



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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 20, 2021

Michael Guibord  
AT&T Inc.  
5001 Executive Parkway  
San Ramon, California 94583  
mg8329@att.com

**Subject: Incidental Take Permit for Airline Highway CCL00284 Urgent  
Telecommunications Project (2081-2021-058-04)**

Dear Mr. Guibord:

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 (Department). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from Department 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](mailto: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 Department staff when requested.

The permit will not take effect until the signed acknowledgement is received by the Department. If you wish to discuss these instructions or have questions regarding the permit, please contact Renée Robison, Senior Environmental Scientist (Specialist), at [renee.robison@wildlife.ca.gov](mailto:renee.robison@wildlife.ca.gov).

Sincerely,  
DocuSigned by:

A stylized signature of Julie A. Vance in blue ink, enclosed in a blue DocuSign signature box.

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. 2081-2021-058-04

**AIRLINE HIGHWAY CCL00284 URGENT  
TELECOMMUNICATIONS PROJECT**

**Authority:**

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

<b>Permittee:</b>	<b>AT&amp;T Inc.</b>
<b>Principal Officer:</b>	<b>Michael Guibord</b>
<b>Contact Person:</b>	<b>Anna Striker, (530) 309-8754</b>
<b>Mailing Address:</b>	<b>5001 Executive Parkway San Ramon, California 94583</b>

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

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **September 30, 2022**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 5.8 of this ITP.

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

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

## Project Location:

The Airline Highway CCL00284 Urgent Telecommunications Project (Project) is located on a private residential property at 32005 Airline Highway in the town of Paicines in San Benito County, approximately 28 miles south of the City of Hollister, and approximately 1.3 miles east-southeast of the intersection of California State Routes 25 (Airline Highway) and 146 (Pinnacles Highway). The Project site lies in Bear Valley between the Diablo and Gabilan Ranges and is bounded by Airline Highway and Pinnacles National Park to the southwest, surrounded by undeveloped land (Figure 1). The Project is specifically within the United States Geological Survey 7.5-Minute San Benito Quadrangle Map in Township 16 South, Range 8 East, Sections 20, 21, 28, and 29, Mount Diablo Base and Meridian on Assessor's Parcel Numbers 028-130-026-000 and 028-150-024-000, at approximately Latitude 36° 31' 7.33" N, Longitude 121° 6' 49.32" W (Figure 2).

## Project Description:

The purpose of the Project is to support a telecommunications tower to address the absence of Band-14 coverage necessary for emergency services coverage and to ensure health and human safety in a remote area of San Benito County. The Project includes improvements to an existing 1.31 mile-long access road, installation of underground power and telecommunications utility lines, installation of four culverts and riprap along the access road to address surface water flow at the Project site, and a construction staging area. Construction and installation of the associated telecommunications tower is not included in this ITP and the footprint of the tower is not included in the Project Area.

Access road improvements include expanding the existing road from 12-foot to 16-foot wide via grading, soil compaction, placement of gravel and riprap along the road to stabilize sloped areas, and removal of small mammal burrows. Installation of the four Reinforced Concrete Pipe (RCP) culverts within the road includes the excavation, culvert placement, and backfilling as follows:

Culvert No.	Coordinates (Latitude, Longitude)	Size of Culvert (inches)	Total Excavation Area (square feet); Length (feet) x Width (feet)
1	36° 30' 51" N, 121° 07' 01" W	24	220; 4 x 55
2	36° 31' 06" N, 121° 06' 49" W	18	100; 4 x 25
3	36° 31' 18" N, 121° 06' 50" W	18	128; 4 x 32
4	36° 31' 26" N, 121° 06' 59" W	18	136; 4 x 34

Approximately 50-square feet of 5-inch riprap will be installed on the outflow side of each culvert extending approximately 5 feet downstream in a triangular shape. Culvert material may change from RCP depending on on-site conditions.

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

Installation of power and telecommunications lines will include excavating a 1.31-mile long by one-foot wide trench along the access road to install conduit pipe with fiber optic and power lines, backfilling of the trench, and compacting the soil. Additionally, there is a segment where the underground utility lines will extend through a trench to a utility pole approximately 110 feet west of the access road near Culvert No. 1.

Materials, such as conduit and fiber optic lines, equipment, and construction vehicles will be stored at a single 0.59-acre staging area. The access road improvement activities overlap with 0.1 acre of the staging area. Project activities include trenching and excavating, soil compaction, backfilling of trenches/excavations, road grading and widening, culvert installation, placement of gravel and riprap, and equipment and materials storage and staging.

