



California Department of Fish and Wildlife
South Coast Region 5
3883 Ruffin Road
San Diego, CA 92123

California Endangered Species Act
 Incidental Take Permit No. 2081-2024-044-05

ORANGE HEIGHTS PROJECT

I. Authority:

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

Permittee:	Irvine Community Development Company
Principal Officer:	Dean S. Kirk, Vice President, Environmental Affairs
Mailing Address:	550 Newport Center Drive Newport Beach, CA 92660
Contact Person:	Thienan Pfeiffer, President Glenn Lukos Associates, Inc. (949) 340-9088

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **November 15, 2029**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.6 of this ITP.

III. Project Location:

The Orange Heights Project (Project) is located on a roughly triangular site at the eastern edge of the City of Orange (City), Orange County (see Figure 1: Regional Location Map). It is generally bordered by Irvine Regional Park to the north, residential development to the south, State Route 241/261 toll

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

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

roads to the east, and residential development/Peters Canyon Regional Park to the west. Major roadways adjoining the Project site include Santiago Canyon Road (which bisects the Project) and Jamboree Road to the west. The onsite wetlands and coastal sage scrub restoration will occur within the southerly portion of the Project site. The Project is located within the Orange County Central and Coastal Subregion Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

IV. Project Description:

The 416.67-acre Project consists of development of up to 1,180 residential units and associated street improvements (including existing streets), utilities, parks, trails, landscaping, fuel modification, and open space areas. The Project is separated into “North” (Tract Map 17995) and “South” (Tract Map 16199) by Santiago Canyon Road (Figure 2: Approved Project Site Plan).

A. Detailed Project Components

The Project is divided into two main components: “Development Areas” and “Restoration Areas” (i.e., open space areas), and includes a swath of existing stream habitat that will be avoided and protected in place (Figure 2 and Table 1.).

Table 1. Project site components (acres).

Project Components	Acres
Development Areas	385.82
Restoration Areas	27.52
Avoided Stream Habitat	3.33
Total	416.67

Development Areas will be subject to vegetation clearing and grading activities to support the residential uses and associated improvements described above. Restoration Areas may be subject to vegetation clearing and grading activities for remedial grading, construction access, invasive vegetation removal, and ground contouring to achieve microtopographic complexity, but upon completion will be restored with native Coastal Sage Scrub (CSS), wetland, and riparian vegetation. The Restoration Activities will be carried out entirely within the South tract and include three locations depicted on Figure 2 as the “Riparian Restoration Areas,” “Peters Canyon Restoration Area,” and “NROS CSS Restoration Area,” all in accordance with the three approved Restoration Plans (Attachments 3-5) discussed in further detail below under “Restoration Areas”.

Existing Santiago Canyon Road and Handy Creek Road, both included in the South tract, will be improved and resurfaced. Additionally, the frontage of the existing Irvine Ranch Water District³ (IRWD) site along Santiago Canyon Road will be regraded and landscaped. Offsite activities (defined

³ The IRWD site is labeled on Exhibit 2 as “NAP” as it is not a part of the Orange Heights Project site.

here as work that is outside of the approved Tract Maps) include improvements to Jamboree Road within the edges of the existing paved road surface and will not impact any vegetation except for existing ornamental landscaping within the street median.⁴ Staging areas will be within the Project site with access off Santiago Canyon Road and Jamboree Road (Figure 3: Staging Areas).

Development Areas:

Construction will commence with demarcation and staking of the Development Areas as depicted on Figure 2. The Development Areas total 385.82 acres. Site preparation will be initiated with vegetation removal. In the North tract, vegetation will be cut and shredded using small tractors with flail mower decks, followed by crushing and tracking using a wide track dozer. In the South tract, approximately 40% of the site will be cleared and grubbed using scrapers to prepare for excavation. Vegetation removal in the remaining 60% will be completed with a tractor towing a large gannon box, followed by crushing and tracking using a wide-track dozer.

Following vegetation removal, grading will commence in both the North and South tracts using conventional grading equipment, including dozers, loaders, and scrapers. During grading, the existing Baker pipeline will be realigned by excavating and trenching the new alignment, installing the new pipeline, dewatering, removing, and disposing offsite the existing pipeline,⁵ and connecting the new pipeline to the portion to remain in place.

Existing Santiago Canyon Road and Jamboree Road will be improved as part of the development. Within the existing roadway of the onsite portion of Jamboree Road new utility connections to the North tract will be installed by trenching. Santiago Canyon Road between Jamboree Road and the 241/261 interchange will be improved to three vehicle lanes and an on-street bike lane in each direction after infrastructure serving the Project has been installed. New traffic signals will be added at the entrances to the North and South tracts, and both roads will be resurfaced. Improvements to the Jamboree Road right-of-way outside of the Tract Maps will consist of the addition of lanes, bike lanes, traffic signals, utilities, and a new/modified landscaped street median, all of which will take place within the existing developed footprint.

After rough grading within the Development Area, major streets will be installed, along with necessary infrastructure in the streets⁶. This will be followed by the construction of walls and landscaping, then the installation of neighborhood streets and their related infrastructure. Subsequently, entries, parks, and related community facilities will be developed. Additionally, the new IRWD reservoir and pump station will be constructed within the North tract. Once the roads, infrastructure, landscaping, parks, and entries are in place, home construction will begin and continue until the site is fully developed.

⁴ The Project Description in the application included work within the Caltrans right-of-way. In refining the grading plans, the Permittee has determined that it is no longer necessary to work within the Caltrans right-of-way.

⁵ Dewatering will be discharged into the sanitary sewer.

⁶ Including improvements to existing Handy Creek Road.

As part of the development of the Project, the Permittee will connect various wet and dry utilities to the existing IRWD facility, located in the South tract and adjacent to Santiago Canyon Road. This will require trenching and installing connections to the sewer main, water main, storm drain, and other wet and dry utilities within Santiago Canyon Road, as well as regrading the frontage. Afterwards, workers will install a block wall along the top of the slope and landscape the slope with irrigation. A storm drain outfall structure, known as Peters Canyon Outfall (Figure 2), will be installed within Peters Canyon Regional Park. This structure will include a 35-foot-long outfall with an energy dissipator, connected to an upstream 84-inch diameter reinforced concrete pipe system, which will be installed using jack-and-bore tunneling due to existing utilities. Portions of the existing pedestrian and vehicular trail will be reconstructed with native dirt and crushed aggregate base. As outlined below, the Permittee will restore all impacted vegetation outside the storm drain improvements as part of the Peters Canyon Habitat Restoration and Monitoring Plan (Attachment 4).

