



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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Fairfield, CA 94534

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GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



December 23, 2021

Mr. Craig Geldard

Pacific Gas and Electric Company

245 Market Street

San Francisco, CA 94105

CxGr@pge.com

Subject: Incidental Take Permit for the U.S. Windpower Tap 60 kV Replacement Project, 2081-2021-042-03, Alameda County

Dear Mr. Geldard:

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). Please read the permit carefully and sign the acknowledgement on the permit **no later than 30 days from CDFW signature** and prior to initiation of ground-disturbing activities. 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. Alternatively, 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, CA 94244-2090

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 Mr. Serge Glushkoff, Senior Environmental Scientist (Specialist), at Serge.Glushkoff@wildlife.ca.gov; or Mr. Craig Weightman, Environmental Program Manager, at Craig.Weightman@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Stephanie Fong

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Stephanie Fong

Acting Regional Manager

Bay Delta Region



**California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534**

California Endangered Species Act
Incidental Take Permit No. 2081-2021-042-03

**PACIFIC GAS AND ELECTRIC COMPANY
U.S. WINDPOWER TAP 60 KV REPLACEMENT PROJECT**

I. 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 However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and California Code of Regulations, Title 14, section 786.9, subdivision (b). (See Cal. Code Regs., tit. 14, § 783.4).

Permittee: Pacific Gas and Electric Company
Principal Officer: Craig Geldard, Manager (925) 286-9590
Contact Person: Cristina Holstine, Senior Land Planner (415) 244-2897
Mailing Address: 245 Market Street, San Francisco, CA 94105

II. Effective Date and Expiration Date of this ITP:

This ITP shall become effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2024**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 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.

III. Project Location:

U.S. Windpower 60 kV Power Line (Project) is a one-way “tap” line located between the Vasco-Herdlyn 60 kV power line and the Summit Winds Repower Project (Summit Winds or Summit Winds Project) renewable generation facilities in northeast Alameda County, approximately 7.4 miles northeast of the City of Livermore, California (Alameda County) at 37°45'42.47"N, 121°40'39.31"W. The Project extends approximately 0.9 mile west and southwest from 4008 Dyer Road, across APN 99B-6100-003-14 and APN 099B-6100-003-15, and also south from that address for approximately 0.75 mile, along the east side of Dyer Road. One of two temporary shoo-fly locations is a separate segment on the east side of the 4008 Dyer Road driveway and extends to the southeast for approximately 0.2 mile across APN 99B-6062-003-04, APN 99B-6062-006 (South Bay Aqueduct), APN 99B-6062-5-2, and APN 99B-6062-005-01. There is a total of 33 designated locations where work will take place (defined as “Work Areas” 1 – 32, Figure 1, and Staging Area, Figure 2).

IV. Project Description:

The Project includes the upgrade of the existing approximately 1.6-mile-long U.S. Windpower Tap between the Vasco-Herdlyn 60 kV power line and the Summit Winds Project's renewable generation facilities in northeast Alameda County. To allow the generator to transmit power at full capacity, this work requires replacement of approximately 26 wood poles ranging in height from approximately 45 feet to 60 feet with wood and light duty steel poles (LDSP) approximately 55 feet to 72 feet tall to support the new 715 AAC conductor (Figure 1). An approximately 1.1-acre Staging Area will be established at 3658 Dyer Rd (approximately 0.35 mile south of the southernmost work location) for materials and equipment staging and storage for the duration of the Project (Figure 2). To maintain existing electric service during the Project, a total of six temporary poles and conductor will be installed (a “shoo-fly”) at two locations: at the east end of the Project, east of Dyer Road, and at the west end of the Project, north of Dyer Substation (owned/operated by the generator). The eastern shoo-fly will be supported by the installation of three temporary wood poles and will extend approximately 1,230 feet to the southeast near Dyer Road, to the existing transmission line located on the east side of the Department of Water Resources' South Bay Aqueduct. The western shoo-fly will be supported by three poles just east of the gravel road along the existing line (from Work Areas 2 to 4). To facilitate work within the existing rights-of-way and keep renewable generation in service during the Project, existing poles at Work Areas 5 through 13 may be forced to lean northward by boring holes (augering) on the north side at the base of the poles. To replace each existing wood pole, augering will be necessary to install new LDSPs near existing pole locations. Once LDSPs are installed, new 715 AAC conductor will be installed, and the old conductor and poles will be removed. Once the upgrade work is complete, the six temporary shoo-fly poles and conductor will be removed. Project activities include the use of rubber-wheeled auger trucks; crane; boom; bucket; water; dump; and line trucks and trailers, conductor puller-tensioners, vegetation removal equipment, generators, air compressors, and miscellaneous hand tools. Work Areas will generally be located in previously disturbed roadsides; however, up to approximately 750 feet of off-road travel will be required to some locations, for a total of approximately 2,000 feet.

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 kV REPLACEMENT

Approximately two seven-person crews will work up to six ten-hour days per week. Construction is anticipated to begin in January 2022 and must be completed by April 1, 2022.

Work will occur at select locations along the 1.6-mile power line (i.e., pole locations, pull/tension sites, temporary pole locations, and access routes). The dimensions of Work Areas vary, but average approximately 2,972 square feet each (including anticipated access routes) to accommodate equipment and work activities. The Project consists of the following activities:

Staging Area

The approximately 1.1-acre Staging Area (Figure 2) will be established at the beginning of Project activities at 3658 Dyer Road (approximately 0.35 mile south of the southernmost work location). The Staging Area encompasses a previously disturbed graveled area and will be used and maintained for the duration of work activities to accommodate work crew parking and staging of materials required for the Project, such as poles and conductor. At the conclusion of the Project, all materials and equipment will be removed from the site.

Augering/Mechanical Boring (for Pole Installation)

An auger (24-inch to 32-inch diameter) will be used at all pole locations along the Project. An auger will be used immediately adjacent to poles in Work Areas 5 through 13 to facilitate leaning of existing poles to the north (to keep the existing line in service as the new line is installed). Temporary wooden bracing will be used to support the leaning poles. An auger will also be used to drill holes for temporary shoo-fly poles and new poles at each pole location. Augered holes will be up to 32 inches in diameter and approximately 9 to 13 feet deep, depending on the pole height, framing requirements, and dimension of each pole at a given location.

Backfill

After installing each new pole, 0.75-inch crushed rock will be used as fill around each pole to maintain stability. Native soil excavated for new poles will be used to fill empty holes once temporary shoo-fly and old poles are removed from the ground.

Conductor Placement

After new poles have been installed, and framed, new conductor will be pulled through insulator attachments, using pulleys, on each pole. Approximately six areas will be used to set up reel trailers and conductor pull and tensioning equipment.

Removal of Temporary Shoo-fly Poles and Old Poles and Conductor

Once the new line has been installed and energized, the temporary shoo-fly poles and old poles will be removed, along with old conductor. Excavated materials (from the augering of

holes for new poles) will be used to backfill holes left by removal of old facilities. Old poles and conductor will be removed from the site for disposal.

V. Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ⁴
2. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁵

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

VI. 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 operating machinery and heavy equipment, movement of equipment and vehicles, staging of equipment, storage of materials, clearing, augering, and backfilling (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as destruction of burrows and dens that the Covered Species inhabit, crushing under moving vehicles and equipment, disturbance in the vicinity of dens or burrows, desiccation or predation along fence lines and other barriers to movement, unearthing of Covered Species during augering holes, crushing during all work activities, operating heavy equipment, and movement of vehicles and materials; and trampling by construction workers. 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 capture and relocation as required by this ITP. Relocation could, absent implementation of protective measures, result in mortality, injury, and/or disease transmission to Covered Species by individuals involved in the relocation effort. The areas where authorized take of the Covered Species is expected to occur include the sites where Covered Activities will take place in and adjacent to the power line right of way (ROW) for the Project, as well as access routes, Work Areas, and Staging Area (Figures 1 and 2; collectively, the Project Area).

The Project is expected to cause the temporary loss of up to approximately 4.38 acres of upland habitat for the Covered Species, as well as permanent loss of up to approximately

³Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

⁵See *Id.*, subd. (b)(6)(E).

0.003 acre of upland habitat for Covered Species. Of this acreage, 0.834 acre is within the Altamont Landfill Conservation Easement Area that has been conserved since 2012 to mitigate for previous impacts by the Altamont Landfill and Resource Recovery Facility Fill Area 2 (Work Areas 30-32). The habitat in this conserved area is considered high value because it has been preserved and will continue to be managed 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 short-term stress resulting from noise and vibrations from construction, capture and relocation, and long-term effects due to displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Program Environmental Impact Report (PEIR) (SCH No.: 2010082063) certified by Alameda County on November 12, 2014, as lead agency for the Altamont Pass Wind Resource Area Repowering Program and utilized by the Summit Winds Project for subsequent approvals, pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). For purposes of this ITP, where the terms and conditions for the Covered Species in the PEIR are less protective of the Covered Species, as determined by CDFW or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

- 3. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Intra-Service Biological Opinion on the Issuance of a Section 10(a)(1)(B) Incidental Take Permit to the Pacific Gas and Electric Company for the Pacific Gas and Electric Company Bay Area Operations & Maintenance Habitat Conservation Plan (No. 08ESMF00-2013-F-0102-04) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

Designated Representative and Biologists

- 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist(s) and Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 10 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) 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(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.
- 5.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the

unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

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

Waste and Erosion Control

- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be removed daily.

- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles or enter adjacent tributaries, swales, or wetlands. Chemical additives used for dust suppression must be reviewed and approved by CDFW prior to use.
- 5.8. Erosion Control. All erosion and sediment control measures shall be installed prior to earth-moving Covered Activities. Permittee shall utilize erosion control measures throughout all phases of Project where sediment runoff from exposed slopes or surfaces could leave the Project Area and/or enter a drainage, stream or pond. No phase of the Project that may cause the introduction of sediments into a drainage, stream, or pond may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to startup of any phase of the Project that may result in sediment runoff to any drainage, stream or pond. The Designated Biologist(s) shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately.
- 5.9. 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.

