



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



November 21, 2022

Mark Medina, Project Manager
Southern California Gas Company
9400 Oakdale Avenue, SC9314
Chatsworth, California 91311

Subject: Incidental Take Permit for eTS 58713.01 Line 85 Milepost 75.85 Remediation Digs Project (2081-2022-064-04)

Dear Mark Medina:

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

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

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

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

The permit will not take effect until the signed acknowledgement is received by CDFW. If you wish to discuss these instructions or have questions regarding the permit, please contact Sarah Bahm, Senior Environmental Scientist (Specialist), at sarah.bahm@wildlife.ca.gov or (559) 580-3195.

Sincerely,
DocuSigned by:

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

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

Enclosure

Conserving California's Wildlife Since 1870



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

California Endangered Species Act
Incidental Take Permit No. 2081-2022-064-04

ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

I. Authority:

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

Permittee:	Southern California Gas Company
Principal Officer:	Mark Medina, Project Manager mmedina@socalgas.com
Contact Person:	Julie Niceswanger, (209) 601-7450 jniceswa@socalgas.com
Mailing Address:	9400 Oakdale Ave, SC9314 Chatsworth, California 91311

II. Effective Date and Expiration Date of this ITP:

This ITP shall become effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **May 31, 2023**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 5.10 of this ITP.

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

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

III. Project Location:

The eTS 58713.01 Line 85 Milepost (MP) 75.85 Remediation Digs Project (Project) is located in the southern San Joaquin Valley approximately 5.5 miles east of the town of Taft in Kern County, California (Figure 1). The Project is specifically located at three distinct Work Areas (defined as the discrete zones within the Project Area where Covered Activities will actively occur) on California Department of Water Resources-owned land adjacent to and on Section 12, Mount Diablo Base and Meridian. The Work Areas are located on both sides of the California Aqueduct near Lake Station Road within the United States Geological Survey 7.5-Minute Quadrangle Map Buena Vista Lake Bed in Township 32 South, Range 24 East. Work Area 1 is located at approximately 35.158518°, -119.349025°; Work Area 2 is located at approximately 35.157883°, -119.346292°; and Work Area 3 is located at approximately 35.158184°, -119.345164° (Figure 2).

IV. Project Description:

The purpose of the Project is to prevent pipeline failure by inspecting and repairing three segments of the 26-inch natural gas pipeline (Line) 85 near MP 75.85 where potential anomalies have been identified via remote pigging equipment and installing cathodic protection to protect the integrity of the pipeline.

In order to inspect and repair these three segments, a trench will be excavated within each Work Area to expose the pipeline for inspection, repair, and recoating. The trenches within Work Area 1 will be approximately 300 feet long by 10 feet wide by 6 feet deep; within Work Area 2 will be approximately 170 feet long by 10 feet wide by 6 feet deep; and within Work Area 3 will be approximately 50 feet long by 10 feet wide by 6 feet deep. In total, the area of excavation will be 5,200 square feet (0.12 acre). Work Area 1 will be approximately 10,385 square feet (0.238 acre); Work Area 2 will be approximately 15,860 square feet (0.364 acre); and Work Area 3 will be approximately 5,407 square feet (0.124 acre). Excavations will require the use of hand tools and mechanized equipment. Approximately 1,156 cubic yards of excavated soil will be stockpiled adjacent to each trench within the Work Areas and/or within a paved 1.10-acre Staging/Laydown Area. Excavation of the trenches will result in steep walls that will be shored using metal shoring plates and steel supports to stabilize the plates. The plates will be installed using an excavator bucket or a crane, as needed.

Once exposed, approximately 520 feet of the pipeline will be tested, cleaned, abated, and inspected. Abatement includes wrapping the exposed areas in plastic containment and sandblasting and/or scraping using hand tools the existing coating from the exposed pipe. Containment will remain in place to capture and contain any materials from sandblasting/scraping the exposed pipe as well as during recoating. If asbestos-containing material is found to be present, it will be removed. Once cleaned of all coating, dirt, and debris, the integrity of the pipe will be inspected both visually and using wave and b-scan inspection equipment, portable phased-array ultrasonic testing, and/or portable hand and pipe latching equipment.

