species, Permittee shall cease all activity in the vicinity of the occurrence until relocation has been completed in accordance with Condition of Approval 7.17.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
16	Covered Species Exclusion Plan. Prior to commencing Covered Activities, Permittee shall submit to CDFW a Covered Species Exclusion Plan for CDFW review and approval. Ground-breaking work shall not begin until the plan is approved. The plan shall evaluate each work area based on planned work activities, season of work, Covered Species occurrence to date, duration of site activity, potential Covered Species breeding locations and anticipated directions of potential migration based on Covered Species life cycles and locations of ponds and estivation habitats. The plan shall include the locations of the exclusion barriers and discussion of potential effects on seasonal migration, and indicate when the barriers will be erected and removed. The exclusion barrier shall not include plastic monofilament netting in its construction. The plan shall include multiple escape funnels, ramp, or other methods to allow Covered Species to leave the Project Area unharmed and to prevent entry to it.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	Exclusion Barrier Installation. The Designated Biologist(s) will supervise the installation of the exclusion barriers. The bottom six inches of the barriers shall be buried, if feasible, or otherwise adequately secured to prevent Covered Species movement into the Project Area. Following barrier installation, the qualified biologist(s) shall block holes or burrows entrances within work areas, of burrows avoided by construction activities, if any, that appear to extend under the barrier to minimize Covered Species movement into the Project Area. The exclusion barriers shall remain in place until the Permittee completes all Covered Activities and all construction equipment has been removed from the work area. Any Covered Species found along the barrier shall be relocated in accordance with Condition of Approval 7.17. Permittee shall provide refuge opportunities such as natural cover objects (e.g., fallen logs, leaf litter, and branches), or artificial cover boards along or near the outside of the barrier. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the barrier. When the Permittee cannot avoid burrows, burrows shall be hand excavated (see Condition of Approval 7.7) prior to excavation activities. The Designated Biologist(s) shall relocate Covered Species found during excavation (see Condition of Approval 7.17). Following excavation, the Designated Biologist(s) shall block holes or burrows which appear to extend under the fencing to minimize Covered Species movement into the Project Area.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	Erosion Control Plan. Permittee shall provide for CDFW review and approval an Erosion Control Plan prior to implementing erosion control within the Project Area. CDFW may require modifications to the plan in order to facilitate movement of the Covered Species. The erosion control plan shall include the approximate location, material and spacing of any device used for erosion control and shall include a monitoring plan to ensure that erosion control devices remain effective after rain events. If it appears from monitoring observations that movement of Covered Species is being impeded, CDFW shall retain the right to require more frequent monitoring. Permittee shall provide refuge opportunities, such as coverboards, along or near the outer side of the barrier structures that are determined through monitoring observations to be barriers to Covered Species movement.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
19	Pre-construction Burrow Identification. The Designated Biologist(s) shall mark all burrows within each work area no less than seven days prior to earthmoving activities in those areas. Permittee shall stake and flag burrows that will not be graded or excavated but that are within the active work area for the duration of Project activities to ensure construction personnel are aware of their location, and to facilitate avoidance of these areas where possible.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
20	Burrow Excavation and Avoidance. Permittee shall submit a burrow excavation protocol to CDFW for review and approval prior to Covered Activities. After marking burrows in accordance with Condition of Approval 7.6, the Designated Biologist(s) shall inspect all identified burrows in areas to be graded or excavated for presence of Covered Species. If Covered Species are observed, they shall be relocated as described in Condition of Approval 7.17.	ITP Condition # 7.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
21	Imported Fill. All imported fill shall be weed-free and must be tested for compatibility for use near waterways. Permittee must ensure that fill material does not contain any contaminants that pose a risk to aquatic organisms and Covered Species that is greater than that already present, and must conduct and document an environmental assessment of the soil source. This documentation must be submitted to CDFW and approved prior to importing the fill.	ITP Condition # 7.13	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
22	Covered Species Relocation. Permittee shall submit a Covered Species Relocation Plan to CDFW for its approval prior to the start of Covered Activities. The Relocation Plan will include relocation site selection criteria, and may be combined with an Excavation Protocol document. When Covered Species are observed, the Designated Biologist(s) shall relocate any individuals found to an active rodent burrow system located no more than 300 feet outside of the Project Area, or the nearest suitable burrow beyond that distance. Permittee may also propose alternative locations developed in consultation with the Eagle Ridge Preserve Manager beyond 300 feet outside of the Project Area in the Relocation Plan. The relocation areas shall be identified by the Designated Biologist based upon best suitable habitat available, and Covered Species life history / time of year and approved by CDFW prior to the start of Covered Activities. The Covered Species shall be released as soon as possible. A suitable burrow should be at least three inches in depth and have moist and cool conditions. If burrow density allows, the Designated Biologist(s) shall only release one animal per burrow. The Designated Biologist(s) may encourage Covered Species to enter the burrows by gently nudging if they do not enter on their own. If the animal repeatedly walks away from the burrow, or partially enters it and then turns around, the Designated Biologist(s) shall remove it and find another burrow. The Designated Biologist(s) shall release individual Covered Species one at a time rather than as a group.	ITP Condition # 7.17	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Permittee shall either purchase a total of 2.648 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) within the East Alameda County Conservation Strategy (EACCS) CTS North mitigation area (Chapter 3, Figure 3-10, dated October 2010) OR shall provide for both the permanent protection and management of 2.648 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	Covered Species Credits. Permittee shall purchase 2.648 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. OR SHALL COMPLY WITH CONDITION 8.3 (8.3.1 – 8.3.6)	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

