



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 20, 2021

David Johnson
California Department of Transportation
855 M Street, Suite 200
Fresno, California 93721

**Subject: Incidental Take Permit for State Route 190 Tulare Culvert Replacement Project
(2081-2020-051-04)**

Dear Mr. Johnson:

Enclosed you will find an electronic copy of the incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). This permit is different than the version sent to you on July 21, 2021; an administrative change was made.

Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

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

Alternatively, you may return an electronic copy of the permit with digital signature to CESA@wildlife.ca.gov. Digital signatures shall comply with Government Code section 16.5.

You are advised to keep the permit in a secure location and distribute copies to appropriate project staff responsible for ensuring compliance with the conditions of approval of the permit. Note that you are required to comply with certain conditions of approval prior to initiation of ground-disturbing activities. Additionally, a copy of the permit must be maintained at the project work site and made available for inspection by CDFW staff when requested.

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Steve Hulbert, Senior Environmental Scientist (Specialist), at steven.hulbert@wildlife.ca.gov.

Sincerely,

DocuSigned by:
A handwritten signature in black ink, appearing to read "Julie A. Vance".
FA83F09FE08945A...

Julie A. Vance, Regional Manager
Central Region
California Department of Fish and Wildlife

Enclosure

Conserving California's Wildlife Since 1870



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-051-04

STATE ROUTE 190 TULARE CULVERT REPLACEMENT 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:	California Department of Transportation
Principal Officer:	David Johnson, Biology Branch Chief
Contact Person:	Alyssa Kemp (559) 445-6462
Mailing Address:	855 M Street, Suite 200 Fresno, California 93721

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 **January 31, 2025**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.8 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 State Route 190 Tulare Culvert Replacement Project (Project) is part of a larger capital maintenance project and involves the replacement of two culverts which convey ephemeral streams beneath State Route 190 between the communities of Springville and Camp Nelson, in Tulare County. The culverts were designated Culvert 3 and Culvert 4 by Permittee. Both represent Work Areas **(defined as discrete zones where vegetation- and ground disturbing activities will occur)** within 100 feet of each other and their locations are more specifically described below and depicted on Figure 1.

Culvert 3 conveys an unnamed tributary to the Middle Fork Tule River under State Route 190 at post mile 36.90. The Culvert 3 Work Area is centered near latitude 36.151369, longitude -118.749588 within Section 29, Township 20 South, Range 30 East, Mount Diablo Baseline and Meridian (MDB&M), and can be located on the *Camp Wishon, California* 7.5-minute quadrangle United States Geological Survey (USGS) topographic map.

Culvert 4 conveys an unnamed tributary to the Middle Fork Tule River under State Route 190 at approximately post mile 36.92. The Culvert 4 Work Area is centered near latitude 36.151496, longitude -118.749253 within Section 29, Township 20 South, Range 30 East MDB&M, and can also be located on the *Camp Wishon, California* 7.5-minute quadrangle USGS topographic map.

Project Description:

At each of the two Project Work Areas, existing pipe culverts will be removed and replaced with new cast-in-place concrete cement box culverts with headwalls. The Covered Activities required to accomplish this culvert replacement work are described below.

At both Work Areas, the existing multiple-pipe culverts will be removed by cutting the overlying asphalt pavement, over-excavating and removing the pipe culverts, and placing a single new precast box culvert with headwalls in their place. Concrete slurry will be placed over the box culverts to subgrade, and the roadbase and paved roadway over the new box culverts will be reconstructed. The patched roadway will be striped, and the repaired shoulder backing will be compacted and contoured to conform with approaching and departing grade. Rock-slope-protection will be placed within the streams immediately outside the outlet of each box culvert to armor the stream bed and banks. The culvert replacement at both Work Areas will be accomplished in two stages (one lane at a time) to prevent roadway closures. The culvert replacement work will occur while the streams are naturally dry, and the Project will involve no night work or tree removal. All heavy equipment employed will be operated from the roadway or engineered shoulder backing, and hand crews with hand tools will be employed for instream work within the Work Areas. The Work Area at Culvert 3 involves the stream and adjoining unpaved upland within 25 feet from the culvert outlet, and a 25-foot radius out from the culvert inlet. The Work Area at Culvert 4 similarly involves 25-foot radius areas extending out from both the culvert inlet and culvert outlet.

