



California Department of Fish and Wildlife  
Inland Deserts Region  
3602 INLAND EMPIRE BLVD., C-220  
ONTARIO, CA 91764

California Endangered Species Act  
Incidental Take Permit No. 2081-2018-006-06

#### HINKLEY GROUNDWATER REMEDIATION PROJECT

**Authority:** This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>Pacific Gas and Electric Company</b>
<b>Principal Officer:</b>	<b>Andrew K. Williams, Vice President, Land and Environmental Management</b>
<b>Contact Person:</b>	<b>Virginia Strohl, (559) 263-7417</b>
<b>Mailing Address:</b>	<b>77 Beale Street, Mail Code B28P San Francisco, CA 94015</b>

#### Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 30, 2029** for construction activities and **September 20, 2069** for operation, maintenance and decommissioning of existing facilities at the time of this permit and what is built during Phases I, II & III. This ITP does not cover anything beyond the existing facilities and what will be built in Phases I, II & III. This ITP covers construction activities (for Phases I, II & III) until December 30, 2029, and operation, maintenance and decommissioning for existing facilities and facilities constructed as authorized by the ITP within the Project Area until September 20, 2069. If any additional

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

<sup>2</sup>The 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.

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construction or modification of facilities needs to occur after December 30, 2029 an amendment to this ITP or a new ITP will be needed.

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

**Project Location:**

The Hinkley Groundwater Remediation Project (Project) is located within an approximately 30,000-acre Project Area near and within the community of Hinkley, San Bernardino County (See Figure 1). The Hinkley Compressor Station is located near the southern portion of the Project Area in Operable Unit 1 at 34.902097 N Latitude and -117.160246 W Longitude. The Project site is bounded by the Mojave River to the southeast and Water Valley to the northwest.

**Project Description:**

The Project includes construction of various remediation facilities and to operate, maintain and decommission remediation facilities to remediate groundwater chromium-6 contamination at Hinkley. Remediation activities would occur within an approximate 30,000-acre Project Area, which was developed for a federal Habitat Conservation Plan prepared by Pacific Gas and Electric Company (PG&E) for remediation at Hinkley. This Project Area represents the surface area that fully contains the known extent of the chromium-6 contaminated groundwater plume and defines the area within which PG&E will conduct groundwater remediation activities. Three Operable Units (OUs) (OU1, OU2, OU3) have been defined within the remediation Project Area to represent areas in which different types of remedial activities are implemented or will be implemented in relation to the chromium-6 concentrations in the groundwater plume.

Construction work will be completed in 3 Phases: Phase I: Increased Intensity of In-Situ Treatment (IST) in In-Situ Reduction Zones of OU1 and other remedial activities; Phase II: Expanded Agricultural Treatment (AT) in OU1 and OU2, treatment of groundwater areas in the northern area of OU3 should ongoing studies determine that elevated levels of chromium-6 are from PG&E's past activities, and other remedial activities; and Phase III: Further Expansion of AT in OU1, OU2, and OU3, and other remedial activities.

The following remedial activities are planned to be constructed, operated, maintained and decommissioned:

- Groundwater Monitoring Wells (GMWs) are used to conduct groundwater sampling to track chromium-6 and remedial byproducts in the groundwater of the remediation area



and to track the success of remediation techniques. PG&E is proposing to install, operate and maintain (O&M), and decommission GMWs in all OUs.

- Freshwater Injection System (FWIS) injects freshwater into the groundwater as a method of controlling or containing groundwater flow. PG&E is proposing to install, O&M, and decommission FWIS.
- AT involves extracting contaminated groundwater and applying it to Agricultural Treatment Units (ATUs) where soil microbial action reduces dissolved chromium-6 to solid chromium-3. PG&E is proposing ATU construction, O&M and decommission in all OUs.
- Infiltration galleries may be installed and used to supplement the ATUs to achieve groundwater remediation goals. Infiltration galleries are below-surface facilities where chromium-6 is reduced to chromium-3 by adding carbon substances such as ethanol to extracted groundwater, with the treated water percolated through the soil using perforated pipes. PG&E is proposing to construct, O&M and decommission infiltration galleries.
- IST is a treatment that includes mixing biological and chemical reducing agents into contaminated groundwater to promote microbial reduction of chromium-6 to chromium-3 within a contaminated aquifer. PG&E is proposing to construct, O&M and decommission IST facilities in OU1.
- Ex-Situ Treatment (EST) extracts contaminated groundwater and then chromium-6 is chemically precipitated and filtered from the extracted groundwater. Treated groundwater is then reinjected to the aquifer. PG&E proposes to construct, O&M, and decommission EST facilities in OU1 and OU2.
- PG&E will construct, O&M, and decommission access roads in all OUs to provide access to remediation facilities.
- PG&E may acquire private properties and demolish structures on properties within all OUs.
- PG&E may repair wells, pipelines, or other remediation facility structures within all OUs should unexpected damage occur.

The Project includes the alteration and/or development of up to 223.1 acres of high- and low-quality habitat. Project activities include grubbing and grading, drilling of boreholes, installation of monitoring wells, application of groundwater to agricultural fields, developing new agricultural fields, amending soils with mulch, planting crops, installation of irrigation systems, trench digging, installation of wildlife fencing, installation of infiltration galleries, road construction, and other activities.

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

This ITP covers the following species:

### Name

### CESA Status

- |  |                         |
|--|-------------------------|
| 1. Agassiz's desert tortoise ( <i>Gopherus agassizii</i> )       | Threatened <sup>3</sup> |
| 2. Mohave ground squirrel ( <i>Xerospermophilus mohavensis</i> ) | Threatened <sup>4</sup> |

These species and only these species are 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: grubbing and grading, drilling of boreholes, installation of monitoring wells, application of groundwater to agricultural fields, developing new agricultural fields, amending soils with mulch, planting crops, installation of irrigation systems, trench digging, installation of wildlife fencing, installation of infiltration galleries, and road construction (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of the Covered Activities through vehicle or equipment strikes, vehicles crushing individuals located in or outside of burrows, or by tortoises becoming trapped in pits, trenches, or open pipes, or predation as a result of predators being attracted to work areas (e.g., ravens or coyotes). 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 by moving desert tortoise out of harm's way or off site. The areas where authorized take of the Covered Species is expected to occur include: Hinkley Valley north of the Mojave River, west of Mount General and south east of Water Valley (collectively, the Project Area).

The Project is expected to cause the permanent loss of 158.1 acres of habitat for the Covered Species, and temporary loss of 65 acres of habitat for the Covered Species. Adverse impacts related to the authorized taking of the Covered Species include 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, vibrations from tunneling, and capture and relocation, and long-term effects due

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(A)

<sup>4</sup>See Cal. Code Regs. Tit. 14, § 670.5, subd. (b)(6)(A).



to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

**Incidental Take Authorization of Covered Species:**

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

**Conditions of Approval:**

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2008011097) certified by California Regional Water Quality Board on March 18, 2014 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Hinkley Groundwater Remediation Habitat Conservation Plan (FWS-SB-13BO122-18F0505) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the

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Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

## 5. General Provisions:

- 5.1. Designated Representative. Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing a **minimum of 40 days** before starting Covered Activities of the Designated Representative's name, business address, office and mobile phone numbers, and email address, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Biologists and Veterinarians Approvals for Desert Tortoises. Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2, or information similar to what is required in Attachment 2 in another format, to demonstrate the Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) qualifications and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 30 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP and associated Desert Tortoise Translocation Plan (DTTP) that the Permittee is requesting approval for that individual to carry out.
- 5.3. Biologists Approvals for Mohave Ground Squirrels. Permittee shall obtain CDFW approval of the Authorized Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2, or information similar to what is required in Attachment 2 in another format, to demonstrate the Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) qualifications and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 30 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP that the Permittee is requesting approval for that individual to carry out.



- 5.4. Biological Monitor(s). Biological Monitor(s) shall be knowledgeable and experienced in the biology, and natural history of the Covered Species. The Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.
- 5.5. Authorized Biologist(s). Permittee shall ensure that the Authorized Biologist(s) is knowledgeable in the biology and natural history of Covered Species. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.
- 5.5.1. The Authorized Biologist(s) for desert tortoise shall have experience excavating burrows, handling and temporarily holding desert tortoises, relocating/translocating desert tortoises, reconstructing desert tortoise burrows, unearthing and relocating desert tortoise eggs, and can locate, identify, and record all forms of desert tortoise sign, conduct health assessments, conduct protocol level surveys, and if necessary, can attach/remove transmitters, and has experience collecting blood samples.
- 5.5.2. The Authorized Biologist(s) for Mohave ground squirrel shall have pertinent field experience in capturing and handling ground squirrels or other small mammals in desert/arid communities.
- 5.6. Authorized Biologist(s) and Biological Monitor(s) Authority. To ensure compliance with the Conditions of this ITP, the Authorized Biologist(s) and Biological Monitor(s) shall have authority and take necessary steps to immediately stop work if any activity does not comply with this ITP and/or Authorized Biologist(s) shall order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. If a Biological Monitor or Authorized Biologist stops work, work shall not resume until an Authorized Biologist determines that all activities are in compliance with this ITP and communicates that determination to the onsite manager. Permittee shall inform all persons employed or otherwise working in the Project Area that the Biological Monitor(s) and Authorized Biologist(s) have the authority described in this subsection.
- 5.7. 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 Biological Monitor(s) or Authorized Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered

Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute 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 twice annually for long-term and/or permanent employees that will be conducting work within the Project Area.

- 5.8. Construction Monitoring Notebook. The Biological Monitor(s) and Authorized Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the work site upon request by CDFW.
- 5.9. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.10. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Biological Monitor(s) and Authorized Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.11. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.12. Delineation of Work Site. Before starting ground disturbing Covered Activities, Permittee shall clearly delineate the boundaries of the work site with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.



- 5.13. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the work site with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.14. Project Access. Project-related personnel shall access work areas using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or in route to the work site. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads.
- 5.15. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to designated laydown areas or disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked work site.
- 5.16. 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, except as provided for in the notification, and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.17. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.18. 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, and boxes.
- 5.19. Firearms and Dogs. Permittee shall prohibit domestic dogs (except service dogs) from work areas and site access routes during Covered Activities, and will also prohibit firearms, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.
- 5.20. Escape Ramp in Trench. At the end of each workday, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in

the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. Covering of excavations, including trenches, may alternatively be used to prevent the Covered Species from entrapment where Covered Activities are conducted in locations not already protected by exclusion fencing.

- 5.21. Herbicides. Only herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR) shall be used. All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than five (5) miles per hour.
- 5.22. Post contaminated material removal. Onsite refueling or lubrication of vehicles and cleaning of equipment, or other activities that involve the use of fuels, lubricants, or solvents, will require a constructed secondary containment area that includes, at a minimum, a perimeter berm, and leak proof liner. If a spill occurs, the appropriate clean-up actions should commence as efficiently and safely as possible. Once the contaminated material has been removed, Permittee shall slope and contour the disturbed area to blend naturally into the existing gradients.
- 5.23. Rodenticides. Permittee shall not use rodenticides in the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) within the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) within the Project Area without prior written permission from CDFW.
- 5.24. Trench Inspection. To prevent entrapment of Covered Species or any other wildlife, the Biological Monitor(s) or Authorized Biologist(s) shall inspect all holes and trenches for entrapped animals at the beginning, middle, and end of each day when trenches are in the open desert without the use of desert tortoise fencing. The Biological Monitor(s) or Authorized Biologist(s) shall oversee the covering of all excavated holes and the covering or installation of ramps for trenches at the close of each working day by plywood or other barrier materials such that animals are unable to enter and become entrapped. Before holes and trenches are filled or ramped, the Biological Monitor(s) or Authorized Biologist(s) shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project activities and notify the Authorized Biologist(s) immediately. Project workers and the Biological Monitor(s) or Authorized Biologist(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under Condition 5.2 of



this ITP shall move the Covered Species out of harm's way before allowing work to continue.

