



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



March 21, 2022

Michael Knoop and Michelle Wright
c/o Studio Schicketanz – Jay Auburn
Post Office Box 2704
Carmel, California 93921

Subject: Incidental Take Permit for Knoop Residence Project (2081-2020-033-04)

Dear Mr. Knoop and Ms. Wright:

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 Kristie Stein, Environmental Scientist, at kristie.stein@wildlife.ca.gov.

Sincerely,

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

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

Enclosure



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

California Endangered Species Act
Incidental Take Permit No. 2081-2020-033-04

KNOOP RESIDENCE PROJECT

I. Authority:

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

Permittees:	Michael Knoop and Michelle Wright
Principal Officer:	Michael Knoop and Michelle Wright, Landowner c/o Studio Schicketanz – Jay Auburn
Contact Person:	Josh Harwayne, (831) 373-4341
Mailing Address:	Post Office Box 2704 Carmel, California 93921

II. Effective Date and Expiration Date of this ITP:

This ITP shall become effective when signed and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **December 31, 2032**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittees' obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittees' Final Mitigation Report required by Condition of Approval 6.11 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 Knoop Residence Project (Project) is located within the Monterey County Parcels 187-021-040 and 187-021-041 on the northern foothills of Carmel Valley, within Monterey County (Figures 1 and 2). The project also includes driveway improvements which are partially on adjacent parcels 187-021-028 and 187-021-013, owned by the Roger and Jane Consani Trust and Insite Towers Development, LLC., respectively. The Project is located approximately 1.6 miles northeast of the intersection of West Carmel Valley Road and Country Club Drive at approximately 36.507981, -121.724689. All construction activities, including staging, access, and storage of construction materials, will occur within the 4.99-acre project site (Figure 3). The permanent footprint of the residence and driveway is 2.39 acres, and an additional 2.60 acres of the site will be temporarily impacted during construction.

IV. Project Description:

The Project includes the development of 2.39 acres of undeveloped land into a two-story single-family residence, associated structures, hardscape elements, and supporting utilities expansions, driveway improvements, and a solar array. The project consists of the construction of a two-story 3,515-square foot (sf) single family residence with a 590-sf detached underground guest suite, a 720-sf underground garage, utility room, an equipment room, retaining walls and patios, and guest parking (Figure 3).

The proposed main residence will be situated on the flattest portion of a knoll which generally has a northwest- southeast orientation. The 2,400-sf main level will be above grade while the 1,115-sf lower level will be built into the hillside below grade. Grading will consist of approximately 4,660 cubic yards of cut and 1,760 cubic yards to fill. The areas surrounding the structures, patios and terraces, and driveway will be stabilized with long-term erosion control measures that may include slope stabilization (e.g., retaining walls), drainage improvements, and revegetation.

Development of the Project will include underground installation of two 5,000-gallon approximately 10-feet (ft) in diameter by 9-ft in height water tanks as well as a 2,500-gallon approximately 13-ft long by 8.5-ft wide by 4.5-ft high septic tank draining to two 12-90-ft long by 18-inches wide by 5- or 7-ft-high leach fields. The leach fields will not be deeper than 10-ft. The project will also include utility expansions and improvements. A 1,266-ft ground-mounted solar array system will be installed southwest of the main residence. Development activities will also involve improvements to a 7,730 linear ft of an existing dirt driveway which provides access from Country Club Drive to the residence. Driveway improvements include widening it to a width of 12 ft and constructing a pull-out and turnarounds where required by the

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Monterey County Regional Fire District, paving the road, installing a road gate, and installing at least one culvert.

Vegetation removal is a component of grading and will be completed by scraping with a bulldozer and scraper. Equipment used for grading will include a bulldozer, excavator, compactor/roller, dump truck, and bobcat with sweep, bucket, and drill attachments. Equipment used for landscaping and mowing will include those listed above in addition to a small crane, forklift, and large ride-along mower. Equipment used for paving will include the equipment identified above in addition to a grader and an asphalt paver. Equipment used during construction include those listed above as well as medium to large passenger trucks and equipment delivery trucks. All the equipment identified above will be diesel- and/or gas-powered.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status³</u>
1. California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ⁴

This species and only this species is 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 earthwork; grading; cut and fill (leveling); installation of utilities and leach fields; concrete paving; landscaping; construction of buildings; asphalt paving driveway improvements; operation of heavy equipment; ground compaction; stockpiling and deposit of soils; material and equipment transport and laydown; trenching and backfilling; and revegetation and invasive species control activities (collectively, the 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 vehicle/equipment strikes during site preparation and hauling of materials and spoils; collapse or excavation of occupied burrows that results in crushing or suffocation of underground individuals during vegetation removal, grubbing, cut/fill, grading, compaction, and trenching; entombment of individuals from deposition of

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

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

stockpiled material or spoils over occupied burrows and during vegetation removal, top soil, or soil compaction, grading activities, and development of the driveway, structure building pads, and other surface infrastructure; entrapment and burial within trenches for utilities, open pipelines, or uncovered excavations; crushing by equipment; and vehicle strikes on access roads due to Project-related traffic. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so through the capture or entrapment in holes or trenches, by uncovering through the excavation of burrow systems, by corralling into a confined area when barrier fencing is constructed around the Project Area, and when individuals are relocated out of harm's way as required by this ITP.

