



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

California Endangered Species Act
Incidental Take Permit No. 2081-2081-2019-019-04

12 RANCHO SAN CARLOS ROAD (OCHO WEST) PROJECT

Authority:

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

Permittee:	Andris Uptis
Principal Officer:	Andris Uptis, Landowner
Contact Person:	Jay Auburn, (831) 521-5670 Jay@studioschicketanz.com
Mailing Address:	98 San Jacinto Boulevard, No. 2006 Austin, Texas 78701

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2030**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.11 of this ITP.

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

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

Project Location:

The 12 Rancho San Carlos Road (Ocho West) Development Project (Project) is located at 12 Rancho San Carlos Road within unincorporated Monterey County (Figure 1). The Project is located approximately 2.5 miles southeast of the intersection of Highway 1 and Carmel Valley Road at approximately 36.5114, -121.8888. The Project is within a 20,000-acre development known as the Santa Lucia Preserve (previously known as Rancho San Carlos) and is bordered by the Palo Corona Regional Park to the west (Figure 2). A single-family home will be developed within a larger 10-acre "Homeland", an area within the Santa Lucia Preserve designated for the development of residences.

The residential development and most of the driveway improvements are located within Assessor's Parcel Number (APN) 157-131-002 or "Animus 1". Portions of the driveway improvements will occur on adjacent APNs 157-131-010 and 239-021-004 and will also be covered by this ITP (Figure 2).

Project Description:

The Project includes development of 7.6 acres into a single-family residence, associated structures, hardscape elements, and supporting utilities. Of this, 7.5 acres is undeveloped land and 0.1 acre is previously developed land (existing paved roadway). The development will include a two-story 6,800-square foot primary residence with an attached three-car garage, a separate single-story 800-square foot accessory dwelling unit (guest house), stone and mortar patios, walkways, and terraces, stone retaining walls, planters, a vegetated guest parking area, utility infrastructure, and a driveway (Figure 3).

The primary residence will be situated on the flattest portion of a knoll, which generally has an east-west orientation with the main floor above grade and the ground floor built into the hillside below grade. The accessory dwelling unit will be located on the same knoll, approximately 100 feet to the south of the primary residence and approximately 20 feet lower in elevation. The accessory dwelling unit will also be built into the hillside.

Development of the Project will include underground installation of a 500-gallon approximately 3-foot by 10-foot propane tank as well as a 2,500-gallon 12-foot by 7.5-foot septic tank draining to two 75-foot long by 18-inch wide leach fields. The propane tank and septic tank will be installed approximately six feet deep while the leach fields are approximately three feet, eight inches deep.

Development activities will also involve improvements to an existing graded driveway which provides access from Rancho San Carlos Road to the residence. Driveway improvements include asphalt paving, widening it from approximately eight to nine feet to a width of 12 feet, and constructing a pull-out and turnarounds for the fire department. The improved driveway will measure approximately 6,100 feet in length and 98,900 square feet (2.3 acres) in area.

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Utilities will be installed entirely within the 7.6 acres and will be primarily aligned within the driveway, except for the underground septic tank, leach fields, and propane tank which will be placed to the southwest of the guest house. In total, 7.6 acres will be graded resulting in 3,100 cubic yards of cut and 4,400 cubic yards of fill, with the majority of this grading supporting driveway improvements. In total, 2.7 acres of habitat will be permanently removed through construction of structures and hardscape elements. The remaining 4.8 acres will be temporarily impacted but will be revegetated with native plant species upon completion of construction and 0.1 acre is already a developed, paved roadway.

Project activities include vegetation removal via scraping, grubbing and grading of the entire 7.6 acres, road/driveway construction, asphalt paving, landscaping, trenching and excavating for utility installation, and restoration of grassland around the landscaped area to blend into surrounding open lands. Staging, access, and storage of construction materials and equipment will occur within the 7.6-acre grading limits.

Grading equipment to be used includes a bulldozer, scraper, excavator, compactor/roller, dump truck; bobcat with sweep, bucket, and drill attachments. Additional equipment to be used includes a small crane, forklift, concrete trucks, and ride-on mower for landscaping; a grader and asphalt paver for paving; and medium/large passenger trucks and equipment delivery trucks to support construction.

The Project will also include repair and maintenance activities with the potential to result in ground disturbance occurring subsequent to initial construction of the site within areas of permanent and temporary impacts. Repair and maintenance activities include the following: (1) asphalt resurfacing of the driveway using trucks and asphalt equipment; (2) driveway repair including repair of stone retaining walls using an excavator, bobcat, or hand crews; (3) repairs to utility infrastructure, leach fields, building footings, and hard structures; and (4) gardening and work within horticultural planting areas including removal and installation of irrigation, plants, bedding materials, outdoor lighting and annual mowing. Maintenance and repair work will include excavation and grading. Equipment used to perform repair and maintenance-related excavation and grading activities includes those identified above. Gardening and horticultural repair and maintenance will be conducted using hand tools, wheelbarrows, light materials movers (e.g., bobcat), a gas-powered ride-on mower, and weed trimmers.

The Project will also involve revegetation of 4.8 acres that will be temporarily disturbed by Project activities. The goal of revegetation activities is to restore these temporarily disturbed areas to grassland or coyote brush scrub land cover to blend into surrounding open lands. Revegetation activities will include seeding and installation of live plants. As a component of revegetation activities, efforts will be made to control invasive plant species through weed management activities. These activities will include control via manual methods including

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hand-weeding by cutting and pulling individuals; mechanical methods via mowing; and chemical methods via herbicide application. Any invasive species disturbed by Project activities will be collected and hauled off-site for disposal.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

