



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

California Endangered Species Act  
Amended 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 take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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).

<b>Permittee:</b>	<b>Southern California Gas Company</b>
<b>Principal Officer:</b>	<b>Mark Medina, Project Manager</b> <a href="mailto:MMedina@socalgas.com">MMedina@socalgas.com</a>
<b>Contact Person:</b>	<b>Keely Craig, (858) 325-5308</b> <a href="mailto:KCraig@socalgas.com">KCraig@socalgas.com</a>
<b>Mailing Address:</b>	<b>9400 Oakdale Ave, SC9314 Chatsworth, California 91311</b>

**II. Amended ITP<sup>3</sup> Background:**

On November 22, 2022, CDFW issued the original ITP No. 2081-2022-064-04 to Southern California Gas Company (Permittee), authorizing take of Tipton kangaroo rat (*Dipodomys nitratoideus nitratoideus*, TKR) and San Joaquin antelope squirrel (*Ammodontomys nelsoni*, SJAS) (Covered Species) associated with and incidental to the eTS 58713.01 Line 85 Milepost 75.85 Remediation Digs Project in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW included inspection and repair of 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 installation of cathodic protection to protect the integrity of the pipeline at three distinct Work Areas totaling a 0.727-acre Project Area.

<sup>1</sup>Pursuant 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”].)

<sup>2</sup>The 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.

<sup>3</sup>When this incidental take permit and attachments refer to the “ITP”, it means the “Amended ITP” unless the context dictates otherwise.

On June 2, 2023, CDFW issued Major Amendment No. 1 which extended the expiration date of the ITP from May 31, 2023, to November 30, 2023, added installation of three above-ground 16-inch by 12-inch by 6-inch junction boxes to the Project Description, added installation of junction boxes and pouring concrete to Covered Activities, converted approximately 4 square feet of temporary disturbance to permanent disturbance within the same total Project footprint, added 2.67 square feet (0.000061 acre) of permanent impacts to Covered Species habitat, and revised Figures. These changes added permanent impacts of the Project, but CDFW determined that the Habitat Management (HM) Lands already completed for the Project were sufficient to fully mitigate the additional 2.67 square feet of permanent impacts and additional HM Lands were not necessary. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 1.

On December 27, 2023, CDFW issued Major Amendment No. 2 which extended the expiration date from November 30, 2023 to May 31, 2024, added two Work Areas to the Project Location, revised the Project Description to include two new Work Areas and the expansion and modification of existing Work Areas, added San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF) as a Covered Species, added cross compression to Covered Activities, increased the total footprint of the Project and impacts to Covered Species habitat, revised a Condition of Approval to allow greater flexibility where equipment fueling can occur, added SJKF-specific Take Minimization Measures and revised measures to include SJKF, increased the amount of Covered Species Credits and/or Habitat Management Lands Acquisition required to fully mitigate increased impacts, added a section to allow the Permittee to proceed with the revised Covered Activities after a Security has been provided, and added, revised and replaced Figures and Attachments to reflect the changes listed above. CDFW determined that additional Habitat Management Lands were necessary to fully mitigate the additional 0.587 acre of temporary impacts Covered Species habitat. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 2.

On May 31, 2024, CDFW received a request from the Permittee for a major amendment to the ITP, as amended, and the corresponding fee payment. The request includes: extending the expiration date from May 31, 2024, to November 30, 2024; expanding the trench within Work Area 5 by approximately 50 feet in length to accommodate replacing up to 65 feet of pipeline while the limits of Work Area 5 will remain the same; and replacement of an existing wooden vault within Work Area 5 with a concrete vault. CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of this Amendment may increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing Conditions of Approval, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in all previous and this third amendment (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the issue date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this major amendment (Amendment No. 3). Figure 5 is revised to depict the expanded Work Area 5.

### **III. Effective Date and Expiration Date of this ITP:**

The original ITP became effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. The original ITP's effective date was December 2, 2022. This remains the effective date for the original take authorization. This Amended ITP shall become effective when issued by CDFW. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **November 30, 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 5.10 of this ITP.

### **IV. 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 City of Taft in Kern County, California (Figure 1a). The Project is specifically located at five distinct Work Areas (defined as the discrete zones within the Project Area where Covered Activities will actively occur). 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. Work Areas 1 - 4 are within California Department of Water Resources-owned land in Section 12 of Township 32 South, Range 24 East, Mount Diablo Base and Meridian (MDB&M). Work Area 5 is within privately-owned land in Section 7 of Township 32 South, Range 25 East, MDB&M. 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 2b). Work Area 4 is located at approximately 35.164648°, -119.349428° (Figure 4) and Work Area 5 is located at approximately 35.155344°, -119.335747° (Figure 5).

### **V. Project Description:**

The purpose of the Project is to prevent pipeline failure by inspecting and repairing five 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 five 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 380 feet long by 10 feet wide by 10 feet deep; within

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

Work Area 2 will be approximately 280 feet long by 10 feet wide by 10 feet deep; and within Work Area 3 will be approximately 60 feet long by 10 feet wide by 10 feet deep; within Work Area 4 will be approximately 50 feet long by 10 feet wide by 10 feet deep; and within Work Area 5 will be approximately 75 feet long by 10 feet wide by 10 feet deep. In total, the area of excavation will be 7,950 square feet (0.183 acre). Work Area 1 will be approximately 23,274 square feet (0.534 acre); Work Area 2 will be approximately 37,175 square feet (0.853 acre); and Work Area 3 will be approximately 5,407 square feet (0.124 acre); Work Area 4 will be approximately 10,748 square feet (0.247 acre); and Work Area 5 will be approximately 6,785 square feet (0.156 acre). Excavations will require the use of hand tools and mechanized equipment. Approximately 2,944 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 545 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 and 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. Cross-compression of the existing Line 85 alignment will be necessary to remove gas from the replacement segments and temporarily allow for continued natural gas transmission around the replacement sections. 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 two-component 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,

two locations in Work Area 1 and one location in Work Area 2. 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 3-inch diameter post will be supported by a 10-inch diameter by three-foot-deep concrete foundation that will be poured in place. The anode wires coming from the pipe to the ground will run through stubbed out 2-inch PVC conduits running vertically from 10 inches below ground to the junction box/monitoring station. 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. Once all repairs are completed in Work Areas 1, 2 and 3, two pipeline segments, 20-foot and up to 65-foot lengths, will be installed in Work Area 4 and Work Area 5, respectively.

Within Work Area 5, the existing wooded vault, approximately 7.5 feet by 12 feet by 7 feet deep, will require replacement due to unsafe conditions discovered during tie-in operations. The area immediately surrounding the existing wooden vault will be excavated so that a shoring box can be installed while the wooden vault components are removed. The concrete replacement vault will be of equal size, may either be precast or poured in place, and will be contained within the limits of the existing permanent facility and Work Area 5.