25	<p>8.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p> <p>8.3.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p> <p>8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). 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;</p> <p>8.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.</p> <p>8.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p> <p>8.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and</p>	ITP Condition # 8.3.1 - 8.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				
26	<p>Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) [or PAR-equivalent analysis (hereinafter "PAR")] to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	Habitat Restoration. Permittee shall restore on-site the 2.648 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Prior to commencement of Covered Activities, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of 2.648 acres of temporary construction disturbance on-site. Covered Activities shall not commence until CDFW approves the plan. The plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods, and a proposal to prevent the spread of Phytophthora and other pathogens. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The plan shall also indicate the best time of year for seeding to occur, and three years of monitoring and success criteria. The Permittee shall ensure that the contractor successfully implements the plan. Plantings undertaken between April 15 and October 15 shall include regular watering to ensure adequate growth if necessary. Permittee shall not plant, seed, or otherwise introduce invasive plant species. Prohibited exotic plant species include those identified in the California Invasive Plant Council's Inventory Database, which is accessible at: http://www.cal-ipc.org/paf/ .	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project/ Post-Construction	Permittee	
28	Phytophthora and Pathogens – Pre-Construction. The Project Area is at risk of Phytophthora infestation. All vehicular equipment moving onto the access road shall be pressure washed prior to entry to reduce the risk of transporting vegetation pathogens and other invasive agents. A discussion of Phytophthora sudden oak death shall be included in the pre-construction training.	ITP Condition # 8.6.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					
29	Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles or enter adjacent tributaries, swales, or wetlands. Chemical additives used for dust suppression must be reviewed and approved by CDFW prior to use.	ITP Condition # 5.7	Entire Project	Permittee	
30	Erosion Control. Permittee shall utilize erosion control measures throughout all phases of the Project. No phase of the Project may be started if its associated erosion control measures cannot be completed prior to the onset of a storm event. Permittee shall monitor erosion control measures before, during, and after each storm event and repair and/or replace ineffective measures immediately. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to starting any phase of the Project that may result in sediment runoff to aquatic habitat. Erosion control measures that must be left in place during the rainy season (typically October 15 to April 15) shall be arranged in such a way as to allow movement of the Covered Species. Observation of impacts such as repeated occurrences of Covered Species that appear to be impeded from moving towards breeding ponds, may require additional mitigation actions by the Permittee, as described in Condition 6.11 and Section 8 of this permit.	ITP Condition # 5.9	Entire project	Permittee	
31	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 limit the storage and handling of hazardous materials within the Project Area to sites approved by the Designated Biologist(s) and reported to CDFW, and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	No Pets or Firearms. Permittee shall not allow pets or firearms within any work areas. This shall not apply to authorized security personnel, or local, state, or federal law enforcement officials.	ITP Condition # 5.17	Entire Project	Permittee	
33	Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from that work area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.18	Entire Project	Permittee	
34	Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	
35	Documentation of Project Area and Covered Activities. Permittee shall conduct photo monitoring of the Project Area. Photo points shall provide comprehensive views of the Project Area including areas where Covered Activities will occur. Prior to commencement of work, Permittee shall identify representative views of all portions of the Project Area where impact to Covered Species upland habitat could occur, at intervals of no less than 1000 feet. Permittee shall photograph the project area from flagged points, noting the direction and magnification of each photo. On a monthly basis, Permittee shall photograph the Project Area from the established photo points using the same direction and magnification as pre-construction photos. Permittee shall provide labeled copies of photographs taken at each photo point to CDFW as a component of Monthly Compliance Reports (see Condition of Approval 6.6). Upon completion of construction, Permittee shall photograph post-project conditions from the flagged photo points using the same direction and magnification as pre-project photos. Labeled digital copies of pre- and post-project photographs shall be sent to CDFW within forty-five (45) days of completion of the project.	ITP Condition # 6.3	Entire Project	Permittee	
