



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-058-04

64 ZONE 38-35N WELL CONVERSION PROJECT

Authority:

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

Permittee:	Aera Energy LLC
Principal Officer:	William D. Anderson, Senior Vice President - Operations
Contact Person:	Aaron Aguilera, (661) 665-5449
Mailing Address:	10000 Ming Avenue Bakersfield, California 93311

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 **March 31, 2026**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 5.9 of this ITP.

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

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

Project Location:

The 64 Zone 38-35N Oil Well Conversion Project (Project) is located within the boundaries of the California Geologic Energy Management Division (CalGEM) North Belridge oil field just west of State Route 33, approximately eight miles southwest of the community of Lost Hills, in Kern County, California (Figure 1). The Project is specifically within the United States Geological Survey 7.5-Minute Quadrangle Map Blackwells Corner in Township 27 South, Range 20 East, Section 35, Mount Diablo Base and Meridian. The Project is within Permittee surface- and mineral-owned lands on Assessor's Parcel Number 068-220-13; Latitude 35°32'3.74"N, Longitude 119°47'29.59"W (Figure 2).

Project Description:

The purpose of the Project is to convert an inactive production oil well (38-35N) into a produced water injection well. This conversion includes activities related to road widening and pipeline/power line corridor construction, well pad construction, well conversion, installation of an injection skid, produced water pipeline installation, electrical pole and power line installation, and road crossing, or ramp-over, construction.

Access Road Widening and 4-Inch Produced Water Pipeline/12kv Electrical Power Line Corridor Construction

Access road widening and corridor construction will be required to accommodate construction-related vehicles and equipment and provide a corridor to install the pipeline and electrical power line. The 38-35N well is currently connected to two approximately eight-foot wide existing dirt access roads. The Project will utilize the existing north-south access road for ingress and egress while the east-west access road will provide installation of the pipeline and electrical poles and power lines and ingress and egress. Both access roads intersect more prominent, frequently travelled oil field roadways.

The north-south access road will be widened from eight feet to approximately 18 feet to accommodate access for the well workover rig and associated equipment. The east-west access road and pipeline and electrical power line corridor will be widened from eight feet to 38 feet for 575 feet east of the well pad to the powerline tie-in point at an existing electrical power line. This widening is to accommodate vehicle and equipment ingress and egress and installation of a four-inch produced water pipeline and a 12kv electrical power line and its associated poles. From the power line tie-in point, the pipeline will continue east within a 20-foot wide road and pipeline corridor for 435 feet where it will tie into an existing six-inch produced water pipeline running parallel to an existing dirt roadway. Hand tools will be used to remove the vegetation along the existing roadway edges before leveling and grading using a backhoe or front loader and a finish grader to create a level surface. A water truck may be used as necessary to control dust and assist with the compaction of soil.

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Well Pad Construction

The Project requires the construction of an approximately one-acre well pad surrounding the existing, inactive 38-35N well. The current well pad contains the well head and an approximate 35-foot by 35-foot concrete foundation. Vegetation will be hand clipped and removed from the well pad area prior to using a front loader and a backhoe to cut and balance the pad. A finish grader will then be used for final grading to a level dirt surface that will accommodate the workover rig. A water truck will be used to control dust and assist with the compaction of soil within the well pad.

Well Conversion and Injection Skid Installation

Existing hardware will be removed from the 38-35N well, the existing cement plug will be drilled out, and the casing reperforated using a workover rig and a wireline truck. There will be no deepening of the well and casing repairs are not expected to occur. Injection tubing and a packer will be installed. A six-foot by six-foot injection skid will be installed on a new concrete foundation either poured over the existing one or in a new location within the well pad boundaries after the well conversion process has been completed. The injection skid will accommodate the pump used to pressurize the well and inject the produced water back into the original formation.

Produced Water Pipeline Installation

The well conversion will require this injection well to tie into an existing six-inch produced water fiberspar pipeline within a north-south corridor approximately 1,000 feet east of the well. A four-inch flexpipe will be installed along the northern edge of the pipeline and electrical power line corridor adjacent to the east-west dirt access road to connect to the existing six-inch pipeline. The produced water fiberspar and flexpipe pipelines are composite pipes composed of a high-density polyethylene inner liner that serves as the conduit for fluids, a fiberglass middle-layer for structural integrity, and a protective, hard-plastic outer layer. This pipeline will be installed directly onto the ground and will not require below- or above-ground supports.

