



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

California Endangered Species Act
Amended Incidental Take Permit No. 2081-2024-004-04
**KERN 33 CULVERT REHABILITATION PROJECT (PROJECT)
CALTRANS EA 06-0X240**

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 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.)

CDFW also issues this Amended ITP pursuant to Fish and Game Code section 2081.15 with respect to blunt-nosed leopard lizard (*Gambelia sila*) (BNLL). Fish and Game Code section 5050 generally prohibits the take of the fully protected BNLL. However, for qualifying projects CDFW may authorize the take of fully protected species by permit pursuant to the conditions set forth in Fish and Game Code section 2081.15, subdivisions (a)-(d). Because the Project involves the implementation of a transportation project undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel, the Project is qualified pursuant to Fish and Game Code section 2081.15, subdivisions (b)(3).³

Permittee:	California Department of Transportation (Caltrans)
Principal Officer:	David Johnson, Biology Branch Chief
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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.

³ Senate Bill 147 added section 2081.15 to the Fish and Game Code to allow CDFW to authorize the take of a fully protected species in sections 3511, 4700, 5050, and 5515. Section 2081.15, subdivision (b) specifies the projects or categories of projects eligible for a take authorization permit pursuant to section 2081.15.

II. Amended ITP⁴ Background:

ITP No. 2081-2024-004-04 was originally issued on June 13, 2024. On November 25, 2024, CDFW received a request from the Permittee for a major amendment (Amendment No. 1) to the original ITP and the corresponding fee payment. The Permittee requested to amend the ITP to add the fully protected and state endangered blunt-nosed leopard lizard (BNLL) as a species covered by the ITP. The Permittee requested to add BNLL as a Covered Species to the ITP after the species was observed within the Project area during pre-activity surveys in 2024. CDFW also initiated several additional modifications to the ITP by extending the ITP expiration date and addressing minor typographical errors in the original ITP.

This Project is a transportation project being undertaken by a state agency. In addition, the Project will clearly not result in an increase in highway or street capacity for automobile or truck travel. For these reasons, the Project qualifies as an eligible project pursuant to Fish and Game Code section 2081.15, subdivision (b)(3).

Issuance of this Amended ITP will not increase the amount of take of the Covered Species as compared to the Project as originally approved, nor will the Amended ITP increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amended ITP 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 amends and reissues the ITP. This Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Amendment No. 1.

III. Effective Date and Expiration Date of this ITP:

The original ITP was effective as of the date signed by CDFW, which was June 13, 2024. This remains the effective date for the original authorization. The Amended ITP shall be executed in the same manner and shall become effective when signed by CDFW. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **December 31, 2027**.

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 6.14 of this ITP.

IV. Project Location:

The Kern 33 Culvert Rehabilitation Project (Project) is located on State Route (SR) 33 between post miles (PM) 21.8 (0.9 mile south of Henry Road) and 39.8 (0.2 mile north of

⁴ When this incidental take permit and attachments refer to the “ITP”, it means the “Amended ITP” unless the context dictates otherwise.

Cymric Road) in Kern County (see Figure 1). The Project occurs in portions of the following locations in the Mount Diablo Baseline and Meridian of the Public Land Survey System:

- Township 29 South, Range 22 East, in portions of Sections 30, 31 and 32 (Belridge, California, USGS quad map);
- Township 30 South, Range 22 East, in portions of Sections 5, 8, 16, 17, 21, 28 and 33 (Reward and West Elk Hills, California, USGS quad maps);
- Township 31 South, Range 22 East, in portions of Sections 3, 4, 10, 11, 14, 23, 24 and 25 (West Hills and Fellows, California USGS quad map);
- Township 31 South, Range 23 East, in portions of Sections 30, 31, and 32 (Fellows, California USGS quad map); and
- Township 32 South, Range 23 East, in portions of Sections 4 and 5 (Fellows, California USGS quad map).

The southern end of the Project is located approximately 3.3 miles northwest of the community of Taft, at Latitude 35.1675, and Longitude -119.508. The northern end of the project is located approximately 13.5 miles southeast of the community of North Belridge, at Latitude 35.3788, and Longitude -119.654.

V. Project Description:

The Project involves replacement and rehabilitation of existing culverts at 40 locations within an 18-mile section of SR 33. Work includes vegetation clearing and grubbing (removal of roots) prior to culvert activities; replacing or adding concrete headwalls, flared end sections, drainage inlets, and rock slope protection (RSP) pads associated with culvert replacements; installing metal beam guardrail at five culvert locations; installing vehicle detection systems at three locations; reconstructing curb ramps at the intersection of SR 33 and Reward Road in McKittrick; and regrading existing roadside ditches adjacent to culvert work areas. Existing utilities will not be relocated for the Project. Except for the vehicle detection systems and portions of new guardrail, all work activities will take place within 50 feet of the culverts proposed to be replaced or repaired. Project activities will take three to four days at each location, for a total of approximately 180 working days, including the potential for night-work at all locations.

Culvert Activities

Existing corrugated steel pipes at 31 locations (PMs 22.0, 22.1, 22.34, 22.54, 22.84, 23.92, 24.12, 24.42, 25.43, 26.52, 26.65, 26.83, 27.33, 27.60, 28.13, 28.31, 28.76, 28.88, 29.05, 29.57, 30.08, 32.06, 32.71, 32.91, 33.06, 34.17 (two separate culvert systems at this location), 36.37, 36.49, 37.15 and 39.56) will be replaced with reinforced concrete pipes of the same or larger diameter as the existing pipes (ranging from 8 to 48 inches in diameter). Existing steel and concrete pipes at four locations (PMs 23.0, 23.85, 25.97 and 26.41) will be replaced with reinforced concrete box culverts ranging from 5-foot-wide by 3-foot-tall to 8-foot-wide by 5-foot-tall. Existing reinforced concrete pipes at four locations (PMs 24.21, 24.94, 25.12 and 29.82, ranging from 12 to 15 inches in diameter), will be replaced with

24-inch reinforced concrete pipe. The existing 42-inch diameter culvert at PM 27.13 will be repaired with patching and sealing rather than being replaced.

The new reinforced concrete pipe segments, concrete flared end sections, and drainage inlets will be pre-cast (manufactured at a facility, off-site) and installed on site. Concrete box culverts and headwalls will either be pre-cast or cast-in-place (use of wooden forms, falsework, and concrete pours). Most of the culverts will be removed and replaced, although a few will be abandoned in place, capped, filled with concrete, and the new culvert installed adjacent and parallel to the abandoned culvert. All but one of the existing culverts will be replaced using the "cut and cover" method, where the culvert is excavated out, replaced, and then the trench backfilled, one lane at a time. The culvert at PM 34.17 will be replaced using the "jack and bore" drilling method, which involves the use of a specialized auger that excavates a horizontal hole through the ground to install the new culvert, without disturbing the surface above. Temporary entry and exit pits will be excavated for the drilling equipment. The RSP pads will be excavated to a depth of 2- to 3.5-feet, depending on rock size, filter cloth will be placed along the bottom and sides of the pit, and then the RSP rock will be placed on top of the filter cloth up to the level of the bottom of the new culvert outlet or flared end section.

Other Construction Activities

New sections of metal beam guardrail (not replacing existing) will be installed along the road shoulder adjacent to the culvert at the following locations: PMs 23.85 and 37.15 (northbound lane), PM 25.12 (southbound lane), and PMs 25.97 and 26.41 (both lanes). All guardrails will include the installation of wood posts and rubber vegetation control mats, and each section will extend no more than 200 feet beyond the culvert. The three new vehicle detection loop systems will be installed in the road surface at PMs 32.62, 34.54, and 34.20. All systems will incorporate the construction of pull-boxes and telephone cabinets installed on concrete pads (measuring 3- to 4-foot square) approximately 20-feet from the edge of the paved road, adjacent to each loop system. The vehicle detection system PM 34.20 will require power from a nearby PG&E pole, requiring the installation of approximately 180-feet of underground conduit by open trenching (the temporary trench will be approximately 12-inches wide by 3-feet deep).

Construction equipment parking and staging areas will be in previously disturbed, unvegetated areas within the highway right-of-way. Temporary construction signs will be hammered into the ground adjacent to the paved road. Construction equipment parking and staging areas will be in previously disturbed, unvegetated areas within the highway right-of-way (ROW) or as approved in this ITP.

Non-native and weedy annual grasses and forbs and saltbush shrubs (*Atriplex* spp.) will be cleared to allow access to the work areas. Vegetation removal will be performed by hand, using hand-tools or chainsaws, or using heavy equipment such as an excavator, backhoe, or road grader. Trees will not be removed. Temporarily disturbed soil will be re-contoured after the work, then re-seeded.

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

This ITP covers the following species:

<u>Name</u>	<u>Protected Status⁵</u>
1. San Joaquin Antelope Squirrel (<i>Ammospermophilus nelson</i>)	Threatened ⁶
2. San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁷
3. Blunt-nosed leopard lizard (<i>Gambelia sila</i>)	Endangered ⁸ and Fully Protected ⁹

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 impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include the following: clearing and grubbing to remove vegetation; soil grading; leveling (cut or fill); compacting soil; excavating and trenching; pouring concrete; temporarily storing materials, vehicles and equipment; transporting construction materials and other project-related traffic; trash and debris removal; seeding; other construction activities described in the Project Description above; and mortality reduction activities as specified in 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 due to construction crews or equipment running over, crushing, or entombing Covered Species situated either above or below ground during initial ground-breaking or during ongoing work. Incidental take of individuals may also occur from the Covered Activities in the form of catch, capture or attempt to do so from entrapment in holes or open trenches; entrapment in fencing; uncovering individuals during the excavation of burrow systems; corralling individuals into a confined area, and capturing, collecting, and relocating individuals of the Covered Species during mortality reduction activities required by this ITP; and by temporary loss of habitat. Incidental take of individuals may also occur from the Project’s incremental contribution to cumulative impacts (indirect impacts) including exposure to chemical contamination from uncured concrete, concrete dust, drilling fluids, petroleum products, paint, and other construction chemicals; loss of breeding and burrowing habitat used for shelter, reproduction, and escape cover; long term effects due to increased pollution; displacement from preferred habitat; increased competition for food and space; introduction or spread of invasive species; changes in drainage patterns; and increased

⁵ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species and subject to the protections set forth in CESA. Under Fish and Game Code section 5050, certain species of reptiles are protected as “fully protected species.”

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

⁷ See *Id.*, subd. (b)(6)(E).

⁸ See *Id.*, subd. (a)(4)(B).

⁹ See Fish & G. Code § 5050.

vulnerability to predation. Even though the proposed work is temporary, the effects could be longer-lasting if feeding or reproduction are impacted.

The areas where authorized take of the Covered Species may occur include Permittee's ROW on SR 33 between PMs 21.8 and 39.8, as well as temporary construction easements directly adjacent to many of the culvert work areas (Project Area). Implementation of the Conditions of Approval outlined below will reduce the risk of construction personnel directly encountering individuals of the Covered Species, but the Covered Species are likely present within the Project Area. Burrow entrances were not observed in the Project Area during baseline surveys for this Project. However, individuals and sign of both Covered Species have been observed at several locations throughout the Project Area during biological surveys for this Project and in the past.

Habitat conditions for Covered Species vary from high-quality native scrub habitat (dominated by allscale [*Atriplex polycarpa*] and bush seepweed [*Sueda nigra*]) in approximately 80% of the Project Area to marginal quality annual grassland and ruderal areas in approximately 10% of the Project Area. Oil production occurs adjacent to the highway ROW in approximately 10% of the Project Area (PM 28.13 to 28.88) with scattered patches of allscale scrub in these areas. Covered Species may occur throughout the Project Area, including in areas of bare ground and within oil fields, utilizing the various habitats for dispersal, cover, and/or foraging. The impacts to Covered Species will be directly adjacent to the existing two-lane highway (SR 33). Individuals of Covered Species may also be present in underground burrows not visible on the ground surface. Furthermore, burrow habitat is dynamic, and new burrows may be created in the Project Area by the time Covered Activities commence or during construction.

The Project is expected to result in the permanent loss of up to 3.13 acres and temporary disturbance of up to approximately 2.918 acres of suitable habitat for the Covered Species (allscale scrub, bush seepweed, annual grassland, ruderal, oil field, and disturbed/developed habitat types) (Figure 2). Project impacts are considered permanent when they involve the loss of habitat due to a new permanent, man-made feature (e.g., larger culvert, RSP) or where construction activities will disturb native scrub habitats that may take years to recover, if at all. Project impacts are considered temporary where construction activities will take place in heavily disturbed habitat or habitat dominated by annual grassland or ruderal vegetation, where habitat conditions will be returned to pre-project conditions within approximately one year of impact.

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 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 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. **California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study with Mitigated Negative Declaration (SCH No. 2021090066) dated March 2022 that Caltrans, as the lead agency, adopted on March 28, 2022, and revalidated on April 8, 2024 and January 9, 2025. Caltrans is the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPIMS-KER-47801-R4) for the Project to be 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 Biologist(s) and Designated Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume

Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitors may assist the Designated Biologists in compliance monitoring under the direct supervision of the Designated Biologists and as specified in Compliance Monitoring below. Based on the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised), the Designated Biologists shall have equal or greater experience than a Level II Surveyor and Designated Monitors shall have equal or greater experience than a Level I Surveyor. In addition, Permittee shall ensure that the Designated Biologists are knowledgeable in the biology and natural history of the Covered Species, and have experience with collecting and handling Covered Species, excavating small mammal burrows for the Covered Species, enforcing no-disturbance buffers, and monitoring construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designated Monitors are knowledgeable and experienced in the biology and natural history of 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. Designated Biologists may be approved by CDFW for specific Covered Species. If this is the case, they will only be permitted to survey and monitor for those specific Covered Species.

- 5.3.** Designated Biologist and Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors 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 Area and otherwise facilitate Designated Biologists and Designated Monitors in the performance of their duties. If the Designated Biologist or Designated Monitor is unable to comply with the ITP, then they 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 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 noncompliance or take or injury of a Covered Species because 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 they are authorized to perform any work. The program shall consist of a presentation from the Designated

Biologist for the Covered Species 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, or Fish and Game Code section 5050 as applicable, including legal protection, recovery efforts, penalties for violations and project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

- 5.5. Construction Monitoring Documentation.** The Designated Biologists and Designated Monitors 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 Area 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.
- 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 and/or Designated Monitor. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant (other than water), surfactant, soil binders, stabilizer products, hydro-mulch, or hydroseed. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 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, photodegradable mesh (erosion control matting), photodegradable mesh, or similar material, in potential Covered Species' habitat.

- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities within each discrete part of the Project Area in active construction (work area), Permittee shall clearly delineate the boundaries of the work area. The boundary of the Project Area shall be delineated with stakes, fencing, and/or flags and shall be maintained with signage until the completion of Covered Activities in that work area.
- 5.10. Delineation of Habitat.** Before starting Covered Activities at any work area, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the work 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 on route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per Staging Areas below. 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 is necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before conducting such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because 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. No parking, storage, laydown, or staging areas shall be located within potential SJAS burrows (per SJAS Burrow Avoidance below), BNLL burrows (per BNLL Burrow Avoidance below), or within the San Joaquin kit fox (SJKF) buffer areas (per SJKF Den Avoidance below). Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Project Access above. If Permittee determines parking, storage, laydown, or staging areas 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 because of the project modification.
- 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 shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 5.16. 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 Education Program above.

6. Monitoring, Notification and Reporting Provisions:

- 6.1. Notification Before Commencement. The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 6.2. Notification of Non-compliance. The Designated Representative, Designated Biologist, or Designated Monitor 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, Designated Biologist, or Designated Monitor 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. Pre-Activity Survey Report. At least three days prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of burrows and dens, per Pre-Activity Clearance Surveys and Reporting below.
- 6.4. Inspection Records. The Designated Biologists and Designated Monitors shall prepare written observation and inspection records for compliance monitoring as per Compliance Monitoring below, summarizing: (1) construction activities observed; (2) integrity of signs, stakes or fencing; (3) wildlife observations; (4) observations of non-compliance with any Conditions in this ITP; and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP.

The inspection records shall be submitted as a component of each Monthly Compliance Report, as described below.

- 6.5. SJAS Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 30 calendar days before starting Covered Activities. Burrow excavation and relocation activities shall not proceed until the SJAS Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (identified in Monthly Compliance Reports below). The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential SJAS habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of SJAS; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) artificial burrow design and installation methods; (5) monitoring frequency and methods; (6) schedule of SJAS mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the SJAS. The SJAS Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture and handle individuals of the SJAS. Once the SJAS Covered Species 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 Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.
- 6.6. SJKF Den Replacement Plan.** Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative identified in Monthly Compliance Reports below. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

- 6.7. BNLL Mortality Reduction and Relocation Plan.** Permittee shall submit a BNLL Mortality Reduction and Relocation Plan to CDFW within 30 days of the effective date of this Amended ITP. Burrow excavation and relocation activities shall not continue or proceed until the BNLL Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (per Monthly Compliance Report below). The BNLL Mortality Reduction and Relocation Plan shall be consistent with BNLL Burrow Avoidance, BNLL Individual Avoidance, BNLL Relocation, BNLL Relocation Weather Constraints, and BNLL Burrow Excavation below. The BNLL Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential BNLL habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of BNLL; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) potential artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BNLL or care for at-risk torpid BNLL or BNLL eggs; (5) monitoring frequency and methods; (6) schedule of BNLL mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the BNLL. The BNLL Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture, handle, relocate, and transport individuals including eggs of the BNLL. Once the BNLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all BNLL mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved BNLL Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.
- 6.8. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur unless all of the following have occurred: SJAS burrows have been avoided or excavated (per SJAS Burrow Avoidance and SJAS Burrow Excavation below); BNLL burrows have been avoided or excavated (per BNLL Burrow Excavation below); any captured SJAS have been relocated (SJAS Live Trapping and Relocation below); any captured BNLL have been relocated (per BNLL Relocation below); SJKF dens have been identified and avoided (per SJKF Den Avoidance below); unoccupied SJKF dens have been excavated (per SJKF Den Excavation below) and initial grading activities are complete. Thereafter, a Designated Biologist or Designated Monitor shall conduct compliance inspections at least once a week during all work activities. 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) ensure that signs, stakes, and fencing are intact; and (5) ensure that that Covered Activities are only occurring in the Project Area. Specific Designated

Monitors may conduct burrow flagging, monitoring during fence installation (if used), and compliance inspections upon written approval from CDFW.

- 6.9. Covered Species Observations and Notification.** During all Covered Activities, workers shall inform a Designated Biologist if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist can relocate the Covered Species (per SJAS Mortality Reduction and Relocation Plan above, Additional Measures for SJAS below, SJKF Den Replacement Plan above, Additional Measures for SJKF below, BNLL Mortality Reduction and Relocation Plan above, and/or Additional Measures for BNLL below). Permittee shall notify CDFW within five business days after discovery of a Covered Species within the Project Area via electronic mail to the Regional Representative and Regional Office identified in Monthly Compliance Reports below.

The Designated Biologists and Designated Monitors shall maintain a record of all Covered Species observed, captured, handled and relocated. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps), date and time of the observation, handling, or release; (2) the name of the individual(s) that identified and handled the Covered Species; (3) circumstances of the incident; (4) the general condition and health of each individual including any diagnostic markings, sex, age (juvenile or adult); and (6) ambient temperature when handled and released. Permittee shall also submit this information to CDFW's California Natural Diversity Database (CNDDDB) as per CNDDDB Observations below. This information shall also be included in the Monthly Compliance Reports and Annual Status Reports.

- 6.10. Monthly Compliance Reports.** The Designated Representative or a Designated Biologist shall compile the observation and inspection records identified in the Inspection Records and Covered Species Observations and Notification above and documentation of night work according to Lighting and Night Work below, into a Monthly Compliance Report (MCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall be submitted before the 7th day of the month via electronic mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Adam Thompson (adam.thompson@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the 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.

- 6.11. Annual Status Reports.** 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 MCRs for the previous calendar year; (2) a record of the Education Program training sessions provided over the reporting year; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) all available information about project-related incidental take of the Covered Species; and (8) information about other project impacts on the Covered Species. ASRs shall be submitted via email to the entities identified in Monthly Compliance Reports above.
- 6.12. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CNDDDB within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the ASR.
- 6.13. Final Construction Report.** No later than 60 days after completion of all construction activities, Permittee shall provide CDFW with a Final Construction Report, submitted via email to the entities identified in Monthly Compliance Reports above. The Designated Biologist shall prepare the Final Construction Report which shall include, at a minimum: (1) a summary of all MCRs and all ASRs; (2) a copy of the table in the MMRP with notes showing when and how each of the Conditions of Approval were 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 Project impacts of the taking on Covered Species; (7) any other pertinent information; and (8) before, during, and after photographic documentation of the project impact areas.
- 6.14. Final Mitigation Report.** No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in Monthly Compliance Reports above. The Designated Biologist or Designated Representative shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of mitigation implemented; (2) a copy of the table in the MMRP for Habitat Management Land Acquisition through Security below, with notes showing when and how each of the mitigation measures were implemented; (3) an assessment of the effectiveness of

this ITP's Conditions of Approval in fully mitigating Project impacts of the taking on SJAS and SJKF and conserving BNLL; (4) 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 (5) any other pertinent information.

6.15. 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 through e-mail to the Regional Representative and Regional Office identified in Monthly Compliance Reports above. 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, name of facility that treated the individual if it was injured and treated, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office identified in Monthly Compliance Reports above.

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

7.1. Rodenticide Use. Permittee shall prohibit the use of rodenticides in the Project Area.

7.2. Lighting and Night Work. 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 in the Project Area shall be turned on only when people are present. Permittee shall not install new permanent or upgrade existing lighting in the Project Area, except as otherwise identified in the Project Description. The number of nights worked shall be documented in the Monthly Compliance Reports. The documentation shall include the number of nights that work occurred for the quarter that the report covers and a cumulative tabulation of the total number of nights worked since Project initiation.

7.3. Equipment and Vehicle Fueling. Permittee shall ensure that all equipment and vehicle fueling, and maintenance occur at least 100 feet from any Covered Species burrows unless otherwise approved in writing by CDFW. Permittee shall ensure that

sufficient spill containment and cleanup equipment shall be present at all fueling locations.

- 7.4. Vehicle Parking. Permittee shall not allow vehicles to park on top of, or within 50 feet of Covered Species burrows, except within designated Staging Areas and in compliance with Additional Measures for SJAS and Additional Measures for BNLL below. Vehicles left overnight shall be located at least 50 feet from any SJAS burrows and 50 to 500 feet from SJKF dens, depending on SJKF activity (per Additional Measures for SJKF below).
- 7.5. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave pipes, conduit, electrical cabinets, or similar materials or structures stockpiled for one or more workday or night periods where Covered Species may enter them and become trapped.
- 7.6. Vehicle, Equipment, and Materials Inspection. Workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. 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 day or night periods for the Covered Species before the object is subsequently moved, buried, or capped. If a Covered Species is present, the worker shall notify a Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or be moved by the Designated Biologist in accordance with SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above.
- 7.7. 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.
- 7.8. Barriers to Covered Species Movement. Except as described in the Project Description, the new roadway shall be constructed without steep curbs, berms, or dikes which prevent Covered Species from crossing the roadway. If curbs are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures as to allow Covered Species to walk over them. If steep dikes are required, design shall include over-site drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.
- 7.9. Open Trenches and Excavations. The Designated Biologists and Designated Monitors shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each workday for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open

trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall either have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope or shall be covered when workers or equipment are not actively working in the excavation, day or night. Escape ramps shall be at least 12 inches wide and erected every 15 feet. If a cover will be utilized, the Designated Biologist shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day or night such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If any Designated Biologists, Designated Monitors, or workers discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a Designated Biologist immediately. Designated Monitors, Project workers and the Designated Biologists shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or a Designated Biologist shall capture and relocate the Covered Species as per SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above.

- 7.10. Covered Species Observations.** All workers shall inform a 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 injure or kill the animal, shall cease immediately until the Designated Biologist can relocate the Covered Species as per SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above.
- 7.11. Pre-Activity Clearance Surveys and Reporting.** The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species no more than 14 days prior to Covered Activities or prior to resumption of work if there has been a break in work by more than 30 days. The report shall include, but not be limited to, survey methods, date and time of the surveys, weather conditions per survey date (for SJAS surveys), name of the Designated Biologist(s) who performed the surveys, survey results, and map of the locations of each potential and known burrow or den and type of Covered Species use. Permittee shall provide the survey results to CDFW in a written report at least three days prior to the beginning of Covered Activities (per Pre-Activity Survey Report above).
- 7.11.1. SJAS Surveys:** The Designated Biologist(s) shall survey the work area and 50 feet beyond the limits of the work area for individuals of the SJAS and

to identify, flag and map the locations of all potential SJAS burrows. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species. Conditions considered appropriate for detection of San Joaquin antelope squirrel include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions.

