



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



October 5, 2022

George Paspalof
Sentinel Peak Resources California LLC
1200 Discovery Drive, Suite 500
Bakersfield, California 93309

**Subject: Reissued Incidental Take Permit for DEC-12 Well Drilling Project
(2081-2011-072-04)**

Dear George Paspalof:

Enclosed you will find an electronic copy of the reissued incidental take permit for the above referenced Project, which has been digitally signed by the California Department of Fish and Wildlife (CDFW). Please read the permit carefully, sign the acknowledgement, and return the original **no later than 30 days from CDFW signature**, and prior to initiation of ground-disturbing activities. You may return a hard copy of the permit via mail to:

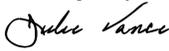
California Department of Fish and Wildlife
Habitat Conservation Planning Branch, CESA Permitting
Post Office Box 944209
Sacramento, California 94244-2090

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

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

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

Sincerely,

DocuSigned by:

FA83F09FE08945A...

Julie A. Vance
Regional Manager

Enclosure



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

California Endangered Species Act
Reissued Incidental Take Permit No. 2081-2011-072-04

DEC - 12 WELL DRILLING PROJECT

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

Permittee: Sentinel Peak Resources California LLC
Principal Officer: George Paspalof
Contact Person: Ryan Nelson, (661) 342-4878
Mailing Address: 1200 Discovery Drive, Suite 500
Bakersfield, California 93309

Effective Date and Expiration Date of this ITP:

This ITP is being reissued to replace Seneca Western Minerals with Sentinel Peak Resources California LLC. This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **October 1, 2039**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.11 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.

Project Location:

The DEC – 12 Well Drilling Project (Project) is located approximately 2.5 miles south-southeast of the City of Maricopa within Kern County (Figure 1). The Project is located within an existing oilfield within the Division of Oil, Gas and Geothermal Resources (DOGGR) Administrative Boundary of the South Midway Sunset Oil Field on portions of Kern County Assessor's Parcel Numbers 239-161-19 and 239-162-30. The Project is located on portions of Sections 19 and 20, Township 11 North, Range 23 West, San Bernardino Baseline and Meridian, within the Pentland United States Geological Survey 7.5-minute topographic quadrangle.

Project Description:

The Project includes the development, operation, and maintenance of 9 production wells, 3 injection wells, and associated pipelines, electrical power lines and roads on 12 well pads within an existing oilfield for the continued exploration, development, production, recovery and processing of oil and gas reserves (Figure 2). All Project activities will occur within the 10.65-acre grading plan boundary (Figure 2). Project activities include:

- Construction and drilling of up to nine extraction wells, three steam injection wells, and associated infrastructure such as product transmission lines and pipelines (flowlines), water lines, electrical power lines and construction staging areas;
- Operation, maintenance and repair of facilities associated with existing and proposed facility infrastructure (roads, product transmission line and pipelines, water lines, electrical power lines, etc.);
- Installation of an 820-foot culvert; and
- Activities required by DOGGR.

Construction Activities*Pipeline Installation*

A flowline or injection line will be installed on each well and connected to a common Header composed of a group, test, and steam manifold. Pipelines will be placed above ground on racks spaced approximately 20 feet apart, except at road crossings where they will be buried underground. The Header's group and steam manifold will connect to existing lines within 200 feet of the well pads. A casing vapor recovery (CVR) line will be connected to each well. Individual well CVR lines will be installed above ground on racks spaced 20 feet apart, except at road crossings where they will be buried underground, and connected to a larger gathering line and then into a larger existing gathering line within 200 feet of the well pads.

Electrical Power Line Installation and Extending Existing Electric Transmission Lines

A transformer bank will be set at the north edge of the grading plan boundary. From the transformer bank, 480-volt power lines, installed on top of 35-foot tall poles, will connect the transformer bank to each well. A starter/breaker panel will be installed and underground wire will be connected to the motor of each pumping unit. Existing transmission lines will be extended to connect with new transmission lines. New power poles will be installed requiring an area of approximately five square feet each. No cross-country vehicular travel for power pole installation is required.

Well Pad Construction

During well pad construction, vegetation will be cleared and the area leveled into two tiered pads using standard cut and fill construction techniques. The site will then be compacted and runoff control systems installed. Wells will typically use 0.5-acre spacing, and the average size of well pads will be 150 feet by 60 feet (0.20 acres). A single 820-foot, 4-foot wide culvert approximately 4 feet wide will transverse the site underneath five well pads (see Figure 2 for alignment). The culvert will be installed after the tiers are leveled but prior to compaction.

Well Drilling and Completion

Well pumps will be constructed with cement pads and footing for stabilization. Areas surrounding the pumps (drill sites) will be graded and compacted to stabilize the soil surrounding each well pad. Staging areas for well drilling and construction may include approximately one each of the following: portable tanks, generators, equipment trailers, and staff trailers located within graded and compacted surface areas of the grading plan area. Drilling and completion operations for wells will be conducted in accordance with DOGGR Midway-Sunset Field Rules (Attachment 1). Drilling activities will occur on well pads that have been constructed to support drilling wells. Drilling rigs will include a power system, a hoisting system, rotating equipment, and a circulation system. A diverter system will be installed to divert fluids to a reserve pit. Ancillary facilities, including pipe racks, temporary storage tanks, vehicle parking, and the drilling supervisor's trailer would be placed within designated staging areas. As drilling progresses and the well is deepened, steel casing will be installed and cemented in the well to prevent the sides of the well bore from collapsing or caving, to protect the well bore against abnormal pressure, and to protect underground water and mineral bearing formations. An area measuring 30 feet by 15 feet and a depth of approximately 10 feet will be excavated adjacent to the well pad area to temporarily store drilling fluids, cuttings, and water produced during drilling operations. Reserve pits will be screened with 2-inch or smaller mesh. Drilling operations are conducted for 24 hours a day because of the complexity and hazards associated with leaving a well in the process of being drilled unattended. After drilling operations are completed, any free liquid will be removed and recycled or disposed of to a Class II injection well. The reserve pits will be closed by mixing

non-hazardous solids with drying material and then covered. Pit closures will begin two days after drilling is finished and require about one day to complete. Reserve pits will be reclaimed within five days after drilling is completed. After wells are drilled, a single 335 horsepower (HP) diesel portable rig will be installed to run the tubing, pump and rods. A 350 HP diesel hydrocrane will be used to set the pumping unit.

Construction of Secondary Containment Berms

Secondary containment berms will be constructed around portable tanks, chemical containers, etc., to ensure that harmful quantities of oil or chemicals are not discharged into natural drainage ditches and the environment.

Road Construction and Project Access

Western Minerals Road runs south approximately 2.5 miles to Oilfield Access Road (an existing paved road). From these existing paved roads, ingress/egress to the individual well pads would occur via previously compacted, unpaved oilfield roads located within the 10.65-acre grading plan boundary. Access to well pads may occur anywhere within the proposed 10.65-acre grading plan boundary. No new access roads will be necessary to implement the proposed Project.

