



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 22, 2022

Jeff McDougal
Pacific Gas and Electric Company
2730 Gateway Oaks Drive, Room 230
Sacramento, California 95833

**Subject: Incidental Take Permit for 30995749 G HPR RBLD – Panoche Rd #2,
Paicines (2081-2022-002-04)**

Dear Mr. McDougal:

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

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

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

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 Sarah Bahm, Senior Environmental Scientist (Specialist), at sarah.bahm@wildlife.ca.gov.

Sincerely,

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

Julie A. Vance
Regional Manager

Enclosure

Conserving California's Wildlife Since 1870



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

California Endangered Species Act
Incidental Take Permit No. 2081-2022-002-04

30995749 G HPR RBLD - PANOCHE RD #2, PAICINES

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). (See Cal. Code Regs., tit. 14, § 783.4).

Permittee:	Pacific Gas and Electric Company
Principal Officer:	Jeff McDougal, Manager Environmental
Contact Person:	Joshua Duey, (916) 203-1521
Mailing Address:	2730 Gateway Oaks Drive, Room 230 Sacramento, California 95833

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 **August 15, 2022**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 4.10 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:

The 30995749 G HPR RBLD - Panoche Rd #2 Project (Project) is located within the Panoche Valley in San Benito County, California (Figure 1). There are three Work Areas (defined as the discrete zone(s) within the Project Area where Covered Activities will actively occur) for the Project located within the Panoche United States Geological Survey (USGS) 7.5-minute topographic quadrangle. Work Area 1 is located along Panoche Road at approximately 36° 35' 44.30" N, 120° 47' 3.50" W (Figure 2); Work Area 2 is located along Dan Berg Road at approximately 36° 35' 44.80" N, 120° 49' 1.42" W (Figure 3); and Work Area 3 is located along Recalde Road at approximately 36° 36' 6.91" N, 120° 49' 54.70" W (Figure 4).

IV. Project Description:

The purpose of the Project is to: (1) at Work Areas 1 and 3, repair the natural gas distribution pipeline where leak(s) have been detected and deactivate the meter connections and service distribution pipeline ; (2) at Work Area 2, install a new section of pipe and new aboveground high pressure regulating equipment; and (3) at all three Work Areas, remove aboveground infrastructure.

Work Area 1:

Crews will access and transport all hand excavation equipment on foot from the 225-foot long by 11-foot wide Staging Area within the paved Panoche Road Right of Way and along the road shoulder. Crews will excavate an approximately six-foot wide by six-foot long by three-foot deep area using hand tools and hand-held pneumatic/electric powered clay spades at the service tee feeding gas from transmission pipeline 300B to the distribution pipeline. Up to approximately six cubic yards of spoils will be stockpiled in a six-foot by ten-foot area adjacent to the excavation. Once exposed, crews will isolate the existing service distribution line within the excavation and purge all natural gas from the facilities to be deactivated at the customer meter connection point. Once the pipeline is safely isolated, crews will run welding leads on foot from the staging area to the excavation, cut the service tee from the transmission pipeline, and weld in a new plug to permanently deactivate the distribution pipeline. The exposed piping facilities will then be recoated where necessary using an approved coating type (Trenton Petroleum-based tape and/or hot applied wax, or Liquid two-part epoxy 3m Scotchkote). The excavation will be backfilled to previous grade with approximately four to six cubic yards of original excavation spoils.

Additional work to be conducted at Work Area 1 includes crews accessing four cattle protection barricades on foot to excavate using hand tools and hand-held pneumatic/electric powered clay spades approximately two-foot by two-foot areas at each of the four barricades to remove the concrete footings. Spoils will be stockpiled in the same six-foot by ten-foot area adjacent to the excavations. Crews will also excavate an approximately two-foot by two-foot area to remove a valve box at this location. Just north of Panoche Road, crews will excavate three approximately five-foot long by five-foot wide by two-foot deep to remove retired high pressure regulating equipment and cattle protection barricades, risers, and footings. Spoils will be stockpiled in a ten-foot by ten-foot area adjacent to the excavations. Cattle protection barricades may be cut into manageable pieces to be removed and carried out on foot. Once

all cattle protection barricades/footings, valve box, and high pressure regulating equipment are removed, the crews will backfill to previous grade with original excavation spoils. On the south side of Panoche Rd, the crews will excavate an approximately three-foot wide by three-foot wide long by two-foot deep excavation to cut the previously deactivated riser below grade and backfill to previous grade with approximately eight to ten cubic yards of original excavation spoils placed within a three-foot by four-foot area adjacent to the excavations.

Work Area 2:

Crews will access and transport all hand excavation equipment on foot from the 100-foot long by 10-foot wide and 70-foot long by 10-foot wide Staging Areas along the shoulder on the west side of the Dan Berg Road Right of Way. The Staging Areas are north and south of the excavation area where new gas distribution pipe will be installed. Once staged, the crews will hand dig an approximate six-foot wide by six-foot long by three-foot deep excavation on the east side of Dan Berg Road to access the service tee where the existing distribution pipeline connects to the transmission pipeline. All spoils will be stockpiled within the Staging Areas using a backhoe or equivalent to shuttle spoils on Dan Berg Road. Once the tie-in location is exposed, crews will excavate a two-foot wide by 100-foot long by three-foot deep trench using a backhoe or mini-excavator on the west side of and across Dan Berg Road for installation of new distribution pipeline in the trench and high pressure regulating equipment aboveground.

Once the excavations are complete, crews will fabricate, install, and strength test the new high pressure regulating equipment. Once facilities are installed into the excavations and ready to transfer service, PG&E will coordinate an outage with the customer or provide compressed natural gas at their meter location to maintain continuous service, if necessary. Crews will then support isolating the existing service at the transmission pipeline within the six-foot by six-foot excavation and purge all natural gas from the facilities to be deactivated at the customer meter connection point. Once safely isolated, crews will run welding leads from the staging area to cut the old service pipeline from the transmission pipeline and at the downstream connection point, then tie in the new facilities to the transmission main. Existing service piping will remain in place. Crews will then purge all air from the new facilities to ensure 100% natural gas, commission the new high pressure regulating equipment, and restore service to the customer.

Additionally, crews will hand excavate three each five-foot wide by five-foot long by two-foot deep excavations to remove the retired high pressure regulating equipment and cattle protection guards as well as one four-foot wide by four-foot long by two-foot deep excavation to remove a retired inlet/fire valve and cattle protection guards. The exposed piping remaining in service and the new facilities will then be coated where necessary and all excavations will be backfilled to previous grade with approximately 30-35 cubic yards of original excavation spoils.

Work Area 3:

Crews will access and transport all hand excavation equipment on foot from the 275-foot long by 10-foot wide Staging Area within the disturbed Recalde Road Right of Way. Once staged, the crews will access the excavation location on foot and transport all hand excavation equipment to the excavation location. The crews will hand dig an approximate six-foot wide by six-foot long by three-foot deep excavation to access the service tee where the existing distribution pipeline connects to the transmission pipeline. Spoils will be stockpiled within a ten-foot by 14-foot area adjacent to the excavation. Once exposed, operations and maintenance personnel will conduct activities at the service tee to isolate the existing service within the excavation and purge all natural gas from the facilities to be deactivated at the customer meter connection point. Once safely isolated, crews will run welding leads from the staging area out to the excavation location, cut the old service from the transmission main, and weld in a new plug to permanently deactivate the service.

Crews will then hand excavate three each five-foot wide by five-foot long by two-foot deep excavations to remove the retired high pressure regulating equipment and cattle protection guards and one four-foot wide by four-foot wide by two-foot deep excavation to remove the retired inlet valve and cattle protection guard. Spoils will be placed within the same ten-foot by 14-foot area adjacent to the excavations. The exposed piping remaining in service will then be coated where necessary and all excavations will be backfilled to previous grade with approximately nine to twelve cubic yards of original excavation spoils.

The Project is anticipated to be completed within approximately 30 days from commencement. In total, the Project will occur within an area of approximately 0.537 acre for the three Work Areas. The Project is anticipated to result in approximately 0.00006 acre of permanent disturbance and 0.1024 acre of temporary disturbance. Access to the Work Areas will be from existing roads and footpaths from Staging Areas. Equipment to be used includes: backhoe or mini-excavator, a welding rig (pickup truck up to 1½-ton capacity), an eight cubic yard dump truck with equipment trailer, three crew pickup trucks (up to 1½-ton capacity) with tool/equipment trailers, an Operations and Maintenance pickup truck (up to 1½-ton capacity), three inspection, biological monitoring, and oversight vehicles (up to one-ton capacity), a Traffic Control pickup truck (up to one-ton capacity), a towable air compressor, pneumatic/electric powered clay spades, and hand tools.

