



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2020-044-04

**STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE  
MAINTENANCE PROJECT**

**Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> CDFW may authorize the take of any such species by permit if the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) are met. (See Cal. Code Regs., tit. 14, § 783.4).

<b>Permittee:</b>	<b>California Department of Transportation (Caltrans)</b>
<b>Principal Officer:</b>	<b>Javier Almaguer, Biology Branch Chief</b>
<b>Contact Person:</b>	<b>Christina Anderson (559) 445-6468</b>
<b>Mailing Address:</b>	<b>855 M Street, Suite 200 Fresno, California 93721</b>

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2025**.

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 6.10 of this ITP.

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

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

**Project Location:**

The State Route 58 Reward Capital Preventative Maintenance Project (Project) will occur entirely within the Caltrans right-of-way (of varying width) over a 9.4 mile-segment of State Route 58 between post mile 6.0 and post mile 15.4 (**Project Area**), west of the community of McKittrick in Kern County (Figure 1 – Map of Project).

**Project Description:**

Within the **Project Area**, ground disturbance will be limited to ten discreet **Work Areas** and will involve the installation of a new road sign/post, the installation of a new traffic count station, and the replacement/rehabilitation of eight culverts. The discrete portion of the Project Area actively subject to ground or vegetation disturbance at any point in time will be designated the **Work Area**. Outside these ten discreet **Work Areas**, work will involve resurfacing the two-lane roadway and replenishing the gravel covering the 3-foot wide shoulder backing adjoining both lanes. These **Covered Activities** are described below:

Roadway Resurfacing

The Covered Activities will include cold-planing/grinding the top two and one-half inches of pavement over both the eastbound and westbound lanes along the entire 9.4-mile long Project Area. After-cold planing/grinding, the roadway will be cleared of ground asphalt debris, and two and one-half inches of hot asphalt will be overlain to seal cracks and restore the driving surface. Some of the ground asphalt will be used to replenish the shoulder backing as discussed below, and the remainder will be exported from the Project Area.

Road Sign Upgrades and Installation

Fifteen existing sign panels (not supporting posts) will be replaced, and a single new stop sign (post and panel) will be installed. The single new 2½-inch by 2½-inch square galvanized metal signpost will be placed in an anchor sleeve in a 36-inch deep, 12-inch diameter bored hole and backfilled with Portland concrete cement slurry. The sign panel will be mounted with wood blocking and metal straps to the signpost.

Traffic Count Stations Installation

One new traffic count station will be installed across State Route 58 at about post mile 15.4. The traffic count station will involve sensors installed across the paved roadway, and electrical lines connecting a pull box within the gravel covered shoulder backing and another pull box and cabinet box approximately 19 feet beyond the gravel covered shoulder backing, but still within the Caltrans right-of-way. The pull boxes and connecting electrical wires will be installed below grade (in trenches no deeper than 24 inches) and the cabinet box will be installed at grade or three feet below grade on a small (less than nine square feet) Portland concrete cement slab.

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

Shoulder Backing Covering Replenishment

Along the entire 9.4-mile Project Area, Permittee will replenish the aggregate/gravel pavement covering the three-foot wide engineered shoulder backing adjoining both sides of the paved roadway. In addition to aggregate/gravel, some of the ground asphalt resulting from the cold-planning/grinding activities will be used to replenish the shoulder backing covering. The aggregate/gravel/ground asphalt will be broadcast over the shoulder backing using heavy equipment operating from the roadway while using hand crews with hand tools prevent impacting small mammal burrow openings which will be flagged and temporarily covered with wooden or plastic disks.

Culvert Replacement/Rehabilitation

Seven existing culverts will be removed and replaced, and one will be rehabilitated in-place by lining the invert of the culvert with Portland concrete cement. Work at all eight culverts will occur while the streams are naturally dry, and in compliance with the Streambed Alteration Agreement (Notification No. EPIMS KER-12865-R4), issued by CDFW for the culvert work.

The existing corrugated metal pipe culverts (seven total) near post mile 10.46, post mile 10.51, post mile 10.52, post mile 13.65, post mile 14.99, post mile 15.01, and post mile 15.4 will be replaced with precast reinforced concrete pipe culverts, and each will be fitted with new precast flared end sections at both the inlets and outlets. Additionally, the streambed immediately outside these culvert outlets will be armored with rock slope protection placed over fabric. The culverts will be removed and replaced in two stages employing single-lane traffic control to avoid road closures. These culvert replacement activities will be accomplished employing the use of heavy equipment operating from the paved roadway, but will also involve disturbance within the streams immediately upstream and downstream of these culverts.

An eighth existing culvert (near post mile 12.19) will be rehabilitated. The invert of this corrugated metal pipe culvert will be cleaned of debris and paved with Portland concrete cement pavement. This culvert will not be fitted with new flared end sections, and the streambed immediately outside the culvert inlet and outlet will not be armored with rock slope protection.