Delineation of Habitat

- 5.10. Delineation and Mapping of Project Boundaries. Before starting Covered Activities along each part of the route or to each pole site in active construction, Permittee shall submit off-road access route maps to CDFW for approval to all poles that are not immediately adjacent to Dyer Road or the main access road. The access routes shall be based on maximizing avoidance of burrows. Access routes may begin to be used upon approval from CDFW and after Permittee clearly delineates the boundaries of the Project Area with posted signs, fencing, stakes, flags, and/or rope or cord. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.11. 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 or barriers as necessary to minimize the disturbance of Covered Species' habitat and minimize disturbance of Covered Species. Permittee shall remove barriers and delineation materials as soon as possible, after cessation of construction activity, and in accordance with Condition of Approval 7.10 (Exclusion Barrier Maintenance), unless otherwise authorized by CDFW. Permittee shall

maintain all signage and delineation materials in working order until they are removed.

- 5.12. Additional Impacts to Habitat. No take beyond the temporary loss of 4.38 acres of habitat for the Covered Species and 0.0003 acres of conversion of habitat for the Covered Species authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts.
- 5.13. Project Access. Project-related personnel shall access the Project Area using existing routes or routes identified in the Project Description and supplemented by the maps required in Condition of Approval 5.10, 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, designated overland travel routes, and staging and parking areas. Permittee shall ensure that vehicle will not exceed a speed limit of 15 miles per hour on unpaved roads, or 5 miles per hour on authorized overland travel routes. 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.

Temporary Impacts and Restoration

- 5.14. Temporary Impact Criteria. To be considered a temporary impact for mitigation purposes, the following criteria shall be met: (1) exclusion fencing shall be removed within two days of work termination at the Staging Area or any work site, allowing the Covered Species unrestricted access between upland and aquatic habitat; (2) recontouring shall occur within two weeks of the impact and seeding of each temporary impact area shall occur within three weeks after construction activity has ceased in that area; (3) temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (Condition of Approval 5.15). In the event that any of these three criteria are not met, all temporary impacts shall be considered permanent. After the quantity of temporary impacts considered to be permanent is determined, DFW will amend this ITP if necessary to ensure that all impacts are fully mitigated. Such amendment could include increasing the quantity of acreages addressed in Condition of Approval 8.
- 5.15. Vegetation Restoration. Permittee shall prepare a Vegetation Restoration Plan (Plan) to restore on-site Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Permittee shall submit a draft Plan to CDFW for approval within 15 days after the issuance of this ITP. The Plan shall identify plant species damaged or removed during Covered Activities and include a schedule for seeding based on the soil moisture conditions at the time. The Plan shall include the following restoration standards and the Permittee shall ensure that the Plan is successfully implemented.

5.15.1. Restoration Performance Standards. Permittee shall meet the following restoration performance standards:

- Permittee shall pre-designate each restoration area for establishment of a specific native vegetation community, based on slope, aspect, hydrological conditions, and if applicable, adjacent native vegetation. The seed mix for each restoration site shall be tailored to achieve the species composition of the pre-designated vegetation community. The distribution of vegetation communities within the restoration area shall be roughly proportionate to any native vegetation communities disturbed. Following restoration, the species composition of each restoration site shall closely match that of the associated reference site.
- Seed mixes shall include only locally native species at a ratio appropriate to the site, with an emphasis on native bunchgrasses and other grassland species. Local native wildflower may also be included in the mix. Seed may be collected from within the Project Area. Additional seed shall be sourced from within 50 miles of the Project Area (*i.e.*, original genetic material shall have been collected within this radius); however, the seed may be purchased from a seed farm outside of this area. For seeding and mulching exposed slopes, the seed blend may include up to two sterile non-native perennial grass species.
- At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.
- Dominance of species designated as high or moderate invasive plants in the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory Database (<http://www.cal-ipc.org/paf/>) shall not exceed baseline conditions, which will be established by implementing Condition of Approval 5.17. If the presence of invasive species exceeds this threshold, Permittee is responsible for conducting appropriate control activities in coordination with the property owner.
- If the survival and/or cover requirements are not meeting the performance standards outlined in this Condition of Approval 5.15.1, Permittee is responsible for replacement planting, additional watering, weeding, invasive plant eradication, or any other practice, to achieve these requirements. Permittee shall continue to submit annual restoration reports (Condition of Approval 6.5) to CDFW until the standards have been met. Replacement plantings shall be monitored with the same survival and growth requirements for three (3) years after planting.

5.15.2. Monitoring and Maintenance. Permittee is responsible for monitoring and maintaining the restored areas for a period of three (3) years or until the Restoration Plan success criteria have been met, whichever is longer. After the first six months following completion of restoration activities, Permittee shall submit a brief monitoring report (10 pages or less, not including figures) detailing vegetation establishment, percent invasive plant cover, and other relevant observation regarding success of the restoration project to CDFW. If restoration has been successful as outlined in Condition of Approval 5.15., Permittee may submit the following report at the end of Year 1 and annually thereafter.

5.16. Tracking Impacts. Permittee shall track temporary and permanent impacts and notify CDFW if the acreage of habitat, as stated in Section VI. Impacts of the Taking on Covered Species, is likely to be exceeded in the coming month. Permittee shall submit an appropriately revised Project construction schedule (see Condition of Approval 5.21) within seven (7) days of notifying CDFW that the acreage of habitat is likely to be exceeded. If CDFW confirms and notifies Permittee in writing that the acreage of impacted habitat has been exceeded, Permittee shall cease all Covered Activities in excess of the originally permitted acreage until directed in writing by CDFW after additional plans for securing additional mitigation at a ratio of 4:1 have been agreed upon.

Invasive Species

5.17. Invasive Plant Species Control-Baseline. Permittee shall ensure that pre-Project baseline conditions are established by documenting type, location, and general abundance of invasive plant species within the Project Area. These baseline conditions will be used for post-construction monitoring of restored areas (Condition of Approval 6.6). The Designated Biologist(s) approved specifically for botanical work shall submit the sampling methods to CDFW prior to conducting the baseline surveys. The baseline survey shall include sampling at monitoring plots (treatment plots and control plots). The baseline survey shall include both a qualitative and quantitative assessment of target invasive plant species ranked by the Cal-IPC's Inventory as High or Moderate (<http://www.cal-ipc.org/paf/>) within the Project Area.

5.18. Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <http://www.cal-ipc.org/ip/prevention/index.php>

5.19. Invasive Plant Species Control Plan. Permittee shall prepare an Invasive Plant Species Control Plan (Invasive Plant Plan) to effectively control and monitor invasive plants within Covered Species habitat that will be temporarily disturbed and

subsequently restored. The Invasive Plant Plan shall include the results of baseline surveys (Condition of Approval 5.17). Permittee shall submit the Invasive Plant Plan to CDFW for approval within 10 days after the start of restoration activities. The Permittee shall oversee the management of invasives within the Project Area and may use control methods such as hand removal, mechanical removal and/or focused herbicide application within seeding and planting areas following vegetation restoration. The Designated Biologist(s) shall ensure that invasive plant removal does not result in damage to adjacent Covered Species habitat or to root systems of installed plants.

Construction

- 5.20. Construction Schedule. Permittee shall submit a final construction schedule to CDFW no less than five (5) calendar days prior to the start of Covered Activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.
- 5.21. Emergency Response Plan. Before the onset of Covered Activities, Permittee shall prepare an Emergency Response Plan describing actions that will be taken in case of a human-generated disaster, such as a spill or release of hazardous materials. An emergency phone tree, including contact information for all appropriate disaster management agencies and natural resources agencies, shall be included in the plan and shall be posted on-site in a visible location. The Emergency Response Plan shall specify containment procedures for hazardous substances, with emphasis on avoidance of the aquatic features at the Project site.
- 5.22. CDFW Access. Permittee shall provide CDFW staff and its agents with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.23. Wet Weather and Wet Weather Season Restriction. Unless otherwise authorized by CDFW, Permittee shall adhere to the following: with the exception of working from the paved limits of Dyer Road or within the fenced Staging Area under continuous onsite supervision of at least one Biological Monitor at each individual Work Area or pole (and adherence to all other permit conditions), Permittee shall limit Covered Activities involving ground disturbance and heavy equipment use (such as excavation, augering, grading and contouring) to periods of low rainfall (less than 0.10 inches per 24-hour period). The Permittee shall monitor the National Weather Service (NWS) 72-hr forecast for the Project Area. If a 30% or more chance of rain is predicted within 72 hours during Covered Activities, Permittee shall cease all ground disturbing Covered Activities until no further rain is forecast. Ground disturbing activities may resume 48 hours after the rain ceases when there is a less than a 30% chance of precipitation in the 24-hour forecast. The Designated Biologist(s) shall

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

keep records of both rainfall and humidity on-site and subject to inspection (see Condition of Approval 6.3).

- 5.24. Time of Day Work Restriction. Permittee shall terminate all earth-disturbing Covered Activities 30 minutes before sunset and shall not resume them until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department. If an activity has been started that cannot be finished during daylight hours, Permittee may conduct site specific actions only if they obtain CDFW permission by notifying CDFW in writing prior to each night of work with a description of specific pole locations where work is required and measures implemented to protect Covered Species. CDFW approval shall be subject to what is known at the time about any migrations of California tiger salamander that may have started in the migration cycle. If Covered Activities cannot be avoided during this period because of safety or emergency reasons, they shall proceed only for the minimum time necessary to abate the risk to safety or emergency. Permittee shall limit nighttime work in extent, duration, and brightness to the maximum extent possible. If more than three (3) total nights of work are necessary at any Work Area with habitats that support Covered Species, due to requirements in local permits or unforeseen circumstances, additional nights of work must receive additional approval from CDFW and be in compliance with other regulatory entities with jurisdiction. Permittee shall face lighting downward and will only use lighting in the immediate workspace to achieve a safe working environment. The Designated Biologist(s) will continue to be present during all night work and will ensure that lighting is used to the minimum extent feasible. Permittee shall not conduct any nighttime work if a 30% or more chance of rain is predicted within 72 hours (see Condition of Approval 5.23).
- 5.25. 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 greatest extent possible, the fenced 1.1-acre Staging Area on Dyer Road, or within previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of this ITP.
- 5.26. 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.
- 5.27. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and Project site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.

5.28. 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.

