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HABITAT CONSERVATION
PLANNING BRANCH

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

California Endangered Species Act
Incidental Take Permit No. 2081-2018-080-04

PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

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:	Adam Cleary, Manager – Environmental Management, Gas Transmission
Contact Person:	Tony Gigliotti, Senior Land Planner (925) 357-7120
Mailing Address:	5555 Florin-Perkins Road Sacramento, California 95826

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 5.11 of this ITP.

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

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

Project Location:

Pipelines L-301A, L-301G, and L-301H Operation and Maintenance (Project) is comprised of four locations throughout San Benito County (Project Area; Figure 1). Project activities will occur at five discrete work areas (Work Areas) (Figures 2-1 through 2-4). The easternmost Work Area (L-301G RMSCC15-301G Location B) lies northwest of the City of Hollister's city limits, between State Route 156 and Wright Road, approximately 300 feet northeast of the intersection of State Route 156 and Buena Vista Road (Figure 2-1). Access to L-301G RMSCC15-301G Location B will be from Wright Road. Work Area L-301G RMSCC15-301G Location A, is approximately 1.75 miles north of the City of San Juan Bautista along a 4.4-mile long dirt two-track originating from Y Road, northeast of the intersection of State Route 129 and U.S. Highway 101 (Figure 2-2). The remaining Work Areas lie northwest of the City of San Juan Bautista. L-301G Casing Removal and Remediation lies approximately 1.75 miles northwest of the City of San Juan Bautista and is comprised of two Work Areas, L-301G CC-132 and L-301G CC-347, located on either the east or west side of State Route 156 (Figure 2-3). L-301G CC-132, lies immediately to the east of, and will be accessed from, State Route 156. L-301G CC-347, lies to the west of State Route 156, approximately 260 feet west of the L-301G CC-132 Work Area, and will be accessed via an overland two-track route originating from Rocks Road. The fifth Work Area, L-301H CC-313, is north of Anzar Road, approximately 0.66 miles west-northwest of Anzar Road's intersection with U.S. Highway 101 (Figure 2-4) and will be accessed via Anzar Road.

The latitudes and longitudes of all Project Work Areas are listed in Table 1.

Location	General Purpose	Length of Pipeline Affected in Feet	Latitude	Longitude
L-301G RMSCC15-301G Location A	Direct assessment	40	36.872°	-121.530°
L-301G RMSCC15-301G Location B	Direct assessment	40	36.864°	-121.443°
L-301H CC-313	Casing removal	35	36.879°	-121.580°
L-301G CC-132	Casing removal and remediation	81	36.858°	-121.573°
L-301G CC-347	Casing removal and remediation	10	36.858°	-121.573°

Project Description:

The Project includes three interrelated inspection, maintenance, and upgrade activities along two gas transmission lines to maintain safety and reliability of the Permittee's natural gas system. The Project will involve temporary disturbance to 2.24 acres of upland habitat. Project activities include use and staging of heavy equipment; grading and blading of Work Areas and temporary access roads; spreading base rock temporarily where needed throughout Work Areas and access roads; vegetation trimming at Work Areas and along access roads; tree trimming and removal; installation of temporary timber mats and steel

Incidental Take Permit
No. 2081-2018-080-04

PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

plates on access roads to protect the pipeline from damage by heavy equipment; excavation of up to 14 feet to expose pipeline; sandblasting of exposed pipeline; stockpile of topsoil; hauling of materials, equipment, and soil. Following inspection, maintenance, and upgrade activities, site restoration will occur. Site restoration includes removal of construction material and debris; grading to restore pre-Project contours and conditions; removal of base rock from areas that were not previously rocked; spreading of topsoil; and revegetation through application of a seed mix and native topsoil. Equipment needed to perform the above Covered Activities includes tracked excavators, rubber-tired backhoes, hydrovac trucks, or similar machinery, and hand-tools.

It is estimated that Project activities will take seven months to complete and are planned to occur between September 2019 and October 31, 2023. To avoid work during the wet season (generally mid-October to mid-May), Covered Activities are planned to occur in the late spring, summer, and fall seasons to the maximum extent possible. In the event Project activities must be delayed due to weather, unfinished Work Areas will be stabilized for the winter and returned to the following spring or summer. Permittee may continue to work beyond the dry season depending on construction status and weather conditions but will consult with CDFW prior to doing so.

L-301G RMSCC15-301G – Direct Assessment

Direct assessment activities include the evaluation of two locations (Locations A and B) along L-301G to determine whether external corrosion of the pipeline is present and to make necessary repairs to the pipeline. Once gas pipeline L-301G is exposed, the pipeline coating will be sandblasted to allow for inspection of the pipe. The pipe and associated work area will be tented to ensure proper containment and disposal of the blast material. Any pipeline anomalies identified during inspection will then be repaired as necessary within the area of exposed pipeline. All excavations will be a maximum of approximately 13 feet deep below ground surface. Work will occur within the existing pipeline easement.