Restoration Areas:

Three Restoration Plans for the Project will be implemented within the South tract and are depicted and referred to in Figure 2 as the “Riparian Restoration Areas”, “Peters Canyon Restoration Area”, and “NROS CSS Restoration Area”. The three Restoration Areas total 27.52 acres.

1. Riparian Restoration Areas: Project development within the North and South tracts will result in impacts to streams and are authorized under U.S. Army Corps of Engineers Section 404 Permit (SPL-2002-01593-YJC), California Department of Fish and Wildlife Section 1602 SAA (SAA No. 1600-2000-0356-R5), and Regional Water Quality Control Board (ACOE Ref. No. 200000606-YJC), which remain in effect.

To offset these impacts, the Permittee will establish mulefat/willow riparian scrub, emergent marsh, and oak/sycamore riparian woodland pursuant to the approved Habitat Mitigation and Monitoring Program (HMMP), dated November 2003 (Attachment 3). The temporary impacts to establish these native habitats total 16.39 acres. These restoration areas will consist of a series of interconnected ponds and swales that form a large riparian corridor within the Project site and across from the riparian habitat within Peters Canyon Regional Park. Grading to contour slopes and create topographic complexity will be conducted concurrently with grading of the Development Area, after which the restoration areas will be replanted with riparian scrub, emergent marsh, and oak/sycamore woodland vegetation consistent with the HMMP and will be maintained and monitored until success criteria are met. The restored riparian areas will be protected by a Conservation Easement.

2. Peters Canyon Restoration Area: Project development associated with installing the Peters Canyon Outfall will result in minor impacts to CSS and CDFW riparian habitat and are authorized by the U.S. Fish and Wildlife Service (FWS) and CDFW (collectively, “Wildlife Agencies”) under FWS/CDFG-OR-2261.42 and SAA No. 1600-2000-0356-R5, respectively.

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The Permittee will restore CSS and riparian vegetation pursuant to the approved Peters Canyon Habitat Restoration and Monitoring Plan (HRMP), dated September 25, 2006 (Attachment 4). The restoration will consist of replanting the temporarily impacted area and maintaining and monitoring it until success criteria are met. The temporary impacts to these native habitats total 0.81 acre and will be restored upon completion with a combination of CSS and riparian vegetation. The HRMP is only to address restoration of temporary impacts, all of which occurs within the County-owned Peters Canyon Regional Park. As such, no additional legal instrument for conservation was required by the Wildlife Agencies, and none is proposed.

3. NROS CSS Restoration Area: Project development within the South tract will result in impacts to CSS and are authorized by the Wildlife Agencies under FWS/CDFG-OR-2261.28.

To offset this impact, the Permittee will establish and restore CSS and native grassland pursuant to the approved Non-Reserve Open Space Restoration Plan (NROS Plan), dated December 23, 2004 (Attachment 5). The temporary impacts to establish and restore these native habitats total 10.32 acres. Remedial grading will be conducted concurrent with grading of the Development Area and other site preparation will include removal and treatment of non-native vegetation, followed by installation of seed and container plants. These areas will be maintained and monitored until success criteria are met. The restored NROS area will be protected by a Conservation Easement.

Offsite Improvements:

Jamboree Road: Portions of existing Jamboree outside of the Tract Map will also be improved. All work will be within paved areas, the landscaped street median, or otherwise improved areas.

Schedule

Site preparation is expected to commence immediately following issuance of the ITP. The work will start with vegetation removal, followed by grading in both the North and South tracts. After grading, construction of streets, related infrastructure, and community facilities will proceed. Home construction will begin in the South in July 2027 and in the North in February 2029. The completion of home construction will depend on market conditions. Offsite work and habitat restoration activities will occur concurrently with development activities.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ⁷
1. Crotch’s bumble bee (<i>Bombus crotchii</i>)	Candidate ⁸

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include preparing the Project area for construction; surveying, staking, flagging, clearing, and removing vegetation; grading; excavating; blasting; handling of stockpiles and stored materials; compacting soils; trenching; backfilling; staging and operating heavy equipment; constructing and paving roads; pouring concrete; vehicle and foot traffic; and habitat restoration, enhancement, and monitoring (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 striking, burying, suffocating, crushing, entombing, and destroying individuals of the Covered Species, including nesting colonies and overwintering queens, during vegetation removal and earth work (grading, excavating, blasting, placing spoils and/or fill materials); and striking individuals of the Covered Species during operation of power tools (direct contact with sharp objects and/or blunt-force trauma), degrading, removing, or burning (as a result of fire sparked by blasting or operating machinery) nesting or foraging habitat, and disturbing habitat while conducting habitat restoration, enhancement, maintenance, and monitoring activities. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuing, catching, capturing, or attempting to do so when individuals of the Covered Species are collected for identification or relocated out of harm’s way. The areas where authorized take of the Covered Species is expected to occur include: the Development and Restoration areas (wetlands and riparian mitigation and the NROS), and offsite areas (collectively, the Project Area).

The Project is expected to cause the permanent loss of 365.25 acres of habitat for the Covered Species, and temporary loss of 27.50 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased

⁷ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species.

⁸ The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

Development and restoration activities will impact a total of 413.34 acres, with 3.33 acres of stream habitat being avoided (see Table 1). Of the impacted acreage, 392.75 acres represent potentially suitable habitat nesting or foraging by the Covered Species (summarized in Table 2 and depicted in Figure 4: Vegetation Types). The remaining impacts are to areas that were previously developed or to transportation areas (20.59 acres), which are not considered suitable foraging or nesting habitat, are not included in Table 2.

Table 2: Vegetation Community Impacts. Permanent and temporary impacts (acres) to vegetation communities that potentially support Crotch’s bumble bee. Vegetation community types based on 2005 NCCP vegetation baseline mapping. Developed and transportation areas (20.59 acres) are not included in this table.