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 1.91 acres for the five pipe repair Work Areas, of which 1.15 acres is disturbed/developed (existing unvegetated, compacted dirt roads) and 0.76 acre is allscale scrub (Figures 3b, 4, and 5). 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, 50-ton crane, concrete pump/truck, vacuum truck, 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 60 days from mobilization to completion.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>4</sup>
1. Tipton kangaroo rat ( <i>Dipodomys nitratoides nitratoides</i> , TKR)	Endangered <sup>5</sup>
2. San Joaquin antelope squirrel ( <i>Ammospermophilus nelsoni</i> , SJAS)	Threatened <sup>6</sup>
3. San Joaquin kit fox ( <i>Vulpes macrotis mutica</i> , SJKF)	Threatened <sup>7</sup>

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

**VII. 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; cross-compression; welding; installing new fusion-bonded epoxy pipeline coating or similar material; installing magnesium anodes and test station; installing junction boxes; pouring concrete; removing and replacing vault; 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 five pipeline coating/ repair Work Areas, the Staging/Laydown Area, and access roads (collectively, the Project Area).

<sup>4</sup>Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

<sup>5</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (a)(6)(D).

<sup>6</sup>See Id., subd. (b)(6)(B).

<sup>7</sup>See Id., subd. (b)(6)(E).

The Project is expected to cause the permanent loss of 2.67 square feet (0.000061 acre) of habitat for the Covered Species and the temporary loss of 33,106 square feet (0.76 acre) of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; introduction or spread of invasive species; and long-term effects due to displacement from preferred habitat, loss of foraging habitat, changes in drainage patterns that favor different vegetative growth, increased pollution, increased competition for food and space, loss of burrowing habitat used for shelter, reproduction, and escape cover, and increased vulnerability to disease and predation. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization. Authorized take of the Covered Species is expected to occur throughout the entire Project Area.

#### **VIII. 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.

#### **IX. 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

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

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 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, eviction and excavation of dens used by SJKF, 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 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 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 15<sup>th</sup> 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](mailto:Sarah.Bahm@wildlife.ca.gov)), the CDFW Regional Office e-mail is [R4CESA@wildlife.ca.gov](mailto:R4CESA@wildlife.ca.gov) and Headquarters CESA Program e-mail is [CESA@wildlife.ca.gov](mailto: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. CNDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) 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 50 feet from Covered Species burrows, unless fueling occurs within the fenced Work Area where burrows and dens have been excavated per Conditions of Approval 6.22, and 6.24, and 6.28 or 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 and dens, except within designated staging areas for which burrows and dens have been excavated per Conditions of Approval 6.22, 6.24, and 6.28. 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 TKR and/or SJAS 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 TKR and/or SJAS 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 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 TKR and/or SJAS 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 TKR and/or SJAS, 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, 6.23, and 6.27. 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, 6.24, and 6.28.

- 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. TKR and SJAS Pre-Activity Surveys and Burrow Mapping.** The Designated Biologist(s) shall perform pre-activity surveys for TKR and SJAS no more than 10 calendar days prior to beginning Covered Activities in each Work Area. The pre-activity surveys shall cover the entirety of each Work Area and 50 feet beyond the limits of the Work Area to identify and flag all potential burrows used by TKR and/or SJAS, 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 Work 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 TKR and/or SJAS burrow, and an estimated date of TKR relocation in accordance with Condition of Approval 6.20 below.
- 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 TKR and/or SJAS burrows in accordance with Condition of Approval 6.16 above, surveys to identify potential, known, and natal SJKF dens in accordance with Condition of Approval 6.26 below, 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.

### *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.

### *SJKF-Specific Measures*

- 6.26. SJKF Surveys.** The Designated Biologist shall conduct surveys to identify potential, known, and natal SJKF dens. Surveys shall include each Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least two (2) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least three

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

calendar days prior to the beginning of Covered Activities within each Work Area. The report shall include, but not be limited to, the Work Area surveyed, methodology, date and time of the beginning and end of survey, size of the survey area, and the number, a discussion, and map of the locations of each potential, known, and natal SJKF den identified.

- 6.27. SJKF Den Avoidance.** Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation/trench area) or their location poses a risk of direct harm to SJKF individuals. Dens in areas of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Work Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and email if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to a Work Area. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the den.
- 6.28. SJKF Den Excavation.** The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 6.27 only after the Designated Biologist has determined that SJKF is not currently present after two (2) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF,

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

## **7. Habitat Management Land Acquisition:**

Based on previous captures and observations of the Covered Species and the number of small mammal burrows and dens 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 0.35 acre of existing Covered Species credits from its balance of 3.96 conservation credits from the Coles Levee Ecosystem Preserve (CLEP) and purchase an additional 1.17 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 7.1 below OR shall provide for both the permanent protection and management of 1.17 acre of Habitat Management (HM) lands pursuant to Condition of Approval 7.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 7.3 below. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of Amendment No. 2 if Security is provided pursuant to Condition of Approval 8 below for all uncompleted obligations.

- 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. If the Permittee elects to purchase Covered Species credits to complete the remaining compensatory mitigation obligations, then Permittee shall purchase an additional 1.17 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to

initiating Covered Activities, or no later than 18 months from the issuance of Amendment No. 2 if Security is provided pursuant to Condition of Approval 8 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of Amendment No. 2 if Security is provided.

**7.2. Habitat Management Lands Acquisition and Protection.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:

- 7.2.1. Fee Title. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.
- 7.2.2. Conservation Easement. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.
- 7.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an

approved entity as mitigation for the Project's impacts on Covered Species.

- 7.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.
- 7.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 7.2.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval; (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.
- 7.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and biological surveys.



Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 7.3. Endowment Fund.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 7.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered

foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

7.3.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.

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

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

7.3.2.2.1. 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.

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

7.3.2.2.3. 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.

7.3.3. 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.

7.3.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.

Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.

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

8. **Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7

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

- 8.1. Security Amount. The Security shall be in the amount of \$50,650.00. This amount is based on cost estimates identified by CDFW for purchase of two Covered Species conservation bank credits (minimum purchase amount) from a CDFW-approved conservation bank with an authorized service area that includes the Project.
- 8.2. 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.
- 8.3. 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.
- 8.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 8.5. Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 8.6. 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.
- 8.7. 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:

EITHER:

- Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of 1.17 Covered Species credits; and
- Timely submission of all required reports.

OR

- Written documentation of the acquisition of 1.17 acres of 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 issuance of Amendment No. 2. 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.

#### **X. 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.

#### **XI. 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.

#### **XII. 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.

#### **XIII. Notices:**

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

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

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](mailto: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](mailto: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](mailto:Sarah.Bahm@wildlife.ca.gov)

#### **XIV. 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.

#### **XV. Findings Pursuant to CESA:**

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

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT

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 1.52 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known 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.