5.29. Refueling and Equipment Maintenance. Vehicle and equipment fueling and maintenance operations shall be conducted in designated areas only; these will be equipped with appropriate spill control materials and containment. Vehicles or equipment shall not be refueled within 150 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.

6. Monitoring, Notification and Reporting Provisions:

6.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.

6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW if 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 follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once every three days during periods of inactivity and after all construction activities are completed but materials are still on-site or daily as long as any potential barriers to movement are in place after the first rainfall of more than ¼ inch in 24 hours unless otherwise approved by CDFW. 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, weather conditions (including rainfall and humidity), observations of Covered Species and other wildlife species and their sign, survey results, and monitoring activities required by this ITP.

- 6.4. Photo Monitoring. No less than 10 photo monitoring stations, placed to include all areas that include more than 200 square feet of disturbance, and also including Sites 30-32, shall be established to provide representative views of Project, construction, and restoration activities. Photo monitoring station results shall contribute to CDFW's assessment of temporary impacts and restoration work; therefore, Permittee should ensure that the number and location of photo monitoring stations are sufficient to document temporary impacts and restoration success. Photo monitoring shall be done as follows:
- 6.4.1. Stations should be located in areas that allow for unobstructed views and a field of vision of approximately 1,500 feet.
 - 6.4.2. At least one photograph shall be taken at all stations prior to ground-breaking activities, and each month thereafter until construction and initial restoration is complete. Photo documentation of restoration success shall occur every three months following initial restoration until restoration success criteria are reached.
 - 6.4.3. Photo monitoring station locations shall be provided to CDFW in a geographic format with the coordinate system identified.
 - 6.4.4. If CDFW or the Designated Biologist(s) determines that additional monitoring stations are necessary, the locations shall be added to the inventory of photo monitoring stations.
 - 6.4.5. During each photo monitoring cycle, all stations shall be visited within two days.
- 6.5. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.2, 6.3 and 6.4 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 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 Serge.Glushkoff@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon

the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than March 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.7. 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 or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit the observation along with GPS coordinates to CDFW email at Serge.Glushkoff@wildlife.ca.gov within 72 hours.
- 6.8. 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 and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.9. Notification of Take or Injury. Permittee shall notify the Designated Biologist by the end of the business day 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

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

initial notification to CDFW by calling the Regional Office at (707) 482-2002 and the CDFW Representative at (707) 339-6191 by the end of the business day, and email notification if direct contact is not immediately established. 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, GPS location of the Covered Species or carcass, photographs of the location and the Covered Species if possible, explanation as to cause of take or injury, and any other pertinent information. This report shall be emailed to Serge.Glushkoff@wildlife.ca.gov.

7. Take Minimization Measures:

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

Multi-Species Protective Measures

- 7.1. Vehicle Speed Limit. Permittee, Designated Biologist(s) and work crew shall ensure that Project-related vehicles do not exceed a speed limit of 20 miles per hour when traveling through the Project area on the main road, and 10 miles per hour on staked offroad access routes to individual pole sites. Prior to vehicle entry to works sites along staked overland access routes, the Designated Biologist shall walk in front of the vehicle(s) to ensure that no Covered Species are present and shall relocate any Covered Species in accordance with Conditions of Approval 7.8, 7.13 and 7.14.
- 7.2. Structure Storage and Inspection. Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored at pole sites in Project Area for one or more overnight periods are stored so as to prevent Covered Species from using these as temporary refuges (e.g., securely capped prior to storage), or thoroughly inspected by the Designated Biologist(s) and/or the construction foreman/manager for the Covered Species or other animals each morning before the pipe is subsequently buried, capped, or otherwise used or moved in any way. Materials within the Staging Area shall also be inspected after the first rain (defined as at least ¼ inch of precipitation in a 24-hour period) if it is known that exclusion fencing was not intact at any time after materials had been placed there. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.13.
- 7.3. Vehicle and Equipment Inspections. The Permittee shall inspect all equipment and vehicles at the beginning of every workday for the presence of Covered Species under and near stationary vehicles and equipment prior to commencement of work activities. Prior to movement of vehicles or equipment, the Permittee shall inspect areas beneath all vehicles and equipment that have remained stationary for ten

minutes or longer. If a Covered Species is discovered, Permittee shall not move vehicle or equipment until the animal has left voluntarily or is removed by the Designated Biologist according to the Covered Species Relocation Plan, Condition of Approval 7.13.

- 7.4. Open Construction Excavation, Trenches, and Inspection. To prevent inadvertent entrapment of Covered Species, the Designated Biologist shall check all excavated open holes, sumps and trenches for Covered Species no later than 0900 each day for trapped animals. If a Covered Species is trapped in these features, the Designated Biologist shall remove and relocate the animal(s) to a safe location within suitable habitat (see Conditions of Approval 7.13 and 7.14) prior to the start of work activities at that site. At the end of each workday, Permittee shall ramp trenches and large excavations more than 6 inches deep that cannot easily be covered to allow trapped animals to escape. The ramp may be constructed of either dirt fill or wood planking, or other suitable material placed at an angle no greater than 30 degrees, and shall be installed at intervals of no less than 45 inches apart unless otherwise authorized by CDFW. Before Permittee fills trenches or holes, the Designated Biologist shall thoroughly inspect them for Covered Species.

California Tiger Salamander

- 7.5. Augering and Excavation. The Designated Biologist shall survey all augering and excavation soils material for California tiger salamanders. The Permittee shall ensure auger bits are cleaned by shaking the soil loose and not cleaned by spinning. The Permittee shall ensure excavation is coordinated with the Designated Biologist to allow sufficient time to survey the excavated soil.
- 7.6. Stockpiling. Permittee shall place soil stockpiles where soil will not pass into potential California tiger salamander breeding ponds; nor shall Permittee allow soil to pass into any other waters, in accordance with Fish and Game Code section 5650 et seq. Permittee shall place spoils piles within demarcated Work Areas and away from concentrations of small mammal burrows.
- 7.7. No Barriers to Covered Species Movement. Permittee shall construct access routes such that there are no steep curbs, berms, straw wattles, or dikes that could prevent California tiger salamander from crossing or exiting the roadway. If curbs/berms/straw wattles are necessary for safety and/or surface runoff, Permittee shall design and construct them to allow California tiger salamander to walk over them.
- 7.8. Pre-Construction Survey, California Tiger Salamander. Prior to initiating Covered Activities, the Designated Biologist(s) shall perform pre-construction surveys within the boundaries of the pole Work Areas plus a 50-foot buffer zone, where feasible, and around the perimeter of the Staging Area. The Designated Biologist(s) shall complete walking surveys of the Project Area prior to any ground-disturbing activity (such as augering, access road construction or fence installation/repair sites) and

shall follow equipment to look for California tiger salamanders. Surveys shall include all potentially suitable upland habitat such as rodent burrows, cracks, ruts, holes near root structures, foundations, abutments, and leaf litter within the Project Area that contain potential habitat for this species. Construction activities shall be done in a manner that allows the Designated Biologist(s) to safely survey the area for California tiger salamander. Multiple biologists may be necessary to survey the area appropriately. The Designated Biologist(s) shall conduct pre-construction surveys in conjunction with exclusion fencing installation (see Condition 7.9). If the Designated Biologist(s) or anyone else discovers California tiger salamander, Permittee shall cease all activity in the vicinity of the occurrence and the Designated Biologist(s) shall relocate the animal in accordance with Conditions of Approval 7.13 and 7.14.

- 7.9. Covered Species Exclusion Plan and Installation. Prior to commencing Covered Activities, Permittee shall install a temporary barrier to prevent California tiger salamander from dispersing into the Project Staging Area on Dyer Road.

Permittee shall submit to CDFW for approval, the location and design of the barrier and refuge opportunities no less than 5 days prior to the proposed start of Covered Activities. The Plan shall include the following elements:

The bottom six inches of the barrier shall be buried, if feasible, or otherwise adequately secured to prevent California tiger salamander movement into the Staging Area. Following barrier installation, the Designated Biologist(s) shall block holes or burrows entrances within the fenced area, including entrances of burrows that appear to extend under the barrier in order to minimize California tiger salamander entry to the Staging Area.

The barrier shall be designed to allow California tiger salamander to leave the Staging Area using a one-way funnel or other method approved by CDFW.

The Designated Biologist(s) will supervise the installation of the exclusion barrier. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the barrier, which may result in barrier segments that are not perfectly straight.

Permittee shall provide refuge opportunities, such as coverboards or straw wattles, or natural cover objects (e.g., fallen logs, leaf litter, and branches), along both sides of the barrier.

- 7.10. Exclusion Barrier Inspection and Maintenance. The Permittee shall maintain the exclusion barrier required by Condition of Approval 7.9 to ensure that it is functional and without defects. The Designated Biologist(s) shall inspect the barrier at least three times per week, and daily during and after all rainfall events, until it is removed to look for California tiger salamander and to ensure barrier integrity. The Designated Biologist(s) shall inspect refuge areas each morning during and after

rain events. Animals found within the interior fence shall be relocated outside the fence line no more than 300 feet from the Project Area boundary. California tiger salamanders found shall be relocated by the Designated Biologist per the Relocation Plan described in Conditions of Approval 7.13 and 7.14. If the barrier is damaged, Permittee shall repair the exclusion barrier immediately. CDFW may require increased inspection intervals based upon planned construction activities at each site, recent and forecasted weather events, and the results of pre-construction surveys and previous inspections. Permittee shall maintain the exclusion barrier continuously until the Staging Area shall no longer be used. Permittee will remove the exclusion barrier as soon as possible, but no later than seven (7) days after activities have ceased.