36	Daily Compliance Monitoring. Unless otherwise authorized by CDFW in writing, the Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to: a. minimize incidental take of the Covered Species; b. prevent unlawful take of species; c. check for compliance with all measures of this ITP; d. check all exclusion zones (see Conditions of Approval 7.2-7.4); and e. ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, weather conditions (including rainfall and humidity), observations of Covered Species and other wildlife species, and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist(s) shall conduct compliance inspections a minimum of one day per week during periods of inactivity longer than 5 days. On days during periods of construction inactivity with 0.10" or more of rainfall, inspections shall be on a daily basis.	ITP Condition # 6.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	Weekly Compliance Monitoring. During periods of inactivity, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week only after Permittee obtains written approval from CDFW. If CDFW approves weekly compliance monitoring, temporary barriers shall be inspected daily before, during, and after rain events. Daily compliance inspections shall resume if the Designated Biologist or CDFW finds the Permittee is out of compliance with any conditions of this ITP including the failure to maintain the temporary barrier described in Condition of Approval 7.4.	ITP Condition # 6.5	Entire Project	Permittee	
38	Monthly Compliance Report. The Designated Representative or Designated Biologist(s) shall compile the observation and inspection records identified in Conditions of Approval 6.4 and 6.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to CDFW's offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program by the 10th working day of the following month. At the time of this ITP's approval, the CDFW Regional Representative is Serge Glushkoff, Senior Environmental Scientist (Serge.Glushkoff@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 # 6.6	Entire Project	Permittee	
39	CNDDDB Observations. The Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist(s) shall include copies of the submitted forms with the next Monthly Compliance Report or Final Mitigation Report, whichever is submitted first relative to the observation.	ITP Condition # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	<p>Notification of Take or Injury. Permittee 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) or Designated Representative shall provide initial notification to CDFW by calling the CDFW Representative at (707) 339-6191, and email notification if direct contact is not immediately established. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, in compliance with Conditions 7.17, 7.18 and 7.19, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, GPS location of the animal or carcass, photographs of the location and the animal if possible, measurements (snout-vent and total length) explanation as to cause of take or injury, and any other pertinent information, including location of release if relevant. CDFW shall retain the right to require additional documentation or tabulation of Covered Species occurrences, particularly in cases with multiple occurrences.</p> <p>If the Covered Species is found recently deceased, the Designated Biologist(s) shall immediately bag, label, and preserve the carcass in a freezer. The label shall include time and date of discovery, GPS location, circumstances surrounding death (if known), and ITP tracking number. Permittee shall deliver specimens to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road, Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.</p>	ITP Condition # 6.10	Entire Project	Permittee	
41	<p>Temporary Impact Criteria. To be considered a temporary impact, all temporary impacts must meet the following criteria: a. recontouring and seeding of each temporary impact area shall occur by October 31 of the year of the temporary impact; b. temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (Condition of Approval 8.6); and c. all wildlife exclusion barriers must be removed prior to October 31 or the first rainfall of 0.25", whichever occurs later.</p> <p>An amendment to this ITP and additional compensatory mitigation may be required to account for additional impacts associated with not meeting the temporary impact criteria.</p>	ITP Condition # 6.11	Entire Project	Permittee	
42	<p>Exclusion Barrier Inspection and Maintenance. The Permittee shall maintain the exclusion barrier to ensure that it is functional and without defects. The Designated Biologist(s) shall inspect the barrier at least three times per week, as well as during and after a storm event, until it is removed to look for Covered Species and to ensure barrier integrity. If the barrier is damaged, Permittee shall repair the exclusion barrier immediately. CDFW may require increased inspection intervals based upon planned construction activities at each site, recent and forecasted weather events, and the results of pre-construction surveys, and previous inspections and Covered Species occurrences. Permittee shall maintain the exclusion barriers continuously until all construction activities are completed within the work areas. Permittee will remove the exclusion barrier as soon as possible, but no later than 7 days after activities have ceased.</p>	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	Erosion Control Plan. Permittee shall provide for CDFW review and approval an Erosion Control Plan prior to implementing erosion control within the Project Area. CDFW may require modifications to the plan in order to facilitate movement of the Covered Species. The erosion control plan shall include the approximate location, material and spacing of any device used for erosion control and shall include a monitoring plan to ensure that erosion control devices remain effective after rain events. If it appears from monitoring observations that movement of Covered Species is being impeded, CDFW shall retain the right to require more frequent monitoring. Permittee shall provide refuge opportunities, such as coverboards, along or near the outer side of the barrier structures that are determined through monitoring observations to be barriers to Covered Species movement.	ITP Condition # 7.5	Entire Project	Permittee	