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

This ITP covers the following species:

Name	CESA Status
1. San Joaquin antelope squirrel ( <i>Ammospermophilis nelsoni</i> ) (SJAS)	Threatened <sup>3</sup>
2. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> ) (SJKF)	Threatened <sup>4</sup>

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

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

These species and only these species are the “Covered Species” for the purposes of this ITP.

### **Impacts of the Taking on Covered Species:**

While the Project Area is bound on both sides by occupied Covered Species habitat (saltbush scrub and nonnative grasslands), much of the Project Area itself (Caltrans right of way) encompasses marginal habitat as it exists primarily as paved roadway, engineered shoulder backing beyond the paved roadway, and ruderal disturbed habitat areas.

The Covered Activities could result in incidental take of individuals of the Covered Species over the entire Project Area, but take is most likely to occur in association with the ten discrete Work Areas associated with the single roadside sign installation, the single traffic count station installation, and the eight culverts. In total, these discrete Work Areas involve a total of approximately 1.11 acres of marginal habitat, which is separate from the Project footprint within the paved roadway and shoulder backing.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur within the Project Area in association with the collapse or excavation of occupied burrows that result in crushing or suffocation of underground individuals during cut/fill, grading, and compaction; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows and during vegetation removal, top soil work, or soil compaction; entrapment and burial within excavations or trenches; crushing by equipment; and vehicle strikes due to increased Project-related traffic. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit and/or capture through: entrapment in holes or open trenches; uncovering individuals during the excavation of burrow systems; corralling individuals into a confined area when exclusion fencing is constructed around the discrete Work Areas, and when individuals of the Covered Species are captured, collected, and relocated or translocated out of harm's way as required by this ITP.

The Project is expected to cause the **permanent** loss of no more than 0.01 acres of Covered Species habitat and the **temporary** loss of no more than 1.1 acres of Covered Species habitat. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts to the Covered Species include: noise and vibrations from trenching, excavation, heavy equipment operation, and increased traffic; from capture and relocation; stress through disorientation; loss of foraging opportunities; and loss of breeding and burrowing habitat used for shelter, reproduction, and escape cover; and long-term effects due to increased pollution; displacement from preferred habitat; increased competition for food and space, introduction or spread of invasive species; changes in drainage patterns that favor different vegetative growth; and increased vulnerability to predation.

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

**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 within the Project Area, 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. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2020059031) adopted by California Department of Transportation on 15 July 2020 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (**Notification No. EPIMS KER-12865-R4**) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
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

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

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.
- 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.
- 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 Area upon request by CDFW.

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

- 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.
- 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.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other wildlife, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Discreet Work Area Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the discreet Work Areas with fencing, stakes, or flags. Work Area is defined as the discreet portion of the Project Area undergoing active ground or vegetation disturbance at any point in time and will be restricted to ten (10) locations. 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 Work Area.
- 5.10. Project Access.** Project-related personnel 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. 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.
- 5.11. 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 absent of small mammal burrows. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area.
- 5.12. 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

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

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.

- 5.13. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.14. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area, and properly dispose of, all temporary fill, and construction refuse including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval 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. SJAS Relocation Plan.** The Permittee shall submit a SJAS Relocation Plan (Relocation Plan) to CDFW for approval at least 14 days prior to initiating Covered Activities. The Relocation Plan shall include, but not be limited to, a specific plan for trapping at each discreet Work Area, a map of the proposed site for relocation/release, burrow excavation methods, release methods (i.e., soft release, hard release, or some other method), artificial burrow design and installation, and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Relocation activities shall not proceed until the Relocation Plan has been approved in writing by CDFW's Regional Representative. The Relocation Plan shall include a minimum of six consecutive days of trapping and shall end with three consecutive days without capture of SJAS, during the optimal activity period (April 1 – September 30) and during the optimal active temperature range (68° F - 86° F). Once the Relocation Plan is approved by CDFW, it may be used for all SJAS relocation activities for the duration of this ITP. Any proposed changes to the approved Relocation Plan shall be submitted in writing to CDFW and shall be

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT



approved by CDFW in writing prior to implementation of any proposed Relocation Plan modifications.