In total, the Project will occur within an area of approximately 3.05 acres and will result in approximately 2.56 acres of permanent disturbance and 0.49 acre of temporary disturbance of undeveloped land. Equipment to be used includes: grader, bulldozer, loader, backhoe, excavator, trencher, dump truck, bucket trucks, work trucks, pickup trucks, and other similar equipment.

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

This ITP covers the following species:

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

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

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

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: soil compaction; road grading/widening; culvert installation; excavating/trenching, stockpiling soil, and backfilling; placement of rip rap and gravel; heavy equipment operation; materials and equipment laydown and storage; transporting construction materials and other Project-related traffic; and other activities described in the Project Description section of this ITP (Covered Activities). Construction and installation of the associated telecommunications tower is not a Covered Activity under this ITP.

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

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as burrow collapse or excavation resulting in crushing or suffocation of underground individuals associated with site preparation, grading, excavation/trenching, backfilling, and compaction; entombment of individuals from deposition of stockpiled material or spoils over occupied burrows; entrapment and burial within trenches and excavations; crushing by equipment or laydown in the Project Area; or vehicle/equipment strikes in connection with Project-related traffic during Covered Activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from uncovering through the excavation of burrow systems, corralling into a confined area when barrier fencing is erected around the Project Area, and when individuals are salvaged and relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include: the access road, staging area, culvert installation areas, and power and telecommunications lines installation area (collectively, the Project Area). The footprint of the associated telecommunications tower is not included in the Project Area.

The Project is expected to cause the permanent loss of 2.56 acres of habitat for the Covered Species, and temporary loss of 0.49 acre of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

#### **Incidental Take Authorization of Covered Species:**

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

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Incidental Take Permit  
No. 2081-2021-058-04  
**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**

of Covered Species except for capture and relocation of Covered Species as authorized by this ITP.

**Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion resulting from Emergency Section 7 Consultation 2021-FE-0489 for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 3. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 4. General Provisions:**
  - 4.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
  - 4.2. Designated Biologist.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Monitor. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s)/Monitor(s) shall prohibit open communication with CDFW.

- 4.3. 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.
- 4.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 4.5. Construction Monitoring Notebook.** The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

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Incidental Take Permit  
No. 2081-2021-058-04  
**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**

- 4.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 4.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 4.9. Delineation of Property Boundaries.** Before starting Covered Activities within each portion of the Project Area in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities within that particular portion of the Project Area.
- 4.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 4.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

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Incidental Take Permit  
No. 2081-2021-058-04

**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**



- 4.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.11 of this ITP.
- 4.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 4.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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

- 5.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 5.2. Covered Species Mortality Reduction and Relocation Plan.** Prior to conducting any Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a *Covered Species Mortality Reduction and Relocation Plan*. The *Covered Species Mortality Reduction and Relocation Plan* shall include, but not be limited to: capture, handling, and relocation methods; areas where burrow excavation activities will be implemented; survey effort methodologies; excavation techniques and procedures; identification of where salvaged individuals will be relocated to; exclusion fence material and design; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The *Covered Species Mortality Reduction and Relocation Plan* must indicate that only the approved Designated Biologist(s) is/are authorized

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

to capture and handle individuals of the Covered Species unless a Designated Monitor is specifically approved by CDFW in advance and in writing to handle the Covered Species under the direct supervision of the Designated Biologist.

- 5.3. Notification of Non-compliance.** The Designated Representative or Designated Biologist 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 or Designated Biologist shall report any non-compliance with this ITP to CDFW within 24 hours.
- 5.4. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 5.5. Record of Covered Species Relocation Efforts.** The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 5.9 below and shall also prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.6 below. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 5.8 below, shall include cumulative results, analysis of data collected, and conclusions.
- 5.6. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.4 and 5.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program no later than the 10<sup>th</sup> of the following month. At the time of this ITP's approval, the Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the Regional Office CESA Program e-mail is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time change the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 5.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.
- 5.8. 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 Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 5.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the

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Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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

