



California Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
SAN DIEGO, CA 92123]

California Endangered Species Act
Incidental Take Permit No. 2081-2018-063-05

ANDORA SUBDIVISION PROJECT

Authority: This Native Plant Protection Act (NPPA) Incidental Take Permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 1907 and California Code of Regulations, Title 14, sections 783.0 et seq. and 786.9, subdivision (b). The NPPA prohibits the take¹ of any native plant listed as rare by the California Fish and Game Commission. (Fish & G. Code, §§ 1904, 1908; Cal. Code Regs., tit. 14, § 670.2.) CDFW may authorize the take of any such rare native plant by permit if the conditions and procedures set forth in the California Code of Regulations, Title 14, section 783.0 et seq. are met. (Cal. Code Regs., tit. 14, § 786.9, subd. (b).)

Permittee:	Andora Properties I, LLC
Principal Officer:	Daniel Bernstein, President
Contact Person:	Camille Thomas-McGee, Project Manager
Mailing Address:	9748 Topanga Canyon Blvd. Chatsworth, CA 91311

Effective Date and Expiration Date of this ITP:

This ITP shall be executed in duplicate original form and shall become effective once a duplicate original is acknowledged by signature of the Permittee on the last page of this ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. Unless renewed by CDFW, this ITP's authorization to take the Covered Species shall expire on **May 1, 2024**.

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

¹Pursuant to Fish and Game Code section 86, "'take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

Project Location:

The Andora Subdivision Project (Project) is located at 9503 Andora Place in the Chatsworth Community within the City of Los Angeles, Los Angeles County (See Figure 1). The 91-acre property (Project Area) is represented by County Assessor's Parcel Number 2724-007-004. The approximate latitude and longitude for the Project Area centroid is 34° 14' 32.81" North, 118° 37', 39.21" West. The Project Area is bounded by Valley Circle Boulevard and Chatsworth Oaks Park to the south, existing development (Tracts 29591 and 34083) to the east, and open space (Santa Susana Pass State Historic Park) to the north and west.

Project Description:

The 91-acre Project Area includes the construction of 33 single-family dwelling units and associated infrastructure on 28 acres of undeveloped land (Construction Site) and conservation of an open space lot encompassing 61 acres. Project activities within the Construction Site include clearing and grubbing all vegetation on 28 acres; extending Andora Avenue with the construction of "A" street; adding a secondary emergency access route; constructing 33 homes and related infrastructure, including grading front, side, and back yards, associated utilities, and stormwater conveyance structures; clearing vegetation for fuel modification purposes; maintaining existing designated horse trails within the 28 acres; and constructing a new segment of horse trail and watering station within the 28 acres. The Project Area consists of moderately sloping, hilly terrain with sandstone outcrops. Habitat on the Project Area includes a mix of *Artemisia californica* Shrubland Alliance, *Artemisia californica* - *Eriogonum fasciculatum* Shrubland Alliance, *Malosma laurina* Shrubland Alliance, *Quercus agrifolia* Woodland Alliance, *Malacothamnus fasciculatus* - *Malacothamnus spp.* Shrubland Alliance, and Annual brome grasslands (*Bromus (diandrus, hordeaceus)*) Semi-Natural Herbaceous Stands. Project construction is anticipated to start on May 31, 2019 with a completion date of January 2021. Project plans depicting the open space lot, the development footprint, grading footprint, and approved fuel modification zone are included in Figure 2. The existing horse trails on the 61-acre parcel and proposed horse trail improvements on the Construction Site are provided in Figure 3.

Lots 2, 3, 4, 5, and 6 will retain private ownership of 0.57-acre of Covered Species habitat with 24 Covered Species individuals on Lots 3, 4, and 5. The Covered Species habitat in Lots 2, 3, 4, 5, and 6 will be placed under a conservation easement as a condition of approval of the Project Environmental Impact Report by the City of Los Angeles. This conservation easement is between Andora Properties I, LLC and Mountains Recreation Conservation Authority or Desert and Mountains Conservation Authority (Figure 8). This permit does not authorize impact to these Covered Species individuals on Lots 3, 4, and 5.