- 6.4. Covered Species Exclusion Fence Plan.** Permittee shall also submit a Covered Species Exclusion Fence Plan to CDFW for approval at least 14 days prior to initiating Covered Activities. The Exclusion Fence Plan shall include, but not be limited to, a description of the fencing design for each discreet Work Area, material, installation method, removal method, maintenance, timing, location of openings, etc. The Exclusion Fence Plan shall include a proposal to extend at least 50 feet past the ends of the discreet Work Areas and terminate with a turn-around. The Exclusion Fence Plan shall indicate that the Designated Biologist will supervise all fence installation methods (e.g., fence-line grubbing, trenching, construction, etc.) to minimize potential impacts to Covered Species.
- 6.5. Compliance Monitoring.** The Designated Biologist(s) shall be at the Project Area **daily** and during all Covered Activities until all of the following items are completed: Pre-construction Surveys (as required in accordance with Condition of Approval 7.1); SJAS burrow flagging (as required in accordance with Condition of Approval 7.2); Covered Species Exclusion Fencing installation (as required in accordance with Condition of Approval 7.3); SJAS Trapping work (as required in accordance with Condition of Approval 7.4) ; SJAS Burrow Excavation work (as required in accordance with Condition 7.5) ; SJKF Den Avoidance Buffers (as required in accordance with Condition 7.6) are established; any SJKF den blockage or excavation work (as required in accordance with Conditions of Approval 7.5, and 7.6, respectively); and the initial ground disturbance at each discreet Work Area. The Designated Biologist shall conduct these daily compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of the Covered 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 within the Project Area covered by this ITP. After the implementation of Conditions of Approval 7.1 through 7.6 and all initial ground disturbance has been completed, the Designated Biologist(s) shall be at the Project Area at least once **weekly** to conduct compliance inspections. The Designated Representative or Designated Biologist(s) shall prepare daily/weekly written observations and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 6.6. Covered Species Observations.** During all Covered Activities, all workers shall inform the Designated Biologist(s) if individuals of the Covered Species are observed within or near the Project Area. All work in the vicinity of the Covered

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

Species, which could injure or kill the animal, shall cease until the Covered Species moves from the Project Area of its own volition, or is moved by the Designated Biologist(s).

- 6.7. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Quarterly 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. Quarterly 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, Regional Office and Headquarters CESA Program no later than the 5th day of the month it is due. At the time of this ITP's approval, the CDFW Regional Representative is Steven Hulbert (Steven.Hulbert@wildlife.ca.gov), the Regional Office email is R4CESA@wildlife.ca.gov and the 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.
- 6.8. 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 Quarterly Compliance Reports for that year identified in Condition of Approval 6.7; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.9. 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 Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

- 6.10. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.11. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 or emailing CDFW's Regional Representative (see below). 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-Construction Survey.** Prior to any ground disturbance within each discreet Work Area, the Designated Biologist(s) shall examine that discreet Work Area: plus a 50-foot buffer for potential SJAS burrows; and plus a 250-foot buffer (where feasible) for SJKF dens. If the Designated Biologist identifies any potential, known, and/or natal SJKF dens, those den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Permittee shall provide the Pre-Construction Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The Pre-Construction Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

each potential SJAS burrow, the number of potential SJKF dens, and a discussion and map of the locations of each.

- 7.2. SJAS Burrow Flagging and Avoidance.** All potentially suitable SJAS burrow openings within the aggregate/gravel covered shoulder backing areas will be flagged so that the filling of those burrow openings can be avoided during the replenishment activities. During replenishment activities, those flagged burrow openings will be temporarily (for no more than two hours total) covered with a small (approximately 12-inch in diameter) wooden or plastic disk by hand crews on foot. Once the shoulder backing in the vicinity of the flagged/covered burrow opening has been replenished, the flag and object used to cover the opening will be immediately removed.
- 7.3. Covered Species Exclusion Fencing.** Exclusion fencing shall be installed in accordance with the CDFW-approved Covered Species Exclusion Fence Plan (described in Condition of Approval 6.4). This fence may also serve to delimit the discreet Work Area Boundaries as required under Condition of Approval 5.9. The exclusion fence shall be installed to help prevent movement of the Covered Species into the discreet Work Area once ground- or vegetation-disturbing activities commence. Permittee shall place exclusion fence at the edge of the discreet Work Area. The Designated Biologist shall supervise all fence installation methods (e.g., fence-line grubbing, trenching, construction, etc.) to minimize potential impacts to the Covered Species. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration of the active construction period. Exclusion fence may be keyed six to eight inches into the ground or alternatively a minimum of 12 inches of fence laid outward and flat on the ground securely fastened near the fence base and along the entire fence edge may be used to deter the Covered Species in the adjacent areas from digging under and entering the discreet Work Area. The exclusion fence shall be constructed of tightly woven material that prevents climbing and entrapment of any species.
- 7.4. SJAS Trapping.** All flagged SJAS burrows within each discreet Work Area that cannot be avoided shall be live trapped by the Designated Biologist(s) prior to the initiation of ground-disturbing Covered Activities (excluding exclusion fence installation) to minimize direct mortality. The trapping shall occur consistent with the CDFW-approved Relocation Plan required in Condition of Approval 6.3. Any captured SJAS shall be relocated to a CDFW approved release site identified in the Relocation Plan. The Designated Biologist(s) shall submit a report of the trapping/relocation effort to CDFW at least five business days prior to commencement of Covered Activities.