- 6.1. Designated Biologist On-Site.** The Designated Biologist shall be on site for the duration of each workday when Covered Activities are actively occurring.
- 6.2. Burrow Excavation and Reporting.** Immediately prior to commencing ground-disturbing Covered Activities within a 0.25-mile radius around Pond 1 (as specified in Figure 3), all animal burrows and crevices that CTS could occupy within this buffer and the Project Area shall be located, mapped, flagged, and fully excavated to their terminus. Animal burrow and crevice excavation activities shall be restricted to only those burrows and crevices that fall both within the Project Area and the overlapping 0.25-mile buffer. Animal burrows and crevices that do not intersect the Project Area within this buffer should not be excavated. Applicable burrows and crevices to be excavated may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2). Excavation shall occur under the direct supervision of the Designated Biologist(s). CTS which are found/salvaged shall be relocated by the Designated Biologist in accordance with the CDFW approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2). A report documenting the results of the burrow/crevice mapping and excavation activities shall be submitted to CDFW within 30 days following completion of these activities. The report shall include: 1) a Project map with associated kmz file(s) depicting all animal burrows and crevices that lie within or intersect the Project Area within the 0.25-mile buffer; 2) photos documenting representative burrow/crevice excavation activities, 3) a description of survey and excavation techniques, and 4) a map detailing the number and locations of excavated burrows and crevices and CTS detected during excavation activities relative to the Project Area.
- 6.3. Covered Species Relocation.** For all portions of the Project Area that lie outside of the 0.25-mile buffer surrounding Pond 1, burrow and crevice excavation is not required. Instead, the Designated Biologist shall survey all portions of the construction footprint with upland habitat features for the presence of Covered Species immediately after initial ground disturbance (e.g., trenching, grading, etc.). All soils from animal burrows, burrow complexes, and crevices incidentally

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

excavated, trenched, or otherwise disturbed during the trenching, excavation, or grading activities shall be visually inspected for the Covered Species by the Designated Biologist. The Designated Biologist shall relocate any live Covered Species discovered during these surveys in accordance with the approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2).

- 6.4. Covered Species Exclusion Fencing.** If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains until ponds within 1.3 miles of the Project area are dry, generally mid-October through mid-June), Permittee shall install exclusion fencing (exclusion fence) around the perimeter of the Project Area to exclude the Covered Species from Covered Activities. Where applicable, exclusion fencing shall be installed no later than 48 hours **after** burrows and crevices inside the planned fence zone are excavated, under the direct supervision of the Designated Biologist in accordance with Condition of Approval 6.2 above, to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with burrow and crevice excavation if fence installation is completed outside of the breeding season. Exclusion fence shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians and reptiles. In addition, cover boards shall be provided along or near both sides of the exclusion fence and shall be inspected each morning, both during and after rain events in accordance with Condition of Approval 6.9. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area. For linear portions of the Project Area (e.g., access road), Permittee shall install temporary exclusion fencing prior to ground-disturbing activities in a sequential manner that corresponds to the progression of active construction at the site. For example, temporary fencing shall not be installed along the entirety of the access road route simultaneously and shall be removed immediately upon completion of ground-disturbing Project construction activities in each segment to minimize fragmentation of habitat. Exclusion fencing is not required along the access route when used solely for ingress/egress to other portions of the Project Area. The Covered Species exclusion fencing material and design shall be installed in accordance with a *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2), reviewed and approved in writing by CDFW before exclusion fencing installation.

- 6.5. Covered Species Exclusion Fence Installation.** The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in each segment of the fenced Project Area.

- 6.6. Covered Species Observations.** During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work which could injure or kill the animal in the vicinity of the observed Covered Species shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved *Covered Species Mortality Reduction and Relocation Plan* specified in Condition of Approval 5.2.
- 6.7. Covered Species Record of Observations and Handling.** All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 5.7. This information should also be included in the Monthly Compliance Reports as required by Condition of Approval 5.6.
- 6.8. Covering, Ramping, and Inspecting Excavations.** To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.

- 6.9. Covered Species Refuge Areas/Cover Boards.** The Permittee shall provide refuge opportunities in the form of cover boards, along the Covered Species exclusion fence on both sides of the fence. Permittee shall submit a design (e.g., number of cover boards, size of individual cover boards, location, etc.) of the refuge opportunities prior to the initiation of Covered Activities to CDFW for written approval (e-mail will suffice). The Designated Biologist shall inspect refuge areas each morning as well as during and after rain events. Covered Species within the interior fence should be given the ability to leave on their own accord before active relocation is attempted in accordance with the *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 5.2)
- 6.10. Soil Stockpiles.** Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 4.8 above.
- 6.11. Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside a fenced Project Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.
- 6.12. Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2.

Incidental Take Permit  
No. 2081-2021-058-04

AT&T INC.

AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT

**6.13. Precipitation.** The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.

**6.14. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility in the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 5.2 before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 5.9. Notification shall include the name of the facility where the animal was taken.

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

To meet this requirement, the Permittee shall purchase 8.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 7.1).

**7.1. Covered Species Credits.** Prior to initiating Covered Activities, the Permittee shall (1) purchase 8.2 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the bank and a credit ledger or similar document from the bank verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.