Road Crossing Ramp-over Installation

Once the four-inch produced water pipeline has been installed, two ramp-overs will be constructed at two roadway crossings to allow oil field vehicles and equipment to drive over the pipe without damaging it. An approximately 15-foot long metal casing will be used to sheathe the pipe before being covered with approximately 108 cubic feet of soil fill and compacted within an area of approximately three feet by two feet by 1.5 feet. Soil for the ramp-overs will be transported from a nearby existing borrow site. A water truck will also be used to wet the soil surface to assist with compaction.

12kv Power Line Installation

Providing power to the injection well will require the installation of six wooden power poles for

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the new 12kv power line. The poles will be set into power-augured holes six feet deep and two feet in diameter within the 38-foot east-west access road corridor. The power line will be trenched approximately three feet below ground from the well head approximately 100 feet to a panel box located on a new power pole within the well pad boundaries. From the panel box, the 12kv power line will extend overhead approximately 575 feet to tie into the existing power line that occurs within a north-south corridor east of the well. An electrician's line truck and bucket truck will be used to install the 12kv power line and poles.

In total, the Project will occur within an area of up to two acres for the access roadway widening, the produced water pipeline and 12kv power line corridor construction, and the well pad. The Project is anticipated to result in no more than two acres of permanent disturbance.

Equipment to be used includes: a workover rig, line truck, bucket truck, vacuum truck, concrete truck, welding truck, a piping supply truck, supply/delivery trucks, front loader, backhoe, grader, dump truck, water truck, ancillary equipment for well conversion, several pick-up trucks, and hand tools.

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>Ammospermophilus nelsoni</i>)	Threatened ³

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: clearing; grubbing; removing vegetation; grading; leveling (soil cut and/or fill); soil compaction; excavating/trenching; backfilling; drilling and installation of ancillary facilities; pipeline installation; welding; electrical pole and power line installation; pouring concrete; direct contact with moving parts of wells; transport of workover rig, construction, and production materials and other Project-related traffic; materials laydown and storage; heavy equipment storage; transporting construction materials and other Project-related traffic; and other activities described in the Project Description section of this ITP (Covered Activities). Produced water spills and blow-outs are not a Covered Activity under this ITP. The clean-up of produced water from spills and blow

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

outs exceeding 0.2 acre will require take authorization through the acquisition of a separate ITP.

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as burrow collapse resulting in crushing or suffocation of underground individuals due to site preparation and excavation; crushing by equipment in the Project Site; entanglement in, or crushing by, moving well parts; or by ingestion of, or entrapment in, spilled produced water, or other hazardous materials. Incidental take, including mortality of Covered Species due to vehicle strikes may occur in connection with Project-related traffic during construction. Incidental take of individuals of the Covered Species may occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species via entrapment in holes or excavations, uncovering Covered Species through the excavation of dens and burrow systems, by corralling Covered Species into a confined area when exclusion fencing is constructed around Project areas, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include the well pad site, access roads, pipeline corridor, and electrical power line corridor (collectively, the Project Area).

The Project is expected to cause the permanent loss of up to two (2) acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

Incidental Take Authorization of Covered Species:

This ITP authorizes incidental take of the Covered Species and only the Covered Species. With respect to incidental take of the Covered Species, CDFW authorizes the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from

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activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Revisions to the Kern County Zoning Ordinance – 2015 (C), Focused on Oil and Gas Permitting Environmental Impact Report (EIR) dated July 2015 and certified on October 30, 2015 and Revisions to the Kern County Zoning Ordinance - 2020 (A), Focused on Oil and Gas Permitting Final Supplemental Recirculated Environmental Impact Report (SREIR) dated January 2021 that Kern County certified on March 9, 2021 (SCH No.: 2013081079) as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 4. General Provisions:**
 - 4.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

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- 4.2. Designated Biologist.** Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist at least 30 calendar days prior to beginning Covered Activities. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. Permittee shall also provide to CDFW the Designated Biologist's experience with trapping and handling the Covered Species, small mammal burrow excavation experience, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/ supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW.
- 4.3. Designated Biologist/Designated Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and Designated Monitor shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.
- 4.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for

workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 4.5. 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.
- 4.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 4.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.
- 4.9. Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 4.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and

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shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.