- 7.11. Pre-Construction Burrow Identification. The Designated Biologist(s) shall mark all burrows within the Project Area that the Designated Biologist(s) determines can be avoided within all suitable habitat areas no less than seven (7) days prior to earthmoving activities in those areas. Permittee shall stake and flag burrows that will not be graded or excavated but that are within the active suitable habitat area for the duration of Covered Activities to ensure construction personnel are aware of their location, and to facilitate avoidance of these areas where possible.
- 7.12. Burrow Excavation and Avoidance. Permittee shall submit a burrow excavation protocol to CDFW for review and approval prior to Covered Activities. The Permittee shall plan to mark all suitable and to hand excavate all burrows within Work Areas. The excavation protocol shall include burrows that are observed within Work Areas that will be excavated to the areas' outer perimeters but nevertheless may continue to support California tiger salamander that could be at risk because of proximity to construction.
- 7.13. California Tiger Salamander Relocation Plan. The Designated Biologist(s) shall prepare a California Tiger Salamander Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, an identification of the survey and hand excavation, capture, handling, and relocation methods; and identification of where the individuals will be relocated to. The Relocation Plan will include relocation site selection criteria, and may be combined with an Excavation Protocol document. Relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and shall be submitted to CDFW prior to the start of Covered Activities for approval. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW.
- 7.14. California Tiger Salamander Relocation. In accordance the with the CDFW-approved Relocation Plan (Condition 7.13), the Designated Biologist(s) shall relocate any California tiger salamander found within a portion of the Project Area to be impacted to an active rodent burrow system located no more than 250 feet outside of the

Project Area, and at the greatest feasible distance from roads, graveled and paved areas, as described in the Relocation Plan otherwise approved by CDFW in writing.

The Designated Biologist shall document both the capture and relocation areas by photographs and GPS positions. The California tiger salamander shall be photographed and measured (snout-vent) for identification purposes prior to relocation and shall then be released as soon as possible. A suitable burrow should be at least 3 inches in depth and have moist and cool conditions. If burrow density allows, the Designated Biologist(s) shall only release one animal per burrow. Covered Species may be encouraged to enter the burrows by gently nudging if they do not enter on their own. If the animal repeatedly walks away from the burrow, or partially enters it and then turns around, the Designated Biologist(s) shall remove it and find another burrow.

The Designated Biologist(s) shall monitor the released salamander(s) until it is determined that it or they is/are not imperiled by predators or other dangers. The Designated Biologist(s) shall release individual Covered Species one at a time rather than as a group. The Designated Biologist shall follow the Handling measures outlined in this ITP (Condition of Approval 7.15). The Designated Biologist shall contact CDFW's Regional Representative within 24 hours of any relocation incidents. All relocations shall be reported in the monthly and final compliance report. At a minimum, the report of the relocation shall include the time, location, and circumstances that led to the California tiger salamander being discovered; the location where the California tiger salamander was relocated; and photographs of the animal including the ventral and lateral as well as the dorsal surfaces. All locations shall be geo-referenced and detailed in text.

7.15. California Tiger Salamander Handling and Injury. California tiger salamanders shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 3). If an injured California tiger salamander is found during the Project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts, then the following steps shall be taken by the Designated Biologist:

- a) If the injury is minor or healing and the salamander is likely to survive, the California tiger salamander shall be released immediately in accordance with the Conditions of Approval 7.13 and 7.14
- b) If it is determined that the California tiger salamander has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

take it to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and the U.S. Fish and Wildlife Service (USFWS). Permittee shall bear any costs associated with the care or treatment of such injured California tiger salamander. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 6.9.

- 7.16. Notification of Non-Native Tiger Salamanders or Hybrids. The Designated Biologist(s) shall notify CDFW if a non-native barred tiger salamander (*Ambystoma tigrinum mavortium*) or an *Ambystoma* hybrid or individual with unusual or unique coloration or size is found or suspected within the Project Area within 24 hours of discovery. The Designated Biologist(s) shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. In such cases, the Designated Biologist(s) shall follow the California Tiger Salamander Handling and Injury measures outlined in this ITP (Condition of Approval 7.15).

San Joaquin Kit Fox Specific Measures

- 7.17. Standard Protective Guidance for San Joaquin Kit Fox. At no time shall Permittee or its representatives capture, pursue, or otherwise attempt to handle a San Joaquin kit fox. Permittee shall follow USFWS *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011).
- 7.18. Pre-Construction Surveys, San Joaquin Kit Fox. Within 15 days prior to any habitat modification within the Project Area, the Designated Biologist(s) shall conduct transect surveys to detect potential San Joaquin kit fox dens. The Designated Biologist(s) shall conduct walking transects such that 100 percent visual coverage of the Project Area is achieved. Transect width shall be adjusted based on vegetation height, topography, etc., to facilitate the detection of dens and other sign. Walking transect surveys shall be used to detect and map known dens, potential dens, and sign (e.g., tracks, scat, prey remains). Detection dogs may be used if practicable. Potential San Joaquin kit fox scat shall be collected and labeled based on mapped location. Potential dens shall be considered to be any subterranean hole on the site that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a San Joaquin kit fox.
- 7.19. Construction Buffers for San Joaquin Kit Fox Dens. If a potential San Joaquin kit fox den is discovered, or a fox is found in an “atypical” den such as a pipe or culvert, the Permittee or Designated Biologist shall establish a 50-foot buffer using flagging. If a known San Joaquin kit fox den (one that shows evidence of current use or is known to have been used in the past) is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den is discovered, it shall be fenced and avoided in a buffer with a diameter of at least 200 feet. Permittee or Designated Biologist

shall notify USFWS and CDFW for all of the above except potential San Joaquin kit fox dens. Buffer zones shall be considered environmentally sensitive areas, and entry shall be restricted.

- 7.20. Protection of San Joaquin Kit Fox Natal Dens. Permittee shall not excavate natal dens for San Joaquin kit fox until the pups and adults have vacated and only after receiving written permission from USFWS and CDFW. Permittee may destroy known dens only after three days of monitoring with tracking medium or an infra-red camera has determined that a San Joaquin kit fox is not present.
- 7.21. Destruction/Collapse of Potential San Joaquin Kit Fox Dens. Destruction of any potential San Joaquin kit fox dens shall be accomplished by the Designated Biologist(s) by careful excavation until it is certain that no San Joaquin kit foxes are inside. The den shall be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox or kit fox sign is discovered inside the den, excavation shall cease immediately and monitoring of the den shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from or otherwise vacated the partially destroyed den.

8. Habitat Management Land Acquisition and Restoration:

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 from 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 protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall either purchase 12.883 acres of Covered Species (California tiger salamander and San Joaquin kit fox) credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 8.2 OR shall provide for both the permanent protection and management of 12.883 acres of Habitat Management (HM) lands for both Covered Species, pursuant to Condition of Approval 8.3 et. seq. below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. For California tiger salamander, the credits shall be within the East Alameda County Conservation Strategy (EACCS) California tiger salamander North mitigation area (Chapter 3, Figure 3-10, dated October 2010) below.

Purchase of Covered Species credits at a CDFW-approved conservation bank OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all

uncompleted obligations. If Permittee is unable to purchase credits or provide permanent protection and funding for perpetual management of HM lands within the allowed timeframe, CDFW may require an Amendment to this ITP.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$26,000/acre for 12.883 acres: **\$334,958.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 8.3.1 and 8.3.2 below: **\$15,000.00**.
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.6 below, estimated at **\$24,477.00**;
- 8.1.4. Interim management period funding as described in Condition of Approval 8.3.7 below, estimated at **\$7,730.00**
- 8.1.5. Long-term management funding as described in Condition of Approval 8.4 below, estimated at 5,000/acre for 12.883 acres: **\$64,415.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$5,194.00**.
- 8.1.7. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$3,000 per acre for 3.283 acres: **\$9,849.00**.
- 8.1.8. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract

administration costs, and costs associated with monitoring the contractor's work: **\$40,000.00.**

- 8.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 12.883 acres of mitigation bank credits that mitigate for both Covered Species from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.
- 8.3. Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:
- 8.3.1. Fee Title. 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.
- 8.3.2. Conservation Easement. 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 elects not to be named as the grantee for 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 Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement
- 8.3.3. 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, documentation 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 shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding habitat in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for the Covered Species; no less than 100 acres of suitable upland or adjacent to suitable upland already conserved and managed for the Covered Species;

- 8.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.5. 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. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

8.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

8.4. Endowment Fund. If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3.1 et. seq, Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.3.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within sixty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).
- 8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.
- 8.4.2.0. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
- 8.4.2.1. Endowment Buffers/Assumptions. Permittee shall include in endowment assessment the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 8.4.2.1.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

8.4.4. Management of the Endowment. 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.

Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.

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

8.6. Habitat Restoration. Permittee shall restore on-site the 3.28 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 15 days of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (see Condition 5.15) to facilitate revegetation of the 3.28 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and

application methods. The Plan shall also indicate the best time of year for seeding to occur.

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

- 9.1. Security Amount. The Security shall be in the amount of **\$501,623.00**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Timely submission of all required reports, and
- 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;

OR

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

for the purchase of Covered Species credits.

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

IX. 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.

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 30 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, regardless of whether that species is a Covered Species under this ITP. 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 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. 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.

XI. Liability

All terms and conditions of this ITP shall be binding upon each Permittee. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee shall be jointly and severally liable for performance of all terms, conditions, and obligations of this ITP and shall be jointly and severally liable for any unauthorized take or other violations of this ITP, whether committed by Permittees or any person acting on behalf of one or more Permittees, including their officers, employees, representatives, agents or contractors and

subcontractors. Any failure by one or more Permittees to comply with any term, condition, or obligation herein shall be deemed a failure to comply by all Permittees.

XII. 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.

XIII. Notices:

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via 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, CA 94244-2090

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 (2081-2021-042-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Stephanie Fong, Acting Regional Manager
California Department of Fish and Wildlife – Bay Delta Region
2825 Cordelia Road Suite 100
Fairfield, CA 94534
R3CESA@wildlife.ca.gov

and a copy to:

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

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT

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

Serge Glushkoff
 California Department of Fish and Wildlife – Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 Telephone (707) 339-6191
Serge.Glushkoff@wildlife.ca.gov

XIVI. Compliance with the California Environmental Quality Act 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 by the lead agency, Alameda County Community Development Agency. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review is set forth in the Final Program Altamont Pass Wind Resource Area Repowering Environmental Impact Report, (PEIR; SCH No.: 2010082063) that Alameda County certified on November 17, 2014.

This ITP, along with CDFW's related CEQA findings and addendum, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's PEIR and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). As mentioned in CDFW's CEQA findings and addendum, CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by Alameda County in the PEIR. Furthermore, to the extent the potential for such effects exists, CDFW finds 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.