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

**7.5. SJAS Burrow Excavation.** Following live trapping activities within each discreet Work Area, the Designated Biologist shall perform the excavation by hand of the flagged small mammal burrows. The Designated Biologist shall ensure that any SJAS encountered in the excavated burrows are captured and relocated in accordance with the approved Relocation Plan (described in Condition of Approval 6.3).

**7.6. SJKF Den Avoidance.** The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to each discreet Work Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:

7.6.1. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.

7.6.2. If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.

7.6.3. If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.

7.6.4. If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 250 feet shall be established around the den.

If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 7.5 and 7.6 as appropriate.

**7.7. SJKF Den Blockage.** The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 7.6, but outside the discreet Work Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the proscribed buffer distance.

- 7.8. SJKF Den Excavation.** Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual SJKF does not vacate a den within the discreet Work Area within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den ESA may be removed once the Covered Species is no longer using the area.
- 7.9. Daily Entrapment Inspections.** The Designated Biologist(s) or Biological Monitor(s) shall inspect all open holes, sumps, and trenches at each discreet Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate individual SJAS as per the Relocation Plan described in Conditions of Approval 6.3.

- 7.10. Materials Inspection.** Workers shall thoroughly inspect for individuals of the Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If, during inspection, an individual of the Covered Species is discovered inside the structure, workers shall notify the Designated Biologist and allow the Covered Species to safely escape the structure before moving and utilizing the structure.
- 7.11. Equipment Inspection.** Workers shall thoroughly inspect for individuals of the Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.
- 7.12. 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. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.11. Notification shall include the name of the facility where the animal was taken.

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

**7.13. Record of Handling.** The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of individuals of the Covered Species. This information shall include for each animal; (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult / juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Report described in Condition 6.7 of this ITP. The Relocation Summary in the Final Mitigation Report shall include cumulative results, analysis of data collected, and conclusions.

**7.14. Habitat Restoration Plan.** All temporarily impacted habitat (scrub and grasslands) within each discreet Work Area will be restored to pre-project conditions or better. Restoration will be assisted by re-seeding and/or replanting the temporarily impacted area(s). Re-seeding and/or replanting will be completed by November 15<sup>th</sup> of the year that the Covered Activities are completed and the temporarily impacted area(s) cannot remain disturbed for more than one (1) calendar year without undergoing restoration efforts. A Habitat Restoration Plan will include a seed mix and/or planting mix, methods to seed and/or plant, proposed success criteria, and a contingency plan if restoration efforts perform unsuccessfully. The Habitat Restoration Plan will be provided to CDFW for review and written approval prior to implementation of the Habitat Restoration Plan.

**8. Habitat Management Land Acquisition:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat at 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 one (1) acre of Covered Species credits from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area pursuant to Condition of Approval 8.2, below, **OR** shall provide for both the permanent protection and perpetual management of one (1) acre of Habitat Management (HM) lands pursuant to Condition of Approval 8.3, below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4, below. The credit purchase **OR** permanent protection and funding of perpetual management of HM lands must be complete before starting Covered Activities,

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT



**OR** within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9, below.

**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 \$1,500/acre for one acre: **\$1,500.00**. Land acquisition costs are estimated using current and local fair market values for lands with habitat values meeting mitigation requirements;
- 8.1.2 Start-up costs for HM lands, including initial site protection and enhancement cost as described in Condition of Approval 8.3.5 below, estimated at **\$12,537.89**.
- 8.1.3 Interim management period funding as described in Conditional of Approval 8.3.6 below, estimated at **\$22,009.50**.
- 8.1.4 Long-term management funding as described in Condition of Approval 8.3.7 below, estimated at \$213,970.96/acre for one acre: **\$213,970.96**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implement 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 transaction, 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 one SJKF and SJAS credit from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area and provide proof of credit purchase to CDFW prior to commencement of Covered Activities, unless Security is provided in accordance with Condition of Approval 9 Security, below;

OR:

**8.3** Habitat Acquisition and Protection. Permittee shall provide for the permanent protection and perpetual management of the HM lands prior to commencement of Covered Activities, unless Security is provided in accordance with Condition of Approval 9 Security, below:

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

- 8.3.1 Fee Title/Conservation Easement. Transfer fee title of 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 one month before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on the 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 2B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4 Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified;

---

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

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 landowner, 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 8.2, the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

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 the PAR assumptions for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

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

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

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

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

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

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

**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 **\$262,018.35**. This amount is based on CDFW's estimate of the cost to purchase a single SJKF/SJAS credit, **or** the cost to acquire, permanently conserve, and perpetually manage a single acre of SJKF/SJAS habitat (Condition of Approval 8.1, above) in the event credits are not available at a CDFW-approved mitigation or conservation bank.
- 9.2. Security Form.** The Security shall be transmitted to CDFW in a form approved in advance and 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.
- 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 3) 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 received a bill of sale evidencing the purchase of the single SJKF/SJAS credit, or in the event HM lands are acquired, CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
  - Written documentation of the acquisition of the HM lands;
  - Copies of all executed and recorded conservation easements;
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required credit purchase or acquisition, protection and transfer of all HM lands and record any required conservation

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee purchase additional credits or purchase additional HM lands and/or provide 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.