Location A

RMSCC15-301G Location A will consist of an approximately 10-foot by 44-foot bell hole within an approximately 0.15-acre (6,273-square-foot) Work Area. A total of 40 feet of pipeline will be affected. Access will be along an existing approximately 4.4-mile dirt two-track road that originates from Y road just east of U.S. Highway 101. A temporary 0.20-mile, approximately 0.47-acre (20,627-square-foot), overland access road through ruderal vegetation is needed to access the Work Area from the existing two-track road. The new temporary road will be approximately 20-feet wide (Figure 2-2).

Location B

RMSCC15-301G Location B will consist of an approximately 10-foot by 44-foot bell hole within an approximately 0.23-acre (10,000-square-foot) Work Area. A total of

40 feet of pipeline will be affected. Access will be from Wright Road, immediately east of the Work Area. Excavation will expose a 40-foot section of pipe, including a horizontal bend connecting to an older pipe on the north where corrosion may be occurring (Figure 2-1).

L-301G CC-132 and L-301G CC-347 – Casing Removal and Remediation

Casing Removal and Remediation activities will take place at Work Areas, CC-132 and CC-347, along L-301G to assess the pipeline and make necessary repairs. Activities at these locations will include excavation, pipeline assessment and repair, coating, backfilling, and grading.

Casing CC-132

Work at L-301G CC-132 will occur on the eastern side of State Route 156 within an approximately 0.59-acre (25,500-square-foot) Work Area. A total of 81 feet of pipeline will be affected. Work will include two excavations: one 9-foot by 10-foot bell hole and one 9-foot by 90-foot bell hole. Excavation depths will be approximately 10- and 11-feet; respectively. Access will be direct from State Route 156 (Figure 2-3).

Casing CC-347

Work at L-301G CC-347 will consist of an approximately 9-foot by 11-foot bell hole excavation within an approximately 0.33-acre (14,485-square-foot) Work Area. A total of 10 feet of pipeline will be affected. The depth of excavation will be approximately 14 feet. Access to the work area will be from an approximately 1,060-foot long, 0.37-acre (16,056-square-foot) dirt two-track road and overland route that originates from Rocks Road west of State Route 156. Grading of the access route will occur along the two-track road as necessary and on the overland route to facilitate access to the site (Figure 2-3).

L-301H CC-313 – Casing Removal

Casing removal activities will consist of an approximately 67-foot by 6-foot excavation within an approximately 0.12-acre (5,266-square-foot) Work Area. A total of 35 feet of pipeline will be affected. Excavations will be a maximum of 8 feet in depth below ground surface. Work will be completed to expose and remove the casing around L-301H where it crosses under Anzar Road. Access will be direct via Anzar Road. Two laydown areas to support work at the site will be located to the northeast of the work area; however, these are in previously disturbed substrate and are not included in take coverage under this ITP (Figure 2-4).

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 operation of heavy equipment; grading and blading of Work Areas and temporary access roads; spreading base rock temporarily where needed throughout Work Areas and access roads; vegetation trimming at Work Areas and along access routes; tree trimming and removal; installation of temporary timber mats and steel plates on access roads; excavation of up to 14 feet to expose pipeline; sandblasting of exposed pipeline; stockpile of topsoil; hauling materials, equipment, and soil. Site restoration activities expected to result in incidental take of individuals of the Covered Species include removal of construction material and debris; grading to restore pre-Project contours and conditions; removal of base rock from areas that were not previously rocked; spreading of topsoil; and revegetation through application of a seed mix and native topsoil (collectively referred to as Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as burrow collapse resulting in crushing or suffocation of underground individuals associated with site preparation and excavation; entrapment and burial within trenches and/or open pipelines; crushing by equipment or laydown in the Project Area; or vehicle/equipment strikes in connection with increased Project-related traffic during Covered Activities. 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 resulting from uncovering through the excavation of burrow systems, corralling into a confined area when barrier fencing is erected around the Project Area, and when individuals are salvaged and relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: 1.42 acres for Work Areas and 0.84 acres for access roads, totaling 2.26 acres (collectively, the Project Area).

The Project is expected to cause the temporary loss of 2.24 acres of upland habitat for the Covered Species. At L-301H CC-313, 0.02 acre is already disturbed and therefore not included in impact calculations. Impacts of the authorized taking also include adverse impacts

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

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 soil disturbance; equipment operation and traffic; individual health effects due to increased stress and exposure from capture and relocation; displacement from preferred habitat; loss of foraging opportunities; increased competition for food and space; reduction in dispersal capability; increased vulnerability to predation, exposure, or stress through disorientation; and loss of denning and burrowing habitat used for shelter and escape cover. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for vehicular traffic, equipment 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. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Reinitiation of Consultation for the Pacific Gas and Electric Company Pipeline Operations and Maintenance Project, Monterey and San Benito Counties, California Biological Opinion (Corps File No. 2017-00458) (Service File No. 2018-F-0092) 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.

Incidental Take Permit
No. 2081-2018-080-04
PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

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

4. General Provisions:

- 4.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 4.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history collecting, and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Monitor. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s)/Monitor(s) shall prohibit open communication with CDFW.
- 4.3. Designated Biologist/Designated Monitor Responsibility and Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.

