



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2018-056-04

**LINE 56 DWR CALIFORNIA AQUEDUCT CROSSING 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>Plains Pipeline, L.P</b>
<b>Principal Officer:</b>	<b>Glen Mears, Director of Environmental &amp; Regulatory Compliance</b>
<b>Contact Person:</b>	<b>Belen Perez, (661) 336-7913</b>
<b>Mailing Address:</b>	<b>3600 Bowman Court, Bakersfield, California 93308</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 **August 30, 2021**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 5.10 of this ITP.

<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.

Rev. 2018.6.21.

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**Project Location:**

The Line 56 Department of Water Resources (DWR) California Aqueduct Crossing Project (Project) is located in western Kern County, California, at the southern end of the San Joaquin Valley (Figure 1). The Project is located within DWR boundaries and the California Aqueduct right-of-way (ROW) east of Basic School Road and south of Copus Road within the northwest ¼ of Section 35, Township 12 North, Range 23 East, Mount Diablo Base and Meridian (MDB&M), in the Pentland, CA, United States Geological Survey (USGS) 7.5-minute quadrangle.

**Project Description:**

Permittee operates an existing 8-inch diameter steel pipeline that is used to transport crude oil that crosses the Aqueduct ROW. Results of a pipeline inspection found that a pipeline segment of approximately 922 feet, within the Project location, showed signs of a deteriorated wall thickness and an inadequate grade of steel. Absent immediate repair, the pipeline could fail and cause a spill of crude oil into the Aqueduct and consequent pollution of the water within. The Project includes the replacement of the pipeline segment. Replacement of the pipeline will consist of:

Approximately 245-feet on the north side of the Aqueduct from station 249+75.16 to 252+19.74 (with 8.625" outer diameter (O.D.) x 0.375" wall thickness (WT) or better); 243-feet within the existing 20" casing crossing the Aqueduct from station 252+19.74 to 254+62.38 (with 8.625" O.D. x 0.500" WT); and 434 feet on the south side of the Aqueduct from station 254+62.38 to 258.95.93 (with 8.625" O.D. x 0.375" WT or better) (Figures 2 and 3).

The replacement pipe will be tied into the existing pipeline at either side of the Aqueduct at the State of California Aqueduct Property Line with the new pipe being trenched and buried up to the casing. The 243-feet of new pipe that will replace the pipe crossing the Aqueduct will be pushed through the existing 20-inch casing. On the north side of the Aqueduct, the existing 20-inch casing starts at an existing oil base berm that also marks the physical boundary of ground disturbance on the northern side of the Project area. On the south side of the Aqueduct, the 20-inch casing is buried once it reaches the southern bank of the Aqueduct. The Permittee may also install 10 k-rails along the edge of the existing access road on the south side of the Project as an extra precaution to prevent soils from entering the Aqueduct.

Site preparation activities include clearing, grading, and leveling, and soil may be cut or filled, watered, and compacted to stabilize the site and establish an even foundation for pipeline repair and replacement. All construction activities will occur within the 100-foot wide pipeline easement. Ground disturbance for the Project will consist of grading an area approximately 679-feet long by 100-feet wide, with a trench excavation of approximately 6-feet deep and 4-feet wide. Immediately south of the aqueduct, there is an approximate 115-feet long by

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120-foot wide bell-hole area, where the pipe will be pushed through is casing that crosses the aqueduct. The top 4- to 6-inches of topsoil will be removed, including any plants or shrubs. Material excavated from the trench will be segregated and stored separately from the topsoil. All excavated material will be stored in a designated soil storage area. There will be one soil storage area on each side of the aqueduct. All material shall be replaced back into the pipeline trench, compacted, with topsoil and material being replaced last to facilitate restoration to approximate conditions prior to excavation.

Access roads used for ingress and egress to the Project site are approximately 20 feet wide and are expected to be adequate for equipment access, but minor alterations may be needed. A minimum of 50 feet drain rock, 3-inches to 6-inches in diameter, at a minimum depth of 12 inches, will be installed at each driveway entrance to the site to prevent mud track onto county streets.

Heavy plastic visqueen sheeting will be used to cover the excavated area below and around the disturbance area to contain all construction materials and prevent any materials from contaminating the soil and/or entering the Aqueduct. Upon completion of construction activities, the plastic sheeting shall be removed with any debris from the pipeline replacement process and disposed of at a permitted waste facility.

Total disturbance, including soil storage areas, will not exceed 1.99 acres.

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

This ITP covers the following species:

<b>Name</b>	<b>CESA Status</b>
1. San Joaquin antelope squirrel ( <i>Ammospermophilus nelsoni</i> )	Threatened <sup>3</sup>
2. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> )	Threatened <sup>4</sup>
3. Tipton kangaroo rat ( <i>Dipodomys nitratooides nitratooides</i> )	Endangered <sup>5</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 clearing, grubbing, removing vegetation, excavation to expose pipeline, backfill and compaction of the pipeline trench,

<sup>3</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(B).