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;

- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 2.06 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1	Map of Project
FIGURE 2	Staging Area

ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Restraint and Handling of Live Amphibians
ATTACHMENT 4	Letter of Credit Form
ATTACHMENT 5	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 12/23/2021 _____.

DocuSigned by:

Stephanie Fong

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Stephanie Fong, Acting Regional Manager
Bay Delta 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.

DocuSigned by:

Craig Geldard

By: _____

8A62D3B3481543F...

Date: 12/28/2021 _____

Printed Name: Craig Geldard _____

Title: Manager, Environmental _____

Incidental Take Permit
No. 2081-2021-042-03
Pacific Gas and Electric Company
U.S. WINDPOWER TAP 60 KV REPLACEMENT



FIGURE 1. MAP OF PROJECT. Work Areas, Potential CTS Breeding Sites, and APN's for Pacific Gas and Electric Company U.S. Windpower Tap 60 kV Replacement Incidental Take Permit 2081-2021-042-03

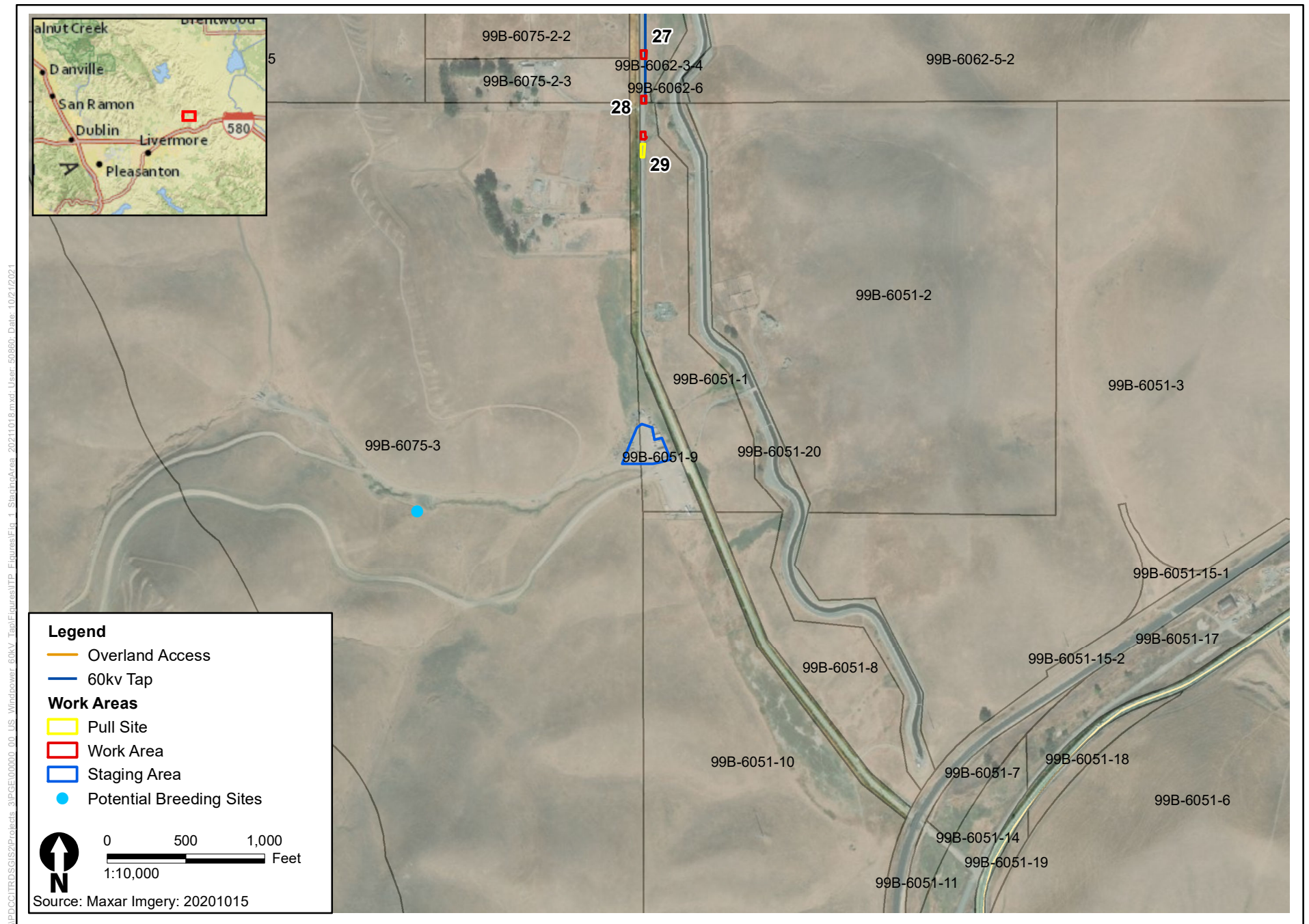


FIGURE 2. STAGING AREA. Work Areas and Potential CTS Breeding Sites for Pacific Gas and Electric Company U.S. Windpower Tap 60 kV Replacement Incidental Take Permit 2081-2021-042-03

ATTACHMENT 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) CALIFORNIA ENDANGERED SPECIES ACT INCIDENTAL TAKE PERMIT NO. 2081-2021-042-03

PERMITTEE: Pacific Gas and Electric Company

PROJECT: U.S. Windpower 60 kV Tap Replacement Project

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure that the impact minimization and mitigation measures required by the California 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 of 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.