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

- 4.9. Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 4.10. Delineation of Work Area Boundaries. Before starting Covered Activities within each Work Area in active construction, Permittee shall clearly delineate the boundaries of each Work Area within the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. Permittee shall restrict all Covered Activities to the legal right-of-way (ROW) described in their easement deed for the Project Area, temporary construction easements, and encroachment permits.
- 4.11. 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 fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 4.12. Project Access. Project-related personnel shall access each Work Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Work Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the access roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 4.13. 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 unless provided for as described in Condition of Approval 4.12 of this ITP.
- 4.14. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage

and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 4.15. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.16. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project 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, boxes, and all temporary material including timber mats, steel plates, and base rock.

5. Monitoring, Notification and Reporting Provisions:

- 5.1. Notification Before Commencement. The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval set forth in this ITP before starting Covered Activities.
- 5.2. Covered Species Mortality Reduction and Relocation Plan. Prior to conducting the Pre-Activity Clearance Survey (Condition of Approval 6.1) and any Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a *Covered Species Mortality Reduction and Relocation Plan*. The *Covered Species Mortality Reduction and Relocation Plan* shall include, but not be limited to; a discussion of the survey, burrow excavation technique, capture, handling, and relocation methods; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The *Covered Species Mortality Reduction and Relocation Plan* must indicate that only the approved Designated Biologist(s) is/are authorized to capture and handle individuals of the Covered Species unless a Designated Monitor is specifically approved by CDFW in advance and in writing to handle the Covered Species under the direct supervision of the Designated Biologist.
- 5.3. Pre-Activity Clearance Survey Report. Permittee shall provide the results of the Pre-Activity Clearance Survey (Condition of Approval 6.1) to CDFW in a written report prior to the beginning of Covered Activities.
- 5.4. Compliance Monitoring. The Designated Biologist/Designated Monitor shall be on-site daily when Covered Activities occur. The Designated Biologist shall

conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: (1) oversight activities and compliance inspections, (2) observations of Covered Species and their sign, (3) survey results, and (4) monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed.

- 5.5. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 5.6. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 5.7 below and shall also prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.9 below. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 5.11 below, shall include cumulative results, analysis of data collected, and conclusions.
- 5.7. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location

of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

- 5.8. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.
- 5.9. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.4, 5.6, and 5.8 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. Reports for the prior month shall be submitted no later than the 10th of the following month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the regional office email at R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 5.10. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 5.9; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to temporary disturbance, both for the prior calendar year and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 5.11. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

6. Take Minimization Measures:

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

- 6.1. Pre-Activity Clearance Surveys. Prior to initiating Covered Activities, the Designated Biologist shall survey Work Areas for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2). The Permittee shall provide the survey results to CDFW in a written Pre-Activity Clearance Survey Report (Condition of Approval 5.3) prior to beginning of Covered Activities.
- 6.2. Flag Burrows. During the Pre-Activity Clearance Surveys (Condition of Approval 6.1), the Designated Biologist shall flag all small mammal burrows within each Work Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 6.3 below.
- 6.3. Small Mammal Burrow Excavation. Prior to any vegetation- and ground-disturbing activities, all small mammal burrows identified and flagged within individual Work Areas per Conditions of Approval 6.1 and 6.2, above, and within 562 meters of know or potential Covered Species breeding habitat that cannot be avoided by

50 feet shall be fully excavated under the direct supervision of the Designated Biologist(s) in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2). Individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW approved *Covered Species Mortality Reduction and Relocation Plan*. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 6.1.

Those small mammal burrows identified outside but within 50 feet of Work Areas shall be similarly excavated if they occur within 50 feet of ground disturbance within the Work Area. This excavation requirement applies regardless of whether the burrow is located within the Work Area or within 50 feet of the Work Area, except for the following instances, in which excavation is not needed: (1) burrows outside of the Permittee's access and/or control; or (2) burrows outside the Work Area but within 50 feet of Staging Areas and access roads. Individuals of the Covered Species which are found during excavation of these burrows shall be similarly relocated by the Designated Biologist in accordance with the CDFW approved *Covered Species Mortality Reduction and Relocation Plan*. Excavation of these burrows shall also occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.

- 6.4. Covered Species Exclusion Fencing. After surveying, flagging, and excavating small mammal burrows in accordance with Conditions of Approval 6.1, 6.2, and 6.3 above, Permittee shall install exclusion fencing (exclusion fence) around the perimeter of Work Areas to prevent individuals of the Covered Species from migrating into cleared Work Areas. The Covered Species exclusion fencing shall be installed in accordance with a *Covered Species Exclusion Plan* reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours **after** the burrow excavation and relocation work is completed. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fence. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 6.3, above, prior to commencing fence installation. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Work Area(s).
- 6.5. Covered Species Observations. During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is

observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved *Covered Species Mortality Reduction and Relocation Plan* specified in Condition of Approval 5.2.

- 6.6. Covered Species Record of Observations and Handling. All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall report such incidents in accordance with Conditions of Approval 5.6 and 5.7, above, and shall also submit this information to the CNDDDB as per Condition of Approval 5.8.
- 6.7. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil cannot pass into "Waters of the State," including the San Benito River adjacent to L-301G RMSCC15-301G Direct Assessment Location A, in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion and discharge from any Work Area, in accordance with Condition of Approval 4.8.
- 6.8. Fieldwork Code of Practice. To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 6.9. Covering, Ramping, and Inspecting Excavations. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.
- 6.9.1. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or

ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.