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

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

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 earthwork; grading; cut and fill (leveling); installation of utilities and leach fields; concrete paving; landscaping; construction of buildings; asphalt paving driveway improvements; operation of heavy equipment; ground compaction; stockpiling and deposit of soils; material and equipment transport and laydown; trenching and backfilling; revegetation and invasive species control activities; and repair and maintenance activities (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 vehicle/equipment strikes during site preparation and hauling of materials and spoils; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during vegetation removal, grubbing, cut/fill, grading, compaction, and trenching; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation removal, top soil, or soil compaction, grading activities, and development of the driveway, structure building pads, and other surface infrastructure; entrapment and burial within trenches for utilities, open pipelines, or uncovered excavations; crushing by equipment; and vehicle strikes on access roads due to Project-related traffic. Incidental take of individuals of the Covered Species may also occur from Covered Activities in the form of pursue, catch, capture, or attempt to do so through the capture or entrapment in holes or trenches, by uncovering through the excavation of burrow systems, by corralling into a confined area when barrier fencing is constructed around the Project Area, and when individuals are relocated out of harm’s way as required by this ITP. The areas where authorized take of the

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

Covered Species is expected to occur include: the primary residence with attached garage, accessory dwelling unit (guest house), patios, walkways, stone retaining walls, planters, terraces, guest parking area, and driveway within 7.5 acres of undeveloped land and 0.1 acre of developed land (existing paved roadway) (collectively, the Project Area).

The Project is expected to cause the permanent loss of 2.7 acres of habitat for the Covered Species, and temporary loss of 4.8 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 ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

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- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of Mitigated Negative Declaration and Initial Study (SCH No.: 2019089031) adopted by Monterey County on January 30, 2020 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the 12 Rancho San Carlos (Ocho West) Project Low-Effect Habitat Conservation Plan (HCP) and take authorization issued for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 5. General Provisions:**
 - 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 5.2. Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist may be assisted by approved biologists identified as Designated

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Monitors that may not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW.

- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 5.5. Construction Monitoring Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

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- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.10. 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.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.

- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area other than those associated with residential use and stored properly indoors and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping materials, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

6. Monitoring, Notification, and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Covered Species Mortality Reduction and Relocation Plan.** At least 30 days prior to initiating Covered Activities, the Designated Biologist shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion of the survey; excavation methods; capture, handling, and relocation methods; identification of where the individuals will be relocated; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken.

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The Covered Species Mortality Reduction and Relocation Plan must indicate that only the approved Designated Biologist and Designated Monitors under the direct supervision of the Designated Biologist approved in writing by CDFW is/are authorized to capture, handle, and relocate individuals of the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all Covered Species relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.

- 6.4. Landscaping Plan.** At least 30 days prior to initiating Covered Activities, Permittee shall submit a Landscaping Plan to CDFW for review and approval. The Plan shall include detailed specifications for all landscaping activities, such as species composition of seed mixes, seed application methods, plant palettes, planting substrates (e.g., weed free straw or mulch), and sources of landscaping materials. The Plan shall include a list of species that will be used in landscaping and shall limit landscaping to plant species that are non-invasive and not identified in the California Invasive Plant Council Inventory (<https://www.cal-ipc.org/plants/inventory/>).
- 6.5. Invasive Species Control Plan.** At least 30 days prior to initiating Covered Activities, Permittee shall submit an Invasive Species Control Plan to CDFW for review and approval. The Plan shall include detailed methods to be implemented to ensure that all invasive, exotic plant species disturbed by the Project are removed from the Project Area in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area.
- 6.6. Habitat Restoration Plan.** Within three months of issuance of this ITP, the Permittee shall prepare a Habitat Restoration Plan to facilitate revegetation of the 4.8 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a

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timeline; and (8) success standards and contingency measures if the first application is unsuccessful.

- 6.7. Compliance Monitoring.** The Designated Biologist shall be on site daily when ground-disturbing activities are conducted during construction, planned repair or maintenance activities, or unplanned repair or maintenance activities and when construction, planned repair or maintenance, or unplanned repair or maintenance activities occurs in any footprint where small mammal burrows occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: 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 a minimum of once monthly during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.8. Monthly Compliance Report (Construction Activities).** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.7 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure for Construction Activities. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Site during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month. At the time of this ITP's approval, the CDFW Regional Representative is Craig Bailey (Craig.Bailey@wildlife.ca.gov), 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

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CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.9. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8 for Construction Activities; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of any construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if applicable; (10) the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and (11) the proposed construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.
- 6.10. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.11. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs;

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(2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. The Final Mitigation Report shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.

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

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

- 7.1. Pre-Activity Clearance Surveys and Reporting.** No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the area, including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found during surveys, the Designated Biologist shall relocate them from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). The Permittee shall provide the survey results to CDFW in a written report no more than 14 calendar days prior to the beginning of Covered Activities.
- 7.2. Flag Burrows.** During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal

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burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters (1,844 feet) of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 7.3 below.

- 7.3. Small Mammal Burrow Excavation.** Prior to any vegetation- or ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2 above, and within 562 meters (1,844 feet) of known or potential Covered Species breeding habitat and that cannot be avoided by 50 feet, shall be fully excavated under the direct supervision of the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 feet of the Project Area except that burrows outside of the Permittee's access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 calendar days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1 above.
- 7.4. Covered Species Exclusion Fencing.** If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittee shall install temporary exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours **after** small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist in accordance with Condition of Approval 7.3 above to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). The exclusion fence shall be buried a minimum of four inches below ground-surface and shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one-way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the

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exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters (1844 feet) of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3 above prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.

- 7.5. Covered Species Exclusion Fence Installation.** The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain for the duration of Covered Activities. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area.
- 7.6. Delineation of Ingress and Egress Routes.** Permittee shall flag all access roads in the field from the paved road, and Permittee shall limit vehicle ingress and egress to these designated ingress and egress routes.
- 7.7. Covered Species Observations.** During all Covered Activities, all workers shall inform the Designated Biologist if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.3 above.
- 7.8. Covered Species Record of Observations and Handling.** All records of Covered Species captures, relocations, and observations by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.12 above. Permittee shall also submit this information to the CNDDb

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as per Condition of Approval 6.10. This information should also be included in the Monthly Compliance and Annual Status Reports.