Operation and Maintenance (O&M) Activities

Road Maintenance and Resurfacing

Maintenance of these roads will include grading and compacting with periodic watering for purposes of stabilizing and controlling fugitive dust.

Vegetation Removal and Fire Control

Vegetation along roadsides and critical facilities such as wells, pipelines, and power poles will be controlled as needed with the use of mowing, grading, weed-whacking, and spot treatments of herbicides, based on approval of the United States Fish and Wildlife Service (USFWS) and CDFW.

Maintenance of Secondary Containment Berms

Operations will periodically inspect secondary containment berms to ensure that integrity has not been compromised, and conduct maintenance work as necessary.

Abandoning, Storing, Disassembling, and Salvaging Equipment, Facilities and Wells

Facilities that are no longer needed for operations will be dismantled and removed, such as valve stations, or pipelines. If it is determined that the site is not needed to support any other part of the operation, the compacted soil may be ripped and disked if necessary to help facilitate revegetation.

Decommissioning of well sites may include plugging and abandonment or re-abandonment of previously unknown wells. During abandonment, applicable regulations include, but are not limited to: the placement of cement plugs across specified intervals to protect oil and gas zones, to prevent degradation of usable waters, to protect surface conditions, and for public health and safety purposes; installation of blowout prevention equipment; requirements that all well casings shall be cut off at least 5 feet but no more than 10 feet below the surface of the ground; and welding a steel plate at least as thick as the outer well casing shall be around the circumference of the top of the casing. A well pad of up to 1.5 to 2.0 acres would be required to support the abandonment drilling operations. When wells that have been previously abandoned must be re-abandoned, the wells will be leak-tested, which will require "pothole" excavations around each well casing. An excavation of up to 20 to 30 feet in diameter and 10 to 20 feet deep may be necessary to access the steel plate across the casing that is usually located about 10 feet below grade. After the steel plate and casing are exposed, the plate would be removed. Depending on the condition of the cement in the well bore and annulus, a fresh cut to remove a small section of the casing may be required. Leak testing will then be conducted across the cement plug. If the well passes the leak test, no further action is required. If the well fails the leak test, remedial action would occur as directed by DOGGR engineers. Once abandoned (or re-abandoned), the area once occupied by the well will be restored to the condition of the surrounding areas. Natural contours will be re-established by removing artificial embankments, backfilling excavations, and grading to re-establish the approximate original contours of the land in the area of disturbance.

O&M Activities Not Expected to Result in Additional Ground Disturbance

- Hydrotesting, Pigging Pipelines, and Other Non-Destructive Testing of Pipelines;
- Withdrawing oil, gas, and water from wells;
- Conducting workovers, and well maintenance;
- Operating, maintaining, and replacing support facilities;
- Conducting engineering evaluations and field observations of production actions;
- Conducting regulatory compliance actions, including reclamation of habitat and surveys for archaeological and natural resources;
- Relinquishing leases; and
- Transporting and injecting production water.

Activities Required by DOGGR

Activities required by DOGGR, and where appropriate have been discussed above, include:

- Plugging and abandonment of wells;
- Demolition and removal of abandoned equipment such as pipelines, pumping units, and power lines, etc.;
- Maintenance of equipment berming; and
- Mechanical integrity and standard annular pressure testing of idle wells, as well as standard annular pressure testing and injection surveys on water disposal and steam injection wells.

Emergency Response and Environmental Remediation

This includes all activities necessary to protect the public health and safety, and the environment or property during an emergency. This includes responses to and remediation of spills or releases of petroleum, produced water, drilling fluids, or hazardous substances; and actions required in response to events such as flood, fire or seismic activity. All activities associated with environmental remediation, spills of oil, produced water, or other hazardous substance and/or actions necessary to remediate such spills in areas other than the 10.65-acre Project grading plan boundary are not be covered by this ITP. In addition, in the event of a spill of oil, produced water, or other hazardous substance, CDFW will strive to work cooperatively with the Permittee to identify any additional impacts which are not described in or and covered by this ITP, including impacts to biological resources in addition to the Covered Species. Nothing in the terms contained within this ITP shall preclude CDFW's ability to assess injury to natural resources as a result of any spill and to seek damages from Permittee as appropriate.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i>)	Threatened ³
2. San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁴

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

³See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(B).

⁴See *Id.*, subd. (b)(6)(E).

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 grubbing, clearing, grading, leveling (soil cut and/or fill), and compaction of well pads; construction of the reserve pits; trenching or boring (including entrance and exit pits) for installation of underground pipelines or connections; placement of racks for installation of above ground pipelines; direct contact with moving parts of wells; exposure to oil, produced water, or other hazardous materials commonly used in oil fields; transport of drill rigs, construction, and production materials and other Project-related traffic; and O&M of the Project, including maintenance of roads and berms, vegetation management, equipment and facility maintenance and removal, well abandonment, and ground recontouring and revegetation (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 from collapse or excavation of occupied dens or burrows; entrapment and burial within trenches and open pipelines; entanglement in or crushing by moving well parts; or by exposure to oil, produced water, or other hazardous materials. Incidental take of individuals of the Covered Species is also expected to occur in connection with Project-related traffic during construction and O&M activities and from the pursuit or capture of the Covered Species in connection with salvage activities required by this ITP. The areas where authorized take of the Covered Species is expected to occur include is the grading plan area and traveling to and from the grading plan area (collectively, the Project Area).

The Project is expected to cause the permanent loss of 9.40 acres of habitat for the Covered Species, and temporary loss of 1.25 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 grading, drilling, and equipment operation; stress from capture and relocation; and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Incidental Take Authorization of Covered Species:

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

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

Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2013081063) adopted by the California Department of Fish and Wildlife on October 10, 2013, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2011-0215-R4) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 2 to this ITP.

5. General Provisions:

- 5.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure

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that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist may be assisted by approved biologists, identified as Designated Monitors that have Covered Species experience but do not meet the qualifications to be a Designated Biologist. Designated Monitors shall be approved in advance and in writing by CDFW.

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

- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 5.8. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 5.10. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of

the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.

- 5.13. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.
- 5.14. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or Federal law enforcement officials.
- 5.17. Rodenticide and Herbicide Use. Only herbicides and rodenticides approved by the USFWS and CDFW shall be used in the Project Area.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. San Joaquin Antelope Squirrel (SJAS) Salvage Plan. The Permittee shall submit a SJAS salvage plan to CDFW prior to initiating ground-disturbing activities in any areas occupied by SJAS. The Salvage Plan shall include the following

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information: 1) approximate estimated number of SJAS to be affected; 2) previous experience of the Designated Biologist conducting the trapping and relocation; 3) description of the trapping effort; 4) description of relocation plans; 5) whether individuals will be temporarily held for release; 6) off-site release locations; 7) artificial burrow placement; and 8) proposed reporting schedule. Salvage activities shall not proceed until the SJAS salvage plan has been approved in writing by CDFW's Regional Representative. Once the SJAS salvage plan is approved by CDFW, it may be used for all SJAS salvage activities for the duration of the ITP. Any proposed changes to the SJAS salvage plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS salvage plan modifications.