If anomalies are detected during inspection, they must be immediately remedied by repairs or replacements. Depending on the severity, minor anomalies may be remedied by installing soft padding around the affected area using hand tools. Moderate anomalies that cannot be remedied via soft padding will be remediated by installing a patch called a wedding band around the anomaly. This repair entails a metal sleeve of greater thickness but the same diameter and grade as the existing pipe being placed over the anomaly and welded into place. If severe anomalies are detected, the section of pipeline may need to be replaced which entails the affected pipe segment being cut and removed from the trench and a replacement segment of the same grade and thickness welded into place. Replacement of the pipe section will occur in the same Work Area footprint and is not expected to result in additional impacts. The exposed pipeline segments will then be recoated with fusion-bonded epoxy or similar material using a handheld sprayer or brush. The new coating will be inspected, and the coating process may be repeated if any imperfections do not meet inspection standards.

To provide cathodic protection, four approximately 60-inch-long, 4.5-inch-diameter magnesium anodes will be installed below ground, adjacent to the pipeline within the trench in Work Area 2 and wired to the pipe. The anodes will then be connected by wire at the other end to a 3-inch-diameter post that contains the monitoring station (i.e., test station) that extends above ground. The test stations are currently on the site but will be replaced after backfilling the trench. The exposed pipeline segments will be filled with zero-sack slurry, or wet sand, to approximately 18 inches above the top of the existing pipe, then with the stockpiled native soil or certified clean fill, as needed. Excess soil may be hauled off site for disposal at an approved facility. Finally, the existing 3-inch-diameter post-mounted test station will be replaced. All Project impacts will be temporary and kept to the minimum amount necessary to complete Project activities. Following the completion of the Project, temporary disturbance areas will be returned to pre-Project conditions, as feasible. The Project area will then be allowed to revegetate naturally.

In total, the Project will occur within an area of approximately 0.727 acre for the three pipe repair Work Areas, of which 0.554 acre is disturbed/developed (existing unvegetated, compacted dirt roads) and 0.173 acre is valley saltbush scrub/non-native grassland (Figure 3). Access to the Project will be from adjacent existing dirt roads. The paved Staging/Laydown Area will be used for trailers, portable restrooms, equipment storage, vehicle parking and material stockpiles as necessary to complete the Project. Equipment to be used includes: a rubber-tired excavator and/or backhoe, water truck, skid-steer loader, compactor, towable air compressor, portable restrooms, job site containers and trailers as needed, work trucks, and hand tools. If pipe replacement is necessary, additional equipment may be needed, including a crane, side booms, and welding machines. The exact equipment that is used may be substituted based on availability at the time of construction, but the substituted equipment will be of similar size and specification. The Project is expected to last approximately 45 days from mobilization to completion.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. Tipton kangaroo rat (<i>Dipodomys nitratoide nitratoide</i> , TKR)	Endangered ⁴
2. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i> , SJAS)	Threatened ⁵

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: clearing; grubbing; removing vegetation; excavating; stockpiling soil; cleaning/removing existing pipeline coating; repairing or replacing pipeline section; welding; installing new fusion-bonded epoxy pipeline coating or similar material; installing magnesium anodes and test station; reburying pipeline; compacting soil; heavy equipment operation; materials and equipment laydown and storage; transporting construction materials and other Project-related traffic; site recontouring; and other activities described in the Project Description section of this ITP (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as burrow collapse that results in crushing or suffocation of underground individuals during vegetation removal, grubbing, excavation, and compaction; entombment of individuals from deposition of stockpiled material, or spoils over occupied burrows; entrapment and burial within uncovered excavations; crushing by equipment; and vehicle/equipment strikes from Project-related traffic during construction activities. Incidental take of individuals of the Covered Species in the form of pursue, catch, capture may also occur from the Covered Activities through entrapment in trenches and excavations, uncovering Covered Species through the excavation of burrow systems, by corralling Covered Species into a confined area when barrier fencing is constructed around the Project Area, and when individuals of the Covered Species are relocated out of harm's way as required by this ITP. The areas where authorized take of the Covered Species is expected to occur are the three pipeline coating/ repair Work Areas, the Staging/Laydown Area, and access roads (collectively, the Project Area).

The Project is expected to cause the temporary loss of 0.173 acre of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts

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

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(D).

⁵See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(B).

include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species of the United States Fish and Wildlife Service (USFWS) approval letter for the Project to purchase credits from the Kern Water Bank Conservation Bank as well as the terms and conditions set forth in the Kern Water Bank Conservation Bank Habitat Conservation Plan/Natural Community Conservation Plan pursuant to section 10(a)(1)(B) of the Federal Endangered Species Act and Fish and Game Code section 2800, respectively. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 3. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the

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Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

4. General Provisions:

- 4.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 4.2. Designated Biologist(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval before starting Covered Activities. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to specific Conditions of Approval, indicated by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, small mammal burrow excavation experience, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.
- 4.3. Designated Biologist(s)/Designated Monitor(s) Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s)/Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist(s)/Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s)/Designated Monitor(s) are unable to comply with the ITP, then the

Designated Biologist(s)/Designated Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 4.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.
- 4.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 4.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 4.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.