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. Giant kangaroo rat (<i>Dipodomys ingens</i>)	Endangered ⁴
2. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Threatened ⁵
3. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁶

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. (a)(6)(C).

⁵See *Id.*, subd. (b)(6)(B).

⁶See *Id.*, subd. (b)(6)(E).

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: clearing; excavating; stockpiling soil; cutting pipe; welding; installing pipeline coating; installing aboveground facilities; removal of aboveground facilities; reburying pipeline/backfilling excavations; compacting soil; materials and equipment laydown and storage; transporting construction materials and other Project-related traffic; site recontouring; installing and removing temporary exclusion fencing; and other activities described in the Project Description section of this ITP (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 den or burrow collapse that results in crushing or suffocation of underground individuals during excavation and compaction; entombment of individuals from deposition of stockpiled material, or spoils over occupied burrows; entrapment and burial within uncovered excavations; crushing by equipment; and vehicle/equipment strikes from Project-related traffic during construction activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture of the Covered Species is also expected through the entrapment in trenches and excavations, uncovering Covered Species through the excavation of burrow systems, by corralling Covered Species into a confined area when barrier fencing is constructed around the Work Areas, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur are the three repair Work Areas (defined in Section III, Project Location), three Staging Areas, and access roads (collectively, the Project Area).

The Project is expected to cause the permanent loss of 0.00006 acre of habitat for the Covered Species and the temporary loss of 0.1024 acre of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying

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capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

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. 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.
- 3. General Provisions:**
 - 3.1. 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.
 - 3.2. Designated Biologist(s) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information for approval before starting Covered Activities. The Designated Biologist(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 and Designated Monitor(s) assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist as specified in advance. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat (GKR) and San Joaquin antelope squirrel (SJAS), as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.

- 3.3. Designated Biologist/Designated Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist and/or Designated Monitor 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 and/or Designated Monitor in the performance of his/her duties. If the Designated Biologist and/or Designated Monitor is unable to comply with the ITP, then the Designated Biologist and/or Designated Monitor 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, Designated Biologist(s), and/or Designated Monitor(s) 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.
- 3.4. 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 prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. 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. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.

- 3.5. Construction Monitoring Documentation. The Designated Biologist(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format 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 documentation is available for review at the Project site upon request by CDFW.
- 3.6. 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.
- 3.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 3.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls consisting of only natural-fiber, biodegradable materials.
- 3.9. Dogs. Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 3.10. Wildfire Avoidance. Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and

welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 3.4.

- 3.11. Delineation of Property Boundaries.** Before starting Covered Activities in each Work Area or along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area, at which time they should be removed.
- 3.12. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.
- 3.13. Permission for Project Access to Panoche Valley Preserve.** Prior to initiating any vegetation- or ground-disturbing Covered Activities within the Panoche Valley Preserve, Permittee shall provide CDFW with proof of notification of the owner (Center for Natural Lands Management, or CNLM) and Conservation Easement grantee to access all Work Areas on the privately-owned and permanently-conserved Panoche Valley Preserve (Figure 5). For the Work Areas within the Panoche Valley Preserve, Permittee shall provide CDFW with proof of easement to its pipeline and associated infrastructure right-of-way prior to any ground-disturbing activities on Panoche Valley Preserve. All activities, including but not limited to, access and vegetation- or ground-disturbance activities on the Panoche Valley Preserve, shall be conducted in accordance with allowable uses as designated in the Conservation Easements for the properties within the Preserve. Any take of Covered Species will not be covered by this ITP if it occurs as a result of a prohibited use as defined in the Conservation Easements for the properties within the Panoche Valley Preserve. Permanent habitat removal shall not occur on Panoche Valley Preserve.
- 3.14. Project Access.** Project-related personnel shall access the Project Area using existing routes, routes identified in the Project Description, or routes where Permittee has permission to access and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative

shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 3.15. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.14 of this ITP.
- 3.16. 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.
- 3.17. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 3.18. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 3.19. Rodenticide Use.** Permittee shall prohibit the use of rodenticides in the Project Area.

4. Monitoring, Notification, and Reporting Provisions:

- 4.1. Notification Before Commencement.** The Designated Representative shall notify CDFW and document compliance with all pre-Project Conditions of Approval before beginning Covered Activities.
- 4.2. Notification of Non-compliance.** The Designated Representative or the Designated Biologist shall immediately notify CDFW via email 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.

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- 4.3. GKR Mortality Reduction and Relocation Plan.** Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.
- 4.4. SJAS Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation shall not proceed until the plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 4.5. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the start of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions

(e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

4.6. Compliance Monitoring. The Designated Biologist shall be on-site for the duration of the day when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones; and
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct daily compliance inspections during active construction. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity.

4.7. Record of Covered Species Relocation Efforts. The Designated Biologist shall maintain a record of all GKR and SJAS handled and all documented observations of all Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Weekly Compliance Report described in Condition of Approval 4.8 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 4.10 below shall include cumulative results, analysis of data collected, and conclusions.

4.8. Weekly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.6 and 4.7 into a Weekly 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. Weekly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within each Work Area, both for the prior week, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the each Work Area during the coming week, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous week; and the activities authorized under the Covered Activities which occurred during the previous week. Weekly Compliance Reports shall be submitted via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program no later than the first Monday following commencement of Covered Activities and each Monday thereafter. At the time of this ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), Regional CESA Program email is R4CESA@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.

- 4.9. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 7 calendar days of the observation and the Designated Biologist shall include copies of the online submittal forms with the next Weekly Compliance Report.
- 4.10. Final Mitigation Report.** No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report as described in Condition of Approval 4.8. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Weekly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 4.11. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the

Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

5. 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:

- 5.1. Designated Biologist On Site. The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.
- 5.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.
- 5.3. Lighting. Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.
- 5.4. Delineation of Ingress and Egress Routes. Permittee shall flag or otherwise clearly mark all access roads in the field from the primary access roads and vehicle operation shall be limited to these designated ingress and egress routes.
- 5.5. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.23, 5.26, and 5.29.
- 5.6. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.

- 5.7. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4 above.
- 5.8. Stockpiling Materials.** Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 5.9. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into any "Waters of the State", in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 5.10. Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4 above.
- 5.11. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within each Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The Designated Biologist and/or Designated Monitor shall ensure that the outer two feet of excavation cover conforms to solid ground so that gaps do not occur between the cover and the ground and is secured with soil staples or similar means to prevent gaps. The Designated Biologist and/or

Designated Monitor shall thoroughly inspect trenches, holes, sumps, or other excavations for Covered Species each morning, end of each day (including weekends and any other non-work days unless temporary exclusion fencing completely surrounds the excavation area), and immediately before they are back-filled. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4 above.

- 5.12. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, hoses, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 5.13. Covered Species Observations.** All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. Permittee shall cease all work in the vicinity of the Covered Species which could harm the animal until the Covered Species moves from the Project Area of its own accord, or a GKR or SJAS is moved by the Designated Biologist as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4 above.
- 5.14. Delineation of Environmentally Sensitive Areas.** Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area prior to the start of ground-disturbing activities. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.19, 5.25, and 5.27 below. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted

signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities shall be allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.20, 5.23, 5.26, 5.28, and 5.29.

- 5.15. Vegetation Removal.** Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.
- 5.16. Pre-Construction Surveys and Reporting.** The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species no more than seven (7) calendar days prior to beginning Covered Activities.
- 5.16.1. **GKR Surveys.** The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify, flag, and map all potential GKR burrows, whether they appear active or inactive, no more than seven (7) calendar days prior to beginning Covered Activities in the Project Area. Permittee shall provide the results in a GKR Burrow Map Survey written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will occur as described in Condition of Approval 4.3.
- 5.16.2. **SJAS Surveys.** The Designated Biologist shall survey the Work Area and 50 feet beyond the limits of the Work Area to identify and flag all potential burrows used by SJAS no more than seven (7) calendar days prior to beginning Covered Activities in the Project Area. Permittee shall provide the survey results in a written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow.
- 5.16.3. **SJKF Surveys.** The Designated Biologist shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the

den(s) shall be monitored for at least two (2) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least three (3) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date, and time of the survey, and the number, a discussion, and map of the locations of each potential, known, and natal SJKF den identified.

- 5.17. Temporary Exclusion Fencing.** Permittee shall install trenchless Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area following surveys to flag all potential GKR and SJAS burrows in accordance with Condition of Approval 5.16 above and immediately prior to GKR relocation in accordance with Condition of Approval 5.20 below. Fencing shall only be installed around locations within each Work Area where excavating/trenching will occur and any Staging Area that is not located entirely within an existing roadway. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations prior to installing fencing.
- 5.18. Temporary Exclusion Fencing Installation.** The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances and dens are avoided (i.e., not covered) by fencing material during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist shall check the Temporary Exclusion Fence daily and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.