- 6.4. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed except for mesh covers over the reserve pits and any open holes, trenches, and pipes, which shall continue to be inspected as required in Conditions of Approvals 7.6 and 7.7.
- 6.5. Record of SJAS Efforts. The Designated Biologist shall maintain a record of all SJAS observed or handled during salvage (relocation) efforts. This record shall include for each animal: (a) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (b) sex; (c) approximate age (adult/juvenile); (d) weight; (e) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (f) ambient temperature when handled and released.
- 6.6. Vegetation Restoration Plan. The Permittee shall prepare and submit a Vegetation Restoration Plan within three (3) months of issuance of this ITP to CDFW for written approval as required in Condition of Approval 8.6 of this ITP.

- 6.7. Reclamation Plan. The Permittee shall prepare and submit a Reclamation Plan to CDFW for written approval as required in Condition of Approval 7.19 of this ITP.
- 6.8. Quarterly Compliance Report. For the duration of any construction activities, the Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative. At the time of this ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.9. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 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) beginning and ending dates of O&M, emergency related, and other Covered Activities undertaken during the reporting year; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (8) information about other Project impacts on the Covered Species.
- 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 Quarterly 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, Permittee shall provide CDFW with a Final Mitigation Report. The

Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities, including those associated with both construction and O&M 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. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. Take Minimization Measures:

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

- 7.1. Work Schedule. Permittee shall perform Covered Activities during daylight hours only (sunrise to sunset) except for security patrols and drilling operations that must be conducted 24 hours a day because of associated hazards with a leaving a well in the process of being drilled unattended. Any vehicle traffic necessary during nighttime hours associated with security or nighttime drilling activities shall be conducted in accordance with Condition of Approval 5.11 to minimize impacts to Covered Species.
- 7.2. Equipment Fueling. Permittee shall ensure that all equipment fueling and maintenance occur at least 100 feet from Covered Species dens or burrows. Sufficient spill containment and cleanup equipment shall be present at all fueling locations.

- 7.3. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move on its own to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal may be safely moved within the conditions of this ITP.
- 7.4. Covered Species Observations. All workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Site throughout Project implementation. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species is moved by the Designated Biologist(s) or it moves from the construction area of its own accord.
- 7.5. Pre-Activity Surveys. The Designated Biologist(s) shall perform a pre-activity survey for Covered Species and their sign no more than 30 days prior to any activity that results in ground or vegetation disturbance. Surveys shall cover the disturbance area and a 500-foot buffer for Covered Species dens or burrows. If pre-activity surveys are non-conducted under appropriate conditions to detect SJAS, a separate survey shall be conducted to detect this species. Conditions considered appropriate for detection of SJAS include temperature of at least 60 degrees Fahrenheit, and no more than 80 percent cloud cover. Surveys for SJAS shall not be conducted under foggy or rainy conditions. A report documenting the results of the pre-construction surveys shall be submitted to CDFW within 30 days after performing any such survey.
- 7.6. Entrapment in Excavations. Permittee shall ensure that all open holes and trenches within the Project Area shall be inspected at the beginning of the day, middle of the day, and end of the day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than six inches deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured Covered Species is discovered, the USFWS and CDFW shall be notified within one working day of the incident.
- 7.7. Entrapment in Pipes or other Structures. Permittee will thoroughly inspect all construction pipe, culverts, or similar structures with a diameter of 1.5 inches or greater that are stored at the construction site for one or more overnight periods for Covered Species before the pipe is subsequently moved, buried, or capped. If

a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the animal has escaped on its own.

- 7.8. Oil Containment. Permittee shall keep oil out of reserve pits. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a reserve pit, Permittee shall employ measures to preclude Covered Species access to that sump until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.
- 7.9. San Joaquin Kit Fox (SJKF) Avoidance. If a potential SJKF den (one that shows evidence of past use or was used in the past) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a 50-foot buffer shall be established using flagging. If a known SJKF den (SJKF observed or one that shows evidence of current use) is discovered, a buffer of at least 100 feet shall be established using flagging or fencing as determined appropriate by the Designated Biologist to minimize Project disturbance to SJKF. If a natal den (den in which Covered Species young are reared) is discovered, a buffer of at least 500 feet shall be established using fencing. Buffer zones shall have restricted entry. The Permittee shall notify the USFWS and CDFW's Regional Representative immediately by telephone or e-mail if any SJKF dens, natal dens or atypical dens are discovered.
- 7.10. SJKF Den Excavation. For active dens, dens known to be active, and potential dens (including dens in natural substrate and in/under man-made structures) within the portion of the Project Site to be disturbed and that cannot be avoided as per Condition of Approval 7.9, if, after five consecutive days of monitoring with tracking medium or infrared camera the Designated Biologist(s) has determined that the Covered Species is not currently present, the den may be destroyed. Any hole three inches or larger and exhibiting no signs of Covered Species use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by the Covered Species then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of the Covered Species are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of the Covered Species does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and

the USFWS shall be contacted and the Permittee shall get written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction.

- 7.11. SJAS Burrow Avoidance and Salvage. A 50-foot buffer shall be established around burrows suspected or known to be occupied by SJAS. The buffer shall be established flagging or fencing. Any burrows present within the portion of the Project Site to be disturbed by earthwork, that are suspected or known to be occupied by SJAS, and that cannot be avoided by a 50-foot avoidance buffer shall be live trapped by the Designated Biologist prior to the initiation of ground-disturbing activities in the occupied location. SJAS shall be trapped and relocated to the CDFW-approved release site identified in the SJAS salvage plan (described in ITP Condition of Approval 6.3).
- 7.12. SJAS Burrow Excavation. Following live-trapping activities conducted to address Condition of Approval 7.11, any known or suspected SJAS burrows present within the portion of the Project Site to be disturbed by earthwork (e.g., clearing, grubbing, blading, scraping, excavating, filling) shall be fully excavated by hand by the Designated Biologist to allow any remaining SJAS an opportunity to escape or be captured by hand as necessary (this ITP Condition of Approval does not apply to SJAS burrows that will be disturbed only by foot traffic or rubber-tired vehicle traffic). Any SJAS encountered in excavated burrows during their active period shall be allowed to escape to the adjacent natural habitat or if captured shall be relocated to the CDFW-approved release site identified in the SJAS salvage plan (Condition of Approval 6.3). Any dormant SJAS encountered shall be collected and moved to an artificial burrow installed at the CDFW-approved release site.
- 7.13. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.12. Notification shall include the name of the facility where the animal was taken.
- 7.14. Artificial Dens. Permittee shall install one artificial kit fox dens for each potential or known den and two artificial dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a

100 meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Pre-activity surveys will be conducted by the Designated Biologist and avoidance measures implemented prior to the installation of artificial dens.