7.11.2. SJKF Surveys. The Designated Biologist(s) shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the 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 four consecutive nights with tracking medium and infrared camera to determine the current use of the den(s) or as otherwise approved in the SJKF Den Replacement Plan.

7.11.3. BNLL Surveys. The Designated Biologist(s) shall survey work areas and 50 feet beyond the limits of each Work Area (unless otherwise approved in writing by CDFW) to identify individual BNLL and to identify, flag, and map the locations of all potential BNLL burrows. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species consistent with survey methodology approved under the BNLL Mortality Reduction and Relocation Plan. Conditions considered appropriate for detection of BNLL include ambient temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, not under foggy or rainy conditions, and between April 15 and September 30, per the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised).

7.12. 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 electronic mail followed by a written incident report as described in Notification of Take or Injury above. If Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

7.13. Additional Measures for SJAS:

- 7.13.1. 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 and adjacent to the Project Area to be disturbed by Covered Activities. If a 50-foot no-disturbance buffer cannot be established, daily monitoring, live trapping, relocation, and burrow excavation shall occur in accordance with the rest of Additional Measures for SJAS below. Alternatively, a buffer reduction may be requested to allow for burrow preservation where impacts can be reasonably avoided. Any buffer reduction strategy shall be identified in the SJAS Mortality Reduction and Relocation Plan and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.
- 7.13.2. SJAS Live Trapping and Relocation. The Designated Biologist shall conduct live trapping at all potential SJAS burrows detected within each work area which cannot be avoided per SJAS Burrow Avoidance prior to starting ground- or vegetation-disturbing Covered Activities in that work area, according to the approved SJAS Mortality Reduction and Relocation Plan. SJAS shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the approved SJAS Mortality Reduction and Relocation Plan. Traps shall only be open during the time of day when on-site temperatures are within the 68-to-86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile of SJAS shall be released immediately at the trap location and trapping shall cease until young of the year of SJAS are observed above ground and no longer dependent on their mother.
- 7.13.3. SJAS Relocation Weather Constraints. Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the SJAS (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68- and 86-degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at the release site approved in the SJAS Mortality Reduction and Relocation Plan.

7.13.4. SJAS Relocation Additional Timing Constraints. If SJAS trapping and relocation occurs outside of the main activity period (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. These records may be requested to be submitted daily or weekly to CDFW in the written approval to conduct trapping and relocation outside of the main activity period (per SJAS Relocation Weather Constraints above). Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved excavation.

7.13.5. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided (per SJAS Burrow Avoidance above) and prior to beginning Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the project work limits, according to the approved SJAS Mortality Reduction and Relocation Plan. SJAS burrow excavation shall occur during the same weather conditions described in SJAS Live Trapping and Relocation and SJAS Relocation Weather Constraints above. Any SJAS encountered during burrow excavation shall be relocated according to the approved SJAS Mortality Reduction and Relocation Plan. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in that given work area.

7.14. Additional Measures for SJKF:

7.14.1. SJKF Den Avoidance. Permittee shall avoid destroying any known or potential SJKF dens unless they are in an area of direct ground disturbance (e.g., grading areas, excavation areas) or their location poses a risk of direct harm to SJKF individuals. Dens in an area 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 that 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 or exclude foxes from 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 United States Fish and Wildlife Service (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 the Project Area. An established no-disturbance buffer may be reduced once the SJKF is no longer using the area.

- 7.14.2. SJKF Den Replacement. Permittee shall replace each known and natal SJKF den that cannot be avoided as per SJKF Den Avoidance above, with an artificial den. Permittee shall install one artificial SJKF den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 300 feet of the collapsed den, Permittee shall install artificial dens within 300 feet of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 300-foot radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (per SJKF Den Excavation below) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved San Joaquin Kit Fox Den Replacement Plan.
- 7.14.3. 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 SJKF Den Avoidance above, only after the Designated Biologist has determined that SJKF is not currently present after four 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 Project Area. If an individual SJKF does not vacate a den within the work area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.

7.15. Additional Measures for BNLL:

- 7.15.1. BNLL Burrow Avoidance. The Permittee shall notify CDFW's Regional Representative within 24 hours via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. The Designated Biologists shall establish a no-disturbance buffer of 50 feet or greater around potential burrows that could be occupied by BNLL, suspected burrows, or known burrows to be occupied by BNLL within the Project Area. If the 50-foot no-disturbance buffer cannot be implemented, potential live capture, relocation, and burrow excavation shall occur in accordance with the BNLL Mortality Reduction and Relocation Plan above, BNLL Individual Avoidance below, BNLL Relocation below, BNLL Relocation Weather Constraints below, and BNLL Burrow Excavation below. Alternatively, Permittee may request a buffer reduction to allow for burrow preservation where direct impacts to individual BNLL can be reasonably avoided. Any buffer reduction strategy shall be identified in the BNLL Mortality Reduction and Relocation Plan and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.
- 7.15.2. BNLL Individual Avoidance. If an individual (adult or juvenile) BNLL is detected above ground within the Project Area, any Covered Activities occurring within 500 feet of the observed BNLL must temporarily cease. The BNLL shall first be allowed to leave the Project Area on its own volition and be monitored by the Designated Biologist(s). If the BNLL is unable to leave the Project Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the Designated Biologist(s) may establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e., not into the path of a paved road, etc.) or pursue the BNLL into an exit path leading away from the Project Area into suitable habitat only. The

Designated Biologist(s) in either scenario shall monitor the exit of the BNLL. If a passive exit area or exit path needs to be established by the Designated Biologist(s) with passive or active exclusion (e.g., sequencing of temporary fence, boards, or flashing) the Designated Biologist(s) shall have such equipment ready to implement a non-handling exit area or exit path. If based on the Designated Biologist's assessment that the BNLL will not successfully exit the Project Area with passive or active exclusion the BNLL may be captured and relocated by the Designated Biologist(s) per BNLL Mortality Reduction and Relocation Plan above.

- 7.15.3. BNLL Relocation. Prior to commencing or re-commencing Covered Activities within the Project Area, and following the methods outlined in the BNLL Mortality Reduction and Relocation Plan above, any above-ground BNLL detected by the Designated Biologist(s) within the Project Area that cannot be avoided as per BNLL Burrow Avoidance and BNLL Individual Avoidance above shall be live captured by the Designated Biologist(s) immediately after detection, in the event additional animals are detected after initial relocation activities. The Designated Biologist(s) shall relocate all captured BNLL immediately to the CDFW-approved release site identified in BNLL Mortality Reduction and Relocation Plan above. The Designated Biologist(s) shall submit daily capture and release forms to CDFW for review and concurrence to continue (or not) with live capture. Daily capture forms shall include, but not be limited to: on-site shaded air temperatures measured 1-2 centimeters (cm) from above the ground and times of captures; capture details (e.g., attempts made, capture response, total duration of hold times); relocation details (e.g., behavioral response) and supporting photos and/or videos; weather conditions (e.g., wind and cloud cover) during capture and post release, etc. Permittee shall propose a final capture activity date for CDFW review and written approval. Following the CDFW-approved final day of capture activity, burrow excavation, as per BNLL Burrow Excavation below, may begin.
- 7.15.4. BNLL 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, the Designated Biologist(s) shall halt all capture of BNLL. Additionally, the Designated Biologists shall halt all capture of BNLL if the air temperature drops below 77 or exceeds 95 degrees Fahrenheit during the capture period. The Designated Biologist(s) shall cease capture activity if captured animals are found to be lethargic or are otherwise showing signs of distress.
- 7.15.5. BNLL Burrow Excavation. Immediately following live capture activities conducted in accordance with BNLL Mortality Reduction and Relocation Plan above, and prior to beginning Covered Activities within the Project

Area, the Designated Biologist(s), or individuals under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Project Area to be disturbed by Covered Activities. The Designated Biologist(s) shall immediately relocate any active BNLL encountered during burrow excavation to the CDFW-approved release site(s) identified in BNLL Mortality Reduction and Relocation Plan above. Any BNLL eggs or torpid BNLL discovered during burrow excavation shall be transported to an identified and approved care facility listed in the BNLL Mortality Reduction and Relocation Plan above.

- 8. Habitat Management Land Acquisition:** CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA, and Fish and Game Code section 5050 as applicable, 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, Permittee shall either purchase 12.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Covered Species Credits below OR shall provide for both the permanent protection and management of at least 12.2 acres of Habitat Management (HM) lands pursuant to HM Lands Acquisition and Protection below and the calculation and deposit of the management funds pursuant to Endowment Fund 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 24 months of the effective date of this Amended ITP if Security is provided pursuant to Security below for all uncompleted obligations.

At the time of issuance of this Amended ITP, Permittee proposes the purchase of mitigation credits at the Blackwells Corner Conservation Bank (BCCB), which is conceptually approved by CDFW and has higher quality habitat for the Covered Species than the habitat being impacted by the Project. Further, the BCCB contributes to providing essential linkage habitat for the Covered Species and may help secure important genetic connectivity for BNLL between the Antelope Plain, Lokern, and Buena Vista subpopulations within the Western Kern County Critical Recovery Area listed in the 1998 USFWS Recovery Plan (Recovery Plan).

Conservation of the BCCB properties will contribute to multiple recovery actions for the species in the Recovery Plan. Recovery Action 1 for BNLL calls for determining appropriate habitat management and compatible land uses for BNLL. Recovery Action 3.d. for BNLL calls for protecting additional habitat for BNLL in key portions of their range.

The areas of highest priority to target for protection identified in the Recovery Plan for BNLL includes natural lands between Highway 33 and the coastal ranges (southern Fresno County/northern Kern County), which is where the BCCB is located. Additionally, one of the four recommendations by the USFWS for BNLL in the latest (2020) five-year review encourages conservation and coordination between private landowners and other partners, including the USFWS. The purchase of 12.2 acres of Covered Species credits from BCCB will help to achieve Recovery Action 3.d. for BNLL and is in line with the most recent five-year review of BNLL by providing habitat restoration, restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS. For these reasons, the purchase of 12.2 mitigation credits from BCCB along with the other requirements of this Amended ITP will satisfy the requirement of Fish and Game Code section 2081.15, subdivision (a)(2) that further measures to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) are incorporated into the Project.

Should purchasing conservation credits at the proposed BCCB become infeasible, then Permittee shall provide an alternative 12.2 acres of HM Lands which are comparable or better in habitat quality than the Project Area, are occupied by all the Covered Species, provide regional importance to the conservation of BNLL, have connectivity to other conserved lands, and achieve one or more Recovery Actions of the Recovery Plan for BNLL. 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 24 months of the effective date of this Amended ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

8.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:

- 8.1.1. Land acquisition costs for HM lands identified in Habitat Management Lands Acquisition and Protection below, estimated at 1,366.20/acre for 12.2 acres: **\$16,667.68**. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
- 8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Fee Title and Conservative Easement below: **\$268,600.00**;
- 8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Start-up Activities below, estimated at **\$4,936.80**; including.

- 8.1.4. Interim management period funding as described in Interim Management below, estimated at **\$55,573.32**;
- 8.1.5. Long-term management funding as described in Endowment Fund below, estimated at \$10,399.86/acre for 12.2acres: **\$124,798.27**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Reimburse CDFW below, estimated at **\$12,000.00**.
- 8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$42,000.00**.

8.2. Covered Species Credits. If Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 12.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this Amended ITP if Security is provided pursuant to Security 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 24 months from issuance of this Amended ITP if Security is provided.

8.3. 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:

- 8.3.1. 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.
- 8.3.2. 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.

- 8.3.3. 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;
- 8.3.4. 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;
- 8.3.5. 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.
- 8.3.6. 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 (see

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>)

(2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;

8.3.7. 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, and vegetation and invasive species management.

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.

8.4. 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 as per Land Manager above. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(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).

8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare 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 of the results of the endowment assessment before transferring funds to the Endowment Manager.

8.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use

in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

8.4.2.2. 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:

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

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

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

8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

8.4.4. 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.

8.5. 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.

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

9.1. Master Funding Agreement. Security for this ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated April 18, 2024.

9.2. Funding Memorandum. Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to this ITP as Attachment 3.

9.3. Security Amount. The Security shall be in the amount of **\$524,576.07**. This amount is based on the cost estimates identified in Cost Estimates above.

9.4. Funding of the Child Expenditure Authorization (EA). Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.

9.5. Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.

9.6. 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 24 months from the effective date of this Amended ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

X. Amendment:

With respect to the Covered Species listed under CESA, this ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. With respect to the fully protected Covered Species, this ITP may be amended as provided by Fish and Game Code section 2081.15, subdivisions (a)(3) and (d), and other applicable law. This ITP may also 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, or species designated as fully protected by the Fish and Game Code, 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 Biologists, Designated Monitors, 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 reference the Project name, Permittee, and ITP Number (2081-2024-004-04-A1) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Amended Incidental Take Permit
 No. 2081-2024-004-04
 CALIFORNIA DEPARTMENT OF TRANSPORTATION
 KERN 33 CULVERT REHABILITATION PROJECT

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
RRR.R4@wildlife.ca.gov

and a copy to:

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

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

Adam Thompson
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 801-1915
Adam.Thompson@wildlife.ca.gov

XIV. 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 prior environmental review of the Project by the lead agency, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Kern 33 Culvert Rehabilitation Initial Study with Mitigated Negative Declaration (SCH No. 2021090066) dated March 2022 that Caltrans, as the lead agency, adopted on March 28, 2022, and revalidated on April 8, 2024 and January 9, 2025. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project. It also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

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), and 783.5, subd. (c)(2); Fish & G. Code § 2081.15, subd. ((a), (b)(3), and (d).)

CDFW finds based on substantial evidence in the ITP application, MND for the Project, the results of CDFW's site visit on April 10, 2024, 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 12.2 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being permanently impacted 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) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

- (7) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.
- (8) As stated in Findings (1) – (7) above, the requirements of Fish and Game Code section 2081, subdivisions (b) and (c) are satisfied as to BNLL;
- (9) As stated in Finding (2) above, the impacts of the taking on BNLL will be minimized and fully mitigated through the implementation of measures required by this ITP such as the protection and management of compensatory habitat. The further measures required to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) with respect to BNLL include: the protection of higher quality habitat than the habitat being impacted; the BCCB's contribution towards essential linkage habitat for the Covered Species and important genetic connectivity for BNLL between the Antelope Plain, Lokern, and Buena Vista subpopulations within the Western Kern County Critical Recovery Area from the 1998 USFWS Recovery Plan; and contributions to multiple recovery actions for BNLL listed in the Recovery Plan (including Action 1 to determine appropriate habitat management and compatible land uses for BNLL and Action 3.d to protect additional habitat for BNLL in key portions of their range and areas of highest priority to target for protection). The purchase of 12.2 mitigation credits from BCCB will help to achieve Recovery Action 3.d. for BNLL and is in line with the most recent (2020) USFWS five-year review of BNLL by providing habitat restoration, restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS;
- (10) This ITP provides for the development and implementation of a monitoring program and adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take of BNLL. The take monitoring programs and adaptive management plans are in the forms of the take monitoring program (Compliance Monitoring Condition of Approval), adaptive management as required in the BNLL Mortality Reduction and Relocation Plan (BNLL Mortality Reduction and Relocation Plan Condition of Approval), and the HM Land acquisition and associated land management and monitoring activities or those monitoring activities required of a CDFW-approved mitigation or conservation bank with BNLL credits.

(11) The Project that is the subject of this ITP’s authorization to take BNLL incidentally in carrying out Covered Activities is a transportation project undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel and is thus an eligible project pursuant to Fish and Game Code section 2081.15, subdivision (b)(3).

XVI. Literature Cited:

Richmond J.Q., D.A. Wood, M. Westphal, A.G. Vandergast, A.D. Leache, L.R. Saskaw, H.S. Butterfield, and R.N. Fisher 2017. Persistence of historical population structure in an endangered species despite near-complete biome conversion in California’s San Joaquin Desert. *Molecular Ecology*. 2017; 26: 3618–3635.

United States Fish and Wildlife Service. 1998. *Recovery Plan for Upland Species of the San Joaquin Valley, California*. Region 1, Portland, OR. 319 pp.

United States Fish and Wildlife Service. 2020. Sacramento Fish & Wildlife Office. Sacramento, California. 5-year review. Blunt-nosed leopard lizard (*Gambelia sila*).

XVII. Attachments:

- | | |
|--------------|---|
| Figure 1 | Project Location Map |
| Figure 2 | Project Impacts Map Book |
| Attachment 1 | Amended Mitigation Monitoring and Reporting Program |
| Attachment 2 | Biologist Resume Form |
| Attachment 3 | Master Funding Agreement Memorandum |
| Attachment 4 | Amendment No. 1 with Tracked Changes |

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 3/18/2025

DocuSigned by:

 FA83F09FE08945A...

Julie A. Vance, Regional Manager
Central Region (R4)

Amended Incidental Take Permit
No. 2081-2024-004-04
CALIFORNIA DEPARTMENT OF TRANSPORTATION
KERN 33 CULVERT REHABILITATION PROJECT

Figure 1

Figure 1. Project Location Map - Kern 33 Culvert Rehabilitation Project-06-0X240

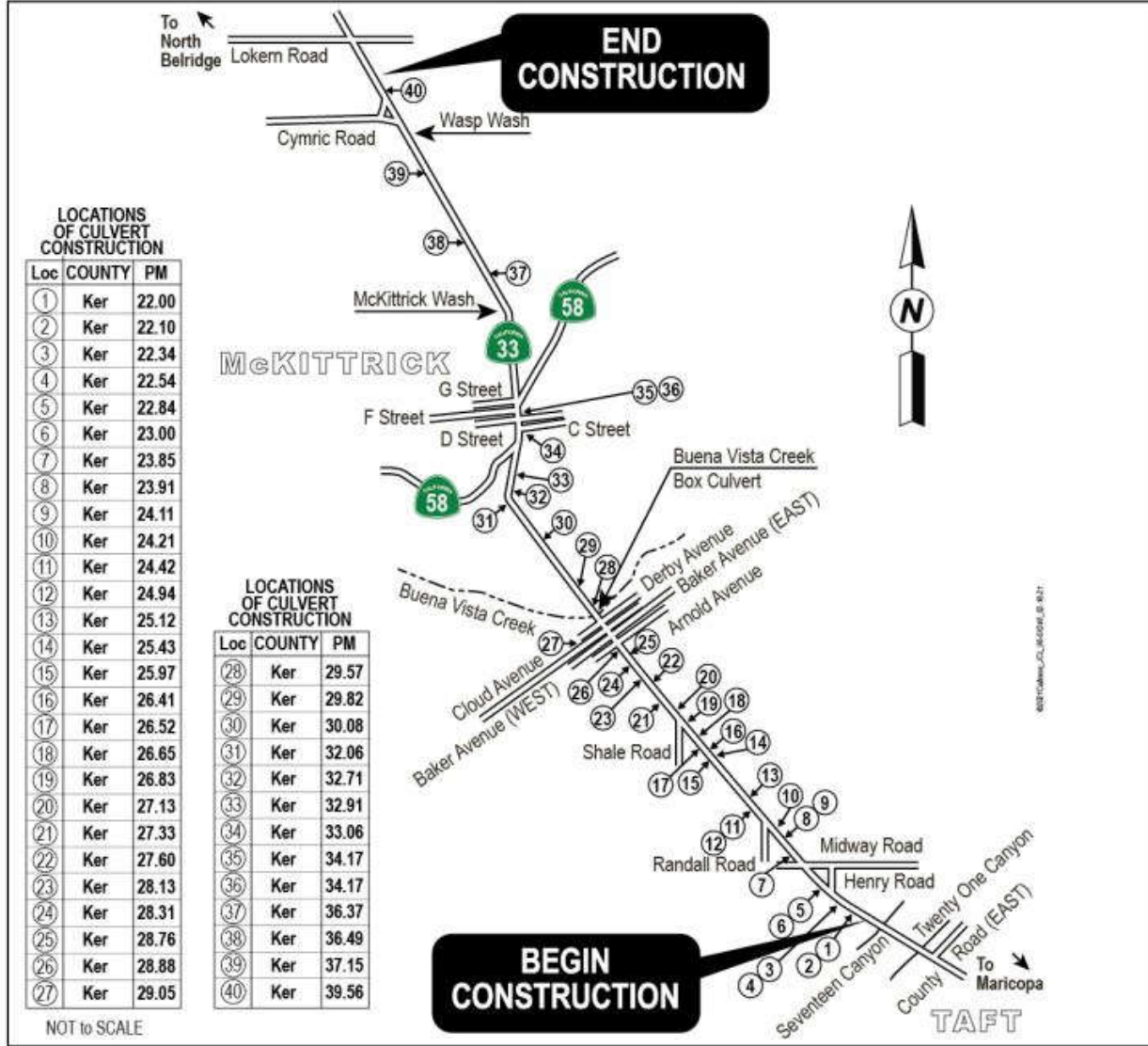


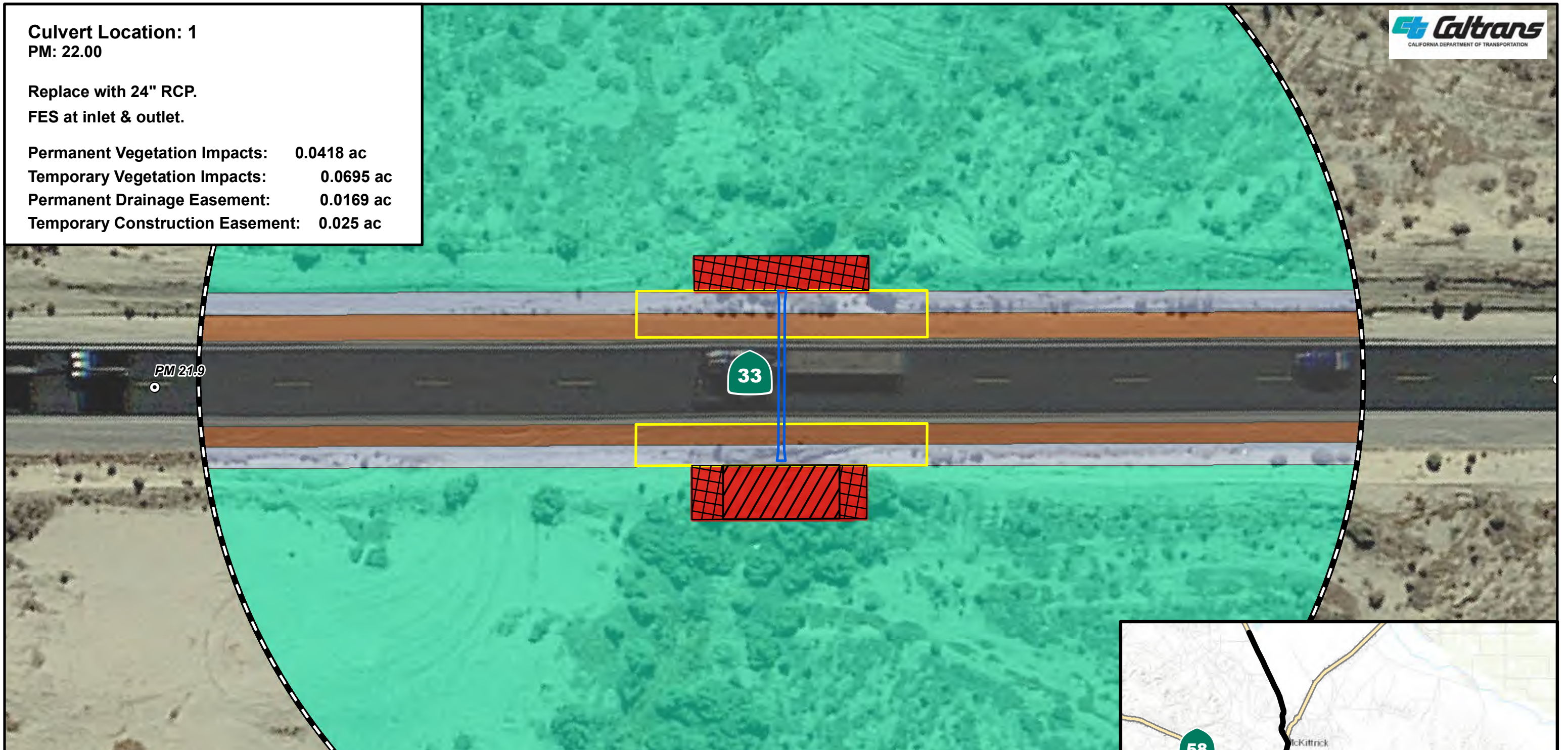
Figure 2



Culvert Location: 1
PM: 22.00

Replace with 24" RCP.
FES at inlet & outlet.