**XVI. Attachments:**

FIGURE 1a	Project Vicinity Map
FIGURE 2b	Work Areas 1-3 Detailed Map
FIGURE 3b	Work Areas 1-3 Species Habitat Disturbance Map
FIGURE 4	Work Area 4 Detailed and Species Habitat Disturbance Map
FIGURE 5	Revised Work Area 5 Detailed and Species Habitat Disturbance Map
ATTACHMENT 1	Revised Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
ATTACHMENT 5	Major Amendment No. 3 with Track Changes

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

ON 7/9/2024

DocuSigned by:  
  
12950B95267A4F5...  
for Julie A. Vance, Regional Manager  
CENTRAL REGION

Amended Incidental Take Permit  
No. 2081-2022-064-04  
SOUTHERN CALIFORNIA GAS COMPANY  
ETS 58713.01 LINE 85 MILEPOST 75.85 REMEDIATION DIGS PROJECT



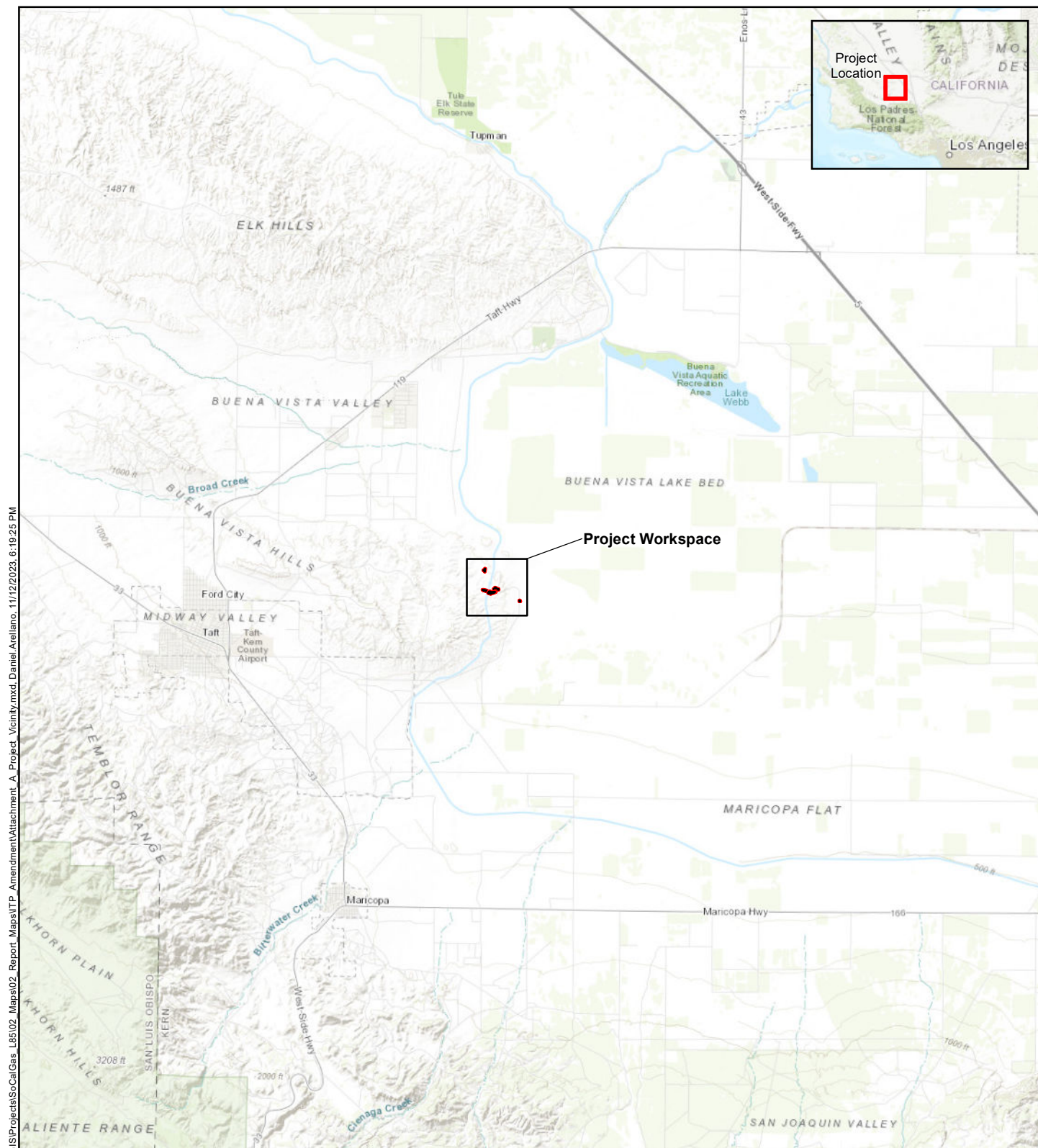



Figure 1a: Project Vicinity Map

eTS 58713.01 Line 85 MP 75.85 Remediation Digs

 Proposed Workspace

1:190,808  
0 1.5 3 Miles



**AECOM**





Figure 2b: Work Areas 1-3 Detailed Map

eTS 58713.01 Line 85 MP 75.85 Remediation Digs

- Approximate Workspace Centerpoint
- ◆ Junction Box
- Existing Line 85 Alignment
- - - Access Road
- Laydown Area
- Excavation Area\*
- Proposed Work Area

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.

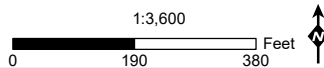






Figure 3b: Work Areas 1-3 Species Habitat Disturbance Map eTS 58713.01 Line 85 MP 78.60 Remediation Digs

Existing Line 85 Alignment

Access Road

Laydown Area

Excavation Area\*

Proposed Work Area

Culvert

Junction Box

**Vegetation Communities**

Allscale Scrub

Developed

Water

**Species Detection**

Historic San Joaquin antelope squirrel observation (2020)

Historic San Joaquin antelope squirrel observation (2021)

San Joaquin antelope squirrel (Fall 2021)

San Joaquin antelope squirrel observation (2022)

San Joaquin antelope squirrel observation (2019)

Historic Tipton kangaroo rat capture (2020)

**Species Suitable Habitat**

San Joaquin antelope squirrel

Tipton kangaroo rat

San Joaquin kit fox den (2023)

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.

Path: \\na.aecomnet.com\Users\SanDiego-US\DPG\1DCS\GIS\Projects\SoCalGas\_L8502\_Maps\02\_Report\_Maps\ITP\_Amendment\Attachment\_C\_Project\_Overview\_and\_Species\_Habitat.mxd, Daniel Avellano, 11/28/2023, 3:01:23 PM