- 7.15. As-Built Plans. The Permittee shall submit as-built plans to CDFW within six (6) months of completing the Project construction. The as-built plan sheets shall delineate and quantify the extent of permanent Project features and permanent disturbance area in acres. The permanent disturbance area shall also include areas where future O&M activities are expected to occur. The as-built plans shall include an estimate of the temporary disturbance during construction by highlighting the estimated temporary disturbance areas on the as-built plan sheets. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format.
- 7.16. O&M Activities. All O&M activities shall occur within permanently disturbed areas described in Condition of Approval 7.15. O&M Activities shall implement all Take Minimization Measures (Condition of Approval 7).
- 7.17. Facility and Equipment Operation. Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.
- 7.18. Well Cellar Maintenance. Permittee shall properly maintain well cellars by appropriate design and maintenance, and keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.
- 7.19. Reclamation. Permittee shall reclaim and revegetate abandoned or disturbed areas no longer needed for oil and gas activities as appropriate to the land use to minimize erosion, and to restore Covered Species habitat. The Permittee shall submit a Reclamation Plan for CDFW written approval before commencing any reclamation activities.

8. Habitat Management Land Acquisition and Restoration:

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

To meet this requirement, the Permittee shall either purchase 28.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of 28.2 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 1.25 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.6 below.

8.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:

8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,000.00/acre for 28.2 acres: **\$112,800.00**. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at **\$29,475.36**;

8.1.3. Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at **\$49,949.68**;

8.1.4. Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$20,183.27/acre for 28.2 acres: **\$569,168.23**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

8.1.5. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at **\$3,000.00**.

8.1.6. Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.6, calculated at \$6,500.00/acre for 1.25 acres: **\$8,125.00**.

8.2. Covered Species Credits. Permittee shall purchase 28.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 9 below.

OR:

8.3. Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

8.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended, and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

- 8.3.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 8.3.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.
- 8.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <http://www.dfg.ca.gov/habcon/conplan/mitbank/>); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;
- 8.3.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the

final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and Covered Species monitoring. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 8.4. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager

holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).

8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.

8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

8.4.2.2. Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:

8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

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

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

8.6. Habitat Restoration. Permittee shall restore on-site the 1.25 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within three (3) months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 1.25 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Permittee shall submit the Plan to CDFW for written approval. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods.

9. Performance Security

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

- 9.1. Security Amount. The Security shall be in the amount of **\$772,518.27**. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other.
- 9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Written documentation of the acquisition of the HM lands;
 - Copies of all executed and recorded conservation easements;
 - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
 - Timely submission of all required reports.

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

Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

Stop-Work Order:

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

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2011-072-04) in a cover letter and on any other associated documents.

Incidental Take Permit
No. 2081-2011-072-04
SENTINEL PEAK RESOURCES CALIFORNIA LLC
DEC - 12 WELL PROJECT

Original cover with attachment(s) to:

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

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

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

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is the lead agency. CDFW's environmental review of the Project is set forth in the Initial Study/Mitigated Negative Declaration for the Seneca Western Minerals DEC - 12 Well Project for Seneca Western Minerals Corporation, (State Clearinghouse No. 20130810630) dated August 2013 that CDFW adopted for Seneca Western Minerals DEC - 12 Well Project on October 10, 2013.

This ITP, along with CDFW's Mitigated Negative Declaration for the Project provide evidence of CDFW's consideration of the environmental effects related to issuance of this ITP. 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.

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).)

Incidental Take Permit
No. 2081-2011-072-04
SENTINEL PEAK RESOURCES CALIFORNIA LLC
DEC - 12 WELL PROJECT

CDFW finds based on substantial evidence in the ITP application, Initial Study/Mitigated Negative Declaration for the Seneca Western Minerals DEC - 12 Well Project for Seneca Western Minerals Corporation, 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) Quarterly 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 28.2 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (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

Incidental Take Permit
No. 2081-2011-072-04
SENTINEL PEAK RESOURCES CALIFORNIA LLC
DEC - 12 WELL PROJECT

population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

- | | |
|---------------|---|
| FIGURE 1 | Site Vicinity Map |
| FIGURE 2 | Development Plan |
| ATTACHMENT 1 | Midway-Sunset Field Rules |
| ATTACHMENT 2 | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 3A | Proposed Lands for Acquisition Form |
| ATTACHMENT 3B | Habitat Management Lands Checklist |
| ATTACHMENT 4 | Letter of Credit Form |
| ATTACHMENT 5 | Mitigation Payment Transmittal Form |

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 10/5/2022

DocuSigned by:

 FA83F09FE08945A...

Julie A. Vance
Regional Manager
CENTRAL REGION

ACKNOWLEDGMENT

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

By: George Paspalof Date: 10/26/2022
DocuSigned by: 5674BC7458DA4EE...