GKR Specific Measures

- 5.19. GKR Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within and adjacent to the Work Area, identified in the GKR Burrow Map Survey report required by Condition of Approval 5.16.1. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Condition of Approval 5.20 and 5.23 below.

- 5.20. GKR Relocation.** Any potential GKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 5.19 shall be live trapped for one (1) night by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured GKR to the CDFW-approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.3). The Designated Biologist shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials at the release location with that individual.
- 5.21. GKR January 1-August 31 Trapping Constraints.** To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise.
- 5.22. GKR Weather Constraints for Trapping.** Designated Biologist shall close all traps for GKR during the threat of inclement weather, such as the National Weather Service **prediction** of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. The Designated Biologist shall place synthetic batting or other appropriate insulating material and additional food in each open trap if the air temperature is predicted to drop below 50 degrees Fahrenheit. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap. The Designated Biologist shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease of body temperature.
- 5.23. GKR Burrow Excavation.** Immediately following completion of live trapping activities conducted to address Condition of Approval 5.20 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or individuals under the direct supervision of the Designated Biologist, shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.3). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed the relocated individual.

- 5.24. Protection of GKR Food Stores.** Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 4.3, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.

SJAS Specific Measures

- 5.25. SJAS Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas, identified in the survey report required by Condition of Approval 5.16.2. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval 5.26 below.
- 5.26. SJAS Burrow Excavation.** Immediately following completion of GKR Relocation activities conducted to address Condition of Approval 5.18 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 4.4) by the Designated Biologist. Any dormant, lactating/nursing female, and/or dependent juvenile Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.

SJKF Specific Measures

- 5.27. SJKF Den Avoidance.** Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation/trench area) or their location poses a risk of direct harm to SJKF individuals. Dens in areas of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground

disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone and email if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.

- 5.28. SJKF Den Replacement.** Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 5.27, with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100-meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Installation of artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval 5.29) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 4.5.
- 5.29. SJKF Den Excavation.** The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 5.27 only after the Designated Biologist has determined that SJKF is not currently present after two (2) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS

and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction.

- 5.30. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and email followed by a written incident report as described in Condition of Approval 4.11. Notification shall include the name of the facility where the animal was taken.

- 6. Habitat Management Land Acquisition:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result 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 provide for both the permanent protection and management of 0.205 acre of Habitat Management (HM) lands pursuant to Condition of Approval 6.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 6.3 below.

CDFW has conceptually approved to the appropriateness of 0.205 acre of HM lands on a portion of a 40-acre parcel (hereafter "mitigation parcel") owned in fee by the Permittee in the Panoche Valley, San Benito County (Assessor's Parcel Number 027-360-008) as suitable to meet the HM lands requirement of this ITP. The mitigation parcel consists of 40 acres of good quality, functionally suitable habitat for the Covered Species and is surrounded by the permanently conserved Panoche Valley Preserve, set aside as HM lands by ITP No. 2081-2014-035-04 (Panoche Valley Solar Project). Permittee previously proposed and was approved to conserve 8 acres of the 40-acre mitigation parcel to meet HM Lands requirements of ITP No. 2081-2011-071-04 (2011 Hydrotest Project), 0.6 acre

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to meet HM Lands requirements of ITP No. 2081-2017-005-04 (ID-71 Project), and 2 acres to meet HM Lands requirements of ITP No. 2081-2019-020-04 (ID-78/Spans 24 and 27, L-300 Project). Combined, these lands will be preserved under one conservation easement and managed under one long-term management plan. In addition to serving as Project-level mitigation for this ITP and the three mentioned above, the remaining 29.195 acres of the 40-acre parcel is intended to meet future mitigation obligations related to Permittee's future projects in the Panoche Valley. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval 6.2.3.

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 7 below for all uncompleted obligations.

6.1. 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 as follows:

- 6.1.1. Land acquisition costs for HM lands identified in Condition of Approval 6.3 below, estimated at \$7461.50/acre for 0.205 acre: **\$1,529.61**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 6.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 6.3.1 and 6.3.2 below: **\$10,111.66**;
- 6.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 6.3.5 below, estimated at **\$5,747.43**;
- 6.1.4. Interim management period funding as described in Condition of Approval 6.3.6 below, estimated at **\$27,105.21**;
- 6.1.5. Long-term management funding as described in Condition of Approval 6.4 below, estimated at \$165,409.43/acre for 0.205 acre: **\$33,908.93**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; and
- 6.1.6. 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 6.5, estimated at **\$12,000.00**.

6.2. 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:

- 6.2.1. **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.
- 6.2.2. **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.
- 6.2.3. **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.
- 6.2.4. **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.

- 6.2.5. 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.
- 6.2.6. 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.
- 6.2.7. 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, and biological surveys.

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.

- 6.3. Endowment Fund.** 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 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 6.2.6. 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.

- 6.3.1. Identify an Endowment Manager.** The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) 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).

- 6.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare 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.
- 6.3.2.1. 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.
- 6.3.2.2. Endowment Buffers/Assumptions. Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:
- 6.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
- 6.3.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
- 6.3.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.

- 6.3.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.
- 6.3.4. 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, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

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.

- 6.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

7. **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 6 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 7.1. Security Amount. The Security shall be in the amount of **\$90,402.84** or in the amount identified in Condition of Approval 6.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 6.1 above, sufficient for CDFW or its contractors

to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

- 7.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 7.3. 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.
- 7.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 7.5. Security Transmittal.** Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 7.6. 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.
- 7.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has received confirmation that all secured requirements have been satisfied.

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 instructing

the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order 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. 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.

XII. 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 (2081-2022-002-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
R4CESA@wildlife.ca.gov

Incidental Take Permit
No. 2081-2022-002-04
PACIFIC GAS AND ELECTRIC COMPANY
30995749 G HPR RBLD - PANOCHE RD #2, PAICINES

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

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

Sarah Bahm
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Sarah.Bahm@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to California Environmental Quality Act (CEQA). As the "public agency which has the principal responsibility of...approving [the Project]," (Pub. Resources Code, § 21067), CDFW is the lead agency for the Project for purposes of complying with the CEQA (Pub. Resources Code, § 21000 *et seq.*). CDFW has determined that this Project is exempt from CEQA because it is an action "necessary to prevent or mitigate an emergency." (Pub. Resources Code, §21080, subd. (b)(4).) and "necessary to maintain service essential to the public health, safety or welfare, including those that require a reasonable amount of planning to address an anticipated emergency" Cal. Code Regs., tit. 14, §15269, subd. (b). CDFW has filed a Notice of Exemption for the Project.

XIV. Findings Pursuant to CESA:

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

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

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

Incidental Take Permit
No. 2081-2022-002-04
PACIFIC GAS AND ELECTRIC COMPANY
30995749 G HPR RBLD - PANOCHE RD #2, PAICINES

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 0.205 acre of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the 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.

XV. Attachments:

FIGURE 1	Project Vicinity
FIGURE 2	Work Area 1
FIGURE 3	Work Area 2
FIGURE 4	Work Area 3
FIGURE 5	Map of Project Work Areas within Panoche Valley Preserve
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Example
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE


ON 2/23/2022

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance, Regional Manager
Region 4 – Central Region