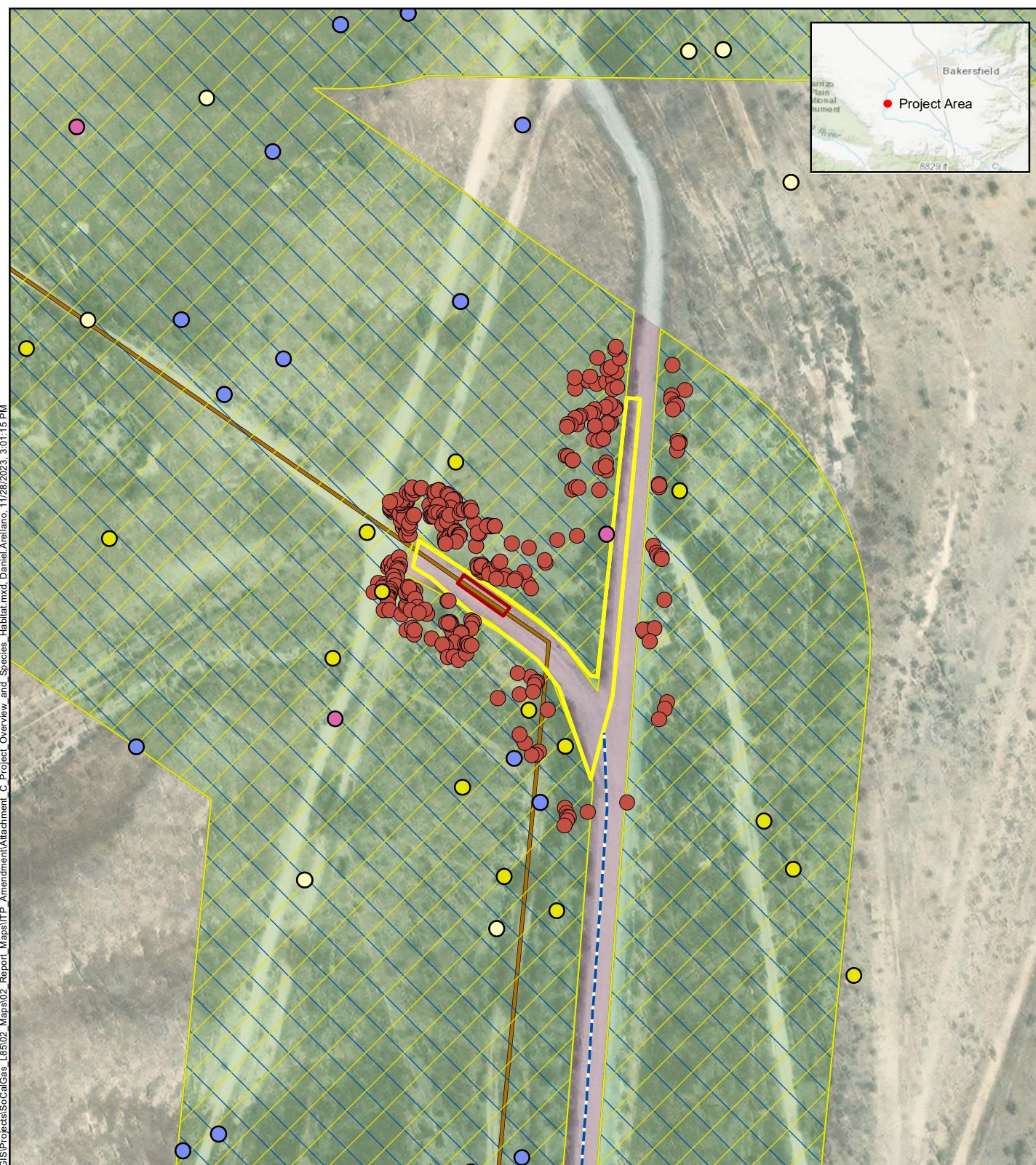


Figure 4: Work Area 4 Detailed and Species Habitat Disturbance Map

eTS 58713.01 Line 85 MP 75.85 Remediation Digs

Existing Line 85 Alignment

Access Road

Excavation Area\*

Proposed Work Area

Vegetation Communities

Allscale Scrub

Developed

## Species Detection

Historic San Joaquin antelope squirrel observation (2020)

Historic San Joaquin antelope squirrel observation (2021)

San Joaquin antelope squirrel (Fall 2021)

San Joaquin antelope squirrel observation (2022)

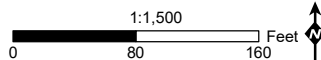
Small Mammal Burrow (August 2023)

## Species Suitable Habitat

San Joaquin antelope squirrel

Tipton kangaroo rat

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.







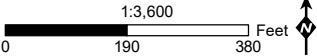
Path: \\na.aecomnet.com\Users\SanDiego-US\DPG\1DCS\GIS\Projects\SoCalGas\_L85\02\_Maps\02\_Report\_Maps\ITP\_Amendment\Attachment\_C\Project\_Overview\_and\_Species\_Habitat.mxd, Daniel Avellano, 11/28/2023, 3:01:23 PM

**Attachment C: Project Overview, Vegetation Communities, and Survey Area Map Work Areas 1-3**

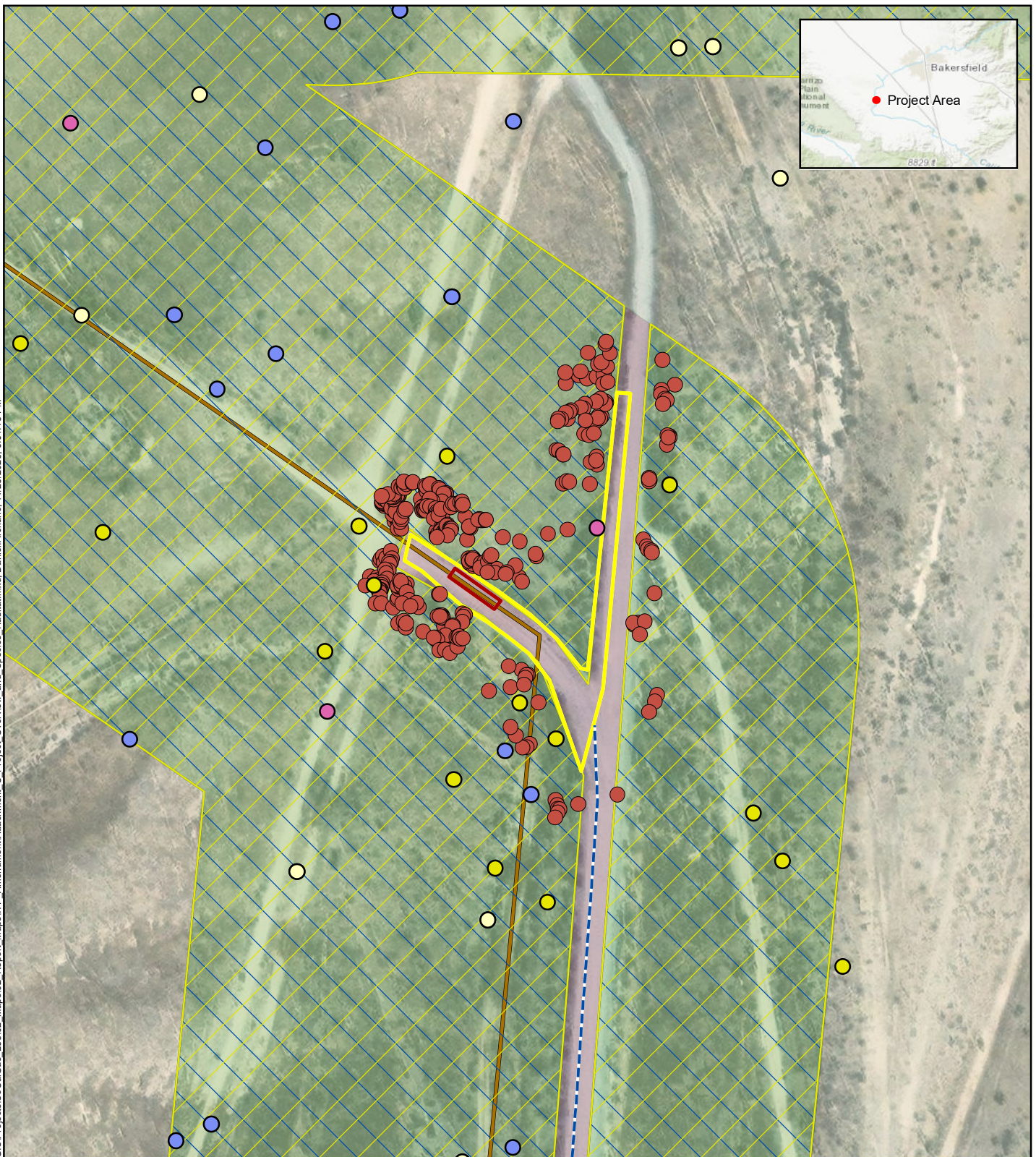
**eTS 58713.01 Line 85  
MP 78.60 Validation Digs**