Lot 15 will retain private ownership of 0.45-acre of Covered Species occupied habitat with approximately 13 Covered Species individuals in the backyard near the southern boundary between Lot 15 and the 61 acre conservation parcel, , placed under a conservation easement as a condition of approval of the Project Environmental Impact Report by the City of Los

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Angeles. This conservation easement is between Andora Properties I, LLC and Mountains Recreation Conservation Authority or Desert and Mountains Conservation Authority (Figure 8). This permit does not authorize impact to these Covered Species individuals.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. Santa Susana tarplant (<i>Dienandra minthornii</i>)	State Rare ²

This species and only this species is the “Covered Species” for the purposes of this ITP.

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 and grubbing of vegetation, grading, vegetation thinning, and crushing of individual plants for construction of 33 single-family dwelling units and associated infrastructure, stormwater conveyance and detention, horse trail maintenance within the Construction Site, and fuel modification (See Figure 4 – Approved Fuel Modification Plan) (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 crushing seeds and crushing of emergent and mature plants. Authorized take of the Covered Species is expected to occur in the following location:

- Lot 15 – Incidental take within the Construction Site on the northern portion of Lot 15 will occur during the construction of building pads, an access road, horse trail, concrete swale, and contouring of the slope, (collectively, the Take Area), resulting in take of up to 10 Covered Species individuals occupying 1.07-acres of suitable habitat.

The Project is expected to cause the permanent loss of 1.07 acres of cretaceous Chatsworth formation sandstone rock outcrop habitat occupied by the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include: trail use and maintenance; loss of seed bank; introduction or spread of invasive species; displacement from preferred habitat; heat island effect; Covered Species individuals in backyards of privately-owned single-family residential lots; increased competition for water, nutrients, and

²See Cal. Code Regs. tit. 14, § 670.2, subd. (c)

space; changes in drainage patterns that favors different vegetative growth; degraded water quality from storm water runoff; increased residential and equine uses; increased competition for food and space; and increased vulnerability to fire and disease.

The 61-acre conservation parcel will conserve and protect approximately 155 Covered Species individuals and 7.4 acres of cretaceous Chatsworth formation sandstone rock outcrop habitat.

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 Take Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study/Environmental Impact Report (SCH No.: 2015021057) adopted by City of Los Angeles on February 23, 2017 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

Per the Final Environmental Impact Report approval conditions, Permittee shall abide by the conditions of the conservation easement over the privately-owned lots (Lots 2, 3, 4, 5, 6, and 15) entered into with Mountains Recreation and Conservation Authority or Desert and Mountains Conservation Authority (Figure 8).

- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) Notification No. 1600-2018-0244-R5 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 *et seq.*

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4. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

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

5.2. Designated Botanist. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a botanical monitor (Designated Botanist) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Botanist is knowledgeable and experienced in the biology, natural history, and visual identification of the Covered Species. The Designated Botanist 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 Botanist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Botanist must be changed.

5.3. Designated Botanist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Botanist shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.

5.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Botanist that includes a discussion of the biology 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, including potential spread of *Phytophthora cinnamomi* (PHYCIN). Permittee shall provide interpretation for non-English speaking workers, and the same

instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Notebook. The Designated Botanist shall maintain a construction-monitoring notebook on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Construction Site upon request by CDFW.
- 5.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Botanist. Runoff from dust control shall be retained in the Construction Site and prevented from flowing into adjacent habitat for the Covered Species. Runoff shall be retained in the Construction Site by installing appropriate erosion control devices, such as silt fences. Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles. The Designated Botanist shall check weekly the effectiveness of dust control measures and direct implementation of further measures if necessary to prevent damage to Covered Species.
- 5.8. Delineation of Property Boundaries. Before starting Covered Activities within the Construction Site, Permittee shall clearly delineate the boundaries of the Construction Site with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.9. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

5.10. Project Access. Project-related personnel shall access the Construction Site using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Construction Site. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 10 miles per hour to avoid excessive dust impacting Covered Species being avoided. If Permittee determines construction of routes for travel are necessary outside of the Construction Site, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

5.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Construction Site using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Construction Site unless provided for as described in Condition of Approval 7.2 of this ITP.