Vegetation Community	Permanent Development Impacts (Acres)	Temporary Restoration Impacts (Acres)
Annual Grassland	38.71	0.79
Artificial Basin	0.14	0.03
Chaparral and Elderberry Woodland	4.98	0.07
CSS	142.90	9.52
CSS/Chaparral Ecotone	1.52	
CSS/Grassland Ecotone	22.40	0.38
CSS/Ruderal	6.28	0.33
Disturbed (cleared or graded)	6.09	0.69
Live Oak Riparian	1.12	
Live Oak Woodland	0.59	
Native (non-oak) Riparian	7.97	6.03
Native Grasslands	4.16	
Non-native Woodland	0.25	
Ruderal	128.14	9.66
Total	365.25	27.50
	392.75	

Restoration Activities associated with the Project that could impact Covered Species habitat or individuals of the Covered Species include site preparation, planting, seeding, and maintenance of three restoration sites in accordance with Restoration Plans. During implementation of the approved Restoration Plans, the Covered Species could be impacted through direct contact with sharp objects

and/or blunt-force trauma. Restoration Activities across all three sites will temporarily impact 27.52 acres as summarized in Table 2 and depicted in Figure 2. Upon completion, all three Restoration Areas will support floral resources known to be utilized by the Covered Species. The three Restoration Areas are detailed below:

1. Riparian Restoration Areas (16.39 acres): Restoration Activities in this area will be carried out in conformance with the approved HMMP (Attachment 3).
2. Peters Canyon Restoration Area (0.81 acre): Restoration Activities in this area will be carried out in conformance with the approved HRMP (Attachment 4).
3. NROS CSS Restoration Area (10.32 acres): Restoration Activities in this area will be carried out in conformance with the approved NROS Plan (Attachment 5).

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species and its habitat in the Final Supplemental Environmental Impact Report 1278/Environmental Impact Report 1716 (SCH No.: 2000041122) certified by the City of Orange in 2005 and the addendum adopted in 2016 by the City of Orange, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000 et seq.). Permittee shall also implement and adhere to the mitigation measures related to the Covered Species and its habitat in the Natural Community Conservation Plan & Habitat Conservation Plan, County of Orange, Central & Coastal Subregion, Part III: Joint Programmatic

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EIR/IES (SCH No.: 1996104279) certified by the County of Orange as lead agency for the project pursuant to CEQA.

- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. 1600-2000-0356-R5) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

5. General Provisions:

- 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologists.** Permittee shall submit and receive CDFW approval in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information before starting Covered Activities. Permittee shall ensure that the Designated Biologists are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologists 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 Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologists or must be changed.
- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist 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 in the performance of their duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately (see Condition of Approval 6.2). 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 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.

- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 5.5. Construction Monitoring Documentation.** The Designated Biologists 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.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Plastic water bottles and plastic bags shall be removed daily.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.

- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or 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.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

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

6. Monitoring, Notification and Reporting Provisions:

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

6.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW 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 shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

6.3. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:

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

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

During periods of Project inactivity or after vegetation clearing and initial grading have been completed, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week only after Permittee obtains written approval from CDFW. Permittee shall immediately resume daily compliance inspections if the Designated Biologist or CDFW finds the Permittee is out of compliance with any Conditions of Approval of this ITP, upon written notification from CDFW, and/or if the Covered Species, including nests or overwintering queens, are suspected or confirmed in the Project Area.

- 6.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Meredith Osborne (Meredith.Osborne@wildlife.ca.gov, copy R5CESA@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 6.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 6.6. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit a notification of observation (including species name, date of observation and GPS coordinates) by email to CDFW's Regional Representative within 24 hours of observation.
- 6.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information

about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

6.8. Immediately Stop Covered Activities and Notify CDFW of Take or Injury. If a covered Species is taken, needs to be relocated, or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured Permittee shall immediately stop all Covered Activities in the vicinity and notify the Designated Biologist. The Designated Biologist or Designated Representative shall provide initial notification to CDFW's Regional Representative (Meredith.Osborne@wildlife.ca.gov and copy R5CESA@wildlife.ca.gov) and by calling CDFW's Regional Office (858) 467-4201 by the end of the business day. 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, GPS location (including GPS error estimated in feet and datum) of the Covered Species, photographs of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information.

6.8.1. Covered Species Salvage. If a Covered Species is found deceased, the Designated Biologist shall salvage, photograph, and place the carcass in a labeled, clean Ziplock bag or vial and store it in a freezer. The label shall include a unique identifier (collection number), species name, time and date of collection, collection location, GPS location (including datum and horizontal error in feet), circumstances surrounding death (if known), collector name and contact information (phone number or email), and ITP Number 2081- 2024-044-05. The Designated Biologist shall deliver the carcass (on dry ice if possible) to the following address and notify CDFW's Regional Representative at the time of shipping:

CDFW Wildlife Genetics Research Unit (Wildlife Health Lab)
Attention: Michael Buchalski
1415 North Market Blvd., Suite 9
Sacramento, CA 95834

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

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- 7.1. Timing of Vegetation Removal.** Permittee shall remove vegetation after plants have stopped blooming in the fall and outside of the Colony Active Period (February 1 through August 31). Where vegetation removal is occurring by mower, Permittee shall set mower blade heights no lower than 4 inches, unless otherwise approved by CDFW in writing.
- 7.2. Daily Work Area Coverage.** Permittee shall ensure that each daily work area is adequately covered by a Designated Biologist. Permittee shall proceed with Covered Activities in a systematic manner to facilitate the Designated Biologist(s) in performing surveys required by Condition of Approval 7.5 and 7.6. If there are multiple, separate work areas on a given work day, Permittee shall provide a Designated Biologist for each separate work area.
- 7.3. Overwintering Season.** During Covered Activities occurring during the Overwintering Season (November 1 through January 31), the Designated Biologist shall walk ahead of grading and vegetation removal equipment and look for potential hibernacula such as leaf litter, logs, and rodent burrows. If hibernacula are located see Condition 7.3.1.
- 7.3.1. Overwintering Site Buffer.** If any overwintering Covered Species are found during Covered Activities, the Permittee, in consultation with the Designated Biologist shall immediately stop and prohibit all Covered Activities within 50 feet of the queen and/or hibernaculum. Permittee shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. If an overwintering queen is exposed, the Designated Biologist shall cover and protect the queen bumble bee using the substrate it was found in/under and return any materials removed during surveys (e.g., grass, vegetation, bark, and debris) to re-create pre- disturbed conditions. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation. The Designated Biologist shall record the queen's location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the queen's location as part of notification to CDFW's Regional Representative. Permittee shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until the overwintering queen leaves the area, which typically occurs in the early spring, depending on the location and local climate conditions. Permittee shall confer with CDFW's Regional Representative for approval of further instructions.
- 7.4. Colony Active Period Season - Covered Species Pre-Construction Surveys.** Prior to Covered Activities occurring during the Colony Active Period (February 1 through August 31), the Designated Biologist shall search for the Covered Species through an area planned for Covered Activities. The Designated Biologist shall perform two (2) visual surveys consisting of meandering transects no more than 10 days prior to the commencement of Covered Activities in that area. The Designated Biologist shall conduct surveys at least four (4) days apart with the second survey occurring within two (2) days prior to starting Covered