- 4.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 4.9. Dogs.** Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 4.10. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.
- 4.11. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of each Work Area within the Project Area where the Covered Activities will occur, with fencing, stakes, or flags along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in each Work Area.
- 4.12. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 4.13. Project Access.** 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 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 4.14. 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

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Project Area unless provided for as described in Condition of Approval 4.13 of this ITP.

- 4.15. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.
- 4.16. 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.
- 4.17. 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.
- 4.18. Rodenticide Use.** Permittee shall prohibit the use of rodenticides in the Project Area.

5. Monitoring, Notification and Reporting Provisions:

- 5.1. Notification Before Commencement.** The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 5.2. Notification of Non-compliance.** The Designated Representative or Designated Biologist shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative or Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 5.3. TKR Mortality Reduction and Relocation Plan.** Permittee shall submit a TKR Mortality Reduction and Relocation Plan to CDFW prior to beginning Covered Activities. Trapping, burrow excavation, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The TKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed burrow excavation methods; release location(s); detailed release methods (i.e., soft

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release or another method); artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured TKR. Only the Designated Biologist is authorized to capture, handle, and relocate TKR. Once the TKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all TKR mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved TKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed TKR Mortality Reduction and Relocation Plan modifications.

- 5.4. SJAS Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to beginning Covered Activities. Burrow excavation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); artificial burrow design and installation methods (if needed); and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.
- 5.5. Geographic Information Systems Data Files. Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for the temporary and/or permanent habitat impact areas authorized under this ITP for each Covered Species. If more than one Covered Species occurs in the same area, the Permittee shall provide one set of GIS data files for each species. If habitat for a Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.
- 5.6. Compliance Monitoring. The Designated Biologist shall be onsite daily, for the duration of the day, when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of weekly during any periods of inactivity after clearing, grubbing, grading, and exclusion fencing installation are completed. The Designated Biologist shall conduct compliance inspections to:

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

The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

- 5.7. Record of Covered Species Relocated.** The Designated Biologist shall maintain a record of all Covered Species handled and observed. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.8 below. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.10 below shall include cumulative results, analysis of data collected, and conclusions.
- 5.8. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.6 and 5.7 above into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month following the first month after Covered Activities have commenced. At the time of this ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is

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R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 5.9. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 5.10. Final Mitigation Report. No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report via e-mail as described in Condition of Approval 5.8. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 5.11. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e-mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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

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

- 6.1. Designated Biologist On Site. The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.
- 6.2. Work Hours. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may only be permitted with written authorization from CDFW (email will suffice).
- 6.3. Lighting. Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.
- 6.4. Delineation of Ingress and Egress Routes. Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 6.5. Equipment Fueling. Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows, unless approved in advance in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 6.6. Vehicle Parking. Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval 6.22 and 6.24. Vehicles left overnight shall be located at least 50 feet from of all Covered Species dens or burrows.
- 6.7. Vehicle and Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively, above.

- 6.8. Stockpiling Materials.** Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.
- 6.9. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code Section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 6.10. Materials Inspection.** Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively, above.
- 6.11. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days unless temporary exclusion fencing completely surrounds each Work Area), and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall

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make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively, above.

- 6.12. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 6.13. Covered Species Observations.** All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist moves the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively, above.
- 6.14. Delineation of Environmentally Sensitive Areas.** Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly-colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 6.19 and 6.23. Permittee shall maintain Environmentally Sensitive Area markers in good repair for the duration of the Covered Activities in the Project Site. No Covered Activities are allowed within Environmentally Sensitive

Areas except per Conditions of Approval 6.15, 6.16, 6.17, 6.18, 6.20, 6.22, and 6.24.

- 6.15. Vegetation Removal.** Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.
- 6.16. Covered Species Pre-Activity Surveys and Burrow Mapping.** The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 10 calendar days prior to beginning Covered Activities in the Project Area. The pre-activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify and flag all potential burrows used by Covered Species, whether they appear active or inactive. Permittee shall provide the pre-activity surveys results and burrow map in a written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, results, a discussion and map of the locations of each potential Covered Species burrow, and an estimated date of Covered Species relocation as described in Conditions of Approval 5.3 and 5.4.
- 6.17. Temporary Exclusion Fencing.** Permittee shall install trenchless Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area immediately following surveys to flag all potential Covered Species burrows in accordance with Condition of Approval 6.16 above and immediately prior to TKR relocation in accordance with Condition of Approval 6.20 below. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations prior to installing fencing.
- 6.18. Temporary Exclusion Fencing Installation.** The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Project Area. The Designated Biologist shall check the Temporary Exclusion Fence daily when Covered Activities are occurring within the Work Area and at least once weekly during periods of inactivity and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.