The Project is expected to cause permanent loss of 2.39 acres of the upland habitat for the Covered Species, and temporary loss of 2.60 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire 4.99 acre 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 Permittees, 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

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noise and vibration generating activities that may/will cause take. CDFW's issuance of this ITP and Permittees' authorization to take the Covered Species are subject to Permittees' compliance with and implementation of the following Conditions of Approval:

1. **Legal Compliance:** Permittees shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittees shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration (SCH No.: 2021040254) adopted by Monterey County on May 2021 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **ESA Compliance:** Permittees shall implement and adhere to the terms and conditions related to the Covered Species in the Knoop Residence Project Low-Effect Habitat Conservation Plan (HCP) and take authorization issued for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
4. **ITP Time Frame Compliance:** Permittees shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
5. **General Provisions:**
 - 5.1. Designated Representative. Before starting Covered Activities, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittees shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 5.2. Designated Biologist(s) and Designated Monitor(s). Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Permittees shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and

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experienced in the biology, natural history, collection and handling of the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval and may assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. Permittees 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) must be changed.

- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittees shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittees shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Education Program.** Permittees 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. Permittees 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. Permittees shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area.

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

- 5.5.** Construction Monitoring Documentation. The Designated Biologist 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. Permittees shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 5.6.** Trash Abatement. Permittees shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittees shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7.** Dust Control. Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittees shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.8.** Erosion Control Materials. Permittees shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9.** Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.10.** Delineation of Habitat. Permittees 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.

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- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine 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.
- 5.12. Staging Areas.** Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. Hazardous Waste.** Permittees 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. Permittees shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access.** Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees' control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittees 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.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement.** The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document

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compliance with all pre-Project Conditions of Approval before starting Covered Activities.

- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittees is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. Covered Species Mortality Reduction and Relocation Plan.** At least 30 days prior to initiating Covered Activities, the Designated Biologist shall prepare, and submit to CDFW for written approval, a *Covered Species Mortality Reduction and Relocation Plan*. The *Covered Species Mortality Reduction and Relocation Plan* shall include, but not be limited to, a discussion (and map) of the Project Area boundary including the location of known or potential breeding habitat within 562 meters of the Project Area and the area within 562 meters of known or potential breeding habitat for the Covered Species; identification of survey, burrow/crevice excavation technique(s), capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken.

The *Covered Species Mortality Reduction and Relocation Plan* must indicate that only the approved Designated Biologist and Designated Monitors under the direct supervision of the Designated Biologist approved in writing by CDFW is/are authorized to capture, handle, and relocate individuals of the Covered Species. Once the *Covered Species Mortality Reduction and Relocation Plan* is approved by CDFW, it shall be used for all Covered Species relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed *Covered Species Mortality Reduction and Relocation Plan* modifications.

- 6.4. Landscaping Plan.** At least 30 days prior to initiating Covered Activities, Permittees shall submit a *Landscaping Plan* to CDFW for review and approval. The Plan shall include detailed specifications for all landscaping activities, such as species composition of seed mixes, seed application methods, plant palettes, planting substrates (e.g., weed free straw or mulch), and sources of landscaping materials. The Plan shall include a list of species that will be used in landscaping and shall limit landscaping to plant species that are non-invasive and not identified in the

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California Invasive Plant Council Inventory
(<https://www.calipc.org/plants/inventory/>).

- 6.5. Invasive Species Control Plan.** At least 30 days prior to initiating Covered Activities, Permittees shall submit an *Invasive Species Control Plan* to CDFW for review and approval. The plan shall include detailed methods to be implemented to ensure that all invasive exotic species disturbed by the Project are removed from the Project Area in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area.
- 6.6. Habitat Restoration Plan.** Within three months of issuance of this ITP, the Permittees shall prepare a *Habitat Restoration Plan* to facilitate revegetation of the 2.60 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.
- 6.7. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a month during periods of inactivity and after clearing, grubbing, and grading are completed. 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.

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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.

- 6.8. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.7 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. No later than the 15th day of the month it is due, monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kristie Stein, CDFW Regional Office 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 Permittees in writing of the new reporting schedule.
- 6.9. Annual Status Report.** Permittees shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of any construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if

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applicable; (10) the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and (11) the proposed construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.

- 6.10. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.11. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.12. Notification of Take or Injury.** Permittees shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittees 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.