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

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storage, use, handling, and disposal of hazardous materials in the Project Area are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.

- 4.16. Well Cellar Maintenance.** Permittee shall properly maintain well cellars by appropriate design and maintenance and shall keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.
- 4.17. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.18. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 4.19. Rodenticide Use.** Permittee shall prohibit the use of rodenticides in the Project Area.

5. Monitoring, Notification, and Reporting Provisions:

- 5.1. Notification Before Commencement.** The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner after receipt of the notification.
- 5.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist shall immediately notify CDFW in writing (e-mail will suffice) 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 or Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.

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- 5.3. Covered Species Mortality Reduction and Relocation Plan.** Permittee shall submit a Covered Species Mortality Reduction and Relocation Plan to CDFW at least 30 calendar days before starting Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all Covered Species mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.
- 5.4. Compliance Monitoring.** The Designated Biologist shall be on-site for the duration of the day when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all no-disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct daily compliance inspections during active construction. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, excavation, and grading are completed.
- 5.5. Record of Covered Species Relocated.** The Designated Biologist shall maintain a record of all Covered Species handled and observed. 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) and reproductive condition; (4) weight;

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(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 Monthly Compliance Report described in Condition of Approval 5.6 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.9 below shall include cumulative results, analysis of data collected, and conclusions.

5.6. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.4 and 5.5 above into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month following the first month after Covered Activities have commenced. At the time of this ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

5.7. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 5.6; (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;

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(4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if applicable; (10) the number of acres of permanent habitat disturbance anticipated to occur in the Project Area during the coming year, if applicable; and (11) the proposed Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 5.6 above.

- 5.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report, whichever is submitted first relative to the observation.
- 5.9. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report as described in Condition of Approval 5.6. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (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.
- 5.10. 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

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Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, 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.

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

- 6.1. Designated Biologist On Site.** The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.
- 6.2. Work Hours.** Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW (e-mail will suffice).
- 6.3. Lighting.** Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.
- 6.4. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 6.5. Equipment Fueling.** Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.

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- 6.6. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval 6.22. Vehicles left overnight shall be located at least 50 feet from of all Covered Species burrows.
- 6.7. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3 above.
- 6.8. Stockpiling Materials.** Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 6.9. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 6.10. Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3 above.
- 6.11. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape

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ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3 above.

- 6.12. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.

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- 6.13. Covered Species Observations.** All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist moves a Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3 above.
- 6.14. Delineation of Environmentally Sensitive Areas.** Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Condition of Approval 6.16. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 6.17, 6.18, 6.19, and 6.22.
- 6.15. Covered Species Pre-Activity Surveys.** The Designated Biologist shall perform pre-activity surveys for Covered Species no more than 14 calendar days prior to beginning Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential burrows used by Covered Species. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species. Conditions considered appropriate for detection of Covered Species include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, results, a discussion and map of the locations of each potential Covered Species burrow, and an estimated date of Covered Species relocation as described in Condition of Approval 5.3.
- 6.16. Covered Species Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied Covered Species burrows within and adjacent to the Project Area to be disturbed

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by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.17, 6.18, 6.19, 6.20, 6.21, and 6.22 below.

- 6.17. Temporary Exclusion Fencing.** Under the discretion of the Designated Biologist, prior to beginning Covered Activities, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Project Area to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Project Area to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Project Area of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) consecutive days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Project Area. If the Designated Biologist determines that temporary exclusion fencing will not be installed around the Project Area, CDFW shall be notified regarding the reasoning for not installing the fencing and a sufficient number of Designated Biologists and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the Project Area throughout the duration that Covered Activities will occur.
- 6.18. Temporary Exclusion Fencing Installation.** The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Project Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities.
- 6.19. Covered Species Relocation.** The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential Covered Species burrows detected within the Project Area that cannot be avoided per Condition of Approval 6.16 prior to beginning Covered Activities. Covered

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Species shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (e-mail will suffice). The Designated Biologist shall relocate any captured Covered Species to the CDFW-approved release site identified in the appropriate Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.3). Traps shall only be open during the time of day when **on-site temperatures** are within the 68 to 86-degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are **predicted by the National Weather Service** to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile Covered Species shall be released immediately at the trap location and trapping shall cease until young of the year Covered Species are observed above ground and no longer dependent on their mother.