<sup>4</sup>See *Id.*, subd. (b)(6)(E).

<sup>5</sup>See *Id.*, subd. (a)(6)(D).

spills or leaks of hydrocarbons or other chemicals, leveling (soil cut and/or fill) and compaction, grading, materials laydown and storage, heavy equipment storage, construction and, Project-related traffic, installation and removal of temporary exclusion fencing; and other activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as den or burrow collapse that results in crushing or suffocation of underground individuals due to site preparation and excavation, crushing by equipment; entrapment and burial within excavations, and vehicle strikes from Project-related traffic during construction activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from entrapment in excavations, uncovering through the excavation of dens and burrow systems, by corralling into a confined area when exclusion fencing is constructed around the Project Area, vehicular strikes, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include staging areas, pipeline excavation work areas, pipeline repair areas, exclusion fencing areas, and access routes (collectively, the Project Area).

The Project is expected to cause temporary loss, not to exceed 1.99 acres, of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from excavation, stress and exposure due to capture and relocation, short-term loss of denning and burrowing habitat used for shelter, and long-term effects due to 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

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noise- and vibration-generating activities that may cause take. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the United States Fish and Wildlife Service (USFWS) Biological Opinion (USFWS File number 1-8-94-F-27) 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.
- 3. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 4. General Provisions:**
  - 4.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
  - 4.2. Designated Biologist.** Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) at least five (5) days before starting Covered Activities. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating

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burrows to minimize mortality of small mammal species, including San Joaquin antelope squirrel (SJAS) and Tipton kangaroo rat (TKR), as well as experience in the eviction and excavation of dens actively being used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors who will work under the direction/supervision of the Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors and their specific activities shall be approved in advance and in writing by CDFW.

- 4.3. Designated Biologist/Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 4.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 4.5. Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

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- 4.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 4.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 4.9. Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 4.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.
- 4.11. Delineation of Project Boundaries. Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags before starting Covered Activities along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas (Work Areas). Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.

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- 4.12. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 4.13. Project Access. Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 4.14. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.11 of this ITP.
- 4.15. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 4.16. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area 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.
- 4.17. 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.

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## 5. Monitoring, Notification and Reporting Provisions:

- 5.1. Notification Before Commencement. The Designated Representative shall notify CDFW 24 hours before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities.
- 5.2. Notification of Non-compliance. The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it is determined that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 5.3. SJAS Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 5.4. TKR Mortality Reduction and Relocation Plan. Permittee shall submit a TKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The TKR Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or

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veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate TKR. Once the TKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all TKR mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved TKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed TKR Mortality Reduction and Relocation Plan modifications.

- 5.5. SJKF Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.
- 5.6. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections daily during construction.
- 5.7. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all SJAS and TKR handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global

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Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.8 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.10 below shall include cumulative results, analysis of data collected, and conclusions.

- 5.8. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.6 into a Monthly Compliance Report commencing with the first full month after work has begun and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 5.9. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.
- 5.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the

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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.

- 5.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.

**6. Take Minimization Measures:**

The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered Activities. The "Repair Site" is further defined to only include the Pipeline Repair site and not the associated staging areas or access roadways. Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 6.1. Designated Biologist On Site. The Designated Biologist shall be on site during all activities that may result in the take of Covered Species.
- 6.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW.
- 6.3. Lighting. Permitted shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.

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- 6.4. Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 6.5. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 6.6. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 6.20 and 6.26.
- 6.7. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS or TKR is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan or TKR Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4 above.
- 6.8. Stockpiling Materials. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 6.9. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 6.10. Materials Inspection. Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS or TKR is inside the fenced Work Area, the

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Designated Biologist shall move the SJAS or TKR out of harm's way outside of the Project Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan or TKR Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4 above.

- 6.11. Trench Inspection. The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS or TKR as per the approved SJAS or TKR Mortality Reduction and Relocation Plans described in Conditions of Approval 5.3 and 5.4 above.
- 6.12. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered

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Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.

- 6.13. Covered Species Observations. All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.
- 6.14. Pre-Activity Surveys. The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS and/or TKR relocation as described in Conditions of Approval 5.3 and 5.4, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 5.5.
- 6.15. Delineation of Environmentally Sensitive Areas. Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that

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warrant special protection and work exclusion zones, as defined in Conditions of approval 6.18 and 6.27. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 6.19, 6.20, 6.22, 6.23, 6.24, 6.26, 6.28, and 6.29.