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TKR-Specific Measures

- 6.19. TKR Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied TKR burrows within the Project Area. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.20, 6.21, and 6.22 below.
- 6.20. TKR Relocation.** Any potential TKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 6.19 shall be live trapped for one (1) night by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured TKR to the CDFW-approved release site identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.3).
- 6.21. TKR Relocation Weather Constraints.** During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for TKR. Additionally, the Designated Biologist shall close all traps for TKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place natural or synthetic batting, or the appropriate insulating material, in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.
- 6.22. TKR Burrow Excavation.** Immediately following live trapping activities conducted to address Condition of Approval 6.20 and prior to beginning Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential TKR burrows within each fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any TKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.3).

SJAS-Specific Measures

- 6.23. SJAS Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within the Project Area. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Condition of Approval 6.24 below.

- 6.24. SJAS Burrow Excavation.** Immediately following completion of TKR Relocation activities conducted to address Condition of Approval 6.20 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 5.4) by the Designated Biologist. Any dormant, lactating/nursing female, or dependent juvenile Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.
- 6.25. 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 5.11. Notification shall include the name of the facility where the animal was taken.

7. Habitat Management Land Acquisition:

Based on previous captures and observations of the Covered Species and the number of small mammal burrows currently documented within the Project Area, 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 Covered Species and habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall use existing Covered Species credits from its balance of 3.96 conservation credits from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).

- 7.1. Covered Species Credits.** Prior to initiating Covered Activities, the Permittee shall: (1) assign 0.35 acre of Covered Species credits from CLEP; and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by CLEP and a credit ledger or similar document from CLEP verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.

IX. Amendment:

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

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

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

XII. Notices:

The Permittee shall sign and return this ITP to CDFW. A manual or digital signature is acceptable, provided a digital signature complies with Government Code section 16.5. Digital signatures facilitated by CDFW will be automatically returned. Manual (wet) signatures on duplicate original paper copies shall be returned by the Permittee via registered first-class mail or overnight delivery to the following address:

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

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Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2022-064-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

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

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

Sarah Bahm
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 580-3195
Sarah.Bahm@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

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

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XIV. Findings Pursuant to CESA:

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 0.35 acre of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce,

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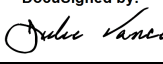
and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

XV. Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Project Detailed Map
FIGURE 3	Project Species Habitat Disturbance Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 11/22/2022

DocuSigned by:

 FA83F09FE08945A...
 Julie A. Vance, Regional Manager
 CENTRAL REGION

ACKNOWLEDGMENT

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

By:  Date: 12/2/2022
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Printed Name: Mark Medina Title: Project Manager