- 6.20. Covered Species Relocation Weather Constraints.** Approval to conduct relocation outside of the main activity period for the species (April 1 to September 30) will require the Permittee to submit to CDFW for independent verification the seven day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year Covered Species (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site.
- 6.21. Covered Species Relocation Additional Timing Constraints.** If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (e-mail will suffice) following the final day of trapping.
- 6.22. Covered Species Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval 6.19 and prior to beginning Covered Activities within the Project Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential Covered Species burrows present within the Project Area to be disturbed by Covered Activities. Covered Species Burrow Excavation shall occur during the

same weather conditions as discussed in Condition of Approval 6.20 above. Any Covered Species encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the Covered Species Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 5.3). Any dormant Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.

- 6.23. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. 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 5.10. Notification shall include the name of the facility where the animal was taken.

7. Habitat Management Land Acquisition:

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

To meet this requirement, the Permittee shall use existing Covered Species credits from its balance of conservation credits from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).

- 7.1. Covered Species Credits.** Prior to beginning Covered Activities, the Permittee shall (1) assign six (6) acres of Covered Species credits from CLEP, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate and a credit ledger or similar document from CLEP verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.

Amendment:

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

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by e-mail or registered first class mail at the following address, or at addresses CDFW

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may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2020-058-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014
R4CESA@wildlife.ca.gov

and a copy to:

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

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

Sarah Bahm
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4014, extension 306
Sarah.Bahm@wildlife.ca.gov

Compliance with the California Environmental Quality Act:

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, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Revisions to the Kern County Zoning Ordinance – 2015 (C), Focused on Oil and Gas Permitting Environmental Impact Report (EIR) dated July 2015 and certified on October 30, 2015 and Revisions to the Kern County Zoning Ordinance - 2020 (A), Focused on Oil and Gas Permitting Final Supplemental Recirculated Environmental Impact Report (SREIR) dated

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January 2021 that Kern County certified on March 9, 2021 (SCH No.: 2013081079). At the time the lead agency certified the EIR and SREIR and approved the Project, it also adopted mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR and SREIR 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, Revisions to the Kern County Zoning Ordinance – 2015 (C), Focused on Oil and Gas Permitting EIR and Revisions to the Kern County Zoning Ordinance - 2020 (A), Focused on Oil and Gas Permitting SREIR (SCH No.: 2013081079), the results of 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:

and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

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

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estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 6 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

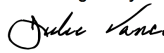
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;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

Attachments:

FIGURE 1	Project Location Regional Map
FIGURE 2	Project Location Detailed Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 6/14/2021

DocuSigned by:

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Julie A. Vance, Regional Manager
CENTRAL REGION

ACKNOWLEDGMENT

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

By:  Date: 6/16/2021
B2619DAC842346B...

Printed Name: William D. Anderson Title: Senior Vice President Operations

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Figure 1 Project Location Regional Map