Permanent Vegetation Impacts: 0.0418 ac
Temporary Vegetation Impacts: 0.0695 ac
Permanent Drainage Easement: 0.0169 ac
Temporary Construction Easement: 0.025 ac

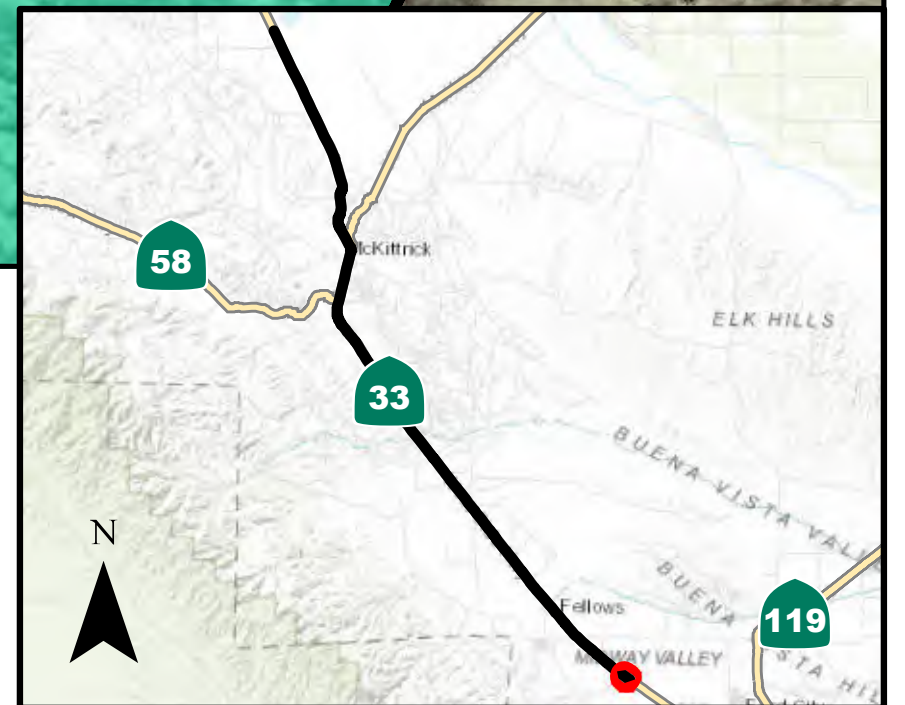
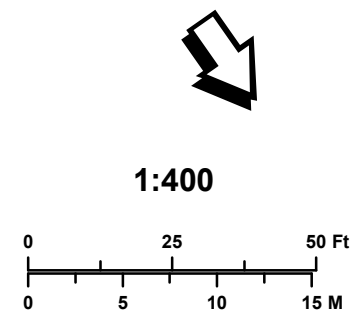


Impact Mapping

Sheet: 1 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Drainage Easement | Ruderal |
| Permanent Veg Impacts | Action Area (200') |
| Temporary Veg Impacts | |

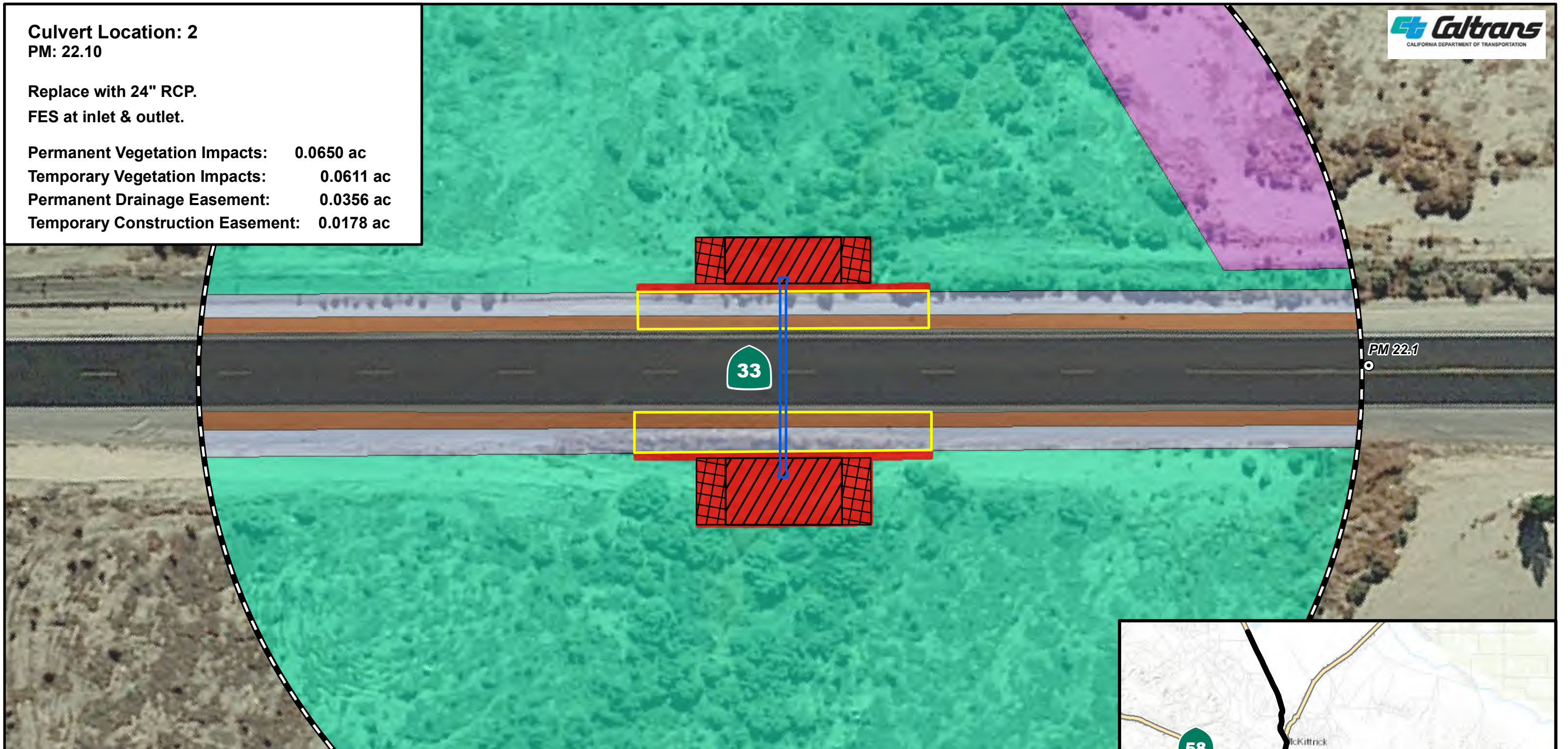




Culvert Location: 2
PM: 22.10

Replace with 24" RCP.
FES at inlet & outlet.

Permanent Vegetation Impacts: 0.0650 ac
Temporary Vegetation Impacts: 0.0611 ac
Permanent Drainage Easement: 0.0356 ac
Temporary Construction Easement: 0.0178 ac

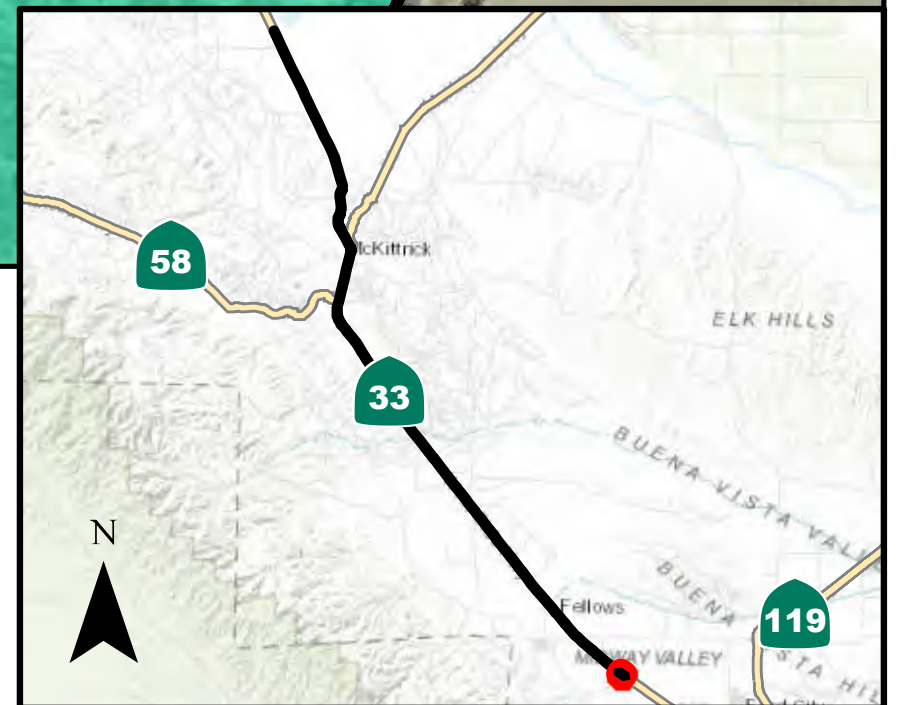
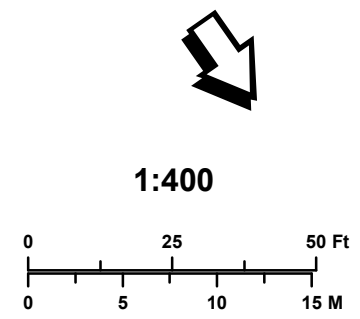


Impact Mapping

Sheet: 2 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Red brome or Mediterranean grass grasslands |
| Permanent Drainage Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 3

PM: 22.34

Replace with 24" RCP.

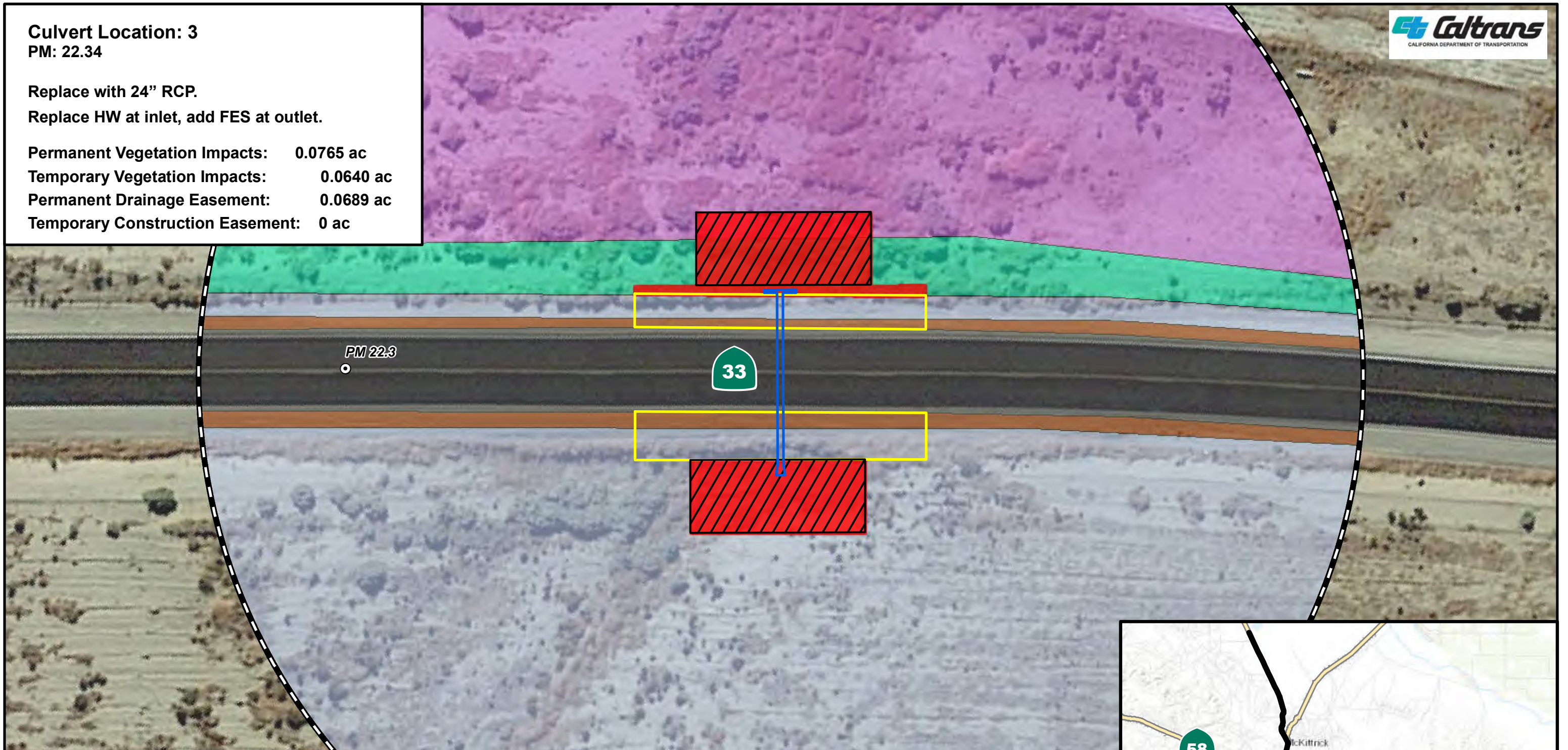
Replace HW at inlet, add FES at outlet.

Permanent Vegetation Impacts: 0.0765 ac

Temporary Vegetation Impacts: 0.0640 ac

Permanent Drainage Easement: 0.0689 ac

Temporary Construction Easement: 0 ac

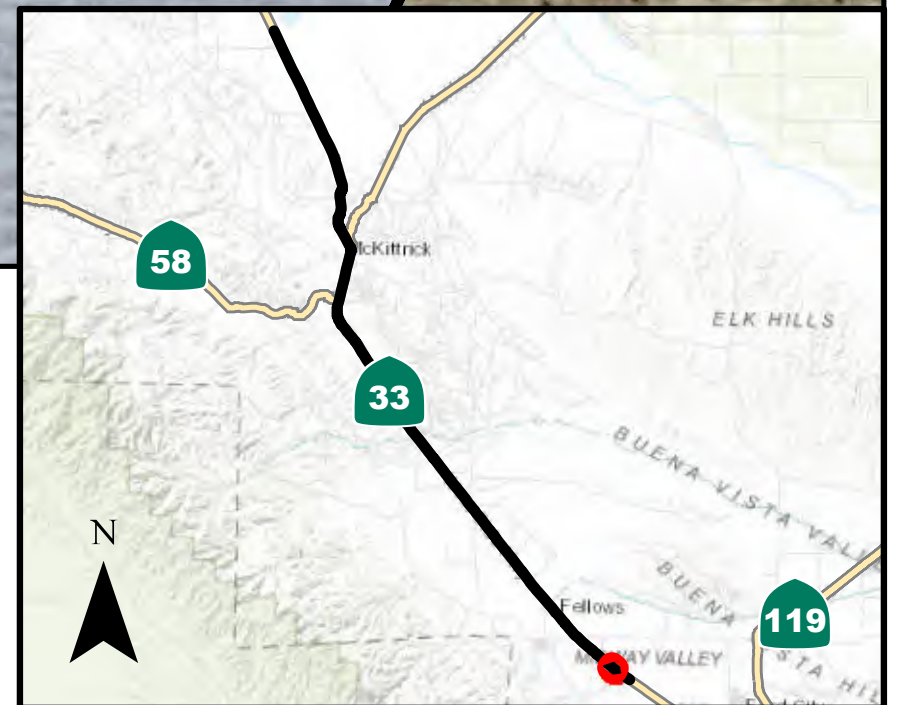
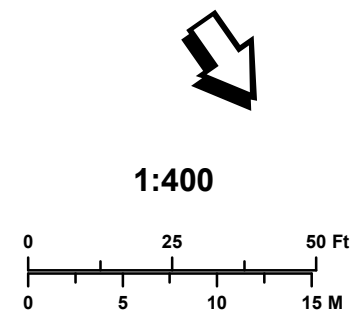


Impact Mapping

Sheet: 3 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- Permanent Drainage Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Red brome or Mediterranean grass grasslands
- Road
- Ruderal
- Action Area (200')

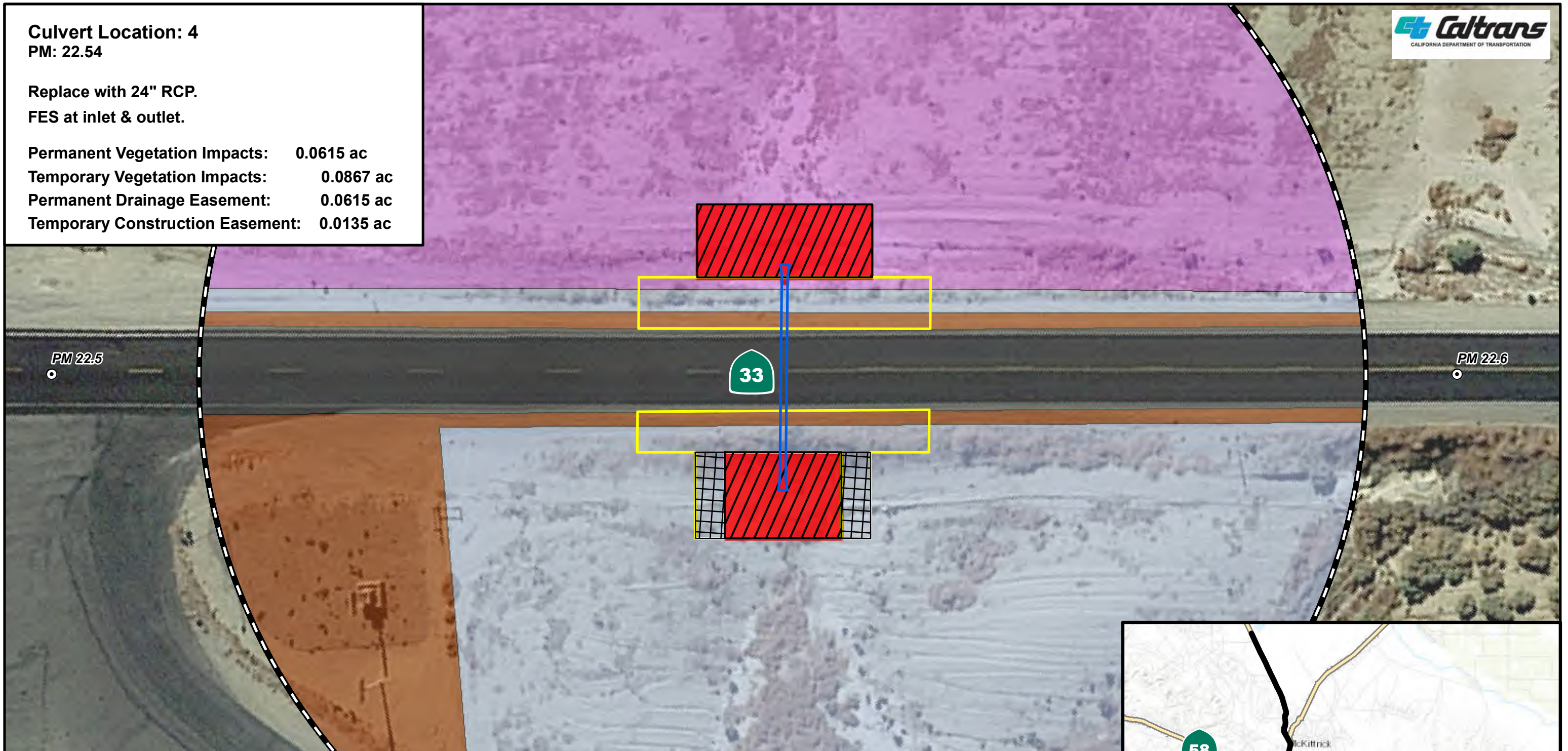




Culvert Location: 4
PM: 22.54

Replace with 24" RCP.
FES at inlet & outlet.

Permanent Vegetation Impacts: 0.0615 ac
Temporary Vegetation Impacts: 0.0867 ac
Permanent Drainage Easement: 0.0615 ac
Temporary Construction Easement: 0.0135 ac

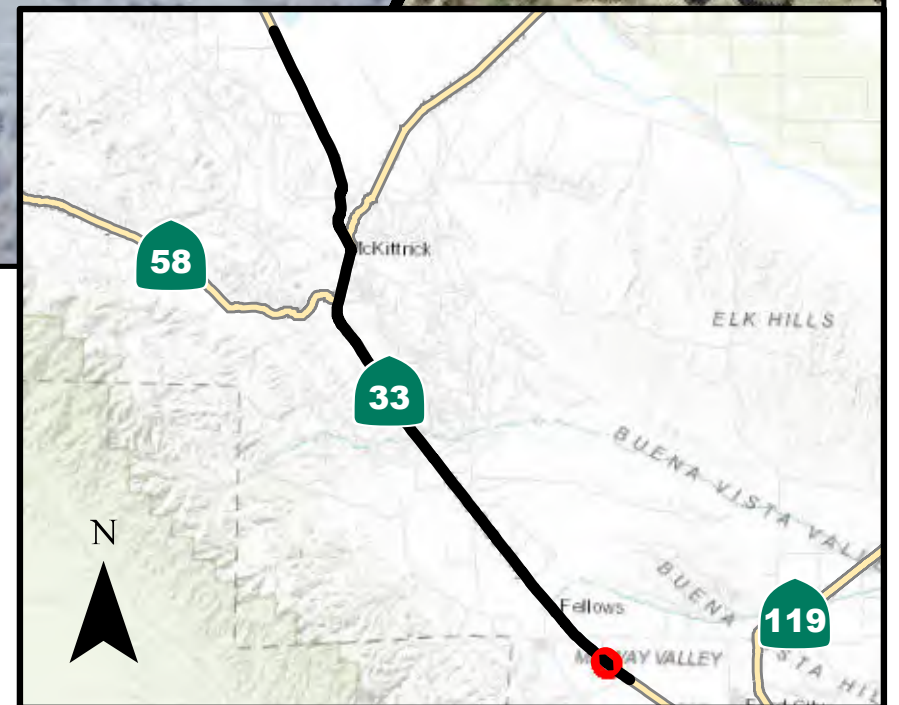
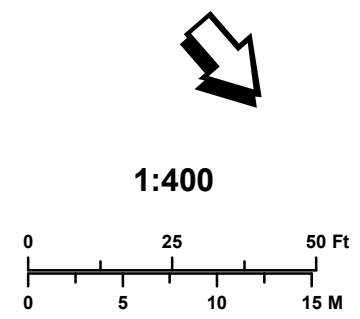


Impact Mapping

Sheet: 4 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---|
| Postmiles | Disturbed/Developed |
| Culvert Work | Red brome or Mediterranean grass grasslands |
| Temporary Construction Easement | Road |
| Permanent Drainage Easement | Ruderal |
| Permanent Veg Impact | Action Area (200') |
| Temporary Veg Impacts | |





Culvert Location: 5

PM: 22.84

Replace with 24" RCP.

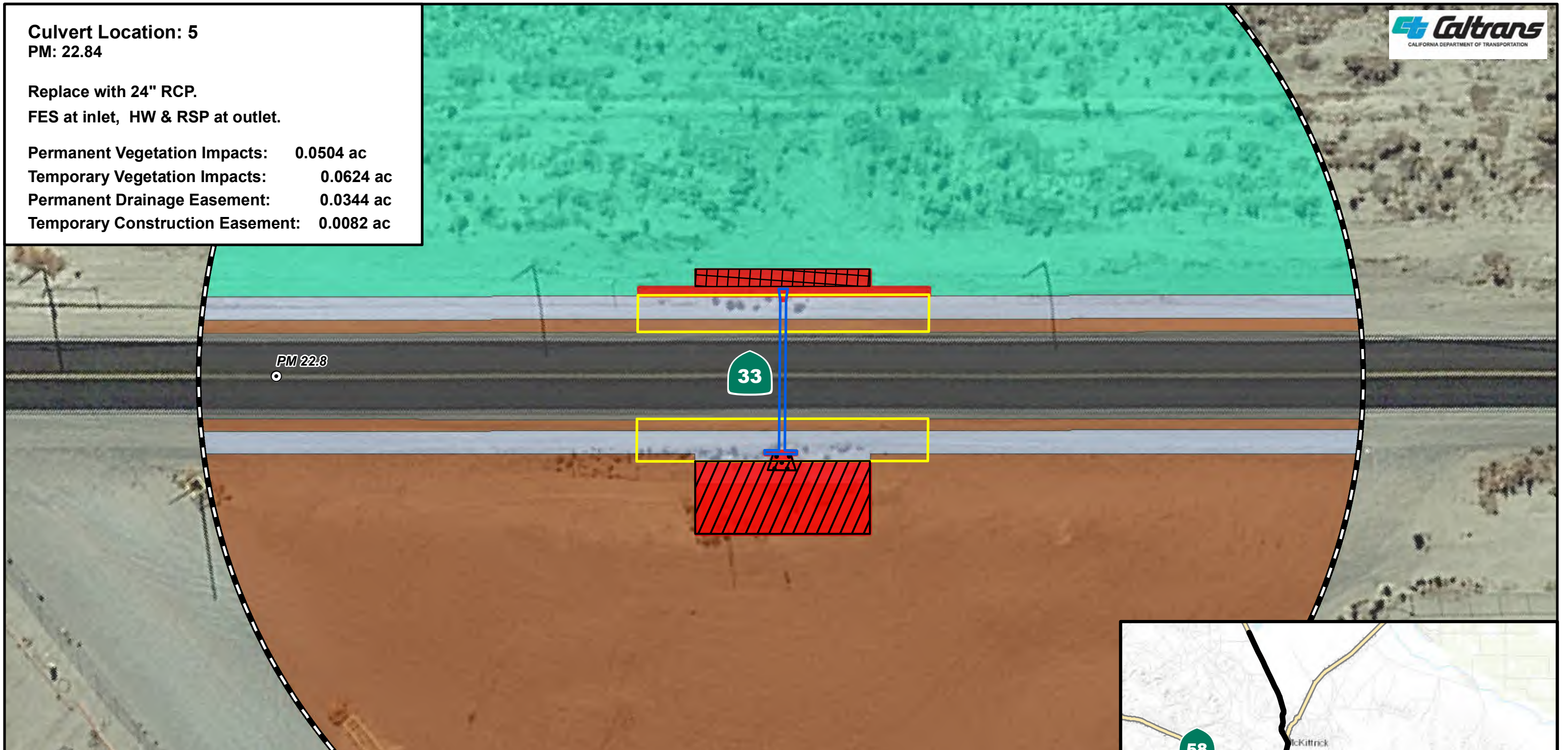
FES at inlet, HW & RSP at outlet.