- 6.16. Temporary Exclusion Fencing. Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Repair Site, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Repair Site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Repair Site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Repair Site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Repair Site. If the Designated Biologist determines that temporary exclusion fencing will not be installed around the Repair Site within the Project Area, CDFW shall be notified regarding the Repair Site and the reasoning for not installing the fencing around that area and a sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the Repair Site throughout the duration that Covered Activities will occur.
- 6.17. Temporary Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 6.20 and 6.26 below prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Repair Site. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.
- 6.18. SJAS and TKR Burrow Avoidance. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be

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occupied SJAS and TKR burrows within and adjacent to the Repair Site to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.19, 6.20, 6.22, 6.23, 6.24, 6.25, and 6.26 below.

### *SJAS Specific Measures*

- 6.19. **SJAS Relocation.** The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Repair Site that cannot be avoided per Condition of Approval 6.18 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the appropriate SJAS Mortality Reduction and Relocation Plan (Condition of Approval 5.3). Traps shall only be open during the time of day when **on-site temperatures** are within the 68 to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.
- 6.20. **SJAS Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval 6.19 and prior to commencing Covered Activities within the Repair Site, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Repair Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 6.19 above. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 5.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.

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*TKR Specific Measures*

- 6.21. TKR Burrow Map Surveys and Burrow Avoidance. The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify and flag all potential TKR burrows, whether they appear active or inactive, within the Work Area and buffer no more than 14 days prior to initiating any Covered Activities in each Work Area of the Project Area. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied TKR burrows within the Work Area. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.22, 6.23, 6.24, 6.25, and 6.26 below. Permittee shall provide the TKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion and prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential TKR burrows, a discussion and map of the locations of each potential TKR burrow and the date when TKR relocation will commence as described in Condition of Approval 5.4.
- 6.22. TKR Temporary Exclusion Fencing. Permittee shall install Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area immediately following surveys to flag all potential TKR burrows in accordance with Condition of Approval 6.21 above. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist using hand tools within the Work Area. Permittee shall install Temporary Exclusion Fencing in a sequential manner that corresponds to the progression of active Covered Activities at the Work Area. Temporary Exclusion Fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.
- 6.23. TKR Temporary Exclusion Fencing Installation. The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as high winds and heavy rain for the duration of the Covered Activities in that Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.

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- 6.24. TKR Relocation. Any potential TKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 6.21 shall be live trapped by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured TKR to the CDFW-approved release site identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.4). The Designated Biologist shall relocate any seed caches, and seed stores found with live-trapped TKR with the associated individual TKR by placing those materials within the release cages or artificial burrows.
- 6.25. TKR Weather Constraints for Trapping. During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for TKR. Additionally, the Designated Biologist shall close all traps for TKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.
- 6.26. TKR Burrow Excavation. Immediately following live trapping activities conducted to address Condition of Approval 6.24 and prior to commencing Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential TKR burrows within the fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any TKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.4). Seed caches, and seed stores found with a TKR during excavation shall be relocated with the associated individual TKR and shall be placed within the release cages or artificial burrows.

#### *SJKF Specific Measures*

- 6.27. SJKF Den Avoidance. Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered

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Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Site when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.

- 6.28. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 6.27 with an artificial den prior to den excavation (as described in Condition of Approval 6.29 below). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 5.5. Pre-construction surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 6.14) and avoidance measures (as described in Condition of Approval 6.27) implemented prior to the installation of artificial dens.
- 6.29. SJKF Den Excavation. Potential dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist without advance tracking or camera monitoring. Known dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 6.27 may

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be destroyed only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.

- 6.30. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 5.11. Notification shall include the name of the facility where the animal was taken.

## **7. 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 use existing conservation credits from its balance of credits acquired from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).

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- 7.1. Covered Species Credits. Permittee shall (1) assign 2.2 acres of Covered Species credits from CLEP, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by CLEP and a credit ledger or similar document from CLEP. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.

**Amendment:**

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

**Stop-Work Order:**

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to, the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

**Compliance with Other Laws:**

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

**Notices:**

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

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

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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 (2081-2018-056-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4005  
Fax (559) 243-4020

and a copy to:

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

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

Craig Bailey, Senior Environmental Scientist (Supervisory)  
California Department of Fish and Wildlife  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (229) 243-4014  
Fax (559) 243-3004

**Compliance with CEQA:**

As the "public agency which has the principal responsibility of...approving [the Project]," (Pub. Resources Code, §21067), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, §21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because it is an action necessary to maintain, repair, and recondition an existing pipeline.

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(Pub. Resources Code, §21080.21, subd. (a) and §21080.23.). CDFW has filed a Notice of Exemption for the Project.