- 6.9.1.1. From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 50 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide. If the excavation is an uncovered trench, then Permittee shall construct earthen ramps on both sides of the trench at a minimum 100-foot interval to facilitate Covered Species movement in both directions.
- 6.9.1.2. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 50 percent chance of precipitation at the Project Footprint within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100-foot intervals, and place cover-boards midway between each pair of ramps. If the excavation is an uncovered trench, then Permittee shall construct earthen ramps on both sides of the trench at a minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Biological Monitor working under a Designated Biologist's direct supervision shall inspect the trench and covers each morning, and relocate any Covered Species found, by 1 hour after sunrise.

- 6.9.1.3. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the cover. The hardware cloth shall be secured to the edge of the cover and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.
- 6.9.2. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.
- 6.9.3. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.
- 6.10. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside a fenced Work Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.
- 6.11. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar

structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.

- 6.12. Work within Dry Season. Permittee shall complete Covered Activities between May 15 and October 15 unless otherwise pre-approved by the CDFW in writing.
- 6.13. Rain Forecast and Night Work. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall strictly prohibit night work when a 50 percent or greater chance of rainfall is predicted within 72 hours. When no rain is forecast, the Permittee shall ensure all artificial lighting is shielded and oriented downward to minimize disturbance and attractiveness to the Covered Species. Covered Activities may proceed during the daytime period between sunrise and sunset while it is raining provided the exclusion fencing completely encloses the Work Area. If a Work Area is not completely enclosed, a Designated Biologist/Designated Monitor shall be present to directly monitor Covered Activities until the rain has stopped.
- 6.14. Covered Species Injury. If an individual of the Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 5.2, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report in accordance with Conditions of Approval 5.6 and 5.7.

7. Habitat Management Land Acquisition and Restoration:

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

- 7.1. Covered Species Credits. To meet this requirement, Permittee shall provide for the permanent protection and management of 2.24 acres of Habitat Management (HM) lands, representing a portion of the 75 upland habitat credits reserved by

the permittee on March 28, 2018 at the CDFW-approved Sparling Ranch Conservation Bank. The Permittee shall provide proof of credit purchase and proof of subtraction of the 2.24 acres of upland habitat credits from the 75 credits reserved in 2018 to CDFW within 30 days of the effective date of this ITP and prior to the start of Covered Activities. The CDFW-approved Sparling Ranch Conservation Bank has a service area that encompasses the Project Area and is known to provide high quality breeding and upland habitat for the Covered Species, has been conserved in perpetuity through a conservation easement, and has funds for long-term management of the conserved lands. Endowment costs are included in the sale price of conservation credits.

- 7.2. Habitat Restoration. Permittee shall restore the 2.24 acres of Covered Species habitat that will be temporarily disturbed during Covered Activities to pre-project or better conditions. Within three (3) months of issuance of this ITP, the Permittee shall prepare a *Vegetation Restoration Plan* to facilitate revegetation of the 2.24 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information for the Restoration Areas: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for the initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.
- 7.3. Habitat Restoration Monitoring. Permittee shall ensure that the *Vegetation Restoration Plan* is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.

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 nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-080-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

Incidental Take Permit
No. 2081-2018-080-04
PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

and a copy to:

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

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

Renée Robison
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 274
Fax (559) 243-4022

Compliance with CEQA:

As the "public agency which has the principal responsibility of approving Pipelines L-301A, L-301G, and L-301H Operation and Maintenance," (Pub. Resources Code, §21067), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, §21000 et seq.). CDFW has determined that this Project is exempt from CEQA because it is subject to California Code of Regulations, Title 14, Article 18 Statutory Exemption §15282 (k) "The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length"; as well as Pub. Resources Code, §21080.21, "This division does not apply to any project of less than one mile in length within a public street or highway or any other public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline." "Pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility." (Pub. Resources Code, §21080.21). CDFW has filed a Notice of Exemption for the Project.

Findings Pursuant to CESA:

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

Incidental Take Permit
No. 2081-2018-080-04
PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2.24 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable

Incidental Take Permit
No. 2081-2018-080-04

PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE

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 2-1	Map of L-301G Direct Assessment RMSCC15-301G Location B
FIGURE 2-2	Map of L-301G Direct Assessment RMSCC15-301G Location A
FIGURE 2-3	Map of L-301G Casing Removal and Remediation CC-132 and CC-347
FIGURE 2-4	Map of L-301H Casing Removal CC-313
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/29/19