Permanent Vegetation Impacts: 0.0504 ac

Temporary Vegetation Impacts: 0.0624 ac

Permanent Drainage Easement: 0.0344 ac

Temporary Construction Easement: 0.0082 ac

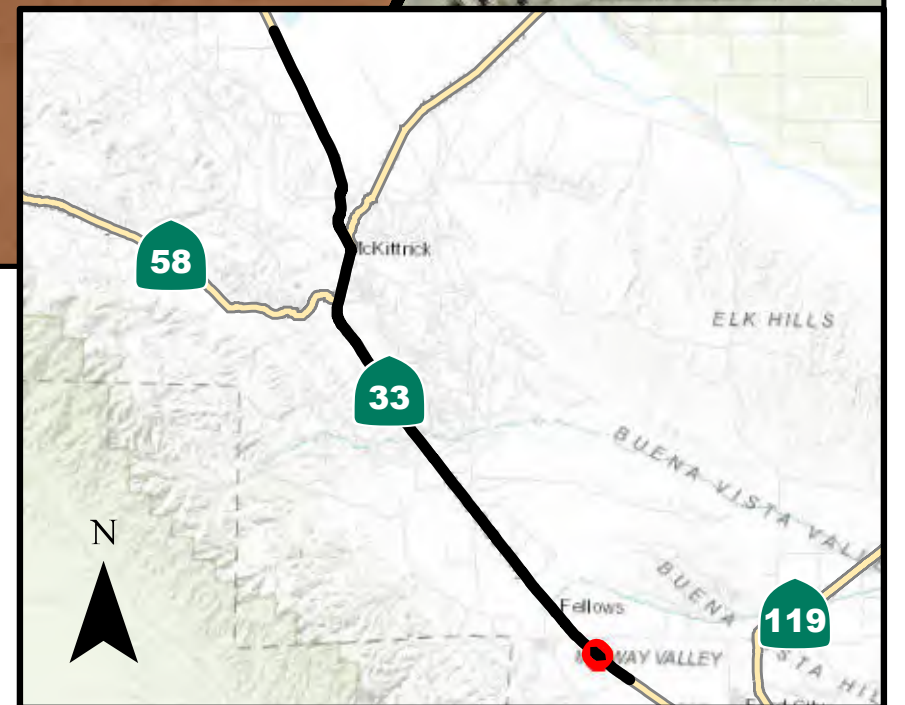
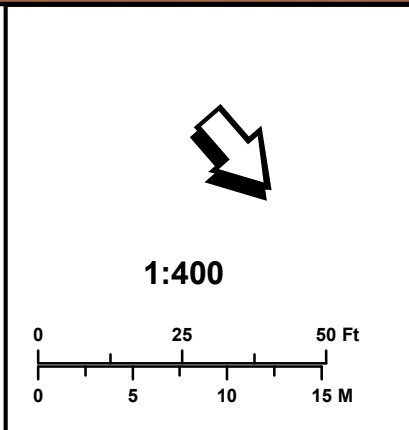


Impact Mapping

Sheet: 5 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| RSP | Road |
| Temporary Construction Easement | Ruderal |
| Permanent Drainage Easement | Action Area (200') |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |



Culvert Location: 6

PM: 23.00

Replace with 5'x3' Double RCB.

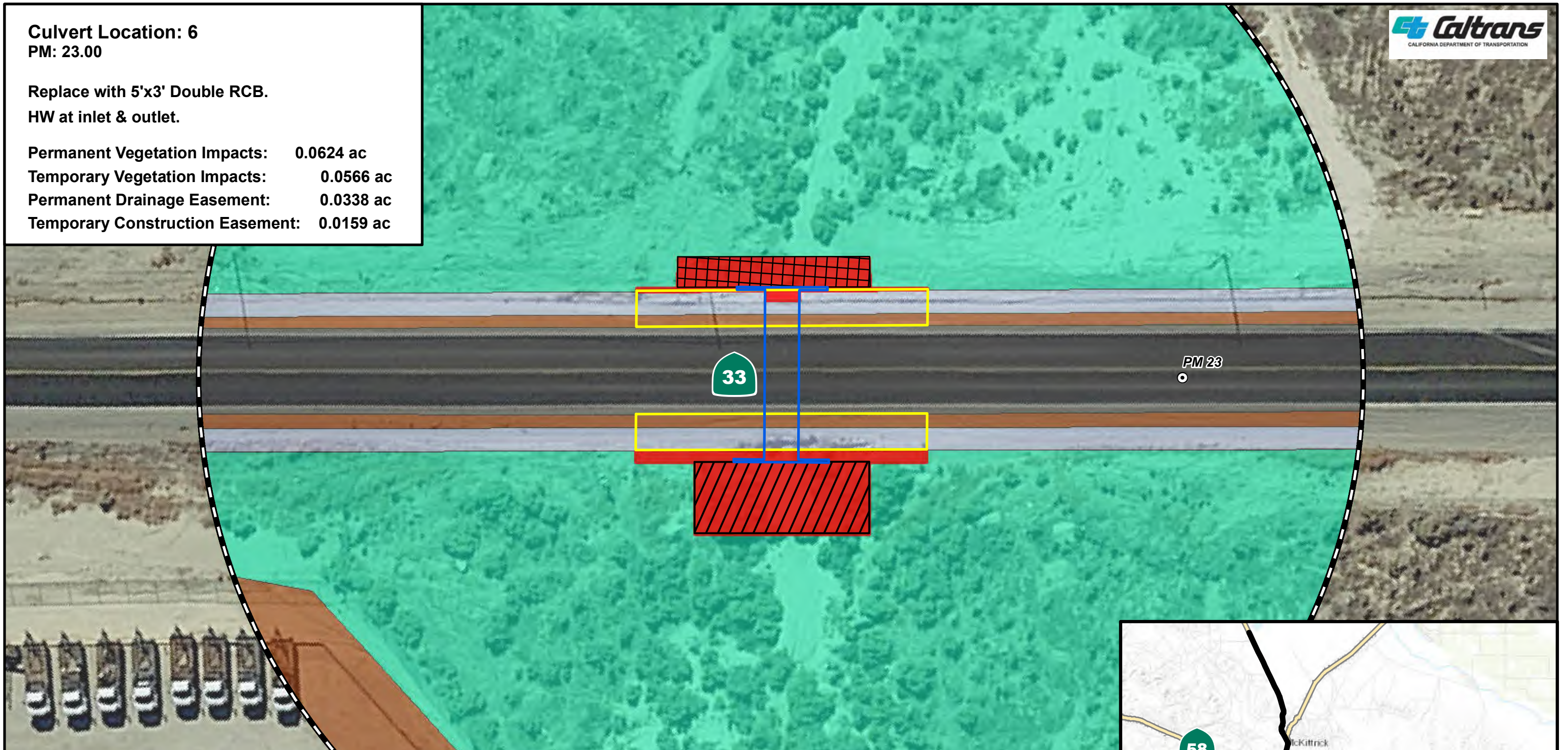
HW at inlet & outlet.

Permanent Vegetation Impacts: 0.0624 ac

Temporary Vegetation Impacts: 0.0566 ac

Permanent Drainage Easement: 0.0338 ac

Temporary Construction Easement: 0.0159 ac

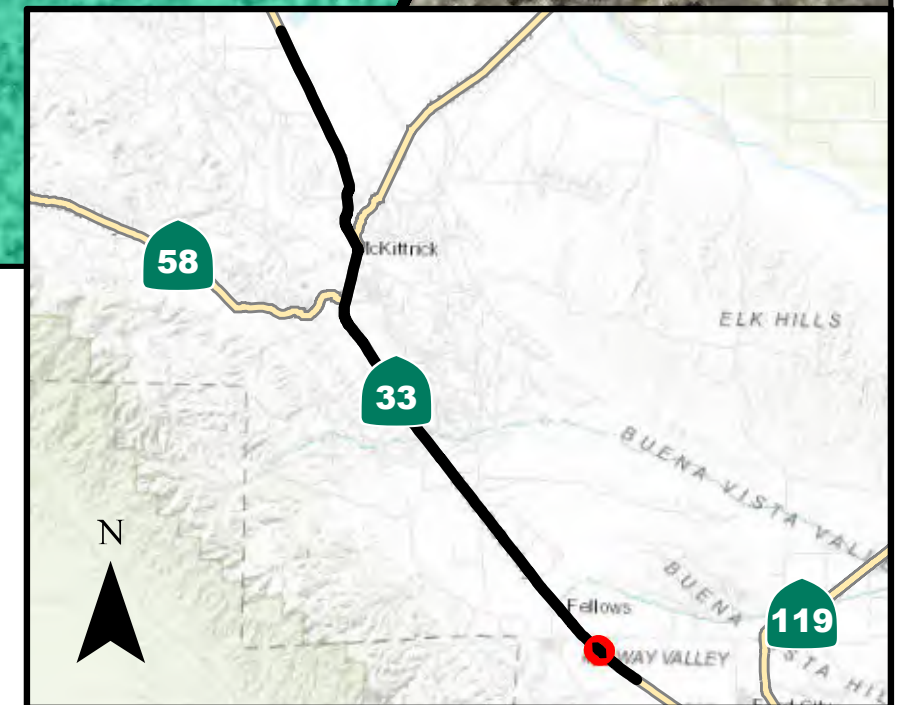
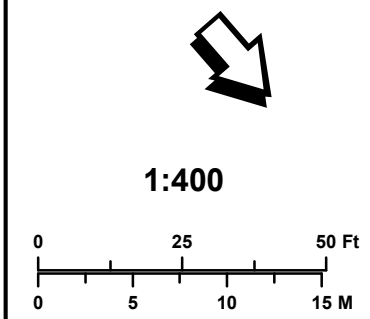


Impact Mapping

Sheet: 6 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Drainage Easement | Ruderal |
| Permanent Veg Impacts | Action Area (200') |
| Temporary Veg Impacts | |





Culvert Location: 7

PM: 23.85

Replace with 6'x4' RCB.

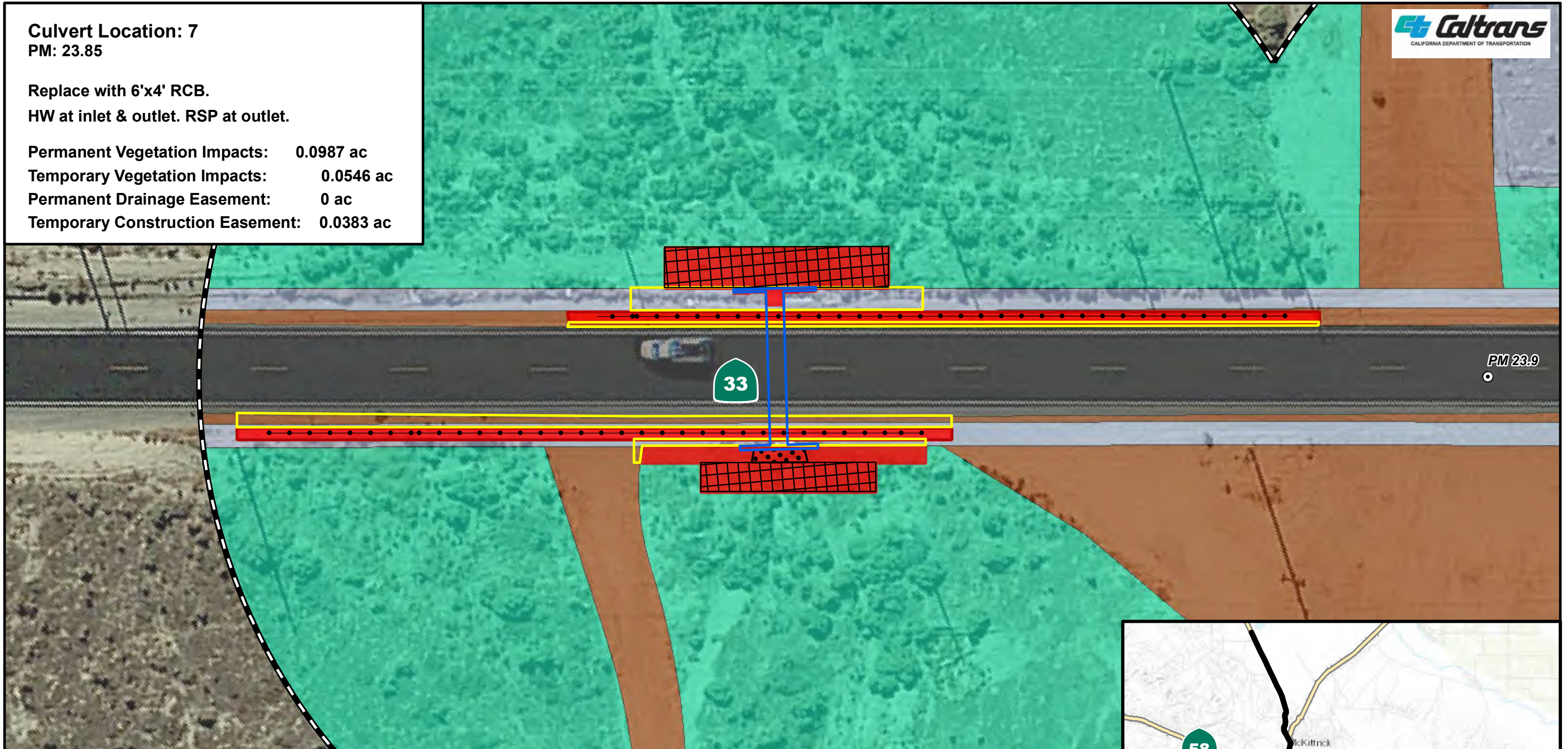
HW at inlet & outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.0987 ac

Temporary Vegetation Impacts: 0.0546 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.0383 ac

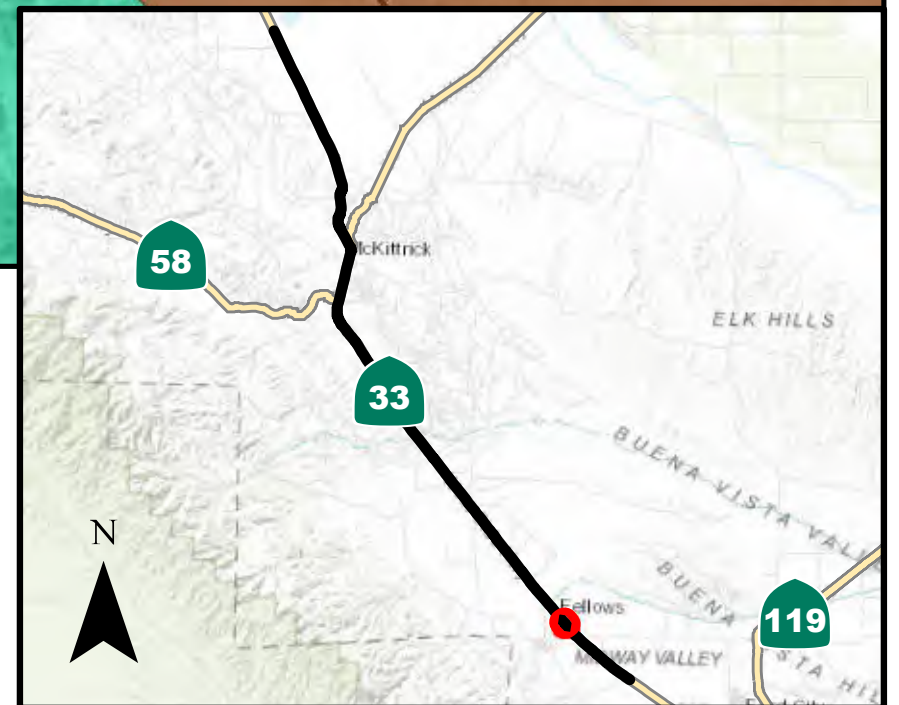
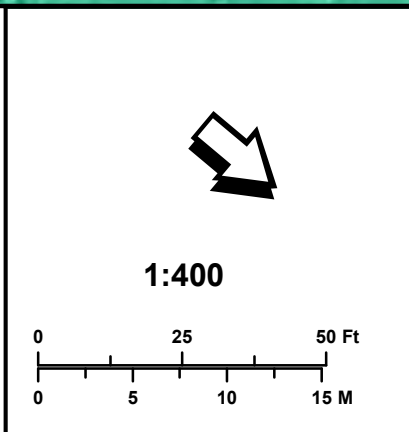


Impact Mapping

Sheet: 7 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Guardrail | Disturbed/Developed |
| GuardRailVegControlMat | Road |
| Culvert Work | Ruderal |
| RSP | Action Area (200') |
| Temporary Construction Easement | |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |

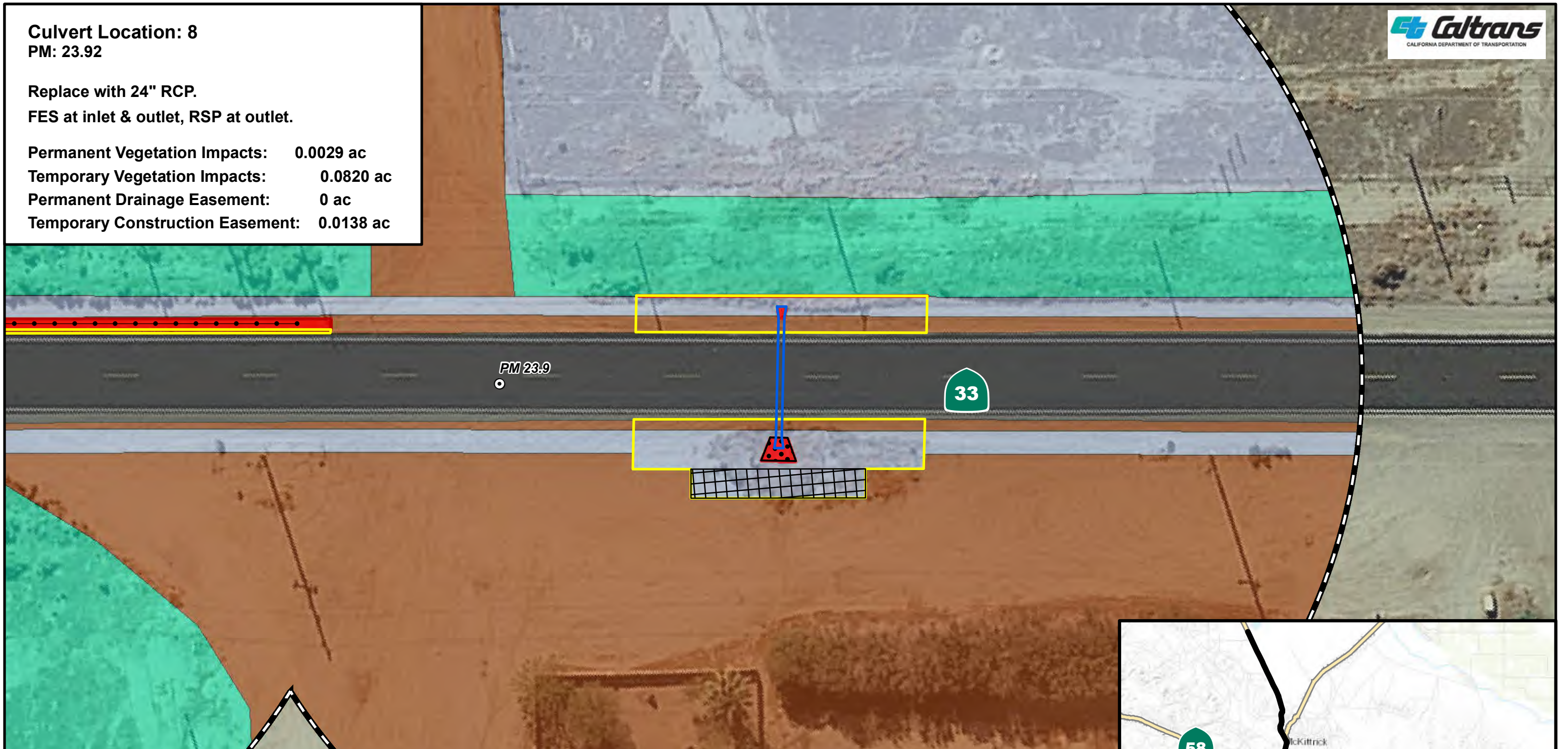




Culvert Location: 8
PM: 23.92

Replace with 24" RCP.
FES at inlet & outlet, RSP at outlet.

Permanent Vegetation Impacts: 0.0029 ac
Temporary Vegetation Impacts: 0.0820 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.0138 ac

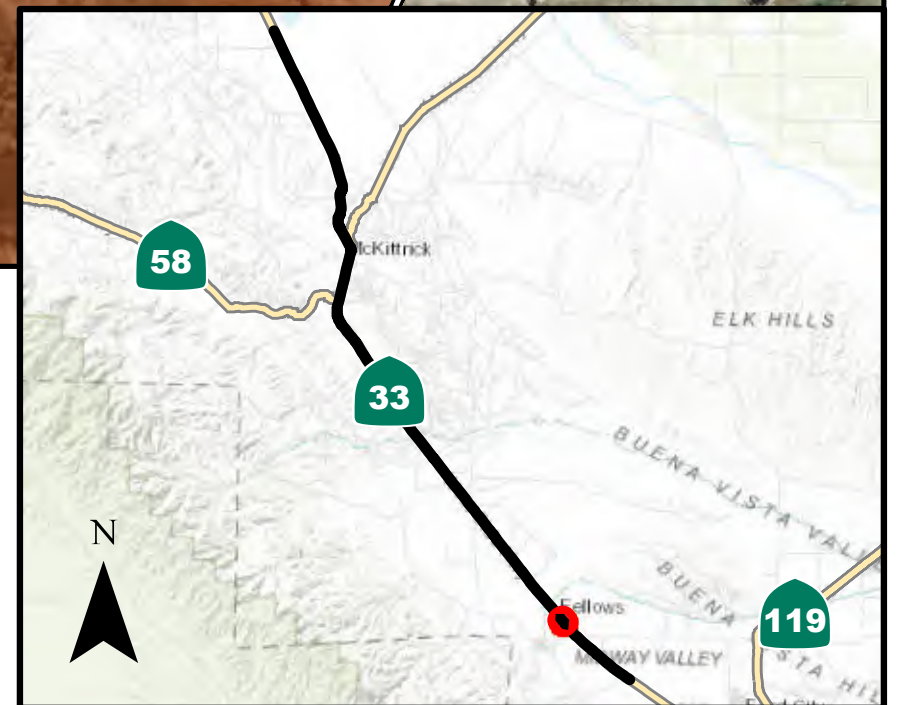
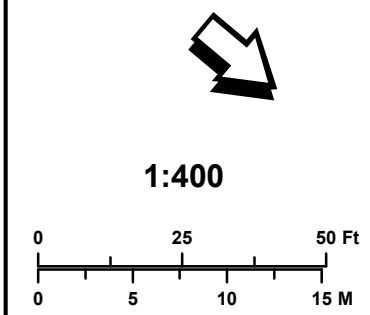


Impact Mapping

Sheet: 8 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Guardrail
- GuardRailVegControlMat
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Culvert Location: 9

PM: 24.12

Replace with 24" RCP.