**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

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

Alternatively, the Permittee shall email the digitally signed ITP to [CESA@wildlife.ca.gov](mailto: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 (2081-2020-044-04) 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) 243-4005  
[R4CESA@wildlife.ca.gov](mailto: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, California 94244-2090  
[CESA@wildlife.ca.gov](mailto: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:

Steven Hulbert  
California Department of Fish and Wildlife  
Region 4 Central  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 575-6415  
[Steven.Hulbert@wildlife.ca.gov](mailto:Steven.Hulbert@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, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Reward Capital

Incidental Take Permit  
No. 2081-2020-044-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT



Maintenance Project Initial Study with Mitigated Negative Declaration (SCH No.: 2020059031) that Caltrans adopted for the Reward Capital Maintenance Project on 15 July 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, Reward Capital Maintenance Project Initial Study with Mitigated Negative Declaration, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

Project OR purchase of one (1) SJKF/SJAS credit from a CDFW approved mitigation or conservation bank, along with the minimization, monitoring, and reporting requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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

#### **Attachments:**

FIGURE 1	Project Location Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A	Proposed Lands for Acquisition Form
ATTACHMENT 2B	Habitat Management Lands Checklist
ATTACHMENT 3	Mitigation Payment Transmittal Form

Incidental Take Permit  
No. 2081-2020-044-04

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT

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

on 3/29/2021

DocuSigned by:  
*Annee Ferranti*  
041A77B10D78486...

for 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:  DocuSigned by:  
00B282734E634AE... Date: 4/5/2021

Printed Name: Javier Almaguer Title: Biology Branch Chief

Incidental Take Permit  
No. 2081-2020-044-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
STATE ROUTE 58 REWARD CAPITAL PREVENTATIVE MAINTENANCE PROJECT



## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2020-044-04**

**PERMITTEE: California Department of Transportation**

**PROJECT: State Route 58 Reward Capital Preventative  
Maintenance Project**

### **PURPOSE OF THE ITP**

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

### **OBLIGATIONS OF PERMITTEE**

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

### **VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	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	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.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	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.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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	Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the discreet Work Areas with fencing, stakes, or flags. Work Area is defined as the discreet portion of the Project Area undergoing active ground or vegetation disturbance at any point in time and will be restricted to ten (10) locations. 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 Work Area.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
6	The Designated Representative shall notify CDFW 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 (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
7	<p>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 at 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>To meet this requirement, the Permittee shall either: purchase one (1) acre of Covered Species credits from a CDFW-approved conservation bank with a service area that encompasses the Project Area pursuant to Condition of Approval 8.2, below, or provide for both the permanent protection and perpetual management of one (1) acre of Habitat Management (HM) lands pursuant to Condition of Approval 8.3, below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4, below. The credit purchase or permanent protection and funding of perpetual management of HM lands 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, below.</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	
8	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> <li>Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$1,500/acre for one acre: \$1,500.00. Land acquisition costs are estimated using current and local fair market values for lands with habitat values meeting mitigation requirements;</li> <li>Start-up costs for HM lands, including initial site protection and enhancement cost as described in Condition of Approval 8.3.5 below, estimated at \$12,537.89.</li> <li>Interim management period funding as described in Conditional of Approval 8.3.6 below, estimated at \$22,009.50.</li> <li>Long-term management funding as described in Condition of Approval 8.3.7 below, estimated at \$213,970.96/acre for one acre: \$213,970.96. Long-term management funding is estimated initially for the purpose of providing Security to ensure implement of HM lands management.</li> <li>Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transaction, 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.</li> </ul>	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	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	Permittee shall purchase one SJKF and SJAS credit from a CDFW-approved mitigation or conservation bank with a service area that encompasses the Project Area and provide proof of credit purchase to CDFW prior to commencement of Covered Activities, unless Security is provided in accordance with Condition of Approval 9 Security, below; OR	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	
10	<p>Permittee shall provide for the permanent protection and perpetual management of Covered Species habitat (Habitat Management lands) prior to commencement of Covered Activities, unless Security is provided in accordance with Condition of Approval 9 Security, below:</p> <ul style="list-style-type: none"> <li>• <u>Fee Title/Conservation Easement</u>. Transfer fee title to the Habitat Management (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);</li> <li>• <u>HM Lands Approval</u>. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least one month before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts;</li> </ul>	ITP Condition # 8.3	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
	<ul style="list-style-type: none"> <li>• <u>HM Lands Documentation</u>. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</li> <li>• <u>Land Manager</u>. 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.</li> <li>• <u>Start-up Activities</u>. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates">https://www.wildlife.ca.gov/Conservation/Planning/Banking/Templates</a>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</li> <li>• <u>Interim Management (Initial and Capital)</u>. 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 landowner, 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.</li> </ul>	ITP Condition # 8.3 (cont.)	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
11	<p>If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.2, 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 8.2.6. 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> <ul style="list-style-type: none"> <li>• <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).</li> </ul>	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
	<ul style="list-style-type: none"> <li>• <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.</li> <li>• <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 identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</li> </ul>	ITP Condition # 8.4 (cont.)	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 8.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p><u>Security Amount.</u> The Security shall be in the amount of \$262,018.35. This amount is based on CDFW's estimate of the cost to purchase a single SJKF/ SJAS credit, or the cost to acquire, permanently conserve, and perpetually manage a single acre of SJKF/SJAS habitat (Condition of Approval 8.1, above) in the event credits are not available at a CDFW-approved conservation bank.</p> <ul style="list-style-type: none"> <li>• <u>Security Form.</u> The Security shall be transmitted to CDFW in a form approved in advance and in writing by CDFW's Office of the General Counsel.</li> <li>• <u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin.</li> <li>• <u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</li> <li>• <u>Security Transmittal.</u> If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 3) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</li> <li>• <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</li> <li>• <u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after: CDFW has received a bill of sale evidencing the purchase of the single SJKF/SJAS credit, or in the event HM lands are acquired, CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports.</li> </ul> </li> </ul> <p>Even if Security is provided, the Permittee must complete the required credit purchase or 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 purchase additional credits or purchase additional HM lands and/or provide 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 Conditions # 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
<b>DURING CONSTRUCTION</b>					
14	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	Permittee	
15	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 Area upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
16	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist.	ITP Condition # 5.7	Entire Project	Permittee	
17	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other wildlife, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	
18	Project-related personnel 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. 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 # 5.10	Entire Project	Permittee	
19	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 absent of small mammal burrows. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area.	ITP Condition # 5.11	Entire Project	Permittee	
20	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 # 5.12	Entire Project	Permittee	
21	Permittee shall provide CDFW staff with reasonable access to the Project Area and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.13	Entire Project	Permittee	
22	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	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