Activities in that area. The Designated Biologist shall focus attention on areas with blooming native and non-native nectar and pollen resources for the Covered Species. The survey duration shall be appropriate to the size of the area planned for Covered Activities plus 50 feet based on the metric of a minimum of one (1) person-hour of searching per three (3) acres of suitable habitat. The Designated Biologist shall conduct surveys between 8:00 AM and 4:00 PM (Pacific Time) on sunny days between 55- and 90-degrees Fahrenheit with sustained wind speeds measuring less than 10 miles per hour. If the Covered Species is detected or suspected during surveys, the Designated Biologist shall flag the area where the observation was made and closely monitor the areas that were flagged during Covered Activities.

7.4.1. Locating Nests. The Designated Biologist shall make every effort to locate nests if the Covered Species is suspected or confirmed within the Project Area. The Designated Biologist shall observe any ground animal burrow entrances for signs of the Covered Species. To confirm a suspected Covered Species nest⁹, the Designated Biologist may block/cover any burrow entrance with a jar/vial (or similar) of appropriate size for no more than 30 minutes or until a bumble bee is detected. The Designated Biologist shall also observe bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, or hollow logs to determine if a potential nest could be present. The Designated Biologist shall identify the species of bumble bee if a bumble bee is detected.

7.4.2. Nest Buffer. If a Covered Species nest is detected or suspected, the Permittee, in consultation with the Designated Biologist, shall prohibit or immediately stop all Project Activities within 50 feet of the nest. Permittee shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation (see Condition of Approval 6.8). The Designated Biologist shall record the nest location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the nest location as part of notification to CDFW's Regional Representative. Permittee shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until further instructions from CDFW's Regional Representative.

7.4.2.1. Buffers shall remain in place until the nest has senesced or until project activities are complete, whichever comes first. To

⁹ Because worker bees are actively foraging, they should arrive and exit an active nest site with frequency during the active period, such that their presence would be apparent after a few minutes of observation much like other bee, wasp, or hornet species.

determine if a nest has senesced, the Designated Biologist shall monitor the nest for senescence in late summer and fall. Nest senescence can typically be denoted after the presence of reproductives (gynes and males) are observed. Nests should be monitored a minimum of one hour per day for three consecutive days during optimal weather conditions (i.e. from 8am -4pm, low wind, and low cloud cover conditions, etc.). If there has been no nest activity after the above conditions are met, then the no disturbance work buffer may be removed if CDFW approves.

7.4.2.2. If excavation or vegetation removal exposes a nest, the Designated Biologist shall halt work in the area and immediately contact and consult with CDFW. The designated Biologist shall set up a structure to shade the exposed nest and set up a 50 foot no disturbance buffer until the nest has senesced or project activities are completed, which ever one comes first.

7.5. Nesting Season - Daily Visual Sweeps. The Designated Biologist shall conduct daily visual sweeps of the Project Area for Covered Species at the start of daily work and throughout the daily workday from February 1 through August 31, except as allowed by CDFW, described below. The Designated Biologist shall intermittently repeat visual sweeps throughout the daily work window because the Covered Species is unlikely to be active before the start of daily Covered Activities that initiate prior to 8:00 AM. If the Covered Species is detected or suspected, the Designated Biologist shall follow requirements under Conditions of Approval 7.4.1 and 7.4.2. After initial vegetation clearing has been completed, the frequency of daily visual sweeps may be modified after Permittee consults with and obtains written approval from CDFW.

7.6. Weed Management Plan. Permittee shall submit to CDFW for its review and approval a Weed Management Plan (WMP Plan) within 90 days of the Effective Date of this ITP. The WMP Plan shall include measures to ensure that non-native invasive plant species do not become established within or adjacent to the Project Area or proliferate as a result of Covered Activities. The WMP Plan shall address non-native plants within and adjacent to the Project Area during construction and post-construction. The WMP shall also address Covered Species habitat. The WMP shall prohibit the establishment of any plant listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (High, Moderate, Limited, and Watch lists). The WMP Plan shall address sources of non-native plant introduction and establishment; measures to minimize the potential of non-native plant spread and/or proliferate in the Project Area and adjacent to the Project Area; management of stockpiles; identification/Early Detection Rapid Response; and methods to eradicate non- native plants prior to seed set. Prevention Best Management Practices and

guidelines for invasive plants can be found on Cal-IPC's Prevention webpage and Cal-IPC's Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers.

- 7.7. Pesticide Use.** Permittee shall not use pesticides such as herbicides, insecticides, or rodenticides in carrying out its Covered Activities within the Project Area. If pesticides must be used, including for habitat restoration and enhancement, Permittee shall consult with CDFW and may only use pesticides upon CDFW's written approval (see Condition of Approval 7.8 below).
- 7.8. Pesticide Use Plan.** If pesticide use is approved by CDFW, Permittee shall submit to CDFW for its review and approval a Pesticide Use Plan to Avoid and Minimize Impacts to the Covered Species (Pesticide Use Plan). The Pesticide Use Plan shall describe Best Management Practices to avoid and minimize adverse effects of pesticide use on individuals of the Covered Species and Covered Species habitat adjacent to the Project Area.