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Because populations of the State endangered Springville clarkia (*Clarkia springvillensis*) are known to occur near, and extend into at least one (Culvert 4) of the two Work Areas, the Project will also involve the collection of seeds from Springville clarkia individuals at and near the Work Areas, and the salvage and temporary stockpiling of top soils and duff from within both Work Areas, as required by this ITP. A portion of the collected seed and stockpiled top soils will be replaced near the Work Areas after completion of the culvert replacement work, and the balance will be translocated to a CDFW approved receiver site.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Springville clarkia (<i>Clarkia springvillensis</i>)	Endangered ³

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

Impacts of the Taking on Covered Species:

During botanical surveys in May 2020, Permittee identified flowering populations of the Covered Species near the inlets of Culvert 3 (approximately 100 individuals) and Culvert 4 (approximately 20 individuals). The Permittee will be able to avoid the population observed at the Culvert 3 inlet; however, Permittee will not be able to avoid individuals of the population near Culvert 4 as some of the individuals exist within the 25-foot radius Work Area at the culvert inlet. Take of individuals of the Covered Species and the seed and seed bank associated with these populations/individuals will occur in association with the replacement of both culverts. More specifically, take of the Covered Species is expected to occur in association with the Project-related ground disturbance over approximately 4,844.5 square feet (0.11 acres) of Covered Species habitat (approximately 2,014 square feet at Culvert 3 and approximately 2,830.5 square feet at Culvert 4).

Covered activities may result in the incidental take of individuals in the form of mortality (“kill”) as a result of habitat loss and modification; trampling by construction workers or earthmoving equipment; removal of soil that render parts of the seed bank inviable or causes it to be lost; erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; loss of seed stored for future restoration activities to mold, disease, or other reasons that cause inviability; pesticide application; and failed attempts at successful translocation of Springville clarkia. Incidental take of individuals may also occur from the Covered Activities in the form of capture when individuals are salvaged, collected, and translocated out of harm’s way as required by this ITP.

³See Cal. Code Regs. tit. 14 § 670.2, subd. (a)(21)(D).

Potential indirect and long-term indirect impacts to Springville clarkia and its habitat include introduction or spread of invasive species; changes in drainage patterns that favors different vegetative growth; construction related fugitive dust that can coat individuals and reduce photosynthesis and evapotranspiration efficiency; and pesticide application; increased edge effects; altered drainage patterns and reduced input of water necessary to create and maintain appropriate soil moisture, vegetation cover, and humidity requirements that make Springville clarkia more vulnerable to competition, disease, or reduced fecundity. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are already at carrying capacity or are unsuitable for dispersal.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Work Areas. CDFW's issuance of this ITP and Permittee's authorization to take the Covered Species are subject to Permittee's compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2018081101) adopted by California Department of Transportation on 23 October 2018 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **Federal Endangered Species Act Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the *Formal Consultation on the Tulare Culverts Replacement Project* (referral: 08ESMF00-2018-F-1591-R001) prepared and issued for the larger capital maintenance project (including the Project) pursuant to the Federal Endangered Species Act (16 U.S.C. § 1531 et seq.). Where

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measures for the Covered Species in the federal Section 7 Consultation are less protective or in conflict with this ITP, the terms and conditions of this ITP shall control for purposes of CESA and this ITP.

4. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2019-088-R4) for the larger capital maintenance project (including the Project) executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
5. **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.
6. **General Provisions:**
 - 6.1. 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.
 - 6.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species seed. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed.
 - 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

- 6.4. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to wildlife, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.5. Delineation of Discreet Work Areas Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the discreet Work Areas at both culverts with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in a discreet Work Area.
- 6.6. Delineation of Habitat Outside of the Discreet Work Areas.** Permittee shall clearly delineate occupied habitat of the Covered Species which adjoins the discreet Work Areas with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to avoid disturbance of this Covered Species' habitat.
- 6.7. Project Work Areas Access.** Project-related personnel shall not cross Covered Species' habitat outside of or en route to the Project Work Areas. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Work Areas, 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.
- 6.8. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Work Areas using. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Work Areas.
- 6.9. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Work Areas and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.10. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Work Areas and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