23	The Permittee shall submit SJAS Relocation Plan to CDFW for approval at least 14 days prior to initiating Covered Activities. The Relocation Plan shall include, but not be limited to, a specific plan for trapping at each discreet Work Area, a map of the proposed site for relocation/release, burrow excavation methods, release methods (i.e., soft release, hard release, or some other method), artificial burrow design and installation, and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Relocation activities shall not proceed until the Plan has been approved in writing by CDFW's Regional Representative. The Plan shall include a minimum of six consecutive days of trapping and shall end with three consecutive days without capture of SJAS, during the optimal activity period (April 1 – September 30) and during the optimal active temperature range (68° F - 86° F). Once the Relocation Plan is approved by CDFW, it may be used for all SJAS relocation activities for the duration of the ITP. Any proposed changes to the approved Relocation Plan shall be submitted in writing to CDFW and shall be approved by CDFW in writing prior to implementation of any proposed Relocation Plan modifications.	ITP Condition # 6.3	Entire Project	Permittee	
24	Permittee shall also submit a Covered Species Exclusion Fence Plan to CDFW for approval at least 14 days prior to initiating Covered Activities. The Exclusion Fence Plan shall include, but not be limited to, a description of the fencing design for each discreet Work Area, material, installation method, removal method, maintenance, timing, location of openings, etc. The Exclusion Fence Plan shall include a proposal to extend at least 50 feet past the ends of the discreet Work Areas and terminate with a turn-around. The Exclusion Fence Plan shall indicate that the Designated Biologist will supervise all fence installation methods (e.g., fence-line grubbing, trenching, construction, etc.) to minimize potential impacts to Covered Species.	ITP Condition # 6.4	Entire Project	Permittee	
25	The Designated Biologist(s) shall be at the Project Area daily and during all Covered Activities until all of the following items are completed: Pre-construction Surveys (as required in accordance with Condition of Approval 7.1); SJAS burrow flagging (as required in accordance with Condition of Approval 7.2); Covered Species Exclusion Fencing installation (as required in accordance with Condition of Approval 7.3); SJAS Trapping work (as required in accordance with Condition of Approval 7.4); SJAS Burrow Excavation work (as required in accordance with Condition 7.5); SJKF Den Avoidance Buffers (as required in accordance with Condition 7.6) are established; any SJKF den blockage or excavation work (as required in accordance with Conditions of Approval 7.5, and 7.6, respectively); and the initial ground disturbance at each discreet Work Area. The Designated Biologist shall conduct these daily compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of the Covered 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 within the Project Area covered by this ITP. After the implementation of Conditions of Approval 7.1 through 7.6 and all initial ground disturbance has been completed, the Designated Biologist(s) shall be at the Project Area at least once weekly to conduct compliance inspections. The Designated Representative or Designated Biologist(s) shall prepare daily/weekly written observations 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.	ITP Condition # 6.5	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
26	During all Covered Activities, all workers shall inform the Designated Biologist(s) if individuals of the Covered Species are observed within or near the Project Area. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species moves from the Project Area of its own volition, or is moved by the Designated Biologist(s).	ITP Condition # 6.6	Entire Project	Permittee	
27	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.5 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Steven Hulbert (Steven.Hulbert@wildlife.ca.gov), the Regional Office email is R4CESA @wildlife.ca.gov and the 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 # 6.7	Entire Project	Permittee	
28	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.7; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
29	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.9	Entire Project	Permittee	
30	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 or emailing CDFW's Regional Representative (see below). 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 # 6.11	Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
31	Prior to any ground disturbance within each discreet Work Area, the Designated Biologist(s) shall examine that discreet Work Area: plus a 50-foot buffer for potential SJAS burrows; and plus a 250-foot buffer (where feasible) for SJKF dens. If the Designated Biologist identifies any potential, known, and/or natal SJKF dens, those den(s) shall be monitored with tracking medium or infrared camera to determine the current use of the den(s). Permittee shall provide the Pre Construction Survey results in a written report to CDFW's Regional Representative at least seven (7) days prior to the beginning of Covered Activities. The Pre-Construction Survey report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow, the number of potential SJKF dens, and a discussion and map of the locations of each.	ITP Condition # 7.1	Entire Project	Permittee	
32	All potentially suitable SJAS burrow openings within the aggregate/gravel covered shoulder backing areas will be flagged so that the filling of those burrow openings can be avoided during the replenishment activities. During replenishment activities, those flagged burrow openings will be temporarily (for no more than two hours total) covered with a small (approximately 12-inch in diameter) wooden or plastic disk by hand crews on foot. Once the shoulder backing in the vicinity of the flagged/covered burrow opening has been replenished, the flag and object used to cover the opening will be immediately removed.	ITP Condition # 7.2	Entire Project	Permittee	
33	Exclusion fencing shall be installed in accordance with the CDFW-approved Covered Species Exclusion Fence Plan (described in Condition of Approval 6.4). This fence may also serve to delimit the discreet Work Area Boundaries as required under Condition of Approval 5.9. The exclusion fence shall be installed to help prevent movement of the Covered Species into the discreet Work Area once ground- or vegetation-disturbing activities commence. Permittee shall place exclusion fence at the edge of the discreet Work Area. The Designated Biologist shall supervise all fence installation methods (e.g., fence-line grubbing, trenching, construction, etc.) to minimize potential impacts to the Covered Species. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration of the active construction period. Exclusion fence may be keyed six to eight inches into the ground or alternatively a minimum of 12 inches of fence laid outward and flat on the ground securely fastened near the fence base and along the entire fence edge may be used to deter the Covered Species in the adjacent areas from digging under and entering the discreet Work Area. The exclusion fence shall be constructed of tightly woven material that prevents climbing and entrapment of any species.	ITP Condition # 7.3	Entire Project	Permittee	
34	All flagged SJAS burrows within each discreet Work Area that cannot be avoided shall be live trapped by the Designated Biologist(s) prior to the initiation of ground-disturbing Covered Activities (excluding exclusion fence installation) to minimize direct mortality. The trapping shall occur consistent with the CDFW-approved Relocation Plan required in Condition of Approval 6.3. Any captured SJAS shall be relocated to a CDFW approved release site identified in the Relocation Plan. The Designated Biologist(s) shall submit a report of the trapping/relocation effort to CDFW at least five business days prior to commencement of Covered Activities.	ITP Condition # 7.4	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
35	Following live trapping activities within each discreet Work Area, the Designated Biologist shall perform the excavation by hand of the flagged small mammal burrows. The Designated Biologist shall ensure that any SJAS encountered in the excavated burrows are captured and relocated in accordance with the approved SJAS Relocation Plan (described in Condition of Approval 6.3).	ITP Condition # 7.5	Entire Project	Permittee	