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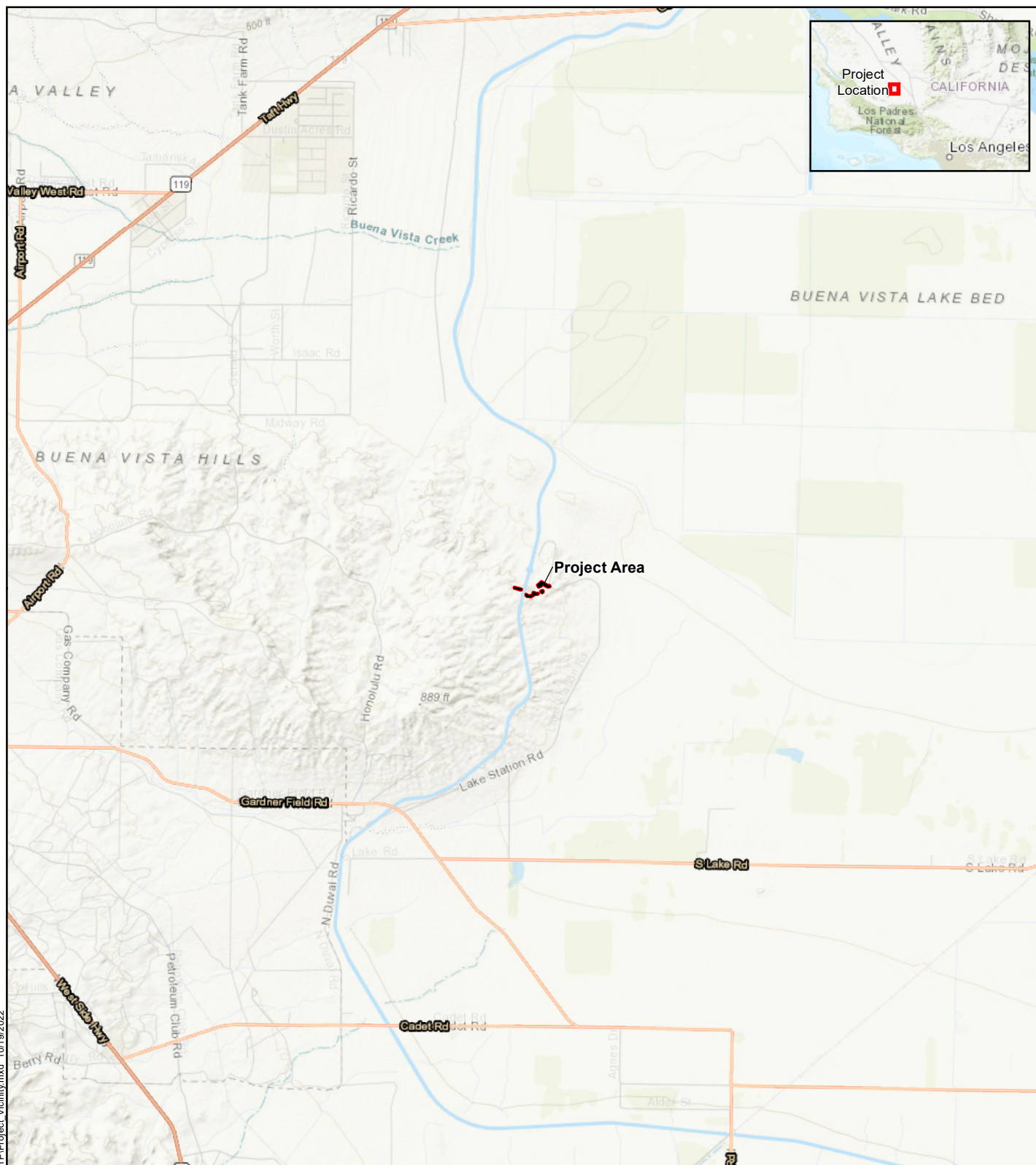



Figure 1: Project Vicinity Map

eTS 58713.01 Line 85 MP 75.85 Remediation Digs

 Workspace

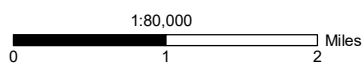




Figure 2: Project Detailed Map **eTS 58713.01 Line 85 MP 75.85 Remediation Digs**

- Project Components**

 - Existing Line 85 Alignment
 - Access Road
 - Laydown Area
 - Excavation Area
 - Work Area
- Approximate Workspace Centerpoint

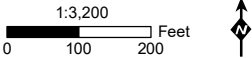




Figure 3: Project Species Habitat Disturbance Map **eTS 58713.01 Line 85 MP 75.85 Remediation Digs**

Project Components

- Existing Line 85 Alignment
- Laydown Area
- Excavation Area
- Work Area

Vegetation Communities

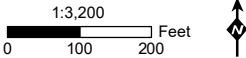
- Allscale Scrub
- Developed
- Water

Species Suitable Habitat

- Tipton kangaroo rat
- Nelson's antelope squirrel

Species Detections

- Nelson's antelope squirrel observation (2022)
- Historic Nelson's antelope squirrel observation (2021)
- Historic Nelson's antelope squirrel observation (2020)
- Historic Tipton kangaroo rat capture (2020)
- Suitable Species Burrow (August 2022)