- 7. Take Minimization Measures:** The following requirements are intended to ensure the minimization of incidental take of Covered Species in the Project Area during Covered

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Activities. Permittees shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Pre-Activity Clearance Surveys and Reporting.** No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species and small mammal burrows. These surveys shall provide 100 percent visual coverage of the Project Area and a 50-ft buffer zone. If individuals of the Covered Species are found during surveys, the Designated Biologist shall relocate them from the Project Area in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 6.3). The Permittees shall provide the survey results to CDFW in a written report no more than 14 calendar days prior to the beginning of Covered Activities.
- 7.2. Flag Burrows.** During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-ft buffer zone, which are within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters (1,844 ft) of known or potential breeding habitat and which cannot be avoided by 50 ft shall be fully excavated in accordance with Condition of Approval 7.3 below.
- 7.3. Small Mammal Burrow Excavation.** Prior to any vegetation- or ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2 above, and within 562 meters (1,844 ft) of known or potential Covered Species breeding habitat and that cannot be avoided by 50 ft, shall be fully excavated under the direct supervision of the Designated Biologist in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* (Condition of Approval 6.3). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 ft of the Project Area except that burrows outside of the Permittees' access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan*. Excavation shall occur no more than 14 calendar days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1 above.
- 7.4. Covered Species Exclusion Fencing.** If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittees shall install temporary

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exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. The Covered Species exclusion fencing shall be installed in accordance with a *Covered Species Exclusion Plan* reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours **after** small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist in accordance with Condition of Approval 7.3 above to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. Permittees shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters (1844 ft) of known or potential Covered Species breeding habitat cannot be avoided by a 50-ft no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3 above prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan*.

- 7.5.** Covered Species Exclusion Fence Installation. The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain for the duration of Covered Activities. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area.
- 7.6.** Delineation of Ingress and Egress Routes. Permittees shall flag all access roads in the field from the paved road, and Permittees shall limit vehicle ingress and egress to these designated ingress and egress routes.
- 7.7.** Covered Species Observations. During all Covered Activities, all workers shall inform the Designated Biologist if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered

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Species following the CDFW-approved *Covered Species Mortality Reduction and Relocation Plan* specified in Condition of Approval 6.3 above.

- 7.8.** Covered Species Record of Observations and Handling. All records of Covered Species captures, relocations, and observations by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.12 above. Permittees shall also submit this information to the CNDDDB as per Condition of Approval 6.10. This information should also be included in the Monthly Compliance and Annual Status Reports.
- 7.9.** Covered Species Injury. If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.3, Permittees shall identify the facility prior to the start of Covered Activities. Permittees shall bear any costs associated with the care or treatment of such injured Covered Species. Permittees shall notify CDFW of the injury to the Covered Species within 24 hours. Notification to CDFW shall be via telephone and e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident, and the name of the facility treating the animal. Covered Species observations should also be reported in accordance with Conditions of Approval 6.10, 6.12, and 7.8 above.
- 7.10.** Open Excavations. Permittees shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittees shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.
- 7.10.1.** Covers. Permittees shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.

- 7.10.1.1.** From the time all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the spring or summer through October 14 or the first fall rains, whichever occurs first, and provided that the National Weather Service forecast is less than a 50 percent chance of precipitation at the Project Area within 72 hours, Permittees may elect to install escape ramps instead of covering excavations that are less than six ft deep. Escape ramps shall be of native soil or non-slip planks no less than ten inches wide.
- 7.10.1.2.** From the first fall rains or October 15 until all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the following spring or summer, and any additional time when the National Weather Service forecast is a minimum 50 percent chance of precipitation at the Project Area within 72 hours, Permittees shall cover steep-walled excavations between six inches and six ft deep, or construct earthen ramps at minimum 100-ft intervals and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, Permittees shall construct earthen ramps on both sides of the trench at the minimum 100-ft interval to facilitate Covered Species movement in both directions. If Permittees elect to cover an excavation, Permittees shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them, or treated as discussed in the following paragraph for excavations that are greater than six ft deep. If Permittees elect to leave excavations uncovered overnight within 1.3 miles of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found by no later than one hour after sunrise in accordance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.3 above.
- 7.10.1.3.** For excavations greater than six ft deep at all times of the year, two ft of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered

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Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with rebar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges.

7.10.1.4. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, Permittees shall request and obtain CDFW's written concurrence prior to implementing the alternative.

- 7.11. Materials Inspection.** Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of one inch or greater that are stored for one or more overnight periods 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 allow the animal to safely escape that section of the structure before moving and utilizing the structure.
- 7.12. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved *Covered Species Mortality Reduction and Relocation Plan* required in Condition of Approval 6.3 above.
- 7.13. Precipitation.** The Designated Biologist and Permittees shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittees shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of

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Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.3 and 7.4 above.