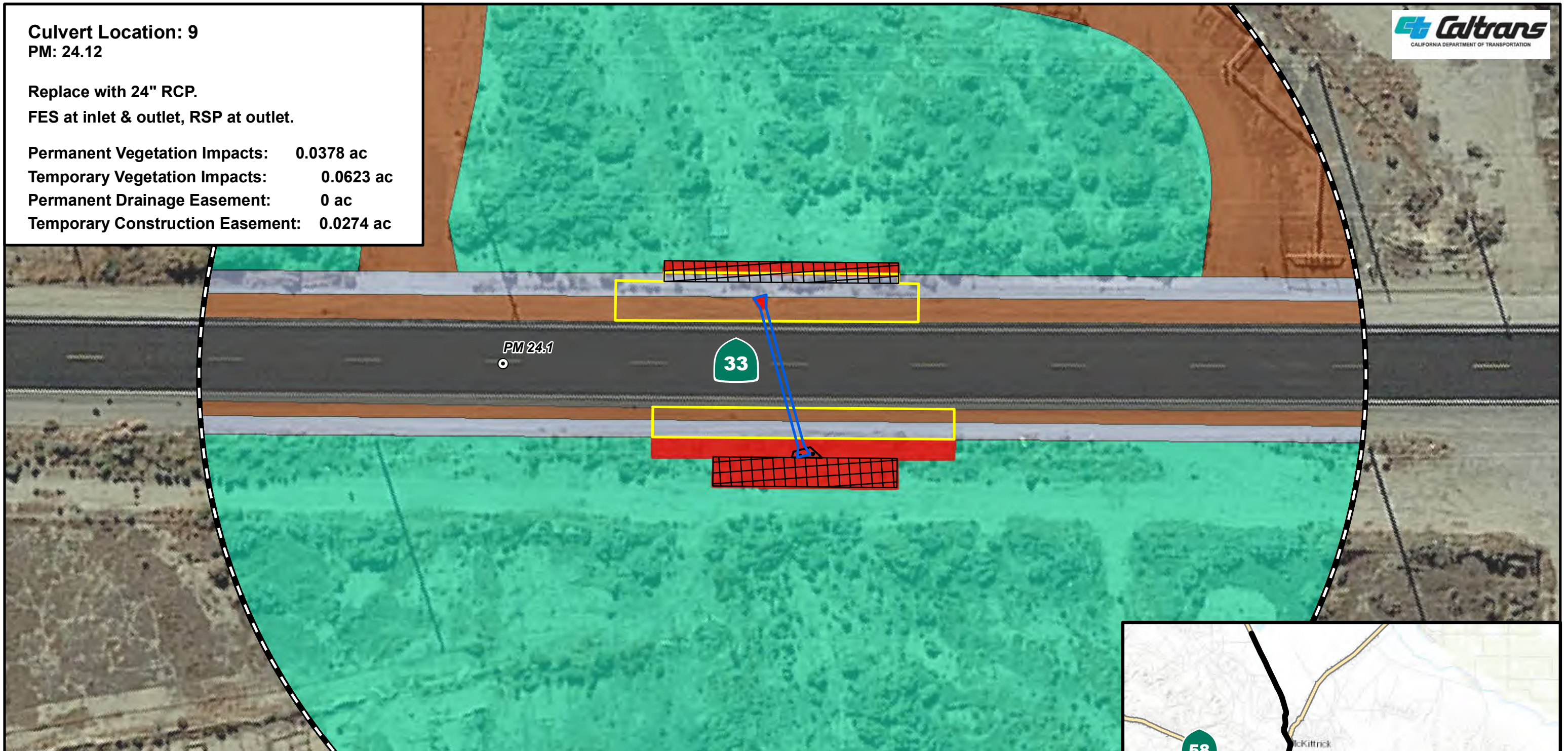
FES at inlet & outlet, RSP at outlet.

Permanent Vegetation Impacts: 0.0378 ac

Temporary Vegetation Impacts: 0.0623 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.0274 ac

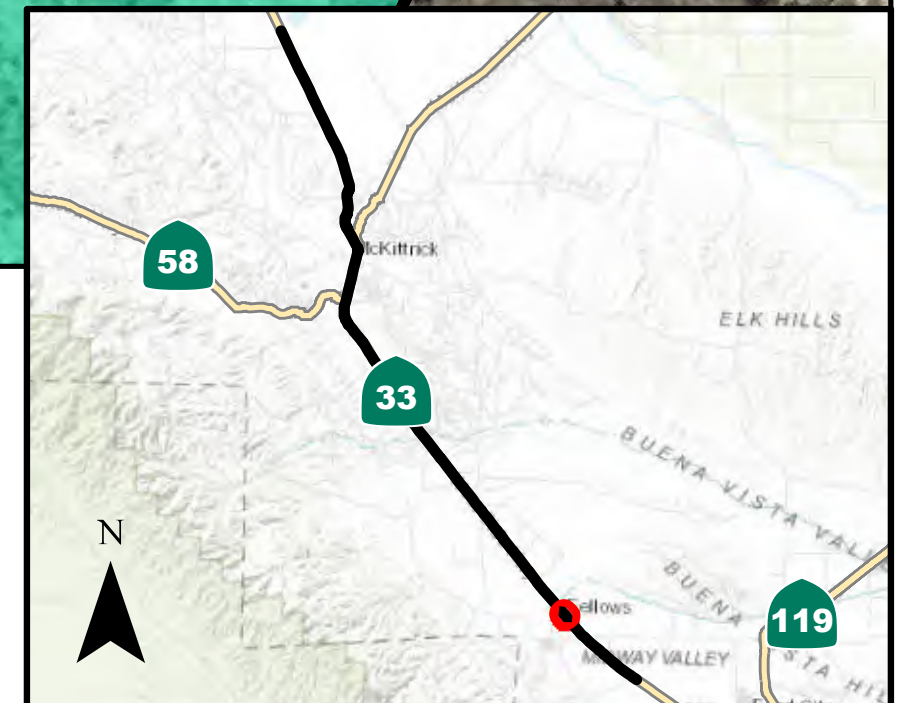
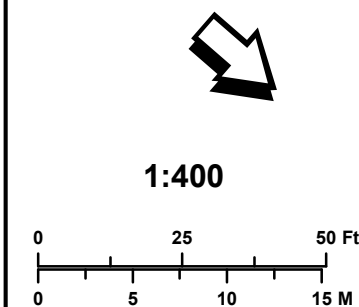


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')

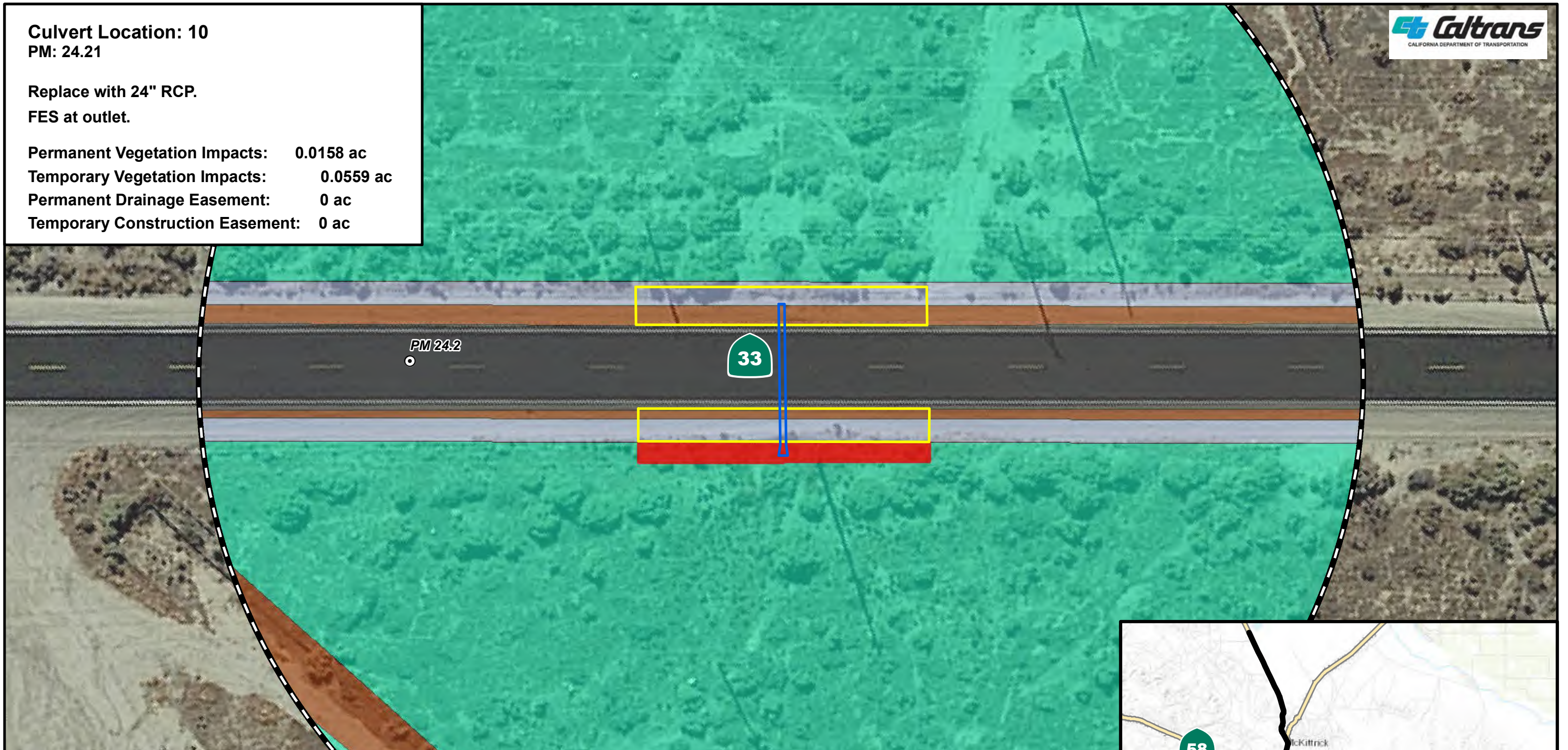




Culvert Location: 10
PM: 24.21

Replace with 24" RCP.
FES at outlet.

Permanent Vegetation Impacts: 0.0158 ac
Temporary Vegetation Impacts: 0.0559 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0 ac

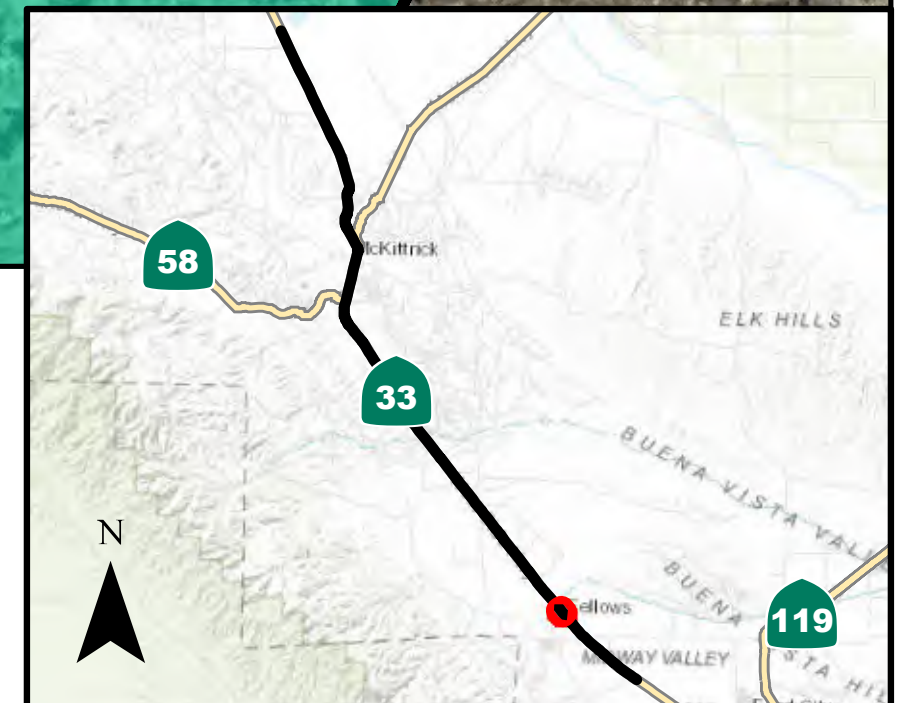
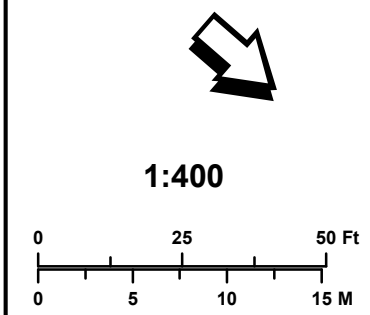


Impact Mapping

Sheet: 10 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')

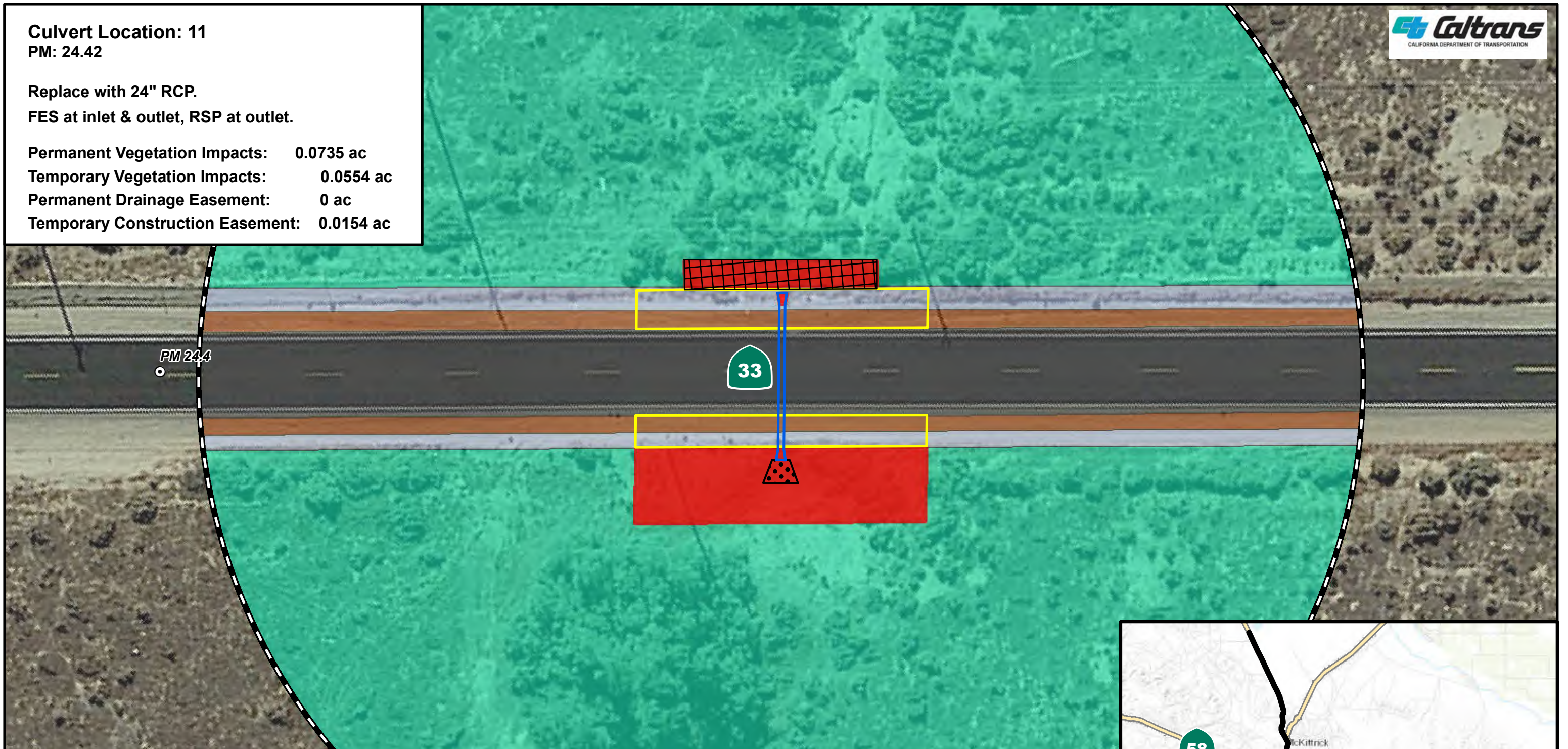




Culvert Location: 11
PM: 24.42

Replace with 24" RCP.
FES at inlet & outlet, RSP at outlet.

Permanent Vegetation Impacts: 0.0735 ac
Temporary Vegetation Impacts: 0.0554 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.0154 ac

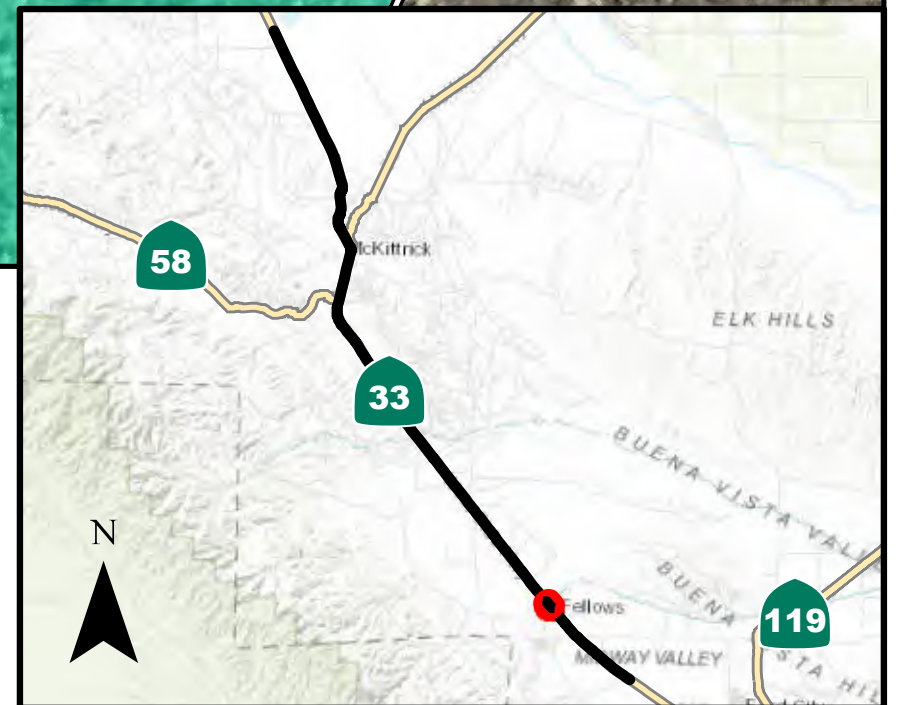
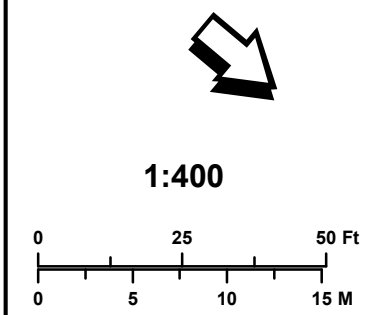


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')





Culvert Location: 12

PM: 24.94

Replace with 24" RCP.

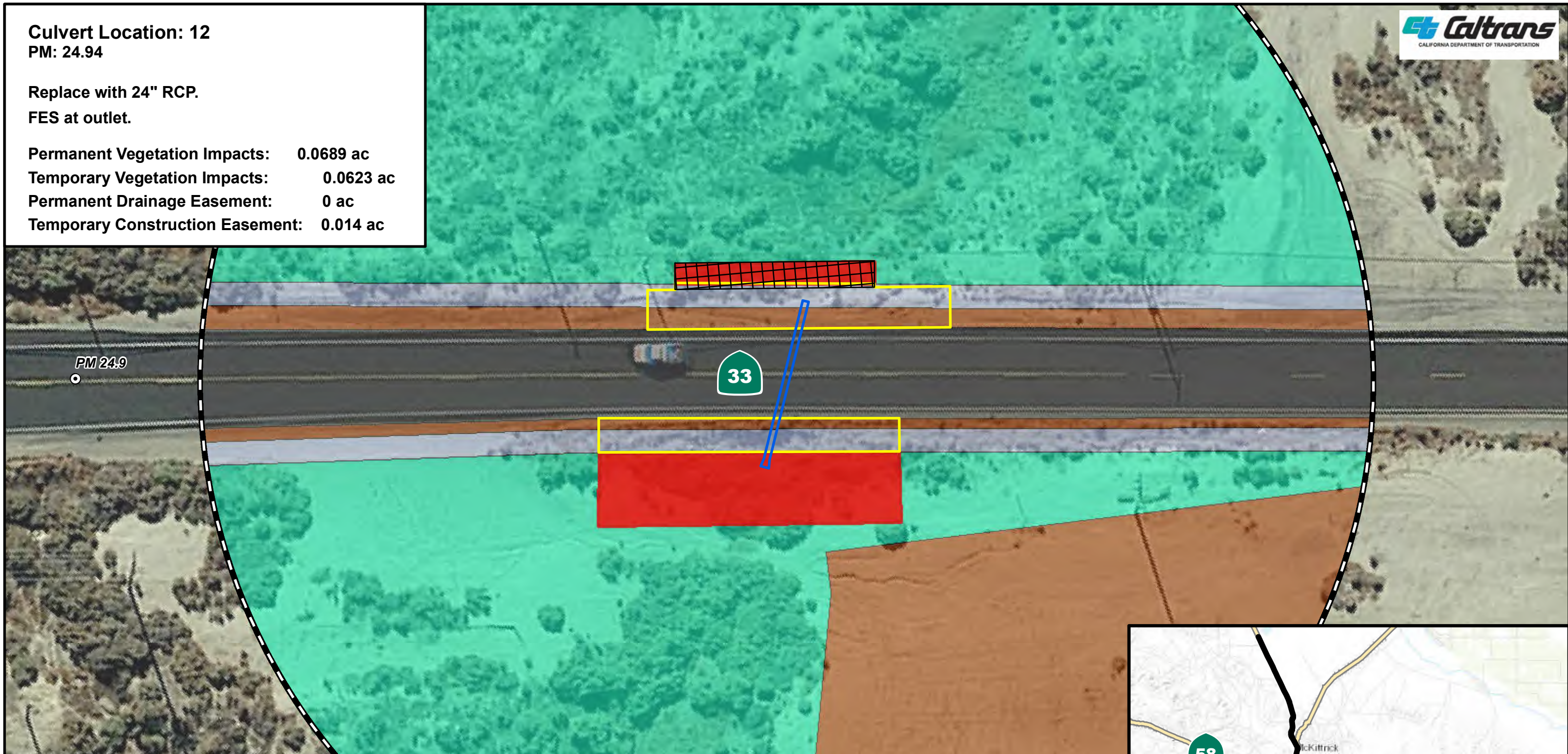
FES at outlet.

Permanent Vegetation Impacts: 0.0689 ac

Temporary Vegetation Impacts: 0.0623 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.014 ac

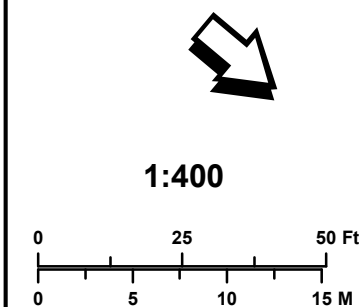


Impact Mapping

Sheet: 12 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 13

PM: 25.12

Replace with (2)-24" RCPs.