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Incidental Take Permit  
No. 2081-2021-058-04  
**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**



**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](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

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

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Incidental Take Permit  
No. 2081-2021-058-04  
**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**

may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2021-058-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Renée Robison  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 243-4014  
Renee.Robison@wildlife.ca.gov

**Compliance with the California Environmental Quality Act:**

As the "public agency which has the principal responsibility of...approving [the Project]," (Pub. Resources Code, § 21067), CDFW is the lead agency for the Project for purposes of complying with the California Environmental Quality Act (CEQA, Pub. Resources Code, § 21000 et seq.). CDFW has determined that this Project is statutorily exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency." (Pub. Resources Code, §21080, subd. (b)(4)) and "specific actions necessary to prevent or mitigate an emergency" Cal. Code Regs., tit. 14, §15269, subd. (c). CDFW has filed a Notice of Exemption for the Project.

Incidental Take Permit  
No. 2081-2021-058-04

**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**

**Findings Pursuant to CESA:**

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) burrow/crevice excavation; (2) permanent habitat protection; (3) establishment of avoidance zones; (4) worker education; and (5) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 8.2 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

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Incidental Take Permit  
No. 2081-2021-058-04  
**AT&T INC.**

**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**

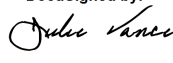
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on 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	Site Vicinity
FIGURE 2	Project Area
FIGURE 3	Burrow/Crevise Excavation Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program

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

on 9/20/2021

DocuSigned by:  
  
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Julie A. Vance, Regional Manager  
 Central Region

### ACKNOWLEDGMENT

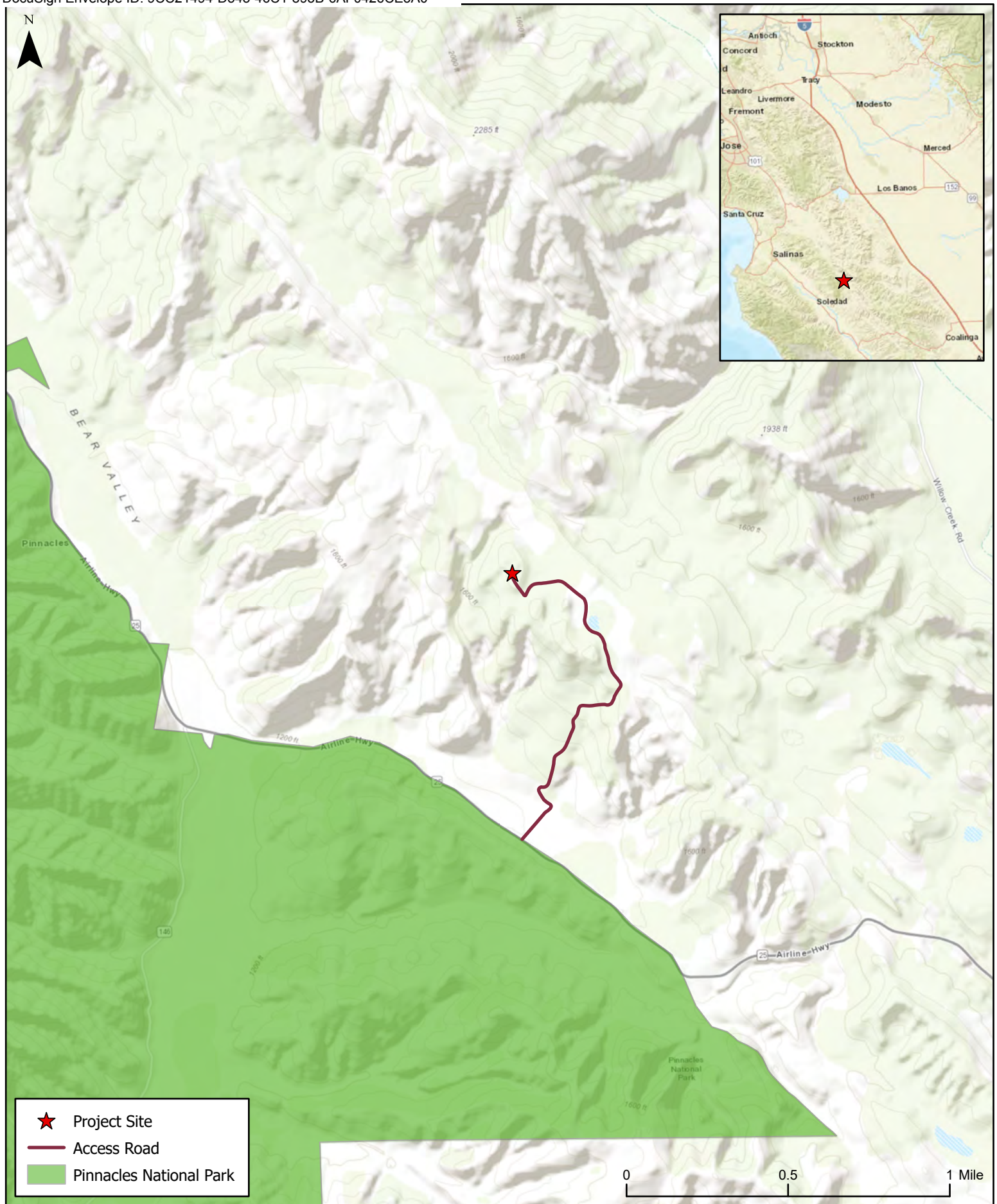
The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions.