ACKNOWLEDGMENT

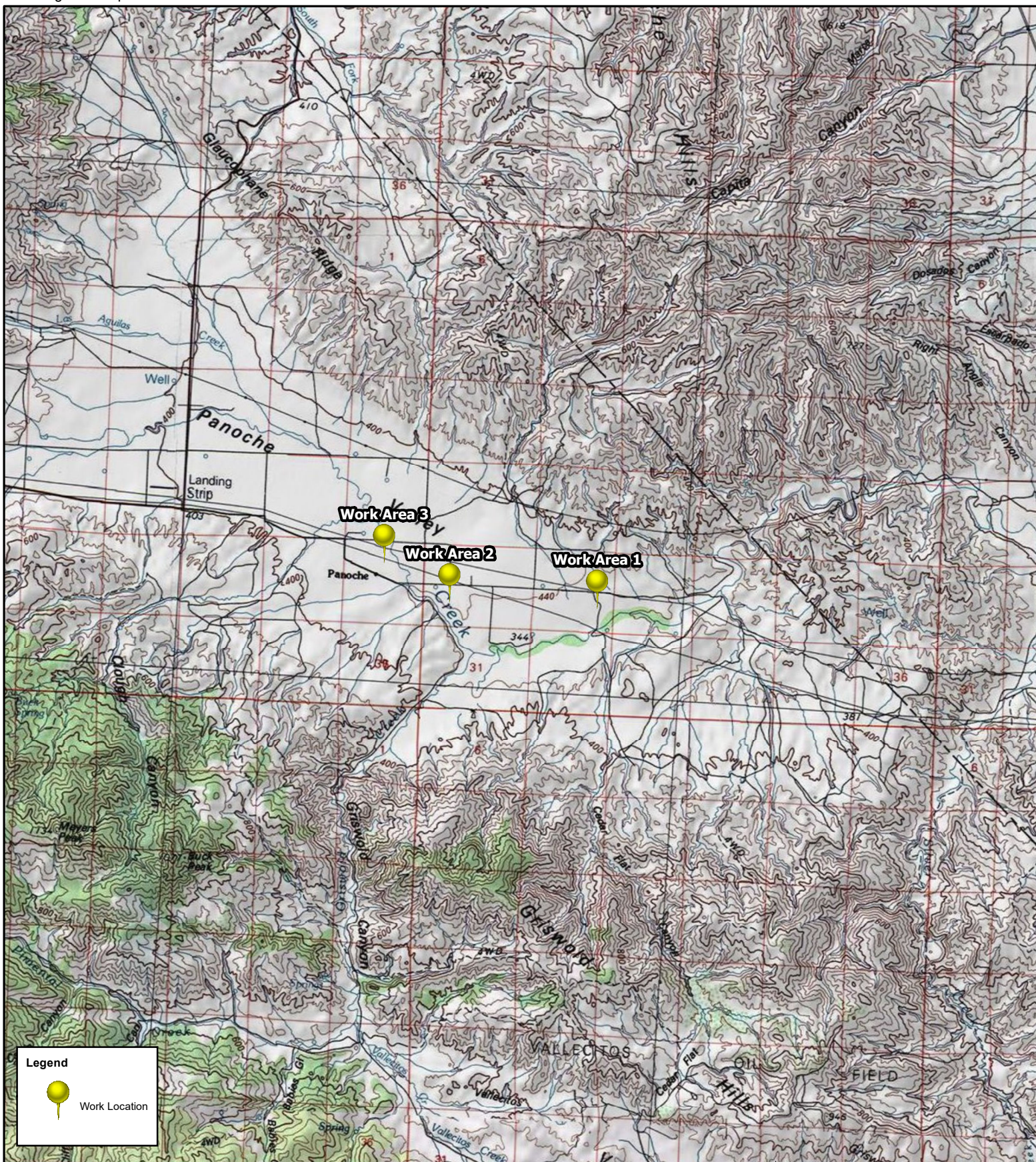
The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions.

DocuSigned by:

3F4D99C246EC401...


By: _____ Date: 3/2/2022

Printed Name: Jeff McDougal Title: Manager, Environmental

Incidental Take Permit
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30995749 G HPR RBLD - PANOCHE RD #2, PAICINES



Legend

 Work Location



Projection: UTM Zone 11 N Datum: NAD 83

0 1,800 3,600 7,200 10,800 Feet

0 500 1,000 2,000 3,000 Meters



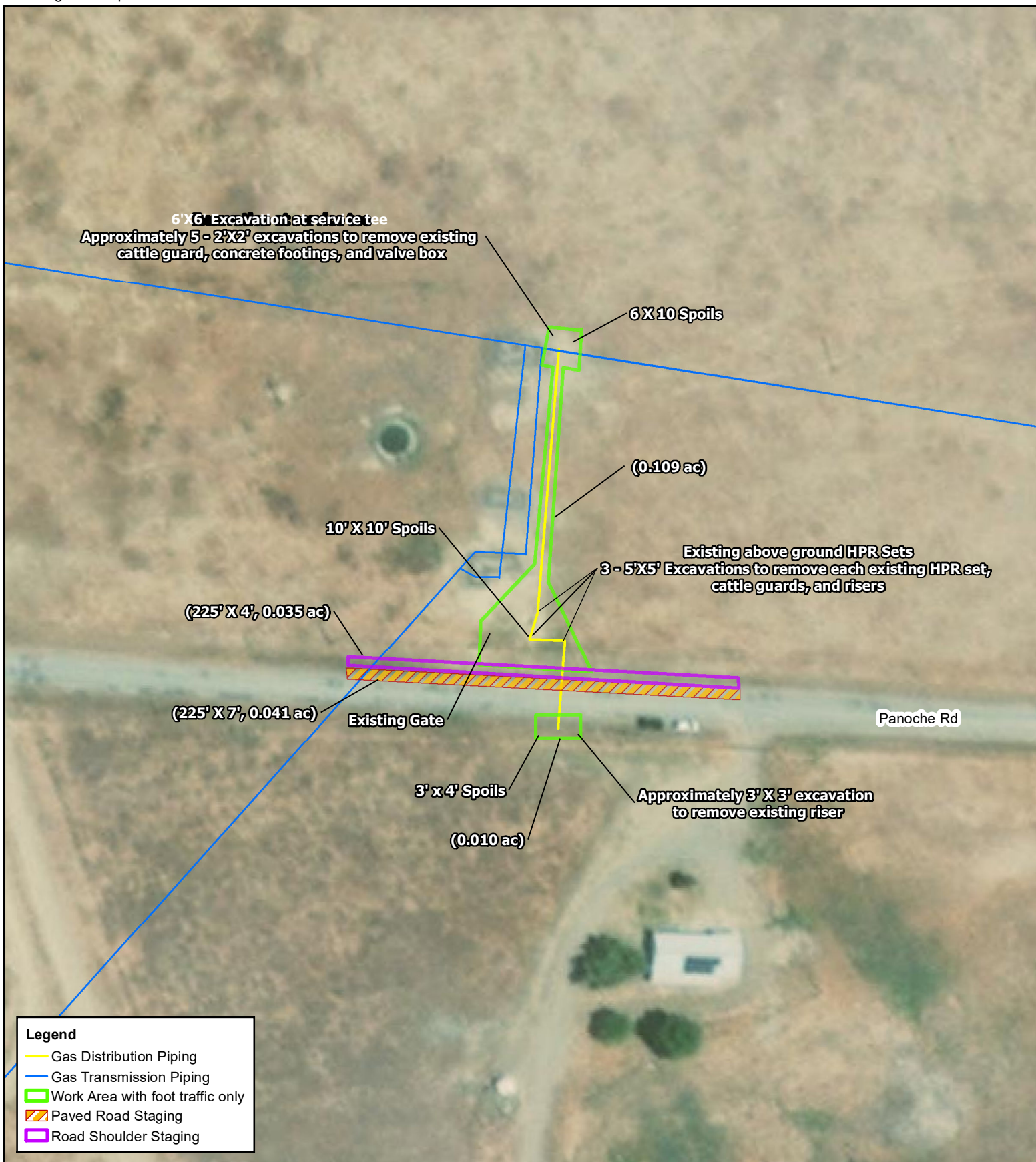
Scale 1: 100,000
1 inch = 8,333 feet



PG&E Gas Distribution

Figure 1: Project Vicinity
30995749 - G HPR RBLD -
PANOCH RD #2 PAICINES

Date: 1/27/2022



USGS 7.5' Quad: PANOCH (1969)
Legal Description: T15S, R11E SEC 29
Projection: UTM Zone 11 N Datum: NAD 83