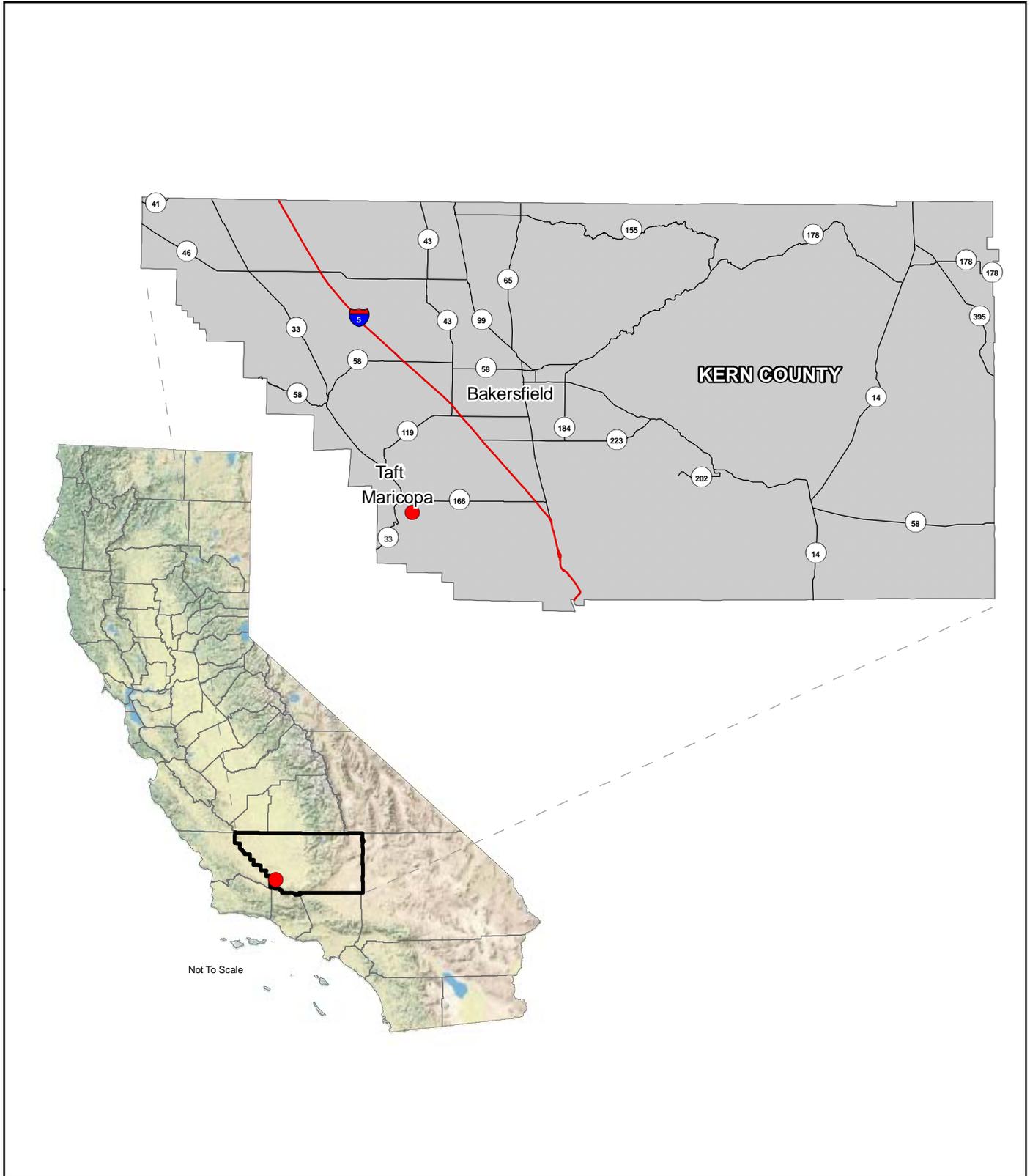
Printed Name: George Paspalof Title: EVP

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 SENTINEL PEAK RESOURCES CALIFORNIA LLC
 DEC - 12 WELL PROJECT



SENECA WESTERN MINERALS

DEC -12- Well Project
Site Vicinity Map



● Project Area

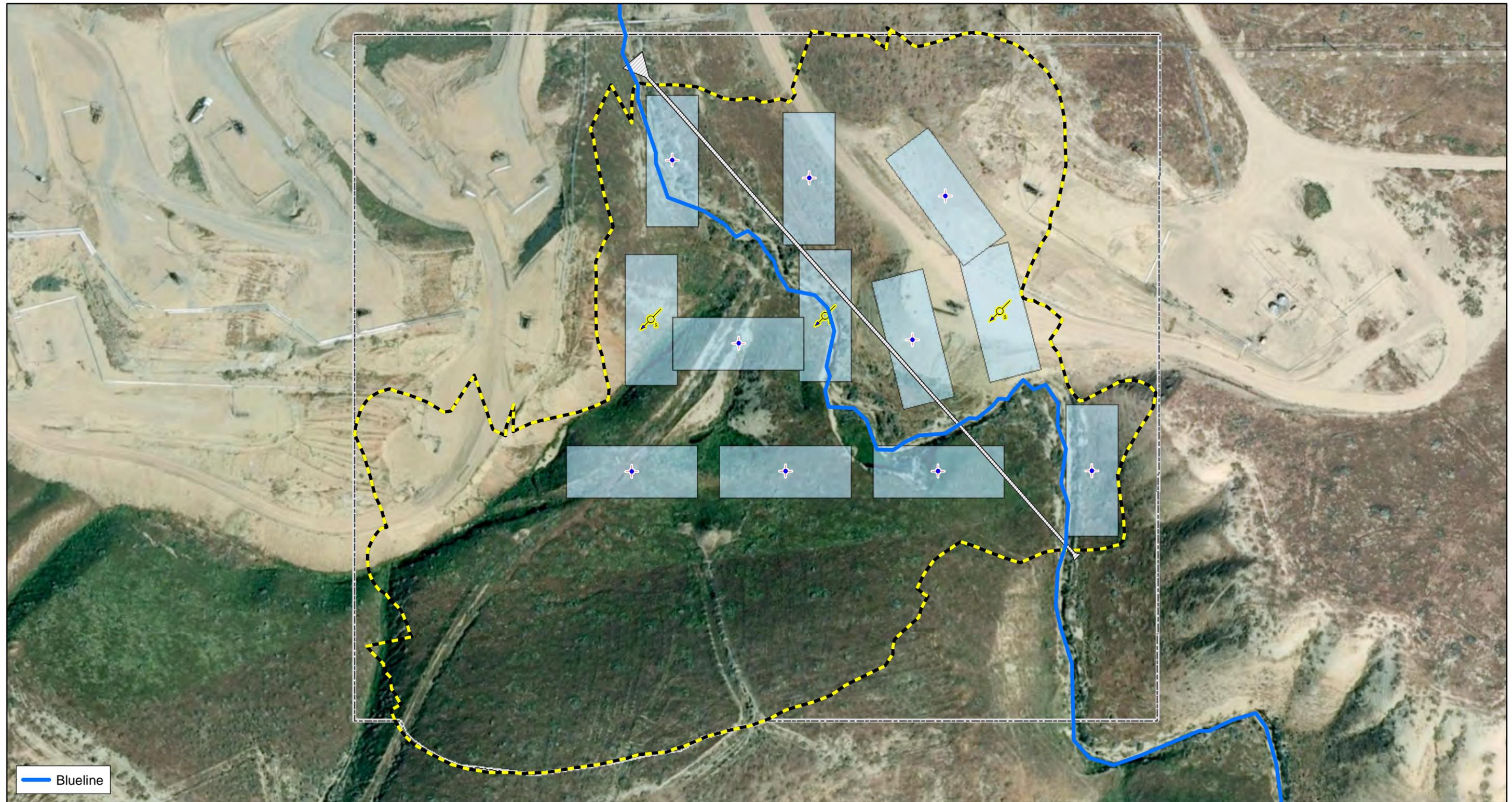


Figure 1

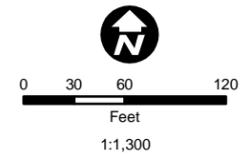


SENECA WESTERN MINERALS

DEC -12- Well Project Development Plan



Blueline



-  Proposed Injection Well
-  Proposed Well Pad (150' x 60')
-  Grading Plan Boundary (~10.65 Acres)
-  Proposed Production Well
-  Proposed Culvert (~800')
-  Project Area (~17 Acres)