- 7.14. Night Work.** Permittees shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.
- 7.15. Soil Stockpiles.** Permittees shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittees shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above.
- 7.16. Curbs, Berms, and/or Dikes.** Permittees shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittees shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 ft to allow Covered Species passage.
- 7.17. Herbicide Use.** Permittees shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittees shall only apply herbicide sprays via ground application when wind speed measures less than three miles per hour. Permittees shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.
- 7.18. Fieldwork Code of Practice.** To ensure that the Designated Biologist does not convey disease, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

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8. Habitat Management Land Acquisition and Restoration:

In April 2020, the Covered Species was observed breeding within a pond located approximately 50 meters from the Project Area boundary. Additionally, there are 11 potential breeding ponds within 2 kilometers of the Project Area. Habitat within the Project Area includes native grassland, non-native grassland, ruderal, and scrub, and Covered Species may use these areas for dispersal and/or refuge.

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

To meet this requirement, the Permittees shall purchase 10.03 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.1). Purchase of Covered Species upland habitat credits must be complete before starting Covered Activities.

- 8.1. Covered Species Credits. Permittees shall purchase 10.03 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities.
- 8.2. Credit Transfer Agreement. Permittees shall submit to CDFW a copy of the executed Credit Transfer Agreement prior to Project activities.
- 8.3. Habitat Restoration. Permittees shall restore the 2.60 on-site acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved *Habitat Restoration Plan* as required by Condition of Approval 6.6. Permittees shall ensure that the *Habitat Restoration Plan* is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.

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 Permittees 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

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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:

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

XI. Liability:

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

XII. Compliance with Other Laws:

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

XIII. Notices:

The Permittees 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 Permittees 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, California 94244-2090

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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 Permittees. Notices, reports, and other communications shall reference the Project name, Permittees, and ITP Number (2081-2020-033-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Kristie Stein
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 578-0409
Kristie.Stein@wildlife.ca.gov

XIV. Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Monterey County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Knoop Michael & Michelle Mitigated Negative Declaration, (SCH No.: 2021040254) dated April 2021 that Monterey County adopted for the Knoop Residence Project on May 2021. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also

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adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 10.03 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements

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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 Permittees' 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) Permittees have 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 Permittees as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1	Map of Project Vicinity
FIGURE 2	Map of Project Location
FIGURE 3	Site Plan
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice

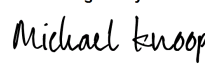
ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 3/22/2022

DocuSigned by:

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Julie A. Vance, Regional Manager
Central Region

ACKNOWLEDGMENT

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

DocuSigned by:

0B021D789B7C4A3...
By: _____ Date: 3/28/2022

Printed Name: Mike Knoop Title: Owner

DocuSigned by:

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By: _____ Date: 4/6/2022

Printed Name: Michelle Knoop Title: Owner

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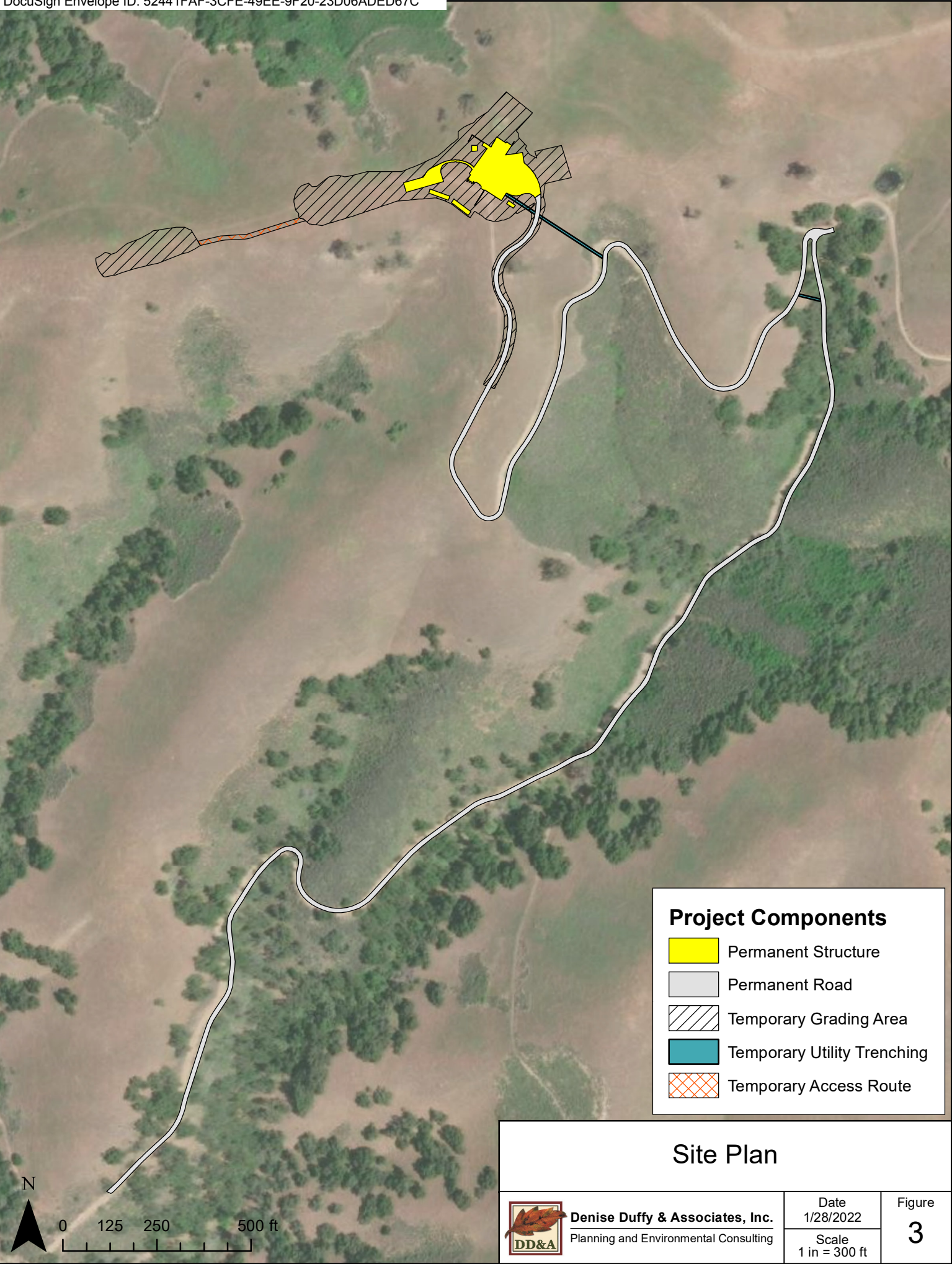
Project Location Map