0 25 50 100
Feet

0 15 30
Meters



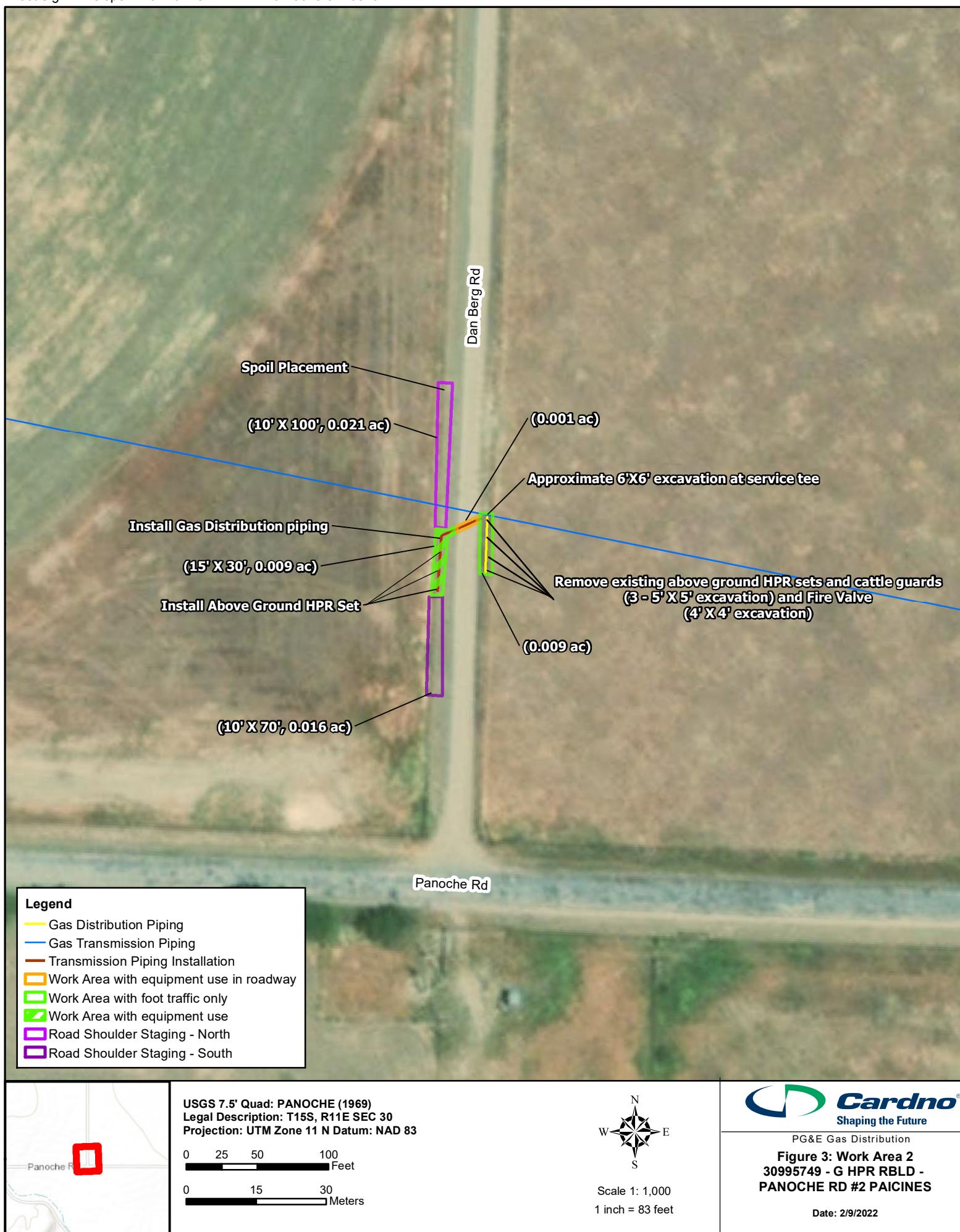
Scale 1: 1,000
1 inch = 83 feet



PG&E Gas Distribution

Figure 2: Work Area 1
30995749 - G HPR RBLD -
PANOCH RD #2 PAICINES

Date: 2/9/2022



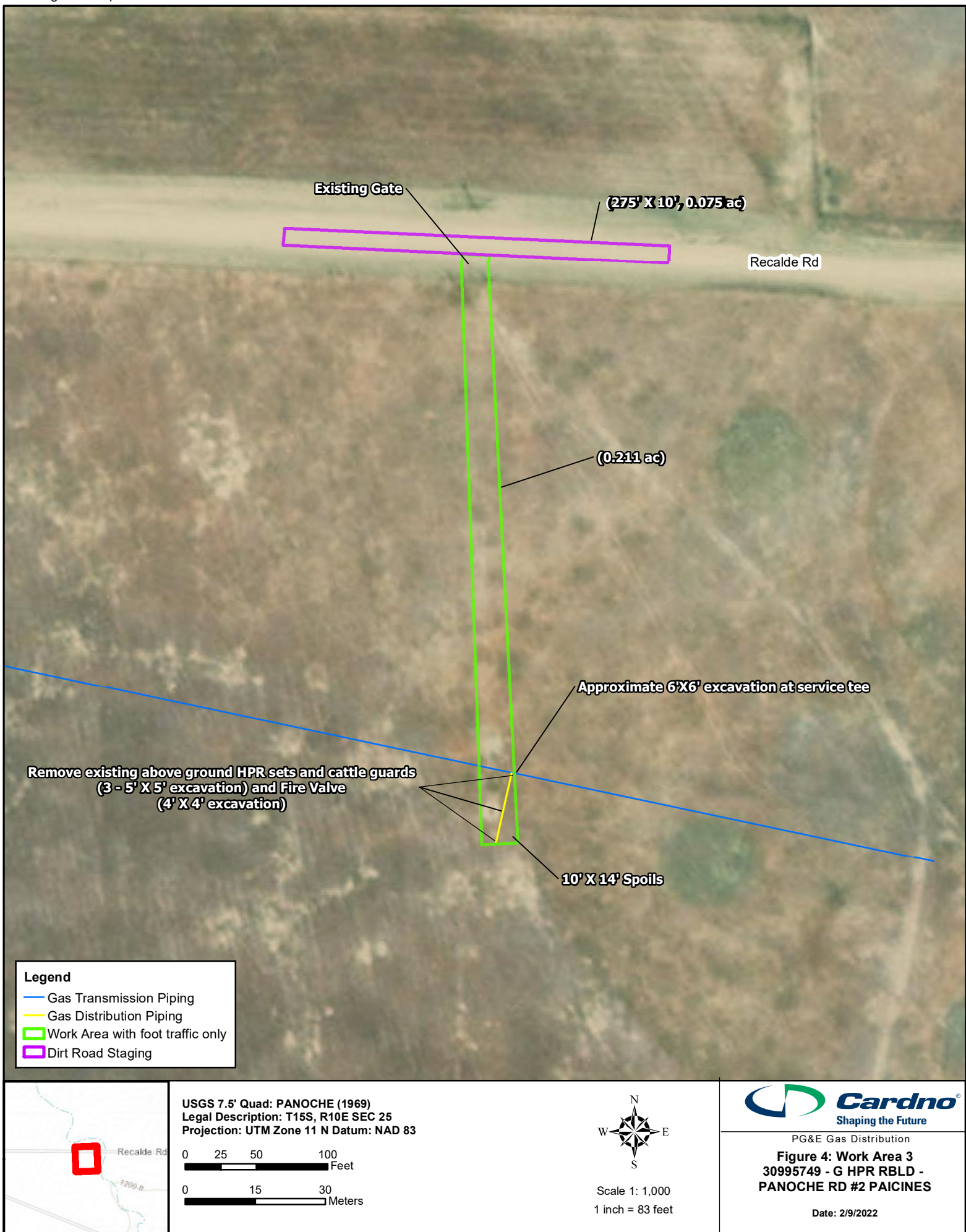
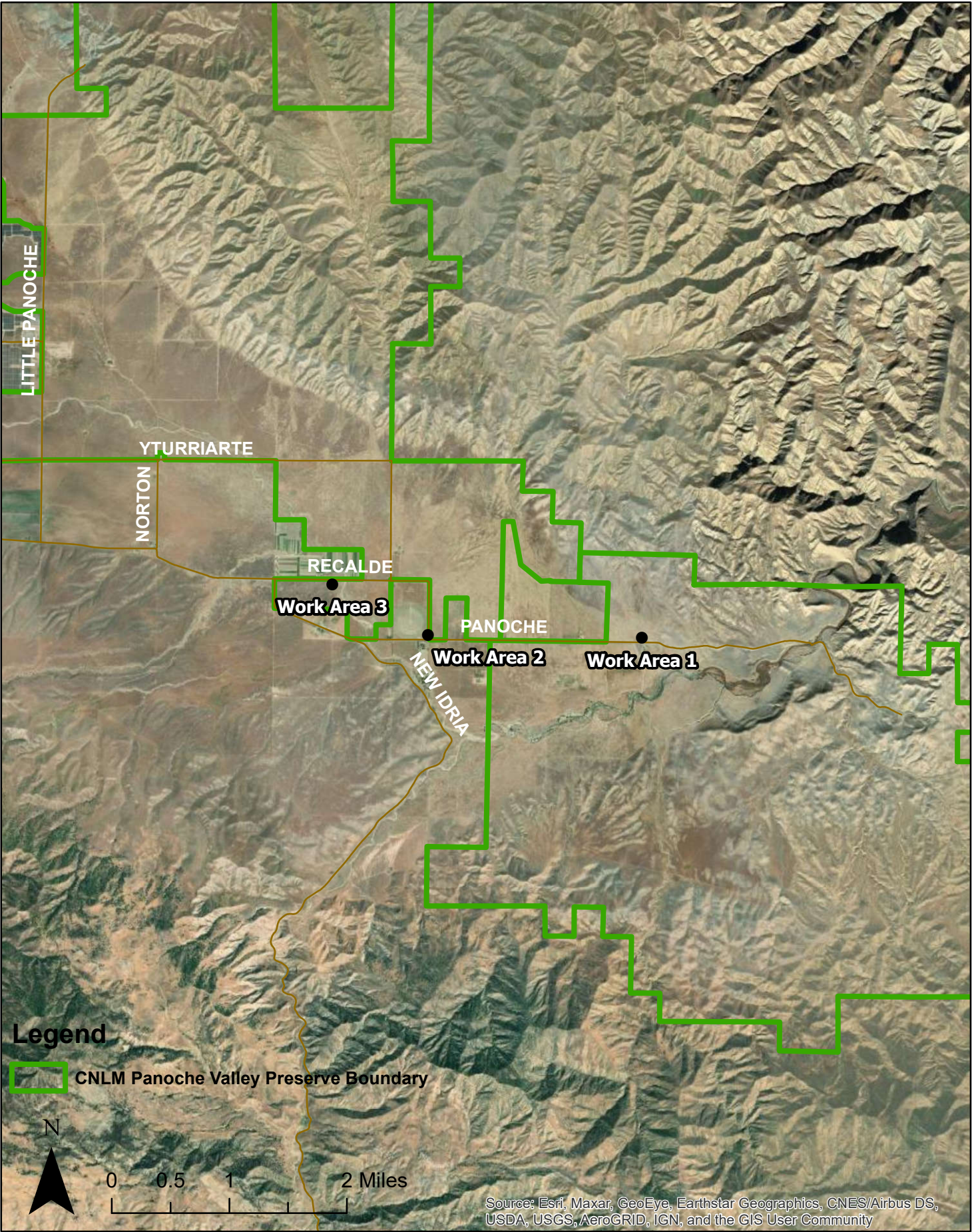