	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 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.	ITP Condition # 5.1	Before disturbing soil or vegetation	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 10 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) 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(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.	ITP Condition # 5.2	Before disturbing soil or vegetation	Permittee	
3	To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 5.3	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	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.	ITP Condition # 5.4	Before disturbing soil or vegetation, during construction	Permittee	
5	The Designated Biologist shall maintain a construction-monitoring binder 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 binder is available for review at the Project site upon request by CDFW or its agents.	ITP Condition # 5.5	Before disturbing soil or vegetation, during construction	Permittee	
6	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, ideally at daily intervals but at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be removed daily.	ITP Condition # 5.6	Before disturbing soil or vegetation, during construction	Permittee	
7	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 or enter adjacent tributaries, swales, or wetlands. Chemical additives used for dust suppression must be reviewed and approved by CDFW prior to use.	ITP Condition # 5.7	Before disturbing soil or vegetation, during construction	Permittee	
8	All erosion and sediment control measures shall be installed prior to earth-moving Covered Activities. Permittee shall utilize erosion control measures throughout all phases of Project where sediment runoff from exposed slopes or surfaces could leave the Project Area and/or enter a drainage, stream or pond. No phase of the Project that may cause the introduction of sediments into a drainage, stream, or pond may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm. Permittee shall consult 72-hour weather forecasts from the National Weather Service prior to startup of any phase of the Project that may result in sediment runoff to any drainage, stream or pond. The Designated Biologist(s) shall monitor erosion control measures before, during, and after each storm event and Permittee shall repair and/or replace ineffective measures immediately.	ITP Condition # 5.8	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	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.	ITP Condition # 5.9	Before disturbing soil or vegetation, during construction	Permittee	
10	Before starting Covered Activities along each part of the route or to each pole site in active construction, Permittee shall submit off-road access route maps to CDFW for approval to all poles that are not immediately adjacent to Dyer Road or the main access road. The access routes shall be based on maximizing avoidance of burrows. Access routes may begin to be used upon approval from CDFW and after Permittee clearly delineates the boundaries of the Project Area with posted signs, fencing, stakes, flags, and/or rope or cord. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.10	Before disturbing soil or vegetation, during construction	Permittee	
11	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 or barriers as necessary to minimize the disturbance of Covered Species' habitat and minimize disturbance of Covered Species. Permittee shall remove barriers and delineation materials as soon as possible, after cessation of construction activity, and in accordance with Condition of Approval 7.10 (Exclusion Barrier Maintenance), unless otherwise authorized by CDFW. Permittee shall maintain all signage and delineation materials in working order until they are removed.	ITP Condition # 5.11	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
12	<p>Permittee shall prepare a Vegetation Restoration Plan (Plan) to restore on-site Covered Species habitat that will be temporarily disturbed during construction to pre-Project or better conditions. Permittee shall submit a draft Plan to CDFW for approval within 15 days after the issuance of this ITP. The Plan shall identify plant species damaged or removed during Covered Activities and include a schedule for seeding based on the soil moisture conditions at the time. The Plan shall include the following restoration standards and the Permittee shall ensure that the Plan is successfully implemented.</p> <p>5.15.1. Restoration Performance Standards. Permittee shall meet the following restoration performance standards:</p> <ul style="list-style-type: none"> • Permittee shall pre-designate each restoration area for establishment of a specific native vegetation community, based on slope, aspect, hydrological conditions, and if applicable, adjacent native vegetation. The seed mix for each restoration site shall be tailored to achieve the species composition of the pre-designated vegetation community. The distribution of vegetation communities within the restoration area shall be roughly proportionate to any native vegetation communities disturbed. Following restoration, the species composition of each restoration site shall closely match that of the associated reference site. • Seed mixes shall include only locally native species at a ratio appropriate to the site, with an emphasis on native bunchgrasses and other grassland species. Local native wildflower may also be included in the mix. Seed may be collected from within the Project Area. Additional seed shall be sourced from within 50 miles of the Project Area (i.e., original genetic material shall have been collected within this radius); however, the seed may be purchased from a seed farm outside of this area. For seeding and mulching exposed slopes, the seed blend may include up to two sterile non-native perennial grass species. • At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon. • Dominance of species designated as high or moderate invasive plants in the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory Database (http://www.cal-ipc.org/paf/) shall not exceed baseline conditions, which will be established by implementing Condition of Approval 5.17. If the presence of invasive species exceeds this threshold, Permittee is responsible for conducting appropriate control activities in coordination with the property owner. • If the survival and/or cover requirements are not meeting the performance standards outlined in Condition of Approval 5.15.1, Permittee is responsible for replacement planting, additional watering, weeding, invasive plant eradication, or any other practice, to achieve these requirements. Permittee shall continue to submit annual restoration reports (Condition of Approval 6.5) to CDFW until the standards have been met. Replacement plantings shall be monitored with the same survival and growth requirements for three (3) years after planting. <p>5.15.2. Permittee is responsible for monitoring and maintaining the restored areas for a period of three (3) years or until the Restoration Plan success criteria have been met, whichever is longer. After the first six months following completion of restoration activities, Permittee shall</p>	ITP Condition # 5.15	Before disturbing soil or vegetation, Within 15 days after issue of ITP, Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	submit a brief monitoring report (10 pages or less, not including figures) detailing vegetation establishment, percent invasive plant cover, and other relevant observation regarding success of the restoration project to CDFW. If restoration has been successful as outlined in Condition of Approval 5.15., Permittee may submit the following report at the end of Year 1 and annually thereafter				
13	Permittee shall ensure that pre-Project baseline conditions are established by documenting type, location, and general abundance of invasive plant species within the Project Area. These baseline conditions will be used for post-construction monitoring of restored areas (Condition of Approval 6.6). The Designated Biologist(s) approved specifically for botanical work shall submit the sampling methods to CDFW prior to conducting the baseline surveys. The baseline survey shall include sampling at monitoring plots (treatment plots and control plots). The baseline survey shall include both a qualitative and quantitative assessment of target invasive plant species ranked by the Cal-IPC's Inventory as High or Moderate (http://www.cal-ipc.org/paf/) within the Project Area.	ITP Condition # 5.17	Before disturbing soil or vegetation	Permittee	
14	Permittee shall submit a final construction schedule to CDFW no less than five calendar days prior to the start of Project construction activities. During the Project construction period, Permittee shall notify CDFW of any major changes in the construction schedule at least seven (7) days prior to the change being implemented.	ITP Condition # 5.20	Before disturbing soil or vegetation, during construction	Permittee	
15	Before the onset of Covered Activities, Permittee shall prepare an Emergency Response Plan describing actions that will be taken in case of a human-generated disaster, such as a spill or release of hazardous materials. An emergency phone tree, including contact information for all appropriate disaster management agencies and natural resources agencies, shall be included in the plan and shall be posted on-site in a visible location. The Emergency Response Plan shall specify containment procedures for hazardous substances, with emphasis on avoidance of the aquatic features at the Project site.	ITP Condition # 5.21	Before disturbing soil or vegetation	Permittee	
16	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before disturbing soil or vegetation	Permittee	
17	The Designated Representative shall immediately notify CDFW if 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 follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<p>No less than 10 photo monitoring stations, placed to include all areas that include more than 200 square feet of disturbance, and also including Sites 30-32, shall be established to provide representative views of Project, construction, and restoration activities. Photo monitoring station results shall contribute to CDFW's assessment of temporary impacts and restoration work; therefore, Permittee should ensure that the number and location of photo monitoring stations are sufficient to document temporary impacts and restoration success. Photo monitoring shall be done as follows:</p> <p>6.4.1. Stations should be located in areas that allow for unobstructed views and a field of vision of approximately 1,500 feet.</p> <p>6.4.2. At least one photograph shall be taken at all stations prior to ground-breaking activities, and each month thereafter until construction and initial restoration is complete. Photo documentation of restoration success shall occur every three months following initial restoration until restoration success criteria are reached.</p> <p>6.4.3. Photo monitoring station locations shall be provided to CDFW in a geographic format with the coordinate system identified.</p> <p>6.4.4. If CDFW or the Designated Biologist(s) determines that additional monitoring stations are necessary, the locations shall be added to the inventory of photo monitoring stations.</p> <p>6.4.5. During each photo monitoring cycle, all stations shall be visited within two days.</p>	ITP Condition # 6.4	Before disturbing soil or vegetation, Post-construction	Permittee	
19	<p>Prior to initiating Covered Activities, the Designated Biologist shall perform pre-construction surveys within the boundaries of the pole work areas plus a 50-foot buffer zone, where feasible, and around the perimeter of the staging area. The Designated Biologist(s) shall complete walking surveys of the Project Area prior to any ground-disturbing activity (such as augering, access road construction or fence installation/repair sites) and shall follow equipment to look for California tiger salamanders. Surveys shall include all potentially suitable upland habitat such as rodent burrows, cracks, ruts, holes near root structures, foundations, abutments, and leaf litter within the Project Area that contain potential habitat for these species. Construction activities shall be done in a manner that allows Designated Biologists to safely survey the area for California tiger salamander. Multiple biologists may be necessary to survey the area appropriately. The Designated Biologist shall conduct pre-construction surveys in conjunction with exclusion fencing installation (see Condition 7.9). If the Designated Biologist(s) or anyone else discovers California tiger salamander, Permittee shall cease all activity in the vicinity of the occurrence and the Designated Biologist(s) shall relocate the animal in accordance with Conditions of Approval 7.13 and 7.14).</p>	ITP Condition # 7.8	Before disturbing soil or vegetation, during construction	Permittee	
20	<p>Prior to commencing Covered Activities, Permittee shall install a temporary barrier to prevent California tiger salamander from dispersing into the Project staging area on Dyer Road.</p> <p>Permittee shall submit to CDFW for approval, the location and design of the barrier and refuge opportunities no less than 5 days prior to the proposed start of Covered Activities. The Plan shall include the following elements:</p> <p>The bottom six inches of the barrier shall be buried, if feasible, or otherwise adequately secured to prevent California tiger salamander movement into the Staging Area. Following barrier installation, the Designated Biologist(s) shall block holes or burrows entrances within the fenced area, including entrances of burrows that appear to extend under the barrier in order to minimize California tiger salamander entry to the Staging Area.</p>	ITP Condition # 7.9	Before disturbing soil or vegetation	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>The barrier shall be designed to allow California tiger salamander to leave the staging area using a one-way funnel or other method approved by CDFW.</p> <p>The Designated Biologist(s) will supervise the installation of the exclusion barrier. The Permittee shall avoid damage to small mammal burrows to the maximum extent possible during installation of the barrier, which may result in barrier segments that are not perfectly straight.</p> <p>Permittee shall provide refuge opportunities, such as coverboards or straw wattles, or natural cover objects (e.g., fallen logs, leaf litter, and branches), along both sides of the barrier.</p>				
21	The Designated Biologist(s) shall mark all burrows within the Project Area that the Designated Biologist(s) determines can be avoided within all suitable habitat areas no less than seven (7) days prior to earthmoving activities in those areas. Permittee shall stake and flag burrows that will not be graded or excavated but that are within the active suitable habitat area for the duration of Covered Activities to ensure construction personnel are aware of their location, and to facilitate avoidance of these areas where possible.	ITP Condition # 7.11	Before disturbing soil or vegetation, during construction	Permittee	
22	Permittee shall submit a burrow excavation protocol to CDFW for review and approval prior to Covered Activities. The Permittee shall plan to mark all suitable and to hand excavate all burrows within Work Areas. The excavation protocol shall include burrows that are observed within Work Areas that will be excavated to the areas' outer perimeters but nevertheless may continue to support California tiger salamander that could be at risk because of proximity to construction.	ITP Condition # 7.12	Before disturbing soil or vegetation, during construction	Permittee	
23	The Designated Biologist(s) shall prepare a California Tiger Salamander Relocation Plan (Relocation Plan). The Relocation Plan shall include, but not be limited to, an identification of the survey and hand excavation, capture, handling, and relocation methods; and identification of where the individuals will be relocated to. The Relocation Plan will include relocation site selection criteria, and may be combined with an Excavation Protocol document. Relocation areas shall be identified by the Designated Biologist(s) based upon best suitable habitat available and time of year and shall be submitted to CDFW prior to the start of Covered Activities for approval. Covered Activities anywhere within the Project Area may not proceed until the Relocation Plan is approved in writing by CDFW.	ITP Condition # 7.13	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<p>In accordance the with the CDFW-approved Relocation Plan (Condition 7.13), the Designated Biologist(s) shall relocate any California tiger salamander found within a portion of the Project Area to be impacted to an active rodent burrow system located no more than 250 feet outside of the Project Area, and at the greatest feasible distance from roads, graveled and paved areas, as described in the Relocation Plan otherwise approved by CDFW in writing.</p> <p>The Designated Biologist shall document both the capture and relocation areas by photographs and GPS positions. The California tiger salamander shall be photographed and measured (snout-vent) for identification purposes prior to relocation and shall then be released as soon as possible. A suitable burrow should be at least 3 inches in depth and have moist and cool conditions. If burrow density allows, the Designated Biologist(s) shall only release one animal per burrow. Covered Species may be encouraged to enter the burrows by gently nudging if they do not enter on their own. If the animal repeatedly walks away from the burrow, or partially enters it and then turns around, the Designated Biologist(s) shall remove it and find another burrow.</p> <p>The Designated Biologist(s) shall monitor the released salamander(s) until it is determined that it or they is/are not imperiled by predators or other dangers. The Designated Biologist(s) shall release individual Covered Species one at a time rather than as a group. The Designated Biologist shall follow the Handling measures outlined in this ITP (Condition of Approval 7.15). The Designated Biologist shall contact CDFW's Regional Representative within 24 hours of any relocation incidents. All relocations shall be reported in the monthly and final compliance report. At a minimum, the report of the relocation shall include the time, location, and circumstances that led to the California tiger salamander being discovered; the location where the California tiger salamander was relocated; and photographs of the animal including the ventral and lateral as well as the dorsal surfaces. All locations shall be geo-referenced and detailed in text.</p>	ITP Condition # 7.14	Before disturbing soil or vegetation, during construction	Permittee	
25	<p>Within 15 days prior to any habitat modification within the Project Area, the Designated Biologist(s) shall conduct transect surveys to detect potential San Joaquin kit fox dens. The Designated Biologist(s) shall conduct walking transects such that 100 percent visual coverage of the Project Area is achieved. Transect width shall be adjusted based on vegetation height, topography, etc., to facilitate the detection of dens and other sign. Walking transect surveys shall be used to detect and map known dens, potential dens, and sign (e.g., tracks, scat, prey remains). Detection dogs may be used if practicable. Potential San Joaquin kit fox scat shall be collected and labeled based on mapped location. Potential dens shall be considered to be any subterranean hole on the site that has entrances of appropriate dimensions for which available evidence is insufficient to conclude that it is being used or has been used by a San Joaquin kit fox.</p>	ITP Condition # 7.18	Before disturbing soil or vegetation, during construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<p>For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$26,000/acre for 12.883 acres: \$334,958.00. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 8.3.1 and 8.3.2 below: \$15,000.00.</p> <p>8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.6 below, estimated at \$24,477.00;</p> <p>8.1.4. Interim management period funding as described in Condition of Approval 8.3.7 below, estimated at \$7730.00</p> <p>8.1.5. Long-term management funding as described in Condition of Approval 8.4 below, estimated at 5,000/acre for 12.883 acres: \$64,415.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$5,194.00.</p> <p>8.1.7. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$3,000 per acre for 3.283 acre: \$9,849.00.</p> <p>8.1.8. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work: \$40,000.00</p>	ITP Condition # 8.1	Before disturbing soil or vegetation	Permittee	
27	<p>If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 12.883 acres of mitigation bank credits that mitigate for both Covered Species from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.</p>	ITP Condition # 8.2	Before disturbing soil or vegetation, or no later than 18 months from ITP issuance	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<p>Habitat Management Lands Acquisition and Protection. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall: 8.3.1. Fee Title. 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.</p> <p>8.3.2. Conservation Easement. Conservation Easement. 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 elects not to be named as the grantee for 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 Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement</p> <p>8.3.3. 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, documentation 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 shall meet the minimum habitat requirements for the Covered Species including, but not limited to one or more aquatic features on-site which have been documented to support successful California tiger salamander breeding habitat in an average or below average rainfall year (abundance and distribution) or adjacent to aquatic features which have been documented to support successful California tiger salamander breeding in an average or below average rainfall year (abundance and distribution) and already conserved and managed to the satisfaction of CDFW for the Covered Species; no less than 100 acres of suitable upland or adjacent to suitable upland already conserved and managed for the Covered Species;</p> <p>8.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). 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;</p> <p>8.3.5. 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</p>	ITP Condition # 8.3	Before disturbing soil or vegetation, or no later than 18 months from ITP issuance	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>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. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.</p> <p>8.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p> <p>8.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<p>If the Permittee will permanently protect and perpetually manage compensatory habitat as described in Condition of Approval 8.3.1 et. seq, Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.3.6. 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.</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 this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within sixty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).;</p> <p>8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit</p>	ITP Condition # 8.4	Before disturbing soil or vegetation, or no later than 18 months from ITP issuance	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p>to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <p>8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p> <p>8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in endowment assessment the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p> <p>8.4.4. Management of the Endowment. 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. Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>9.1. Security Amount. The Security shall be in the amount of \$501,623.00. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.</p> <p>9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p>9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</p> <p>9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.</p> <p>9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p>9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> • Timely submission of all required reports, and • 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; <p>OR</p> <ul style="list-style-type: none"> • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits. <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 this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 9	Before disturbing soil or vegetation	Permittee	