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Date 1/28/2022
Scale 1 in = 2,000 ft

Figure
2



Denise Duffy & Associates, Inc.
Planning and Environmental Consulting

Date
1/28/2022
Scale
1 in = 300 ft

Figure
3

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2020-033-04

PERMITTEES: Michael Knoop and Michelle Wright

PROJECT: Knoop Residence Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEES

Mitigation measures must be implemented within the time periods indicated in the table that appears below. Permittees have 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 Permittees 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, Permittees shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittees shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
2	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittees shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Permittees shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the biology, natural history, collection and handling of the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Designated Monitor responsibilities will be restricted to a specific set of Conditions of Approval and may assist the Designated Biologist in compliance monitoring under direction of the Designated Biologist. Permittees 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) must be changed.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
3	<u>Education Program</u> . Permittees 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. Permittees 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. Permittees shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
4	<u>Trash Abatement</u> . Permittees shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittees shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Dust Control</u> . Permittees shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittees shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
6	<u>Delineation of Property Boundaries</u> . Before starting Covered Activities along each part of the route in active construction, Permittees shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittees shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittees shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittees	
7	<u>Delineation of Habitat</u> . Permittees shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities	Permittees	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittees	
9	<p><u>Covered Species Mortality Reduction and Relocation Plan</u>. At least 30 days prior to initiating Covered Activities, the Designated Biologist shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, a discussion (and map) of the Project Area boundary including the location of known or potential breeding habitat within 562 meters of the Project Area and the area within 562 meters of known or potential breeding habitat for the Covered Species; identification of survey, burrow/crevice excavation technique(s), capture, handling, and relocation methods; identification of relocation areas; and identification of a wildlife rehabilitation center or veterinary facility, where injured individuals of the Covered Species will be taken.</p> <p>The Covered Species Mortality Reduction and Relocation Plan must indicate that only the approved Designated Biologist and Designated Monitors under the direct supervision of the Designated Biologist approved in writing by CDFW is/are authorized to capture, handle, and relocate individuals of the Covered Species. Once the Covered Species Mortality Reduction and Relocation Plan is approved by CDFW, it shall be used for all Covered Species relocation activities for the duration of this ITP. Any proposed changes to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Covered Species Mortality Reduction and Relocation Plan modifications.</p>	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities	Permittees	
10	<u>Landscaping Plan</u> . At least 30 days prior to initiating Covered Activities, Permittees shall submit a Landscaping Plan to CDFW for review and approval. The Plan shall include detailed specifications for all landscaping activities, such as species composition of seed mixes, seed application methods, plant palettes, planting substrates (e.g., weed free straw or mulch), and sources of landscaping materials. The Plan shall include a list of species that will be used in landscaping and shall limit landscaping to plant species that are non-invasive and not identified in the California Invasive Plant Council Inventory (https://www.calipc.org/plants/inventory/).	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Invasive Species Control Plan</u> . At least 30 days prior to initiating Covered Activities, Permittees shall submit an Invasive Species Control Plan to CDFW for review and approval. The plan shall include detailed methods to be implemented to ensure that all invasive exotic species disturbed by the Project are removed from the Project Area in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities	Permittees	
12	<u>Habitat Restoration Plan</u> . Within three months of issuance of this ITP, the Permittees shall prepare a Habitat Restoration Plan to facilitate revegetation of the 2.60 acres of temporary construction disturbance on-site and shall submit the Plan to CDFW for written approval. At a minimum, the plan shall include the following information: (1) an aerial map that identifies the location of the areas to be revegetated; (2) a description of the existing physical and biological conditions of the areas prior to commencement of any restoration or enhancement activities; (3) a plan for initial removal of nonnative plant species, trash, and debris; (4) a California native plant palette and seed sources; (5) a planting plan, including seed application method; (6) procedures to ensure that nonnative plants are not introduced or allowed to sustain within the revegetation areas and an annual nonnative removal plan; (7) monitoring and maintenance measures and a timeline; and (8) success standards and contingency measures if the first application is unsuccessful.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities OR within three (3) months of ITP issuance	Permittees	
13	<u>Pre-Activity Clearance Surveys and Reporting</u> . No more than 30 days prior to initiating Covered Activities, the Designated Biologist shall survey the Project Area for individuals of the Covered Species and small mammal burrows. These surveys shall provide 100 percent visual coverage of the Project Area and a 50-ft buffer zone. If individuals of the Covered Species are found during surveys, the Designated Biologist shall relocate them from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). The Permittees shall provide the survey results to CDFW in a written report no more than 14 calendar days prior to the beginning of Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