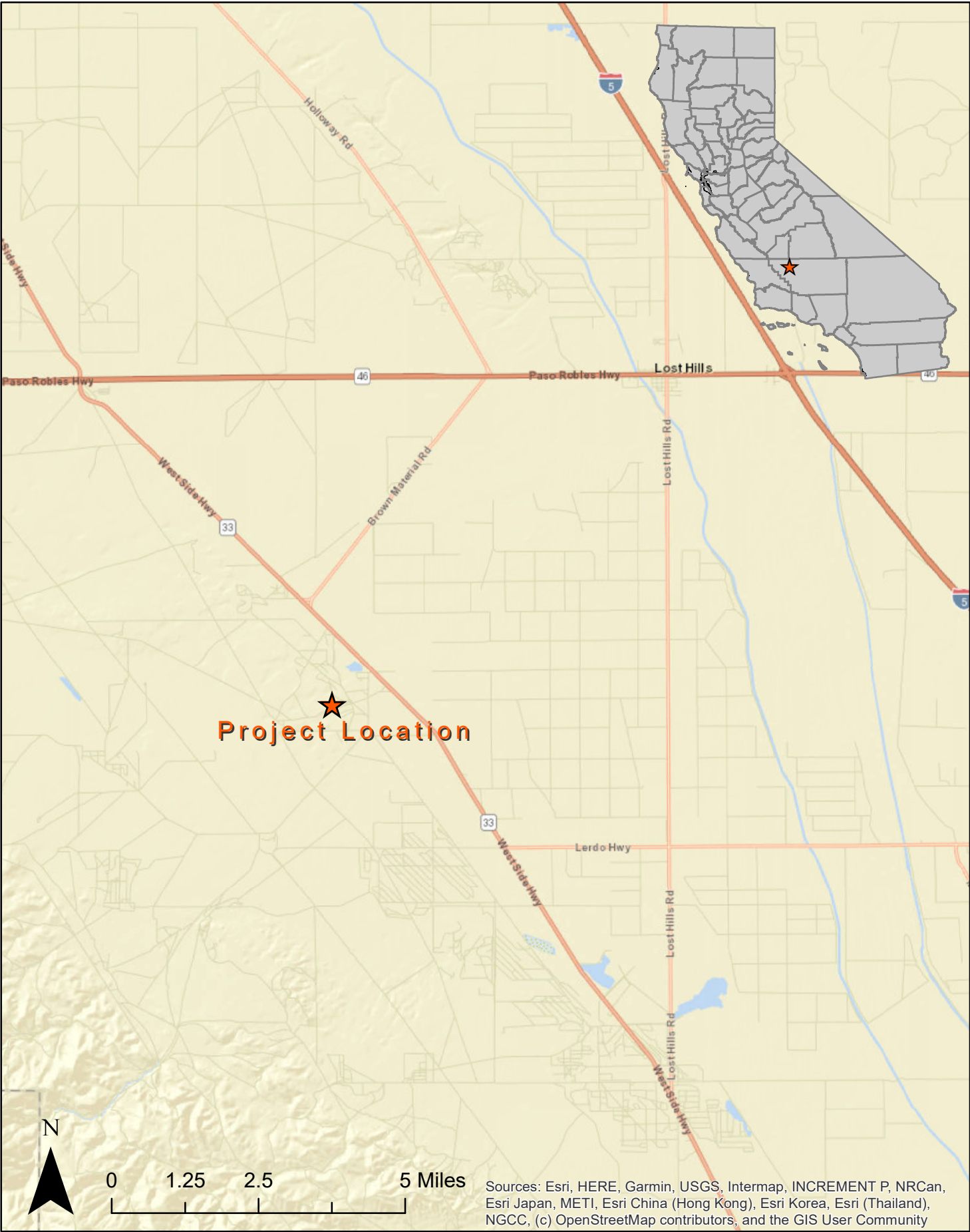