Permittee shall incorporate the following (at a minimum) into the Pesticide Use Plan: (1) follow best management practices described by Xerces Society's Guidance to Protect Habitat from Pesticide Contamination, California Department of Pesticide Regulation, and the University of California's Division of Agriculture and Natural Resources Statewide Integrated Pest Management Program's Best Management Practices to protect bees from pesticides; (2) avoid mixtures with adjuvants containing alkylphenol ethoxylates, (3) avoid use of soil fumigants, which penetrate the soil and can poison ground nesting bees; (4) avoid spraying herbicides, especially on plants that are in bloom to minimize direct or indirect contact the Covered Species; (5) use targeted methods only; (6) pesticide application shall be conducted when the Covered Species is overwintering (i.e., outside of the Colony Active Period) to the maximum extent practicable; (7) avoid the use of pesticides marked with the U.S. Environmental Protection Agency's bee hazard icon; and (8) preferentially use chemicals that are rated green/III in the University of California Integrated Pest Management Bee Precaution Database and chemicals of the least toxic products at the least concentrated application when possible.

- 7.9. Habitat Restoration.** Permittee shall restore 27.5 acres of temporary impacts within the Project Area that will be cleared to restore the Riparian Restoration Area, the Peters Canyon Restoration Area, and the Non-Reserve Open Space Restoration Area (see Figure 2) in accordance with the Habitat Mitigation and Monitoring Program (HMMP), dated November 2003, the Peters Canyon Habitat Restoration and Monitoring Plan (HRMP), dated September 25, 2006, and the Habitat Mitigation and Monitoring Plan – Santiago Hills II Development Non-Reserve Open Space Mitigation, dated December 23, 2004 (NROS Plan). Permittee shall ensure that restoration and enhancement is implemented and completed to meet the following goals: (1) to restore and enhance habitat that will be temporarily disturbed during Covered Activities to pre-Project or better conditions, (2) to

provide locally-native floral resources for the Covered Species, and (3) to effectively control and monitor invasive plants without damage to adjacent Covered Species habitat and to root systems of establishing/planted plants.

- 7.9.1. As-Built Report. Permittee shall submit an As-Built Report to CDFW within three months following restoration and enhancement activities. Permittee shall detail the plant list, species abundance and diversity by vegetation layers, vegetation establishment, percent invasive plant cover with species list, and other relevant observations regarding installation activities.
- 7.9.2. Annual Reports and Monitoring. Permittee shall submit annual reports to CDFW documenting restoration and enhancement activities no later than January 31 of every year until performance standards have been met or until CDFW determines Annual Reports are no longer required.
 - 7.9.2.1. Photo Stations. Permittee shall photograph restoration and enhancement areas at least four times per year in February, April, May, and July to document changes in plant cover over time, with a particular focus on percentage and composition of nectar and pollen resources in bloom. Permittee shall provide photographs in the Annual Report.
 - 7.9.2.2. Covered Species Surveys. Permittee shall monitor for the Covered Species following the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species and shall survey at least three times per year during the Colony Active Period (February 1 through August 31) concurrent with monitoring of restoration and enhancement areas. Permittee shall provide survey results and photographs of any Covered Species and bumble bees observed in the Annual Report.

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

To meet this requirement, the Permittee has provided for both the permanent protection and management of more than 548 acres of Habitat Management (HM) lands.

As a participant in the NCCP/HCP, the Permittee added 20,878 acres to the approximately 37,000-acre NCCP/HCP Reserve System to mitigate for all its planned activities in the NCCP/HCP area which included this Project and others (Figure 5: NCCP Reserve and Open Space Areas – East Orange). Approximately 13,571 acres of the 20,878 acres consist of coastal sage scrub and grassland and approximately 548 of those acres can be attributed to conservation for the Project’s impacts to the Covered Species, as well as coastal sage scrub and grassland habitat.

As part of the NCCP/HCP’s Reserve System, the land is managed by the Natural Communities Coalition (“NCC”), an entity approved by CDFW when approving the NCCP and which CDFW has a seat on NCC’s board of directors. NCC manages the Reserve System with the endowment that was established as part of the NCCP/HCP.

8.1. Habitat Restoration, Management, and Monitoring. Permittee shall provide \$50,000 for restoration, management, and/or monitoring of coastal sage scrub habitat within the NCCP/HCP Reserve System. Within 14 days of issuance of this ITP, the Permittee shall provide proof of payment of \$50,000 to NCC or other entity agreed to in writing by CDFW. If Permittee does not provide proof of the funding within 14 days of issuance of this ITP, Permittee shall halt all Covered Activities until such funding is provided.

IX. Amendment:

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

X. Stop-Work Order:

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

If Permittee fails to remedy the violation or to comply with a stop-work order, CDFW may proceed with suspension and revocation of this ITP. Suspension and revocation of this ITP shall be governed by California Code of Regulations, Title 14, section 783.7, and any other applicable law. Neither the

Designated Biologist nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-007-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erinn Wilson-Olgin, Regional Manager
California Department of Fish and Wildlife
South Coast Region 5
Attn: CESA Permitting Program
3883 Ruffin Road
San Diego, CA 92123
R5CESA@wildlife.ca.gov

and a copy to:

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

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

Meredith Osborne
California Department of Fish and Wildlife
South Coast Region 5
3883 Ruffin Road
San Diego, CA 92123

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(858) 354-3334

Meredith.Osborne@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of two prior environmental reviews, one by the City of Orange and a second by the County of Orange. (See generally Pub. Resources Code, §§ 21067, 21069.) The City of Orange's prior environmental review of the Project is set forth in the Santiago Hills II and the East Orange Planned Communities Final Supplement EIR 1278/EIR 1716 (SCH No.: 2000041122) dated November 2005, that the City of Orange certified on November 8, 2005 and the Modified Santiago Hills II Project Addendum to the Santiago Hills II and East Orange Planned Communities Final Supplement EIR 1278/EIR 1716 dated May 2016 (SEIR), prepared by the City of Orange. At the time the City of Orange certified the EIR and addendum and approved the Project it also adopted various mitigation measures for habitat of the Covered Species as conditions of Project approval.