7.9. Covered Species Injury. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.3, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species within 24 hours. Notification to CDFW shall be via telephone and e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident, and the name of the facility treating the animal. Covered Species observations should also be reported in accordance with Conditions of Approval 6.10, 6.12, and 7.8 above.

7.10. Open Excavations. Permittee shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.

7.10.1. Covers. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.

7.10.1.1. From the time all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the spring or summer through October 14 or the first fall rains, whichever occurs first, and provided that the National Weather Service forecast is less than a 50 percent chance of precipitation at the Project Area within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than six feet deep. Escape ramps shall be of native soil or non-slip planks no less than ten inches wide.

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- 7.10.1.2.** From the first fall rains or October 15 until all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the following spring or summer, and any additional time when the National Weather Service forecast is a minimum 50 percent chance of precipitation at the Project Area within 72 hours, Permittee shall cover steep-walled excavations between six inches and six feet deep, or construct earthen ramps at minimum 100-foot intervals and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them, or treated as discussed in the following paragraph for excavations that are greater than six feet deep. If Permittee elects to leave excavations uncovered overnight within 1.3 miles of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found by no later than one hour after sunrise in accordance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.
- 7.10.1.3.** For excavations greater than six feet deep at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.

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

- 7.11.** Materials Inspection. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of one inch or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure before moving and utilizing the structure.
- 7.12.** Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.
- 7.13.** Precipitation. The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.3 and 7.4 above.
- 7.14.** Night Work. Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.
- 7.15.** Soil Stockpiles. Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other

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"Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above.

- 7.16. Curbs, Berms, and/or Dikes.** Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.17. Herbicide Use.** Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than three miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.
- 7.18. Fieldwork Code of Practice.** To ensure that the Designated Biologist does not convey disease, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 2) shall be followed at all times. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 7.19. Invasive Exotic Plant Species Removal.** Any ice plant (*Carpobrotus* and *Mesembryanthemum* species; *Conicosia pugioniformis*), veldt grass (*Ehrharta* species), pampas grass (*Cortaderia jubata*), Italian thistle (*Carduus pycnocephalus*), tocalote (*Centaurea melitensis*), yellow star thistle (*Centaurea solstitialis*), milk thistle (*Silybum marianum*), nonnative mustard (*Brassica* species), cape ivy (*Delairea odorata*), Scotch broom (*Cytisus scoparius*), French broom (*Genista monspessulana*), or other invasive exotic plant species shall be disposed of following the approved Invasive Species Control Plan required by Condition of Approval 6.5. Permittee shall not use invasive plant material in

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mulching, composting, or otherwise place them in or around the Project Area. Permittee shall not stockpile cut invasive plant material within the Project Area at any time.

- 7.20. Habitat Restoration Implementation and Monitoring.** Permittee shall restore the 4.8 on-site acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved Habitat Restoration Plan as required by Condition of Approval 6.6. Permittee shall ensure that the Habitat Restoration Plan is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.

8. Habitat Management Land Acquisition:

The Covered Species has been observed on the property during protocol-level surveys. In addition, the Covered Species is known to occur and breed in ponds that lie within 562 meters (1,844 feet) of the Project Area within both the Santa Lucia Preserve and the Palo Corona Regional Park (Figure 4). Covered Species breeding was documented within three ponds (Ponds 2, 3, and 4) within the Santa Lucia Preserve in the early 2000s. Both Roadrunner and Salamander ponds on the adjacent Palo Corona Regional Park were documented to support successful breeding of the Covered Species from 2015-2017, and Roadrunner pond was documented to support breeding in 2018 as well. While breeding habitat is not located on the Project site, the property does support upland habitat and individuals were observed during upland drift fence/pitfall trap surveys conducted in 2012-2013. The study demonstrated that individuals of the Covered Species were moving from the nearby ponds through the dense French broom scrub to grasslands that surround and comprise the Project site.

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

To meet this requirement, the Permittee shall either purchase 5.9 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of 5.9 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant

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to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

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

- 8.1.1.** Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$34,234.17/acre for 5.9 acres: **\$201,981.60**. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;
- 8.1.2.** Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at **\$32,008.98** (\$5,425.25/acre);
- 8.1.3.** Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at **\$70,501.76** (\$11,949.45/acre);
- 8.1.4.** Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$125,682.43/acre for 5.9 acres: **\$741,526.34**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;
- 8.1.5.** Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$12,000.00**.

8.2. Covered Species Credits. Permittee shall purchase 5.9 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.

OR:

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

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- 8.3.1. Fee Title/Conservation Easement.** Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);
- 8.3.2. HM Lands Approval.** Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.3. HM Lands Documentation.** Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4. Land Manager.** Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the

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mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified;

8.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

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

8.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a

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sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).

8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of

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funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

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

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

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

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

8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

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

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Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

- 9.1. Security Amount.** The Security shall be in the amount of **\$1,058,018.68**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal.** If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

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

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

Amendment:

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

Stop-Work Order:

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

Incidental Take Permit
No. 2081-2019-019-04
ANDRIS UPITIS

12 RANCHO SAN CARLOS ROAD (OCHO WEST) PROJECT

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

Alternatively, the Permittee shall email the digitally signed ITP to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or 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 (2081-2019-019-04) 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
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014
R4CESA@wildlife.ca.gov

and a copy to:

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

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

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12 RANCHO SAN CARLOS ROAD (OCHO WEST) PROJECT

Craig Bailey
 California Department of Fish and Wildlife
 1234 East Shaw Avenue
 Fresno, California 93710
 Telephone (559) 243-4014, extension 227
 Craig.Bailey@wildlife.ca.gov

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Monterey County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Mitigated Negative Declaration and Initial Study (SCH No.: 2019089031) dated August 2019 that Monterey County adopted for the 12 Rancho San Carlos Road (Ocho West) Project on January 30, 2020. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, 12 Rancho San Carlos Road (Ocho West) Project Mitigated Negative Declaration and Initial Study, the results of site visits and consultations, and the administrative record of proceedings, that issuance of

Incidental Take Permit
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12 RANCHO SAN CARLOS ROAD (OCHO WEST) PROJECT

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) on-site habitat restoration of temporarily impacted areas; (3) establishment of avoidance zones; (4) worker education; and (5) 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 5.9 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable

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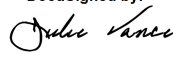
impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

FIGURE 1	Map of Project Vicinity
FIGURE 2	Map of Project Location
FIGURE 3	Site Plan
FIGURE 4	Covered Species Occurrence Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice
ATTACHMENT 3A	Proposed Lands for Acquisition Form
ATTACHMENT 3B	Habitat Management Lands Checklist
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 8/28/2020

DocuSigned by:

 FA83F09FE08945A...