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2022-064-04

PERMITTEE: Southern California Gas Company

**PROJECT: eTS 58713.01 Line 85 Milepost 75.85 Remediation
Digs Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. This information shall be submitted for CDFW review and approval before starting Covered Activities. The Designated Monitor(s) shall assist the Designated Biologist(s) in compliance monitoring under direction/supervision of the Designated Biologist(s). Designated Monitor responsibilities will be restricted to specific Conditions of Approval, indicated by the Permittee or Designated Representative at the time their qualifications are submitted for review. Permittee shall ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in the Covered Species' biology, natural history, collecting and handling, small mammal burrow excavation experience, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. The Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities, Permittee shall clearly delineate the boundaries of each Work Area within the Project Area where the Covered Activities will occur, with fencing, stakes, or flags along any part of the route in active construction. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged Work Area. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in each Work Area.	ITP Condition # 4.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 4.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>TKR Mortality Reduction and Relocation Plan.</u> Permittee shall submit a TKR Mortality Reduction and Relocation Plan to CDFW prior to beginning Covered Activities. Trapping, burrow excavation, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The TKR Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed description of trapping methodology; detailed burrow excavation methods; release location(s); detailed release methods (i.e., soft release or another method); artificial burrow design and installation methods; description of exclusion fencing type and implementation; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured TKR. Only the Designated Biologist is authorized to capture, handle, and relocate TKR. Once the TKR Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all TKR mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved TKR Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed TKR Mortality Reduction and Relocation Plan modifications.	ITP Condition # 5.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	<u>SJAS Mortality Reduction and Relocation Plan.</u> Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW prior to beginning Covered Activities. Burrow excavation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to, timing; detailed burrow excavation methods; release location(s); detailed release methods (i.e., soft release, hard release, or another method); artificial burrow design and installation methods (if needed); and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS. Only the Designated Biologist is authorized to capture, handle, and relocate SJAS. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 5.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Geographic Information Systems Data Files.</u> Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for the temporary and/or permanent habitat impact areas authorized under the ITP for each Covered Species. If more than one Covered Species occurs in the same area, the Permittee shall provide one set of GIS data files for each species. If habitat for a Covered Species will be both temporarily and permanently impacted, the Permittee shall provide one set of GIS data files for each impact type. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	<u>Record of Covered Species Relocated.</u> The Designated Biologist shall maintain a record of all Covered Species handled and observed. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation as well as release; (2) sex; (3) approximate age (adult/juvenile) and reproductive condition; (4) weight; (5) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, ectoparasites, and injuries; and (6) ambient temperature when handled and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described in Condition of Approval 5.8. The Relocation Summary in the Final Mitigation Report described in Condition of Approval 5.10 shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	
13	<u>Delineation of Ingress and Egress Routes.</u> Permittee shall flag or otherwise clearly mark all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
14	<u>Delineation of Environmentally Sensitive Areas.</u> Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Project Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers, as defined in Conditions of Approval 6.19 and 6.23. Permittee shall maintain Environmentally Sensitive Area markers in good repair for the duration of the Covered Activities in the Project Site. No Covered Activities are allowed within Environmentally Sensitive Areas except per Conditions of Approval 6.15, 6.16, 6.17, 6.18, 6.20, 6.22, and 6.24.	ITP Condition # 6.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	<u>Vegetation Removal.</u> Permittee shall remove any vegetation that will be disturbed within the Project Area by cutting/clipping the vegetation at the base of the plants under the supervision of Designated Biologist using hand tools within the Project Area to encourage Covered Species to move out of the area.	ITP Condition # 6.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
16	<u>Covered Species Pre-Activity Surveys and Burrow Mapping.</u> The Designated Biologist(s) shall perform pre-activity surveys for Covered Species no more than 10 calendar days prior to beginning Covered Activities in the Project Area. The pre activity surveys shall cover the Project Area and 50 feet beyond the limits of the Project Area to identify and flag all potential burrows used by Covered Species, whether they appear active or inactive. Permittee shall provide the pre-activity surveys results and burrow map in a written report to CDFW's Regional Representative at least three (3) calendar days prior to beginning Covered Activities in the Project Area. The Pre-Activity Survey report shall include, but not be limited to, methodology, date and time of survey, results, a discussion and map of the locations of each potential Covered Species burrow, and an estimated date of Covered Species relocation as described in Conditions of Approval 5.3 and 5.4.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	<u>Temporary Exclusion Fencing</u> . Permittee shall install trenchless Temporary Exclusion Fencing around the perimeter of each Work Area within the Project Area immediately following surveys to flag all potential Covered Species burrows in accordance with Condition of Approval 6.16 and immediately prior to TKR relocation in accordance with Condition of Approval 6.20. Permittee shall submit for review and approval in writing by CDFW an Exclusion Fencing Plan which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations prior to installing fencing.	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