Further, the Project is a Covered Activity under the NCCP, which was subject to environmental review under CEQA by the County of Orange as lead agency in the Natural Community Conservation Plan & Habitat Conservation Plan, County of Orange, Central & Coastal Subregion Joint Programmatic EIR/EIS, dated May 1996 (NCCP EIR). At the time the County of Orange certified the EIR and approved moving forward with the NCCP, various mitigation measures for habitat of the Covered Species were adopted as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the City of Orange's SEIR for the Project, including the 2016 addendum and the environmental effects related to issuance of this ITP along with the County of Orange's NCCP EIR (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the two environmental analyses. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the City and County, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Santiago Hills II and the East Orange Planned Communities Final Supplement EIR 1278/EIR 1716 and the 2016 addendum, the 1996 NCCP

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EIR, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:


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

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XV. Attachments:

FIGURE 1	Regional Location Map
FIGURE 2	Approved Project Site Plan
FIGURE 3	Staging Areas
FIGURE 4	Vegetation Map
FIGURE 5	NCCP Reserve and Open Space Areas – East Orange
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Riparian Restoration Areas HMMP
ATTACHMENT 4	Peters Canyon HRMP
ATTACHMENT 5	Non-Reserve Open Space Restoration Plan (NROS Plan)

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 12/12/2024

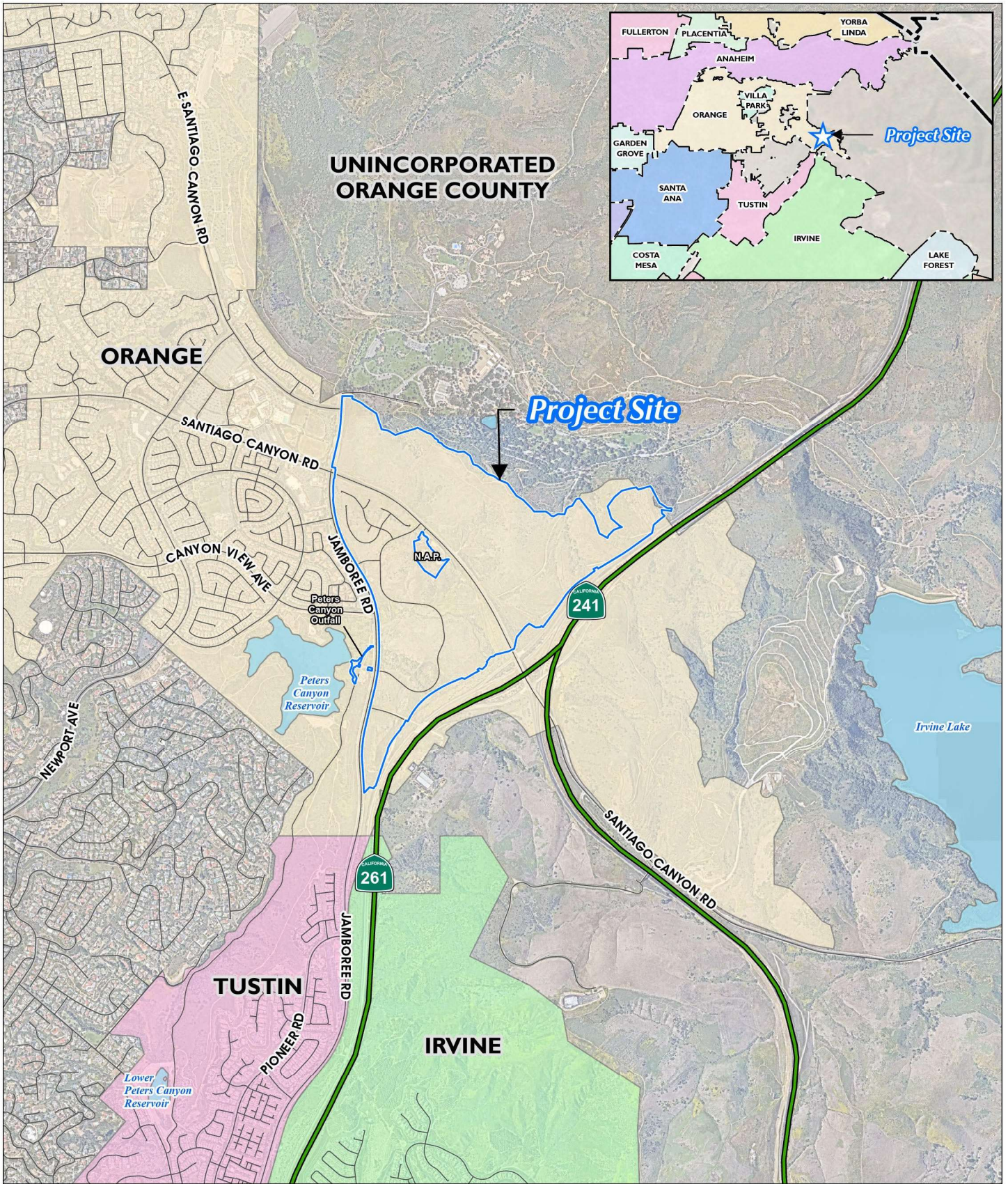
DocuSigned by:


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Erinn Wilson-Olgin, Regional Manager
South Coast Region

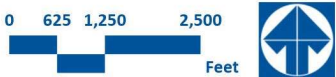
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Figure 1: Regional Location Map



Source(s): ESRI, NearMap Imagery (August 2024), Orange County (2024)
Composite: Glenn Lukos Associates (10-11-2024)

Figure 1



Regional and Local Vicinity Map

Figure 2: Approved Project Site Plan



Source(s): Glenn Lukos Associates (10-16-2024)