DURING CONSTRUCTION					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	No take beyond the temporary loss of 4.38 acres of habitat for the Covered Species and 0.0003 acres of conversion of habitat for the Covered Species authorized in this ITP shall occur unless this ITP is amended by CDFW prior to additional impacts.	ITP Condition # 5.12	During Construction	Permittee	
32	Project-related personnel shall access the Project Area using existing routes or routes identified the Project Description and supplemented by the maps required in Condition of Approval 5.10, 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, designated overland travel routes, and staging and parking areas. Permittee shall ensure that vehicle will not exceed a speed limit of 15 miles per hour on unpaved roads, or 5 miles per hour on authorized overland travel routes. 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.	ITP Condition # 5.13	During Construction	Permittee	
33	To be considered a temporary impact for mitigation purposes, the following criteria shall be met: (1) exclusion fencing shall be removed within two days of work termination at the Staging Area or any work site, allowing the Covered Species unrestricted access between upland and aquatic habitat; (2) recontouring shall occur within two weeks of the impact and seeding of each temporary impact area shall occur within three weeks after construction activity has ceased in that area; (3) temporary impact sites have achieved vegetation success as described in the Vegetation Restoration Plan (Condition of Approval 5.15). In the event that any of these three criteria are not met, all temporary impacts shall be considered permanent. After the quantity of temporary impacts considered to be permanent is determined, DFW will amend this ITP if necessary to ensure that all impacts are fully mitigated. Such amendment could include increasing the quantity of acreages addressed in Condition of Approval 8.	ITP Condition # 5.14	During Construction	Permittee	
34	Permittee shall track temporary and permanent impacts and notify CDFW if the acreage of habitat, as stated in Section VI. Impacts of the Taking on Covered Species, is likely to be exceeded in the coming month. Permittee shall submit an appropriately revised Project construction schedule (see Condition of Approval 5.21) within seven (7) days of notifying CDFW that the acreage of habitat is likely to be exceeded. If CDFW confirms and notifies Permittee in writing that the acreage of impacted habitat has been exceeded, Permittee shall cease all Covered Activities in excess of the originally permitted acreage until directed in writing by CDFW after additional plans for securing additional mitigation at a ratio of 4:1 have been agreed upon.	ITP Condition # 5.16	During Construction	Permittee	
35	Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: http://www.cal-ipc.org/ip/prevention/index.php	ITP Condition # 5.18	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	Permittee shall prepare an Invasive Plant Species Control Plan (Invasive Plant Plan) to effectively control and monitor invasive plants within Covered Species habitat that will be temporarily disturbed and subsequently restored. The Invasive Plant Plan shall include the results of baseline surveys (Condition of Approval 5.17). Permittee shall submit the Invasive Plant Plan to CDFW for approval within 10 days after the start of restoration activities. The Permittee shall oversee the management of invasives within the Project Area and may use control methods such as hand removal, mechanical removal and/or focused herbicide application within seeding and planting areas following vegetation restoration. The Designated Biologist shall ensure that invasive plant removal does not result in damage to adjacent Covered Species habitat or to root systems of installed plants.	ITP Condition # 5.19	Prior to restoration activity commencement	Permittee	
37	Permittee shall provide CDFW staff and its agents with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.22	During Construction	Permittee	
38	Unless otherwise authorized by CDFW, Permittee shall adhere to the following: With the exception of working from the paved limits of Dyer Road or within the fenced staging area under continuous onsite supervision of at least one biological monitor at each individual work area or pole (and adherence to all other permit conditions), Permittee shall limit Covered Activities involving ground disturbance and heavy equipment use (such as excavation, augering, grading and contouring) to periods of low rainfall (less than 0.10 inches per 24-hour period). The Permittee shall monitor the National Weather Service (NWS) 72-hr forecast for the Project Area. If a 30% or more chance of rain is predicted within 72 hours during Covered Activities, Permittee shall cease all ground disturbing Covered Activities until no further rain is forecast. Ground disturbing activities may resume 48 hours after the rain ceases when there is a less than a 30% chance of precipitation in the 24-hour forecast. The Designated Biologist(s) shall keep records of both rainfall and humidity on-site and subject to inspection (see Condition of Approval 6.3).	ITP Condition # 5.23	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	Permittee shall terminate all earth-disturbing activities 30 minutes before sunset and shall not resume them until 30 minutes after sunrise. Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department. If an activity has been started that cannot be finished during daylight hours, Permittee may conduct site specific actions only if they obtain CDFW permission by notifying CDFW in writing prior to each night of work with a description of specific pole locations where work is required and measures implemented to protect Covered Species. CDFW approval shall be subject to what is known at the time about any migrations of California tiger salamander that may have started in the migration cycle. If Covered Activities cannot be avoided during this period because of safety or emergency reasons, they shall proceed only for the minimum time necessary to abate the risk to safety or emergency. Permittee shall limit nighttime work in extent, duration, and brightness to the maximum extent possible. If more than three (3) total nights of work are necessary at any Work Area with habitats that support Covered Species, due to requirements in local permits or unforeseen circumstances, additional nights of work must receive additional approval from CDFW and be in compliance with other regulatory entities with jurisdiction. Permittee shall face lighting downward and will only use lighting in the immediate workspace to achieve a safe working environment. The Designated Biologist(s) will continue to be present during all night work and will ensure that lighting is used to the minimum extent feasible. Permittee shall not conduct any nighttime work if a 30% or more chance of rain is predicted within 72 hours (see Condition of Approval 5.23).	ITP Condition # 5.24	During Construction	Permittee	
40	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 greatest extent possible, the fenced 1.1-acre staging area on Dyer Road, or within previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.13 of this ITP.	ITP Condition # 5.25	During Construction	Permittee	
41	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.26	During Construction	Permittee	
42	Permittee shall prohibit firearms and domestic dogs from the Project Area and Project site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 5.27	During Construction	Permittee	
43	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.28	During Construction, Post Construction	Permittee	
44	Vehicle and equipment fueling, and maintenance operations shall be conducted in designated areas only; these will be equipped with appropriate spill control materials and containment. Vehicles or	ITP Condition # 5.29	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	equipment shall not be refueled within 150 feet of a wetland, stream, or other waterway unless a bermed and lined refueling area is constructed.				
45	<p>The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once every three days during periods of inactivity and after all construction activities are completed but materials are still on-site or daily as long as any potential barriers to movement are in place after the first rainfall of more than ¼" in 24 hours unless otherwise approved by CDFW. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> (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. <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, weather conditions (including rainfall and humidity), observations of Covered Species and other wildlife species and their sign, survey results, and monitoring activities required by this ITP.</p>	ITP Condition # 6.3	During Construction	Permittee	
46	<p>Permittee shall notify the Designated Biologist by the end of the business day 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 (707) 482-2002 and the CDFW Representative at (707) 339-6191 by the end of the business day, and email notification if direct contact is not immediately established. 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, GPS location of the Covered Species or carcass, photographs of the location and the Covered Species if possible, explanation as to cause of take or injury, and any other pertinent information. This report shall be emailed to Serge.Glushkoff@wildlife.ca.gov.</p>	ITP Condition # 6.9	During Construction	Permittee	
47	<p>Permittee, Designated Biologist(s) and work crew shall ensure that Project-related vehicles do not exceed a speed limit of 20 miles per hour when traveling through the Project area on the main road, and 10 miles per hour on staked off-road access routes to individual pole sites. Prior to vehicle entry to works sites along staked overland access routes, the Designated Biologist shall walk in front of the vehicle(s) to ensure that no Covered Species are present and shall relocate any Covered Species in accordance with Conditions of Approval 7.8, 7.13 and 7.14.</p>	ITP Condition # 7.1	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored at pole sites in Project Area for one or more overnight periods are stored so as to prevent Covered Species from using these as temporary refuges (e.g., securely capped prior to storage), or thoroughly inspected by the Designated Biologist(s) and/or the construction foreman/manager for the Covered Species or other animals each morning before the pipe is subsequently buried, capped, or otherwise used or moved in any way. Materials within the Staging Area shall also be inspected after the first rain (defined as at least ¼ inch of precipitation in a 24-hour period) if it is known that exclusion fencing was not intact at any time after materials had been placed there. If a Covered Species is discovered, it shall be relocated according to the Covered Species Relocation Plan, Condition of Approval 7.13.	ITP Condition # 7.2	During Construction	Permittee	
49	The Permittee shall inspect all equipment and vehicles at the beginning of every workday for the presence of Covered Species under and near stationary vehicles and equipment prior to commencement of work activities. Prior to movement of vehicles or equipment, the Permittee shall inspect areas beneath all vehicles and equipment that have remained stationary for ten minutes or longer. If a Covered Species is discovered, Permittee shall not move vehicle or equipment until the animal has left voluntarily or is removed by the Designated Biologist(s) according to the Covered Species Relocation Plan, Condition of Approval 7.13.	ITP Condition # 7.3	During Construction	Permittee	
50	To prevent inadvertent entrapment of Covered Species, the Designated Biologist shall check all excavated open holes, sumps and trenches for Covered Species no later than 0900 each day for trapped animals. If a Covered Species is trapped in these features, the Designated Biologist shall remove and relocate the animal(s) to a safe location within suitable habitat (see Conditions of Approval 7.13 and 7.14) prior to the start of work activities at that site. At the end of each workday, Permittee shall ramp trenches and large excavations more than 6 inches deep that cannot easily be covered to allow trapped animals to escape. The ramp may be constructed of either dirt fill or wood planking, or other suitable material placed at an angle no greater than 30 degrees, and shall be installed at intervals of no less than 45 inches apart unless otherwise authorized by CDFW. Before Permittee fills trenches or holes, the Designated Biologist shall thoroughly inspect them for Covered Species.	ITP Condition # 7.4	During Construction	Permittee	
51	The Designated Biologist shall survey all augering and excavation soils material for California tiger salamanders. The Permittee shall ensure auger bits are cleaned by shaking the soil loose and not cleaned by spinning. The Permittee shall ensure excavation is coordinated with the Designated Biologist to allow sufficient time to survey the excavated soil.	ITP Condition # 7.5	During Construction	Permittee	
52	Permittee shall place soil stockpiles where soil will not pass into potential California tiger salamander breeding ponds; nor shall Permittee allow soil to pass into any other waters, in accordance with Fish and Game Code section 5650 et seq. Permittee shall place spoils piles within demarcated work areas and away from concentrations of small mammal burrows.	ITP Condition # 7.6	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	Permittee shall construct access routes such that there are no steep curbs, berms, straw wattles, or dikes that could prevent California tiger salamander from crossing or exiting the roadway. If curbs/berms/straw wattles are necessary for safety and/or surface runoff, Permittee shall design and construct them to allow California tiger salamander to walk over them.	ITP Condition # 7.7	During Construction	Permittee	
54	The Permittee shall maintain the exclusion barrier required by Condition of Approval 7.9 to ensure that it is functional and without defects. The Designated Biologist(s) shall inspect the barrier at least three times per week, and daily during and after all rainfall events, until it is removed to look for California tiger salamander and to ensure barrier integrity. The Designated Biologist(s) shall inspect refuge areas each morning during and after rain events. Animals found within the interior fence shall be relocated outside the fence line no more than 300 feet from the Project Area boundary. California tiger salamanders found shall be relocated by the Designated Biologist per the Relocation Plan described in Conditions of Approval 7.13 and 7.14. If the barrier is damaged, Permittee shall repair the exclusion barrier immediately. CDFW may require increased inspection intervals based upon planned construction activities at each site, recent and forecasted weather events, and the results of pre-construction surveys and previous inspections. Permittee shall maintain the exclusion barrier continuously until the staging area shall no longer be used. Permittee will remove the exclusion barrier as soon as possible, but no later than seven (7) days after activities have ceased.	ITP Condition # 7.10	During Construction	Permittee	
55	<p>California tiger salamanders shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 3). If an injured California tiger salamander is found during the Project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps. If the CDFW Regional Representative cannot be contacted immediately, the injured salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within 15 minutes of initial attempts, then the following steps shall be taken by the Designated Biologist:</p> <ul style="list-style-type: none"> a) If the injury is minor or healing and the salamander is likely to survive, the California tiger salamander shall be released immediately in accordance with the Conditions of Approval 7.13 and 7.14 b) If it is determined that the California tiger salamander has major or serious injuries as a result of Project-related activities, the Designated Biologist shall immediately take it to the Lindsay Wildlife Experience or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by CDFW and the U.S. Fish and Wildlife Service (USFWS). Permittee shall bear any costs associated with the care or treatment of such injured California tiger salamander. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 6.9. 	ITP Condition # 7.15	During Construction	Permittee	
56	The Designated Biologist(s) shall notify CDFW if a non-native barred tiger salamander (<i>Ambystoma tigrinum mavortium</i>) or an <i>Ambystoma</i> hybrid or individual with unusual or unique coloration or size is found or suspected within the Project Area within 24 hours of discovery. The Designated	ITP Condition # 7.16	During Construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Biologist(s) shall not release any non-native or hybrid salamanders back to the wild until directed to do so by CDFW. In such cases, the Designated Biologist(s) shall follow the California Tiger Salamander Handling and Injury measures outlined in this ITP (Condition of Approval 7.15).				
57	At no time shall Permittee or its representatives capture, pursue, or otherwise attempt to handle a San Joaquin kit fox. Permittee shall follow USFWS Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS 2011).	ITP Condition # 7.17	During Construction	Permittee	
58	If a potential San Joaquin kit fox den is discovered, or a fox is found in an "atypical" den such as a pipe or culvert, the Permittee or Designated Biologist shall establish a 50-foot buffer using flagging. If a known San Joaquin kit fox den (one that shows evidence of current use or is known to have been used in the past) is discovered, a buffer of at least 100 feet shall be established using fencing. If a natal den is discovered, it shall be fenced and avoided in a buffer with a diameter of at least 200 feet. Permittee or Designated Biologist shall notify USFWS and CDFW for all of the above except potential San Joaquin kit fox dens. Buffer zones shall be considered environmentally sensitive areas, and entry shall be restricted.	ITP Condition # 7.19	During Construction	Permittee	
59	Permittee shall not excavate natal dens for San Joaquin kit fox until the pups and adults have vacated and only after receiving written permission from USFWS and CDFW. Permittee may destroy known dens only after three days of monitoring with tracking medium or an infra-red camera has determined that a San Joaquin kit fox is not present.	ITP Condition # 7.20	During Construction	Permittee	
60	Destruction of any potential San Joaquin kit fox dens shall be accomplished by the Designated Biologist(s) by careful excavation until it is certain that no San Joaquin kit foxes are inside. The den shall be fully excavated, filled with dirt, and compacted to ensure that San Joaquin kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a San Joaquin kit fox or kit fox sign is discovered inside the den, excavation shall cease immediately and monitoring of the den shall be resumed. Destruction of the den shall only be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from or otherwise vacated the partially destroyed den.	ITP Condition # 7.21	During Construction	Permittee	
POST-CONSTRUCTION					
61	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.2, 6.3 and 6.4 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 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 Serge.Glushkoff@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of	ITP Condition # 6.5	Quarterly, Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.				
62	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than March 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 6.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 6.6	Annual, Post-construction	Permittee	
63	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit the observation along with GPS coordinates to CDFW email at Serge.Glushkoff@wildlife.ca.gov within 72 hours.	ITP Condition # 6.7	Post-Construction	Permittee	
64	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.8	Post-Construction	Permittee	
65	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Condition # 8.5	Post-Construction	Permittee	
66	Permittee shall restore on-site the 3.28 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 15 days of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan (see Condition 5.15) to facilitate revegetation of the 3.28 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications	ITP Condition # 8.6	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	for restoring all temporarily disturbed areas, such as seed mixes and application methods. The Plan shall also indicate the best time of year for seeding to occur.				