14	<u>Flag Burrows</u> . During the Pre-Activity Clearance Surveys (Condition of Approval 7.1), the Designated Biologist shall flag all potential small mammal burrows within any portion of the Project Area, or its 50-ft buffer zone, which are within 1.3 miles of known or potential Covered Species breeding habitat to alert biological and work crews to their presence. Those flagged burrows which occur within 562 meters (1,844 ft) of known or potential breeding habitat and which cannot be avoided by 50 ft shall be fully excavated in accordance with Condition of Approval 7.3 below.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
15	<u>Small Mammal Burrow Excavation</u> . Prior to any vegetation- or ground-disturbing activities, all small mammal burrows identified and flagged per Conditions of Approval 7.1 and 7.2 above, and within 562 meters (1,844 ft) of known or potential Covered Species breeding habitat and that cannot be avoided by 50 ft, shall be fully excavated under the direct supervision of the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 6.3). This excavation requirement applies regardless of whether the burrow is located within the Project Area or within 50 ft of the Project Area except that burrows outside of the Permittees' access and/or control do not have to be excavated. Live individuals of the Covered Species which are found shall be relocated by the Designated Biologist in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 calendar days after the completion of the Pre-Activity Clearance Surveys described in Condition of Approval 7.1 above.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	<u>Covered Species Exclusion Fencing.</u> If Covered Activities are initiated, conducted during, or extend into the Covered Species breeding season (onset of fall/winter rains, generally mid-October through mid-June), Permittees shall install temporary exclusion fencing (exclusion fence) around the perimeter of the Project Area to prevent Covered Species from migrating into the Project Area. The Covered Species exclusion fencing shall be installed in accordance with a Covered Species Exclusion Plan reviewed and approved in writing by CDFW before exclusion fencing installation. The exclusion fence shall be installed no later than 48 hours after small mammal burrows inside the planned fence zone are excavated under the direct supervision of the Designated Biologist in accordance with Condition of Approval 7.3 above to prevent entrapment of Covered Species within the Project Area. Alternatively, the exclusion fence may be installed simultaneously with small mammal burrow excavation if completed during the dry season (prior to the onset of fall/winter rains; typically, mid-June through mid-October). Refuge opportunities (e.g., cover boards) shall be provided along or near both sides of the exclusion fence. Permittees shall also avoid small mammal burrows to the maximum extent possible during the installation of the exclusion fencing. When small mammal burrows that are within 562 meters (1844 ft) of known or potential Covered Species breeding habitat cannot be avoided by a 50-ft no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval 7.3 above prior to commencing fence installation. Refuge areas shall be inspected each morning, both during and after rain events. Animals found within the interior fence shall be relocated in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
17	<u>Covered Species Exclusion Fence Installation.</u> The Designated Biologist shall accompany the exclusion fence construction crew(s) to ensure that Covered Species are not killed or injured during fence installation. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions such as high wind and heavy rain for the duration of Covered Activities. The Designated Biologist shall check the exclusion fence at least once weekly and maintain/repair the fence when necessary. Exclusion fence shall be removed immediately upon completion of Covered Activities in the fenced Project Area.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittees	
18	<u>Covered Species Credits.</u> Permittees shall purchase 10.03 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities.	ITP Conditions # 8.1	Before commencing ground- or vegetation-disturbing activities	Permittees	
19	<u>Credit Transfer Agreement.</u> Permittees shall submit to CDFW a copy of the executed Credit Transfer Agreement prior to Project activities.	ITP Conditions # 8.2	Before commencing ground- or vegetation-disturbing activities	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
20	<u>Designated Biologist Authority</u> . To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittees shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittees shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 5.3	Entire Project	Permittees	
21	<u>Construction Monitoring Documentation</u> . The Designated Biologist 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. Permittees shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittees	
22	<u>Erosion Control Materials</u> . Permittees shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittees	
23	<u>Project Access</u> . Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittees shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittees shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittees determine construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittees	
24	<u>Staging Areas</u> . Permittees 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, Permittees shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.	ITP Condition # 5.12	Entire Project	Permittees	
25	<u>Hazardous Waste</u> . Permittees 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. Permittees shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<u>CDFW Access.</u> Permittees shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittees' control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.14	Entire Project	Permittees	
27	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW if the Permittees are not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 6.2	Entire Project	Permittees	
28	<u>Compliance Monitoring.</u> The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of once a month during periods of inactivity and after clearing, grubbing, and grading are completed. 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.	ITP Condition # 6.7	Entire Project	Permittees	