STATE OF CALIFORNIA
DEPARTMENT OF CONSERVATION
DIVISION OF OIL, GAS, & GEOTHERMAL RESOURCES

NO.: 407-0044

MIDWAY-SUNSET FIELD RULES

Date:
5/30/2007

Area(s) N/A	Zone(s)/Pool(s) Lakeview, Sub-Lakeview, Potter, Marvic, Antelope Shale*
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CASING PROGRAM

Casing String	Cementing Depth		Annular Cement Fill (Marker or Zone + ___')
	Marker or Zone	Remarks	
Conductor	Competent bed		Surface
Surface	Competent bed at least 10% of proposed total depth	Casing shoe at top of productive zone if liner run	Surface
Production	Competent bed at or below top of zone		Surface
Liner	Competent bed	Casing shoe if cemented. Run only in conjunction with surface casing.	50 feet + into surface casing (if cemented)

GEOLOGIC DATA

Reference: DOGGR publication TR-11, Volume I, California Oil & Gas Fields

BLOWOUT PREVENTION EQUIPMENT PROGRAM (Referenced from MO7)

Operation	Surface Pressure Category	DOGGR Class	Additional Requirements
Drilling	Low to Medium	IIA2M or 3M	Diverter on conductor, hydraulic BOPE
Completion	Low	IIA2M	Hydraulic BOPE
Additional Comments: 3M rated BOPEs are required in areas requiring drilling mud weights of ten pounds per gallon or more to control fluid flow			

BASE OF FRESH WATERS

Marker: N/A	Depth: N/A	Comments: No fresh water in field except extreme SE tip where base is approximately 500 feet.
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GENERAL COMMENTS

This rule applies only to drilling and completion operations for new production wells.

*These pools are frequently commingled throughout the field.

A WSO test is no longer required for these pools due to the following conditions: 1. No fresh water present. 2. Pools have a successful water shut-off history. The Division will routinely monitor production data, and if anomalous water production is indicated, remedial action may be required.

Field rules apply to development wells only. All operations are subject to California Code of Regulations., Title 14, Division 2, Chapter 4.

_____, Hal Bopp, State Oil and Gas Supervisor

By Original Signed by R. A. Adams, District Deputy
(Signature) (Title)