44	Dry Weather and Dry Season Restriction. Permittee shall ensure that Covered Activities involving ground disturbance and heavy equipment use (such as excavation, grading, and contouring) are limited to the period from April 15 to October 14 of each year (Dry Season) until the expiration of this ITP. Covered Activities that do not require ground disturbance (i.e., inspections, welding, etc.) are not subject to this condition. The Permittee shall monitor the National Weather Service (NWS) 72-hr forecast for the Project Area. If a 30% or more chance of rain is predicted within 72 hours during Covered Activities, Permittee shall cease all Covered Activities until no further rain is forecast. Ground disturbing activities may resume 48 hours after the rain ceases when there is a less than a 40% chance of precipitation in the 24-hour forecast. The Designated Biologist(s) shall keep records of both rainfall and humidity on-site and subject to inspection (see Condition of Approval 6.4).	ITP Condition # 7.8	Entire Project	Permittee	
45	Time of Day Work Restriction. Permittee shall terminate all major construction activities 30 minutes before sunset and shall not resume them until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department. If an activity has been started that cannot be finished during daylight hours, Permittee may conduct nighttime work for up to a total of seven nights throughout the entire Project Area while this ITP is valid and will notify CDFW prior to each night of work. Covered Activities during the night are not allowed if Covered Activities occurred the previous night (i.e. no consecutive nights of Covered Activities). Permittee shall limit nighttime work in extent, duration, and brightness to the maximum extent possible. Permittee shall face lighting downward and will only use lighting in the immediate workspace. The Designated Biologist(s) will continue to be present during all night work. Permittee shall not conduct any nighttime work if a 30% or more chance of rain is predicted within 72 hours (see Condition of Approval 7.8).	ITP Condition # 7.9	Entire Project	Permittee	
46	Structure Inspection. Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored in the Project Area for one or more overnight periods are either securely capped prior to storage or thoroughly inspected by the Designated Biologist(s) before the pipe is buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.17.	ITP Condition # 7.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	Open Excavation, Trenches, and Inspection. To prevent the accidental entrapment of Covered Species, Permittee shall cover all excavated holes or trenches deeper than 6 inches with plywood or similar material with no cracks or open spaces, at the end of each workday. Edges of plywood shall be sealed with dirt and plywood shall be weighted down to prevent it from moving. At the end of each workday, Permittee shall ramp foundation trenches or large excavations that cannot easily be covered to allow trapped animals an escape method. The ramp may be constructed of either dirt fill or wood planking or other suitable material placed at an angle no greater than 30 degrees. The Designated Biologist(s) shall inspect holes, trenches, and ramps each morning that Covered Activities occur, or otherwise at intervals of no less than 24 hours. The Designated Biologist(s) will thoroughly inspect such holes or trenches for trapped Covered Species. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.17.	ITP Condition # 7.11	Entire Project	Permittee	
48	Vehicle and Equipment Inspections. The Permittee shall inspect all equipment and vehicles at the beginning of every workday, prior to commencement of work activities. Prior to movement, the Permittee shall inspect areas beneath all vehicles and equipment that have remained stationary for ten minutes or longer. If a Covered Species is discovered, Permittee shall not move equipment until the animal has left voluntarily or is removed by the Designated Biologist(s) according to the Covered Species Relocation Plan, Condition of Approval 7.17.	ITP Condition # 7.12	Entire Project	Permittee	
49	Spoils Piles. Permittee shall place spoils piles away from concentrations of small mammal burrows.	ITP Condition # 7.14	Entire Project	Permittee	
50	Covered Species Documentation. The Designated Biologist(s) shall document occurrence and relocation sites by photographs and GPS positions. When handled, the Designated Biologist(s) will photograph and measure (snout-vent) the Covered Species for identification purposes prior to relocation. The Designated Biologist(s) shall monitor the Covered Species until it is determined that it is not imperiled by predators or other dangers. Permittee shall provide all documentation to CDFW within 48 hours of Covered Species relocation.	ITP Condition # 7.18	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	<p>Covered Species Handling and Injury. The Designated Biologist(s) shall capture, handle, and assess Covered Species according to the Restraint and Handling of Live Amphibians Protocol, USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001; Attachment 3).</p> <p>The Designated Biologist(s) shall place captured Covered Species individually into a dark, clean plastic container of suitable size with enough room so the animal can move freely. The Designated Biologist(s) shall ensure that hands are thoroughly washed and free of lotions, oils, repellents, or solvents prior to handling Covered Species, and shall keep the container moist with damp paper towels, soft foam rubber, or natural or synthetic sponge free of soaps and antibacterial/antifungal treatments. Containers used for holding or transporting shall not contain any standing water. The lids of the containers shall have small air holes for ventilation. Sponges shall not be reused and all other housing materials shall be disinfected between occupants according to the Fieldwork Code of Practice (Attachment 4).