Julie A. Vance, Regional Manager
CENTRAL REGION

ACKNOWLEDGMENT

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

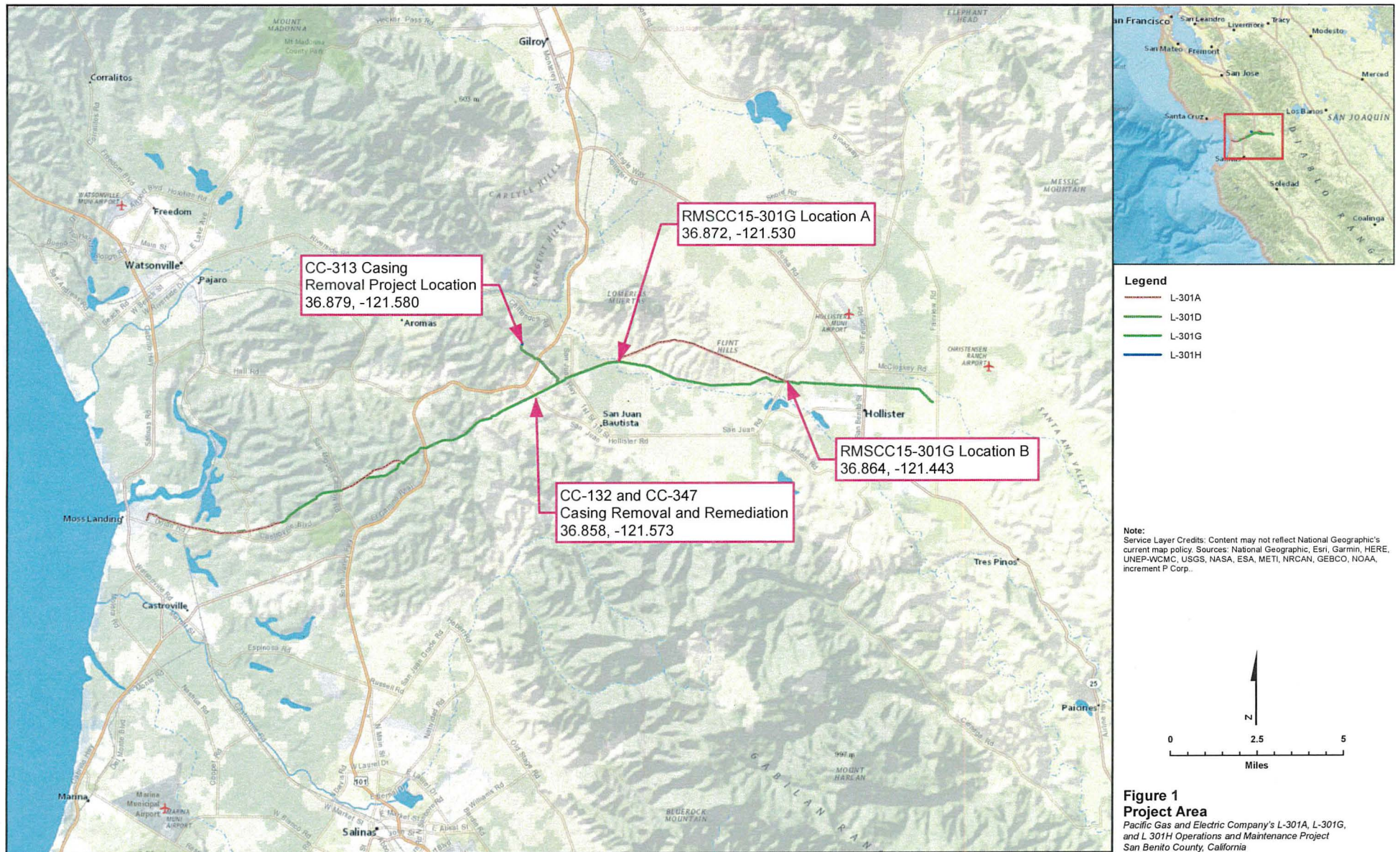
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FOR ADAM CLEARY