By: Michael Guibord Date: 9/21/2021  
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Printed Name: Michael Guibord Title: Director RAN Construction

Incidental Take Permit  
 No. 2081-2021-058-04  
**AT&T INC.**

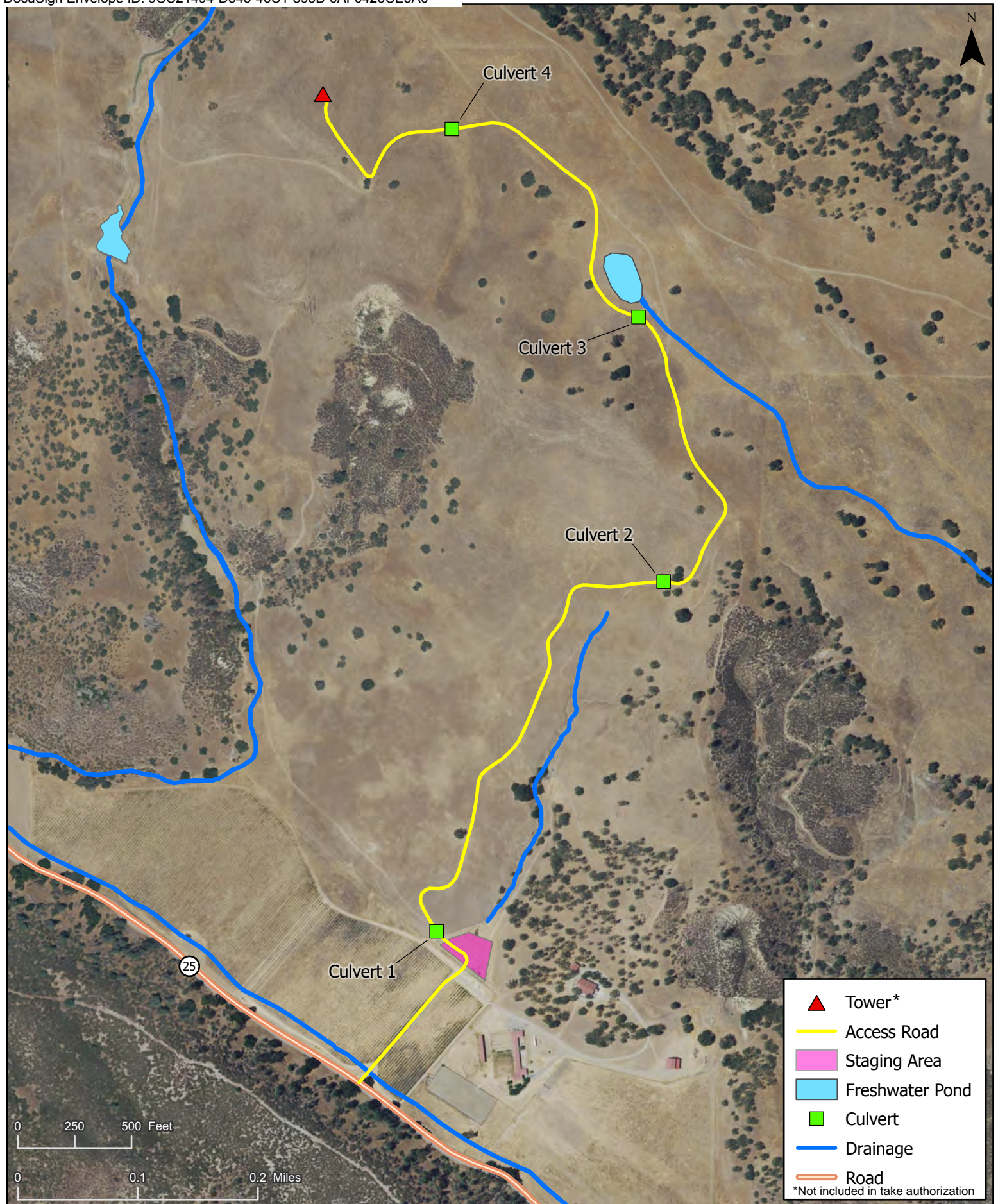
**AIRLINE HIGHWAY CCL00284 URGENT TELECOMMUNICATIONS PROJECT**



2246 Camino Ramon  
San Ramon, CA 94583  
Office: (925) 362-3041

Figure 1: Vicinity  
AT&T Airline Highway Telecommunications Tower Project  
Site Number CCL00284  
San Benito County, California