Figure 2



Orange Heights

Approved Project Site Plan

JN: 1091-019
Date: 10-17-2024

Figure 3: Staging Areas

ORANGE HEIGHTS STAGING AND ACCESS PLAN

9/12/24

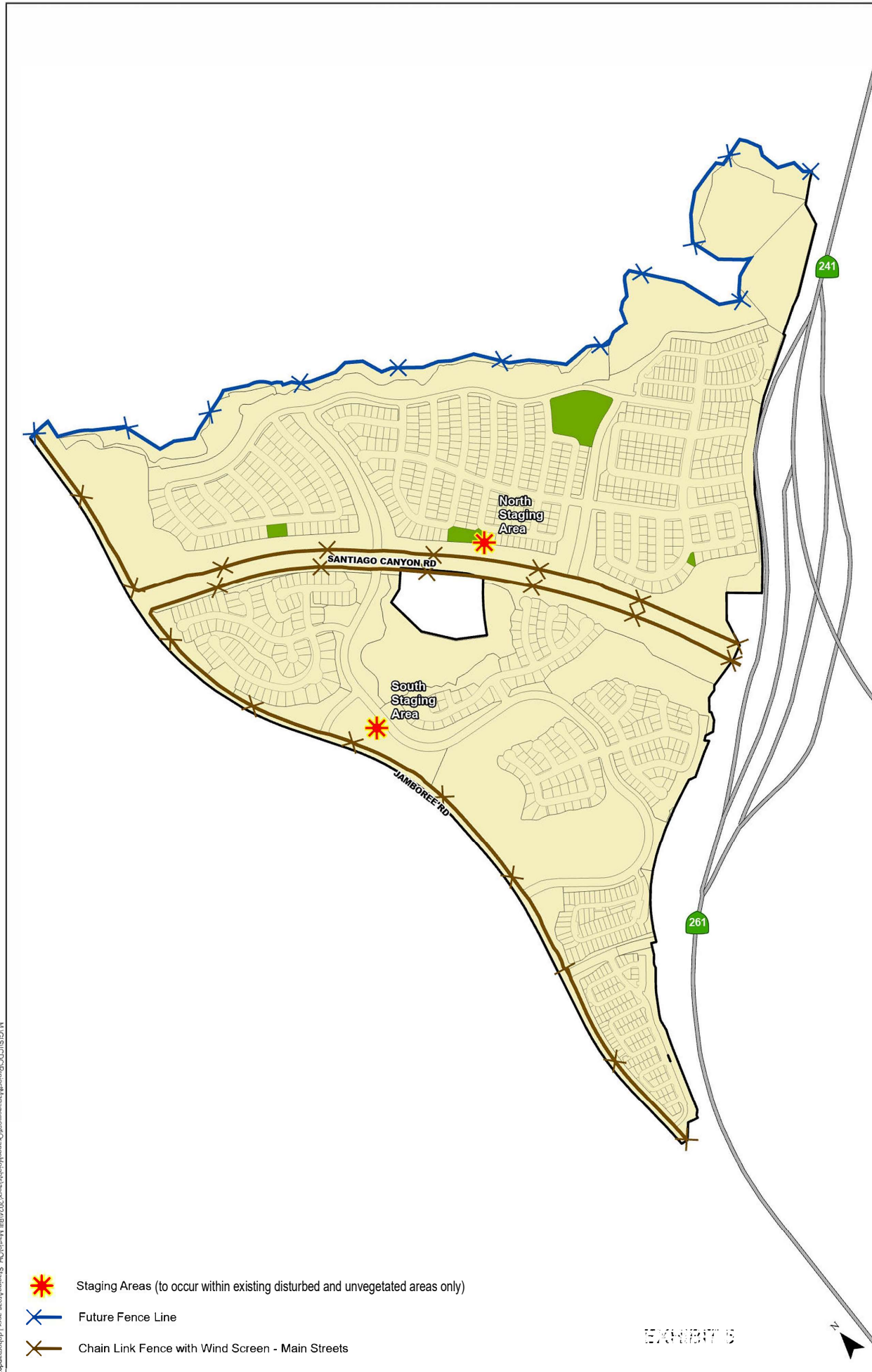
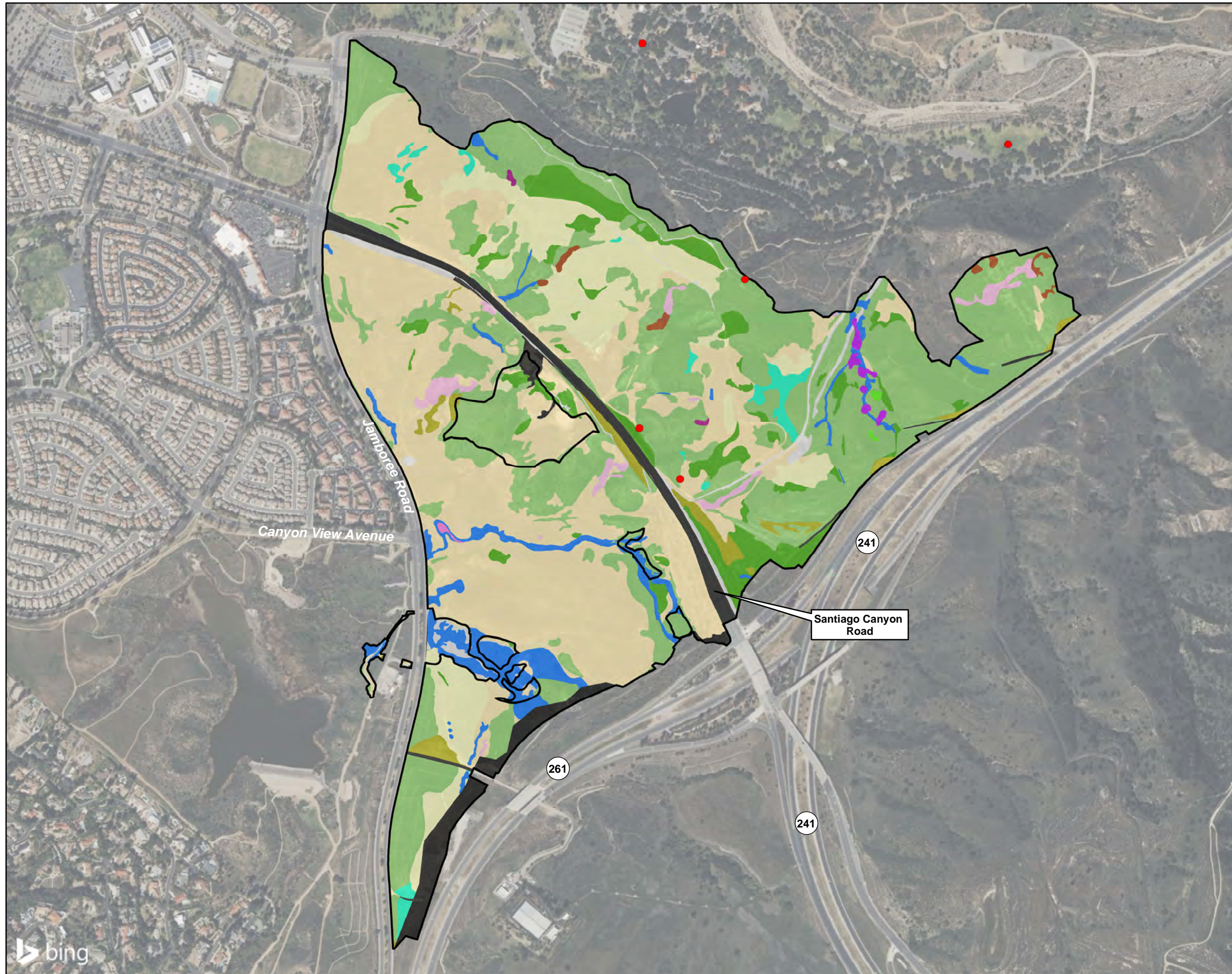
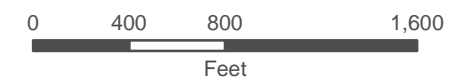