</p> <p>If an injured Covered Species is found during the Project term, the individual shall be evaluated by the Designated Biologist(s). Permittee shall contact the CDFW Regional Representative immediately, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the Designated Biologist(s) shall place the injured Covered Species in a shaded container and keep it moist. If the CDFW Regional Representative is not available or has not responded within two hours of initial attempts then the following steps shall be taken:</p> <p>a) If the Designated Biologist(s) determines 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 Condition of Approval 7.17.</p> <p>b) If the Designated Biologist(s) determines that the Covered Species has major or serious injuries as result of Project-related activities, it shall be transported immediately to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity, the individual shall remain in captivity and shall not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and USFWS. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall document the circumstances of the injury, the procedure followed, and the final disposition of the injured animal in a written incident report as described in Condition of Approval 6.10.</p>	ITP Condition # 7.19	Entire Project	Permittee	
52	<p>Conserve Topsoil. The Permittee shall remove and stockpile separately, the top six (6) to twelve (12) inches of soils. Permittee shall place this stockpiled topsoil material back to replicate the original soil stratigraphy at the end of construction.</p>	ITP Condition # 8.6.1	Entire Project	Permittee	
53	<p>Restore Tributaries and Swales. Permittee shall return tributary and swale contours as near as possible to pre-project grade and conditions.</p>	ITP Condition # 8.6.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	Genetic Material for Mitigation Plantings. Permittee shall locally source plant material used for re-vegetation; plant material shall consist of native vegetation. Permittee shall ensure original genetic material (i.e., plants or seeds) for all mitigation plantings was collected from within 50 miles of the Project site. However, the plants/seed may have been propagated by a grower outside of this area.	ITP Condition # 8.6.3	Entire Project	Permittee	
55	Phytophthora – All Construction Phases. Permittee and all contractors shall follow sanitation protocol specified in the Sanitation Guidelines for Professional Crews issued by the California Oak Mortality Task Force (http://www.suddenoakdeath.org/pdf/Professional%20sanitation%20guide.pdf) prior to entering, during Covered Activities, and prior to leaving the Project Area. This measure shall be included in the Vegetation Restoration Plan.	ITP Condition # 8.6.6	Entire Project	Permittee	
POST-CONSTRUCTION					
56	<p>Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum:</p> <ul style="list-style-type: none"> a. a brief description of previously submitted Monthly Compliance Reports for the previous calendar year; b. a general description of the current status of the Project Area and Covered Activities, including actual or projected completion dates, if known; c. a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; d. an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; e. all available information about Project-related incidental take of the Covered Species; f. an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and g. information about other Project impacts on the Covered Species. 	ITP Condition # 6.7	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	<p>Final Mitigation Report. No later than 45 days after Project completion and completion of all mitigation, monitoring measures, and success criteria included in this ITP, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum:</p> <ul style="list-style-type: none"> a. a summary of all Monthly Compliance Reports; b. a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; c. all available information about Project-related incidental take of the Covered Species; d. information about other Project impacts on the Covered Species; e. beginning and ending dates of all Covered Activities; f. 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; g. 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 h. any other pertinent information. 	ITP Condition # 6.9	Post-construction	Permittee	
58	<p>Revegetation. Permittee shall complete revegetation as soon as possible after Covered Activities are completed. Permittee shall cover seeding placed between October 15 and April 15 with broadcast straw, jute netting, coconut fiber blanket, or similar erosion control blanket. Permittee shall not use monofilament or woven plastic strands.</p>	ITP Condition #8.6.4	Post-construction/Entire Project	Permittee	
59	<p>Phytophthora – Post-Construction. Permittee shall implement measures to avoid using plant stock that may be infected with the plant pathogen Phytophthora spp. Measures to avoid contamination with Phytophthora spp. may include, but are not limited to, avoiding collection of propagules (a) from known or likely infected areas; (b) during wet conditions; (3) when soil is muddy; or (d) from within 0.5 meter of the soil surface. Measures may also include implementing heat or chemical treatments to collected seeds prior to installation. Such measures shall be included in the planting plan in the Vegetation Restoration Plan that Permittee shall submit to CDFW for review and approval.</p>	ITP Condition #8.6.7	Post-construction/Entire Project	Permittee	
60	<p>Interim Restoration Obligation. Permittee is responsible for monitoring and maintaining the restored areas until the Vegetation Restoration Plan success criteria have been met. This obligation shall remain beyond the expiration date of this Permit.</p>	ITP Condition # 8.7	Post-construction	Permittee	