Figure 5. Map of Project Work Areas Within Panoche Valley Preserve



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2022-002-04

PERMITTEE: Pacific Gas and Electric Company

**PROJECT: 30995749 G HPR RBLD - Panoche Rd #2, Paicines
Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 3.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information for approval before starting Covered Activities. The Designated Biologist(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 and Designated Monitor(s) assist the Designated Biologist in compliance monitoring under direction/supervision of the Designated Biologist as specified in advance. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. Permittee shall provide to CDFW the Designated Biologist's experience with collecting, handling, and excavating burrows to minimize mortality of giant kangaroo rat (GKR) and San Joaquin antelope squirrel (SJAS), as well as experience with the eviction and excavation of dens being actively used by San Joaquin kit fox (SJKF), and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 3.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. 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. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 3.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 3.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant, surfactant, soil binders, or stabilizer products. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	ITP Condition # 3.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities in each Work Area or along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that Work Area, at which time they should be removed.	ITP Condition # 3.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope, cord, and fencing until the completion of Covered Activities in that area, at which time they should be removed.	ITP Condition # 3.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Permission for Project Access to Panoche Valley Preserve.</u> Prior to initiating any vegetation- or ground-disturbing Covered Activities within the Panoche Valley Preserve, Permittee shall provide CDFW with proof of notification of the owner (Center for Natural Lands Management, or CNLM) and Conservation Easement grantee to access all Work Areas on the privately-owned and permanently-conserved Panoche Valley Preserve (Figure 5). For the Work Areas within the Panoche Valley Preserve, Permittee shall provide CDFW with proof of easement to its pipeline and associated infrastructure right-of-way prior to any ground-disturbing activities on Panoche Valley Preserve. All activities, including but not limited to, access and vegetation- or ground-disturbance activities on the Panoche Valley Preserve, shall be conducted in accordance with allowable uses as designated in the Conservation Easements for the properties within the Preserve. Any take of Covered Species will not be covered by the ITP if it occurs as a result of a prohibited use as defined in the Conservation Easements for the properties within the Panoche Valley Preserve. Permanent habitat removal shall not occur on Panoche Valley Preserve.	ITP Condition # 3.13	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW and document compliance with all pre-Project Conditions of Approval before beginning Covered Activities.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>GKR Mortality Reduction and Relocation Plan.</u> Permittee shall submit a GKR Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation and relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The GKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate GKR. Once the GKR Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all GKR relocation activities for the duration of the ITP. Any proposed changes to the CDFW-approved GKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed GKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>SJAS Mortality Reduction and Relocation Plan</u> . Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to the start of Covered Activities. Burrow excavation shall not proceed until the plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, detailed description of the burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or some other method); artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility for injured animals. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>SJKF Den Replacement Plan</u> . Permittee shall submit a SJKF Den Replacement Plan to CDFW prior to the start of Covered Activities. Permittee shall replace each potential, known, and active kit fox den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by kit foxes for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved in writing by CDFW's Regional Representative. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.	ITP Condition # 4.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	<u>Record of Covered Species Relocation Efforts</u> . The Designated Biologist shall maintain a record of all GKR and SJAS handled and all documented observations of all Covered Species. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release, if applicable; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released or observed. The Designated Biologist shall prepare a Relocation Summary and include it in the Weekly Compliance Report described in Condition of Approval 4.8. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 4.10 shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	
14	<u>Delineation of Ingress and Egress Routes</u> . Permittee shall flag or otherwise clearly mark all access roads in the field from the primary access roads and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas in the Project Area prior to the start of ground-disturbing activities. Environmentally Sensitive Areas are defined as all areas that warrant special protection and work exclusion zones, as defined in Conditions of Approval 5.19, 5.25, and 5.27. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Permittee shall maintain Environmentally Sensitive Areas in good repair for the duration of the Covered Activities in the Project Area. No Covered Activities shall be allowed within Environmentally Sensitive Areas except per Conditions of Approval 5.20, 5.23, 5.26, 5.28, and 5.29.	ITP Condition # 5.14	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>Vegetation Removal.</u> Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.	ITP Condition # 5.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
17	<u>Pre-Construction Surveys and Reporting.</u> The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species no more than seven (7) calendar days prior to beginning Covered Activities.	ITP Condition # 5.16	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
18	<u>GKR Surveys.</u> The Designated Biologist shall survey the Work Area and a 50-foot buffer to identify, flag, and map all potential GKR burrows, whether they appear active or inactive, no more than seven (7) calendar days prior to beginning Covered Activities in the Project Area. Permittee shall provide the results in a GKR Burrow Map Survey written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, the number of potential GKR burrows and precincts, a discussion and map of the locations of each potential GKR burrow and precinct and the date when GKR relocation will occur as described in Condition of Approval 4.3.	ITP Condition # 5.16.1	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
19	<u>SJAS Surveys.</u> The Designated Biologist shall survey the Work Area and 50 feet beyond the limits of the Work Area to identify and flag all potential burrows used by SJAS no more than seven (7) calendar days prior to beginning Covered Activities in the Project Area. Permittee shall provide the survey results in a written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities. The report shall include, but not be limited to, methodology, date and time of survey, a discussion and map of the locations of each potential SJAS burrow.	ITP Condition # 5.16.2	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
20	<u>SJKF Surveys.</u> The Designated Biologist shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least two (2) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least three (3) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, date, and time of the survey, and the number, a discussion, and map of the locations of each potential, known, and natal SJKF den identified.	ITP Condition # 5.16.3	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<u>Temporary Exclusion Fencing.</u> Permittee shall install trenchless Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area following surveys to flag all potential GKR and SJAS burrows in accordance with Condition of Approval 5.16 and immediately prior to GKR relocation in accordance with Condition of Approval 5.20. Fencing shall only be installed around locations within each Work Area where excavating/trenching will occur and any Staging Area that is not located entirely within an existing roadway. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations prior to installing fencing.	ITP Condition # 5.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
22	<u>Temporary Exclusion Fencing Installation.</u> The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances and dens are avoided (i.e., not covered) by fencing material during fence installation. The Temporary Exclusion Fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Areas. The Designated Biologist shall check the Temporary Exclusion Fence daily and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.	ITP Condition # 5.18	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
23	<u>GKR Burrow Avoidance.</u> The Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied GKR burrows and precincts within and adjacent to the Work Area, identified in the GKR Burrow Map Survey report required by Condition of Approval 5.16.1. If the 50-foot no disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Condition of Approval 5.20 and 5.23.	ITP Condition # 5.19	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
24	<u>GKR Relocation.</u> Any potential GKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 5.19 shall be live trapped for one (1) night by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured GKR to the CDFW approved release site identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.3). The Designated Biologist shall relocate any haystacks, seed caches, and seed stores found with live-trapped GKR with the associated individual GKR by placing those materials at the release location with that individual.	ITP Condition # 5.20	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
25	<u>GKR January 1-August 31 Trapping Constraints.</u> To reduce the amount of time a pregnant or lactating/nursing female may be in a trap, the Designated Biologist shall ensure that all traps set from January 1 through August 31 for the relocation of GKR be set no more than 1 hour prior to sunset and closed no more than 1 hour after sunrise. The Designated Biologist shall check all traps set during this time period when females may be pregnant or lactating/nursing for occupancy at least every 2 hours between sunset and sunrise.	ITP Condition # 5.21	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
26	<u>GKR Weather Constraints for Trapping.</u> Designated Biologist shall close all traps for GKR during the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of precipitation that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist shall close all traps for GKR if the air temperature exceeds 105 degrees Fahrenheit. The Designated Biologist shall place synthetic batting or other appropriate insulating material and additional food in each open trap if the air temperature is predicted to drop below 50 degrees Fahrenheit. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap. The Designated Biologist shall cease trapping if captured animals are found to be lethargic or otherwise are showing signs of a decrease of body temperature.	ITP Condition # 5.22	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	<u>GKR Burrow Excavation</u> . Immediately following completion of live trapping activities conducted to address Condition of Approval 5.20 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or individuals under the direct supervision of the Designated Biologist, shall fully excavate by hand all potential GKR burrows within the Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any GKR encountered during burrow excavation to the CDFW approved release site(s) identified in the GKR Mortality Reduction and Relocation Plan (Condition of Approval 4.3). Haystacks, seed caches, and seed stores found with a GKR during excavation shall be relocated with the associated individual GKR and shall be placed the relocated individual.	ITP Condition # 5.23	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
28	<u>Protection of GKR Food Stores</u> . Where impacts occur that do not warrant relocation of GKR as directed by the GKR Mortality Reduction and Relocation Plan required in Condition of Approval 4.3, Permittee shall leave undisturbed any GKR food stores, including but not limited to, haystacks, seed caches, or other stockpiled forage. If avoidance is not feasible, the Designated Biologist shall implement measures to keep the food stores intact, including temporary relocation of the food stores (only during daytime; seeds must be returned to original location prior to sunset), cover the seeds with plywood to allow temporary vehicle or foot-traffic access, or implement other measures developed in consultation with CDFW.	ITP Condition # 5.24	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
29	<u>SJAS Burrow Avoidance</u> . The Designated Biologist shall establish a no disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within and adjacent to the Work Areas, identified in the survey report required by Condition of Approval 5.16.2. If the 50-foot no disturbance buffer cannot be established, burrow excavation shall occur in accordance with Conditions of Approval 5.26.	ITP Condition # 5.25	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
30	<u>SJAS Burrow Excavation</u> . Immediately following completion of GKR Relocation activities conducted to address Condition of Approval 5.18 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 4.4) by the Designated Biologist. Any dormant, lactating/nursing female, and/or dependent juvenile Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.	ITP Condition # 5.26	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<p><u>SJKF Den Avoidance.</u> Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation/trench area) or their location poses a risk of direct harm to SJKF individuals. Dens in areas of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Project Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no disturbance buffer of at least 500 feet. Permittee shall notify the United States Fish and Wildlife Service (USFWS) and CDFW's Regional Representative immediately via telephone and email if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to the Project Area. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.</p>	ITP Condition # 5.27	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