29	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.7 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. No later than the 15th day of the month it is due, monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kristie Stein, CDFW Regional Office 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 Permittees in writing of the new reporting schedule.	ITP Condition # 6.8	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	<u>Annual Status Report.</u> Permittees shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.8; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species or burrow was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) beginning and ending dates of any construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities undertaken during the reporting year; (8) information about other Project impacts on the Covered Species; (9) a summary of the cumulative status of the amount of permanent habitat disturbance acreage that occurred within the Project Area during the prior year and in all previous years since ITP issuance, if applicable; (10) the number of acres of permanent and temporary habitat disturbance anticipated to occur in the Project Site during the coming year, if applicable; and (11) the proposed construction activities, ground-disturbing repair and maintenance activities, and any other Covered Activities to be undertaken in the coming year. Annual Status Reports shall be submitted to CDFW following the directions provided in Condition of Approval 6.8 above.	ITP Condition # 6.9	Entire Project	Permittees	
31	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.10	Entire Project	Permittees	
32	<u>Notification of Take or Injury.</u> Permittees shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittees 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 # 6.12	Entire Project	Permittees	
33	<u>Covered Species Observations.</u> During all Covered Activities, all workers shall inform the Designated Biologist if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord or the Designated Biologist can relocate the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan specified in Condition of Approval 6.3 above.	ITP Condition # 7.7	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	<u>Covered Species Record of Observations and Handling.</u> All records of Covered Species captures, relocations, and observations by the Designated Biologist shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. These records shall be reported to the Regional Office in accordance with Condition of Approval 6.12 above. Permittees shall also submit this information to the CNDDDB as per Condition of Approval 6.10. This information should also be included in the Monthly Compliance and Annual Status Reports.	ITP Condition # 7.8	Entire Project	Permittees	
35	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Covered Activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 6.3, Permittees shall identify the facility prior to the start of Covered Activities. Permittees shall bear any costs associated with the care or treatment of such injured Covered Species. Permittees shall notify CDFW of the injury to the Covered Species within 24 hours. Notification to CDFW shall be via telephone and e-mail, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident, and the name of the facility treating the animal. Covered Species observations should also be reported in accordance with Conditions of Approval 6.10, 6.12, and 7.8 above.	ITP Condition # 7.9	Entire Project	Permittees	
36	<u>Open Excavations.</u> Permittees shall minimize the potential for Covered Species to become entrapped in excavations. To prevent inadvertent entrapment of Covered Species or any other animals, Permittees shall ensure that all excavated, steep-walled holes or trenches are covered, ramped, and inspected as described below. This measure does not apply to burrows excavated for salvaging Covered Species until such excavation is complete and no Covered Species remain in the burrow.	ITP Condition # 7.10	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<p>Covers. Permittees shall ensure that all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered or ramped when workers and/or equipment are not actively working in them and at the end of each work day. Covers shall be made of plywood or similar solid material.</p> <ul style="list-style-type: none"> From the time all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the spring or summer through October 14 or the first fall rains, whichever occurs first, and provided that the National Weather Service forecast is less than a 50 percent chance of precipitation at the Project Area within 72 hours, Permittees may elect to install escape ramps instead of covering excavations that are less than six ft deep. Escape ramps shall be of native soil or non-slip planks no less than ten inches wide. From the first fall rains or October 15 until all Covered Species breeding ponds within 1.3 miles of the excavation are dry in the following spring or summer, and any additional time when the National Weather Service forecast is a minimum 50 percent chance of precipitation at the Project Area within 72 hours, Permittees shall cover steep-walled excavations between six inches and six ft deep, or construct earthen ramps at minimum 100-ft intervals and place coverboards midway between each pair of ramps. If the excavation is an un-covered trench, Permittees shall construct earthen ramps on both sides of the trench at the minimum 100-ft interval to facilitate Covered Species movement in both directions. If Permittees elect to cover an excavation, Permittees shall ensure that the edges of the covers are either covered with dirt to prevent Covered Species from crawling under them, or treated as discussed in the following paragraph for excavations that are greater than six ft deep. If Permittees elect to leave excavations uncovered overnight within 1.3 miles of a Covered Species breeding site, then a Designated Biologist or Designated Monitor working under a Designated Biologist's direct supervision shall inspect the trench and cover boards each morning, and relocate any Covered Species found by no later than one hour after sunrise in accordance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above. For excavations greater than six ft deep at all times of the year, two ft of hardware cloth (or another material approved by CDFW in writing for this purpose for this Project) shall extend beyond the edge of the covers. The hardware cloth shall be secured to the edge of the covers and to the ground to discourage Covered Species from digging under the edge and becoming injured in a fall. The hardware cloth shall conform to solid ground so that gaps do not exist between the cloth and the ground. Covering gaps with dirt or laying the hardware cloth over loose soil will not satisfy this requirement. The outer edges of the hardware cloth shall be secured to the ground with rebar, minimum 10-inch soil staples, or similar means every 12 inches to prevent Covered Species from lifting the edges. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment or injury in excavations are warranted, Permittees shall request and obtain CDFW's written concurrence prior to implementing the alternative. 	ITP Condition # 7.10.1	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<u>Materials Inspection.</u> Workers shall thoroughly inspect for Covered Species in all construction pipe, culverts, or similar structures with a diameter of one inch or greater that are stored for one or more overnight periods 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 allow the animal to safely escape that section of the structure before moving and utilizing the structure.	ITP Condition # 7.11	Entire Project	Permittees	
39	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, especially if the animal is inside the fenced Project Area, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 6.3 above.	ITP Condition # 7.12	Entire Project	Permittees	
40	<u>Precipitation.</u> The Designated Biologist and Permittees shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50 percent or greater chance of rainfall is predicted within 72 hours, Permittees shall cease all Covered Activities in all portions of the Project Area where ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is a zero percent chance of precipitation in the 72-hour forecast. Covered Activities may continue during rainfall events within the Project Area if it has been cleared of Covered Species and enclosed with Covered Species exclusion fencing, in accordance with Conditions of Approval 7.3 and 7.4 above.	ITP Condition # 7.13	Entire Project	Permittees	
41	<u>Night Work.</u> Permittees shall strictly prohibit Covered Activities from occurring beginning 30 minutes before sunset and ending 30 minutes after sunrise when a 50 percent or greater chance of rainfall is predicted within 72 hours of Covered Activities until no further rain is forecast.	ITP Condition # 7.14	Entire Project	Permittees	
42	<u>Soil Stockpiles.</u> Permittees shall place soil stockpiles where soil shall not pass into potential Covered Species breeding habitat; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code 5650. Permittees shall appropriately protect stockpiles to prevent soil erosion, in accordance with Condition of Approval 5.8 above.	ITP Condition # 7.15	Entire Project	Permittees	
43	<u>Curbs, Berms, and/or Dikes.</u> Permittees shall not construct roadways with steep curbs, berms, or dikes, which prevent Covered Species from exiting the roadway. If curbs are necessary for safety and/or surface runoff, the Permittees shall design them to allow Covered Species to walk over them. Caltrans' Standard Plan Type E curbs and Type D and Type E dikes are preferred designs and shall be used where possible (refer to Caltrans' Standard Plan A87, Curbs, Dikes, and Driveways). These rounded or gently sloping structures allow Covered Species to crawl over them. If steep dikes are required, design shall include over-side drains or curb/dike breaks spaced at intervals of 25 ft to allow Covered Species passage.	ITP Condition # 7.16	Entire Project	Permittees	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<u>Herbicide Use</u> . Permittees shall ensure that all herbicide use (mixing, application, and clean-up) is done by a licensed applicator in accordance with all applicable state, federal, and local regulations. Permittees shall only apply herbicide sprays via ground application when wind speed measures less than three miles per hour. Permittees shall ensure that great care is taken to avoid herbicide contact with any native vegetation and all herbicide sprays utilized within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.	ITP Condition # 7.17	Entire Project	Permittees	
45	<u>Fieldwork Code of Practice</u> . To ensure that the Designated Biologist does not convey disease, the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force (see Attachment 3) shall be followed at all times. The Designated Biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care shall be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 7.18	Entire Project	Permittees	
46	<u>Habitat Restoration</u> . Permittees shall restore the 2.60 on-site acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions following the approved Habitat Restoration Plan as required by Condition of Approval 6.6. Permittees shall ensure that the Habitat Restoration Plan is successfully implemented by the contractor. Monitoring and maintenance of the Restoration Areas shall be conducted annually for a minimum of two (2) years, or until CDFW determines that the restoration/enhancement effort is successful.	ITP Condition # 8.3	Entire Project	Permittees	
POST-CONSTRUCTION					
47	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittees shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Post-construction	Permittees	
48	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures, Permittees shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.11	Post-construction and after completion of mitigation	Permittees	
49	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 6.11	Post-construction	CDFW	

Attachment 2

While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review qualifications.

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: California Tiger Salamander)

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 (or similar species) in the ITP)

Location:

Project date completed: To and from date (month and year)

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

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (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

Burrows excavated:

Project Name #3 ...

Species Name #2: (Example: Similar or related species to CTS)

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 # (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

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (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

Burrows excavated:

Project Name #3 ...

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

Attachment 3

The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.