18	<u>Temporary Exclusion Fencing Installation</u> . The Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Project Area. The Designated Biologist shall check the Temporary Exclusion Fence daily when Covered Activities are occurring within the Work Area and at least once weekly during periods of inactivity and maintain/repair the fence when necessary. Temporary Exclusion Fencing shall be removed immediately upon completion of Covered Activities at each Work Area to minimize habitat fragmentation caused by fencing.	ITP Condition # 6.18	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
19	<u>TKR Burrow Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied TKR burrows within the Project Area. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with Conditions of Approval 6.20, 6.21, and 6.22.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
20	<u>TKR Relocation</u> . Any potential TKR burrows detected by the Designated Biologist within the Work Area that cannot be avoided per Condition of Approval 6.19 shall be live trapped for one (1) night by the Designated Biologist immediately following exclusion fencing installation and prior to commencing Covered Activities within the Work Area. The Designated Biologist shall relocate any captured TKR to the CDFW-approved release site identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.3).	ITP Condition # 6.20	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
21	<u>TKR Relocation Weather Constraints</u> . During the threat of inclement weather, such as the National Weather Service prediction of a 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee, the Designated Biologist shall close all traps for TKR. Additionally, the Designated Biologist shall close all traps for TKR if the air temperature exceeds 105 degrees Fahrenheit. If the air temperature is predicted to drop below 50 degrees Fahrenheit, the Designated Biologist shall place natural or synthetic batting, or the appropriate insulating material, in each open trap. The Designated Biologist shall replace this material with new material after each time a capture occurs in a given trap.	ITP Condition # 6.21	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
22	<u>TKR Burrow Excavation</u> . Immediately following live trapping activities conducted to address Condition of Approval 6.20 and prior to beginning Covered Activities within the Work Area, the Designated Biologist or individuals under the direct supervision of the Designated Biologist shall fully excavate by hand all potential TKR burrows within each fenced Work Area to be disturbed by Covered Activities. The Designated Biologist shall relocate any TKR encountered during burrow excavation to the CDFW-approved release site(s) identified in the TKR Mortality Reduction and Relocation Plan (Condition of Approval 5.3).	ITP Condition # 6.22	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
23	<u>SJAS Burrow Avoidance</u> . The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within the Project Area. If the 50-foot no-disturbance buffer cannot be established, burrow excavation shall occur in accordance with Condition of Approval 6.24.	ITP Condition # 6.23	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<u>SJAS Burrow Excavation</u> . Immediately following completion of TKR Relocation activities conducted to address Condition of Approval 6.20 and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or an individual under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the SJAS Mortality Reduction and Relocation Plan (Condition of Approval 5.4) by the Designated Biologist. Any dormant, lactating/nursing female, or dependent juvenile Covered Species encountered shall be collected by the Designated Biologist and relocated to an artificial burrow installed at the CDFW-approved release site.	ITP Condition # 6.24	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
25	<u>Habitat Management Land Acquisition</u> . Based on previous captures and observations of the Covered Species and the number of small mammal burrows currently documented within the Project Area, 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 Covered Species and habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. To meet this requirement, the Permittee shall use existing Covered Species credits from its balance of 3.96 conservation credits from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1).	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities	Permittee	
26	<u>Covered Species Credits</u> . Prior to initiating Covered Activities, the Permittee shall: (1) assign 0.35 acre of Covered Species credits from CLEP; and (2) provide CDFW with a copy of the mitigation or conservation credit certificate issued by CLEP and a credit ledger or similar document from CLEP verifying credits have been assigned to this Project. A copy of the credit certificate shall be kept at the Project Area while conducting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
DURING CONSTRUCTION					
27	<u>Designated Biologist(s)/Designated Monitor(s) Authority</u> . To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s)/Designated Monitor(s) shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist(s)/Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s)/Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s)/Designated Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 4.3	Entire Project	Designated Biologist	
28	<u>Construction Monitoring Documentation</u> . The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 4.5	Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
29	<u>Erosion Control Materials</u> . Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 4.8	Entire Project	Permittee	
30	<u>Dogs</u> . Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 4.9	Entire Project	Permittee	
31	<u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Condition of Approval 4.4.	ITP Condition # 4.10	Entire Project	Permittee	
32	<u>Project Access</u> . 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 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.13	Entire Project	Permittee	
33	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 4.13 of the ITP.	ITP Condition # 4.14	Entire Project	Permittee	
34	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.	ITP Condition # 4.15	Entire Project	Permittee	
35	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition # 4.16	Entire Project	Permittee	
36	<u>Rodenticide Use</u> . Permittee shall prohibit the use of rodenticides in the Project Area.	ITP Condition # 4.18	Entire Project	Permittee	
37	<u>Notification of Non-compliance</u> . The Designated Representative or Designated Biologist shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or this MMRP. The Designated Representative or Designated Biologist shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 5.2	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<p><u>Compliance Monitoring.</u> The Designated Biologist shall be onsite daily, for the duration of the day, when Covered Activities occur. The Designated Biologist shall conduct compliance inspections a minimum of weekly during any periods of inactivity after clearing, grubbing, grading, and exclusion fencing installation are completed. The Designated Biologist shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.</p>	ITP Condition # 5.6	Entire Project	Designated Biologist	