Date: 8/30/19

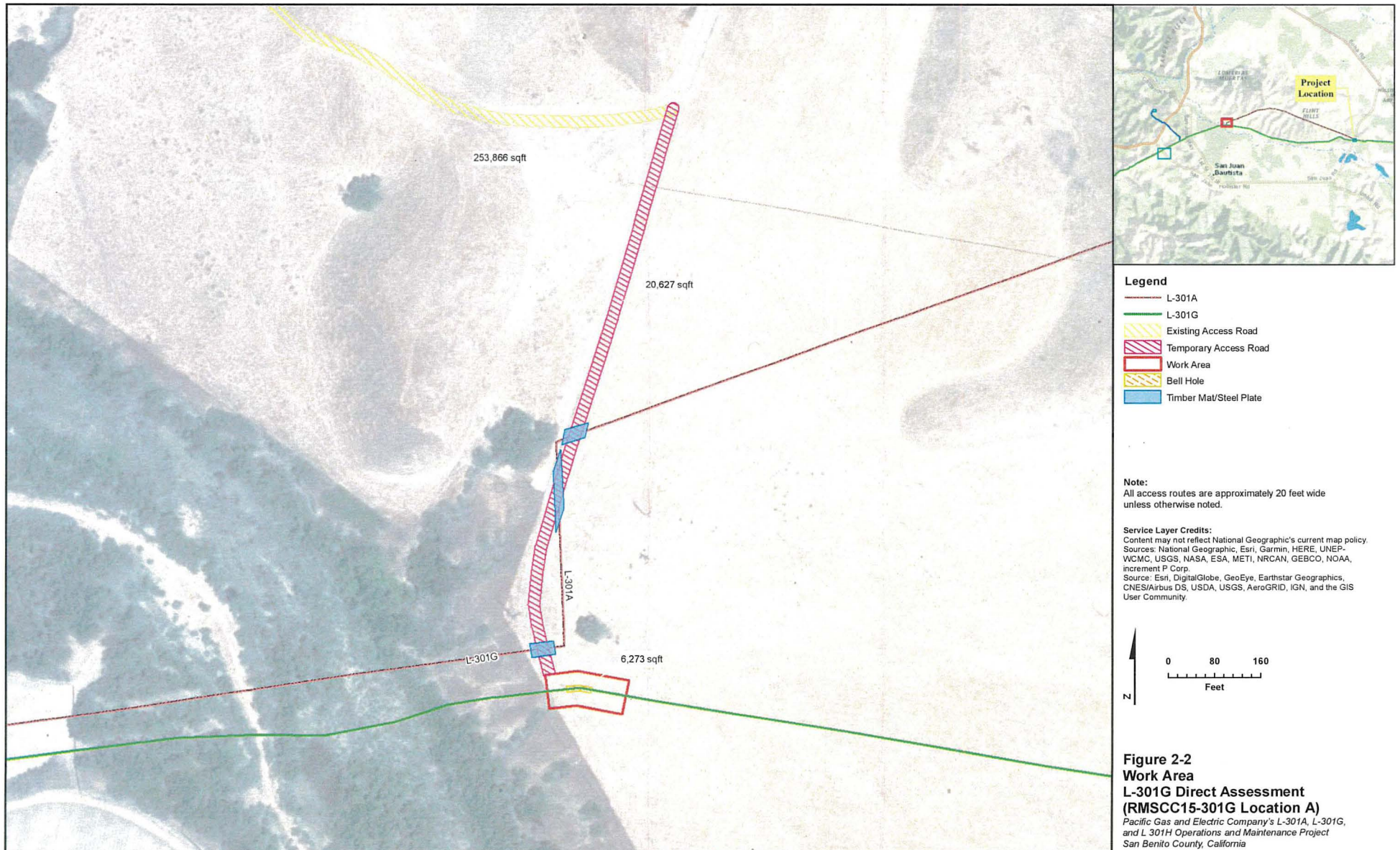
Printed Name: DON TRIPLETT

Title: PRINCIPAL LAND CONSULTANT

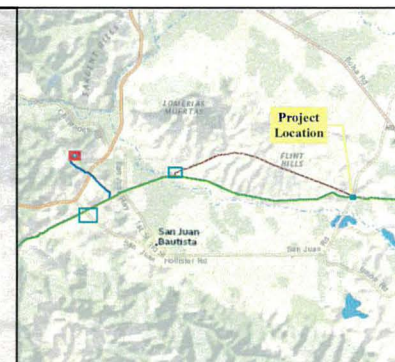
Incidental Take Permit
No. 2081-2018-080-04
PACIFIC GAS AND ELECTRIC COMPANY
PIPELINES L-301A, L-301G, AND L-301H OPERATION AND MAINTENANCE











Legend

- L-301D
- L-301H
- Bell Hole
- Work Area
- Staging Area

Note:
All access routes are approximately 20 feet wide unless otherwise noted.

Service Layer Credits:
Content may not reflect National Geographic's current map policy.
Sources: National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community.

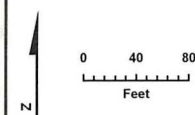


Figure 2-4
Work Area
L-301H Casing Removal
(CC-313)

Pacific Gas and Electric Company's L-301A, L-301G, and L-301H Operations and Maintenance Project
San Benito County, California