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

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

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

Documents in this package include:

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

Proposed Lands for Acquisition Form (PLFAF)

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

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

Included are additional documents:

document(s) to support title exceptions

document(s) to explain title encumbrances

a plot or map of easements/encumbrances on the property

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

County Assessor Parcel Map(s) for subject property

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

Final Permit or Agreement (or other appropriate instrument)

Type of agreement: Bank Agreement Mitigation Agreement

Permit _____ Other: _____
(write in type of permit)

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

Biological Resources Report

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



ATTACHMENT 2B

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>
_____	_____	_____	_____	_____

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: _____

Restraint and Handling of Live Amphibians

USGS National Wildlife Health Center

STANDARD OPERATING PROCEDURE

ARMI SOP No. 100

Revised, 16 February 2001

- I. PURPOSE: Provide guidelines for humane handling of amphibians so that injury and distress to the amphibian are minimized.

- II. SCOPE: These guidelines apply to larvae and tadpoles, as well as adult frogs, toads, salamanders and neotenes. Because of their anatomically different and very delicate skin, tadpoles and larvae must be handled differently than post-metamorphic amphibians.

- III. EQUIPMENT and SUPPLIES.
 - A. Standard capture equipment (seine nets, dip nets, minnow traps)
 - B. Clear plastic bags (half liter or full liter size)

- IV. BACKGROUND: There are three main hazards associated with handling live amphibians: two to the amphibian and one to the handler. To amphibians, the main dangers of being handled are skin damage that could result in secondary skin infections, and bone and muscle injuries caused by struggling when being held. For the handler, the main danger comes from toxic skin secretions produced by some amphibians (in the USA, this is mostly newts and the introduced giant/marine toad).