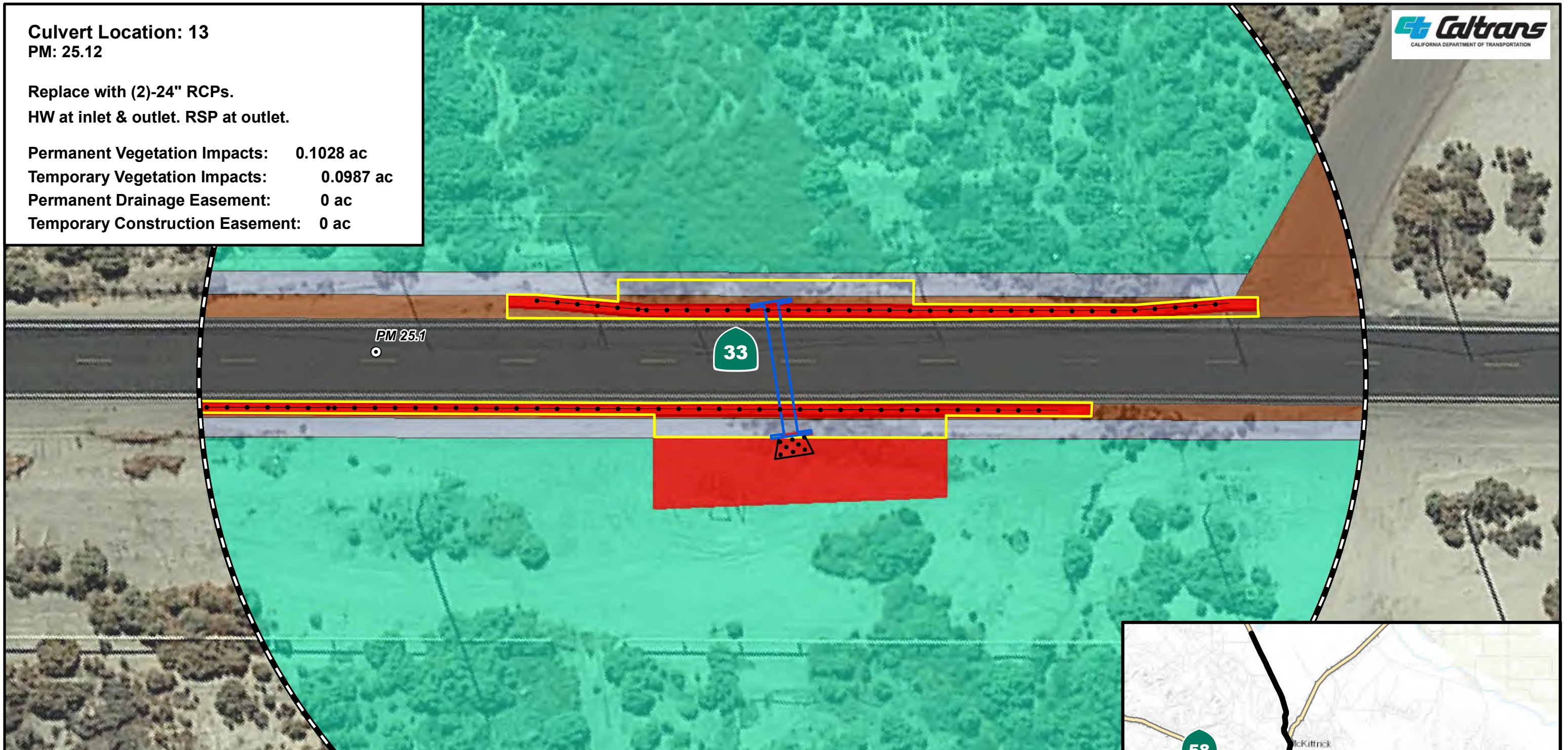
HW at inlet & outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.1028 ac

Temporary Vegetation Impacts: 0.0987 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0 ac

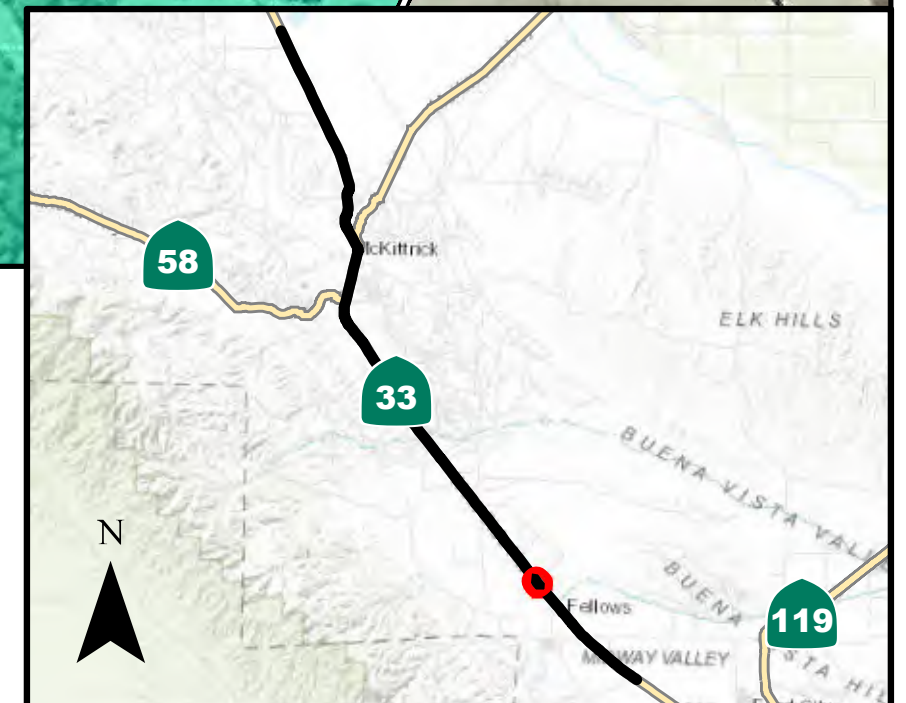
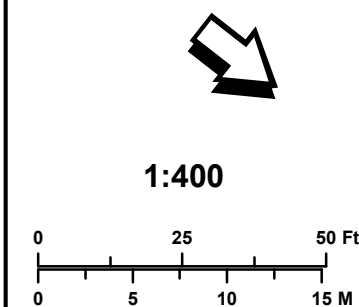


Impact Mapping

Sheet: 13 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|------------------------|---------------------|
| Postmiles | Allscale scrub |
| Guardrail | Disturbed/Developed |
| GuardRailVegControlMat | Road |
| Culvert Work | Ruderal |
| RSP | Action Area (200') |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |





Culvert Location: 14

PM: 25.43

Replace with 24" RCP.

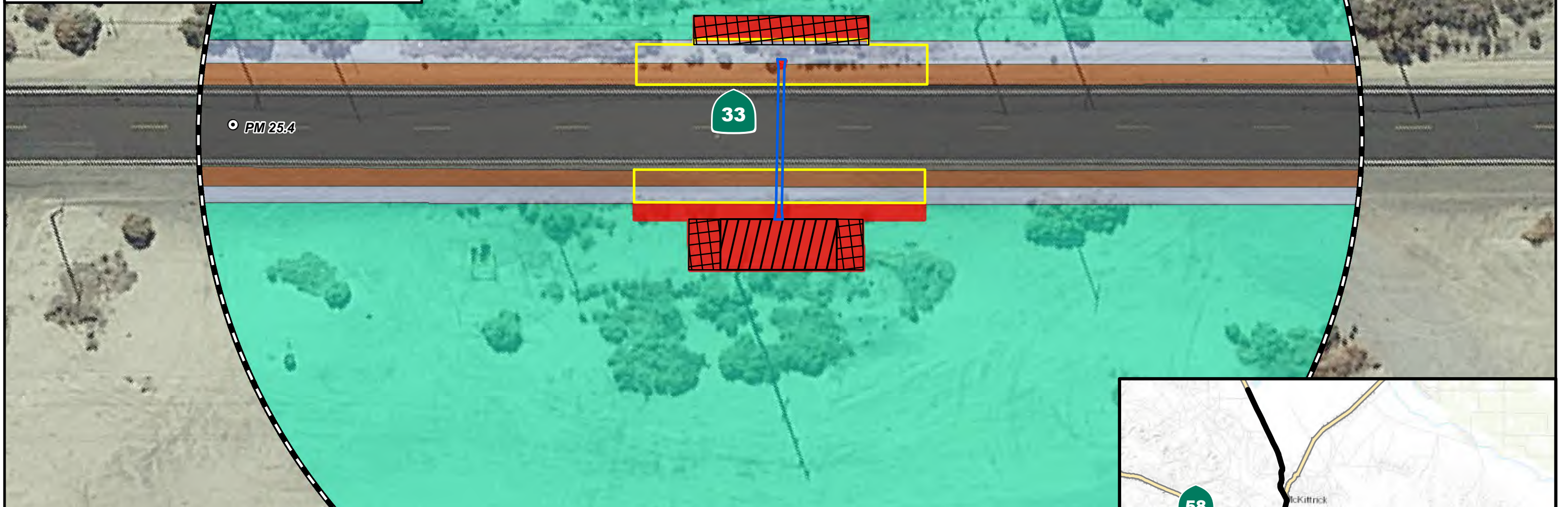
FES at inlet & outlet, RSP at outlet.

Permanent Vegetation Impacts: 0.0484 ac

Temporary Vegetation Impacts: 0.0602 ac

Permanent Drainage Easement: 0.016 ac

Temporary Construction Easement: 0.0218 ac

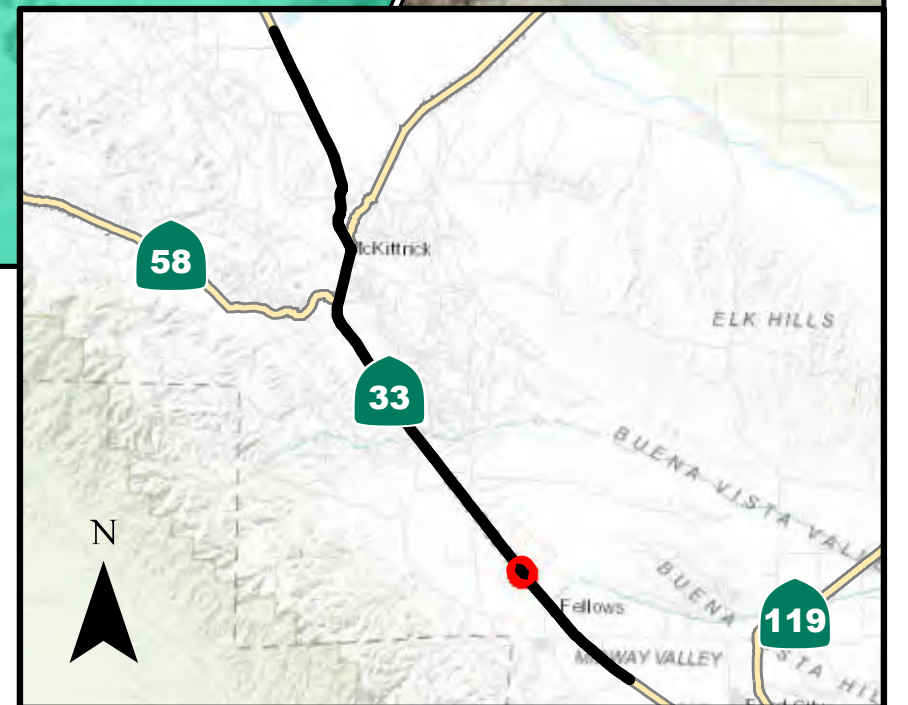
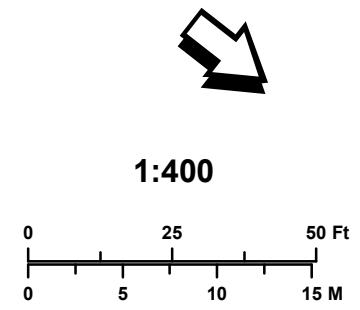


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

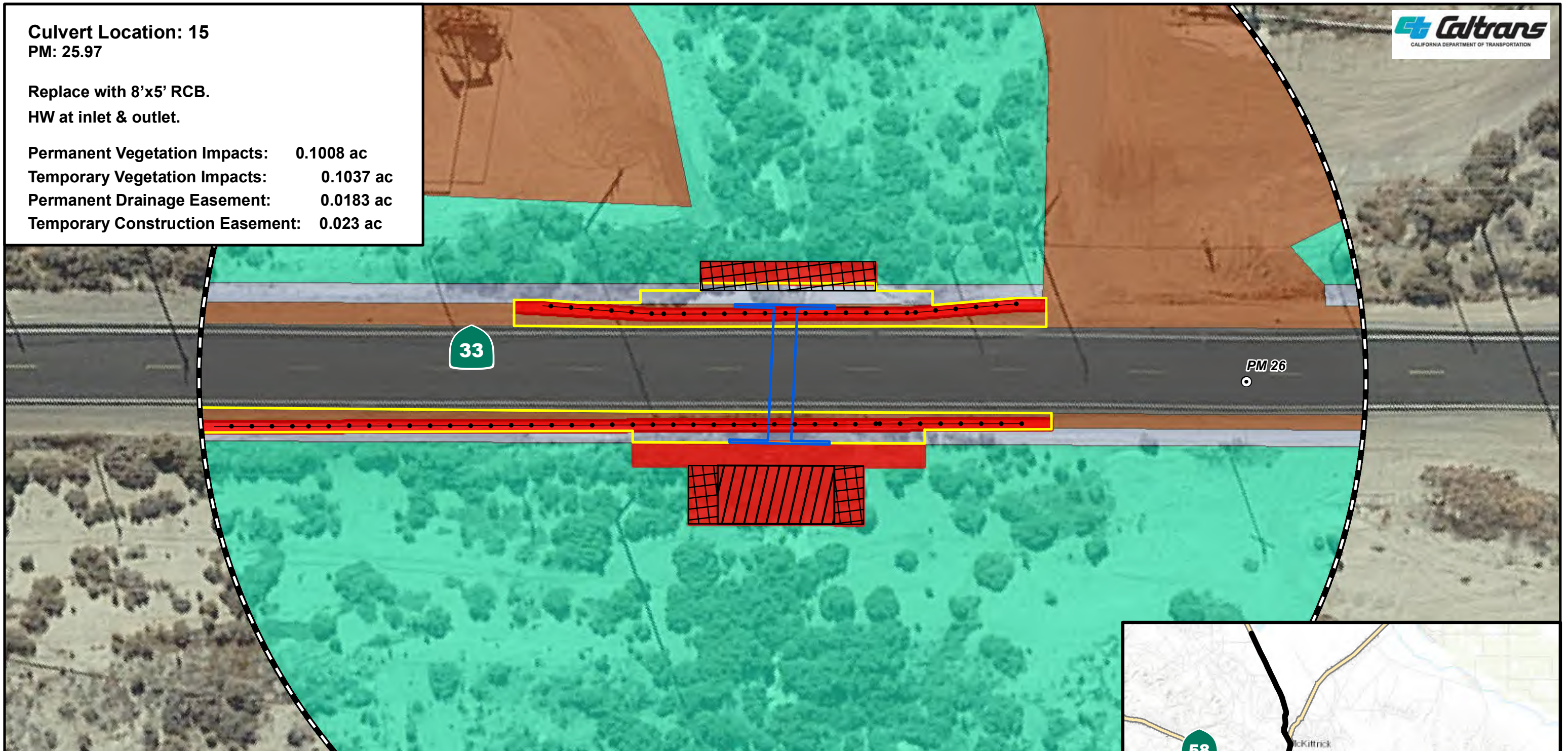
- Postmiles
- Culvert Work
- Temporary Construction Easement
- Permanent Drainage Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Culvert Location: 15
PM: 25.97

Replace with 8'x5' RCB.
HW at inlet & outlet.

Permanent Vegetation Impacts: 0.1008 ac
Temporary Vegetation Impacts: 0.1037 ac
Permanent Drainage Easement: 0.0183 ac
Temporary Construction Easement: 0.023 ac

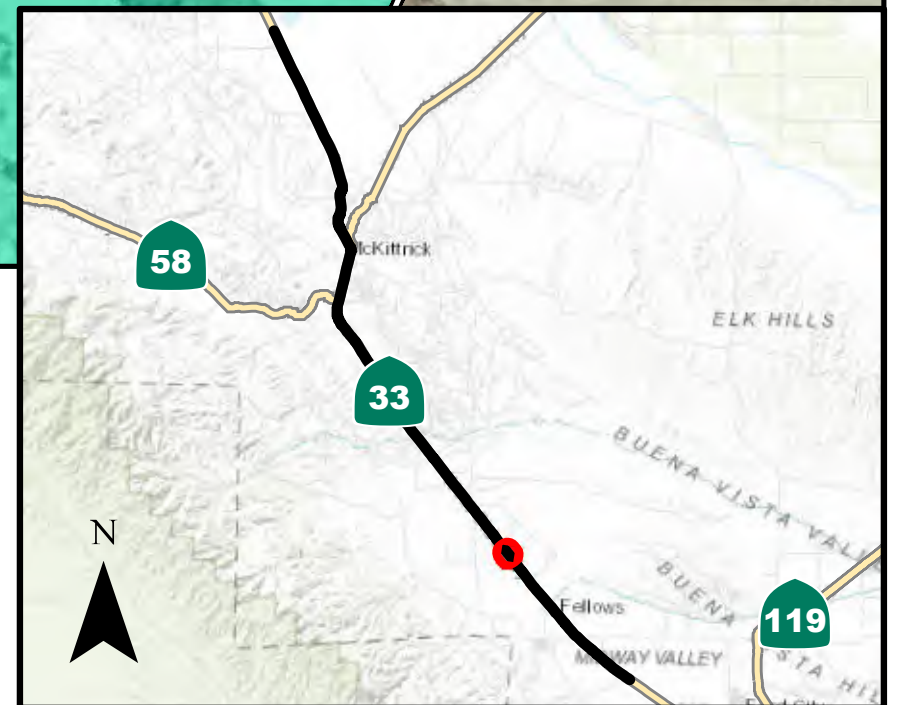
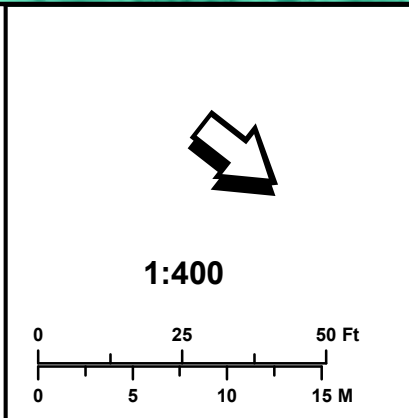


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Guardrail | Disturbed/Developed |
| GuardRailVegControlMat | Road |
| Culvert Work | Ruderal |
| Temporary Construction Easement | Action Area (200') |
| Permanent Drainage Easement | |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |





Culvert Location: 16

PM: 26.41

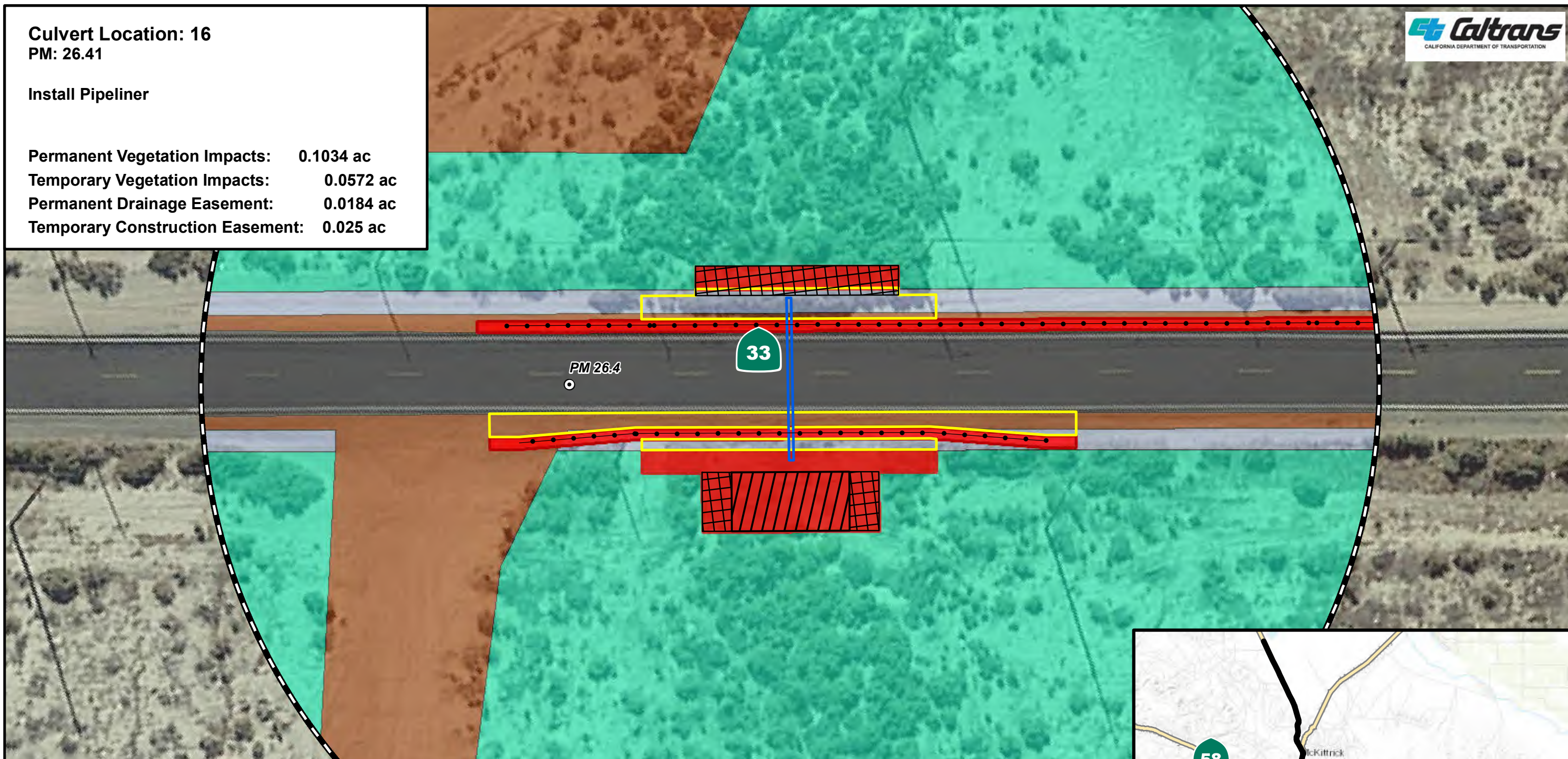
Install Pipeliner

Permanent Vegetation Impacts: 0.1034 ac

Temporary Vegetation Impacts: 0.0572 ac

Permanent Drainage Easement: 0.0184 ac

Temporary Construction Easement: 0.025 ac

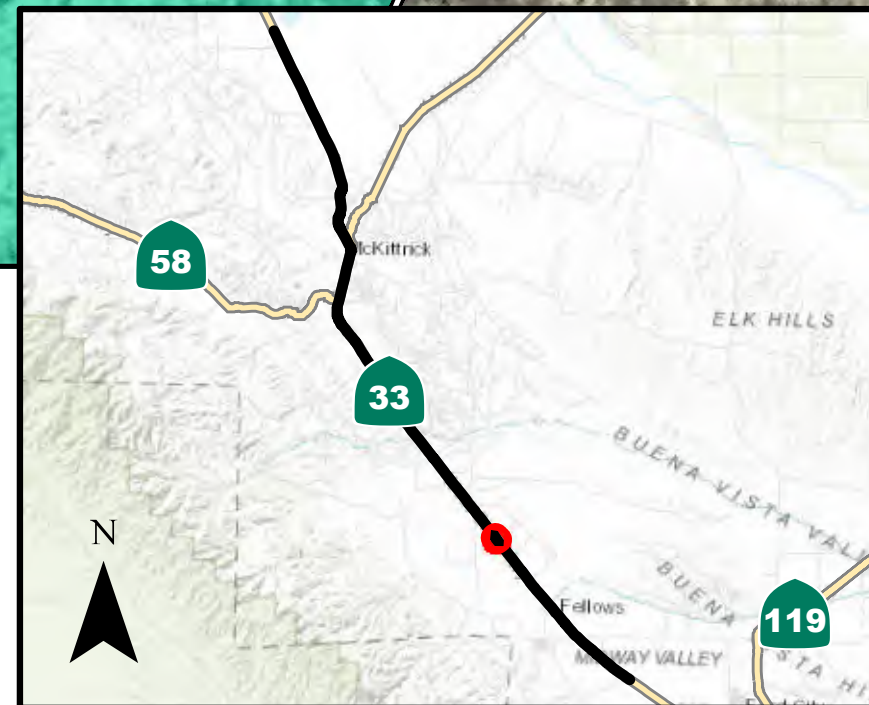
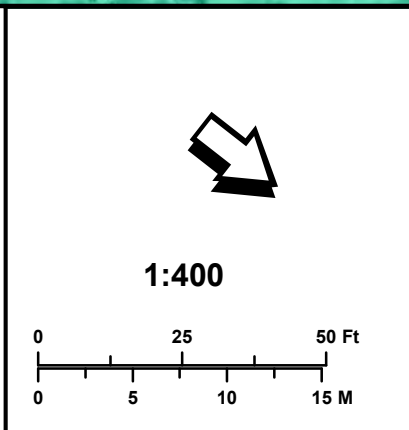


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Guardrail | Disturbed/Developed |
| GuardRailVegControlMat | Road |
| Culvert Work | Ruderal |
| Temporary Construction Easement | Action Area (200') |
| Permanent Drainage Easement | |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |

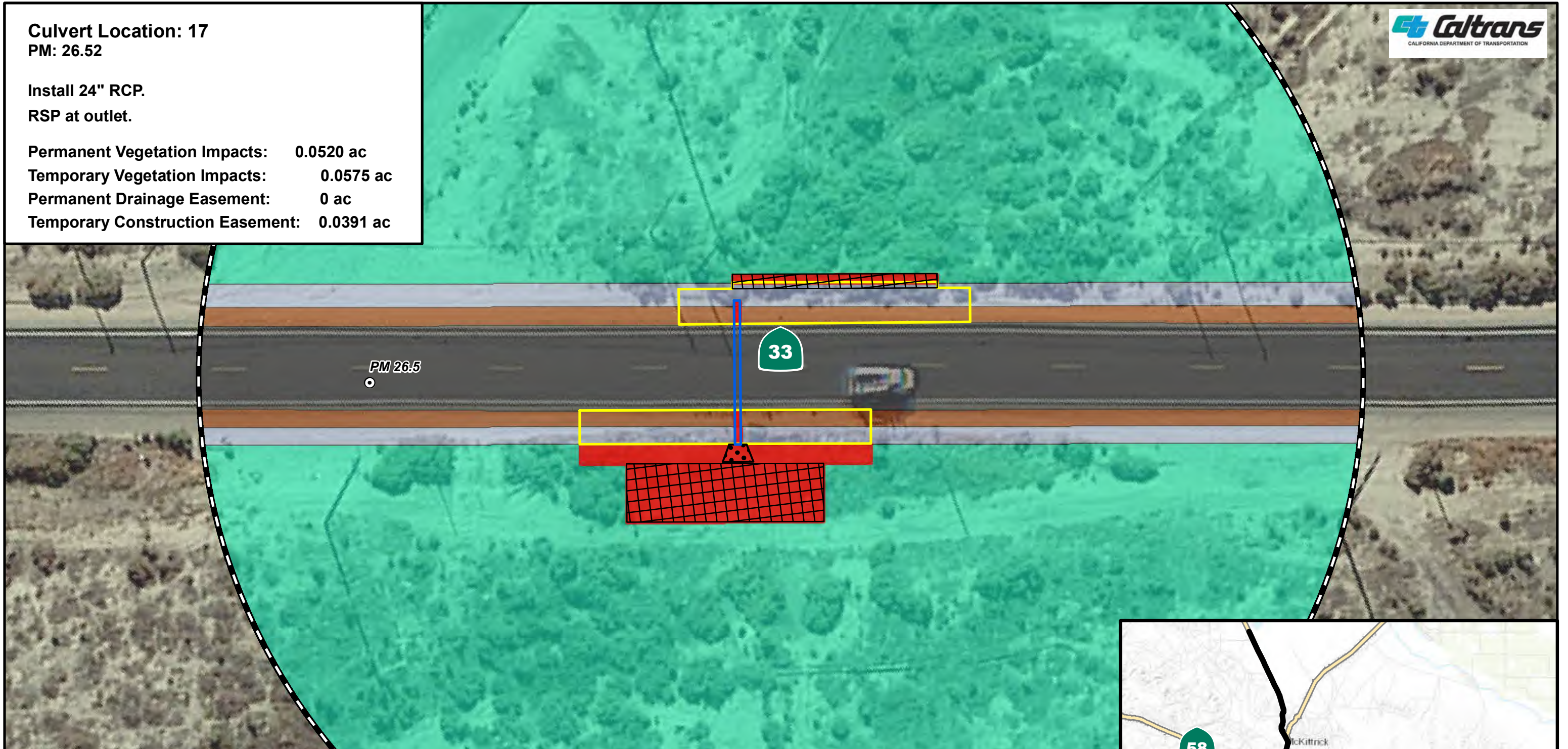




Culvert Location: 17
PM: 26.52

Install 24" RCP.
RSP at outlet.