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2018-080-04

PERMITTEE: Pacific Gas and Electric Company

**PROJECT: Pipelines L-301A, L-301G, AND L-301H Operation
and Maintenance**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history collecting, and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Monitor. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s)/Monitor(s) shall prohibit open communication with CDFW.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, skunks, and domesticated/feral cats and dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Work Area Boundaries</u> . Before starting Covered Activities within each Work Area in active construction, Permittee shall clearly delineate the boundaries of each Work Area within the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area. Permittee shall restrict all Covered Activities to the legal right-of-way (ROW) described in their easement deed for the Project Area, temporary construction easements, and encroachment permits.	ITP Condition # 4.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 4.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval set forth in the ITP before starting Covered Activities.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to conducting the Pre-Activity Clearance Survey (Condition of Approval 6.1) and any Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a <i>Covered Species Mortality Reduction and Relocation Plan</i> . The <i>Covered Species Mortality Reduction and Relocation Plan</i> shall include, but not be limited to; a discussion of the survey, burrow excavation technique, capture, handling, and relocation methods; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The <i>Covered Species Mortality Reduction and Relocation Plan</i> must indicate that only the approved Designated Biologist(s) is/are authorized to capture and handle individuals of the Covered Species unless a Designated Monitor is specifically approved by CDFW in advance and in writing to handle the Covered Species under the direct supervision of the Designated Biologist.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>Pre-Activity Clearance Survey Report</u> . Permittee shall provide the results of the Pre-Activity Clearance Survey (Condition of Approval 6.1) to CDFW in a written report prior to the beginning of Covered Activities.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Record of Covered Species Relocation Efforts.</u> The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 5.7 below and shall also prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.9 below. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 5.11 below, shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	<u>Pre-Activity Clearance Surveys.</u> Prior to initiating Covered Activities, the Designated Biologist shall survey Work Areas for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the Work Area including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area in accordance with the CDFW approved <i>Covered Species Mortality Reduction and Relocation Plan</i> (Condition of Approval 5.2). The Permittee shall provide the survey results to CDFW in a written Pre-Activity Clearance Survey Report (Condition of Approval 5.3) prior to beginning of Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>Flag Burrows.</u> During the Pre-Activity Clearance Surveys (Condition of Approval 6.1), the Designated Biologist shall flag all small mammal burrows within each Work Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 6.3 below.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<p>Small Mammal Burrow Excavation. Prior to any vegetation- and ground-disturbing activities, all small mammal burrows identified and flagged within individual Work Areas per Conditions of Approval 6.1 and 6.2, above, and within 562 meters of know or potential Covered Species breeding habitat that cannot be avoided by 50 feet shall be fully excavated under the direct supervision of the Designated Biologist(s) in accordance with the CDFW-approved <i>Covered Species Mortality Reduction and Relocation Plan</i> (Condition of Approval 5.2). Individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW approved <i>Covered Species Mortality Reduction and Relocation Plan</i>. Excavation shall occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 6.1.</p> <p>Those small mammal burrows identified outside but within 50 feet of Work Areas shall be similarly excavated if they occur within 50 feet of ground disturbance within the Work Area. This excavation requirement applies regardless of whether the burrow is located within the Work Area or within 50 feet of the Work Area, except for the following instances, in which excavation is not needed: (1) burrows outside of the Permittee's access and/or control; or (2) burrows outside the Work Area but within 50 feet of Staging Areas and access roads. Individuals of the Covered Species which are found during excavation of these burrows shall be similarly relocated by the Designated Biologist in accordance with the CDFW approved <i>Covered Species Mortality Reduction and Relocation Plan</i>. Excavation of these burrows shall also occur no more than 14 days after the completion of the Pre-Activity Clearance Surveys.</p>	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	<p>Covered Species Exclusion Fencing. After surveying, flagging, and excavating small mammal burrows in accordance with Conditions of Approval 6.1, 6.2, and 6.3 above, Permittee shall install exclusion fencing (exclusion fence) around the perimeter of Work Areas to prevent individuals of the Covered Species from migrating into cleared Work Areas. The Covered Species exclusion fencing shall be installed in accordance with a <i>Covered Species Exclusion Plan</i> reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed under the direct supervision of the Designated Biologist and no later than 48 hours after the burrow excavation and relocation work is completed. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fence. When small mammal burrows that are within 562 meters of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 6.3, above, prior to commencing fence installation. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Work Area(s).</p>	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<u>Covered Species Credits.</u> Permittee shall provide for the permanent protection and management of 2.24 acres of Habitat Management (HM) lands, representing a portion of the 75 upland habitat credits reserved by the permittee on March 28, 2018 at the CDFW-approved Sparling Ranch Conservation Bank. The Permittee shall provide proof of credit purchase and proof of subtraction of the 2.24 acres of upland habitat credits from the 75 credits reserved in 2018 to CDFW within 30 days of the effective date of the ITP and prior to the start of Covered Activities. The CDFW approved Sparling Ranch Conservation Bank has a service area that encompasses the Project Area and is known to provide high quality breeding and upland habitat for the Covered Species, has been conserved in perpetuity through a conservation easement, and has funds for long term management of the conserved lands. Endowment costs are included in the sale price of conservation credits.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
17	<u>Habitat Restoration.</u> Permittee shall restore the 2.24 acres of Covered Species habitat that will be temporarily disturbed during Covered Activities to pre-project or better conditions. Within three (3) months of issuance of the ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 2.24 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information for the Restoration Areas: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for the initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.	ITP Conditions #7.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
18	<u>Compliance Monitoring.</u> The Designated Biologist/Designated Monitor shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: (1) oversight activities and compliance inspections, (2) observations of Covered Species and their sign, (3) survey results, and (4) monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 5.4	Entire Project	Permittee	