Attachment 2

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

INCIDENTAL TAKE PERMIT NO. 2081-2011-072-04

PERMITTEE: Seneca Western Minerals

PROJECT: DEC - 12 Well Drilling Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a biological monitor (Designated Biologist) before starting Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. The Designated Biologist may be assisted by approved biologists, identified as Designated Monitors that have Covered Species experience but do not meet the qualifications to be a Designated Biologist. Designated Monitors shall be approved in advance and in writing by CDFW.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
3	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	CDFW	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. 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	Permittee	
5	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.	ITP Condition # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	The Permittee shall submit a SJAS salvage plan to CDFW prior to initiating ground-disturbing activities in any areas occupied by SJAS. The Salvage Plan shall include the following information: 1) approximate estimated number of SJAS to be affected; 2) previous experience of the Designated Biologist conducting the trapping and relocation; 3) description of the trapping effort; 4) description of relocation plans; 5) whether individuals will be temporarily held for release; 6) off-site release locations; 7) artificial burrow placement; and 8) proposed reporting schedule. Salvage activities shall not proceed until the SJAS salvage plan has been approved in writing by CDFW's Regional Representative. Once the SJAS salvage plan is approved by CDFW, it may be used for all SJAS salvage activities for the duration of the ITP. Any proposed changes to the SJAS salvage plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS salvage plan modifications.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	The Designated Biologist(s) shall perform a pre-activity survey for Covered Species and their sign no more than 30 days prior to any activity that results in ground or vegetation disturbance. Surveys shall cover the disturbance area and a 500-foot buffer for Covered Species dens or burrows. If pre-activity surveys are non-conducted under appropriate conditions to detect SJAS, a separate survey shall be conducted to detect this species. Conditions considered appropriate for detection of SJAS include temperature of at least 60 degrees Fahrenheit, and no more than 80 percent cloud cover. Surveys for SJAS shall not be conducted under foggy or rainy conditions. A report documenting the results of the pre-construction surveys shall be submitted to CDFW within 30 days after performing any such survey.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	If a potential SJKF den (one that shows evidence of past use or was used in the past) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), a 50-foot buffer shall be established using flagging. If a known SJKF den (SJKF observed or one that shows evidence of current use) is discovered, a buffer of at least 100 feet shall be established using flagging or fencing as determined appropriate by the Designated Biologist to minimize Project disturbance to SJKF. If a natal den (den in which Covered Species young are reared) is discovered, a buffer of at least 500 feet shall be established using fencing. Buffer zones shall have restricted entry. The Permittee shall notify the USFWS and CDFW's Regional Representative immediately by telephone or e-mail if any SJKF dens, natal dens or atypical dens are discovered.	ITP Condition # 7.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	For active dens, dens known to be active, and potential dens (including dens in natural substrate and in/under man-made structures) within the portion of the Project Site to be disturbed and that cannot be avoided as per Condition of Approval 7.9, if, after five consecutive days of monitoring with tracking medium or infrared camera the Designated Biologist(s) has determined that the Covered Species is not currently present, the den may be destroyed. Any hole three inches or larger and exhibiting no signs of Covered Species use or characteristics suggesting it is a SJKF den may be excavated under the supervision of the Designated Biologist(s) without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated and then only after consultation with the USFWS and CDFW. If the excavation process reveals evidence of current use by the Covered Species then den destruction shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Destruction of the den may be completed when, in the judgment of the Designated Biologist(s), the animal has escaped from the partially destroyed den. Destruction of all types of SJKF dens shall be accomplished by careful excavation until it is certain no individuals of the Covered Species are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the construction period. If an individual of the Covered Species does not vacate a den within the construction footprint within a reasonable timeframe, CDFW and the USFWS shall be contacted and the Permittee shall get written guidance (e-mail will suffice) from both agencies prior to proceeding with den destruction.	ITP Condition # 7.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
14	A 50-foot buffer shall be established around burrows suspected or known to be occupied by SJAS. The buffer shall be established flagging or fencing. Any burrows present within the portion of the Project Site to be disturbed by earthwork, that are suspected or known to be occupied by SJAS, and that cannot be avoided by a 50-foot avoidance buffer shall be live trapped by the Designated Biologist prior to the initiation of ground-disturbing activities in the occupied location. SJAS shall be trapped and relocated to the CDFW-approved release site identified in the SJAS salvage plan (described in ITP Condition of Approval Error! Reference source not found.).	ITP Condition # 7.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	Following live-trapping activities conducted to address Condition of Approval 7.11, any known or suspected SJAS burrows present within the portion of the Project Site to be disturbed by earthwork (e.g., clearing, grubbing, blading, scraping, excavating, filling) shall be fully excavated by hand by the Designated Biologist to allow any remaining SJAS an opportunity to escape or be captured by hand as necessary (the ITP Condition of Approval does not apply to SJAS burrows that will be disturbed only by foot traffic or rubber-tired vehicle traffic). Any SJAS encountered in excavated burrows during their active period shall be allowed to escape to the adjacent natural habitat or if captured shall be relocated to the CDFW-approved release site identified in the SJAS salvage plan (Condition of Approval 6.3). Any dormant SJAS encountered shall be collected and moved to an artificial burrow installed at the CDFW-approved release site.	ITP Condition # 7.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	Permittee shall either purchase 28.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 8.2) OR shall provide for both the permanent protection and management of 28.2 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.4 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations. The Permittee shall also restore on-site 1.25 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 8.6 below.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
17	CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows: i) Land acquisition costs for HM lands identified in Condition of Approval 8.3 below, estimated at \$4,000.00/acre for 28.2 acres: \$112,800.00 . Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; ii) Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.3.5 below, estimated at \$29,475.36 ; iii) Interim management period funding as described in Condition of Approval 8.3.6 below, estimated at \$49,949.68 ; iv) Long-term management funding as described in Condition of Approval 8.4 below, estimated at \$20,183.27/acre for 28.2 acres: \$569,168.23 . Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. v) Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 8.5, estimated at \$3,000.00 . vi) Restoration of on-site temporary effects to Covered Species habitat as described in Condition of Approval 8.6, calculated at \$6,500.00/acre for 1.25 acres: \$8,125.00 .	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
18	Permittee shall purchase 28.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 9 below. OR	ITP Condition # 8.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended, and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e).	ITP Condition # 8.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
20	Permittee shall obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 3A) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
21	Permittee shall provide a recent preliminary title report, initial hazardous materials survey report, and other necessary documents (see Attachment 3B). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 8.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
22	Permittee shall designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified.	ITP Condition # 8.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Permittee shall provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see http://www.dfg.ca.gov/habcon/conplan/mitbank/); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 8.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
24	Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and Covered Species monitoring. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 8.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
25	The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.3.5. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4).	ITP Condition # 8.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
27	After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.	ITP Condition # 8.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
28	Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Condition # 8.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
29	Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> • A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • The endowment shall be established assuming spending will not occur for the first three years after full funding. • For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	ITP Conditions # 8.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.	ITP Conditions # 8.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
31	Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.	ITP Conditions # 8.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	<p>Permittee may proceed with Covered Activities only after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ol style="list-style-type: none"> <u>Security Amount</u>. The Security shall be in the amount of \$772,518.27. This amount is based on the cost estimates identified in Condition of Approval 8.1 above. <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. <u>Security Transmittal</u>. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 5) or by way of an approved instrument such as escrow, irrevocable letter of credit, or other. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of the ITP. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <ul style="list-style-type: none"> Written documentation of the acquisition of the HM lands; Copies of all executed and recorded conservation easements; Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and Timely submission of all required reports. <p>Even if Security is provided, Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if Permittee does not complete these requirements within the specified timeframe.</p>	ITP Conditions # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
33	The Designated Biologist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
34	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 5.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 5.11	Entire Project	Permittee	
36	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of the ITP.	ITP Condition # 5.12	Entire Project	Permittee	
37	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.	ITP Condition # 5.13	Entire Project	Permittee	
38	Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 5.14	Entire Project	Permittee	
39	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Entire Project / Project Completion	Permittee	
40	Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or Federal law enforcement officials.	ITP Condition # 5.16	Entire Project /	Permittee	
41	Only herbicides and rodenticides approved by the USFWS and CDFW shall be used in the Project Area.	ITP Condition # 5.17	Entire Project	Permittee	
42	The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative shall report any non-compliance with the ITP to CDFW within 24 hours.	ITP Condition # 6.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per month during periods of inactivity and after clearing, grubbing, and grading are completed except for mesh covers over the reserve pits and any open holes, trenches, and pipes, which shall continue to be inspected as required in Conditions of Approvals 7.6 and 7.7.	ITP Condition # 6.4	Entire Project	Permittee	
44	The Designated Biologist shall maintain a record of all SJAS observed or handled during salvage (relocation) efforts. This record shall include for each animal: (a) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (b) sex; (c) approximate age (adult/juvenile); (d) weight; (e) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (f) ambient temperature when handled and released.	ITP Condition # 6.5	Entire Project	Permittee	
45	The Permittee shall prepare and submit a Vegetation Restoration Plan within three (3) months of issuance of the ITP to CDFW for written approval as required in Condition of Approval 8.6 of the ITP.	ITP Condition # 6.6	Entire Project	Permittee	
46	The Permittee shall prepare and submit a Reclamation Plan to CDFW for written approval as required in Condition of Approval 7.19 of the ITP.	ITP Condition # 6.7	Entire Project	Permittee	
47	For the duration of any construction activities, the Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative. At the time of the ITP's approval, the CDFW Regional Representative is Craig Bailey (craig.bailey@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 6.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 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) beginning and ending dates of O&M, emergency related, and other Covered Activities undertaken during the reporting year; (4) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (8) information about other Project impacts on the Covered Species.	ITP Condition # 6.9	Entire Project	Permittee	
49	The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 6.10	Entire Project	Permittee	
50	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.12	Entire Project	Permittee	
51	Permittee shall perform Covered Activities during daylight hours only (sunrise to sunset) except for security patrols and drilling operations that must be conducted 24 hours a day because of associated hazards with a leaving a well in the process of being drilled unattended. Any vehicle traffic necessary during nighttime hours associated with security or nighttime drilling activities shall be conducted in accordance with Condition of Approval 5.11 to minimize impacts to Covered Species.	ITP Condition # 7.1	Entire Project	Permittee	
52	Permittee shall ensure that all equipment fueling and maintenance occur at least 100 feet from Covered Species dens or burrows. Sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 7.2	Entire Project	Permittee	
53	Workers shall inspect for Covered Species under vehicles and equipment every time the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move on its own to a safe location. Alternatively, the Designated Biologist shall be contacted to determine if the animal may be safely moved within the conditions of the ITP.	ITP Condition # 7.3	Entire Project	Permittee	
54	All workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Site throughout Project implementation. All work in the vicinity of the Covered Species, which could injure or kill the animal, shall cease until the Covered Species is moved by the Designated Biologist(s) or it moves from the construction area of its own accord.	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	Permittee shall ensure that all open holes and trenches within the Project Area shall be inspected at the beginning of the day, middle of the day, and end of the day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals during the construction phase of the Project, all excavated, steep-walled holes or trenches more than six inches deep shall be covered at the close of each working day by plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured Covered Species is discovered, the USFWS and CDFW shall be notified within one working day of the incident.	ITP Condition # 7.6	Entire Project	Permittee	
56	Permittee will thoroughly inspect all construction pipe, culverts, or similar structures with a diameter of 1.5 inches or greater that are stored at the construction site for one or more overnight periods for Covered Species before the pipe is subsequently moved, buried, or capped. If a Covered Species is discovered inside a pipe during inspection, that section of pipe shall not be moved until the animal has escaped on its own.	ITP Condition # 7.7	Entire Project	Permittee	
57	Permittee shall keep oil out of reserve pits. In the event that oil, produced water, or drilling mud containing oil is accidentally conveyed into a reserve pit, Permittee shall employ measures to preclude Covered Species access to that sump until oil and oil residues have been removed and no longer pose an exposure risk to wildlife.	ITP Condition # 7.8	Entire Project	Permittee	
58	If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 6.12. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 7.13	Entire Project	Permittee	
59	Permittee shall install one artificial kit fox dens for each potential or known den and two artificial dens for each natal den to be collapsed due to unavoidable disturbance. Permittee shall install artificial dens within 100 meters of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 100 meter radius of the collapsed Den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Pre-activity surveys will be conducted by the Designated Biologist and avoidance measures implemented prior to the installation of artificial dens.	ITP Condition # 7.14	Entire Project	Permittee	
60	The Permittee shall submit as-built plans to CDFW within six (6) months of completing the Project construction. The as-built plan sheets shall delineate and quantify the extent of permanent Project features and permanent disturbance area in acres. The permanent disturbance area shall also include areas where future O&M activities are expected to occur. The as-built plans shall include an estimate of the temporary disturbance during construction by highlighting the estimated temporary disturbance areas on the as-built plan sheets. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format.	ITP Condition # 7.15	Entire Project / Project Completion	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	All O&M activities shall occur within permanently disturbed areas described in Condition of Approval 7.15. O&M Activities shall implement all Take Minimization Measures (Condition of Approval 7).	ITP Condition # 7.16	Entire Project	Permittee	
62	Permittee shall operate facilities and equipment in such a manner as to prevent harm to Covered Species. For example, belt guards shall be used on machinery to prevent Covered Species and other wildlife from becoming caught in the moving belts.	ITP Condition # 7.17	Entire Project	Permittee	
63	Permittee shall properly maintain well cellars by appropriate design and maintenance, and keep them covered and drained in order to protect Covered Species and other wildlife from becoming entrapped within the well cellar and to minimize leakage from facilities which may impact Covered Species.	ITP Condition # 7.18	Entire Project	Permittee	
64	Permittee shall reclaim and revegetate abandoned or disturbed areas no longer needed for oil and gas activities as appropriate to the land use to minimize erosion, and to restore Covered Species habitat. The Permittee shall submit a Reclamation Plan for CDFW written approval before commencing any reclamation activities.	ITP Condition # 7.19	Entire Project / Project Completion	Permittee	
65	Permittee shall restore on-site the 1.25 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within three (3) months of issuance of the ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 1.25 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Permittee shall submit the Plan to CDFW for written approval. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods.	ITP Condition # 8.6	Plan within 3 months of ITP Issuance/Project Completion	Permittee	
POST-CONSTRUCTION					
66	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 5.15	Entire Project / Project Completion	Permittee	
67	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities, including those associated with both construction and O&M activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 6.11	Post-construction and after completion of mitigation	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	The Permittee shall submit as-built plans to CDFW within six (6) months of completing the Project construction. The as-built plan sheets shall delineate and quantify the extent of permanent Project features and permanent disturbance area in acres. The permanent disturbance area shall also include areas where future O&M activities are expected to occur. The as-built plans shall include an estimate of the temporary disturbance during construction by highlighting the estimated temporary disturbance areas on the as-built plan sheets. Plans shall include topographic data, with contour intervals not to exceed five feet, as a background layer. The plan scale shall be 1":250' (one inch to 250 feet) or smaller. Plans shall be derived from engineering survey data acquired after Project construction and shall be verified by the Designated Biologist(s). The plans shall be submitted in Portable Document Format (PDF) or a similar electronic format.	ITP Condition # 7.15	Entire Project / Project Completion	Permittee	
69	Permittee shall reclaim and revegetate abandoned or disturbed areas no longer needed for oil and gas activities as appropriate to the land use to minimize erosion, and to restore Covered Species habitat. The Permittee shall submit a Reclamation Plan for CDFW written approval before commencing any reclamation activities.	ITP Condition # 7.19	Entire Project / Project Completion	Permittee	
70	Permittee shall restore on-site the 1.25 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within three (3) months of issuance of the ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 1.25 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Permittee shall submit the Plan to CDFW for written approval. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods.	ITP Condition # 8.6	Project Completion	Permittee	