36	<p>The Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone or e-mail if any SJKF-occupied atypical dens, known dens, or potential or known natal dens are discovered within or immediately adjacent to each discreet Work Area. The Permittee shall establish Environmentally Sensitive Area (ESA) buffer zones according to the following guidelines:</p> <ul style="list-style-type: none"> <li>• If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a minimum 50-foot ESA shall be established around the den.</li> <li>• If a known SJKF den (a den that shows evidence of current use or is known to have been used in the past) is discovered, Permittee shall establish a minimum ESA of at least 100 feet around the den.</li> <li>• If a potential natal SJKF den (a den with two or more openings) is discovered, an ESA of at least 200 feet shall be established around the den.</li> <li>• If a SJKF known natal den (a den that shows evidence of pups, or a den which is known to have been used for pupping in the past) is discovered, an ESA of at least 250 feet shall be established around the den.</li> </ul> <p>If SJKF dens cannot be avoided as described above, then the Permittee shall follow Conditions of Approval 7.5 and 7.6 as appropriate.</p>	ITP Condition # 7.6	Entire Project	Permittee	
37	The Permittee shall block rather than destroy any den located within the buffer distances prescribed by Condition of Approval 7.6, but outside the discreet Work Area(s). Dens (including dens in natural substrate and in/under man-made structures) may be blocked only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF is not currently present. Natal dens shall not be blocked until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. Den blockage shall be done in a manner that prevents SJKF from digging back into the den. All blocked dens shall be monitored at least once a week to ensure that the exclusion material is still intact. If SJKF is detected during monitoring activities or after the block is installed or regains access to the den, the Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked dens shall be unblocked within 48 hours of completion of Covered Activities within the proscribed buffer distance.	ITP Condition # 7.7	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
38	Dens (including dens in natural substrate and in/beneath man-made structures) may be destroyed only after the Designated Biologist has conducted four (4) consecutive days of monitoring with tracking medium or infrared camera and determined that SJKF are not currently present. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after written concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist, the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual SJKF does not vacate a den within the discreet Work Area within a reasonable timeframe, CDFW and the USFWS shall be consulted and Permittee shall obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den ESA may be removed once the Covered Species is no longer using the area.	ITP Condition # 7.8	Entire Project	Permittee	
39	The Designated Biologist(s) or Biological Monitor(s) shall inspect all open holes, sumps, and trenches at each discreet Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and that are up to six feet deep shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. All trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and greater than six feet deep shall be covered when workers or equipment are not actively working in the excavation and at the end of each work day. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist(s) or Biological Monitor(s) shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist(s) or Biological Monitor(s) shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate individual SJAS as per the Relocation Plan described in Conditions of Approval 6.3.	ITP Condition # 7.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	Workers shall thoroughly inspect for individuals of the Covered Species in all construction pipe, culverts, or similar structures with a diameter of 7.6 centimeters (3 inches) or greater that are stored for one or more overnight periods before the structure is subsequently moved, buried, or capped. If, during inspection, an individual of the Covered Species is discovered inside the structure, workers shall notify the Designated Biologist and allow the Covered Species to safely escape the structure before moving and utilizing the structure.	ITP Condition # 7.10	Entire Project	Permittee	
41	Workers shall thoroughly inspect for individuals of the Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.	ITP Condition # 7.11	Entire Project	Permittee	
42	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. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.11. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.12	Entire Project	Permittee	
43	The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of individuals of the Covered Species. This information shall include for each animal; (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult / juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Quarterly Report described in Condition 6.7 of the ITP. The Relocation Summary in the Final Mitigation Report shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 7.13	Entire Project	Permittee	
44	All temporarily impacted habitat (scrub and grasslands) within each discreet Work Area will be restored to pre-project conditions or better. Restoration will be assisted by re-seeding and/or replanting the temporarily impacted area(s). Re-seeding and/or replanting will be completed by November 15th of the year that the Covered Activities are completed and the temporarily impacted area(s) cannot remain disturbed for more than one (1) calendar year without undergoing restoration efforts. A Habitat Restoration Plan will include a seed mix and/or planting mix, methods to seed and/or plant, proposed success criteria, and a contingency plan if restoration efforts perform unsuccessfully. The Habitat Restoration Plan will be provided to CDFW for review and written approval prior to implementation of the Habitat Restoration Plan.	ITP Condition # 7.14	Entire Project	Permittee	
<b>POST-CONSTRUCTION</b>					
45	Upon completion of Covered Activities, Permittee shall remove from the Project Area, and properly dispose of, all temporary fill, and construction refuse including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.14	Post-construction and after completion of mitigation	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
46	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 Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.10	Post-construction and after completion of mitigation	Permittee	



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

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

TO: Regional Representative

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facsimile:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

General Description of Location of Parcel(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Land Value: \$

For Region Use Only

APPROVED \_\_\_\_

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

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

REJECTED \_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_

ATTACHMENT 2B  
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.

State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (NEW 07/28/17)

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

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

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

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

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

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

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

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

c. Security:

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

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

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

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

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

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