- 6.11. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Work Areas, 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.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Seed Collection and Seed Bank Salvage/Translocation Plan.** The Designated Biologist(s) shall prepare a *Seed Collection and Seed Bank Salvage/Translocation Plan* (Plan) for Springville clarkia. The Plan shall include, but not be limited to a discussion of: the identification of the survey, hand excavation, handling, and translocation methods; the method of storage of the collected seed and seed bank; specific measures to maintain the viability of the seed and seed bank during collection and storage; the location and map of the receiver site; the layout of where the individual plants will be planted; Permittee's plan to monitor success of the translocated seed and seed bank for five years that shall include at least three monitoring events from April through July annually; quantifiable multi-year survival rates and other success criteria; pesticide free invasive species eradication methods and other adaptive management strategies; and a five year contingency plan to remedy unsuccessful translocation. The Plan shall be submitted to CDFW for written approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Work Areas shall not proceed until the Plan is approved in writing by CDFW. Implementation of the approved Plan shall occur under the direct supervision of the Designated Biologist.
- 7.4. Compliance Monitoring.** The Designated Biologist(s) shall be present at the Project Work Areas (and site of the translocation) to oversee implementation of the CDFW approved Plan. The Designated Biologist(s) shall prepare written

observations and records summarizing the survey results and actions taken as outlined in the Plan.

- 7.5. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted no later than the 5th day of the month it is due to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Steven Hulbert (Steven.Hulbert@wildlife.ca.gov) and the Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.6. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Work Areas and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to temporary disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The

Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. In the event Project Activities do not experience delays and are completed within one year, this Final Mitigation Report could also constitute the first Annual Status Report required above.

- 8. Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Work Areas during Covered Activities. Permittee shall implement and adhere to the following conditions to minimize take of the Covered Species.
- 8.1. Botanical Surveys.** To appropriately detect Springville clarkia, the Work Areas at both Culvert 3 and Culvert 4 shall be botanically surveyed by the Designated Biologist(s) no more than 30 days prior to beginning Covered Activities (if Covered Activities commence during the floristic period), or during the floristic period immediately prior to commencement of the Covered Activities (if Covered Activities commence outside the floristic period). The botanical surveys shall be floristic in nature, and visually cover 100 percent of the entire Work Area and a 50-foot buffer zone. The Permittee shall provide the survey results to CDFW in a written report no more than 15 days prior to commencing Covered Activities.
- 8.2. Springville Clarkia Avoidance.** All Covered Species outside the discreet Work Areas shall be completely avoided. The Work Areas shall be delineated by fencing, staking, or flagging installed as required by Condition of Approval 6.5 and occupied habitat outside but adjoining the Work Areas will be delineated as required by Condition of Approval 6.6. All fencing must be sturdy, highly visible, and maintained to ensure work crews limit all disturbance outside of Work Areas. If fencing is used, it shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last (at minimum) through the construction period. Fencing shall be inspected (at minimum) biweekly during the construction period. Fencing shall be removed upon completion of Covered Activities.

- 8.3. Springville Clarkia Seed and Seed Bank Salvage.** Prior to initiating ground-disturbing activities and after surveys have been completed in accordance with Condition of Approval 8.1, if any Springville clarkia are found in the Work Area(s) or within the 25-foot buffer zone, the Designated Biologist(s) shall salvage and translocate them in accordance with the CDFW-approved Plan prepared in accordance with Condition of Approval 7.3 above. Springville clarkia shall not be translocated during the floristic period (May 1 through June 30). Springville clarkia shall be translocated after the floristic period has ended (July 1 through August 1) along with the soils collected. The Permittee shall obtain CDFW's written approval of the receiver site for translocation purposes prior to taking (excavating, moving, or otherwise disturbing) any Springville clarkia. CDFW's approval of the receiver site pursuant to this Condition shall not constitute final acceptance of the site as habitat compensation as described in Condition of Approval 9.2 below.
- 8.4. Herbicide Use.** Permittee shall ensure that any Project-related herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide via ground application when wind speed measures are less than three miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation outside the Work Areas, and all herbicide applied within the Work Areas shall contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.

- 9. Habitat Management Land Acquisition and Translocation:** CDFW has determined that the permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate the Project-related impacts of the taking on the Covered Species. This determination is based on factors including an assessment of the importance of the habitat within the Project Work Areas, the extent to which the Covered Activities will impact that habitat, and CDFW's estimate of adequate compensation.