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

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW in writing 14 calendar days before initial start of Covered Activities and shall document using the MMRP compliance with all pre-Project Conditions of Approval.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall immediately report in writing any non-compliance with this ITP to CDFW.
- 6.3. Compliance Monitoring. The Authorized Biologist(s) and/ or Biological Monitor(s) shall be on-site daily when ground disturbing Covered Activities occur. The Authorized Biologist(s) or Biological Monitor(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in designated work areas within the Project Area. The Authorized Biologist(s), and/ or Biological Monitor(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 6.4. Quarterly Compliance Report. The Designated Representative or Authorized Biologist(s) shall compile the observation and inspection records identified in Condition 6.4 into a Quarterly Compliance Report, which shall include a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. The Designated Representative shall submit in writing the Quarterly Compliance Report to CDFW **by the 10th of the month** following the previous quarter's activities. The Designated Representative shall submit the Quarterly Compliance Reports to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Ashley Rosales (Ashley.Rosales@wildlife.ca.gov). CDFW may at any time increase or decrease the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. No reporting will be required if Covered Activities do not occur

within the Project Area during any quarter. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.5. Annual Status Report (ASR). Permittee's Designated Representative shall provide CDFW with an Annual Status Report (ASR) for the previous year **no later than March 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 Quarterly Compliance Reports for that year identified in Condition 6.5; (2) a general description of the status of the 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 activity impacts; (5) all available information about activity-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other activity impacts on the Covered Species.
- 6.6. California Natural Diversity Data Base (CNDDDB) Observations. The Designated Representative shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) **within 10 calendar days** of the observation and the Designated Representative shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. **No later than 45 days** after completion of all mitigation measures, Permittee's Designated Representative shall provide CDFW with a Final Mitigation Report. The Authorized Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. Notification of Take or Injury (NTI). Permittee shall immediately notify the Designated Representative or Authorized Biologist(s) if a Covered Species is taken or injured by



Covered Activities, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Authorized Biologist(s) or Designated Representative shall provide initial notification immediately to CDFW by calling the Regional Office at (909) 466-8462 and by notifying via email the CDFW Regional Representative Ashley Rosales (Ashley.Rosales@wildlife.ca.gov). The initial immediate notification to CDFW shall include information regarding the location of the animal and/or carcass, date and incident location, time of incident, name of the Authorized Biologist(s) present, the activity that caused the take or injury, common and scientific names of species taken or injured, and the ITP Number. Following initial notification, Permittee's Designated Representative shall send CDFW a Notification of Take or Injury (NTI) written report via email within two (2) calendar days. The NTI written report shall include the information in the initial notification and if possible provide a photograph of the species that was taken or injured, and preventative measures that will be implemented to prevent take or injury of Covered Species.

## **7. Take Minimization Measures:**

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

### **7.1. Desert Tortoise and Mohave Ground Squirrel**

**7.1.1 Raven Management.** The Permittee shall implement the Common Raven Management Plan (RMP) to minimize the potential to attract common ravens to the site that was previously approved by CDFW for the project. In addition, the Permittee shall provide funds to the Desert Managers Group (DMG) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a payment of \$105 per acre of project disturbance in advance of each Phase of the project implementation. The Permittee shall provide advanced payments **at \$105.00 for every acre of anticipated disturbance associated for each Phase of the Project, not to exceed 223 acres for a total of \$23,415.00** to the account established with NFWF's Raven Management Plan fund or other approved entity. Funds shall be provided to NFWF **a minimum of 30 days** prior to the start of Covered Activities associated with each Phase using appropriate the deposit document (Attachment 3), and **proof of payment shall be provided to CDFW within 24 hours** after the funds have been provided to NFWF.

**7.1.2 Pre-Construction Clearance Surveys.** No more than 30 days prior to start of ground disturbing Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) approved under Condition 5.2 of this ITP shall conduct pre-construction surveys for desert tortoise, using the methods described in Chapter 6 of the United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual 2009, or most recent version of the Manual, incorporated herein by reference. In addition to the guidance provided in the Manual, CDFW provides the following requirement(s):

- a) Pre-construction clearance surveys will be completed using perpendicular survey routes within the work area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until two (2) negative result separate consecutive surveys using perpendicular survey routes have been done for the Covered Species.
- b) Twenty-Four (24) hours prior to the start of Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) shall conduct the second survey of the work area.
- c) Surveys conducted by a Biological Monitor(s) shall have an Authorized Biologist(s) on-site or on-call. The Biological Monitor(s) shall immediately notify the Authorized Biologist(s) if desert tortoise or eggs are found during the survey. The Biological Monitor shall not touch, handle, or move the desert tortoise or eggs. The Authorized Biologist shall come to the work site for handling and temporarily holding, and relocating/translocating desert tortoises or their eggs following Conditions 7.1.3, 7.1.6, and 7.1.7 of this ITP.

**7.1.3 Desert Tortoise Translocation.** The Permittee shall prepare and implement the Desert Tortoise Translocation Plan (DTTP) approved by CDFW's Regional Representative as part of this permit application. The DTTP authorizes short distance translocation and allows moving a desert tortoise out of harm's way to a maximum distance of 300 meters, into adjacent habitat. Translocation of desert tortoises beyond 300 meters will not be conducted as part of this Project. The DTTP shall include guidance provided in the Health Assessment Procedures for the Mojave Desert Tortoise (*Gopherus agassizii*): A Handbook Pertinent to Translocation, May 2016 and Chapter 7 of the most recent version of the USFWS Desert Tortoise Field Manual, incorporated herein by reference. Verbal and/or written direction and guidance provided by CDFW will always supersede other



direction or guidance. The list of items below will be implemented in addition to the DTTP including, but not limited to the following guidance:

- a) Ambient Air Temperature: During all handling procedures, desert tortoises shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoises shall be kept shaded at all times until it is safe to release them. For the purposes of this ITP, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface.

For all Covered Activities: No desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95°F Fahrenheit (F) (35°C Celsius (C)). No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, desert tortoises shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95°F (35°C). Desert tortoises moved during less periods shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety. During relocation, the Authorized Biologist(s) may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.

- b) Tortoises <100 millimeters (mm) midline carapace length (MCL) shall be translocated immediately without being transmittered, a nasal flush performed, or blood drawn for disease testing as long as the temperature requirements above are met.
- c) If any tortoises >100 mm MCL are translocated within 300 meters of the work area, tortoise fencing with 16 gauge or heavier galvanized after welded wire with mesh opening of no smaller than 1 inch horizontal by 2-inch vertical shall be installed. If hatchlings are discovered a ½ inch horizontal by ½ inch vertical mesh will be required.
- d) A visual inspection will be used to determine health of a tortoise prior to translocation. If a desert tortoise is encountered within a work area with clinical signs of disease, CDFW will be notified immediately to determine the best

course of action. If CDFW approves, desert tortoises with minor signs of disease may be translocated to adjacent habitat or may be removed from the wild population. Desert tortoises showing more systemic or severe clinical signs of disease would be removed from the wild population. Desert tortoises removed from the wild population would be placed into an approved adoption program or euthanized by a veterinarian. Removing a desert tortoise from the wild will require notification to, and prior approval from, CDFW.

- e) CDFW does not authorize the release of tortoises that show systematic signs of illness. If a tortoise exhibits signs of disease, it is the responsibility of the Permittee to locate a CDFW approved facility to place the tortoise.
- f) Prior to the onset of construction activities, an Authorized Biologist(s) will identify translocation release sites that are located away from roads or human disturbance, and that are on non-private property unless there is written consent from the owner, excluding PG&E owned lands. These sites will have suitable shelter and other habitat features for desert tortoises, which include but are not limited to vegetation, cover, and unoccupied desert tortoise burrows. Translocation release points will be as near as possible to the point of capture while ensuring the desert tortoise is out of harm's way and not more than 300 meters from the point of capture.
- g) Fatally injured or killed tortoises: At the expense of the Permittee any Covered Species fatally injured or killed by Covered Activities shall be sent for necropsy (Attachment 4).
- h) Cleaning and Disinfection Protocol. Trifectant is the only product authorized under this ITP or its associated DTTP to be used as a disinfectant. This product is sold as a powder or tablet and is effective against viruses, bacteria (including mycoplasma), and fungi. It is also fairly resistant to inactivation by hard water and organic matter. Contact time for disinfection is 10 minutes and metal instruments should not be soaked for more than ten minutes. A 1-2% solution should be mixed according to instructions on the packaging. Once mixed, the solution is stable for seven days, therefore, the mixture shall not be used if over seven days old.

Cleaning and Disinfection Protocol Shall include the following:

- Remove all grossly visible debris.
- Wash the area or item with water and mild detergent.
- Thoroughly rinse the cleaned area to remove any detergent residue.
- Allow the area to dry completely.



- Apply Trifectant mixture.
- Allow the 10 minutes contact time.
- Thoroughly rinse away any residual disinfectant and allow the area or item to dry.

- 7.1.4 Post-translocation monitoring. Authorized Biologist(s) and Biological Monitor(s) approved by CDFW will monitor the movement of a translocated desert tortoise until it maintains normal behavior. Biologists will continue to monitor its movements for two days after confirming normal behavior to ensure it keeps clear of harm's way.
- 7.1.5 Excavating Burrows. Only Authorized Biologist(s) and Biological Monitor(s) approved by CDFW under Condition 5.2 of this ITP are authorized to conduct burrow excavation. Conduct excavation of burrows following the methods described in Chapter 6 of the USFWS Desert Tortoise Field Manual 2009.
- 7.1.6 Nest and Egg Handling. Only the Authorized Biologist(s) approved by CDFW under Condition 5.2 of this ITP is authorized to handle eggs. Conduct egg handling, using the methods described in Chapter 6 and 7 of the USFWS Desert Tortoise Field Manual 2009.
- 7.1.7 Extracting Desert Tortoises from Burrows. Only Authorized Biologist(s) approved by CDFW under Condition 5.2 of this ITP are authorized to extract desert tortoises from burrows, using the methods described in Chapter 6 of the USFWS Desert Tortoise Field Manual 2009.
- 7.1.8 Desert Tortoise Exclusion Fencing. The Permittee will install desert tortoise exclusion fencing along the perimeter of proposed work areas prior to surface disturbance to prevent encounters with desert tortoise during construction and decommissioning activities where there are ground disturbing activities. The specifications of the desert tortoise exclusion fencing will follow the most recent specification established by the USFWS.

Immediately after exclusion fence construction, and prior to ground disturbing activities within the fenced area, the Authorized Biologist(s) and/or Biological Monitor(s) will conduct a clearance survey following the USFWS' protocol and Condition 7.1.2 of this ITP to ensure that desert tortoises are absent from the work area. All ATUs will have permanent desert tortoise exclusion fencing. Exclusion fence damage will be repaired within two days of observing the

damage. Desert tortoise-proof gates will be installed at all entry points to ATUs. Single-slot tortoise guards can be installed in-lieu of tortoise-proof gates.