<ul style="list-style-type: none"><li>Existing Line 85 Alignment</li><li>Access Road</li><li>Laydown Area</li><li>Excavation Area*</li><li>Proposed Work Area</li></ul>	<ul style="list-style-type: none"><li>Culvert</li><li>Junction Box</li></ul>	<p><b>Species Detection</b></p> <ul style="list-style-type: none"><li>Historic San Joaquin antelope squirrel observation (2020)</li><li>Historic San Joaquin antelope squirrel observation (2021)</li><li>San Joaquin antelope squirrel (Fall 2021)</li><li>San Joaquin antelope squirrel observation (2022)</li><li>San Joaquin antelope squirrel observation (2019)</li><li>Historic Tipton kangaroo rat capture (2020)</li></ul>	<p><b>Species Suitable Habitat</b></p> <ul style="list-style-type: none"><li>San Joaquin antelope squirrel</li><li>Tipton kangaroo rat</li><li>San Joaquin kit fox den (2023)</li></ul>
<p><b>Vegetation Communities</b></p> <ul style="list-style-type: none"><li>Allscale Scrub</li><li>Developed</li><li>Water</li></ul>			

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.







### Attachment C: Project Overview, Vegetation Communities, and Survey Area Map Work Area 4

eTS 58713.01 Line 85  
MP 78.60 Validation Digs

Existing Line 85 Alignment

Access Road

Excavation Area\*

Proposed Work Area

**Vegetation Communities**

Allscale Scrub

Developed

#### Species Detection

Historic San Joaquin antelope squirrel observation (2020)

Historic San Joaquin antelope squirrel observation (2021)

San Joaquin antelope squirrel (Fall 2021)

San Joaquin antelope squirrel observation (2022)

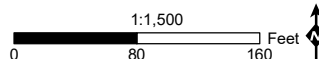
Small Mammal Burrow (August 2023)

#### Species Suitable Habitat

San Joaquin antelope squirrel

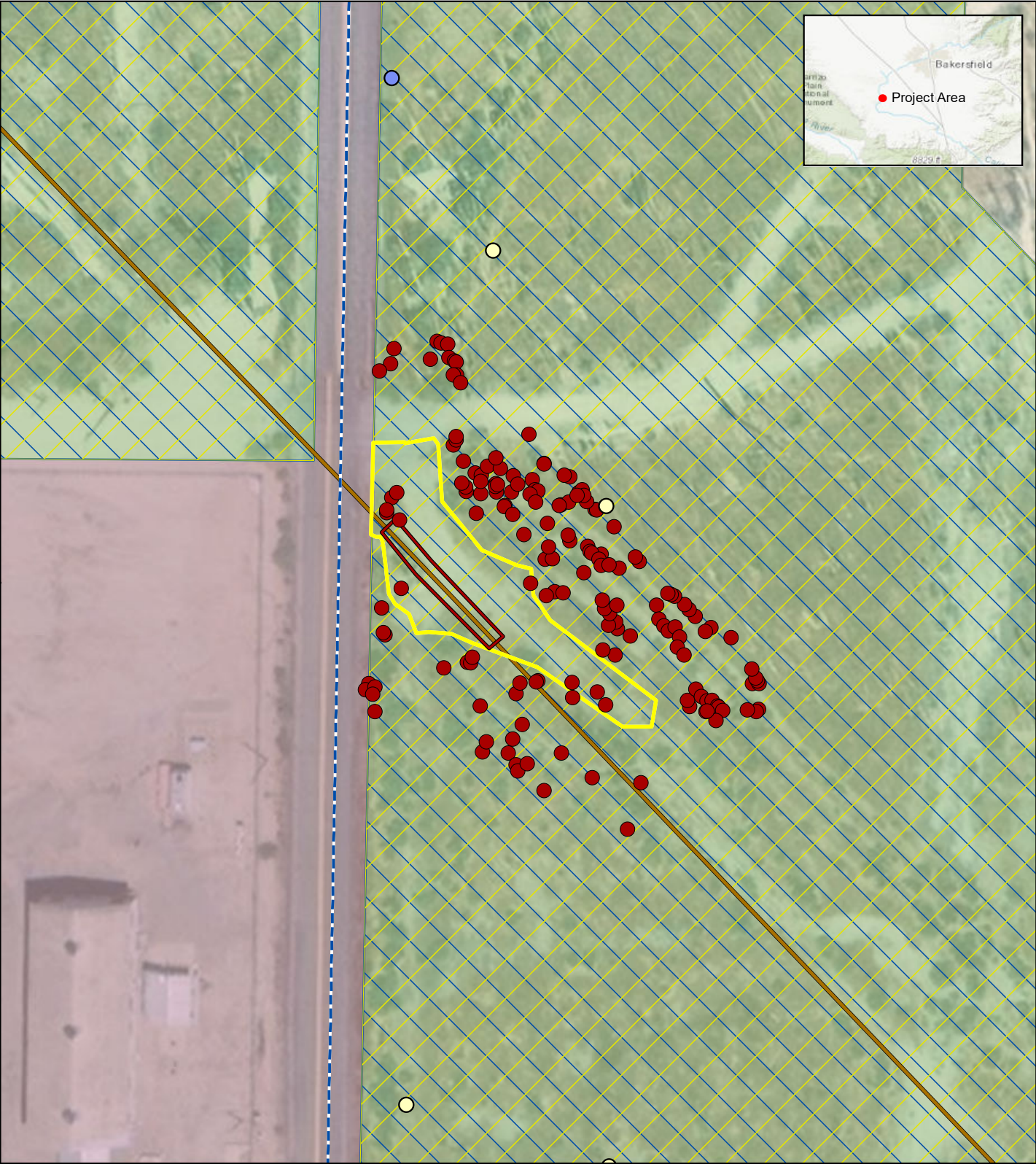
Tipton kangaroo rat

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.