To meet this requirement, the Permittee shall provide for both the permanent protection and perpetual management of **one (1) acre** of Habitat Management (HM) lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.2 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

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

- 9.1.1 Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$4,800/acre for **1 acre: \$4,800.00.** Land acquisition costs are estimated using current and local fair market values for lands with habitat values meeting mitigation requirements.
- 9.1.2 Start-up costs for HM lands, including initial site protection and enhancement cost as described in Condition of Approval 9.3.5 below, estimated at **\$12,517.43.**
- 9.1.3 Interim management period funding as described in Conditional of Approval 9.2.6 below, estimated at **\$17,671.98.**
- 9.1.4 Long-term management funding as described in Condition of Approval 9.3 below, estimated at **\$203,352.56.** Long-term management funding is estimated initially for the purpose of providing Security to ensure implement of HM lands management.
- 9.1.5 Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transaction, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at **\$12,000.00.**

9.2 HM Lands Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the CDFW-approved HM lands prior to commencement of Covered Activities, the Permittee shall:

- 9.2.1 Fee Title/Conservation Easement. If HM lands are acquired, Permittee shall transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not

hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended, and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).

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

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

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

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

- 9.3.1 Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the 30-day period, the proposal shall be deemed consistent with Section 2081(b)(4).
- 9.3.2 Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR"), to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.
- 9.3.2.1 Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.
- 9.3.2.2 Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 9.3.2.2.1 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund,

unanticipated expenditures, inflation, or catastrophic events.

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

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

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

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

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

10.1 Security Amount. The Security shall be in the amount of **\$250,341.97**. This amount is based on CDFW's estimate of the cost to acquire, permanently conserve, and perpetually manage **1 acre** of Covered Species habitat (Condition of Approval 9.1, above).

- 10.2 Security Form. The Security shall be transmitted to CDFW in the form of an irrevocable letter of credit or a form approved in advance and in writing by CDFW's Office of the General Counsel.
- 10.3 Security Timeline. The Security shall be provided to CDFW before Covered Activities begin.
- 10.4 Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5 Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form or by way of an approved instrument such as escrow, irrevocable letter of credit, or other instrument approved by CDFW
- 10.6 Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP
- 10.7 Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after: HM lands are acquired, CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
- Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

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

Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological

conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2020-051-04) in a cover letter and on any other associated documents.

Incidental Take Permit
No. 2081-2020-051-04
CALIFORNIA DEPARTMENT OF TRANSPORTATION
STATE ROUTE 190 TULARE CULVERT REPLACEMENT PROJECT

Original cover with attachment(s) to:

Julie Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
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:

Steven Hulbert
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 575-6415
steven.hulbert@wildlife.ca.gov

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Tulare Culvert Replacement Project Initial Study with Mitigated Negative Declaration (SCH No.: 2018081101) that the California Department of Transportation adopted for the larger roadway which includes the Project on October 23, 2018. At the time the lead agency adopted the Mitigated Negative Declaration and approved the project, it also adopted various mitigation measures for the Covered Species as conditions of project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a

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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, Tulare Culvert Replacement Initial Study with Mitigated Negative Declaration, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) the establishment and/or protection of a Covered Species population on permanently conserved and perpetually managed HM lands; (2) establishment of avoidance zones; and (3) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Work Areas, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of adequate compensation. Based on this evaluation, CDFW determined that the establishment and permanent protection and perpetual management of a Covered Species population on HM lands, along with the minimization, monitoring, and reporting requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;

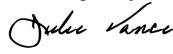
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the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

Attachments:

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

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

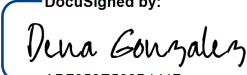
on 8/20/2021

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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.

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By: _____

Date: 9/17/2021

Printed Name: Dena Gonzalez

Title: Senior Environmental Planner Natural Science

Incidental Take Permit
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 STATE ROUTE 190 TULARE CULVERT REPLACEMENT PROJECT