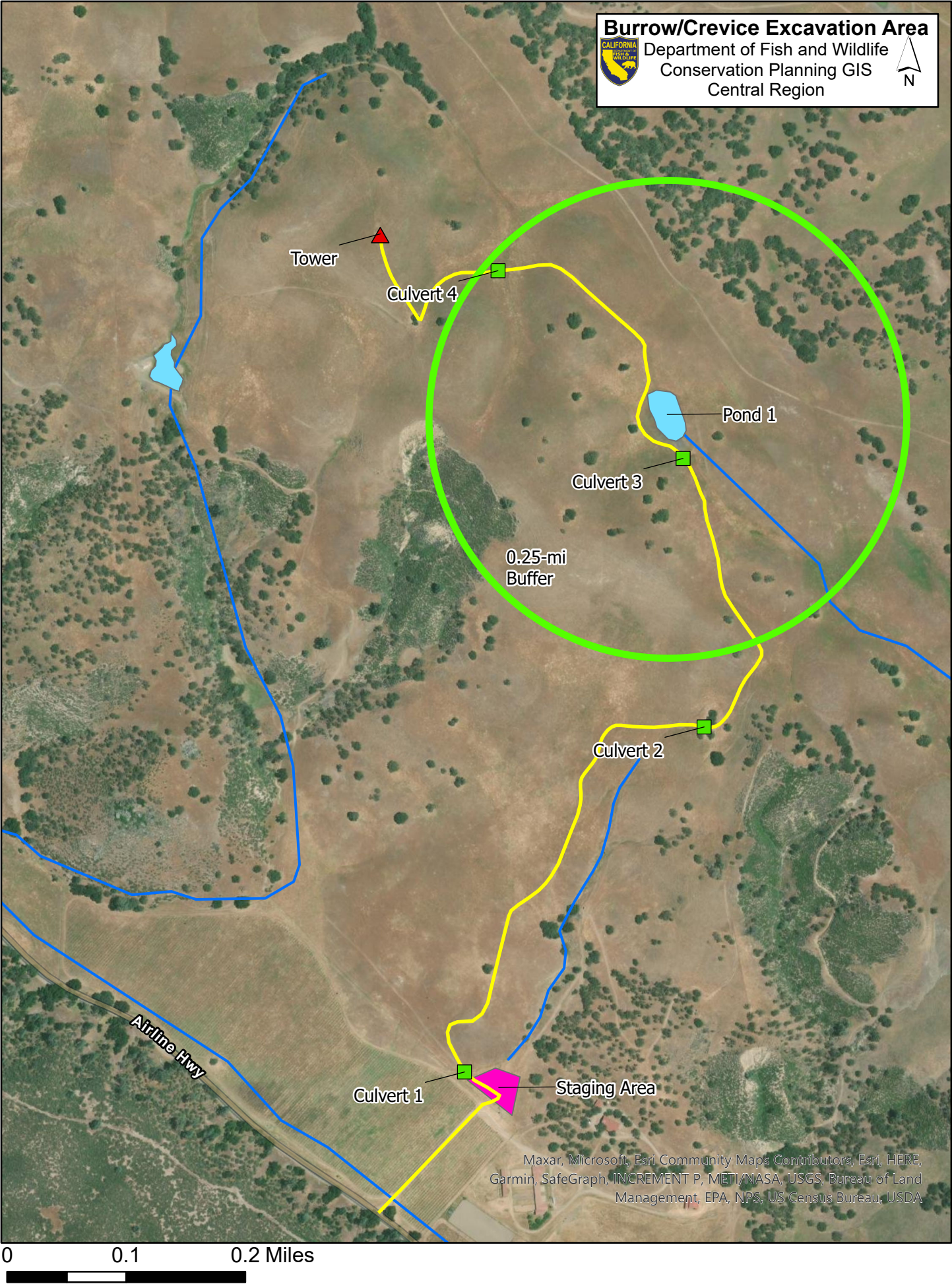


2246 Camino Ramon  
San Ramon, CA 94583  
(925) 362-3041

Figure 2: Project Area  
AT&T Airline Highway Telecommunications Tower Project  
Site Number CCL00284  
San Benito County, California