ATTACHMENT 2

Project Name:

LSA Agreement/ITP Number(s):



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: _____

Name	Requested Role(s) ¹	Species/Resource(s)

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a "Qualified Biologist" or "Designated Biologist" with the necessary experience to survey for special status species, or a "Biological Monitor" with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).

Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.

SECTION I. NAME AND CONTACT INFORMATION

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

SECTION II. EDUCATION

College/University & Degree Type Related to Natural Resource Science:	
Other Relevant Workshops & Training:	

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions ² :	

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.³ If more space is needed, add rows to this table. Provide details in Section 5.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed <i>Provide project details in Section 5</i>	Life History Knowledge <i>Describe formal workshops & training with dates, or informal training details</i>	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities <i>This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements</i>
Insert Species or Resource 1	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:

² List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

³ Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section details experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s) ⁴ :	
Survey Type(s) ⁵ :		Construction Monitoring ⁶ :	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB ⁷ (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

⁴ Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."

⁵ For example, pre-construction survey or description of the protocol or guideline followed.

⁶ Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

B. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

C. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

Project Name:**LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

State of California - Department of Fish and Wildlife

MITIGATION PAYMENT TRANSMITTAL FORM

DFW 1057 (REV.05/18/21)

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

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

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

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

Total \$ _____ Check No. _____

Account No. _____ Bank Routing No. _____

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

b. Habitat Enhancement Subtotal \$ _____

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ _____

2. Letter of Credit Subtotal \$ _____

1. Financial Institution: _____

2. Letter of Credit Number: _____

3. Date of Expiration: _____

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

Please send this form to asbmitigation@wildlife.ca.gov