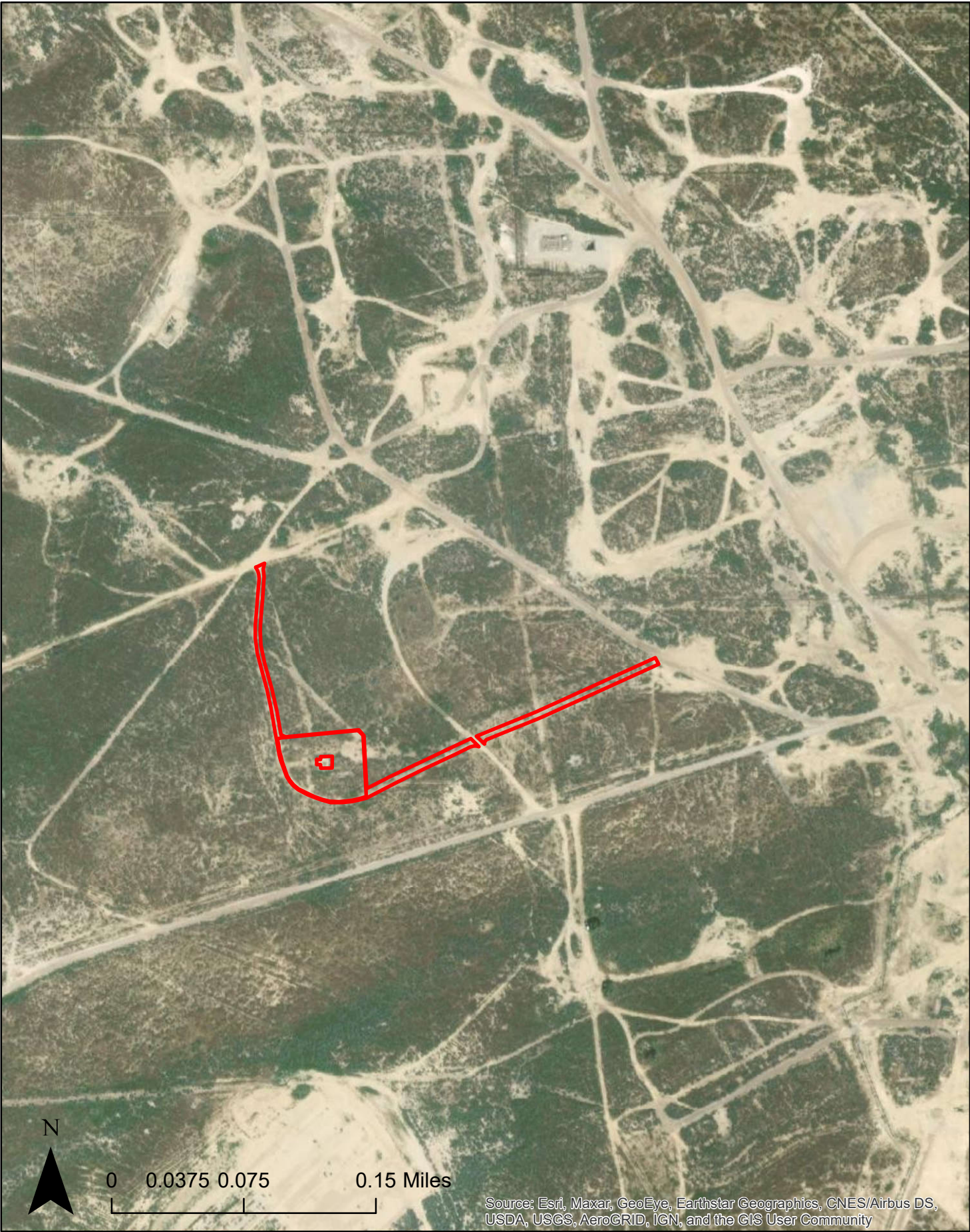