19	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW in writing if they determine that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 5.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 5.7	Entire Project	Permittee	
21	<u>Operation Monitoring Notebook.</u> The Designated Biologist shall maintain an operation-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 4.5	Entire Project	Permittee	
22	<u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved <i>Covered Species Mortality Reduction and Relocation Plan</i> specified in Condition of Approval 5.2.	ITP Condition # 6.5	Entire Project	Permittee	
23	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.	ITP Condition # 5.8	Entire Project	Permittee	
24	<u>Covered Species Record of Observations and Handling.</u> All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall report such incidents in accordance with Conditions of Approval 5.6 and 5.7 and shall also submit this information to the CNDDDB as per Condition of Approval 5.8.	ITP Condition # 6.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.4, 5.6, and 5.8 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Reports for the prior month shall be submitted no later than the 10th of the following month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the regional office email at R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.9	Entire Project	Permittee	
26	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 the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 5.9; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to temporary disturbance, both for the prior calendar year and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 5.10	Entire Project	Permittee	
27	Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to the Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 4.8	Entire Project	Permittee	
28	Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 4.9	Entire Project	Permittee	
29	Project Access. Project-related personnel shall access each Work Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat outside of or en route to the Work Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the access roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.12 of the ITP.	ITP Condition # 4.13	Entire Project	Permittee	
31	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 4.14	Entire Project	Permittee	
32	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 4.15	Entire Project	Permittee	
33	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil cannot pass into "Waters of the State," including the San Benito River adjacent to L-301G RMSCC15-301G Direct Assessment Location A, in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion and discharge from any Work Area, in accordance with Condition of Approval 4.8.	ITP Condition # 6.7	Entire Project	Permittee	
34	<u>Fieldwork Code of Practice</u> . To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<p><u>Covering, Ramping, and Inspecting Excavations.</u> To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.</p> <p>6.9.1. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.</p> <p>6.9.1.1. From when all Covered Species breeding ponds within 1 mile of the excavation are dry in the spring or summer through October 14, and provided that the National Weather Service forecasts less than a 50 percent chance of precipitation at the Project Footprint within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than 6 feet deep. Escape ramps shall be of native soil or non-slip planks no less than 10 inches wide. If the excavation is an uncovered trench, then Permittee shall construct earthen ramps on both sides of the trench at a minimum 100-foot interval to facilitate Covered Species movement in both directions.</p> <p>6.9.1.2. From October 15 until all Covered Species breeding ponds within 1 mile are dry in the following spring or summer, and any additional time when the National Weather Service forecasts a minimum 50 percent chance of precipitation at the Project Footprint within 72 hours, for steep-walled excavations between six inches and six feet deep, Permittee shall cover the excavations or construct earthen ramps at minimum 100 foot intervals, and place cover-boards midway between each pair of ramps. If the excavation is an uncovered trench, then Permittee shall construct earthen ramps on both sides of the trench at a minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, then Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them or treated as discussed in the following paragraph for excavations that are greater than 6 feet deep. If Permittee elects to leave excavations uncovered overnight within 1 mile of a Covered Species breeding site, then a Designated Biologist or Biological Monitor working under a Designated Biologist's direct supervision shall inspect the trench and covers each morning, and relocate any Covered Species found, by 1 hour after sunrise.</p>	ITP Condition # 6.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<p><u>Covering, Ramping, and Inspecting Excavations.</u> (continued)</p> <p>6.9.1.3. If the excavation is greater than 6 feet deep, then at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the cover. The hardware cloth shall be secured to the edge of the cover and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.</p> <p>6.9.2. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative.</p> <p>6.9.3. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the <i>Covered Species Mortality Reduction and Relocation Plan</i> required in Condition of Approval 5.2.</p>	ITP Condition # 6.9, cont'd	Entire Project	Permittee	
36	<p><u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside a fenced Work Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved <i>Covered Species Mortality Reduction and Relocation Plan</i> required in Condition of Approval 5.2.</p>	ITP Condition # 6.10	Entire Project	Permittee	
37	<p><u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved <i>Covered Species Mortality Reduction and Relocation Plan</i> required in Condition of Approval 5.2.</p>	ITP Condition # 6.11	Entire Project	Permittee	
38	<p><u>Work within Dry Season.</u> Permittee shall complete Covered Activities between May 15 and October 15 unless otherwise pre-approved by the CDFW in writing.</p>	ITP Condition # 6.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<u>Rain Forecast and Night Work.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall strictly prohibit night work when a 50 percent or greater chance of rainfall is predicted within 72 hours. When no rain is forecast, the Permittee shall ensure all artificial lighting is shielded and oriented downward to minimize disturbance and attractiveness to the Covered Species. Covered Activities may proceed during the daytime period between sunrise and sunset while it is raining provided the exclusion fencing completely encloses the Work Area. If a Work Area is not completely enclosed, a Designated Biologist/Designated Monitor shall be present to directly monitor Covered Activities until the rain has stopped.	ITP Condition # 6.13	Entire Project	Permittee	
40	<u>Covered Species Injury.</u> If an individual of the Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 5.2, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report in accordance with Conditions of Approval 5.6 and 5.7.	ITP Condition # 6.14	Entire Project	CDFW	
41	<u>Designated Biologist/Designated Monitor Responsibility and Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s) and Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 4.3	Entire Project	CDFW	
POST-CONSTRUCTION					
42	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project 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, boxes, and all temporary material including timber mats, steel plates, and base rock.	ITP Condition # 4.16	Post-construction	Permittee	
43	<u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.11	Post-construction and after completion of mitigation	Permittee	
44	<u>Habitat Restoration Monitoring.</u> Permittee shall ensure that the Vegetation Restoration Plan is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.	ITP Condition # 7.3	Post-construction	CDFW	

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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