Julie A. Vance, Regional Manager
 CENTRAL REGION

ACKNOWLEDGMENT

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

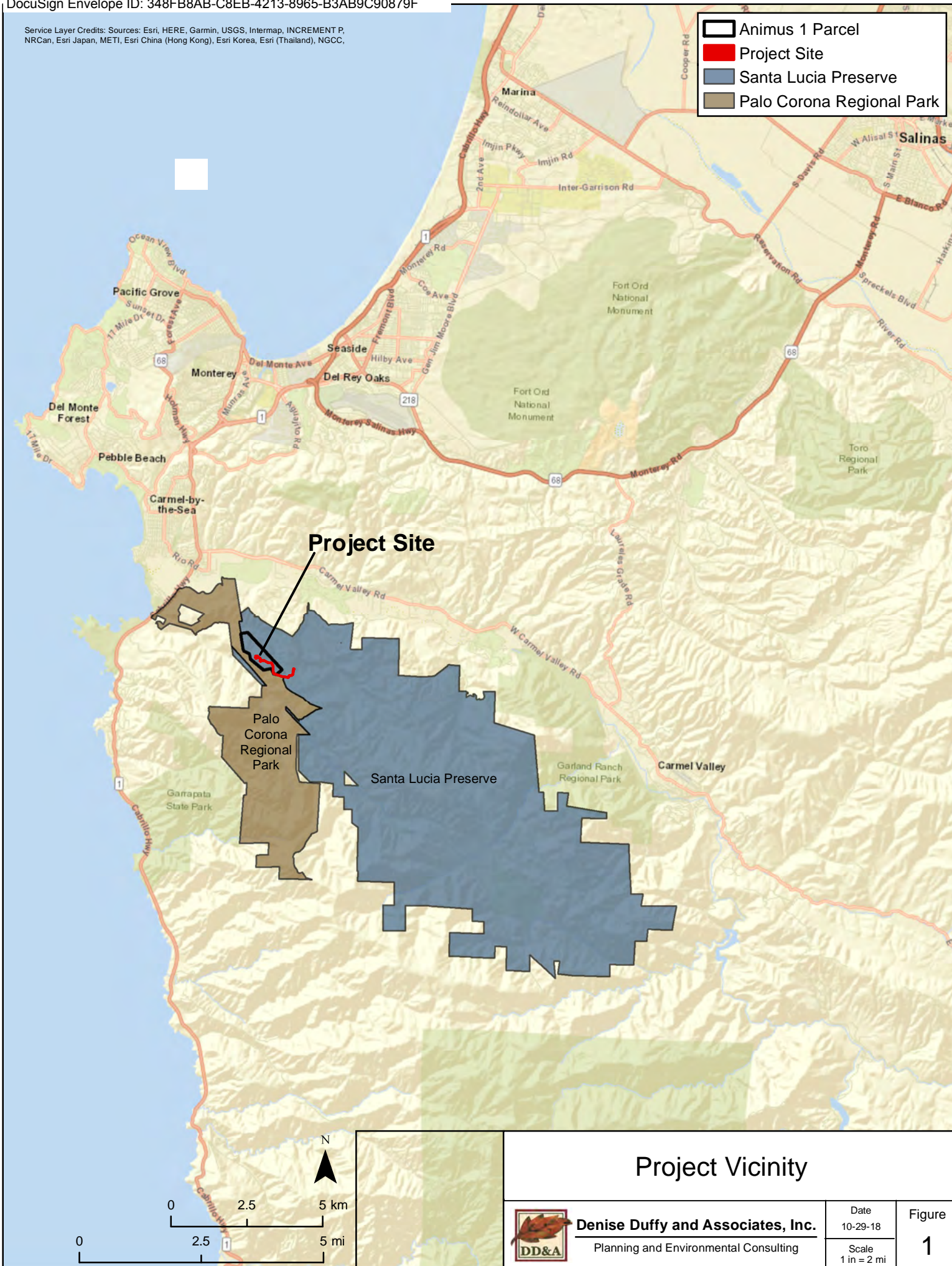
By:  Date: 10/20/2020
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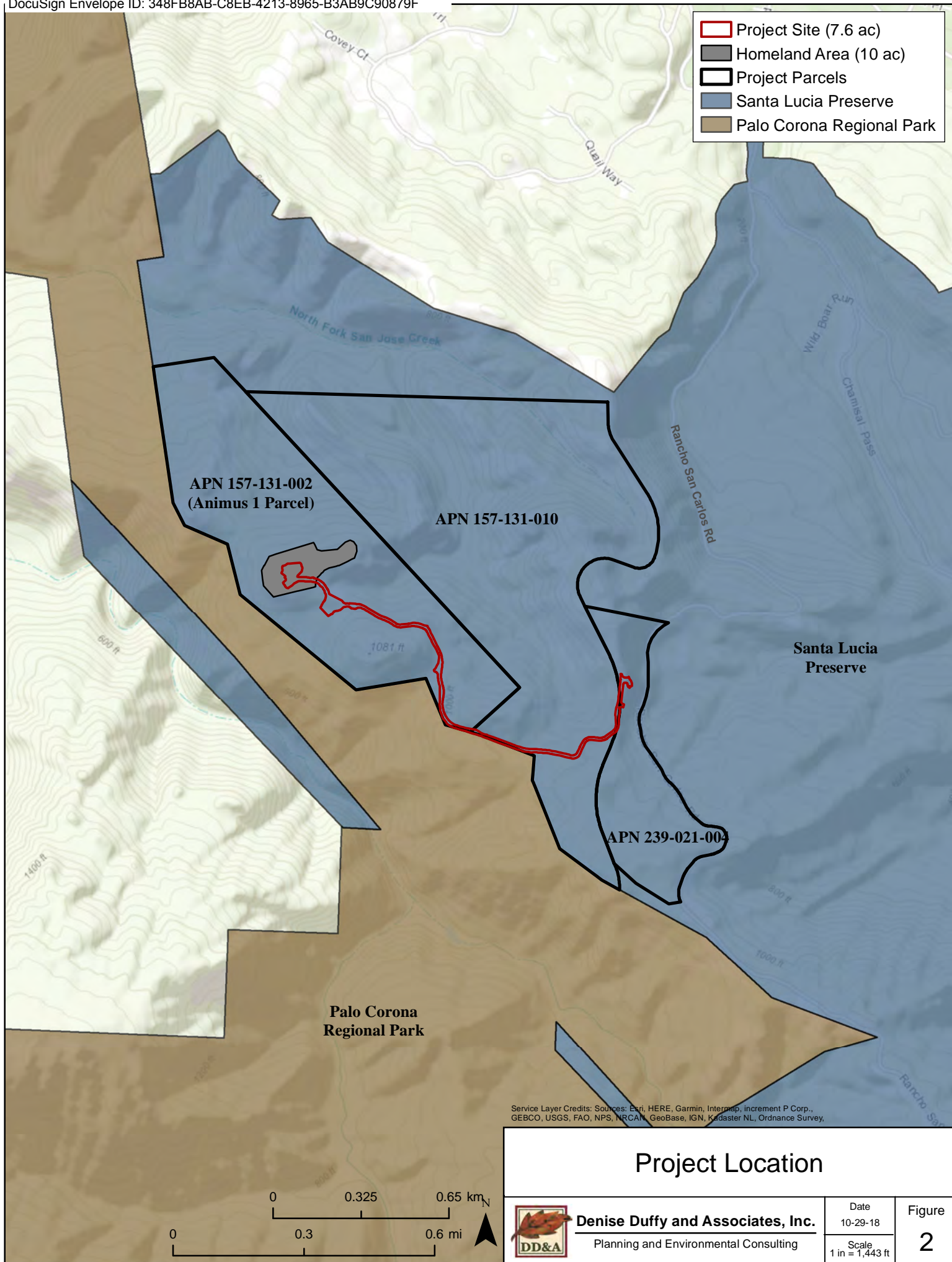
Printed Name: Andris Uptis Title: Manager