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

5.13. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

5.14. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

6. Monitoring, Notification and Reporting Provisions:

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

- 6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.
- 6.3. Compliance Monitoring. The Designated Botanist shall be on-site daily when Covered Activities occur. The Designated Botanist 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 Construction Site. The Designated Representative or Designated Botanist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. The Designated Botanist shall conduct compliance inspections a minimum of weekly during periods of inactivity and after clearing, grubbing, and grading are completed.
- 6.4. Monthly Compliance Report. The Designated Representative or Designated Botanist shall compile the observation and inspection records identified in Condition of Approval 6.3 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 be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kelly Schmoker-Stanphill (Kelly.Schmoker@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Construction Site and Covered Activities, including actual or projected

completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 6.6. CNDDDB Observations. The Designated Botanist shall submit all new or unknown observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 30 calendar days of the observation and the Designated Botanist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 6.7. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Botanist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 6.8. Notification of Take or Injury. Permittee shall immediately notify the Designated Botanist 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 Botanist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (858) 467-4201. The initial notification to CDFW shall include information regarding the location, species, and number of individuals 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 individual, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7. Take Minimization Measures:

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

- 7.1. Signage on Housing Lots with Covered Species Habitat. Prior to construction and under the supervision of the Designated Botanist, Permittee shall install one sign on each of the six (6) housing lots (Lots 2, 3, 4, 5, 6, and 15) that contain the Covered Species habitat held in private ownership, under a conservation easement. The signs shall include language to protect Covered Species by preventing disturbance activities in Covered Species Habitat (i.e., fuel modification) and provide contact information for the grantee of the conservation easement.
- 7.2. Construction Fencing/Barrier. Prior to construction, Permittee shall install fencing to clearly delineate the limits of grading/impact and the boundary of the conserved mitigation land. The signs shall read "Sensitive Habitat Behind this Sign. No Ground Disturbance or Vegetation Clearing." Permittee shall maintain and/or replace these signs and fencing as necessary.
- 7.3. Fencing and signage of Fuel Modification. Prior to construction and consistent with the approved Fuel Modification Plan (Figures 4 and 5), Permittee shall install a fence and signs clearly delineating the approved fuel modification line below the Covered Species habitat on Lots 2, 3, 4, 5, and 6.
- 7.4. Cleared Land Weed Management Plan. Prior to construction, Permittee shall submit to CDFW a detailed Cleared Land Weed Control and Restoration Plan (CLWCRP). The CLWCRP shall include measures to ensure graded or cleared earth within the Construction Site does not establish weeds that would become a source of degradation for the adjacent 61-acre conservation parcel. The CLWCRP shall address weed introduction/establishment, eradication of weeds prior to setting seed, compaction and/or soil disturbance associated with slopes, and a species-specific planting plan, including locally collected seed sources, for all areas to be revegetated/restored. Monthly status reports including a list of all weed species detected, growth state (vegetative, flowering, seed), a map, and what methods were used to eradicate weeds shall be included.
- 7.5. Invasive Species. Permittee shall ensure that the Project prohibit the planting of any species contained in the Cal-IPC Invasive Plant Checklist (<https://www.cal-ipc.org/wp-content/uploads/2018/05/InvasivePlantChecklistforCaliforniaLandscaping.pdf>) listed for any region. This includes Peruvian/'California' pepper tree (*Schinus mole*) and

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fountain grass (*Pennisetum* spp.) species. Permittee shall ensure the Home Owners Association (HOA) bylaws prohibit the use of any plant listed on the above Cal IPC invasive plant list, for any region. Permittee shall ensure the HOA bylaws state that if a homeowner is found planting any listed plant within the development, that homeowner shall be responsible for paying Mountains Receptions Conservation Authority (MRCA) the cost, as determined by MRCA, for removal and monitoring of the site until the species and any resulting spread of said species, is eradicated.