**Findings Pursuant to CESA:**

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2.189 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;

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- (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	Project Vicinity Map
FIGURE 2	Project Area Map
FIGURE 3	Project Work Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

on 4/6/2020

DocuSigned by:  
  
FA83F09FE08945A...  
Julie A. Vance, Regional Manager  
REGION 4 – CENTRAL REGION

**ACKNOWLEDGMENT**

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

By: Glen Mears Date: 4/7/2020

Printed Name: GLEN MEARS Title: ERC Director

Incidental Take Permit  
No. 2081-2018-056-04  
PLAINS PIPELINE, L.P.  
LINE 56 DWR CALIFORNIA  
AQUEDUCT CROSSING

Figure 1. Project Vicinity Map

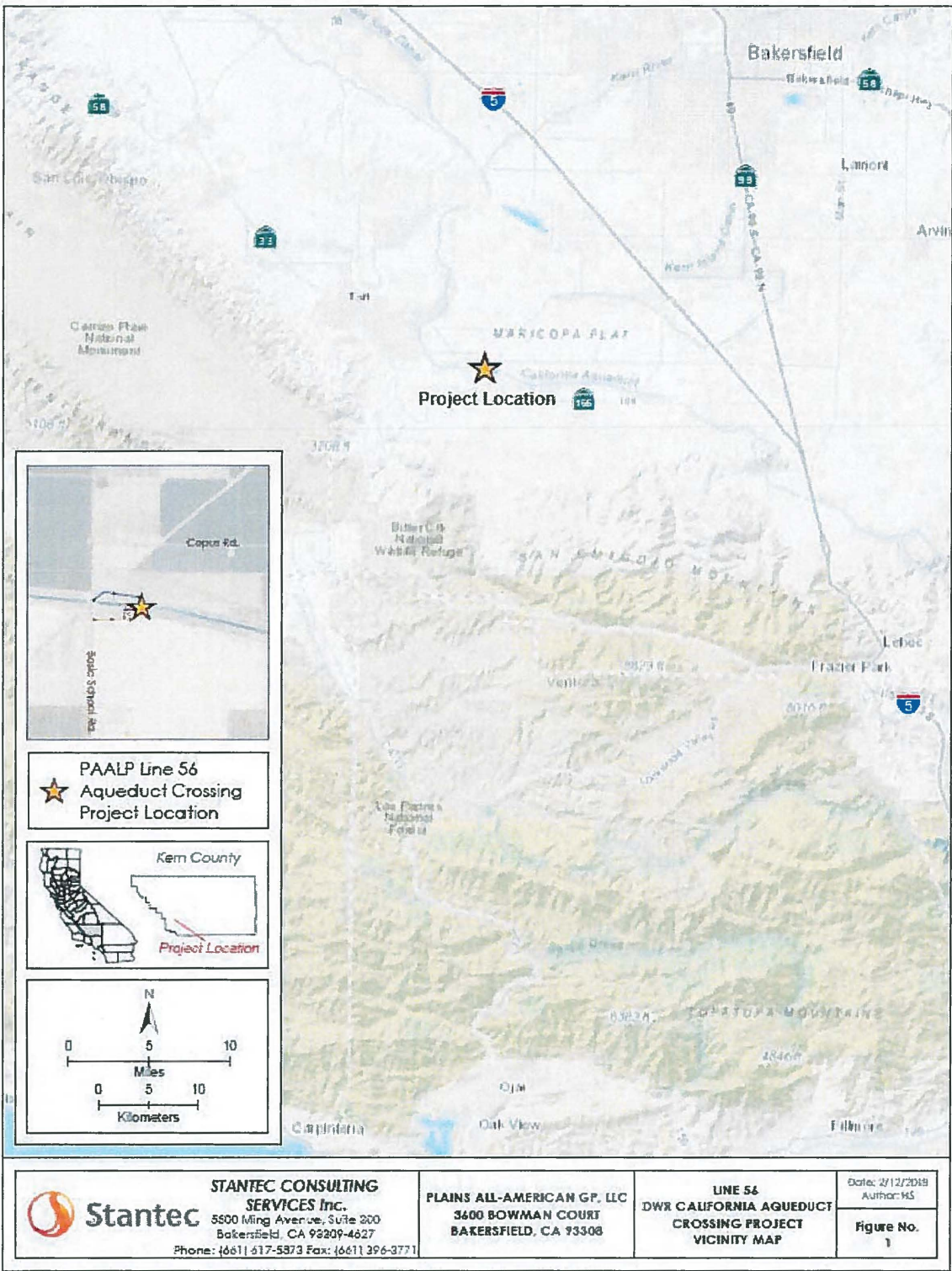




Figure 2. Project Area Map

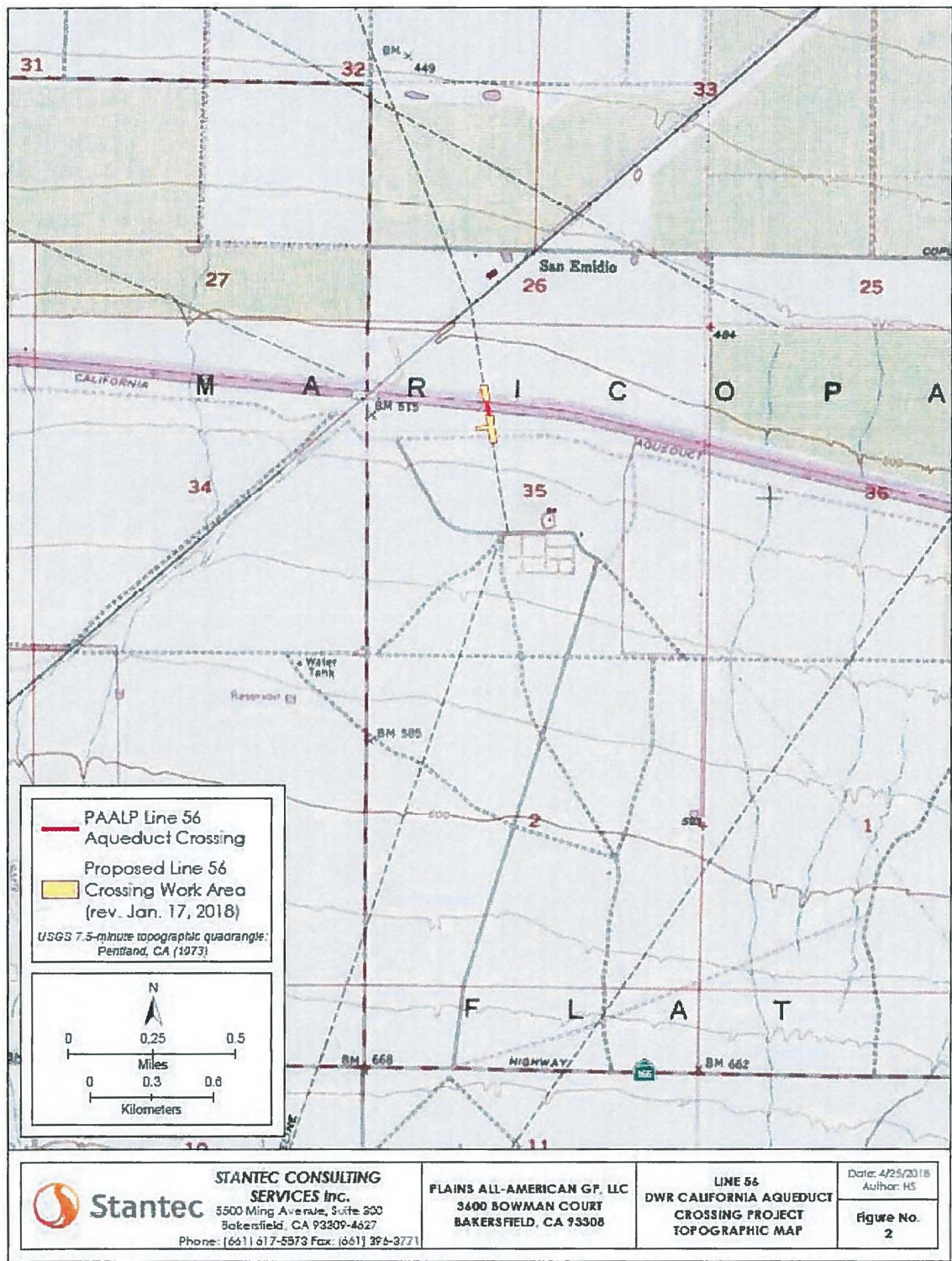
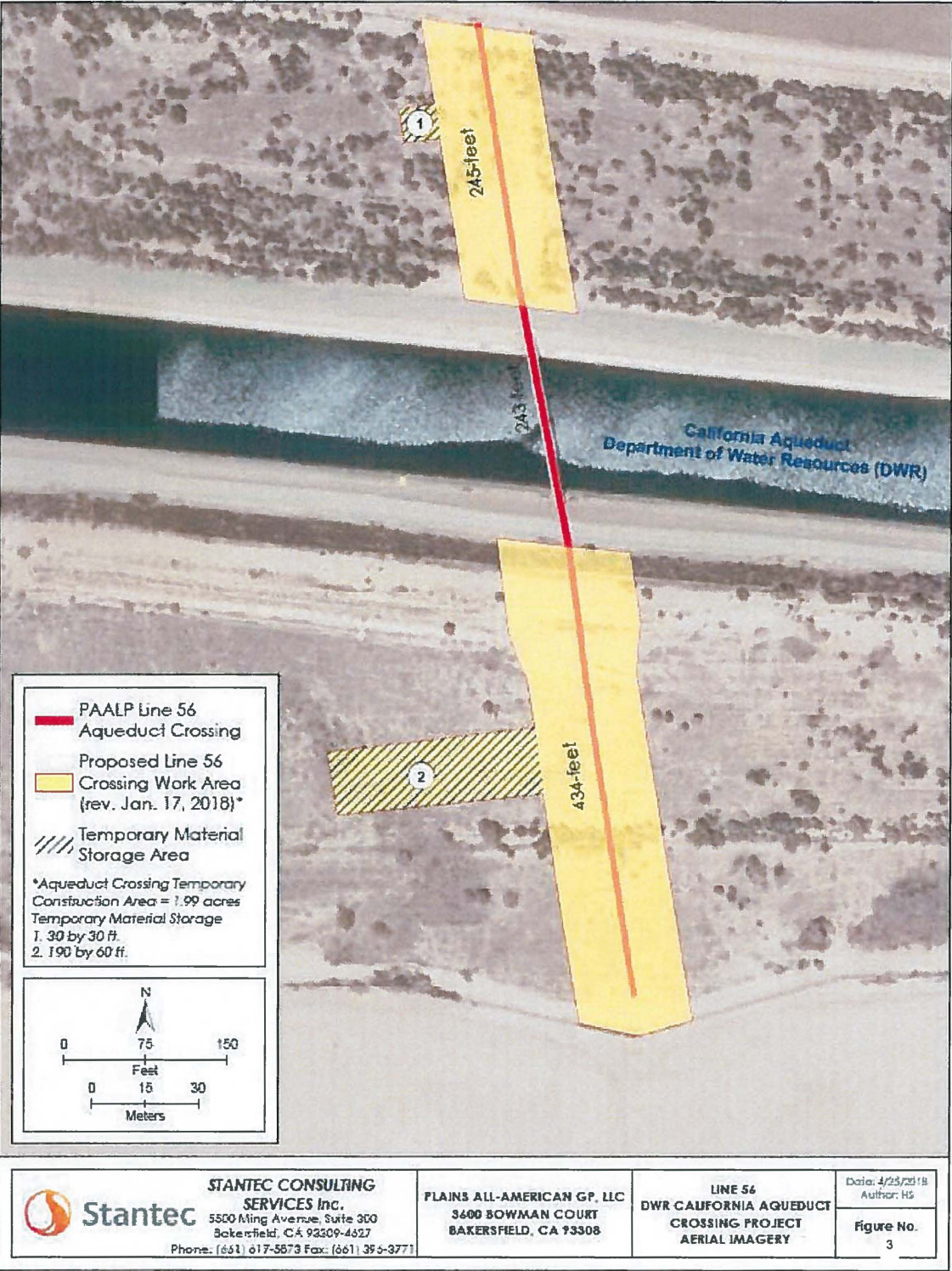