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Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC,





Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,

Project Location



Denise Duffy and Associates, Inc.

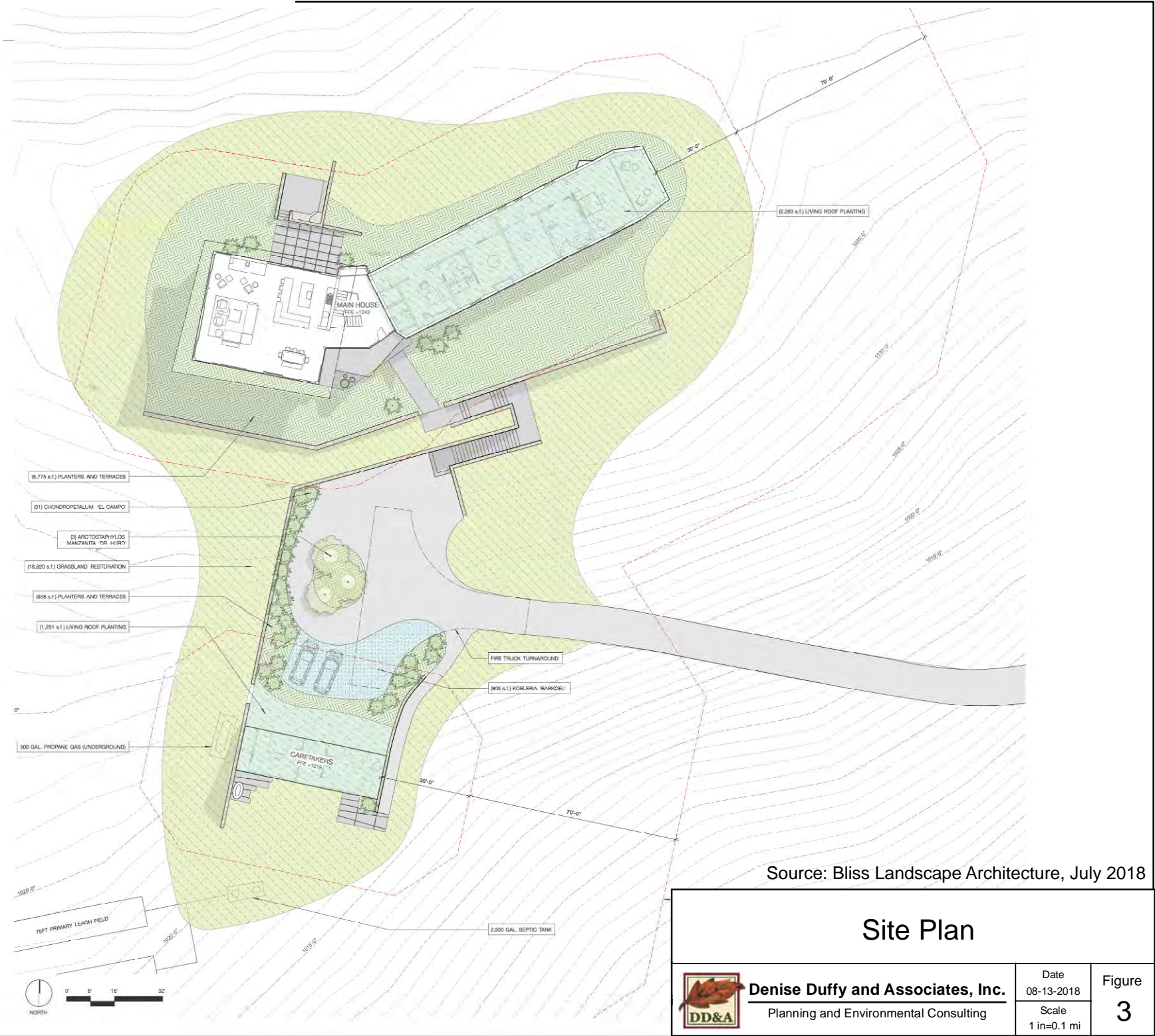
Planning and Environmental Consulting

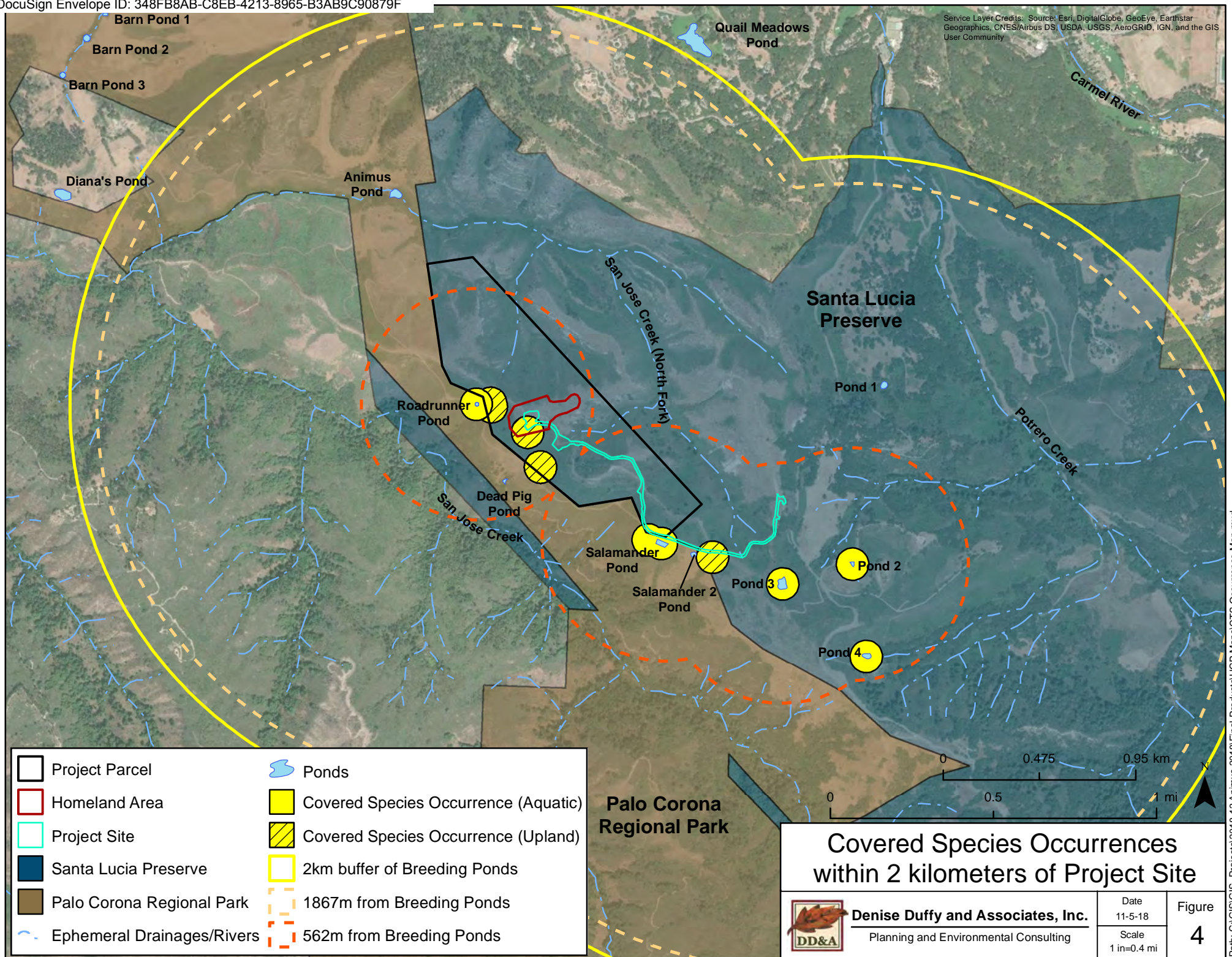
Date
10-29-18

Scale
1 in = 1,443 ft

Figure

2





Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2019-019-04

PERMITTEE: Andris Upitis

PROJECT: 12 Rancho San Carlos Road (Ocho West) 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
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting, and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist may be assisted by approved biologists identified as Designated Monitors that may not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.9	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 # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Mortality Reduction and Relocation Plan.</u> At least 30 days prior to initiating Covered Activities, the Designated Biologist shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion of the survey; excavation methods; capture, handling, and relocation methods; identification of where the individuals will be relocated; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The Covered Species Mortality Reduction and Relocation Plan must indicate that only the approved Designated Biologist and Designated Monitors under the direct supervision of the Designated Biologist approved in writing by CDFW is/are authorized to capture, handle, and relocate individuals of the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all Covered Species relocation activities for the duration of the ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
10	<u>Landscaping Plan.</u> At least 30 days prior to initiating Covered Activities, Permittee shall submit a Landscaping Plan to CDFW for review and approval. The Plan shall include detailed specifications for all landscaping activities, such as species composition of seed mixes, seed application methods, plant palettes, planting substrates (e.g., weed free straw or mulch), and sources of landscaping materials. The Plan shall include a list of species that will be used in landscaping and shall limit landscaping to plant species that are non-invasive and not identified in the California Invasive Plant Council Inventory (https://www.cal-ipc.org/plants/inventory/).	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>Invasive Species Control Plan.</u> At least 30 days prior to initiating Covered Activities, Permittee shall submit an Invasive Species Control Plan to CDFW for review and approval. The Plan shall include detailed methods to be implemented to ensure that all invasive, exotic plant species disturbed by the Project are removed from the Project Area in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	<u>Habitat Restoration Plan</u> . Within three months of issuance of this ITP, the Permittee shall prepare a Habitat Restoration Plan to facilitate revegetation of the 4.8 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities <u>OR</u> within three (3) months of ITP issuance	Permittee	
13	<u>Pre-Activity Clearance Surveys and Reporting</u> . No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species. These surveys shall provide 100 percent visual coverage of the area, including burrow openings and a 50-foot buffer zone. If individuals of the Covered Species are found during surveys, the Designated Biologist shall relocate them from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). The Permittee shall provide the survey results to CDFW in a written report no more than 14 calendar days prior to the beginning of Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
14	<u>Flag Burrows</u> . During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-foot buffer zone, that is within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters (1844 feet) of known or potential breeding habitat and which cannot be avoided by 50 feet shall be fully excavated in accordance with Condition of Approval 7.3.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
15	<u>Small Mammal Burrow Excavation</u> . Prior to any vegetation- or ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2, and within 562 meters (1844 feet) of known or potential Covered Species breeding habitat and that cannot be avoided by 50 feet, shall be fully excavated under the direct supervision of the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 feet of the Project Area except that burrows outside of the Permittee's access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 calendar days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<u>Covered Species Exclusion Fencing.</u> If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittee shall install temporary exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours <u>after</u> small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist in accordance with Condition of Approval 7.3 to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). The exclusion fence shall be buried a minimum of four inches below ground-surface and shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians or reptiles. Fencing should be designed to funnel Covered Species towards one-way exits to allow for proper access. Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. The Permittee shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters (1844 feet) of known or potential Covered Species breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3 prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>Covered Species Exclusion Fence Installation.</u> The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain for the duration of Covered Activities. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
18	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag all access roads in the field from the paved road and Permittee shall limit vehicle ingress and egress to these designated ingress and egress routes.	ITP Condition # 7.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