- 7.6. Building Footprints. The site development shall be built in the location and size that were identified in the ITP Application.
- 7.7. Work in Dry Weather Only. Work shall only occur during periods of dry weather (with less than a 40 percent chance of rain). No work shall occur during a precipitation event. Within at least 12 hours prior to the onset of precipitation, Covered Activities shall cease, all associated erosion control measures shall be in place, and all motorized equipment and fueling materials shall be removed from areas where runoff from these items can be reasonably foreseen to come into contact with Covered Species. Covered Activities halted due to precipitation may resume when precipitation ceases and after a dry-out period of 48 hours for rain events. Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area. Weather forecasts shall be documented and provided upon request by CDFW.
- 7.8. Erosion Control. Prior to construction, Permittee shall prepare and implement a detailed Erosion Control Plan (ECP). The ECP shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as seed mixes, hydro mulch, fertile waddles or bales, or mono-filament netting. Any erosion control materials used must: (a) break down naturally; (b) be weed free; (c) contain no plastic or monofilaments; and (d) not exceed one inch in depth. Erosion control elements shall be checked and maintained on a daily basis to ensure proper function.
- 7.9. Designated Areas for Stockpiling Materials. Permittee shall ensure that all construction materials are not placed on the 61-acre conservation parcel or in areas where impacts to Covered Species or their habitat may occur.
- 7.10. Check Equipment for Leaks. Permittee shall ensure that construction equipment and vehicles operated in the Project Area are checked and maintained daily to prevent leaks of fuel, lubricants, solvents or other fluids.
- 7.11. Hazardous Materials Spill Prevention Plan. Permittee shall prepare and implement a Hazardous Materials Spill Prevention Plan before starting any construction activities.

7.12. Conservation Easement for Backyard Lots. Permittee shall execute and record the second conservation easement (Figure 8) covering, at a minimum, the portion of Lots 2, 3, 4, 5, 6, and 15 with Covered Species habitat, prior to Project grading.

8. Habitat Management Land Acquisition and Enhancement:

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 Construction Site, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall provide for both the permanent protection and management of 61 acres of Habitat Management (HM) lands, containing 7.4 acres of Covered Species occupied habitat pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of compensatory habitat must be complete within 30 days of execution of this ITP or before starting Covered Activities, whichever is sooner, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

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

- 8.1.1. Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$292,688 per acre for 7 acres, totaling \$2,048,816. Land acquisition costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;
- 8.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 8.2.5 below, estimated at \$39,500;
- 8.1.3. Interim management period funding as described in Condition of Approval 8.2.6 below, estimated at \$29,166; and
- 8.1.4. Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$3,985 per acre for 61 acres, totaling \$243,085. Long-

term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

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

8.2.1. Fee Title/Conservation Easement. Execute and record a conservation easement over the HM lands pursuant to terms approved in writing by CDFW. CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Pursuant to discussions between CDFW and Permittee, Permittee will also transfer fee title to the HM lands to MRCA.;

8.2.2. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least one month before acquisition and/or transfer of the HM lands, a formal Proposed Lands for Acquisition Form (see Attachment 2B) identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

8.2.3. HM Lands Documentation. Provide a recent preliminary title report, initial hazardous materials survey report, mineral risk policy assessment, and other necessary documents (see Attachment 2A). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;

8.2.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall

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notify CDFW of any subsequent changes in the land manager within 30 days of the change.