Figure 3. Project Work Area



**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2018-056-04**

**PERMITTEE: Plains Pipeline, L.P**

**PROJECT: Line 56 DWR California Aqueduct Crossing Project**

**PURPOSE OF THE MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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



## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist(s) at least five (5) days before starting Covered Activities. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. In addition, Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of small mammal species, including San Joaquin antelope squirrel (SJAS) and Tipton kangaroo rat (TKR), as well as experience in the eviction and excavation of dens actively being used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors who will work under the direction/supervision of the Designated Biologist. Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors and their specific activities shall be approved in advance and in writing by CDFW.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Project Boundaries.</u> Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags before starting Covered Activities along each part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas (Work Areas). Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 4.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 4.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW 24 hours before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>SJAS Mortality Reduction and Relocation Plan.</u> Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>TKR Mortality Reduction and Relocation Plan</u> . Permittee shall submit a TKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The TKR Mortality Reduction and Relocation Plan shall include, but not be limited to, trapping methodology; timing; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); description of exclusion fencing implementation; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate TKR. Once the TKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all TKR mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved TKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed TKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>SJKF Den Replacement Plan</u> . Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the beginning of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Site with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation and Covered Activities within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, number of and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved in writing by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Habitat Management Land Acquisition</u> : 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 use existing conservation credits from its balance of credits acquired from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>Covered Species Credits</u> . Permittee shall (1) assign 2.2 acres of Covered Species credits from CLEP, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by CLEP and a credit ledger or similar document from CLEP. A copy of the credit certificate shall be kept at the Project site while conducting Covered Activities.	ITP Condition #7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	<u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species dens or burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
16	<u>Pre-Activity Surveys.</u> The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 14 days prior to initiating Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential dens and burrows used by Covered Species as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Pre-activity surveys shall be conducted under appropriate conditions to detect SJAS. Conditions considered appropriate for detection of SJAS include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential Covered Species burrow and/or den, an estimated date of SJAS and/or TKR relocation as described in Conditions of Approval 5.3 and 5.4, the number of potential SJKF dens, a discussion and map of the locations of each known and natal SJKF den, and an estimated date of SJKF den excavation as defined in Condition of Approval 5.5.	ITP Condition # 6.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of approval 6.18 and 6.27. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 6.19, 6.20, 6.22, 6.23, 6.24, 6.26, 6.28, and 6.29.	ITP Condition # 6.15	Before commencing ground- or vegetation-disturbing activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>Temporary Exclusion Fencing</u> . Under the discretion of the Designated Biologist, prior to conducting Covered Activities at the Repair Site, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Repair Site to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in a sequential manner corresponding to the progression of Covered Activities and in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Repair Site to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Repair Site of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Repair Site. If the Designated Biologist determines that temporary exclusion fencing will not be installed around the Repair Site within the Project Area, CDFW shall be notified regarding the Repair Site and the reasoning for not installing the fencing around that area and a sufficient number of Designated Biologist(s) and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the Repair Site throughout the duration that Covered Activities will occur.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities	Permittee	
19	<u>Temporary Exclusion Fencing Installation</u> . The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. When small mammal burrows cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Conditions of Approval 6.20 and 6.26 below prior to commencing fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Repair Site. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
20	<u>SJAS and TKR Burrow Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS and TKR burrows within and adjacent to the Repair Site to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.19, 6.20, 6.22, 6.23, 6.24, 6.25, and 6.26 below.	ITP Condition # 6.18	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<u>SJAS Relocation</u> . The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential SJAS burrows detected within the Repair Site that cannot be avoided per Condition of Approval 6.18 prior to commencing ground- or vegetation-disturbing related Covered Activities. SJAS shall be relocated only after young of the year SJAS are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the appropriate SJAS Mortality Reduction and Relocation Plan (Condition of Approval 5.3). Traps shall only be open during the time of day when <u>on-site temperatures</u> are within the 68 to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are <u>predicted by the National Weather Service</u> to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<u>SJAS Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 6.19 and prior to commencing Covered Activities within the Repair Site, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Repair Site to be disturbed by Covered Activities. SJAS Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 6.19 above. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 5.3). Any dormant SJAS encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.	ITP Condition # 6.20	Before commencing ground- or vegetation-disturbing activities	Permittee	
23	<u>TKR Burrow Map Surveys and Burrow Avoidance</u> . The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify and flag all potential TKR burrows, whether they appear active or inactive, within the Work Area and buffer no more than 14 days prior to initiating any Covered Activities in each Work Area of the Project Area. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied TKR burrows within the Work Area. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.22, 6.23, 6.24, 6.25, and 6.26 below. Permittee shall provide the TKR Burrow Map Survey results in a written report to CDFW's Regional Representative within four (4) days of survey completion and prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, the number of potential TKR burrows, a discussion and map of the locations of each potential TKR burrow and the date when TKR relocation will commence as described in Condition of Approval 5.4.	ITP Condition # 6.21	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>TKR Temporary Exclusion Fencing</u> . Permittee shall install Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area immediately following surveys to flag all potential TKR burrows in accordance with Condition of Approval 6.21 above. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, and installation locations prior to installing fencing. Prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed under the supervision of the Designated Biologist using hand tools within the Work Area. Permittee shall install Temporary Exclusion Fencing in a sequential manner that corresponds to the progression of active Covered Activities at the Work Area. Temporary Exclusion Fencing shall not be installed simultaneously at all Work Areas and shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.	ITP Condition # 6.22	Before commencing ground- or vegetation-disturbing activities	Permittee	