19	<u>Covered Species Record of Observations and Handling.</u> All records of Covered Species captures, relocations, and observations by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.12. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 6.10. This information should also be included in the Monthly Compliance and Annual Status Reports.	ITP Condition # 7.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<p><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.</p> <p>Permittee shall either purchase 5.9 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of 5.9 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 9 for all uncompleted obligations.</p>	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	<p><u>Cost Estimates.</u> CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> Land acquisition costs for HM lands identified in Condition of Approval 8.3, estimated at \$34,234.17/acre for 5.9 acres: \$201,981.60. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5, estimated at \$32,008.98 (\$5,425.25/acre); Interim management period funding as described in Condition of Approval 8.3.6, estimated at \$70,501.76 (\$11,949.45/acre); Long-term management funding as described in Condition of Approval 8.4, estimated at \$125,682.43/acre for 5.9 acres: \$741,526.34. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$12,000.00. 	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	<p><u>Covered Species Credits.</u> Permittee shall purchase 5.9 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 9.</p> <p>OR:</p>	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<u>Fee Title/Conservation Easement</u> . To provide for the acquisition and perpetual protection and management of the HM lands, Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).	ITP Condition # 8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	<u>HM Lands Approval</u> . Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	<u>HM Lands Documentation</u> . Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	ITP Condition # 8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
26	<u>Land Manager</u> . Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 8.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	<u>Start-up Activities</u> . Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 8.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>Interim Management (Initial and Capital). Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	ITP Condition # 8.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	<p>Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).	ITP Conditions # 8.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
31	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Conditions # 8.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
32	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions # 8.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
33	<u>Endowment Buffers/Assumptions.</u> Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Fund Manager and CDFW. 	ITP Conditions # 8.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
34	<u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Conditions # 8.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions # 8.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
36	<p><u>Performance Security.</u> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount.</u> The Security shall be in the amount of \$1,058,018.68. This amount is based on the cost estimates identified in Condition of Approval 8.1; <u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel; <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first; <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW; <u>Security Transmittal.</u> If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other; <u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP; <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
37	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist 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 # 5.3	Entire Project	Designated Biologist	
38	<u>Construction Monitoring Notebook</u> . The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Designated Biologist	
39	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	
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 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee	
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 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
42	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	
43	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
44	<u>Notification of Non-compliance</u> . The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	Compliance Monitoring. The Designated Biologist shall be on site daily when ground-disturbing activities are conducted during construction, planned repair or maintenance activities, or unplanned repair or maintenance activities and when construction, planned repair or maintenance, or unplanned repair or maintenance activities occurs in any footprint where small mammal burrows occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: 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 a minimum of once monthly during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 6.7	Entire Project	Permittee	
46	Monthly Compliance Report (Construction Activities). The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.7 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure for Construction Activities. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Site during the coming month, if applicable; a summary of all pre activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month. At the time of this ITP's approval, the CDFW Regional Representative is Craig Bailey (Craig.Bailey@wildlife.ca.gov), 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 # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8 for Construction Activities; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of any construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if applicable; (10) the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and (11) the proposed construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.	ITP Condition # 6.9	Entire Project	Permittee	
48	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.10	Entire Project	Permittee	
49	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.12	Entire Project	Permittee	