Figure 2 Project Location Detailed Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2020-058-04

PERMITTEE: Aera Energy LLC

PROJECT: 64 Zone 38-35N Well Conversion Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Biologist at least 30 calendar days prior to beginning Covered Activities. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if a Designated Biologist must be changed. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology and natural history of the Covered Species. Permittee shall also provide to CDFW the Designated Biologist's experience with trapping and handling the Covered Species, small mammal burrow excavation experience, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction/ supervision of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, the Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, contact information, and references of the proposed Designated Monitor. Designated Monitors assist the Designated Biologist as specified in advance and approved in writing by CDFW.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Permittee shall clearly delineate the boundaries of the Project Area where the Covered Activities will occur for that Project phase, with fencing, stakes, or flags before starting Covered Activities along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Project Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in the Project Area.	ITP Condition # 4.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 4.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval in the notification before starting Covered Activities. Upon receipt of the notification, if CDFW determines that all pre-Project Conditions of Approval are complete, CDFW may, in its discretion, authorize Covered Activities to start sooner after receipt of the notification.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Permittee shall submit a Covered Species Mortality Reduction and Relocation Plan to CDFW at least 30 calendar days before starting Covered Activities. Burrow excavation and relocation activities shall not proceed until the relocation plan has been approved in writing by CDFW's Regional Representative. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all Covered Species mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	<u>Record of Covered Species Relocated.</u> The Designated Biologist shall maintain a record of all Covered Species handled and observed. 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) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.6. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.9 shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Condition of Approval 6.16. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 6.17, 6.18, 6.19, and 6.22.	ITP Condition # 6.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>Covered Species Pre-Activity Surveys.</u> The Designated Biologist shall perform pre-activity surveys for Covered Species no more than 14 calendar days prior to beginning Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify all potential burrows used by Covered Species. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species. Conditions considered appropriate for detection of Covered Species include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions. Permittee shall provide the pre-activity surveys results in a written report to CDFW's Regional Representative at least five (5) days prior to the beginning of Covered Activities in the Project Area. The Pre Activity Survey report shall include, but not be limited to, methodology, date and time of survey, results, a discussion and map of the locations of each potential Covered Species burrow, and an estimated date of Covered Species relocation as described in Condition of Approval 5.3.	ITP Condition # 6.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	<u>Covered Species Burrow Avoidance.</u> The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied Covered Species burrows within and adjacent to the Project Area to be disturbed by Covered Activities. If the 50-foot no-disturbance buffer cannot be established, temporary exclusion fencing installation, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.17, 6.18, 6.19, 6.20, 6.21, and 6.22.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<u>Temporary Exclusion Fencing</u> . Under the discretion of the Designated Biologist, prior to beginning Covered Activities, Permittee shall install Temporary Exclusion Fencing around the perimeter of the Project Area to exclude Covered Species from Covered Activities. Fencing material and design shall be reviewed and approved in writing by CDFW before exclusion fencing installation. Permittee shall install Temporary Exclusion Fencing in the manner as described below. First, prior to the installation of the Temporary Exclusion Fencing, shrubs shall be removed by cutting/clipping them at the base under the supervision of Designated Biologist with the use of hand tools within the Project Area to encourage Covered Species to move out of the area. Next, the Temporary Exclusion Fencing shall be installed with openings to allow Covered Species to vacate the Project Area of their own accord. The Temporary Exclusion Fencing openings shall be in place for at least five (5) consecutive days and closed at the discretion of the Designated Biologist to prevent Covered Species from reoccupying the Project Area. If the Designated Biologist determines that temporary exclusion fencing will not be installed around the Project Area, CDFW shall be notified regarding the reasoning for not installing the fencing and a sufficient number of Designated Biologists and/or Designated Monitors shall be present to ensure 100 percent visual coverage of the Project Area throughout the duration that Covered Activities will occur.	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
16	<u>Temporary Exclusion Fencing Installation</u> . The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Project Area. The Designated Biologist shall check the Temporary Exclusion Fence at least once weekly and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities.	ITP Condition # 6.18	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	
17	<u>Covered Species Relocation</u> . The Designated Biologist shall conduct live trapping using Tomahawk-type squirrel traps (or other similar squirrel traps) at all potential Covered Species burrows detected within the Project Area that cannot be avoided per Condition of Approval 6.16 prior to beginning Covered Activities. Covered Species shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (e-mail will suffice). The Designated Biologist shall relocate any captured Covered Species to the CDFW-approved release site identified in the appropriate Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.3). Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86 degree Fahrenheit criterion with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile Covered Species shall be released immediately at the trap location and trapping shall cease until young of the year Covered Species are observed above ground and no longer dependent on their mother.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>Covered Species Relocation Weather Constraints.</u> Approval to conduct relocation outside of the main activity period for the species (April 1 to September 30) will require the Permittee to submit to CDFW for independent verification the seven day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation) and evidence of young of the year Covered Species (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW approved reference site.	ITP Condition # 6.20	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