Tadpoles and larvae have thin delicate skin that is very easily damaged by the slightest handling. The skin of larvae lacks keratin and has fewer cell layers than adult amphibian skin. Therefore, direct contact handling of tadpoles and larvae is to be avoided; instead, these amphibian stages are examined through clear flexible plastic bags containing water. Although the skin of adult (post-metamorphic) amphibians has keratin and is less delicate than larval skin, their skin is still much more delicate than the skin of reptiles, birds and mammals. Rough handling of adult amphibians can easily result in skin abrasions, small tears, punctures, erosions and ulcers; normally, minor skin wounds heal quickly, but if contaminants, sewage or high levels of microorganisms are present in the pond or other environment, then wound infections are possible.

Frogs and Toads. All amphibians can be expected to struggle following capture. For anurans, there is a danger that vigorous kicking with the hindlimbs can cause joint dislocations or a

broken (fractured) back; broken backs are a well-documented and major problem in another species that moves by hopping---rabbits. Therefore, proper restraint of anurans, first and foremost involves inhibiting their ability to kick.

Salamanders. For salamanders, there are three major dangers associated with handling: 1) loss (automizing) of the tail, 2) damage to the very delicate external gills (in neotenes), and 3) back injury during whip-like thrashing movements.

V. METHODS OF PHYSICAL RESTRAINT:

- A. Anurans. Medium and large size frogs and toads (those about 5 grams and larger) should be grasped around the waist with the hindlimbs fully extended. The animal should not be allowed to bend (flex) its hip and knee joints, since this would allow it to kick.
- B. Caudates. Medium and large size salamanders (those about 5 grams and larger) should be grasped in the middle of the body between the forelimbs and hindlimbs. Larval and neotenic salamanders should never be grasped around the head or neck, because the gills can be easily damaged. Under no circumstances should salamanders be grasped by the tail or picked up by the tail.
- C. Larvae. All larvae (including tadpoles) should be handled with nets or scoops. For examinations, the larvae should be placed in a clear plastic bag with a mild amount of water. Alternatively, larvae may be sedated with an anesthetic and examined in a dish or bowl of water. As much as possible, larvae should be examined only while they are in water. Larvae should not be grasped with bare hands.

VI. MISHAPS.

- A. Skin wounds: If an amphibian suffers a skin wound during handling, it is recommended that the wound be sprayed with the over-the-counter product, Bactine® (See the SOP on Toe Clipping of Frogs and Toads, NWHC ACUC Protocol 2001-004). All other topical antiseptics and disinfectants (sprays and ointments) are CONTRAINDICATED in amphibians. If possible, the animal should then be released on land rather than into water, since the antiseptic spray would be quickly washed off in water.

- B. Broken back: If a frog or toads suffers a broken back during capture or handling, it should be promptly euthanized. It would be inhumane to release such a crippled animal. An animal with a broken back will have serious damage to the spinal cord and should show almost immediate paralysis of the hindlimbs and tail. Recommended methods of humane euthanasia include (see NWHC ACUC Protocol 1999-009, Methods of Euthanasia):
1. Pithing
 2. Overdosing in anesthetic solutions of MS222 or benzocaine
 3. Application of a benzocaine-based topical ointment (as used by humans to relieve tooth-aches) to the top of the head and dorsum of the body.
- C. Broken leg: If a major bone of a limb is broken during capture or handling, the animal should be euthanized or taken to a wildlife rehabilitation center or veterinarian for treatment. A broken leg bone typically is recognized as an abnormal bend in the leg where there is no joint; other signs of a broken leg bone are protrusion of a bone fragment through the skin, inability of the animal to move a limb or position a leg in its normal resting posture. After treatment, amphibians with broken bones might be given to a zoo or placed in a captive breeding program. Only if the injured amphibian is kept isolated from all other fish, amphibians and reptiles (eg, in a separate cage) during treatment, can it later be considered for release at the point of capture. Injuries to digits (toes and fingers) generally are not life-threatening; if the skin of the injured toe also is wounded, then treatment with Bactine® prior to immediate release is acceptable. If a toe bone is broken and protruding through the skin, the affected toe may be amputated just proximal to the site of the fracture, the stump should be sprayed with Bactine®, and the animal may be released.
- D. Automized tail: If a salamander automizes (detaches) its tail during capture or handling, the stump should be treated (sprayed) with Bactine®; the salamander can then be promptly released.
- E. Crushing injuries to head and body. Amphibians that have serious injuries to skin, muscles and bones should be promptly euthanized. Crushing injuries that are limited to a limb or tail will require treatment at a wildlife rehabilitation center or a veterinary clinic; alternatively, the animal may be euthanized, but it would be inhumane to release a seriously injured amphibian.