Figure 4: Vegetation Map



- Orange Heights Development Area
- Crotch's bumble bee*
- Annual Grassland
- Artificial Basin
- CSS
- CSS/Chaparral Ecotone
- CSS/Grassland Ecotone
- CSS/Ruderal
- Chaparral and Elderberry Woodland
- Developed/Transportation
- Disturbed (cleared or graded)
- Live Oak Riparian
- Live Oak Woodland
- Native (non-oak) Riparian
- Native Grasslands
- Non-native Woodland
- Ruderal

*<https://www.inaturalist.org/>
 Selected subset of data
 digitized approximate locations



1 inch = 800 feet

Coordinate System: State Plane 6 NAD 83
 Projection: Lambert Conformal Conic
 Datum: NAD 1983 2011
 Map Prepared by: K. Kartunen, GLA
 Date Prepared: August 13, 2024

ORANGE HEIGHTS PROJECT

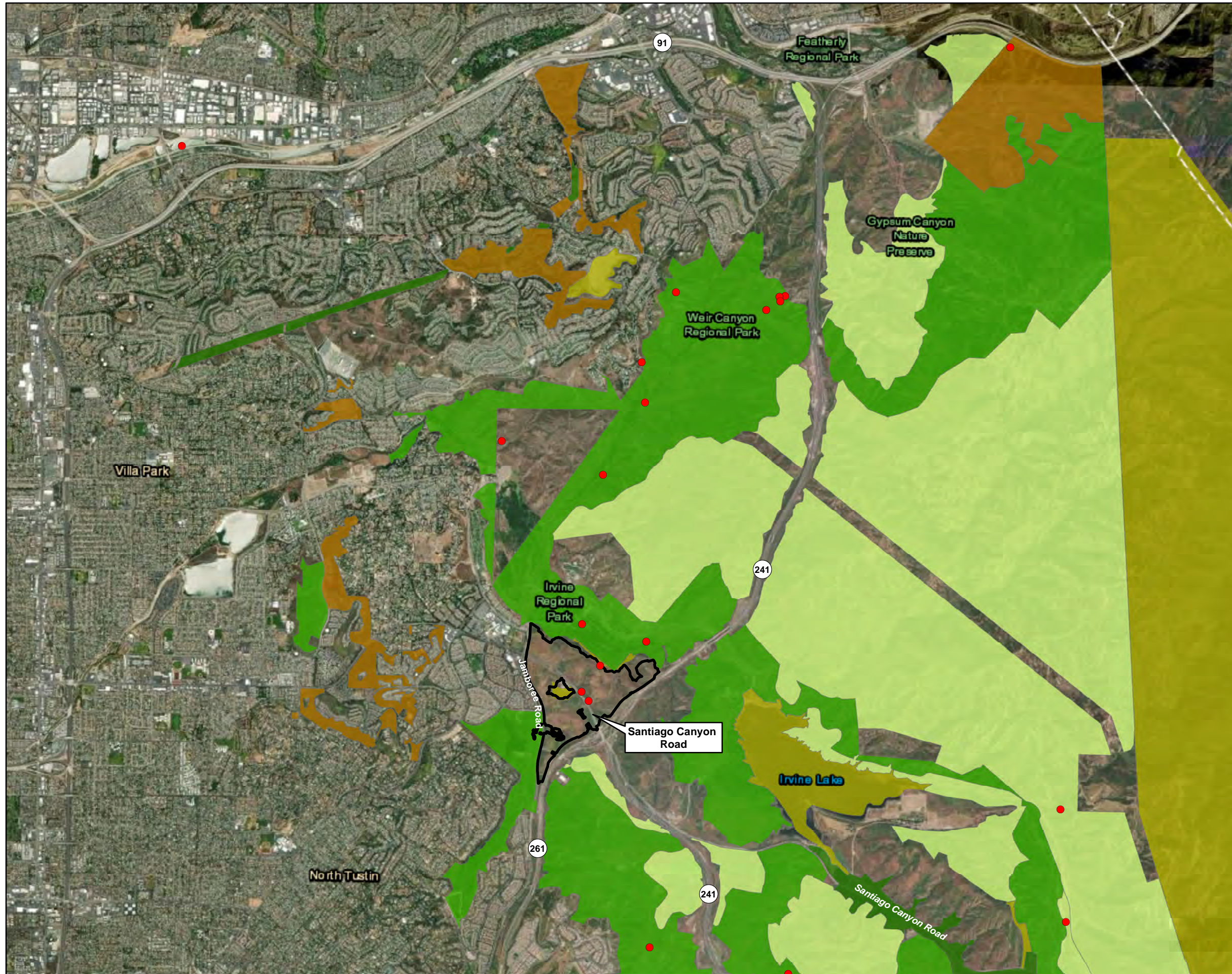
Vegetation Map

GLENN LUKOS ASSOCIATES



EXHIBIT I

Figure 5: NCCP Reserve and Open Space Areas – East Orange



-  Orange Heights Development Area
-  Crotch's bumble bee*
- Orange County Reserves [ds2699]****
-  Reserve
-  Conservation Easement
-  Special Linkage
-  Existing Use
-  Non-Reserve Open Space

*<https://www.inaturalist.org/>
 Selected subset of data
 digitized approximate locations

**<https://map.dfg.ca.gov/metadata/ds2699.html>



ORANGE COUNTY RESERVES
 CBB Occurrences in East Orange area of NCCP Reserve

GLENN LUKOS ASSOCIATES 
 EXHIBIT K