50	<u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.3.	ITP Condition # 7.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	<u>Covered Species Injury</u> . If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.3, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species within 24 hours. Notification to CDFW shall be via telephone and e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident, and the name of the facility treating the animal. Covered Species observations should also be reported in accordance with Conditions of Approval 6.10, 6.12, and 7.8.	ITP Condition # 7.9	Entire Project	Permittee	
52	<u>Open Excavations</u> . Permittee shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittee shall ensure that all excavated, steep walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.	ITP Condition # 7.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	<p><u>Covers</u>. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.</p> <ul style="list-style-type: none"> From the time all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the spring or summer through October 14 or the first fall rains, whichever occurs first, and provided that the National Weather Service forecast is less than a 50 percent chance of precipitation at the Project Area within 72 hours, Permittee may elect to install escape ramps instead of covering excavations that are less than six feet deep. Escape ramps shall be of native soil or non-slip planks no less than ten inches wide. From the first fall rains or October 15 until all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the following spring or summer, and any additional time when the National Weather Service forecast is a minimum 50 percent chance of precipitation at the Project Area within 72 hours, Permittee shall cover steep-walled excavations between six inches and six feet deep, or construct earthen ramps at minimum 100 foot intervals and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, Permittee shall construct earthen ramps on both sides of the trench at the minimum 100-foot interval to facilitate Covered Species movement in both directions. If Permittee elects to cover an excavation, Permittee shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them, or treated as discussed in the following paragraph for excavations that are greater than six feet deep. If Permittee elects to leave excavations uncovered overnight within 1.3 miles of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found by no later than one hour after sunrise in accordance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3. For excavations greater than six feet deep at all times of the year, two feet of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with re-bar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. 	ITP Condition # 7.10.1	Entire Project	Permittee	
54	<p><u>Materials Inspection</u>. Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of one inch or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and allow the animal to safely escape that section of the structure before moving and utilizing the structure.</p>	ITP Condition # 7.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3.	ITP Condition # 7.12	Entire Project	Permittee	
56	<u>Precipitation.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.3 and 7.4.	ITP Condition # 7.13	Entire Project	Permittee	
57	<u>Night Work.</u> Permittee shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.	ITP Condition # 7.14	Entire Project	Permittee	
58	<u>Soil Stockpiles.</u> Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8.	ITP Condition # 7.15	Entire Project	Permittee	
59	<u>Curbs, Berms, and/or Dikes.</u> Permittee shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittee shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.	ITP Condition # 7.16	Entire Project	Permittee	
60	<u>Herbicide Use.</u> Permittee shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide sprays via ground application when wind speed measures less than 3 miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.17	Entire Project	Permittee	
61	<u>Fieldwork Code of Practice.</u> To ensure that the Designated Biologist does not convey disease, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 2) shall be followed at all times. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.18	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<u>Invasive Exotic Plant Species Removal</u> . Any ice plant (Carpobrotus and Mesembryanthemum species; Conicosia pugioniformis), veldt grass (Ehrharta species), pampas grass (Cortaderia jubata), Italian thistle (Carduus pycnocephalus), tocalote (Centaurea melitensis), yellow star thistle (Centaurea solstitialis), milk thistle (Silybum marianum), nonnative mustard (Brassica species), cape ivy (Delawarea odorata), Scotch broom (Cytisus scoparius), French broom (Genista monspessulana), or other invasive exotic plant species shall be disposed of following the approved Invasive Species Control Plan required by Condition of Approval 6.5. Permittee shall not use invasive plant material in mulching, composting, or otherwise place them in or around the Project Area. Permittee shall not stockpile cut invasive plant material within the Project Area at any time.	ITP Condition # 7.19	Entire Project	Permittee	
63	<u>Habitat Restoration Implementation and Monitoring</u> . Permittee shall restore the 4.8 on-site acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved Habitat Restoration Plan as required by Condition of Approval 6.6. Permittee shall ensure that the Habitat Restoration Plan is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.	ITP Condition # 7.20	Entire Project	Permittee	
POST-CONSTRUCTION					
64	<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 materials, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Post-construction	Permittee	
65	<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 the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. The Final Mitigation Report shall be submitted to CDFW following the directions provided in Condition of Approval 6.8.	ITP Condition # 6.11	Post-construction, habitat restoration, and after completion of mitigation	Permittee	
66	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 6.11	Post-construction	CDFW	