32	<p><u>SJKF Den Replacement.</u> Permittee shall replace each known and natal SJKF den that cannot be avoided as per Condition of Approval 5.27, with an artificial den. Permittee shall install one artificial kit fox den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 100 meters of the collapsed den, the Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100 meter radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Installation of artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (Condition of Approval 5.29) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved SJKF Den Replacement Plan required in Condition of Approval 4.5.</p>	ITP Condition # 5.28	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<p><u>SJKF Den Excavation</u>. The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 5.27 only after the Designated Biologist has determined that SJKF is not currently present after two (2) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Project Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction.</p>	ITP Condition # 5.29	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
34	<p><u>Habitat Management Land Acquisition</u>: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result 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.</p> <p>To meet this requirement, the Permittee shall provide for both the permanent protection and management of 0.205 acre of Habitat Management (HM) lands pursuant to Condition of Approval 6.2 and the calculation and deposit of the management funds pursuant to Condition of Approval 6.3.</p> <p>CDFW has conceptually approved to the appropriateness of 0.205 acre of HM lands on a portion of a 40-acre parcel (hereafter "mitigation parcel") owned in fee by the Permittee in the Panoche Valley, San Benito County (Assessor's Parcel Number 027-360-008) as suitable to meet the HM lands requirement of the ITP. The mitigation parcel consists of 40 acres of good quality, functionally suitable habitat for the Covered Species and is surrounded by the permanently conserved Panoche Valley Preserve, set aside as HM lands by ITP No. 2081-2014-035-04 (Panoche Valley Solar Project). Permittee previously proposed and was approved to conserve 8 acres of the 40-acre mitigation parcel to meet HM Lands requirements of ITP No. 2081-2011-071-04 (2011 Hydrotest Project), 0.6 acre to meet HM Lands requirements of ITP No. 2081-2017-005-04 (ID-71 Project), and 2 acres to meet HM Lands requirements of ITP No. 2081-2019-020-04 (ID-78/Spans 24 and 27, L-300 Project). Combined, these lands will be preserved under one conservation easement and managed under one long-term management plan. In addition to serving as Project-level mitigation for the ITP and the three mentioned above, the remaining 29.195 acres of the 40-acre parcel is intended to meet future mitigation obligations related to Permittee's future projects in the Panoche Valley. Prior to final approval of the HM lands, CDFW shall review the information submitted as described in Condition of Approval 6.2.3.</p> <p>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 the ITP if Security is provided pursuant to Condition of Approval 7 for all uncompleted obligations.</p>	ITP Condition # 6	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<p><u>Cost Estimates.</u> 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 as follows:</p> <ul style="list-style-type: none"> i) Land acquisition costs for HM lands identified in Condition of Approval 6.3, estimated at \$7461.50/acre for 0.205 acre: \$1,529.61. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements; ii) All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 6.3.1 and 6.3.2: \$10,111.66; iii) Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 6.3.5, estimated at \$5,747.43; iv) Interim management period funding as described in Condition of Approval 6.3.6, estimated at \$27,105.21; v) Long-term management funding as described in Condition of Approval 6.4, estimated at \$165,409.43/acre for 0.205 acre: \$33,908.93. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; and vi) 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 6.5, estimated at \$12,000.00. 	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
36	<p><u>Fee Title.</u> 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>	ITP Condition # 6.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
37	<p><u>Conservation Easement.</u> 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>	ITP Condition # 6.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
38	<p><u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least 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.</p>	ITP Condition # 6.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
39	<p><u>HM Lands Documentation.</u> 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>	ITP Condition # 6.2.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
40	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. 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.	ITP Condition # 6.2.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
41	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see 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.	ITP Condition # 6.2.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
42	<u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management, and biological surveys. 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.	ITP Condition # 6.2.7	Before commencing ground- or vegetation-disturbing activities	Permittee	
43	<u>Endowment Fund</u> . 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 ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that 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 the ITP, the conservation easement, and the management plan required by Condition of Approval 6.2.6. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>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).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) 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>	ITP Condition # 6.3.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
45	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare 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.</p>	ITP Condition # 6.3.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
46	<p><u>Capitalization Rate and Fees.</u> 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>	ITP Condition # 6.3.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
47	<p><u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <ul style="list-style-type: none"> • <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Condition # 6.3.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
48	<p><u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	ITP Condition # 6.3.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
49	<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p><u>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</u></p> <p>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>	ITP Condition # 6.3.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
50	<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	<p><u>Security</u>: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 6 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> • <u>Security Amount</u>. The Security shall be in the amount of \$90,402.84 or in the amount identified in Condition of Approval 6.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 6.1, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. • <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. • <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first. • <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • <u>Security Transmittal</u>. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. • <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP. • <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has received confirmation that all secured requirements have been satisfied <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee 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 # 7	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<u>Designated Biologist/Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist and/or Designated Monitor shall immediately stop any activity that does not comply with the 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 and/or Designated Monitor in the performance of his/her duties. If the Designated Biologist and/or Designated Monitor is unable to comply with the ITP, then the Designated Biologist and/or Designated Monitor 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, Designated Biologist(s), and/or Designated Monitor(s) 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 the ITP.	ITP Condition # 3.3	Entire Project	Designated Biologist	
53	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 3.5	Entire Project	Designated Biologist	
54	<u>Erosion Control Materials.</u> Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as plastic monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. Permittee shall deploy erosion control mats, blankets, or coir rolls consisting of only natural-fiber, biodegradable materials.	ITP Condition # 3.8	Entire Project	Permittee	
55	<u>Dogs.</u> Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 3.9	Entire Project	Permittee	
56	<u>Wildfire Avoidance.</u> Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 3.4.	ITP Condition # 3.10	Entire Project	Permittee	
57	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes, routes identified in the Project Description, or routes where Permittee has permission to access and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour during daylight hours (sunrise to sunset) and 10 miles per hour during nighttime hours to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 3.14	Entire Project	Permittee	
58	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 3.14 of the ITP.	ITP Condition # 3.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
59	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 3.16	Entire Project	Permittee	
60	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 3.17	Entire Project	Permittee	
61	<u>Rodenticide Use</u> . Permittee shall prohibit the use of rodenticides in the Project Area.	ITP Condition # 3.18	Entire Project	Permittee	
62	<u>Notification of Non-compliance</u> . The Designated Representative or the Designated Biologist shall immediately notify CDFW via email if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 4.2	Entire Project	Permittee	
63	<p><u>Compliance Monitoring</u>. The Designated Biologist shall be on-site for the duration of the day when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:</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 the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct daily compliance inspections during active construction. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity.</p>	ITP Condition # 4.6	Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
64	<u>Weekly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 4.6 and 4.7 into a Weekly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Weekly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project within each Work Area, both for the prior week, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the each Work Area during the coming week, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous week; and the activities authorized under the Covered Activities which occurred during the previous week. Weekly Compliance Reports shall be submitted via email to CDFW's Regional Representative, Regional CESA Program, and Headquarters CESA Program no later than the first Monday following commencement of Covered Activities and each Monday thereafter. At the time of the ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), Regional CESA Program email is R4CESA@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.	ITP Condition # 4.8	Entire Project	Permittee	
65	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 7 calendar days of the observation and the Designated Biologist shall include copies of the online submittal forms with the next Weekly Compliance Report.	ITP Condition # 4.9	Entire Project	Designated Biologist	
66	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 4.11	Entire Project	Permittee	
67	<u>Designated Biologist On Site.</u> The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.	ITP Condition # 5.1	Entire Project	Designated Biologist	
68	<u>Work Hours.</u> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours associated with emergency response or security shall be conducted with extra caution to minimize impacts to nocturnal species.	ITP Condition # 5.2	Entire Project	Permittee	
69	<u>Lighting.</u> Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.	ITP Condition # 5.3	Entire Project	Permittee	
70	<u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows or dens, except within designated staging areas for which burrows and/or dens have been excavated per Conditions of Approval 5.23, 5.26, and 5.29.	ITP Condition # 5.5	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
71	<u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 5.6	Entire Project	Permittee	
72	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Work Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4.	ITP Condition # 5.7	Entire Project	Permittee	
73	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 5.8	Entire Project	Permittee	
74	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any "Waters of the State", in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 5.9	Entire Project	Permittee	
75	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, if a GKR or SJAS is inside the fenced Work Area, the Designated Biologist shall move the GKR or SJAS out of harm's way outside of the Project Area and in compliance with the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4.	ITP Condition # 5.10	Entire Project	Permittee	
76	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within each Work Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The Designated Biologist and/or Designated Monitor shall ensure that the outer two feet of excavation cover conforms to solid ground so that gaps do not occur between the cover and the ground and is secured with soil staples or similar means to prevent gaps. The Designated Biologist and/or Designated Monitor shall thoroughly inspect trenches, holes, sumps, or other excavations for Covered Species each morning, end of each day (including weekends and any other non-work days unless temporary exclusion fencing completely surrounds the excavation area), and immediately before they are back filled. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist shall capture and relocate the GKR and SJAS as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4.	ITP Condition # 5.11	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
77	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, hoses, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 5.12	Entire Project	Permittee	
78	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. Permittee shall cease all work in the vicinity of the Covered Species which could harm the animal until the Covered Species moves from the Project Area of its own accord, or a GKR or SJAS is moved by the Designated Biologist as per the approved GKR and SJAS Mortality Reduction and Relocation Plans required in Conditions of Approval 4.3 and 4.4.	ITP Condition # 5.13	Entire Project	Permittee	
79	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and email followed by a written incident report as described in Condition of Approval 4.11. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 5.30	Entire Project	Permittee	
POST-CONSTRUCTION					
80	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 3.18	Post-construction	Permittee	
81	<u>Final Mitigation Report.</u> No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report as described in Condition of Approval 4.8. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Weekly Compliance Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 4.10	Post-construction	Permittee	
82	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 4.10	Post-construction	CDFW	