- 8.2.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing Startup Management Plan and a Final HM Lands Management Plan for CDFW approval; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage; and,
- 8.2.6. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the management of the HM lands as described in the Final HM Lands Management Plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the Final HM Lands Management Plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide a security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.
- 8.3. Endowment Fund. The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the Final HM Lands Management Plan approved by CDFW. After obtaining CDFW approval of the final HM Lands Management Plan, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the management plan(s) required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to

the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

8.3.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4);

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

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

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

8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

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

8.4. Habitat Restoration. Permittee shall conduct invasive vegetation management activities over the 61-acre parcel. Within three months of issuance of this ITP, the Permittee shall prepare both the Startup Management Plan and the Final HM Lands Management Plan to facilitate invasive vegetation management activities. The Startup Management Plan will be used during the startup and interim management

period (3-years). The Final HM Lands Management Plan will draw interest from the endowment and used for perpetual management activities. The plans should include specific success criteria and, at a minimum, include complete eradication of purple fountain grass and Peruvian pepper tree from the 61-acre mitigation parcel.

Eradication is defined as no new or reoccurring observances of both purple fountain grass and Peruvian pepper tree for 3 years after efforts to remove these species are stopped. If control (i.e., pulling, weeding, herbicide, or other methods) is still ongoing, the 3-year period will start after these control measures have stopped. The Startup Management Plan and the Final HM Lands Management Plan shall include detailed specifications for monitoring and removing all identified invasive vegetation within the 61-acre parcel, including frequency, removal and monitoring methods. The Startup Management Plan and the Final HM Lands Management Plan shall include details adequate to allow efficient implementation by vegetation management contractor under the direction of the Designated Botanist, and include an education component as required in Condition of Approval 5.4. The plan shall also indicate, by specific species, the best time of year for management to occur and outline reporting, success criteria, and a timeline.

9. Performance Security

The Permittee may proceed with Covered Activities only by fully funding the endowment, executing and recording the conservation easement identified in Condition of Approval 8.2.1, and completing transfer of fee title to the HM lands to MRCA or after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount. The Security shall be in the amount of \$2,360,567. This amount is based on the cost estimates identified in Condition of Approval 8.1 above.
- 9.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 9.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 9.5. Security Transmittal. If CDFW holds the Security, Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way

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of an approved instrument such as escrow, irrevocable letter of credit, or other.

9.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.

9.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

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

Amendment:

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

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 25 additional days. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section

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783.7, and any other applicable law. Neither the Designated Botanist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

Compliance with Other Laws:

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

Notices:

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

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

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-063-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Ed Pert, Regional Manager
C/o Ms. Kelly Schmoker-Stanphill
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
Telephone: (858) 467-4201

and a copy to:

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

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of

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addressing issues that arise during implementation of this ITP is:

Kelly Schmoker-Stanphill
3883 Ruffin Road
San Diego, CA 92123
Telephone: (626) 335-9092
Kelly.schmoker@wildlife.ca.gov

Compliance with CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, the City of Los Angeles. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Andora Subdivision EIR, (SCH No. 2015210057) dated February 2016 that the City of Los Angeles certified for the Andora Subdivision Project on February 23, 2017. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Findings Pursuant to the NPPA:

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in the NPPA and related regulations. (Fish & G. Code § 1907; Cal. Code Regs., tit. 14, §§ 783.4, subds, (a)-(b), 783.5, subd. (c)(2), 786.9, subd. (b).)

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise

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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 on private lots held under conservation easement; (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 the proposed 61-acre parcel protecting 155 Covered Individuals and 7.4-acres of suitable habitat that is contiguous with other protected Covered Species habitat as adequate compensatory habitat, 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) 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
- (7) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Attachments:

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FIGURE 1	Map of Project
FIGURE 2	Project Plans
FIGURE 3	Map of Horse Trails
FIGURE 4	Fuel Modification Approved, Close Up
FIGURE 5	Fuel Modification Approved, Entire Project
FIGURE 6	Project Development
FIGURE 7	61-acre Mitigation Lands (Lots 34 and 35)
FIGURE 8	Map of Second Conservation Easement to MRCA
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2A, 2B	Habitat Management Lands Checklist; Proposed Lands for Acquisition Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 06/20/2019

for Richard J. Burg
 Ed Pert, Regional Manager
 REGION 5, SOUTH COAST 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: _____

Printed Name: _____ Title: _____

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