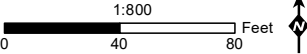
Path: \\na.aecomnet.com\lfs\AMERSanDiego-USSDG\DCS\GIS\Projects\SoCalGas\_L8502\_Maps\ITP\_Amendment\Attachment C Project Overview and Species Habitat\_v2.mxd, ScopM1, 5/29/2024, 2:58:33 PM



**Figure 5: Revised Work Area 5 Detailed and Species Habitat Disturbance Map** **eTS 58713.01 Line 85 MP 75.85 Remediation Digs**

<ul style="list-style-type: none"><li>Existing Line 85 Alignment</li><li>Access Road</li><li>Proposed Work Area</li><li>Excavation Area</li></ul>	<b>Vegetation Communities</b> <ul style="list-style-type: none"><li>Allscale Scrub</li><li>Developed</li></ul>	<b>Species Detection</b> <ul style="list-style-type: none"><li>Historic San Joaquin antelope squirrel observation (2020)</li><li>San Joaquin antelope squirrel observation (2022)</li><li>Small Mammal Burrow (August 2023)</li></ul>	<b>Species Suitable Habitat</b> <ul style="list-style-type: none"><li>San Joaquin antelope squirrel</li><li>Tipton Kangaroo Rat</li></ul>
---	--	---	---

\*NOTE: Excavation locations and configurations are approximate within the Work Area limits and may be shifted based upon pipe conditions in the field.



**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
REVISED 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
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
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, eviction and excavation of dens used by SJKF, 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	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
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	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
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, 6.23, and 6.27. 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, 6.24, and 6.28.	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>TKR and SJAS Pre-Activity Surveys and Burrow Mapping.</u> The Designated Biologist(s) shall perform pre-activity surveys for TKR and SJAS no more than 10 calendar days prior to beginning Covered Activities in each Work Area. The pre activity surveys shall cover the entirety of each Work Area and 50 feet beyond the limits of the Project Area to identify and flag all potential burrows used by TKR and/or SJAS, 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 Work 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 TKR and/or SJAS burrow, and an estimated date of TKR relocation in accordance with Condition of Approval 6.20.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
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 TKR and/or SJAS burrows in accordance with Condition of Approval 6.16 above, surveys to identify potential, known, and natal SJKF dens in accordance with Condition of Approval 6.26 below, 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	
	<u>SJKF Surveys</u> . The Designated Biologist shall conduct surveys to identify potential, known, and natal SJKF dens. Surveys shall include each Work Area and 50 feet beyond the limits of the Work Area to identify all potential SJKF dens as well as a buffer zone of 500 feet beyond (where feasible) the limits of the Work Area to identify known and/or natal SJKF dens. If the Designated Biologist identifies any known and/or natal SJKF dens, the den(s) shall be monitored for at least two (2) consecutive nights with tracking medium and infrared camera to determine the current use of the den(s). Permittee shall provide the pre-construction survey results in a written report to CDFW's Regional Representative at least three calendar days prior to the beginning of Covered Activities within each Work Area. The report shall include, but not be limited to, the Work Area surveyed, methodology, date and time of the beginning and end of survey, size of the survey area, and the number, a discussion, and map of the locations of each potential, known, and natal SJKF den identified.	ITP Condition # 6.26	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
	<u>SJKF Den Avoidance</u> . Permittee shall avoid destroying SJKF dens unless they are in an area of direct ground disturbance (e.g., excavation/trench area) or their location poses a risk of direct harm to SJKF individuals. Dens in areas of temporary disturbance shall remain intact and the Designated Biologist shall block the entrance by installing an object approved in advance in writing by CDFW to prevent SJKF from entering and utilizing the den during Covered Activities. The Designated Biologist shall remove the object immediately after Covered Activities are completed in the Work Area when the Designated Biologist has determined that potential resumed use of the den will not result in harm to SJKF. Permittee shall not destroy or modify dens that are beyond the direct footprint of ground disturbance to preempt their use and den buffer establishment. If a potential SJKF den (any subterranean hole, three inches or larger, for which no evidence is present to conclude that the den is being used or has been used by a SJKF) is discovered or a SJKF is found in an "atypical" den (e.g., a pipe or culvert), Permittee shall establish a minimum 50-foot no-disturbance buffer around the den. If a known den (one that shows evidence of current use or was used in the past) is discovered, Permittee shall establish a minimum no-disturbance buffer of at least 100 feet around the den. If a natal den (den in which SJKF young are reared, typically with two or more openings) is discovered, Permittee shall establish a no-disturbance buffer of at least 200 feet around the den. Natal dens with pups shall have a no-disturbance buffer of at least 500 feet. Permittee shall notify the USFWS and CDFW's Regional Representative immediately via telephone and email if any SJKF-occupied atypical dens, known dens, or natal dens are discovered within or immediately adjacent to a Work Area. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the den.	ITP Condition # 6.27	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>SJKF Den Excavation</u>. The Designated Biologist or individuals under direct supervision of the Designated Biologist shall excavate potential or known dens that exhibit signs of SJKF use or characteristics suggestive of SJKF dens (including dens in natural substrate and in/under man-made structures) that cannot be avoided as per Condition of Approval 6.27 only after the Designated Biologist has determined that SJKF is not currently present after two (2) consecutive nights of monitoring with tracking medium and infrared camera. Potential SJKF dens without any signs of SJKF use or characteristics suggesting it is a SJKF den may be excavated under the direct supervision of the Designated Biologist without advance tracking or camera monitoring. Natal dens shall not be excavated until the pups and adults have vacated the den and then only after concurrence from the USFWS and CDFW. If the excavation process reveals evidence of current use by SJKF, then den excavation shall cease immediately and tracking or camera monitoring as described above shall be conducted/resumed. Excavation of the den shall only resume when, in the judgment of the Designated Biologist, the SJKF has escaped from the partially excavated den. SJKF dens shall be carefully excavated until it is clear no individuals of SJKF are inside. Dens to be destroyed shall be fully excavated, filled with dirt and compacted to ensure that SJKF cannot reenter or use the den during the period that Covered Activities would occur in the Work Area. If an individual SJKF does not vacate a den within the Work Area within a reasonable timeframe, Permittee shall consult with the USFWS and CDFW to obtain written guidance from both agencies prior to proceeding with den destruction.</p>	ITP Condition # 6.27	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
25	<p><u>Habitat Management Land Acquisition</u>. Based on previous captures and observations of the Covered Species and the number of small mammal burrows and dens 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.</p> <p>To meet this requirement, the Permittee shall use 0.35 acre of Covered Species credits from the Coles Levee Ecosystem Preserve (CLEP) (Condition of Approval 7.1) <u>and</u> purchase an additional 1.17 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 7.1 below OR shall provide for both the permanent protection and management of 1.17 acre of Habitat Management (HM) lands pursuant to Condition of Approval 7.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 7.3 below. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of this Amendment No. 2 if Security is provided pursuant to Condition of Approval 8 below for all uncompleted obligations.</p>	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
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. If the Permittee elects to purchase Covered Species credits to complete the remaining compensatory mitigation obligations, then Permittee shall purchase an additional 1.17 acre of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this Amendment No. 2 if Security is provided pursuant to Condition of Approval 8 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this Amendment No. 2 if Security is provided.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Habitat Management Lands Acquisition and Protection.</u> If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Fee Title.</u> Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.	ITP Condition # 7.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Conservation Easement.</u> If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.	ITP Condition # 7.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>HM Lands Approval.</u> Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 7.2.3	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>HM Lands Documentation.</u> Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 7.2.4	Before commencing ground- or vegetation-disturbing activities	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.	ITP Condition # 7.2.5	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval; (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.	ITP Condition # 7.2.6	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, vegetation and invasive species management, and biological surveys.  Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.	ITP Condition # 7.2.7	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<u>Endowment Fund</u> . If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 7.2.6. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.  After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.	ITP Condition # 7.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	ITP Condition # 7.3.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p>	ITP Condition # 7.3.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p><u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p>	ITP Condition # 7.3.2.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p><u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <ul style="list-style-type: none"> <li>• <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</li> <li>• <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</li> <li>• <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</li> </ul>	ITP Condition # 7.3.2.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p><u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	ITP Condition # 7.3.3	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition # 7.3.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
	<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<p><u>Security</u>: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> <li>• <u>Security Amount</u>. The Security shall be in the amount of \$50,650.00. This amount is based on cost estimates identified by CDFW for purchase of two Covered Species conservation bank credits (minimum purchase amount) from a CDFW-approved conservation bank with an authorized service area that includes the Project.</li> <li>• <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</li> <li>• <u>Security Timeline</u>. 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.</li> <li>• <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</li> <li>• <u>Security Transmittal</u>. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</li> <li>• <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</li> <li>• <u>Security Release</u>. 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:</li> </ul> <p><u>EITHER</u>:</p> <ul style="list-style-type: none"> <li>○ Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of 1.17 Covered Species credits; and</li> <li>○ Timely submission of all required reports.</li> </ul> <p><u>OR</u></p> <ul style="list-style-type: none"> <li>○ Written documentation of the acquisition of 1.17 acres of HM lands;</li> <li>○ Copies of all executed and recorded conservation easements;</li> <li>○ Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>○ Timely submission of all required reports.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the issuance of this Amendment No. 2. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 8 – 8.7	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>DURING CONSTRUCTION</b>					
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	
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	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
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	
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> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of the ITP;</li> <li>(4) check all exclusion zones; and</li> <li>(5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.</li> </ul> <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	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
39	<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.	ITP Condition # 5.8	Entire Project	Permittee	
40	<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.	ITP Condition # 5.9	Entire Project	Designated Biologist	
41	<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.	ITP Condition # 5.11	Entire Project	Permittee / Designated Biologist	
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	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
45	<u>Equipment Fueling.</u> Permittee shall ensure that all equipment fueling and equipment maintenance occur at least 50 feet from Covered Species burrows, unless fueling occurs within the fenced Work Area where burrows and dens have been excavated per Conditions of Approval 6.22, and 6.24, and 6.28 or 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 and dens, except within designated staging areas for which burrows and dens have been excavated per Conditions of Approval 6.22, 6.24, and 6.28. Vehicles left overnight shall be located at least 50 feet from 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 TKR and/or SJAS 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 TKR and/or SJAS 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 TKR and/or SJAS 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 TKR and/or SJAS 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
<b>POST-CONSTRUCTION</b>					
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: 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 #2: (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 #3: (Example: San Joaquin Kit Fox)**