Attachment 2

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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



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

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

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

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

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

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

ATTACHMENT 3B
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE (CDFW)
HABITAT MANAGEMENT LAND ACQUISITION PACKAGE CHECKLIST FOR THIRD PARTY
BENEFICIARY (TPB) PROJECT APPLICANTS

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ TPB Conservation Easement

Documents in this package include:

- ☐ Draft TPB Conservation Easement Deed
- ☐ Proposed Lands for Acquisition Form (PLFAF)
- ☐ Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it should be less than two years old.)
- ☐ Mineral Assessment Report, if applicable.
- ☐ Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than one year old and contain active hyperlinks to access recorded documents as described in the preliminary title report. Please include a map of easements/encumbrances on the property.
- ☐ County Assessor Parcel Map(s) for subject property
- ☐ Vicinity Map
- ☐ Final Permit or Agreement (or other appropriate instrument)
 - Type of agreement: ☐ Bank Agreement ☐ Mitigation Agreement
 - ☐ Permit _____ Other: _____
(indicate type of permit)
- ☐ Final Management Plan (if required prior to finalizing permit or agreement)
- ☐ Biological Resources Report, if applicable.
- ☐ Copy of NGO or Grantee's due diligence approval letter from CDFW.

Attachment 4

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

Department of Fish and Wildlife
Habitat Conservation Planning Branch
Post Office Box 944209
Sacramento, CA 94244-2090
Attn: HCPB Contract Coordinator

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

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

Dear Sirs:

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

which is attached hereto, at our office located at [***name and address of financial institution***].

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

Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

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

[***Name of financial institution***]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

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

To:

[Name and address of financial institution]

Re: [***Insert:*** "Lake" **or** "Streambed"] Alteration Agreement (No. [***permit number***])

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

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

Therefore, CDFW has executed and delivered this Certificate as of the ____ day of [***month***], [***year***].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

ATTACHMENT B

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

To:

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

Re: [**Insert:** "Lake" **or** "Streambed"] Alteration Agreement (No. [**permit number**])

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

1. [**Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of the ____ day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

BY: _____

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

State of California - Department of Fish and Wildlife

MITIGATION PAYMENT TRANSMITTAL FORM

DFW 1057 (NEW 07/28/17)

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

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

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

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

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

ACCOUNTING OFFICE USE ONLY

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