Permanent Vegetation Impacts: 0.0520 ac
Temporary Vegetation Impacts: 0.0575 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.0391 ac

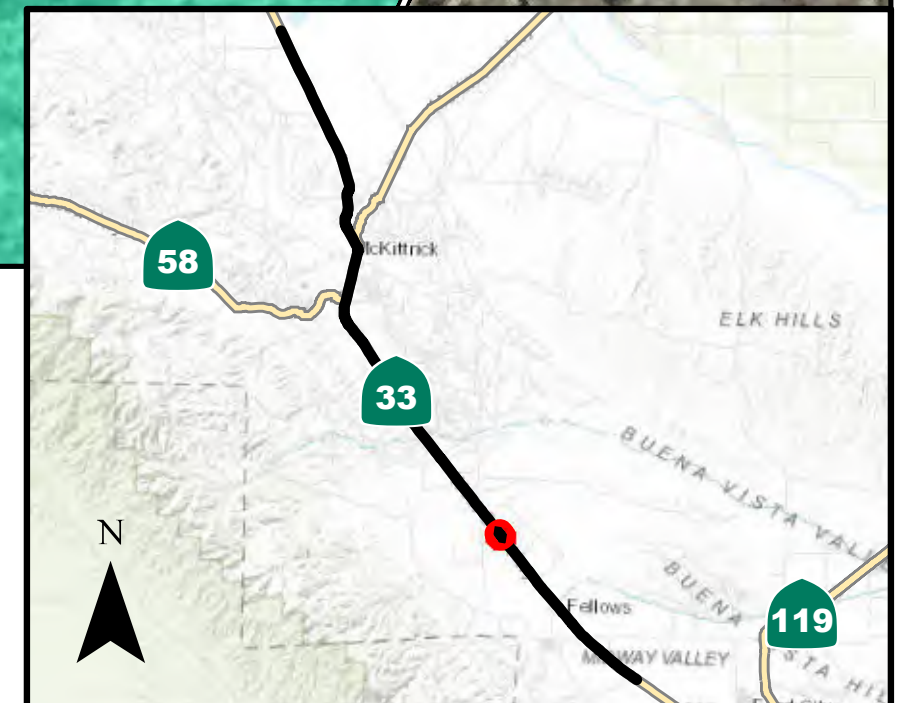
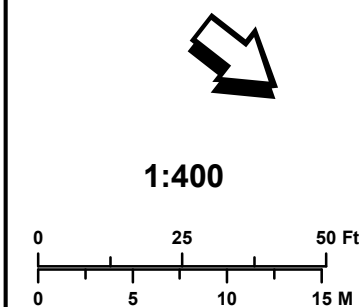


Impact Mapping

Sheet: 17 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')

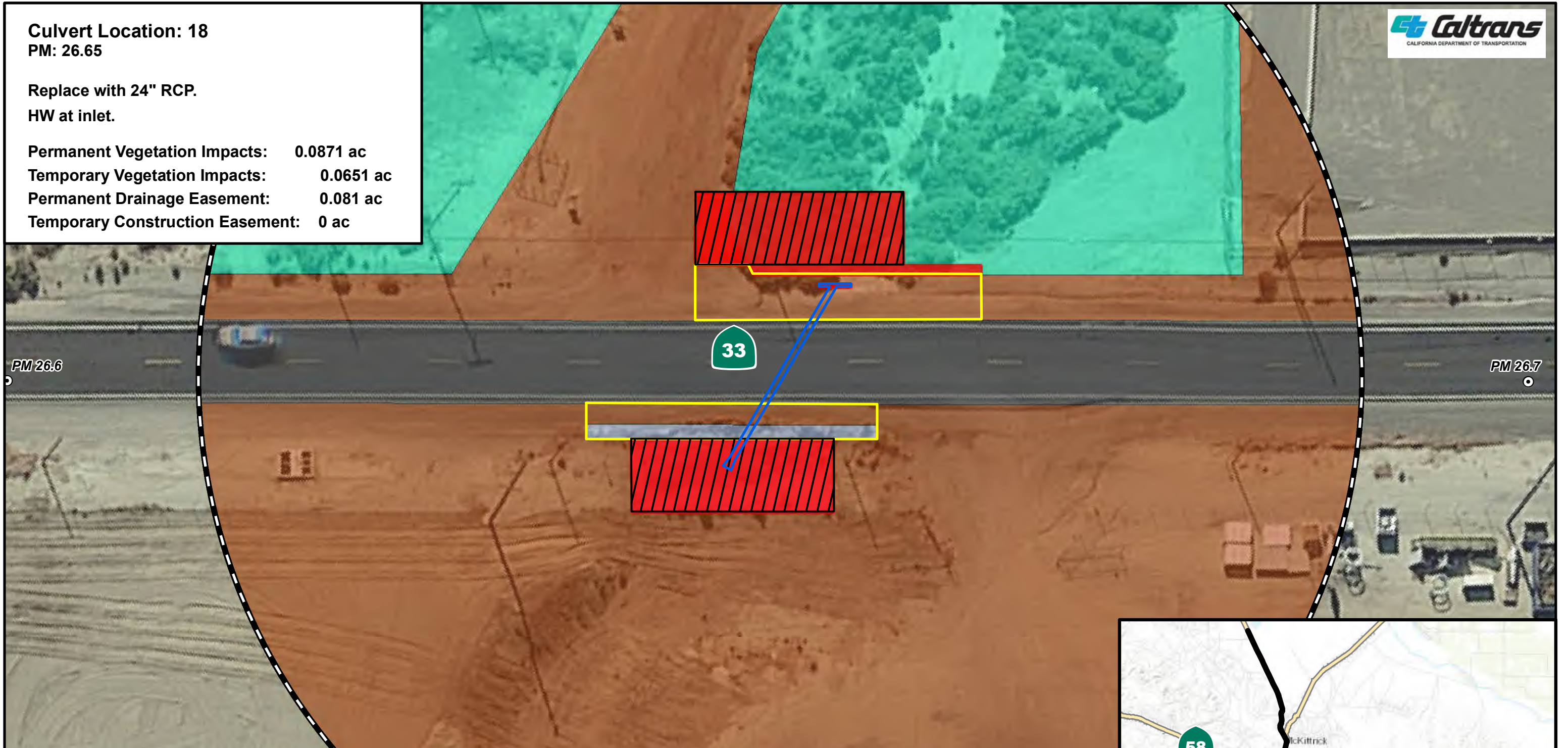




Culvert Location: 18
PM: 26.65

Replace with 24" RCP.
HW at inlet.

Permanent Vegetation Impacts: 0.0871 ac
Temporary Vegetation Impacts: 0.0651 ac
Permanent Drainage Easement: 0.081 ac
Temporary Construction Easement: 0 ac

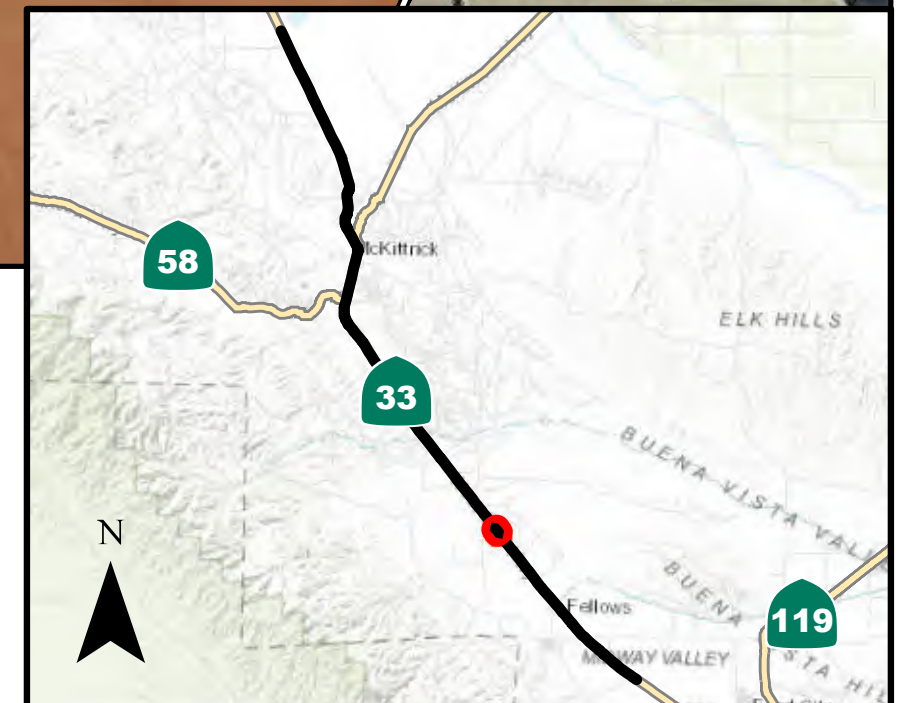
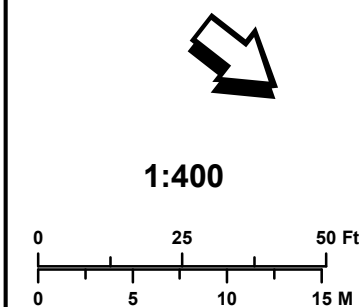


Impact Mapping

Sheet: 18 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- Permanent Drainage Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')





Culvert Location: 19

PM: 26.83

Replace with 24" RCP.

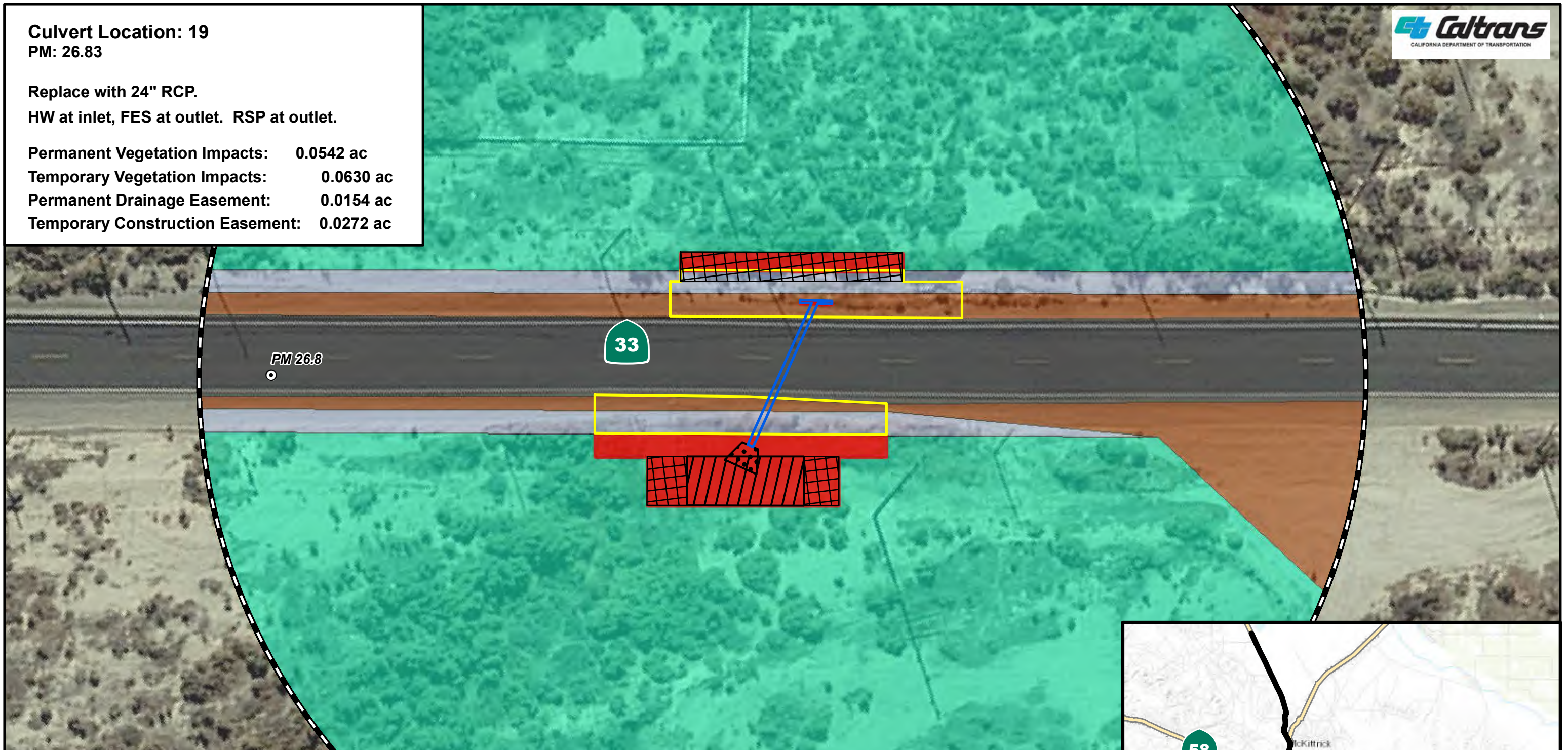
HW at inlet, FES at outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.0542 ac

Temporary Vegetation Impacts: 0.0630 ac

Permanent Drainage Easement: 0.0154 ac

Temporary Construction Easement: 0.0272 ac

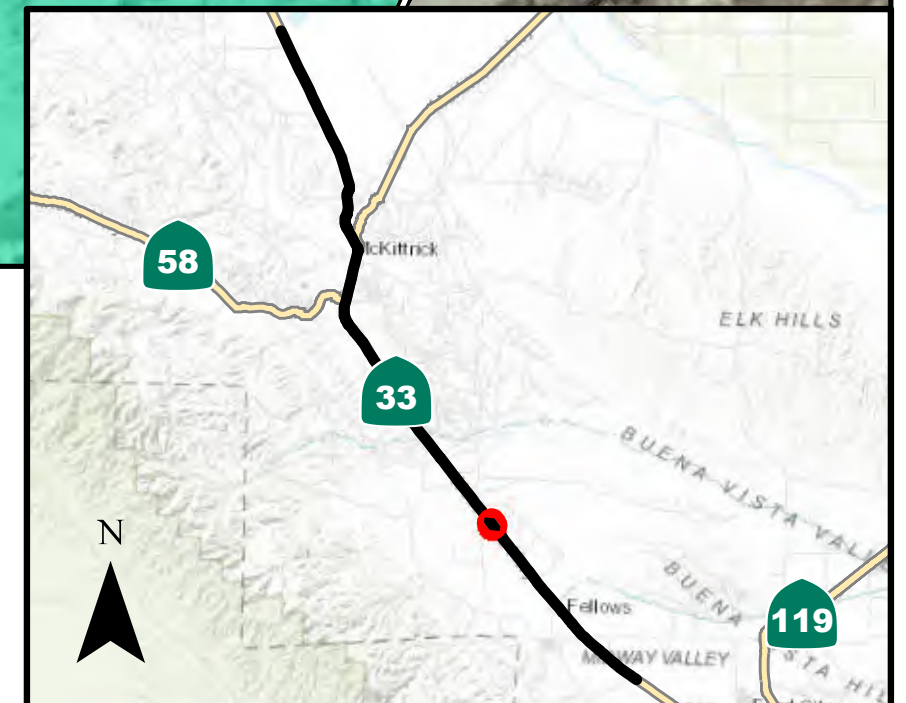
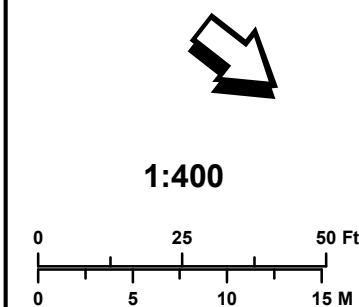


Impact Mapping

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SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| RSP | Road |
| Temporary Construction Easement | Ruderal |
| Permanent Drainage Easement | Action Area (200') |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |





Culvert Location: 20

PM: 27.13

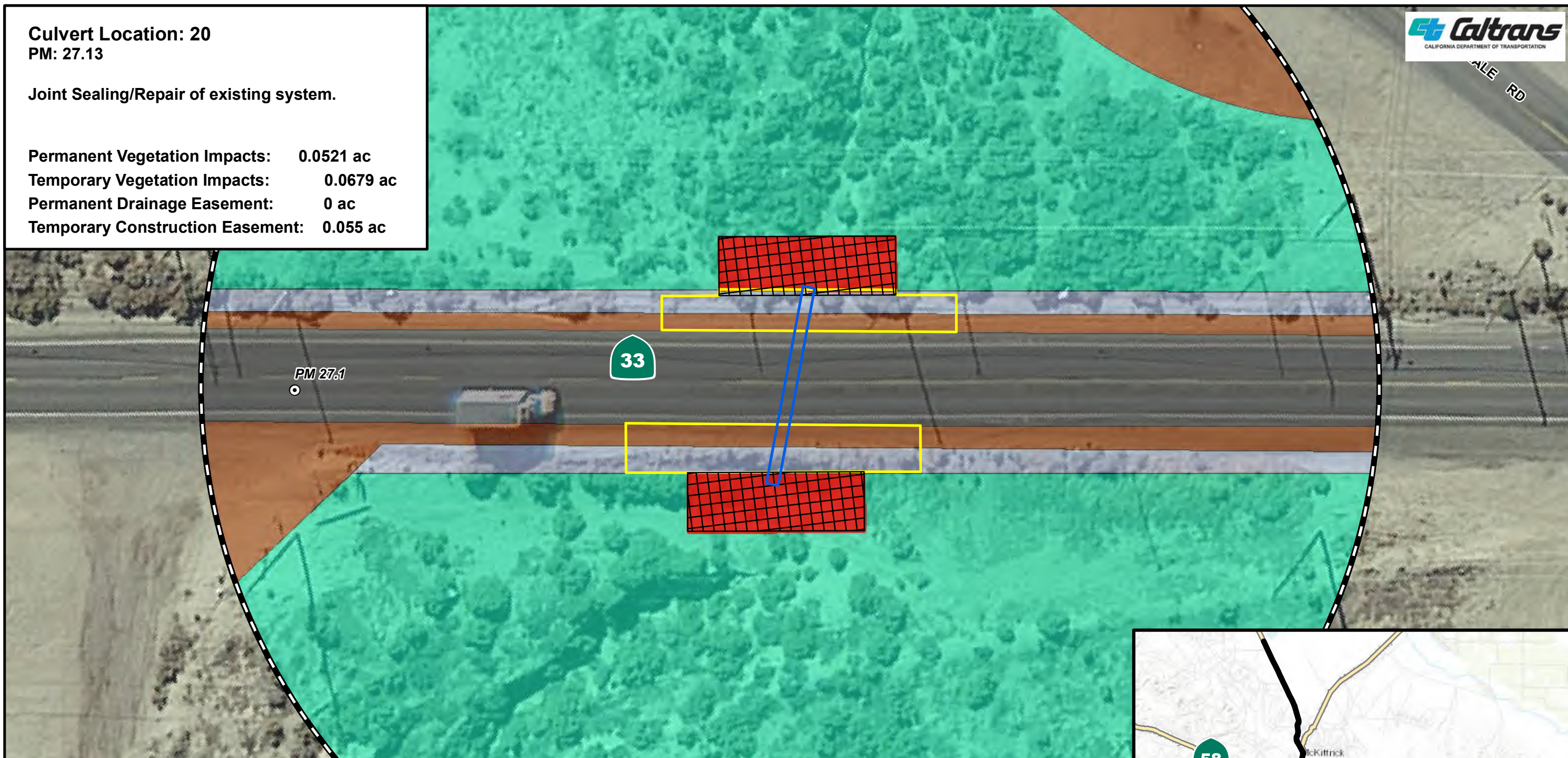
Joint Sealing/Repair of existing system.