Name of Biologist & Contact Information

Education: (include year graduated)

Training/Workshops: (be prepared to provide copies of certificates upon request; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Certifications: (please provide any copies of a CDFW Scientific Collecting Permit, MOU, or USFWS 10(a)(1)(A) permit; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Species Name #1: (Example: San Joaquin Antelope Squirrel)

Project Name #1: (list the information below for all projects (separately) where biologist worked with this species; projects may be listed more than once under each separate species and please only include projects on the resume that demonstrate experience with the Covered Species in the ITP)

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2:

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3: ...

Species Name #2: (Example: San Joaquin Kit Fox)

Project Name #1: (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles (if applicable)

Dens observed (list all potential, known, and/or natal):

Dens excavated (list all potential, known, and/or natal):

Project Name #2:

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles (if applicable)

Dens observed (list all potential, known, and/or natal):

Dens excavated (list all potential, known, and/or natal):

Project Name #3: ...

Species Name #3: (Example: Giant Kangaroo Rat)

Project Name #1: (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #3: ...

Include any other relevant information to the Covered Species or implementation of Conditions of Approval in the ITP

[Financial institution letterhead]

IRREVOCABLE STANDBY LETTER OF CREDIT
NO. **[number issued by financial institution]**

Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
Post Office Box 944209
Sacramento, CA 94244-2090
Attn: HCPB Contract Coordinator

Amount: U.S. \$**[dollar number]** **[(dollar amount)]**

Expiry: **[Date]** at our counters

Dear Sirs:

1. At the request and on the instruction of our customer, **[name of applicant]** ("Applicant"), we, **[name of financial institution]** ("Issuer"), hereby establish in favor of the beneficiary, the California Department of Fish and Wildlife ("CDFW"), this irrevocable standby letter of credit ("Credit") in the principal sum of U.S. \$**[dollar number]** **[(dollar amount)]** ("Principal Sum").
2. We are informed this Credit is and has been established for the benefit of CDFW pursuant to the terms of the incidental take permit for the **[name of project]** issued by CDFW to the Applicant on **[date]** (No. **[number]**) ("Permit").
3. We are further informed that pursuant to the Permit, the Applicant has agreed to complete certain mitigation requirements, as set forth in conditions **[numbers]** in the Permit ("Mitigation Requirements").
4. We are finally informed that this Credit is intended by CDFW and the Applicant to serve as a security device for the performance by the Applicant of the Mitigation Requirements.
5. CDFW shall be entitled to draw upon this Credit only by presentation of a duly executed Certificate for Drawing ("Certificate") in the same form as Attachment A,

which is attached hereto, at our office located at [***name and address of financial institution***].

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation/Reduction, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Chief of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat

Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.
17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[***Name of financial institution***]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in paragraph 12 of the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

1. **[Insert one of the following statements:** "In the opinion of CDFW, the Applicant has failed to complete the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "As set forth in paragraph 13, the Issuer has informed CDFW that the Credit will not be extended and the Applicant has not provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. The undersigned is authorized under the terms of the Credit to present this Certificate as the sole means of demanding payment on the Credit.
3. CDFW is therefore making a drawing under the Credit in amount of U.S. \$_____.
4. The amount demanded does not exceed the Principal Sum of the Credit.

Therefore, CDFW has executed and delivered this certificate as of this ____ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[Insert one of the following: "Director" **or** "General Counsel" **or** "Regional Manager, [Name of Regional Office]" **or** "Chief, Habitat Conservation Planning Branch"]

ATTACHMENT B

CERTIFICATE FOR CANCELLATION/REDUCTION

[**CDFW Letterhead**]

[**Date**]

[**Name and address of financial institution**]

Re: Irrevocable Standby Letter of Credit No. [**number issued by financial institution**]

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife ("CDFW"), as defined in the paragraph 12 in the above-referenced Irrevocable Standby Letter of Credit ("Credit"), hereby certifies to the Issuer that:

1. [**Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has presented documentary evidence of compliance with the following Mitigation Requirement[(s)] referenced in paragraph 3 of the Credit: [**insert brief description of requirement(s) or requirement number(s) completed**]." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. [**Insert one of the following statements:** "CDFW therefore requests the cancellation of the Credit." **or** "CDFW therefore requests a reduction in the Principal Sum in the amount of \$_____, thereby making the new Principal Sum \$_____."]

Therefore, CDFW has executed and delivered this certificate as of this ____ day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

[**Insert one of the following:** "Director" **or** "General Counsel" **or** "Regional Manager, [**Name of Regional Office**]" **or** "Chief, Habitat Conservation Planning Branch"]

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