Temporary fencing may be used for smaller, isolated construction activities where routine post-construction operations are not anticipated. Temporary fencing will be constructed of material satisfactory to the agencies and consistent with current USFWS specifications. Biological monitoring may be implemented instead of installation of exclusionary fencing for short duration activities\*, at the discretion of the Authorized Biologist(s) and/or Biological Monitor(s), when all of the following criteria are met:

- 1) work is being conducted within the region delineated in Figure 5-1 of Hinkley Groundwater Remediation Project Habitat Conservation Plan (CH2M Hill Engineers, Inc., August 2017) (See Figure 2), which generally contains low-value habitat and non-habitat;
- 2) activities are completed within disturbed and urban/developed land cover types as described in the Habitat Conservation Plan; and
- 3) less than one acre will be disturbed from an activity

\*Short duration activities would be activities lasting less than a week, where it is more feasible and practical to have an Authorized Biologist onsite than to construct temporary tortoise fencing around an activity.

7.1.9 Desert Tortoise Fence Maintenance. The Biological Monitor(s) or Authorized Biologist(s) shall inspect the desert tortoise fencing during construction, daily, during clearing and grubbing activities and during and after major rainfall events to ensure Covered Species is prohibited from entering the work site. Once clearing and grubbing is complete, the Biological Monitor(s) or Authorized Biologist(s) shall conduct weekly inspections of the fence. If the fence is compromised, repairs shall be completed immediately.

7.1.10 Vehicle Inspection. Workers shall inspect for desert tortoise under vehicles and equipment every time before the vehicles and equipment are moved. If a desert tortoise is present, the worker shall contact the Authorized Biologist(s) and wait for the desert tortoise to move unimpeded to a safe location **OR** the Authorized Biologist(s) shall translocate the desert tortoise as described in Condition 7.1.3 of this ITP before moving vehicles and equipment.



- 7.1.11 Minimization of Vegetation Removal. Permittee shall minimize vegetation removal associated with construction activities to the fullest extent possible. The Biological Monitor(s) or Authorized Biologist(s) shall review and approve or deny any grubbing or clearing of vegetation.
- 7.1.12 Desert Tortoise and Mohave Ground Squirrel Observations. If a desert tortoise or Mohave ground squirrel is observed during Covered Activities all work within 300 feet of the covered species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) has verified the tortoise/squirrel has left the work area **OR** an Authorized Biologist(s) approved under Condition 5.2 of this ITP shall relocate the desert tortoise as described in this ITP. The Designated Representative shall immediately notify CDFW of any Covered Species observed within the work site. Notification shall occur within 24-hours to CDFW's Regional Representative Ashley Rosales by e-mail at Ashley.Rosales@wildlife.ca.gov. Within 24 hours after CDFW receives the initial notification the Permittee shall follow up with a written report sent by e-mail to CDFW's Regional Representative listed above. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map, and the location (including GPS coordinates) where the individual was moved.
- 7.1.13 Desert Tortoise Re-hydration. If a desert tortoise voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the individual(s). The Authorized Biologist(s) shall rehydrate the desert tortoise at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be relocated. The Authorized Biologist(s) shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The Authorized Biologist(s) shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration. After each tortoise is rehydrated the water shall be emptied and a new plastic disposable liner placed in the tub.
- 7.1.14 Covered Species Injury. If a Covered Species is injured as a result of Covered Activities, the Authorized Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility ("facilities"). Approved

facilities can be found at <http://www.dfg.ca.gov/wildlife/WIL/rehab/facilities.html>. 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.

7.1.15 Pre-Construction Mohave Ground Squirrel Visual Surveys. Prior to ground-disturbing activities commencing between March 15 and April 15, visual surveys to determine Mohave ground squirrel activity shall be conducted on the Project Area during daylight hours by the Authorized Biologists and/or Biological Monitor(s). Should Mohave ground squirrel individuals be detected, the Authorized Biologist(s) and/or Biological Monitor(s) shall live trap following the Mohave Ground Squirrel Survey Guidelines (CDFG, 2010) or most recent version. The Authorized Biologist(s) and/or Biological Monitor(s) shall translocate captured individuals following Condition 7.1.17 of this ITP. The Authorized Biologist(s) and/or Biological Monitor shall implement Condition 7.1.16 of this ITP for individuals not captured through live trapping efforts.

7.1.16 Mohave Ground Squirrel Burrow Excavation. No more than 30 calendar days prior to ground-disturbing activities, the Authorized Biologist(s) and Biological Monitor(s) shall assess all potential Mohave ground squirrel burrows located within the Project Area.

The Authorized Biologist(s) and/or Biological Monitor(s) shall scope all suitable burrows within the Project Area located north of Thompson Road. The Authorized Biologist(s) and/or Biological Monitor(s) shall hand excavate all occupied or potentially occupied burrows.

The Authorized Biologist(s) and/or Biological Monitor(s) shall scope all suitable burrows within the Project Area located south of Thompson Road. If individuals are encountered, the Authorized Biologist(s) and/or Biological Monitors(s) shall hand excavate all occupied or potentially occupied burrows. If individuals are not encountered, the Authorized Biologist(s) and/or Biological Monitor(s) shall determine if hand excavation is required based on habitat quality and burrow characteristics.

During active season (March 15 – July 15), the Authorized Biologist(s) and/or Biological Monitor(s) shall allow encountered individuals to escape out of harm's way. During the dormant season (September 1 – January 31), the Authorized



Biologist(s) shall collect and immediately relocate individuals following Condition 7.1.17 of this ITP.

The Authorized Biologist(s) and/or Biological Monitor(s) shall determine if burrows located on or adjacent to the perimeter of the Project Area will require scoping, hand excavation, and/or flagging to alert personnel to their presence.

Authorized Biologist(s) and/or Biological Monitor(s) shall notify CDFW of other Special Status or fur bearing wildlife species encountered prior to ground-disturbing activities. If necessary, CDFW shall contact Permittee to discuss mitigation measures for encountered wildlife species that need to be developed and implemented.

**7.1.17 Mohave Ground Squirrel Translocation.** Prior to burrow excavation, the Authorized Biologist(s) and/or Biological Monitor(s) shall prepare artificial burrows in suitable habitat at the base or near vegetation that is part of the Mohave ground squirrel's diet. The Authorized Biologist(s) and/or Biological Monitor(s) shall construct artificial burrows from a 9-inch diameter non-collapsible plastic container connected to a 7-cm diameter non-collapsible plastic pipe. The Authorized Biologist(s) and/or Biological Monitor(s) shall bury the container at a depth of 1 meter, place the pipe at a 35-degree angle, and terminate the entrance of the pipe at the surface of the ground. The Authorized Biologist(s) shall contact CDFW if modification to the artificial burrow design is necessary.

The Authorized Biologist(s) and/or Biological Monitor(s) shall place individuals inside the artificial burrow and partially plug the entrance with loose soil. The Authorized Biologist shall ensure the dimensions of the artificial burrow suit the size of the individual.

Permittee shall contact CDFW for approval of translocation sites prior to trapping and burrow excavation efforts. Permittee shall translocate individuals to approved sites nearest to the capture site, and outside of the Project's impact areas. Artificial burrows may be located on public land or Permittee's property. Individuals may not be translocated to private property unless Permittee obtains written permission from the property owner prior to Covered Activities. Artificial burrows not in use at the end of the Project shall be removed at the expense of the Permittee.

7.1.18 Mohave Ground Squirrel Handling Records. The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Mohave ground squirrel handled. For each individual the record shall include the following: (1) date; (2) GPS location; (3) if applicable, GPS location of artificial burrow the individual was relocated to; (4) and general condition and health. Permittee shall submit the records to CDFW in the Quarterly Reports.

## **8. Habitat Management Land Acquisition:**

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

To meet this requirement, the Permittee shall either purchase up to 456 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of up to 456 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. PG&E shall ensure that its acquisition of compensation lands and/or credits shall remain ahead of the amount of compensation required as a result of take, as associated with anticipated disturbances for each Phase of the Project. Prior to Phase I ground-disturbing or Project-related activities, PG&E shall mitigate in advance 14 acres to compensate for impacts to 7 acres of high- and low-quality habitat. Prior to Phase II ground-disturbing or Project-related activities, PG&E shall mitigate in advance 236 acres to compensate for impacts to 115 acres of high- and low-quality habitat. Prior to Phase III ground-disturbing or Project-related activities, PG&E shall mitigate in advance 206 acres to compensate for impacts to 101 acres of high- and low-quality habitat. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities associated with each Phase, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below. Security or compensatory mitigation shall occur in advance of the loss/degradation of habitat in the Project Area. Acquisitions of conservation lands or performance Security funding shall occur incrementally throughout the permit term and shall reflect the pace and magnitude of impacts from Covered Activities; however, at no time shall the required compensatory mitigation lag behind the impacts from Covered Activities.

8.1 Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:



- 8.1.1 Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$1500.00/acre for 456 acres: **\$684,000 total or broken down per Phase as follows:**

<i><b>Phase</b></i>	<i><b>Maximum Allowable Impact (acres)</b></i>	<i><b>Required Mitigation (acres)</b></i>	<i><b>Estimated Cost (\$1500/acre)</b></i>
Phase I	7 (3 HQ/4 LQ)	14	<b>\$21,000.00</b>
Phase II	115 (60 HQ/55 LQ)	236	<b>\$354,000.00</b>
Phase III	101 (53 HQ/48 LQ)	206	<b>\$309,000.00</b>

Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

- 8.1.2 Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$290.00 per acre for up to 456 acres, **\$132,240.00 total or broken down per Phase as follows:**

<i><b>Phase</b></i>	<i><b>Start-Up Costs</b></i>
Phase I	\$4,060.00
Phase II	\$68,440.00
Phase III	\$59,740.00

- 8.1.3 Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$550.00/acre for up to 456 acres: **\$250,800.00 total or broken down per Phase as follows:**

<i><b>Phase</b></i>	<i><b>Interim Management Funds</b></i>
Phase I	\$7,700.00
Phase II	\$129,800.00
Phase III	\$113,300.00

- 8.1.4 Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$1490.00/acre for up to 456 acres: **\$679,440.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management broken down per Phase as follows:

<b><i>Phase</i></b>	<b><i>Long-term Funding</i></b>
Phase I	\$20,860.00
Phase II	\$351,640.00
Phase III	\$306,940.00

8.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$3,000.00** for each Phase.

8.2 Covered Species Credits. Permittee shall purchase up to 456 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities associated with each Phase, or no later than 18 months from the issuance of this ITP for Phase I and start of each Phase thereafter if Security is provided pursuant to Condition of Approval 9 below. Conservation lands will be acquired in advance of each Phase of implementation, as such, compensatory mitigation will not be allowed to lag behind impacts to Project Area suitable habitat.

OR:

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

8.3.1 Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No



conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 8.3.2 HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 5) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.3 HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 6). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4 Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.3.5 Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.3.6 Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim

management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.4 Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 8.4.1 Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is



a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;

8.4.2 Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

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

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

8.4.2.2.1 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

8.4.2.2.3 Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well

replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

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

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

## 9. Performance Security:

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

9.1. Security Amount. The Security shall be in the amount of **\$1,755,480.00**. This amount is based on the cost estimates identified in Condition of Approval 8 above for all three Phases and is broken down as follows:

<b><i>Phase</i></b>	<b><i>Security Amount</i></b>
Phase I	\$56,620.00
Phase II	\$906,880.00
Phase III	\$791,980.00

9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 7) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.



- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 8) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Written documentation of the acquisition of the HM lands;
  - Copies of all executed and recorded conservation easements;
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
  - Timely submission of all required reports.

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

**Amendment:**

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

**Stop-Work Order:**

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Authorized 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, CA 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 (2081-2018-006-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Leslie MacNair  
Regional Manager  
California Department of Fish and Wildlife  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
Telephone (909) 466-8462

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Incidental Take Permit  
No. 2081-2018-006-06  
PACIFIC GAS AND ELECTRIC COMPANY  
HINKLEY GROUNDWATER REMEDIATION PROJECT



and a copy to:

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

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

Ashley Rosales  
Environmental Scientist  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
Telephone (909) 980-8607

**Compliance with CEQA:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Regional Water Quality Board. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the General Permit for Site-wide Groundwater Remediation Project, (SCH No.: 2008011097) dated August 12, 2012 that the California Regional Water Quality Board certified for General Permit for Site-wide Groundwater Remediation Project on March 18, 2014. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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Incidental Take Permit  
No. 2081-2018-006-06  
PACIFIC GAS AND ELECTRIC COMPANY  
HINKLEY GROUNDWATER REMEDIATION PROJECT

any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

**Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, Comprehensive Groundwater Cleanup Strategy for Historical Chromium Discharges from PG&E's Hinkley Compressor Station Final Environmental Impact Report—SCH No. 2008011097, the results of three site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of up to up to 456 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;



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

**Attachments:**

FIGURE 1	Map of Project
FIGURE 2	Figure 5-1
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Qualification form
ATTACHMENT 3	DMG Deposit Document
ATTACHMENT 4	Necropsy Form
ATTACHMENT 5	Proposed Lands for Acquisition Form
ATTACHMENT 6	Habitat Management Lands Checklist
ATTACHMENT 7	Letter of Credit Form
ATTACHMENT 8	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

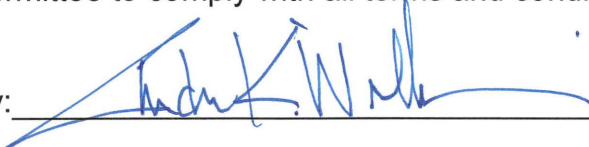
on 2/10/2020



Leslie MacNair  
Regional Manager  
INLAND DESERTS REGION

**ACKNOWLEDGMENT**

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

By: 

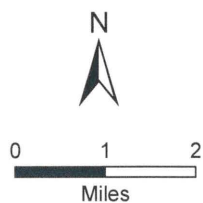
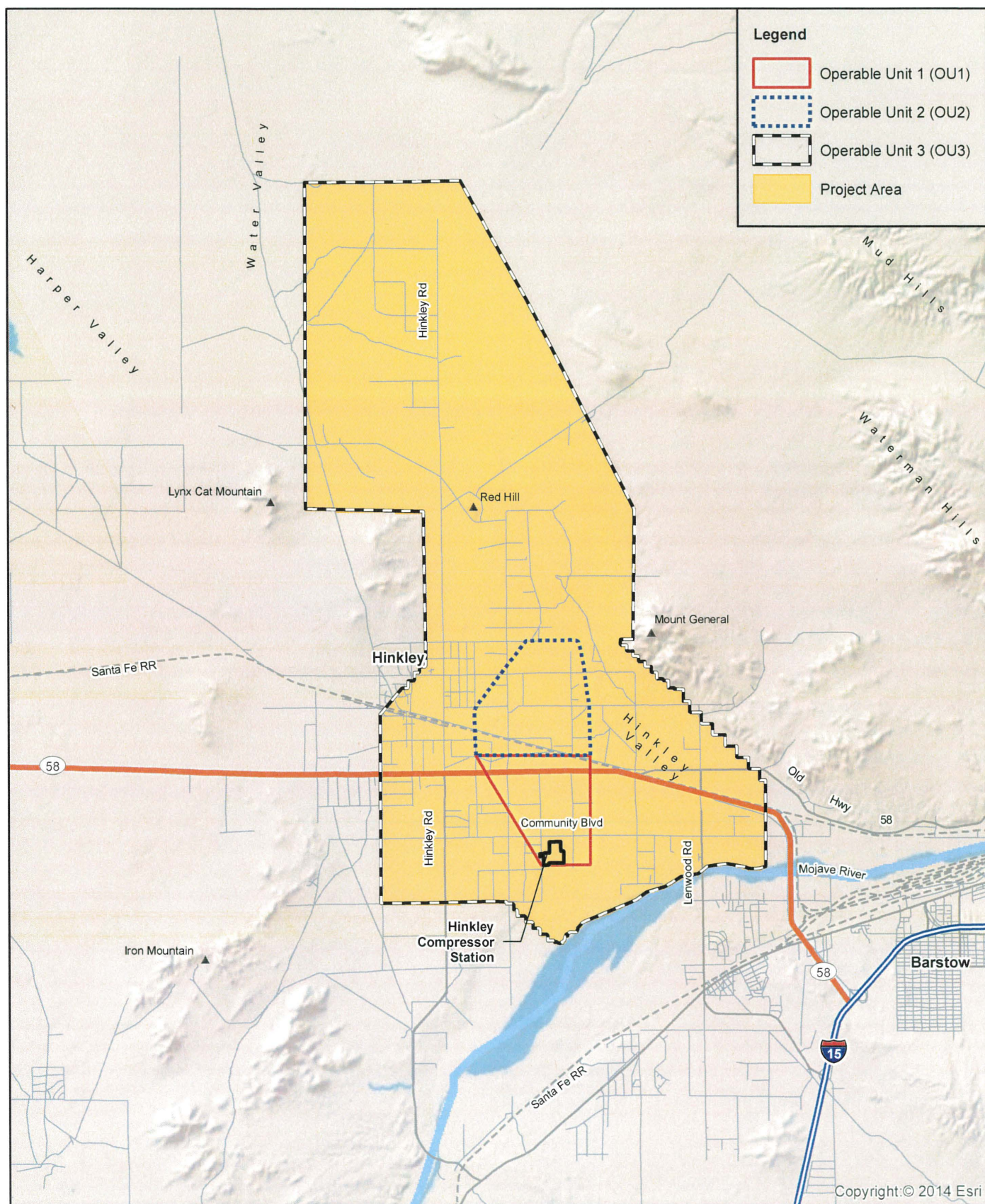
Date: 2/14/2020

Printed Name: Andrew K. Williams

Title: V.P. SITE & SERVICES

Incidental Take Permit  
No. 2081-2018-006-06  
PACIFIC GAS AND ELECTRIC COMPANY  
HINKLEY GROUNDWATER REMEDIATION PROJECT

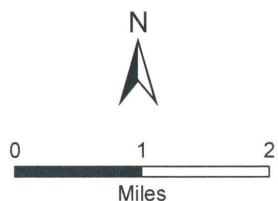
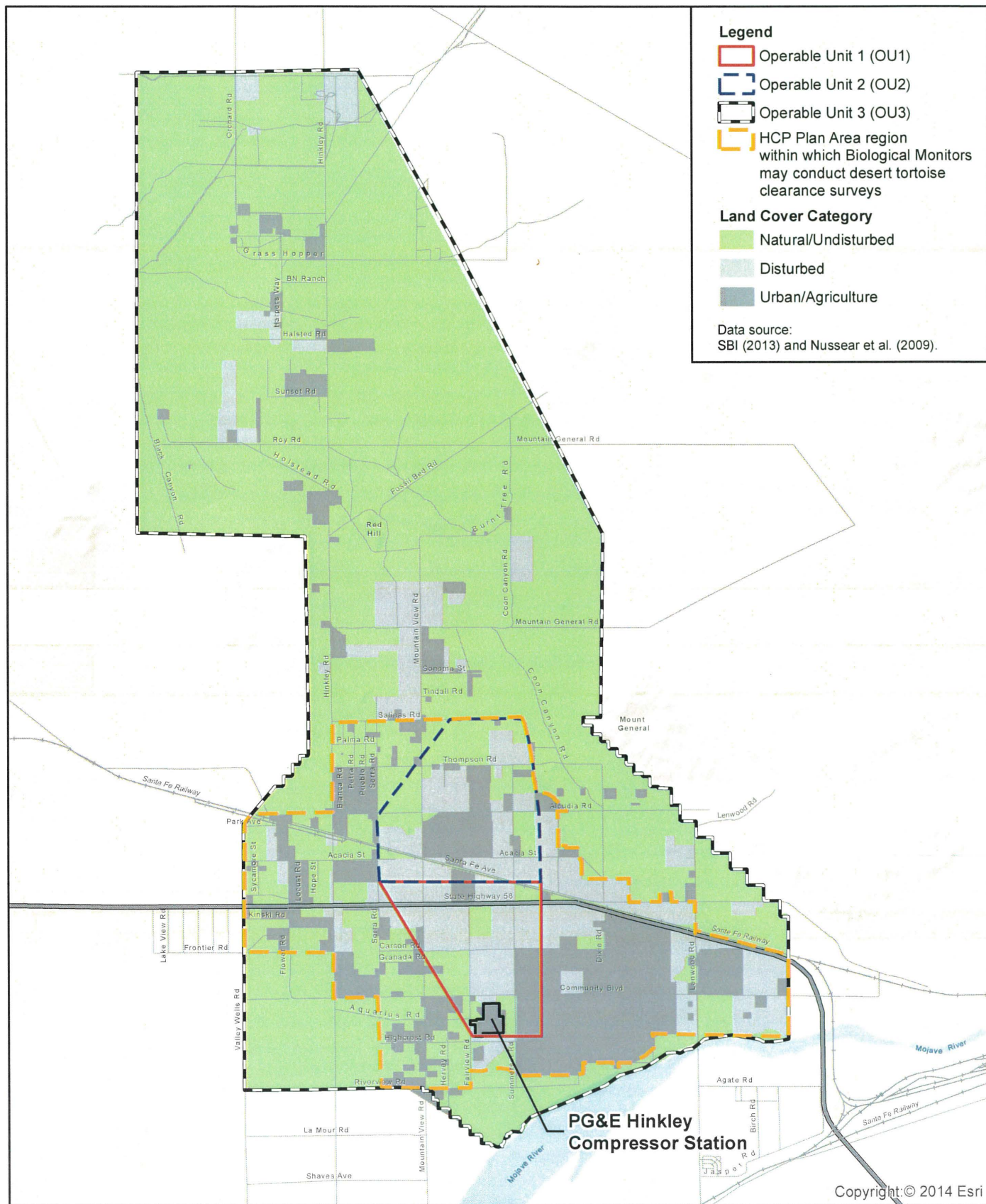




**FIGURE 1**  
**PROJECT AREA (PLAN AREA)**

PACIFIC GAS AND ELECTRIC COMPANY  
HINKLEY GROUNDWATER REMEDIATION PROJECT  
SAN BERNARDINO COUNTY, CALIFORNIA





**FIGURE 5-1**  
**GEOGRAPHIC REGION WITHIN THE HCP PLAN AREA WHERE**  
**DESERT TORTOISE CLEARANCE SURVEYS MAY BE PERFORMED**  
**BY BIOLOGICAL MONITORS RATHER THAN BY AUTHORIZED BIOLOGISTS**  
 PACIFIC GAS AND ELECTRIC COMPANY  
 HINKLEY HABITAT CONSERVATION PLAN  
 HINKLEY, CALIFORNIA



## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2018-006-06**

**PERMITTEE: Pacific Gas and Electric Company**

**PROJECT: Hinkley Groundwater Remediation Project**

#### **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.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing a <b>minimum of 40 days</b> before starting Covered Activities of the Designated Representative's name, business address, office and mobile phone numbers, and email address, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Biologists and Veterinarians Approvals for Desert Tortoises- Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2, or information similar to what is required in Attachment 2 in another format, to demonstrate the Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) qualifications and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 30 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in the ITP and associated Desert Tortoise Translocation Plan (DTTP) that the Permittee is requesting approval for that individual to carry out.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	Biologists Approvals for Mohave Ground Squirrels- Permittee shall obtain CDFW approval of the Authorized Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2, or information similar to what is required in Attachment 2 in another format, to demonstrate the Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) qualifications and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 30 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in the ITP that the Permittee is requesting approval for that individual to carry out.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	Biological Monitor(s) shall be knowledgeable and experienced in the biology, and natural history of the Covered Species. The Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
5	Permittee shall ensure that the Authorized Biologist(s) is knowledgeable in the biology and natural history of Covered Species. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The Authorized Biologist(s) for desert tortoise shall have experience excavating burrows, handling and temporarily holding desert tortoises, relocating/translocating desert tortoises, reconstructing desert tortoise burrows, unearthing and relocating desert tortoise eggs, and can locate, identify, and record all forms of desert tortoise sign, conduct health assessments, conduct protocol level surveys, and if necessary, can attach/remove transmitters, and has experience collecting blood samples. The Authorized Biologist(s) for Mohave ground squirrel shall have pertinent field experience in capturing and handling ground squirrels or other small mammals in desert/arid communities.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	To ensure compliance with the Conditions of the ITP, the Authorized Biologist(s) and Biological Monitor(s) shall have authority and take necessary steps to immediately stop work if any activity does not comply with the ITP and/or Authorized Biologist(s) shall order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. If a Biological Monitor or Authorized Biologist stops work, work shall not resume until an Authorized Biologist determines that all activities are in compliance with the ITP and communicates that determination to the onsite manager. Permittee shall inform all persons employed or otherwise working in the Project Area that the Biological Monitor(s) and Authorized Biologist(s) have the authority described in this subsection.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities/Entire Project	Permittee	
7	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 Biological Monitor(s) or Authorized Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in 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 twice annually for long-term and/or permanent employees that will be conducting work within the Project Area.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Biological Monitor(s) and Authorized Biologist(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
10	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
11	Permittee shall clearly delineate the boundaries of the work site with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.12	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
12	Permittee shall clearly delineate habitat of the Covered Species within the work site 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 # 5.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
13	Project-related personnel shall access work areas using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or in route to the work site. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads.	ITP Condition # 5.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
14	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to designated laydown areas or disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked work site.	ITP Condition # 5.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	The Designated Representative shall notify CDFW in writing 14 calendar days before initial start of Covered Activities and shall document using this MMRP compliance with all pre-Project Conditions of Approval.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities / Each Phase	Permittee	
16	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall immediately report in writing any non-compliance with the ITP to CDFW.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	The Permittee shall implement the Common Raven Management Plan (RMP) to minimize the potential to attract common ravens to the site that was previously approved by CDFW for the project. In addition, the Permittee shall provide funds to the Desert Managers Group (DMG) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a payment of \$105 per acre of project disturbance in advance of each Phase of the project implementation. The Permittee shall provide advanced payments at \$105.00 for every acre of anticipated disturbance associated for each Phase of the Project, not to exceed 223 acres for a total of \$23,415.00 to the account established with NFWF's Raven Management Plan fund or other approved entity. Funds shall be provided to NFWF a minimum of 30 days prior to the start of Covered Activities associated with each Phase using appropriate the deposit document (Attachment 3), and proof of payment shall be provided to CDFW within 24 hours after the funds have been provided to NFWF	ITP Condition # 7.1.1	Before commencing ground- or vegetation-disturbing activities of each Phase	Permittee	
18	No more than 30 days prior to start of ground disturbing Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) approved under Condition 5.2 of the ITP shall conduct pre-construction surveys for desert tortoise, using the methods described in Chapter 6 of the United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual 2009, or most recent version of the Manual, incorporated herein by reference. In addition to the guidance provided in the Manual, CDFW provides the following requirement(s): Preconstruction clearance surveys will be completed using perpendicular survey routes within the work area. a) Preconstruction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until two (2) negative result separate consecutive surveys using perpendicular survey routes have been done for the Covered Species. b) Twenty-Four (24) hours prior to the start of Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) shall conduct the second survey of the work area. c) Surveys conducted by a Biological Monitor(s) shall have an Authorized Biologist(s) on-site or on-call. The Biological Monitor(s) shall immediately notify the Authorized Biologist(s) if desert tortoise or eggs are found during the survey. The Biological Monitor shall not touch, handle, or move the desert tortoise or eggs. The Authorized Biologist shall come to the work site for handling and temporarily holding, and relocating/translocating desert tortoises or their eggs following Conditions 7.1.3, 7.1.6, and 7.1.7 of the ITP.	ITP Condition # 7.1.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
19	The Permittee shall prepare and implement the Desert Tortoise Translocation Plan (DTTP) approved by CDFW's Regional Representative as part of this permit application. The DTTP authorizes short distance translocation and allows moving a desert tortoise out of harm's way to a maximum distance of 300 meters, into adjacent habitat. Translocation of desert tortoises beyond 300 meters will not be conducted as part of this project. The DTTP includes guidance provided in the Health Assessment Procedures for the Mojave Desert Tortoise ( <i>Gopherus agassizii</i> ): A Handbook Pertinent to Translocation, May 2016 and Chapter 7 of the most recent version of the USFWS Desert Tortoise Field Manual, incorporated herein by reference. Verbal and/or written direction and guidance provided by CDFW will always supersede other direction or guidance.	ITP Condition # 7.1.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	Authorized Biologist(s) and Biological Monitor(s) approved by CDFW will monitor the movement of a translocated desert tortoise until it maintains normal behavior. Biologists will continue to monitor its movements for two days after confirming normal behavior to ensure it keeps clear of harm's way.	ITP Condition # 7.1.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
21	Only Authorized Biologist(s) and Biological Monitor(s) approved by CDFW under Condition 5.2 of the ITP are authorized to conduct burrow excavation. Conduct excavation of burrows following the methods described in Chapter 6 of the USFWS Desert Tortoise Field Manual 2009.	ITP Condition # 7.1.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
22	Only the Authorized Biologist(s) approved by CDFW under Condition 5.2 of the ITP is authorized to handle eggs. Conduct egg handling, using the methods described in Chapter 6 and 7 of the USFWS Desert Tortoise Field Manual 2009.	ITP Condition # 7.1.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
23	Only Authorized Biologist(s) approved by CDFW under Condition 5.2 of the ITP are authorized to extract desert tortoises from burrows, using the methods described in Chapter 6 of the USFWS Desert Tortoise Field Manual 2009.	ITP Condition # 7.1.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
24	<p>The Permittee will install desert tortoise exclusion fencing along the perimeter of proposed work areas prior to surface disturbance to prevent encounters with desert tortoise during construction and decommissioning activities where there are ground disturbing activities. The specifications of the desert tortoise exclusion fencing will follow the most recent specification established by the Service.</p> <p>Immediately after exclusion fence construction, and prior to ground disturbing activities within the fenced area, the Authorized Biologist(s) and/or Biological Monitor(s) will conduct a clearance survey following the USFWS' protocol and Condition 7.1.2 of the ITP to ensure that desert tortoises are absent from the work area. All ATUs will have permanent desert tortoise exclusion fencing. Exclusion fence damage will be repaired within two days of observing the damage. Desert tortoise-proof gates will be installed at all entry points to ATUs. Single-slot tortoise guards can be installed in-lieu of tortoise-proof gates.</p> <p>Temporary fencing will be constructed of material satisfactory to the agencies and consistent with current Service specifications. Biological monitoring may be implemented instead of installation of exclusionary fencing for short duration activities*, at the discretion of the Authorized Biologist and/or Biological Monitor, when all of the following criteria are met:</p> <ol style="list-style-type: none"> <li>1) work is being conducted within the region delineated in Figure 5-1, which generally contain low-value habitat and non-habitat;</li> <li>2) activities are completed within disturbed and Urban/Developed land cover types as described in the HCP; and</li> <li>3) less than one acre will be disturbed from an activity</li> </ol> <p>*Short duration activities would be activities lasting less than a week, where it is more feasible and practical to have an Authorized Biologist onsite than to construct temporary tortoise fencing around an activity.</p>	ITP Condition # 7.1.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
25	If a desert tortoise voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the individual(s). The Authorized Biologist(s) shall rehydrate the desert tortoise at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be relocated. The Authorized Biologist(s) shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The Authorized Biologist(s) shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration. After each tortoise is rehydrated the water shall be emptied and a new plastic disposable liner placed in the tub.	ITP Condition # 7.1.13	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
26	Prior to ground- disturbing activities commencing between March 15 and April 15, visual surveys to determine Mohave ground squirrel activity shall be conducted on the Project Area during daylight hours by the Authorized Biologists and/or Biological Monitor(s). Should Mohave ground squirrel individuals be detected, the Authorized Biologist(s) and or Biological Monitor(s) shall live trap following the Mohave Ground Squirrel Survey Guidelines (CDFG, 2010) or most recent version. The Authorized Biologist(s) and/or Biological Monitor(s) shall translocate captured individuals following Condition 7.1.17 of the ITP. The Authorized Biologist(s) and/or Biological Monitor shall implement Condition 7.1.16 of the ITP for individuals not captured through live trapping efforts.	ITP Condition # 7.1.15	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<p>No more than 30 calendar days prior to ground-disturbing activities, the Authorized Biologist(s) and Biological Monitor(s) shall assess all potential Mohave ground squirrel burrows located within the Project Area.</p> <p>The Authorized Biologist(s) and/or Biological Monitor(s) shall scope all suitable burrows within the Project Area located north of Thompson Road. The Authorized Biologist(s) and/or Biological Monitor(s) shall hand excavate all occupied or potentially occupied burrows.</p> <p>The Authorized Biologist(s) and/or Biological Monitor(s) shall scope all suitable burrows within the Project Area located south of Thompson Road. If individuals are encountered, the Authorized Biologist(s) and/or Biological Monitors(s) shall hand excavate all occupied or potentially occupied burrows. If individuals are not encountered, the Authorized Biologist(s) and/or Biological Monitor(s) shall determine if hand excavation is required based on habitat quality and burrow characteristics.</p> <p>During active season (March 15 – July 15), the Authorized Biologist(s) and/or Biological Monitor(s) shall allow encountered individuals to escape out of harm's way. During the dormant season (September 1 – January 31), the Authorized Biologist(s) shall collect and immediately relocate individuals following Condition 7.1.17 of the ITP.</p> <p>The Authorized Biologist(s) and/or Biological Monitor(s) shall determine if burrows located on or adjacent to the perimeter of the Project Area will require scoping, hand excavation, and/or flagging to alert personnel to their presence.</p> <p>Authorized Biologist(s) and/or Biological Monitor(s) shall notify CDFW of other Special Status or fur bearing wildlife species encountered prior to ground-disturbing activities. If necessary, CDFW shall contact Permittee to discuss mitigation measures for encountered wildlife species that need to be developed and implemented.</p>	ITP Condition # 7.1.16	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>Prior to burrow excavation, the Authorized Biologist(s) and/or Biological Monitor(s) shall prepare artificial burrows in suitable habitat at the base or near vegetation that is part of the Mohave ground squirrel's diet. The Authorized Biologist(s) and/or Biological Monitor(s) shall construct artificial burrows from a 9-inch diameter non-collapsible plastic container connected to a 7-cm diameter non-collapsible plastic pipe. The Authorized Biologist(s) and/or Biological Monitor(s) shall bury the container at a depth of 1 meter, place the pipe at a 35-degree angle, and terminate the entrance of the pipe at the surface of the ground. The Authorized Biologist(s) shall contact CDFW if modification to the artificial burrow design is necessary.</p> <p>The Authorized Biologist(s) and/or Biological Monitor(s) shall place individuals inside the artificial burrow and partially plug the entrance with loose soil. The Authorized Biologist shall ensure the dimensions of the artificial burrow suit the size of the individual.</p> <p>Permittee shall contact CDFW for approval of translocation sites prior to trapping and burrow excavation efforts. Permittee shall translocate individuals to approved sites nearest to the capture site, and outside of the Project's impact areas. Artificial burrows may be located on public land or Permittee's property. Individuals may not be translocated to private property unless Permittee obtains written permission from the property owner prior to Covered Activities. Artificial burrows not in use at the end of the Project shall be removed at the expense of the Permittee.</p>	ITP Condition # 7.1.17	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