25	<u>TKR Temporary Exclusion Fencing Installation</u> . The Designated Biologist shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as high winds and heavy rain for the duration of the Covered Activities in that Work Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary.	ITP Condition # 6.23	Before commencing ground- or vegetation-disturbing activities	Permittee	
26	<u>TKR Relocation</u> . Any potential TKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 6.21 shall be live trapped by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured TKR to the CDFW-approved release site identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.4). The Designated Biologist shall relocate any seed caches, and seed stores found with live-trapped TKR with the associated individual TKR by placing those materials within the release cages or artificial burrows.	ITP Condition # 6.24	Before commencing ground- or vegetation-disturbing activities	Permittee	
27	<u>TKR Weather Constraints for Trapping</u> . During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for TKR. Additionally, the Designated Biologist shall close all traps for TKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place synthetic batting or other appropriate insulating material in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.	ITP Condition # 6.25	Before commencing ground- or vegetation-disturbing activities	Permittee	
28	<u>TKR Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 6.24 and prior to commencing Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential TKR burrows within the fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any TKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.4). Seed caches, and seed stores found with a TKR during excavation shall be relocated with the associated individual TKR and shall be placed within the release cages or artificial burrows.	ITP Condition # 6.26	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<u>SJKF Den Avoidance.</u> Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., grading area, excavation area) or their location poses a risk of direct harm to SJKF individuals. Dens in an area of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Site when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens or exclude foxes from dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet shall be established around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and e-mail if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area.	ITP Condition # 6.27	Before commencing ground- or vegetation-disturbing activities	Permittee	
30	<u>SJKF Den Replacement.</u> Permittee shall replace each known and natal SJKF den that cannot be avoided (and therefore may be destroyed) as per Condition of Approval 6.27 with an artificial den prior to den excavation (as described in Condition of Approval 6.29 below). Permittee shall install one artificial kit fox den for each known den and three artificial natal dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 5.5. Pre-construction surveys shall be conducted by the Designated Biologist (as described in Condition of Approval 6.14) and avoidance measures (as described in Condition of Approval 6.27) implemented prior to the installation of artificial dens.	ITP Condition # 6.28	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<u>SJKF Den Excavation.</u> Potential dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist without advance tracking or camera monitoring. Known dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 6.27 may be destroyed only after the Designated Biologist has determined that SJKF is not currently present after four (4) consecutive nights of monitoring with tracking medium and infrared camera. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of SJKF does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.	ITP Condition # 6.29	Before commencing ground- or vegetation-disturbing activities	Permittee	
<b>DURING CONSTRUCTION</b>					
32	<u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections daily during construction.	ITP Condition # 5.6	Entire Project	Permittee	
33	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.6 into a Monthly Compliance Report commencing with the first full month after work has begun and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species within and/or surrounding the Project Area to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.	ITP Condition # 5.9	Entire Project	Permittee	
35	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall immediately notify CDFW in writing if it is determined that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to, any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 5.2	Entire Project	Permittee	
36	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 4.5	Entire Project	Permittee	
37	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 4.8	Entire Project	Permittee	
38	<u>Dogs.</u> Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 4.9	Entire Project	Permittee	
39	<u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.	ITP Condition # 4.10	Entire Project	Permittee	
40	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.13	Entire Project	Permittee	
41	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.11 of the ITP.	ITP Condition # 4.14	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<b>Hazardous Waste.</b> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 4.15	Entire Project	Permittee	
43	<b>CDFW Access.</b> Permittee shall provide CDFW staff with reasonable access to the Project Area 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 # 4.16	Entire Project	Permittee	
44	<b>Record of Covered Species Relocation Efforts.</b> The Designated Biologist shall maintain a record of all SJAS and TKR handled and all documented observations of SJKF. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.8 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.10 below shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.7	Entire Project	Permittee	
45	<b>Designated Biologist On Site.</b> The Designated Biologist shall be on site during all activities that may result in the take of Covered Species.	ITP Condition # 6.1	Entire Project	Permittee	
46	<b>Work Hours.</b> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW.	ITP Condition # 6.2	Entire Project	Permittee	
47	<b>Lighting.</b> Permitted shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.	ITP Condition # 6.3	Entire Project	Permittee	
48	<b>Vehicle Parking.</b> Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 6.20 and 6.26.	ITP Condition # 6.6	Entire Project	Permittee	
49	<b>Vehicle and Equipment Inspection.</b> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if a SJAS or TKR is inside the fenced Work Area, the Designated Biologist shall move the SJAS out of harm's way outside of the Work Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan or TKR Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4.	ITP Condition # 6.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
51	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 6.9	Entire Project	Permittee	
52	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the pipe is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, especially if a SJAS or TKR is inside the fenced Work Area, the Designated Biologist shall move the SJAS or TKR out of harm's way outside of the Project Area and in compliance with the approved SJAS Mortality Reduction and Relocation Plan or TKR Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4 above.	ITP Condition # 6.10	Entire Project	Permittee	
53	<u>Trench Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-workdays), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the SJAS or TKR as per the approved SJAS or TKR Mortality Reduction and Relocation Plans described in Conditions of Approval 5.3 and 5.4 above.	ITP Condition # 6.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area will be capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 6.12	Entire Project	Permittee	
55	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or is moved by the Designated Biologist.	ITP Condition # 6.13	Entire Project	Permittee	
56	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report within two (2) calendar days of the incident as described in Condition of Approval 5.11. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 6.30	Entire Project	Permittee	
57	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, explanation as to cause of take or injury, a photograph of the animal or carcass, if possible, and any other pertinent information.	ITP Condition # 5.11	Entire Project	Permittee	
58	<u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and/or Designated Monitor shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 4.3	Entire Project	CDFW	
<b>POST-CONSTRUCTION</b>					
59	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.17	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.10	Post-construction and after completion of mitigation	Permittee	