PROPOSED LANDS FOR ACQUISITION FORM ("PLFAF")

Date: _____

TO: Regional Representative

Facsimile:

FROM: _____

Applicant proposes that the following parcel of land be considered for approval by the CDFW as suitable for purposes of habitat management lands to replace the adverse environmental impacts of the Project:

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Number of Acres</u>
_____	_____	_____	_____

Current Legal Owner(s), of the surface and mineral estates, include Assessor's Parcel Number(s):

General Description of Location of Parcel(s):

Land value: \$ _____

For Region Use only

APPROVED ___ By: _____ DATE: _____

REJECTED ___ Regional Manager's signature

Explanation: _____

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

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

To: _____
Regional Manager, Region Name

From: _____
Project Applicant

Phone: _____

Tracking #: _____
CDFW assigned permit or agreement #

Project Name: _____

Enclosed is the complete package for the TPB Conservation Easement

Documents in this package include:

Draft TPB Conservation Easement Deed with legal description stamped by a licensed surveyor, if applicable.

Proposed Lands for Acquisition Form (PLFAF)

Phase I Environmental Site Assessment Report Date on report: _____
(An existing report may be used, but it should be less than two years old.)

Mineral Assessment Report, if applicable.

Preliminary Title Report(s) for subject property is enclosed and has been reviewed for Encumbrances, including severed mineral estates, and other easements. The title report must be less than one year old when final processing is conducted.

Included are additional documents:

document(s) to support title exceptions

document(s) to explain title encumbrances

a plot or map of easements/encumbrances on the property

Copy of Grantor's Policy of Title Insurance when proposed mitigation land was purchased, if available.

County Assessor Parcel Map(s) for subject property

Vicinity or Site Location Map

Final Permit or Agreement (or other appropriate instrument)

Type of agreement: Bank Agreement Mitigation Agreement

Permit _____ Other: _____
(write in type of permit)

Final Management Plan (if required prior to finalizing permit or agreement)

Biological Resources Report, if applicable.

Copy of NGO or Grantee's due diligence approval letter from CDFW.

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

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

[Name of financial institution]

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

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION/REDUCTION

[*CDFW Letterhead*]

[*Date*]

[*Name and address of financial institution*]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