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

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

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

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

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

Project Name #2:

Location:

Project date completed: To and from date

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

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

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

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

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

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

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

Project Name #3: ...

**Species Name #4: (Example: Other Similar Species only. Examples - other kangaroo rat species/ground squirrel species/kit fox species)**

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, implementation of Conditions of Approval in the ITP, or general construction monitoring

Attachment 3

**[Financial institution letterhead]**

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

---

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Chief of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, Post Office Box 944209, Sacramento, CA 94244-



2090, Attn: HCPB Contract Coordinator; and (ii) for the Applicant: [***name and address of applicant***].

15. This Credit may not be transferred.

16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the Uniform Commercial Code, Article 5 of the State of California.

17. This Credit shall, if not canceled, expire on [***expiration date***], or any extended expiration date.

18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.

19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

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

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

ATTACHMENT A

CERTIFICATE FOR DRAWING

[**CDFW Letterhead**]

[**Date**]

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

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

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

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

Therefore, CDFW has executed and delivered this Certificate as of this \_\_\_\_ day of [**month**], [**year**].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

**[CDFW Letterhead]**

**[Date]**

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

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

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

1. **[Insert one of the following statements:** "The Applicant has presented documentary evidence of full compliance with the Mitigation Requirements referenced in paragraph 3 of the Credit." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. CDFW therefore requests the cancellation of the Credit.

Therefore, CDFW has executed and delivered this Certificate for Cancellation as of this \_\_\_\_ day of **[month]**, **[year]**.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

---

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

State of California - Department of Fish and Wildlife

**MITIGATION PAYMENT TRANSMITTAL FORM**

DFW 1057 (REV.05/18/21)

**Project Applicant Instructions:** Please fill out and attach this form to payment. For conservation banks, also attach the Bill(s) of Sale for credits sold. One form may be used for multiple transactions, **BUT YOU MUST USE A SEPARATE FORM FOR EACH CHECK YOU TRANSMIT.** Make sure to include Project Name, Project Tracking Number, and ASB Mitigation Tracking Number (if available) on the attached payment type.

<b>1. DATE:</b> _____  <b>TO:</b> _____ Regional Manager  _____ Region Office Address	<b>2. FROM:</b> _____ Name  _____ Mailing Address  _____ City, State, Zip  _____ Telephone Number/FAX Number
<b>3. RE:</b> _____ Project Name as appears on permit/agreement	

**4. AGREEMENT/ACCOUNT INFORMATION:** (check the applicable type)
☐ 2081 Permit    ☐ Conservation Bank    ☐ 2835 NCCP    ☐ 1802 Agreement    ☐ 1600 Agreement    ☐ Other \_\_\_\_\_

 \_\_\_\_\_  
 Project Tracking Number
**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:Check information:

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

a. Endowment: for Long-Term Management Subtotal \$ \_\_\_\_\_

b. Habitat Enhancement Subtotal \$ \_\_\_\_\_

c. Security:

1. Cash Refundable Security Deposit Subtotal \$ \_\_\_\_\_

2. Letter of Credit Subtotal \$ \_\_\_\_\_

1. Financial Institution: \_\_\_\_\_

2. Letter of Credit Number: \_\_\_\_\_

3. Date of Expiration: \_\_\_\_\_

ACCOUNTING OFFICE USE ONLY	
Description	FI\$Cal Coding
Speedchart (Project, Program, Reference, Fund)	
Reporting Structure	
Category	
Date Established: _____ By: _____	

Please send this form to [asbmitigation@wildlife.ca.gov](mailto:asbmitigation@wildlife.ca.gov)

## Attachment 5

### Amended Incidental Take Permit No. 2081-2022-064-04 (Major Amendment No. 3 with Track Changes)

1. **The Amended ITP Background section has been inserted preceding the Effective Date and Expiration section as follows:**

#### **Amended ITP<sup>3</sup> Background:**

On November 22, 2022, CDFW issued the original ITP No. 2081-2022-064-04 to Southern California Gas Company (Permittee), authorizing take of Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*, TKR) and San Joaquin antelope squirrel (*Ammospermophilus nelsoni*, SJAS) (Covered Species) associated with and incidental to the eTS 58713.01 Line 85 Milepost 75.85 Remediation Digs Project in Kern County, California (Project). The Project as described in the ITP as originally issued by CDFW included inspection and repair of 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 installation of cathodic protection to protect the integrity of the pipeline at three distinct Work Areas totaling a 0.727-acre Project Area.