Figure 3



## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2021-058-04**

**PERMITTEE: AT&T**

**PROJECT: Airline Highway CCL00284 Urgent  
Telecommunications Project**

### **PURPOSE OF THE MMRP**

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

### **OBLIGATIONS OF PERMITTEE**

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

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

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



## **TABLE OF MITIGATION MEASURES**

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. Permittee has the option of utilizing a Designated Monitor to assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. If Permittee chooses to utilize a Designated Monitor, Permittee shall submit in writing to CDFW for approval the name, qualifications, business address, and contact information of the proposed Designated Monitor. Designated Monitors and their activities shall be approved in advance and in writing by CDFW. No agreement/contract between the Permittee, its contractors, and/or the Designated Biologist(s)/Monitor(s) shall prohibit open communication with CDFW.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities along within each portion of the Project Area in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities within that particular portion of the Project Area.	ITP Condition # 4.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 4.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Covered Species Mortality Reduction and Relocation Plan</u> . Prior to conducting any Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to: capture, handling, and relocation methods; areas where burrow excavation activities will be implemented; survey effort methodologies; excavation techniques and procedures; identification of where salvaged individuals will be relocated to; exclusion fence material and design; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. The Covered Species Mortality Reduction and Relocation Plan must indicate that only the approved Designated Biologist(s) is/are authorized to capture and handle individuals of the Covered Species unless a Designated Monitor is specifically approved by CDFW in advance and in writing to handle the Covered Species under the direct supervision of the Designated Biologist.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	<u>Covered Species Credits</u> . Prior to initiating Covered Activities, the Permittee shall (1) purchase 8.2 acres of upland habitat Covered Species credits from a CDFW-approved mitigation or conservation bank, and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by the bank and a credit ledger or similar document from the bank verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>DURING CONSTRUCTION</b>					
11	<u>Designated Biologist On-Site</u> . The Designated Biologist shall be on site for the duration of each workday when Covered Activities are actively occurring.	ITP Condition # 6.1	Entire Project	Permittee	
12	<u>Compliance Monitoring</u> . The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.	ITP Condition # 5.4	Entire Project	Permittee	
13	<u>Record of Covered Species Relocation Efforts</u> . The Designated Biologist shall maintain a record of all Covered Species handled, and all documented observations of Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile); (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, emaciation, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall satisfy all reporting requirements outlined in Condition of Approval 5.9 and shall also prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.6. The Relocation Summary in the Final Mitigation Report, described in Condition of Approval 5.8, shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.5	Entire Project	Permittee	
14	<u>Monthly Compliance Report</u> . The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 5.4 and 5.5 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program no later than the 10th of the following month. At the time of the ITP's approval, the Regional Representative is Renée Robison (Renee.Robison@wildlife.ca.gov), the Regional Office CESA Program e-mail is R4CESA@wildlife.ca.gov, and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time change the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.6	Entire Project	Permittee	
15	<u>CNDDDB Observations</u> . The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.	ITP Condition # 5.7	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
16	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist 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 the MMRP. The Designated Representative or Designated Biologist shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 5.3	Entire Project	Permittee	
17	<u>Construction Monitoring Notebook.</u> The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 4.5	Entire Project	Permittee	
18	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 4.8	Entire Project	Permittee	
19	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.11	Entire Project	Permittee	
20	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.11 of the ITP.	ITP Condition # 4.12	Entire Project	Permittee	
21	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 4.13	Entire Project	Permittee	
22	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 4.14	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<b>Burrow Excavation and Reporting.</b> Immediately prior to commencing ground-disturbing Covered Activities within a 0.25-mile radius around Pond 1 (as specified in Figure 3), all animal burrows and crevices that CTS could occupy within this buffer and the Project Area shall be located, mapped, flagged, and fully excavated to their terminus. Animal burrow and crevice excavation activities shall be restricted to only those burrows and crevices that fall both within the Project Area and the overlapping 0.25-mile buffer. Animal burrows and crevices that do not intersect the Project Area within this buffer should not be excavated. Applicable burrows and crevices to be excavated may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.2). Excavation shall occur under the direct supervision of the Designated Biologist(s). CTS which are found/salvaged shall be relocated by the Designated Biologist in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.2). A report documenting the results of the burrow/crevice mapping and excavation activities shall be submitted to CDFW within 30 days following completion of these activities. The report shall include: 1) a Project map with associated kmz file(s) depicting all animal burrows and crevices that lie within or intersect the Project Area within the 0.25-mile buffer; 2) photos documenting representative burrow/crevice excavation activities, 3) a description of survey and excavation techniques, and 4) a map detailing the number and locations of excavated burrows and crevices and CTS detected during excavation activities relative to the Project Area.	ITP Condition # 6.2	Entire Project	Permittee	