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2020-051-04

PERMITTEE: California Department of Transportation

**PROJECT: State Route 190 Tulare Culvert Replacement
Project**

PURPOSE OF THE ITP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species seed. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities and shall also obtain approval in advance in writing if the Designated Biologist must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the discreet Work Areas at both culverts with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in a discreet Work Area.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	Permittee shall clearly delineate occupied habitat of the Covered Species which adjoins the discreet Work Areas with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to avoid disturbance of this Covered Species' habitat.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	The Designated Representative shall notify CDFW 14 calendar before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<p>CDFW has determined that the permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate the Project-related impacts of the taking on the Covered Species. This determination is based on factors including an assessment of the importance of the habitat within the Project Work Areas, the extent to which the Covered Activities will impact that habitat, and CDFW's estimate of adequate compensation.</p> <p>To meet this requirement, the Permittee shall provide for both the permanent protection and perpetual management of one (1) acre of Habitat Management (HM) lands pursuant to Condition of Approval 9.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.2 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.</p>	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
7	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$4,800/acre for 1 acre: \$4,800.00. Land acquisition costs are estimated using current and local fair market values for lands with habitat values meeting mitigation requirements. Start-up costs for HM lands, including initial site protection and enhancement cost as described in Condition of Approval 9.3.5 below, estimated at \$12,517.43. Interim management period funding as described in Conditional of Approval 9.2.6 below, estimated at \$17,671.98. Long-term management funding as described in Condition of Approval 9.3 below, estimated at \$203,352.56. Long-term management funding is estimated initially for the purpose of providing Security to ensure implement of HM lands management. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transaction, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.4, estimated at \$12,000.00. 	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	<p>To provide for the acquisition and perpetual protection and management of the CDFW-approved HM lands prior to commencement of Covered Activities, the Permittee shall:</p> <ul style="list-style-type: none"> • Fee Title/Conservation Easement. If HM lands are acquired, Permittee shall transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended, and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). • HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species. • HM Lands Documentation. Prior to acquisition, provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see HM Lands Checklist Attachment 3). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services. • Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. • Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and any enhancement of HM lands once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer if applicable; (3) developing and transferring GIS data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) implementing the translocation portion of the CDFW-approved Plan; and (7) installing signage. 	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<ul style="list-style-type: none"> Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and, if applicable, in the conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, general monitoring, implementation of the monitoring portion of the CDFW-approved Plan, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW approved entity for payment to the land manager. 	ITP Condition # 9.2 (cont.)	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
9	<p>The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement if applicable, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s). Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement if applicable, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
10	<p>The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within 30 days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the 30-day period, the proposal shall be deemed consistent with Section 2081(b)(4).</p>	ITP Condition # 9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR"), to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <ul style="list-style-type: none"> • Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees. • Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: • 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. • Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition # 9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968.	ITP Condition # 9.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
13	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 9.4 (cont.)	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> Security Amount. The Security shall be in the amount of \$250,341.97. This amount is based on CDFW's estimate of the cost to acquire, permanently conserve, and perpetually manage 1 acre of Covered Species habitat (Condition of Approval 9.1, above). Security Form. The Security shall be transmitted to CDFW in the form of an irrevocable letter of credit or a form approved in advance and in writing by CDFW's Office of the General Counsel. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form or by way of an approved instrument such as escrow, irrevocable letter of credit, or other instrument approved by CDFW. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after: HM lands are acquired, CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee purchase additional HM lands and/or provide additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Conditions # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
15	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	Permittee shall prohibit use of erosion control materials potentially harmful to wildlife, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 6.4	Entire Project	Permittee	
17	Project-related personnel shall not cross Covered Species' habitat outside of or en route to the Project Work Areas. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes for travel are necessary outside of the Project Work Areas, 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 # 6.7	Entire Project	Permittee	
18	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Work Areas using. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Work Areas.	ITP Condition # 6.8	Entire Project	Permittee	