29	The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Mohave ground squirrel handled. For each individual the record shall include the following: (1) date; (2) GPS location; (3) if applicable, GPS location of artificial burrow the individual was relocated to; (4) and general condition and health. Permittee shall submit the records to CDFW in the Quarterly Reports.	ITP Condition # 7.1.18	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<p>Permittee shall either purchase up to 456 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of up to 456 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4. PG&amp;E shall ensure that its acquisition of compensation lands and/or credits shall remain ahead of the amount of compensation required as a result of take, as associated with anticipated disturbances for each Phase of the Project. Prior to Phase I ground-disturbing or Project-related activities, PG&amp;E shall mitigate in advance 14 acres to compensate for impacts to 7 acres of high- and low-quality habitat. Prior to Phase II ground-disturbing or Project-related activities, PG&amp;E shall mitigate in advance 236 acres to compensate for impacts to 115 acres of high- and low-quality habitat. Prior to Phase III ground-disturbing or Project-related activities, PG&amp;E shall mitigate in advance 206 acres to compensate for impacts to 101 acres of high- and low-quality habitat. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities associated with each Phase, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 9. Security or compensatory mitigation shall occur in advance of the loss/degradation of habitat in the Project Area. Acquisitions of conservation lands or performance Security funding shall occur incrementally throughout the permit term and shall reflect the pace and magnitude of impacts from Covered Activities; however, at no time shall the required compensatory mitigation lag behind the impacts from Covered Activities.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
31	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> <li>i. Land acquisition costs for HM lands identified in Condition of Approval 8.3, estimated at \$1500.00/acre for 456 acres: \$684,000 total (Phase I: 21,000.00, Phase II: \$354,000.00, Phase III: \$309,000.00) Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements</li> <li>ii. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5, estimated at \$290.00 per acre for up to 456 acres, \$132,240.00 total (Phase I: \$4,060.00, Phase II: \$68,440.00, Phase III: \$59,740.00).</li> <li>iii. Interim management period funding as described in Condition of Approval 8.3.6, estimated at \$550.00/acre for up to 456 acres: \$250,800.00 total (Phase I: \$7,700.00, Phase II: \$129,800.00, Phase III: \$113,300.00).</li> <li>iv. Long-term management funding as described in Condition of Approval 8.4, estimated at \$1490.00/acre for up to 456 acres: \$679,440.00 total (Phase I: \$20,860.00, Phase II: \$351,640.00, Phase III: \$306,940.00). Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</li> <li>v. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$3000.00 for each Phase.</li> </ul>	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<p>Permittee shall purchase up to 456 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities associated with each Phase, or no later than 18 months from the issuance of the ITP for phase one and start of each phase thereafter if Security is provided pursuant to Condition of Approval 9. Conservation lands will be acquired in advance of each phase of implementation, as such, compensatory mitigation will not be allowed to lag behind impacts to Project Area suitable habitat.</p> <p>OR:</p>	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
33	<p>To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p>	ITP Condition # 8.3.1	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
34	<p>Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 5) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;</p>	ITP Condition # 8.3.2	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
35	<p>Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 6). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p>	ITP Condition # 8.3.3	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
36	Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 8.3.4	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
37	Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="http://www.dfg.ca.gov/habcon/conplan/mitbank/">http://www.dfg.ca.gov/habcon/conplan/mitbank/</a> ); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;	ITP Condition # 8.3.5	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
38	Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 8.3.6	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided))	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	<p>If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
40	The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).;	ITP Condition # 8.4.1	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
41	After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Condition # 8.4.2	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Condition # 8.4.2.1	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
43	Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: a) A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. b) The endowment shall be established assuming spending will not occur for the first three years after full funding. c) For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.	ITP Condition # 8.4.2.2	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
44	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Condition # 8.4.3	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
45	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 8.5	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> <li>i. Security Amount. The Security shall be in the amount of \$1,755,480.00 (Phase I: \$56,620.00, Phase II: \$906,880.00, Phase III: \$791,980.00). This amount is based on the cost estimates identified in Condition of Approval 8.</li> <li>ii. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 7) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</li> <li>iii. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first.</li> <li>iv. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</li> <li>v. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 8) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</li> <li>vi. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.</li> <li>vii. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> <li>a. Written documentation of the acquisition of the HM lands;</li> <li>b. Copies of all executed and recorded conservation easements;</li> <li>c. Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>d. Timely submission of all required reports.</li> </ul> </li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP for phase one or from the start of each phase thereafter. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities associated with each Phase (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
<b>DURING CONSTRUCTION</b>					
47	<p>The Biological Monitor(s) and Authorized Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the work site upon request by CDFW.</p>	ITP Condition # 5.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	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, except as provided for in the notification, and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.16	Entire Project	Permittee	
49	Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.17	Entire Project	Permittee	
50	Permittee shall prohibit domestic dogs (except service dogs) from work areas and site access routes during Covered Activities, and will also prohibit firearms, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.	ITP Condition # 5.19	Entire Project	Permittee	
51	At the end of each workday, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. Covering of excavations, including trenches, may alternatively be used to prevent covered species from entrapment where activities are conducted in locations not already protected by exclusion fencing.	ITP Condition # 5.20	Entire Project	Permittee	
52	Only herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR) shall be used. All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than five (5) miles per hour.	ITP Condition # 5.21	Entire Project	Permittee	
53	Onsite refueling or lubrication of vehicles and cleaning of equipment, or other activities that involve the use of fuels, lubricants, or solvents, will require a constructed secondary containment area that includes, at a minimum, a perimeter berm, and leak proof liner. If a spill occurs, the appropriate clean-up actions should commence as efficiently and safely as possible. Once the contaminated material has been removed, Permittee shall slope and contour the disturbed area to blend naturally into the existing gradients.	ITP Condition # 5.22	Entire Project	Permittee	
54	Permittee shall not use rodenticides in the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) within the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) within the Project Area without prior written permission from CDFW.	ITP Condition # 5.23	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	To prevent entrapment of Covered Species or any other wildlife, the Biological Monitor(s) or Authorized Biologist(s) shall inspect all holes and trenches for entrapped animals at the beginning, middle, and end of each day when trenches are in the open desert without the use of desert tortoise fencing. The Biological Monitor(s) or Authorized Biologist(s) shall oversee the covering of all excavated holes and the covering or installation of ramps for trenches at the close of each working day by plywood or other barrier materials such that animals are unable to enter and become entrapped. Before holes and trenches are filled or ramped, the Biological Monitor(s) or Authorized Biologist(s) shall thoroughly inspect them for trapped animals. If any worker discovers that Covered Species have become trapped, they shall halt Project activities and notify the Authorized Biologist(s) immediately. Project workers and the Biological Monitor(s) or Authorized Biologist(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under Condition 5.2 of the ITP shall move the Covered Species out of harm's way before allowing work to continue.	ITP Condition # 5.24	Entire Project	Permittee	
56	The Authorized Biologist(s) and/ or Biological Monitor(s) shall be on-site daily when ground disturbing Covered Activities occur. The Authorized Biologist(s) or Biological Monitor(s) shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in designated work areas within the Project Area. The Authorized Biologist(s), and/ or Biological Monitor(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.	ITP Condition # 6.3	Entire Project	Permittee	
57	The Designated Representative or Authorized Biologist(s) shall compile the observation and inspection records identified in Condition 6.4 into a Quarterly Compliance Report, which shall include a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. The Designated Representative shall submit in writing the Quarterly Compliance Report to CDFW by the 10th of the month following the previous quarter's activities. The Designated Representative shall submit the Quarterly Compliance Reports to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Ashley Rosales (Ashley.Rosales@wildlife.ca.gov). CDFW may at any time increase or decrease the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. No reporting will be required if Covered Activities do not occur within the Project Area during any quarter. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
58	Permittee's Designated Representative shall provide CDFW with an Annual Status Report (ASR) for the previous year <b>no later than March 31 of every year</b> beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition 6.5; (2) a general description of the status of the 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 activity impacts; (5) all available information about activity-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other activity impacts on the Covered Species.	ITP Condition # 6.5	Entire Project	Permittee	
59	The Designated Representative shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 10 calendar days of the observation and the Designated Representative shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.6	Entire Project	Permittee	
60	Permittee shall immediately notify the Designated Representative or Authorized Biologist(s) if a Covered Species is taken or injured by Covered Activities, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Authorized Biologist(s) or Designated Representative shall provide initial notification immediately to CDFW by calling the Regional Office at (909) 466-8462 and by notifying via email the CDFW Regional Representative Ashley Rosales (Ashley.Rosales@wildlife.ca.gov). The initial immediate notification to CDFW shall include information regarding the location of the animal and/or carcass, date and incident location, time of incident, name of the Authorized Biologist(s) present, the activity that caused the take or injury, common and scientific names of species taken or injured, and the ITP Number. Following initial notification, Permittee's Designated Representative shall send CDFW a Notification of Take or Injury (NTI) written report via email within two (2) calendar days. The NTI written report shall include the information in the initial notification and if possible provide a photograph of the species that was taken or injured, and preventative measures that will be implemented to prevent take or injury of Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
61	The Biological Monitor(s) or Authorized Biologist(s) shall inspect the desert tortoise fencing during construction, daily, during clearing and grubbing activities and during and after major rainfall events to ensure Covered Species is prohibited from entering the work site. Once clearing and grubbing is complete, the Biological Monitor(s) or Authorized Biologist(s) shall conduct weekly inspections of the fence. If the fence is compromised, repairs shall be completed immediately.	ITP Condition # 7.1.9	Entire Project	Permittee	
62	Workers shall inspect for desert tortoise under vehicles and equipment every time before the vehicles and equipment are moved. If a desert tortoise is present, the worker shall contact the Authorized Biologist(s) and wait for the desert tortoise to move unimpeded to a safe location OR the Authorized Biologist(s) shall translocate the desert tortoise as described in Condition 8.1.3 of the ITP before moving vehicles and equipment.	ITP Condition # 7.1.10	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
63	Permittee shall minimize vegetation removal associated with construction activities to the fullest extent possible. The Biological Monitor(s) or Authorized Biologist(s) shall review and approve or deny any grubbing or clearing of vegetation.	ITP Condition # 7.1.11	Entire Project	Permittee	
64	If a desert tortoise or Mohave ground squirrel is observed during Covered Activities all work within 300 feet of the covered species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) has verified the tortoise/squirrel has left the work area OR an Authorized Biologist(s) approved under Condition 5.2 of the ITP shall relocate the desert tortoise as described in the ITP. The Designated Representative shall immediately, notify CDFW of any Covered Species observed within the work site. Notification shall occur within 24-hours to CDFW's Regional Representative Ashley Rosales by e-mail at Ashley.Rosales@wildlife.ca.gov. Within 24 hours after CDFW receives the initial notification the Permittee shall follow up with a written report sent by e-mail to CDFW's Regional Representative listed above. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map, and the location (including GPS coordinates) where the individual was moved.	ITP Condition # 7.1.12	Entire Project	Permittee	
65	If a Covered Species is injured as a result of Covered Activities, the Authorized Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility ("facilities"). Approved facilities can be found at <a href="http://www.dfg.ca.gov/wildlife/WIL/rehab/facilities.html">http://www.dfg.ca.gov/wildlife/WIL/rehab/facilities.html</a> . 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.	ITP Condition # 7.1.14	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
66	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, and boxes.	ITP Condition # 5.18	Post-construction/ Entire Project	Permittee	
67	<b>No later than 45 days</b> after completion of all mitigation measures, Permittee's Designated Representative shall provide CDFW with a Final Mitigation Report. The Authorized Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in 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 # 6.7	Post-construction and after completion of mitigation	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	Permittee's obligations pursuant to the ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.8 of the ITP.	Effective Date and Expiration Date of the ITP	Post-construction	CDFW	