On June 2, 2023, CDFW issued Major Amendment No. 1 which extended the expiration date of the ITP from May 31, 2023, to November 30, 2023, added installation of three above-ground 16-inch by 12-inch by 6-inch junction boxes to the Project Description, added installation of junction boxes and pouring concrete to Covered Activities, converted approximately 4 square feet of temporary disturbance to permanent disturbance within the same total Project footprint, added 2.67 square feet (0.000061 acre) of permanent impacts to Covered Species habitat, and revised Figures. These changes added permanent impacts of the Project, but CDFW determined that the Habitat Management (HM) Lands already completed for the Project were sufficient to fully mitigate the additional 2.67 square feet of permanent impacts and additional HM Lands were not necessary. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 1.

On December 27, 2023, CDFW issued Major Amendment No. 2 which extended the expiration date from November 30, 2023 to May 31, 2024, added two Work Areas to the Project Location, revised the Project Description to include two new Work Areas and the expansion and modification of existing Work Areas, added San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF) as a Covered Species, added cross compression to Covered Activities, increased the total footprint of the Project and impacts to Covered Species habitat, revised a Condition of Approval to allow greater flexibility where equipment fueling can occur, added SJKF-specific Take Minimization Measures and revised measures to include SJKF, increased the amount of Covered Species Credits and/or Habitat Management Lands Acquisition required to fully mitigate increased impacts, added a section to allow the Permittee to proceed with the revised Covered Activities after a Security has been provided, and added, revised and replaced Figures and Attachments to reflect the changes listed

---

<sup>3</sup>When this incidental take permit and attachments refer to the "ITP", it means the "Amended ITP" unless the context dictates otherwise.

above. CDFW determined that additional Habitat Management Lands were necessary to fully mitigate the additional 0.587 acre of temporary impacts Covered Species habitat. Because the additional impacts as a result of Covered Activities were minimized and fully mitigated, as required by Fish and Game Code section 2081(b)(2), the resulting impacts to the Covered Species remained the same with Amendment No. 2.

On May 31, 2024, CDFW received a request from the Permittee for a major amendment to the ITP, as amended, and the corresponding fee payment. The request includes: extending the expiration date from May 31, 2024, to November 30, 2024; expanding the trench within Work Area 5 by approximately 50 feet in length to accommodate replacing up to 65 feet of pipeline while the limits of Work Area 5 will remain the same; and replacement of an existing wooden vault within Work Area 5 with a concrete vault. CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5). Issuance of this Amendment may increase the amount of take of the Covered Species compared to the Project as originally approved; however, by implementing Conditions of Approval, it is not expected that this Amendment will increase Project impacts on these species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues this ITP including the revised provisions in all previous and this third amendment (collectively, the Amended ITP). The Amended ITP includes all the operative provisions as of the issue date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this major amendment (Amendment No. 3). Figure 5 is revised to depict the expanded Work Area 5.

## **2. The Effective Date and Expiration Date section has been amended as follows:**

This~~The original~~ ITP ~~shall become~~became effective when signed by all parties and received by CDFW as described in the Notices section of this ITP. The original ITP's effective date was December 2, 2022. This remains the effective date for the original take authorization. This Amended ITP shall become effective when issued by CDFW. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on ~~May 31~~November 30, 2024.

\* \* \*

## **3. The Project Description section has been further amended as follows:**

The purpose of the Project is to prevent pipeline failure by inspecting and repairing five 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 five 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 380 feet long by 10 feet wide by 10 feet deep; within Work Area 2 will be approximately 280 feet long by 10 feet wide by 10 feet deep; and within Work Area 3 will be approximately 60 feet long by 10 feet wide by 10 feet deep; within Work

Area 4 will be approximately 50 feet long by 10 feet wide by 10 feet deep; and within Work Area 5 will be approximately ~~25~~75 feet long by 10 feet wide by 10 feet deep. In total, the area of excavation will be 7,950 square feet (0.183 acre). Work Area 1 will be approximately 23,274 square feet (0.534 acre); Work Area 2 will be approximately 37,175 square feet (0.853 acre); and Work Area 3 will be approximately 5,407 square feet (0.124 acre); Work Area 4 will be approximately 10,748 square feet (0.247 acre); and Work Area 5 will be approximately 6,785 square feet (0.156 acre). Excavations will require the use of hand tools and mechanized equipment. Approximately 2,944 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.

\* \* \*

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, two locations in Work Area 1 and one location in Work Area 2. 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 3-inch diameter post will be supported by a 10-inch diameter by three-foot-deep concrete foundation that will be poured in place. The anode wires coming from the pipe to the ground will run through stubbed out 2--inch PVC conduits running vertically from 10 inches below ground to the junction box/monitoring station. 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. Once all repairs are completed in Work Areas 1, 2 and 3, two ~~short~~ pipeline segments, 20-foot and ~~5~~up to 65-foot lengths, will be installed in Work Area 4 and Work Area 5, respectively.

Within Work Area 5, the existing wooded vault, approximately 7.5 feet by 12 feet by 7 feet deep, will require replacement due to unsafe conditions discovered during tie-in operations. The area immediately surrounding the existing wooden vault will be excavated so that a shoring box can be installed while the wooden vault components are removed. The concrete replacement vault will be of equal size, may either be precast or poured in place, and will be contained within the limits of the existing permanent facility and Work Area 5.

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 1.91 acres for the five pipe repair Work Areas, of which 1.15 acres is disturbed/developed (existing unvegetated, compacted dirt roads) and 0.76 acre is allscale scrub (Figures 3b, 4, and 5). 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, 50-ton crane, concrete pump/truck, vacuum truck, 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 60 days from mobilization to completion.

**4. The Impacts of the Taking on Covered Species section has been further amended as follows:**

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; cross-compression; welding; installing new fusion-bonded epoxy pipeline coating or similar material; installing magnesium anodes and test station; installing junction boxes; pouring concrete; removing and replacing vault; 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).

\* \* \*

**5. The Attachments section has been further amended as follows:**

FIGURE 1a	Project Vicinity Map
FIGURE 2b	Work Areas 1-3 Detailed Map
FIGURE 3b	Work Areas 1-3 Species Habitat Disturbance Map
FIGURE 4	Work Area 4 Detailed and Species Habitat Disturbance Map
FIGURE 5	<u>Revised</u> Work Area 5 Detailed and Species Habitat Disturbance Map
ATTACHMENT 1	Revised Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Mitigation Payment Transmittal Form
<u>ATTACHMENT 5</u>	<u>Major Amendment No. 3 with Track Changes</u>