19	Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Work Areas and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.9	Entire Project	Permittee	
20	Permittee shall provide CDFW staff with reasonable access to the Project Work Areas and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 6.10	Entire Project	Permittee	
21	Upon completion of Covered Activities, Permittee shall remove from the Project Work Areas, 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 # 6.11	Entire Project	Permittee	
22	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
23	The Designated Biologist(s) shall prepare a Seed Collection and Seed Bank Salvage/Translocation Plan (Plan) for Springville clarkia. The Plan shall include, but not be limited to a discussion of: the identification of the survey, hand excavation, handling, and translocation methods; the method of storage of the collected seed and seed bank; specific measures to maintain the viability of the seed and seed bank during collection and storage; the location and map of the receiver site; the layout of where the individual plants will be planted; Permittee's plan to monitor success of the translocated seed and seed bank for five years that shall include at least three monitoring events from April through July annually; quantifiable multi-year survival rates and other success criteria; pesticide free invasive species eradication methods and other adaptive management strategies; and a five year contingency plan to remedy unsuccessful translocation. The Plan shall be submitted to CDFW for written approval prior to the beginning of Covered Activities. Covered Activities anywhere within the Project Work Areas shall not proceed until the Plan is approved in writing by CDFW. Implementation of the approved Plan shall occur under the direct supervision of the Designated Biologist.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	The Designated Biologist(s) shall be present at the Project Work Areas (and site of the translocation) to oversee implementation of the CDFW approved Plan. The Designated Biologist(s) shall prepare written observations and records summarizing the survey results and actions taken as outlined in the Plan.	ITP Condition # 7.4	Entire Project	Permittee	
25	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted no later than the 5th day of the month it is due to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Steven Hulbert (Steven.Hulbert@wildlife.ca.gov) and the Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.5	Entire Project	Permittee	
26	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Work Areas and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to temporary disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 7.6	Entire Project	Permittee	
27	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.7	Entire Project	Permittee	
28	To appropriately detect Springville clarkia, the Work Areas at both Culvert 3 and Culvert 4 shall be botanically surveyed by the Designated Biologist(s) no more than 30 days prior to beginning Covered Activities (if Covered Activities commence during the floristic period), or during the floristic period immediately prior to commencement of the Covered Activities (if Covered Activities commence outside the floristic period). The botanical surveys shall be floristic in nature, and visually cover 100 percent of the entire Work Area and a 50-foot buffer zone. The Permittee shall provide the survey results to CDFW in a written report no more than 15 days prior to commencing Covered Activities.	ITP Condition # 8.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	All Covered Species outside the discreet Work Areas shall be completely avoided. The Work Areas shall be delineated by fencing, staking, or flagging installed as required by Condition of Approval 6.5 and occupied habitat outside but adjoining the Work Areas will be delineated as required by Condition of Approval 6.6. All fencing must be sturdy, highly visible, and maintained to ensure work crews limit all disturbance outside of Work Areas. If fencing is used, it shall be securely staked and installed in a durable manner that would be reasonably expected to withstand wind and weather events and last (at minimum) through the construction period. Fencing shall be inspected (at minimum) biweekly during the construction period. Fencing shall be removed upon completion of Covered Activities.	ITP Condition # 8.2	Entire Project	Permittee	
30	Prior to initiating ground-disturbing activities and after surveys have been completed in accordance with Condition of Approval 8.1, if any Springville Clarkia are found in the Work Area(s) or within the 25-foot buffer zone, the Designated Biologist(s) shall salvage and translocate them in accordance with the CDFW approved Plan prepared in accordance with Condition of Approval 7.3 above. Springville Clarkia shall not be translocated during the floristic period (May 1 through June 30). Springville Clarkia shall be translocated after the floristic period has ended (July 1 through August 1) along with the soils collected. The Permittee shall obtain CDFW's written approval of the receiver site for translocation purposes prior to taking (excavating, moving, or otherwise disturbing) any Springville Clarkia. CDFW's approval of the receiver site pursuant to this Condition shall not constitute final acceptance of the site as habitat compensation as described in Condition of Approval 9.2 below.	ITP Condition # 8.3	Entire Project	Permittee	
31	Permittee shall ensure that any Project-related herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittee shall only apply herbicide via ground application when wind speed measures are less than three miles per hour. Permittee shall ensure that great care is taken to avoid herbicide contact with any native vegetation outside the Work Areas, and all herbicide applied within the Work Areas shall contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 8.4	Entire Project	Permittee	
POST-CONSTRUCTION					
32	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information. In the event Project Activities do not experience delays and are completed within one year, this Final Mitigation Report could also constitute the first Annual Status Report required above.	ITP Condition # 7.8	Post-construction and after completion of mitigation	Permittee	



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

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

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

<u>Section(s)</u>	<u>Township</u>	<u>Range</u>	<u>County</u>	<u>Acres</u>
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_____	_____	_____	_____	_____
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Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land Value: \$

For Region Use Only

APPROVED ____

By: _____
Regional Manager's Signature

DATE: _____

REJECTED ____

Region: _____

Explanation: _____

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

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the ☐ TPB Conservation Easement

Documents in this package include:

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