19	<u>Covered Species Relocation Additional Timing Constraints.</u> If relocation occurs prior to April 1 and/or after September 30, the Designated Biologist shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (e-mail will suffice) following the final day of trapping.	ITP Condition # 6.21	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
20	<u>Covered Species Burrow Excavation.</u> Immediately following live trapping activities conducted to address Condition of Approval 6.19 and prior to beginning Covered Activities within the Project Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential Covered Species burrows present within the Project Area to be disturbed by Covered Activities. Covered Species Burrow Excavation shall occur during the same weather conditions as discussed in Condition of Approval 6.20. Any Covered Species encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the Covered Species Mortality Reduction and Relocation Plan by the Designated Biologist (Condition of Approval 5.3). Any dormant Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping.	ITP Condition # 6.22	Before commencing ground- or vegetation-disturbing activities	Permittee	
21	<u>Habitat Management Land Acquisition.</u> CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the Covered Species and habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. To meet this requirement, the Permittee shall use existing Covered Species credits from its balance of conservation credits from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<u>Covered Species Credits.</u> Prior to beginning Covered Activities, the Permittee shall (1) assign six (6) acres of Covered Species credits from CLEP, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate and a credit ledger or similar document from CLEP verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
23	<u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and Designated Monitor shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 4.3	Entire Project	Designated Biologist	
24	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project Area upon request by CDFW.	ITP Condition # 4.5	Entire Project	Designated Biologist	
25	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall only deploy erosion control mats, blankets, or coir rolls that consist of only natural-fiber, biodegradable materials.	ITP Condition # 4.8	Entire Project	Permittee	
26	<u>Dogs.</u> Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 4.9	Entire Project	Permittee	
27	<u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.	ITP Condition # 4.10	Entire Project	Permittee	
28	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.13	Entire Project	Permittee	
29	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.11 of the ITP.	ITP Condition # 4.14	Entire Project	Permittee	
30	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall also ensure the storage, use, handling, and disposal of hazardous materials in the Project Area are done so in accordance with all applicable state and federal statutes and in a manner that precludes any possibility for direct exposure to Covered Species.	ITP Condition # 4.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<u>Well Cellar Maintenance</u> . Permittee shall properly maintain well cellars by appropriate design and maintenance and shall keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.	ITP Condition # 4.16	Entire Project	Permittee	
32	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 4.17	Entire Project	Permittee	
33	<u>Rodenticide Use</u> . Permittee shall prohibit the use of rodenticides in the Project Area.	ITP Condition # 4.19	Entire Project	Permittee	
34	<u>Notification of Non-compliance</u> . The Designated Representative or Designated Biologist shall immediately notify CDFW in writing (e-mail will suffice) 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 or Designated Biologist shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 5.2	Entire Project	Permittee	
35	<u>Compliance Monitoring</u> . The Designated Biologist shall be on site for the duration of the day when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all no disturbance exclusion buffers; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring within the discrete Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct daily compliance inspections during active construction. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity and after clearing, grubbing, excavation, and grading are completed.	ITP Condition # 5.4	Entire Project	Designated Biologist	
36	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.4 and 5.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month following the first month after Covered Activities have commenced. At the time of the ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 5.6; (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) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if applicable; (10) the number of acres of permanent habitat disturbance anticipated to occur in the Project Area during the coming year, if applicable; and (11) the proposed Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 5.6.	ITP Condition # 5.7	Entire Project	Permittee	
38	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report, whichever is submitted first relative to the observation.	ITP Condition # 5.8	Entire Project	Designated Biologist	
39	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 5.10	Entire Project	Permittee	
40	<u>Designated Biologist On Site.</u> The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.	ITP Condition # 6.1	Entire Project	Designated Biologist	
41	<u>Work Hours.</u> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may be permitted with written authorization from CDFW (e-mail will suffice).	ITP Condition # 6.2	Entire Project	Permittee	
42	<u>Lighting.</u> Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<u>Equipment Fueling</u> . Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 6.5	Entire Project	Permittee	
44	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval 6.22. Vehicles left overnight shall be located at least 50 feet from of all Covered Species burrows.	ITP Condition # 6.6	Entire Project	Permittee	
45	<u>Vehicle and Equipment Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3.	ITP Condition # 6.7	Entire Project	Permittee	
46	<u>Stockpiling Materials</u> . Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
47	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 6.9	Entire Project	Permittee	
48	<u>Materials Inspection</u> . Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3.	ITP Condition # 6.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
49	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3.	ITP Condition # 6.11	Entire Project	Designated Biologist / Permittee	
50	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 6.12	Entire Project	Permittee	
51	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist moves a Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.3.	ITP Condition # 6.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<u>Covered Species Injury</u> . If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. 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 5.10. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 6.23	Entire Project	Permittee	
POST-CONSTRUCTION					
53	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.18	Post-construction	Permittee	
54	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report as described in Condition of Approval 5.6. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.9	Post-construction	Permittee	
55	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 5.9	Post-construction	CDFW	