39	<p><u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 5.6 and 5.7 into a Monthly 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. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently and temporarily disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program no later than the 15th of each month following the first month after Covered Activities have commenced. At the time of the ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov, and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.</p>	ITP Condition # 5.8	Entire Project	Permittee	
40	<p><u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.</p>	ITP Condition # 5.9	Entire Project	Designated Biologist	
41	<p><u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by e mail to the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.</p>	ITP Condition # 5.11	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<u>Designated Biologist On Site.</u> The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.	ITP Condition # 6.1	Entire Project	Designated Biologist	
43	<u>Work Hours.</u> Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours shall be conducted with extra caution to minimize impacts to nocturnal species. Nightwork may only be permitted with written authorization from CDFW (email will suffice).	ITP Condition # 6.2	Entire Project	Permittee	
44	<u>Lighting.</u> Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting, that casts light on Covered Species habitat beyond the footprint of the Project Area between sunset and sunrise unless authorized in writing from CDFW. Temporary, exterior, fixed lighting at the Project Area shall be turned on only when people are present. Permittee shall not install permanent lighting at the Project Area.	ITP Condition # 6.3	Entire Project	Permittee	
45	<u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 100 feet from Covered Species burrows, unless approved in advance in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	ITP Condition # 6.5	Entire Project	Permittee	
46	<u>Vehicle Parking.</u> Permittee shall not allow vehicles to park on top of Covered Species burrows, except within designated staging areas for which burrows have been excavated per Conditions of Approval 6.22 and 6.24. Vehicles left overnight shall be located at least 50 feet from of all Covered Species dens or burrows.	ITP Condition # 6.6	Entire Project	Permittee	
47	<u>Vehicle and Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively.	ITP Condition # 6.7	Entire Project	Permittee	
48	<u>Stockpiling Materials.</u> Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
49	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any "Waters of the State", in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 6.9	Entire Project	Permittee	
50	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the structure is subsequently moved, buried, or capped. If during inspection, a Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving and utilizing the structure. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively.	ITP Condition # 6.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
51	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all trenches, open holes, sumps, and other excavations within the Project Area at the beginning and end of each day for trapped animals. All trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall be covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. Each morning, end of each day (including weekends and any other non-work days unless temporary exclusion fencing completely surrounds each Work Area), and immediately before trenches, holes, sumps, or other excavations are back filled, the Designated Biologist and/or Designated Monitor shall thoroughly inspect them for Covered Species. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover. If any worker discovers a Covered Species has become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue. Alternatively, the Designated Biologist shall move the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively.	ITP Condition # 6.11	Entire Project	Designated Biologist	
52	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduit, electrical cabinets, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 6.12	Entire Project	Permittee / Designated Biologist	
53	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist if the Covered Species is seen within or near the Project Area during implementation of any Covered Activity. All work in the vicinity of the Covered Species, which could harm the animal, shall cease until the Covered Species moves from the Project Area of its own accord or the Designated Biologist moves the Covered Species out of harm's way outside of the Project Area and in compliance with the approved TKR Mortality Reduction and Relocation Plan and/or SJAS Mortality Reduction and Relocation Plan required in Conditions of Approval 5.3 and 5.4, respectively.	ITP Condition # 6.13	Entire Project	Permittee	
54	<u>Covered Species Injury.</u> If a Covered Species is injured as a result of Project related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition of Approval 5.11. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 6.25	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST-CONSTRUCTION					
55	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.17	Post-construction	Permittee	
56	<u>Final Mitigation Report</u> . No later than 30 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report via e-mail as described in Condition of Approval 5.8. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.	ITP Condition # 5.10	Post-construction	Permittee	
57	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 5.10	Post-construction	CDFW	

Attachment 2

***** Please Note: While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of biologist's qualifications. *****

Name of Biologist & Contact Information

Education: (include year graduated)

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

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

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

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

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Survey/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3: ...

Species Name #2: (Example: Tipton Kangaroo Rat)

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

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3: ...

Species Name #3: (Example: Other Similar Species only)

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

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Trapping Hours:

Estimated Monitoring Hours:

Precincts/Burrows Observed:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Excavated:

Project Name #3: ...

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