F. Snout abrasions. Amphibians that are held in glass or clear plastic containers may jump head-first into the glass, or may rub their snout against the container in attempts to burrow out. If amphibians are held for more than an hour in a clear container (bottle, aquarium, etc), they should be examined for evidence of skin injury at the tip of the snout and elsewhere around the head prior to release. If abrasions are detected, they should be sprayed with Bactine® prior to release.

G. Toxic skin secretions. All amphibians have glands in their skin that secrete a vast number of chemicals; some of which are merely noxious and repellent-like, while others may cause skin or eye irritation, and some may actually kill. The poison-dart frogs of Central America are an example of a frog with toxic secretions that can kill a human. Among the native amphibians of the United States, the two amphibians of greatest concern are giant toads (also called cane toads, marine toads, aka toads; *Bufo marinus*) and western newts of the genus, *Taricha*.

Giant toads secrete a potent white mucoid substance from their parotid glands (large warts just behind the eyes) that affects the heart, but it is not absorbed through the intact human skin; however, the toxin is readily absorbed through the eyes and mouth. Hence, the best way to prevent poisoning is to carefully avoid rubbing the eyes or putting fingers in the mouth after handling a giant toad. If skin secretions of giant toads contact the eye or mouth, then flush promptly with generous amounts of clean fresh water or contact lens wetting solution, and then seek emergency care at a clinic or hospital if stinging or numbness of the eye or mouth develops.

Newts of the genus, *Taricha*, also secrete toxins from their skin; it is presumed that the entire body of these newts secretes toxins (newts and other salamanders do not have parotid glands). Their skin secretions are very irritating to the eyes and mouth.

Temporary blindness (lasting about 24 hrs) has been reported by field biologists that handled newts and then rubbed their eyes. If sensations of blurred vision, or burning or stinging of the eyes occur after handling any genus or species of newt, wash the eyes with copious amounts of fresh clean water (or contact lens wetting solutions) and promptly seek medical care. Persons with newt skin secretions in their eyes are advised not to drive a vehicle or operate other dangerous or heavy equipment.

Finally, it is possible that other amphibian species in the USA besides giant toads and newts, could produce skin secretions that are irritants to the eyes. Furthermore, amphibians may carry some bacteria in their intestines and feces that are human pathogens, such as the bacteria, *Salmonella* and *Leptospira*. Hence, it is always best to practice good personal hygiene after handling any amphibian (namely, thoroughly wash your hands with soap and water).

VII. CITED LITERATURE:

1. MARTIN, D., and H. HONG. 1991. The use of Bactine® in the treatment of open wounds and other lesions in captive anurans. *Herpetol Rev* 22: 21.

http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp

Green, Earl, D. "Restraint and Handling of Live Amphibians" Standard Operating Procedure. Amphibian Research & Monitoring Initiative, National Wildlife Health Center. United States Geological Survey. 2001.

http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp

ATTACHMENT 4

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 fieldwork at amphibian breeding sites or in other aquatic habitats. Observations of disease 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 direct 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.

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.

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

Issue Date: [*date*]

Beneficiary:

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

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

Expiry: [*Date*] at our counters

Dear Sirs:

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

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

18. We hereby agree with the CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____

ATTACHMENT A

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

To:

[Name and address of financial institution]

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

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

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

Therefore, the CDFW has executed and delivered this Certificate as of the ___ day of _____, _____.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

ATTACHMENT B

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

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

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

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

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

2081 Permit
 Conservation Bank
 2835 NCCP
 1802 Agreement
 1600 Agreement
 Other _____

Project Tracking Number

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

Check information:

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

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