**DESERT TORTOISE MONITOR AND BIOLOGIST  
RESPONSIBILITIES AND QUALIFICATIONS**

**DESERT TORTOISE MONITOR** -- Approved by the Fish and Wildlife Service to monitor project activities within desert tortoise habitat, ensure proper implementation of protective measures, and record and report desert tortoise and sign observations in accordance with approved protocol, report incidents of noncompliance in accordance with a biological opinion or permit, move desert tortoises from harm's way when desert tortoises enter project sites and place these animals in "safe areas" pre-selected by Authorized Biologists or maintain the desert tortoises in their immediate possession until an Authorized Biologist assumes care of the animal. Monitors assist Authorized Biologists during surveys and often serve as "apprentices" to acquire experience. Monitors are not authorized to conduct presence/absence or clearance surveys unless directly supervised by an Authorized Biologist; "directly supervised" means the Authorized Biologist is direct voice and sight contact with the Monitor.

**AUTHORIZED BIOLOGIST** -- Approved by the Fish and Wildlife Service to conduct all activities described in the previous section for Desert Tortoise Monitors, and to locate desert tortoises and their sign (i.e., conduct presence/absence and clearance surveys) and ensure that the effects of the project on the desert tortoise and its habitat are minimized in accordance with a biological opinion incidental take permit. Authorized Biologists must keep current with the latest information on U.S. Fish and Wildlife Service protocols and guidelines. An Authorized Biologist must have thorough and current knowledge of desert tortoise behavior, natural history, and ecology, physiology, and demonstrated substantial field experience and training to safely and successfully:

- handle and temporarily hold desert tortoises
- excavate burrows to locate desert tortoise or eggs
- relocate/translocate desert tortoises
- reconstruct desert tortoise burrows
- unearth and relocate desert tortoise eggs
- locate, identify, and record all forms of desert tortoise sign

## GENERAL DESERT TORTOISE BIOLOGIST/MONITOR QUALIFICATIONS STATEMENT

This form should be used to provide your qualifications to agency officials if you intend to handle or survey desert tortoises during construction or other projects authorized under Sections 7 or 10 (HCPs) of the Endangered Species Act. If you seek approval to attach/remove/insert any devices or equipment to/into desert tortoises, withdraw blood, or conduct other procedures on desert tortoises, a recovery permit or similar authorization may be required.

Application for a recovery permit requires completion of Form 3-200-55, which can be downloaded at <http://www.fws.gov/forms/3-200-55.pdf>. Supplemental information for the recovery permit application should be provided with the form, *Statement of Skills and Experience with Specialized Desert Tortoise Procedures*, which is available from a U.S. Fish and Wildlife Service Field Office.

### 1. Contact Information:

Name	
Address	
City, State, Zip Code	
Phone Number(s)	
Email Address	

### 2. Date of Statement:

3. Requesting Approval as: ☐ Desert Tortoise Monitor ☐ Authorized Biologist

### 4. States in which authorization is requested (check all that apply):

☐ California ☐ Nevada ☐ Utah ☐ Arizona

### 5. Please provide information on the project:

USFWS BO or HCP Number		Date:
Project Name		
Federal Agency		
Proponent or Contractor		

6. Specify project and/or activities anticipated that require authorization (e.g. capture/release, weigh, measure, attach and remove telemetry devices and other hardware, etc.). Specifically reference the relevant document and page numbers with authorizing statements (e.g., BO, page 19, terms and conditions 6, 7, and 8):



**7. If you hold, or have held, any relevant state or federal wildlife permits, provide the following:**

Species	Dates	State (specify) or Federal Permit Number	Authorized Activities

**8. Education (provide up to three, listing most recent first):**

Institution	Dates attended	Major/Minor	Degree received
1.			
2.			
3.			

**9. Desert Tortoise Training. Include numbers of animals handled under the Experience section (No. 10 below).**

Name/Type of Training	Dates (From/To)	Location	Instructor/Sponsor
1.			
2.			
3.			
4.			

**10. Experience** – Complete for each position held, attach additional sheets as necessary. Include only those positions relevant to the requested work with desert tortoises. Distinguish between Mojave desert tortoise and other experience. Include only your experience, not information for the project you worked on (e.g. if 100 tortoises were handled on a project and you handled 5 of those tortoises, include only those 5). List most recent experience first.

**General Field Experience:**

Project Name, Biological Opinion, or Permit No. & Job Title	Dates (From/To)	Job Duties & Responsibilities/ Skills Used or Acquired
1.		
2.		
3.		
4.		

### Specific Desert Tortoise Field Experience:

[illegible]



f. Number of transmitters or other devices (specify) you personally attached to or removed from wild, free-ranging desert tortoises (circle one for each size category).

Attached:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

Removed:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

g. Number of transmitters or other devices (specify) you personally attached to or removed from other relevant species or captive desert tortoises (circle one for each size category).

Specify species or if captive desert tortoises:

Attached:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

Removed:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

h. Number of blood samples that you personally collected from wild, free-ranging desert tortoises (circle one for each size category).

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

i. Number of blood samples that you personally collected from other relevant species or captive desert tortoises (circle one for each size category).

Specify species or if captive desert tortoises:

Specify type of procedure:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

j. Experience conducting other procedures on wild, free-ranging desert tortoises (circle one for each size category).

Specify type of procedure:

<100 mm: Zero <10 10-50 50-100 100-200 >200

≥100 mm: Zero <10 10-50 50-100 100-200 >200

k. Experience conducting other procedures on other relevant species or captive desert tortoises (circle one for each size category).

Specify species or if captive desert tortoises:

Specify type of procedure:

<100 mm: Zero      <10      10-50      50-100      100-200      >200

≥100 mm: Zero      <10      10-50      50-100      100-200      >200

l. Prior authorizations for desert tortoise under Biological Opinions or Habitat Conservation Plans (specify number, date, project name and location). Do not reiterate "general field experience" information:

11. Provide at least 3 references that can verify your field qualifications and skills:

Name	Employer/Position	Address/Location	Phone Number	Email
1.				
2.				
3.				

I certify that the information submitted in this form is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. Ch.47, Sec. 1001.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



**DESERT MANAGERS GROUP  
DEPOSIT DOCUMENT**

Please fill out all applicable sections highlighted in blue.

**Project Name:**

**Project Phase (if applicable):**

**Project Location**  
(i.e. County, Township, Range,  
Section, Base and Meridian):

**Land Ownership  
of Project Site:**

**Project Proponent:**

**Permittee/Grantee:**

☐ **Prior Deposit Document(s) submitted for previous deposit(s) (check and complete, if applicable)**

Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>
Project Phase:	<input type="text"/>	<b>Deposit: \$</b>	<input type="text"/>

**Permitting Agency (check if applicable) and Decision Documents (identify by name, date, and permit #):**

**FEDERAL AGENCIES**

☐ **Bureau of Land Management** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **National Park Service** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Forest Service, San Bernardino National Forest** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Bureau of Indian Affairs** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Fish and Wildlife Service** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Geological Survey** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:



**U.S. DEPARTMENT OF DEFENSE AGENCIES**

☐ **Marine Corps Installations West-Marine Corps Base Camp Pendleton**  
(check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Edwards Air Force Base** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Air Ground Combat Center, Twentynine Palms** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Air Station, Yuma** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Logistics Base, Barstow** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **National Training Center, Fort Irwin** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Naval Air Weapons Station, China Lake** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name: \_\_\_\_\_

Decision Document Date: \_\_\_\_\_

Project ID or Tracking #: \_\_\_\_\_

## STATE OF CALIFORNIA AGENCIES

☐ **California Department of Fish and Wildlife** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name: \_\_\_\_\_

Decision Document Date: \_\_\_\_\_

Project ID or Tracking #: \_\_\_\_\_

☐ **California Department of Parks and Recreation** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name: \_\_\_\_\_

Decision Document Date: \_\_\_\_\_

Project ID or Tracking #: \_\_\_\_\_

☐ **California Department of Transportation** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name: \_\_\_\_\_

Decision Document Date: \_\_\_\_\_

Project ID or Tracking #: \_\_\_\_\_

☐ **California Energy Commission** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name: \_\_\_\_\_

Decision Document Date: \_\_\_\_\_

Project ID or Tracking #: \_\_\_\_\_



**COUNTIES - STATE OF CALIFORNIA**

<input type="checkbox"/>	<b>Imperial County</b> (check if applicable)
<input type="checkbox"/>	Check here to confirm that the decision document is attached
	Decision Document Name: <input type="text"/>
	Decision Document Date: <input type="text"/>
	Project ID or Tracking #: <input type="text"/>

<input type="checkbox"/>	<b>Inyo County</b> (check if applicable)
<input type="checkbox"/>	Check here to confirm that the decision document is attached
	Decision Document Name: <input type="text"/>
	Decision Document Date: <input type="text"/>
	Project ID or Tracking #: <input type="text"/>

<input type="checkbox"/>	<b>Kern County</b> (check if applicable)
<input type="checkbox"/>	Check here to confirm that the decision document is attached
	Decision Document Name: <input type="text"/>
	Decision Document Date: <input type="text"/>
	Project ID or Tracking #: <input type="text"/>

<input type="checkbox"/>	<b>San Bernardino County</b> (check if applicable)
<input type="checkbox"/>	Check here to confirm that the decision document is attached
	Decision Document Name: <input type="text"/>
	Decision Document Date: <input type="text"/>
	Project ID or Tracking #: <input type="text"/>

**Monies Required for Deposit:**

<input type="checkbox"/>	<b>Raven Management Sub-Account</b>	
	Management Measures	\$ <input type="text"/>

<input type="checkbox"/>	<b>NFWF Deposit Fee (\$3,000)</b>	<u>Not Applicable</u>
--------------------------	-----------------------------------	-----------------------

<b>TOTAL DEPOSIT for Project (or Project Phase)</b>	\$ <input type="text"/>
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**SUB-ACCOUNT AND REQUIRED MEASURE DETAILS:  
Raven Management Sub-Account**

**Measures:**

A. Description of Measure:

--

B. Citation (e.g., page, section, condition number) to Applicable Decision Document(s):

--

C. Implementation Schedule:

--

D. Applicable DMG Agency(ies) with Authority over Implementation of the Measure:

AGENCY	CONTACT PERSON & INFORMATION

E. Name and contact information for each applicable DMG Agency(ies)' designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account):

AGENCY	CONTACT PERSON & INFORMATION



## INFORMATION & INSTRUCTIONS

The Deposit Document is used for internal purposes by the DMG Agencies and NFWF. The Deposit Document is not itself a Decision Document. The following is information and direction with respect to the Deposit Document.