24	<b>Covered Species Relocation.</b> For all portions of the Project Area that lie outside of the 0.25-mile buffer surrounding Pond 1, burrow and crevice excavation is not required. Instead, the Designated Biologist shall survey all portions of the construction footprint with upland habitat features for the presence of Covered Species immediately after initial ground disturbance (e.g., trenching, grading, etc.). All soils from animal burrows, burrow complexes, and crevices incidentally excavated, trenched, or otherwise disturbed during the trenching, excavation, or grading activities shall be visually inspected for the Covered Species by the Designated Biologist. The Designated Biologist shall relocate any live Covered Species discovered during these surveys in accordance with the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.2).	ITP Condition # 6.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
25	<u>Covered Species Exclusion Fencing.</u> If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains until ponds within 1.3 miles of the Project area are dry, generally mid-October through mid-June) Permittee shall install exclusion fencing (exclusion fence) around the perimeter of the Project Area to exclude the Covered Species from Covered Activities. Where applicable, exclusion fencing shall be installed no later than 48 hours <u>after</u> burrows and crevices inside the planned fence zone are excavated, under the direct supervision of the Designated Biologist in accordance with Condition of Approval 6.2, to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with burrow and crevice excavation if fence installation is completed outside of the breeding season. Exclusion fence shall be equipped with earthen one-way exit ramps to avoid entrapment of Covered Species and other amphibians and reptiles. In addition, cover boards shall be provided along or near both sides of the exclusion fence and shall be inspected each morning, both during and after rain events in accordance with Condition of Approval 6.9. Temporary exclusion fencing shall be removed immediately upon completion of Covered Activities in the fenced Project Area. For linear portions of the Project Area (e.g., access road), Permittee shall install temporary exclusion fencing prior to ground-disturbing activities in a sequential manner that corresponds to the progression of active construction at the site. For example, temporary fencing shall not be installed along the entirety of the access road route simultaneously and shall be removed immediately upon completion of ground-disturbing Project construction activities in each segment to minimize fragmentation of habitat. Exclusion fencing is not required along the access route when used solely for ingress/egress to other portions of the Project Area. The Covered Species exclusion fencing material and design shall be installed in accordance with a Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.2), reviewed and approved in writing by CDFW before exclusion fencing installation.	ITP Condition # 6.4	Entire Project	Permittee	
26	<u>Covered Species Exclusion Fence Installation.</u> The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in each segment of the fenced Project Area.	ITP Condition # 6.5	Entire Project	Permittee	
27	<u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist(s) if an individual of the Covered Species is observed at the Project Area. All work which could injure or kill the animal in the vicinity of the observed Covered Species shall cease immediately until the Designated Biologist(s) can relocate the Covered Species following the CDFW approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 5.2.	ITP Condition # 6.6	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
28	<u>Covered Species Record of Observations and Handling.</u> All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDDB as per Condition of Approval 5.7. This information should also be included in the Monthly Compliance Reports as required by Condition of Approval 5.6.	ITP Condition # 6.7	Entire Project	Permittee	
29	<u>Covering, Ramping, and Inspecting Excavations.</u> To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, Permittee shall ensure that all excavated, steep-walled holes or trenches are covered and inspected as described below. Permittee shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material. Permittee shall ensure that the edges of the covers are covered with dirt to prevent Covered Species from crawling under them. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, then Permittee shall request and obtain CDFW's written concurrence prior to implementing the alternative. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.2.	ITP Condition # 6.8	Entire Project	Permittee	
30	<u>Covered Species Refuge Areas/Cover Boards.</u> The Permittee shall provide refuge opportunities in the form of cover boards, along the Covered Species exclusion fence on both sides of the fence. Permittee shall submit a design (e.g., number of cover boards, size of individual cover boards, location, etc.) of the refuge opportunities prior to the initiation of Covered Activities to CDFW for written approval (e-mail will suffice). The Designated Biologist shall inspect refuge areas each morning as well as during and after rain events. Covered Species within the interior fence should be given the ability to leave on their own accord before active relocation is attempted in accordance with the Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 5.2)	ITP Condition # 6.9	Entire Project	Permittee	
31	<u>Soil Stockpiles.</u> Permittee shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 4.8.	ITP Condition # 6.10	Entire Project	Permittee	



	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
32	<u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside a fenced Project Area, the Designated Biologist(s) shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.2.	ITP Condition # 6.11	Entire Project	Permittee	
33	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.2.	ITP Condition # 6.12	Entire Project	Permittee	
34	<u>Precipitation.</u> The Designated Biologist and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittee shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast.	ITP Condition # 6.13	Entire Project	Permittee	
35	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility in the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 5.2 before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 5.9. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 6.14	Entire Project	Permittee	
36	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 5.9	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 4.3	Entire Project	CDFW	
<b>POST-CONSTRUCTION</b>					
38	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.15	Post-construction	Permittee	
39	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (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 the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.8	Post-construction and after completion of mitigation	Permittee	
40	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 5.8	Post-construction	CDFW	