The Deposit Document is to be filled out by the appropriate DMG Agency(ies) staff or depositors, as determined by the DMG Agencies. The DMG Agency staff who takes the lead in preparing the Deposit Document shall coordinate with the other applicable DMG Agency staff, and National Fish and Wildlife Foundation (NFWF) staff prior to finalizing the Deposit Document.

**Project Name:**

- Identify the name of the permitted project.

**Project Phase:**

- If the project has been permitted in phases, specify the phase(s) to which this Deposit Document applies.

**Project Location:**

- Identify the county in which the project is located.
- Provide available information as to township, range, section, and base and meridian.

**Land Ownership of Project Site:**

- Indicate whether the land on which the permitted project or project phase(s) is located is privately or publicly owned.
- If it is publicly owned, identify the applicable governmental entity.

**Permittee/Grantee:**

- Identify the name of the permittee/grantee, which also may be known as the project proponent or responsible party.
- If the permittee/grantee is a company that is owned by another company, identify the name of the parent company.

**Prior Deposit Documents:**

- Check the box if a prior deposit document was submitted for the project. If the box is checked, identify the phase of the project and the total dollar figure of the deposit for which the prior deposit document was submitted. There is space to identify up to six (6) prior deposit documents.

**Permitting Agency and Decision Documents:**

- Check the box of each permitting agency. This is an agency that has issued a decision document (permit or other authorization) for the project or project phase(s).
- Under the applicable permitting agency, identify the decision document by (1) name; (2) date; (3) permit identification number.

- Submit with the Deposit Document, a CD or hard copy of each decision document, and indicate by checking the box that the decision document is attached.
- Under the applicable permitting agency, identify the project identification or tracking number. For example, for BLM, this is the “CACA” number. For DFW, this may be an “ITP”, “SAA”, “SCH”, or other number. For the CEC, this is the “Decision” number. For the USFWS, this is the “Permit” or “File” number.

**Monies Required for Deposit:**

Currently, there is one single subaccount established under the NFWF DMG Mitigation Account. For purposes of the Deposit Document, a subaccount may be referred to as “Account.” The existing Account and the associated NFWF fees are as follows:

1. Raven Management Account
  - a. NFWF Deposit Fee (\$3,000 for the establishment of a single subaccount into which all deposits will be made. This single, one-time deposit fee will satisfy the deposit fee for all depositors, but shall be deducted from the initial deposit into the subaccount at the time of deposit)
  - b. NFWF Annual Fee (greater of 2% or \$1,000 annual)
2. To calculate the “**TOTAL DEPOSIT for Project (or Project Phase)**,” enter the amount of the required Raven Management payment. (The NFWF Deposit Fee need not be added to the calculation of any deposit into the Raven Management Account because the single, one-time Deposit Fee shall be deducted from the initial deposit made into the subaccount at the time of the deposit, and it will satisfy the Deposit Fee for all depositors. In addition, the NFWF Annual Fee need not be added to the calculation of the Total Deposit because it is assessed and collected against earned investment income, and to the extent investment income is insufficient, the Annual Fee is assessed against the Account balance.)

**Required Measure Details:**

- **Raven Management Measures:** These are actions to manage ravens in order to minimize and mitigate impacts to desert tortoise.
- For each listed measure, subsections a-d call for specific information, as follows:
  - Subsection A.: description of the Measure.
  - Subsection B.: citation(s) to the applicable Decision Document(s) requiring the Measure, such as the page, section, and condition number.
  - Subsection C.: identification of the implementation schedule for the Measure so that the deadlines and time periods within which the Measure must be completed are clear.
  - Subsection D.: identification of the applicable DMG Agency(ies) with authority over implementation of the Measure, the name of the agency contact person, and the contact information for the agency person, including phone number and email address.
  - Subsection E.: Name and contact information for each applicable DMG Agency(ies)’ designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account.



# Submitting the Deposit Document and Funds for Deposit

The Deposit Document may be submitted to NFWF by a DMG Agency separately from, but concurrent with, the Permittee's payment of funds for deposit, or the Deposit Document may be submitted to NFWF by the Permittee together with the payment of funds for deposit.

The funds for deposit may be paid by check or wire:

## Deposits by check shall be sent to:

National Fish and Wildlife Foundation,  
1133 15th Street, NW, Suite 1000  
Washington, D.C. 20005  
Attn: Chief Financial Officer

## Deposits by wire shall be sent to:

For depositors desiring to send funds to NFWF via electronic funds transfer, the deposit will be made in accordance with wire instructions provided by NFWF in writing at the time of deposit.

**All deposits must include a notation identifying the name of the project for which the deposit is being made.**



Attachment 4  
2081-2018-006-02  
**Aquatic, Amphibian and Reptile (AqAR) Pathology Request Form**  
2015 SW 16<sup>th</sup> Ave. Room VS-50 Gainesville, FL 32608  
P: 352-294-4726  
[diagnosticlabs@vetmed.ufl.edu](mailto:diagnosticlabs@vetmed.ufl.edu) <http://labs.vetmed.ufl.edu>

Submitters Name:		Submitters Phone No.		Patient MR# (UF use only):		Case# (UF use only):			
Owner's Name:				Clinician's/rDVM Full Name ( to contact for add'l information):					
Address				Clinic Name:					
City, State, Zip Code:				Clinic Phone Number:					
Owner's Phone:				Address:					
Animal ID/ Name:		Tank#:		City, State, Zip Code					
Scientific Name:				Clinic Fax Number:					
Common Name:				Email Address (For Lab Results):					
Sex: <input type="checkbox"/> Male <input type="checkbox"/> N. Male <input type="checkbox"/> Female <input type="checkbox"/> S. Female <input type="checkbox"/> Unkn/Other				Email Address (For Invoicing, If Different):					
DOB/Age:		Color:		Weight		Date Collected:		Date Sent:	
<i>For cytology submissions, please continue on page 2. Necropsy and Biopsy submissions, continue below</i>									
Check box for submission type: <input type="checkbox"/> Necropsy <input type="checkbox"/> Biopsy									
Zoonotic Disease(s) Suspect? <input type="checkbox"/> Yes <input type="checkbox"/> No						If yes, which?:			
Microbiology Performed? <input type="checkbox"/> Yes <input type="checkbox"/> No						Margins Inked? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Has tissue from this animal been submitted to UF Anatomic Pathology previously? <input type="checkbox"/> Yes <input type="checkbox"/> No						If yes, what is the case/accession number?: _____ - _____			
Date of Necropsy (if applicable):				Return of tissues at additional cost: <input type="checkbox"/> Yes <input type="checkbox"/> No (Retention time 6 months from submission)					
Death Due to: <input type="checkbox"/> Natural Causes Date of Death: _____ Add'l Info:									
Death Due to: <input type="checkbox"/> Euthanasia Date of Death: _____ What Used:									
List the contents of the containers below. For more containers, please use an additional request form.									
Container #1									
Container #2									
Container #3									
Container #4									
Container #5									
Samples submitted in: <input type="checkbox"/> 10% neutral buffered Formalin <input type="checkbox"/> Bouin's <input type="checkbox"/> Davidson's <input type="checkbox"/> Ethanol <input type="checkbox"/> Nothing (fresh/frozen)									
<b>Continue on to page 2 to complete Cytology Submission Information, Clinical Summary, Diagnosis and Signature.</b>									



diagnosticlabs@vetmed.ufl.edu    <http://labs.vetmed.ufl.edu>

Specimen Type (please indicate)	Tissue Sample: <input type="checkbox"/> aspirate <input type="checkbox"/> discharge <input type="checkbox"/> imprint <input type="checkbox"/> scraping <input type="checkbox"/> Other:  <input type="checkbox"/> Bone marrow aspirate <input type="checkbox"/> Body cavity effusion <input type="checkbox"/> Synovial fluid <input type="checkbox"/> Urine <input type="checkbox"/> Other:  <input type="checkbox"/> Blood film: full path review (please provide the following info if available) PCV(%): _____ TS (refractometer) g/dL: _____ Plasma color: _____ Automated WBC count/ $\mu$ L: _____
------------------------------------	---

**THIS SUMMARY WILL BE PRINTED VERBATIM ON THE REPORT. Use another page if needed.**

Special Requests: ☐ Check here to authorize up to \$60 in additional testing if needed for diagnostic purposes.

- I understand that residual samples from my animal become property of the UFVH and consent to the use of these samples. These may be used for medical education, research or publications in journals or textbooks.
- I understand that information may be supplied to:
  - Law enforcement personnel as necessary for the accomplishment of their duties.
  - Other health care providers as necessary for maintenance of public health.

PRINT FULL Name

Initials: \_\_\_\_\_ Date/Time Stamp: \_\_\_\_\_



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

Date: \_\_\_\_\_

TO: Regional Representative

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Facsimile:

FROM: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
_____	_____	_____	_____	_____

Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

General Description of Location of Parcel(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Land Value: \$

For Region Use Only

APPROVED \_\_\_\_

By: \_\_\_\_\_  
Regional Manager's Signature

DATE: \_\_\_\_\_

REJECTED \_\_\_\_

Region: \_\_\_\_\_

Explanation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



ATTACHMENT 6  
DEPARTMENT OF FISH AND WILDLIFE  
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR PROJECT APPLICANTS

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

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

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

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

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

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

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

Documents in this package include:

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

☐ Proposed Lands for Acquisition Form (PLFAF)

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

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

Included are additional documents:

☐ document(s) to support title exceptions

☐ document(s) to explain title encumbrances

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

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

☐ County Assessor Parcel Map(s) for subject property

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

☐ Final Permit or Agreement (or other appropriate instrument)

Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement

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

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

☐ Biological Resources Report

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

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

---

Issue Date: [***date***]

Beneficiary:

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

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

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

Dear Sirs:

1. At the request and on the instruction of our customer, [***name of applicant***] ("Applicant"), we, [***Name of financial institution***] ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("Department"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$[***dollar number***] [(***dollar amount***)] ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of the Department pursuant to the terms of the incidental take permit for the Soda Mountain Solar Project issued by the Department to the Applicant on [***date***] (No. 2081-2016-062-06) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in Conditions 9 and 10 in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by the Department and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. The Department shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A, which is attached hereto, at our office located at [***name and address of financial institution***].



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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [**expiration date**], or any extended expiration date.
18. We hereby agree with the Department that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[Name of financial institution]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



ATTACHMENT A

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

CERTIFICATE FOR DRAWING

To:

[*Name and address of financial institution*]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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

ATTACHMENT B

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

To:

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

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



State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (NEW 07/28/17)

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

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

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

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

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

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

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

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

c. Security:

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

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

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

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

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

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