Permanent Vegetation Impacts: 0.0521 ac

Temporary Vegetation Impacts: 0.0679 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.055 ac

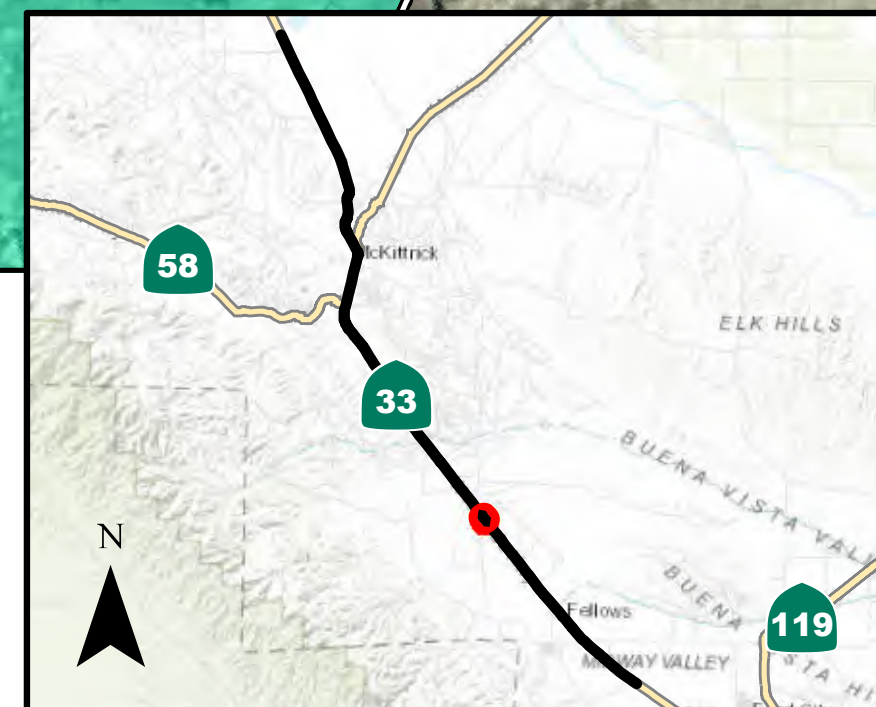
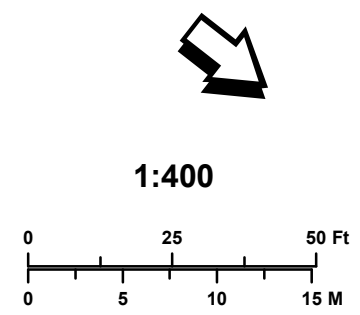


Impact Mapping

Sheet: 20 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

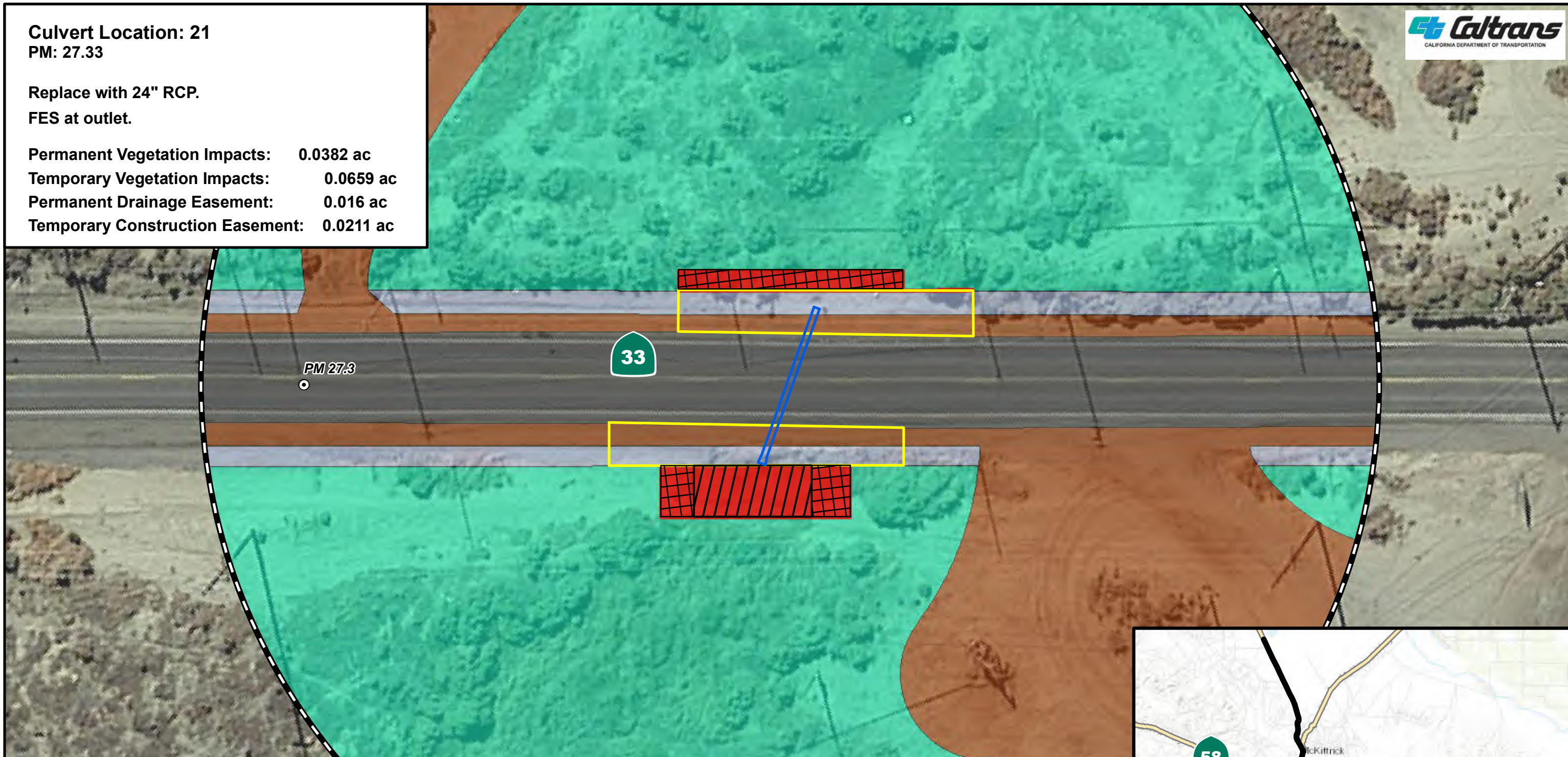
- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 21
PM: 27.33

Replace with 24" RCP.
FES at outlet.

Permanent Vegetation Impacts: 0.0382 ac
Temporary Vegetation Impacts: 0.0659 ac
Permanent Drainage Easement: 0.016 ac
Temporary Construction Easement: 0.0211 ac

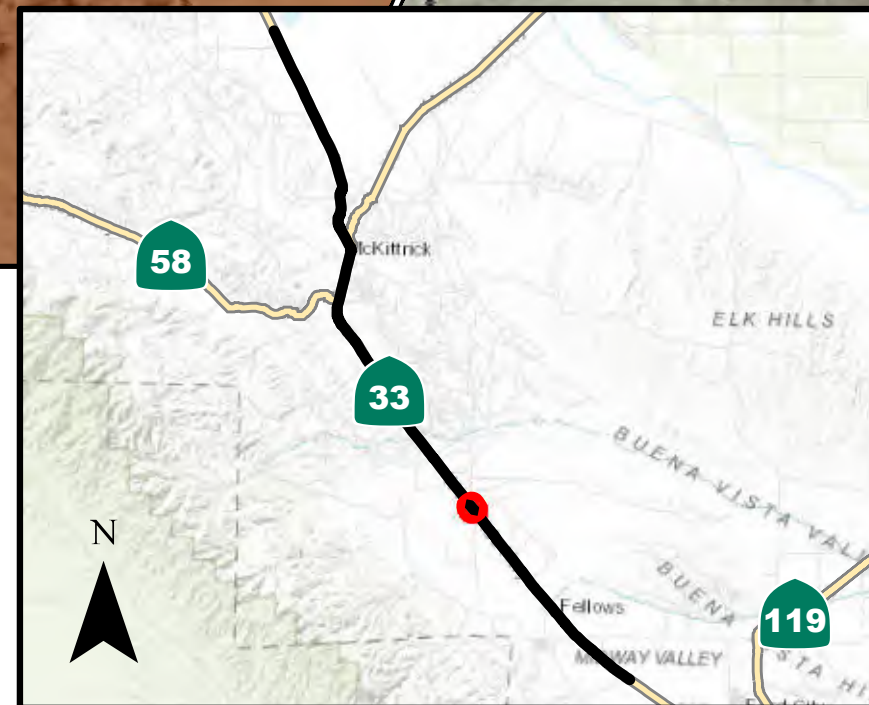
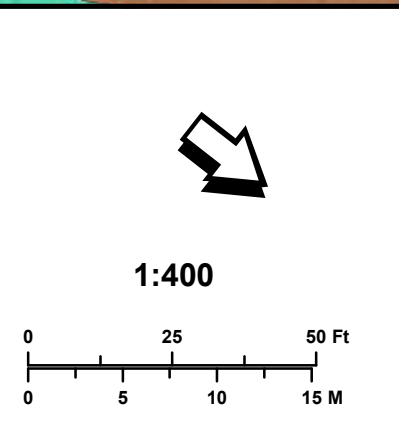


Impact Mapping

Sheet: 21 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Drainage Easement | Ruderal |
| Permanent Veg Impacts | Action Area (200') |
| Temporary Veg Impacts | |





Culvert Location: 22

PM: 27.60

Replace with 24" RCP.

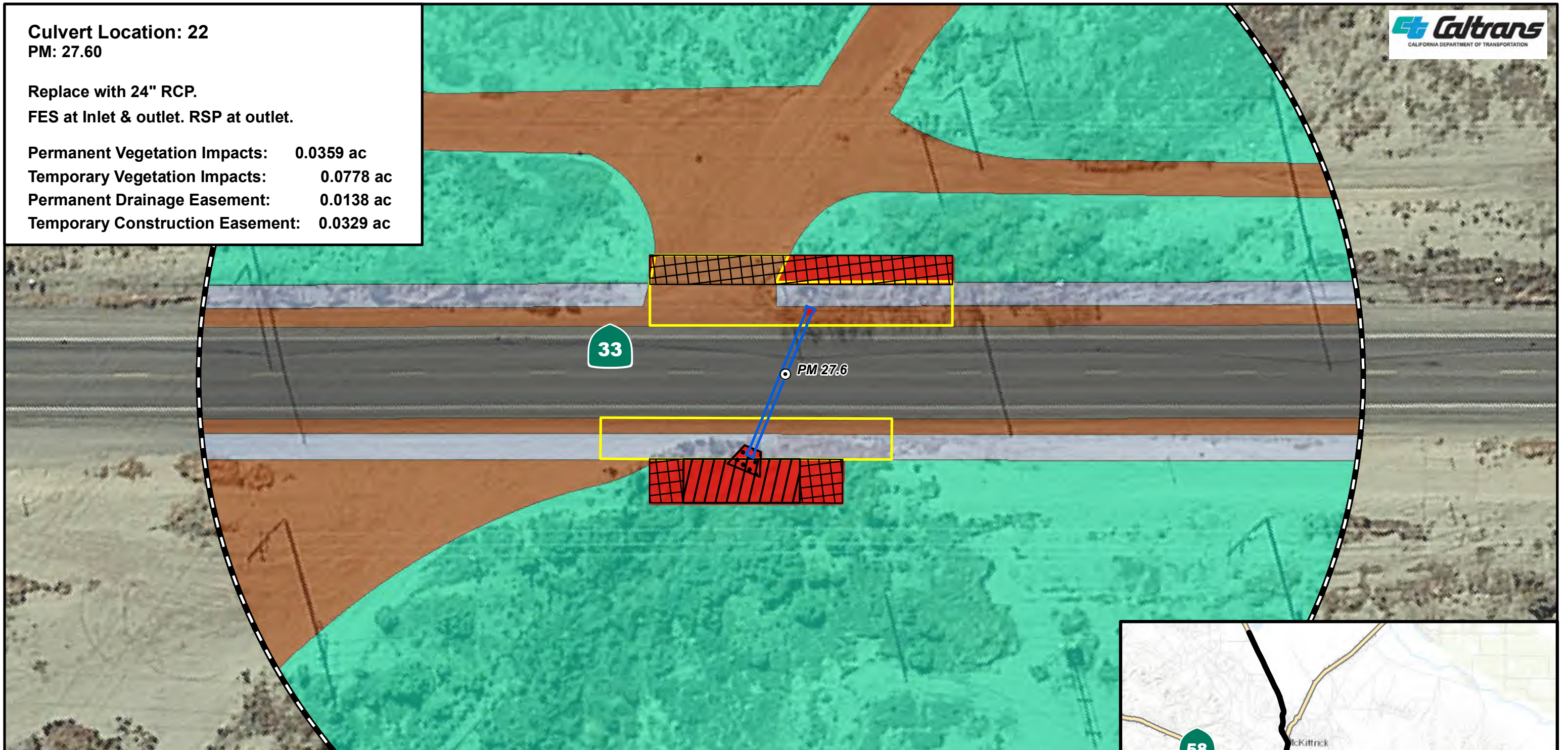
FES at Inlet & outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.0359 ac

Temporary Vegetation Impacts: 0.0778 ac

Permanent Drainage Easement: 0.0138 ac

Temporary Construction Easement: 0.0329 ac

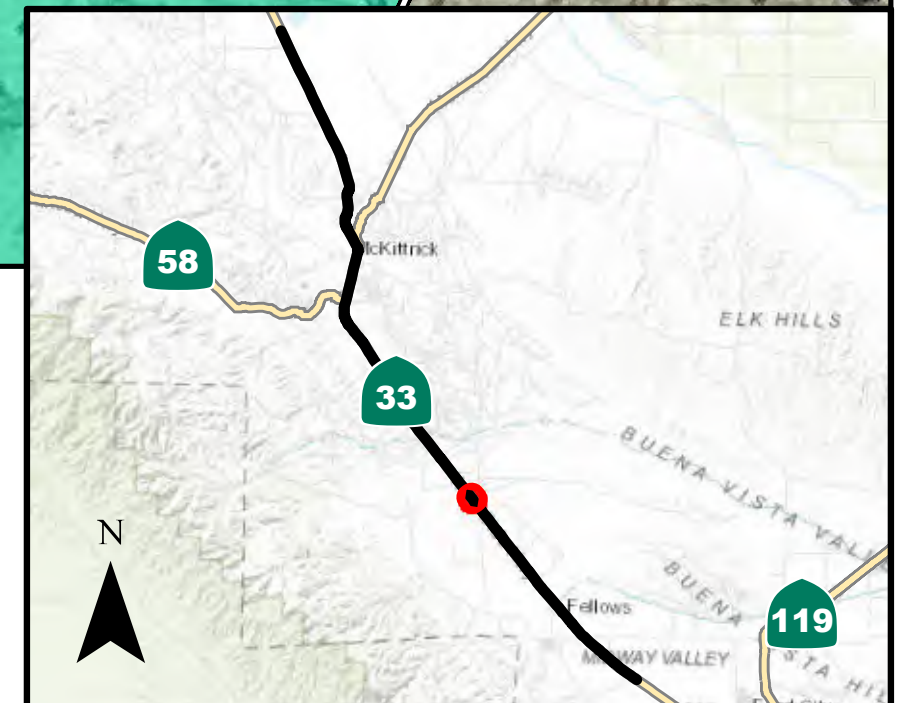
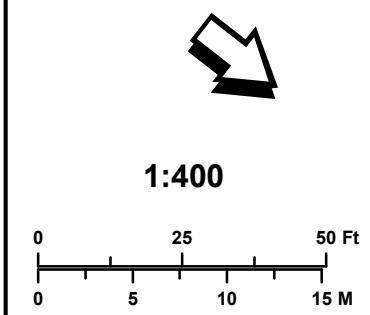


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| RSP | Road |
| Temporary Construction Easement | Ruderal |
| Permanent Drainage Easement | Action Area (200') |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |



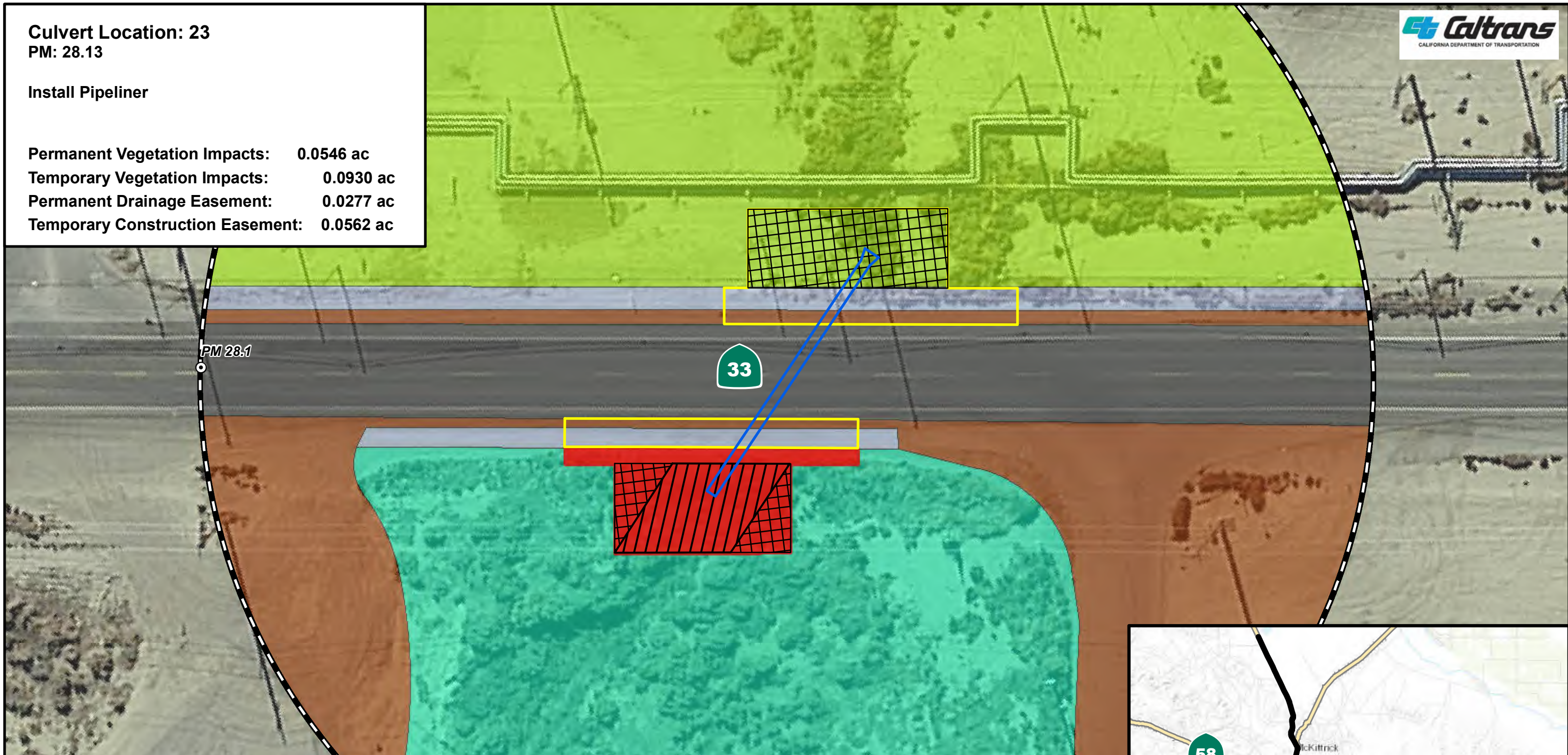


Culvert Location: 23

PM: 28.13

Install Pipeliner

Permanent Vegetation Impacts: 0.0546 ac
 Temporary Vegetation Impacts: 0.0930 ac
 Permanent Drainage Easement: 0.0277 ac
 Temporary Construction Easement: 0.0562 ac

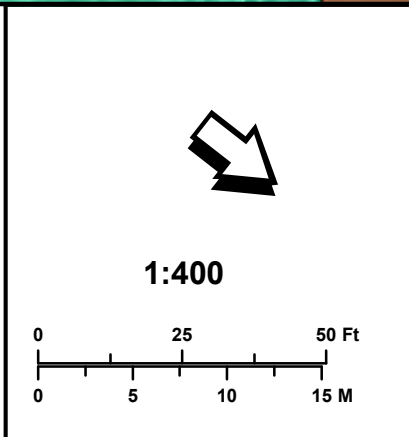


Impact Mapping

Sheet: 23 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

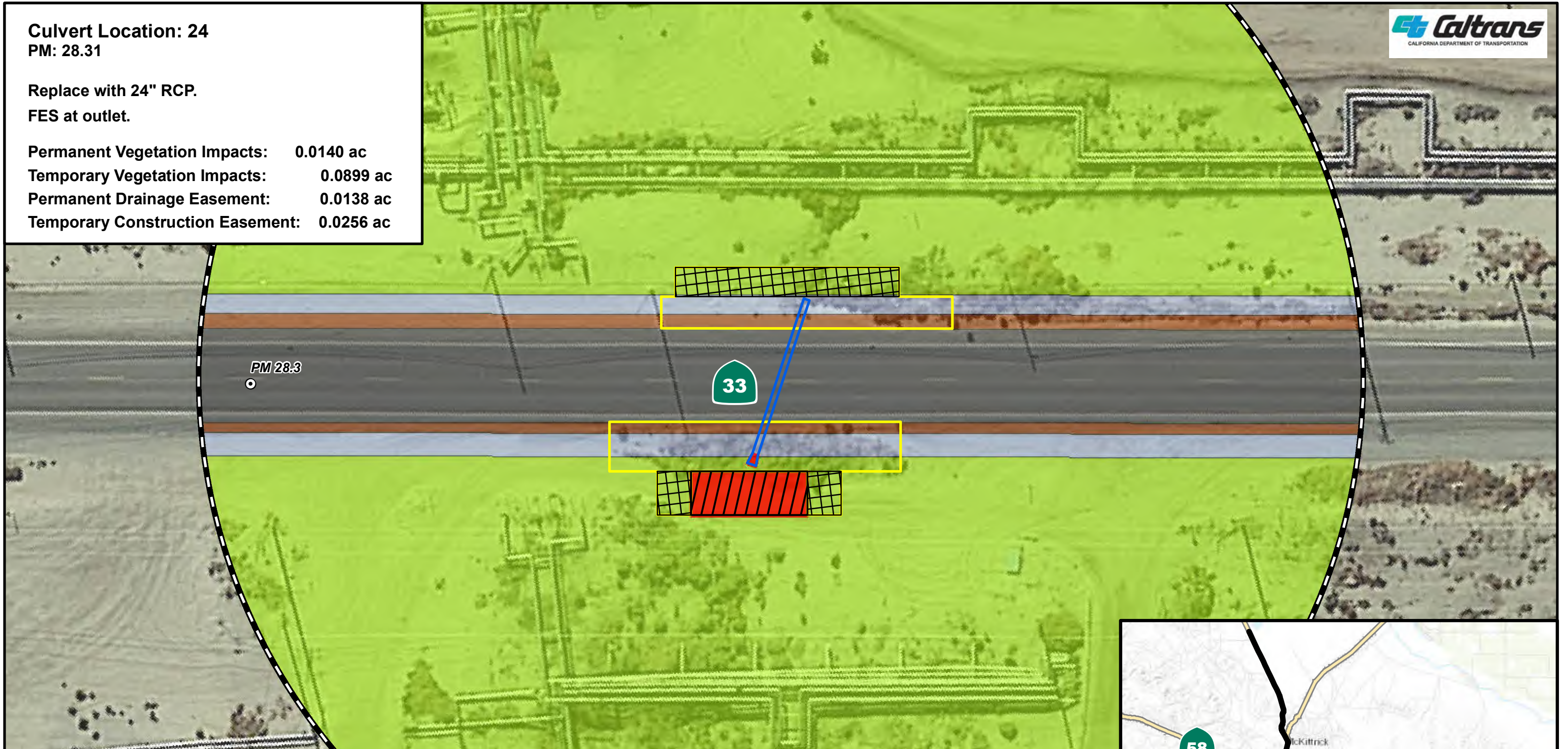
- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Oil Field |
| Permanent Drainage Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 24
PM: 28.31

Replace with 24" RCP.
FES at outlet.

Permanent Vegetation Impacts: 0.0140 ac
Temporary Vegetation Impacts: 0.0899 ac
Permanent Drainage Easement: 0.0138 ac
Temporary Construction Easement: 0.0256 ac

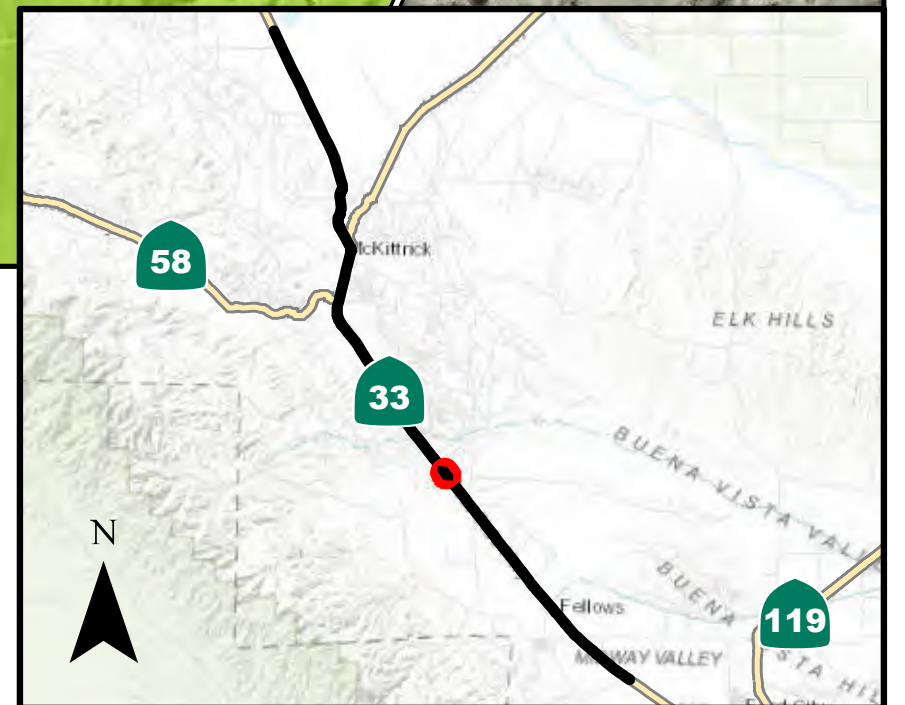
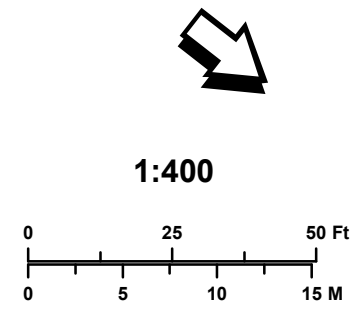


Impact Mapping

Sheet: 24 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Disturbed/Developed |
| Culvert Work | Oil Field |
| Temporary Construction Easement | Road |
| Permanent Drainage Easement | Ruderal |
| Permanent Veg Impacts | Action Area (200') |
| Temporary Veg Impacts | |

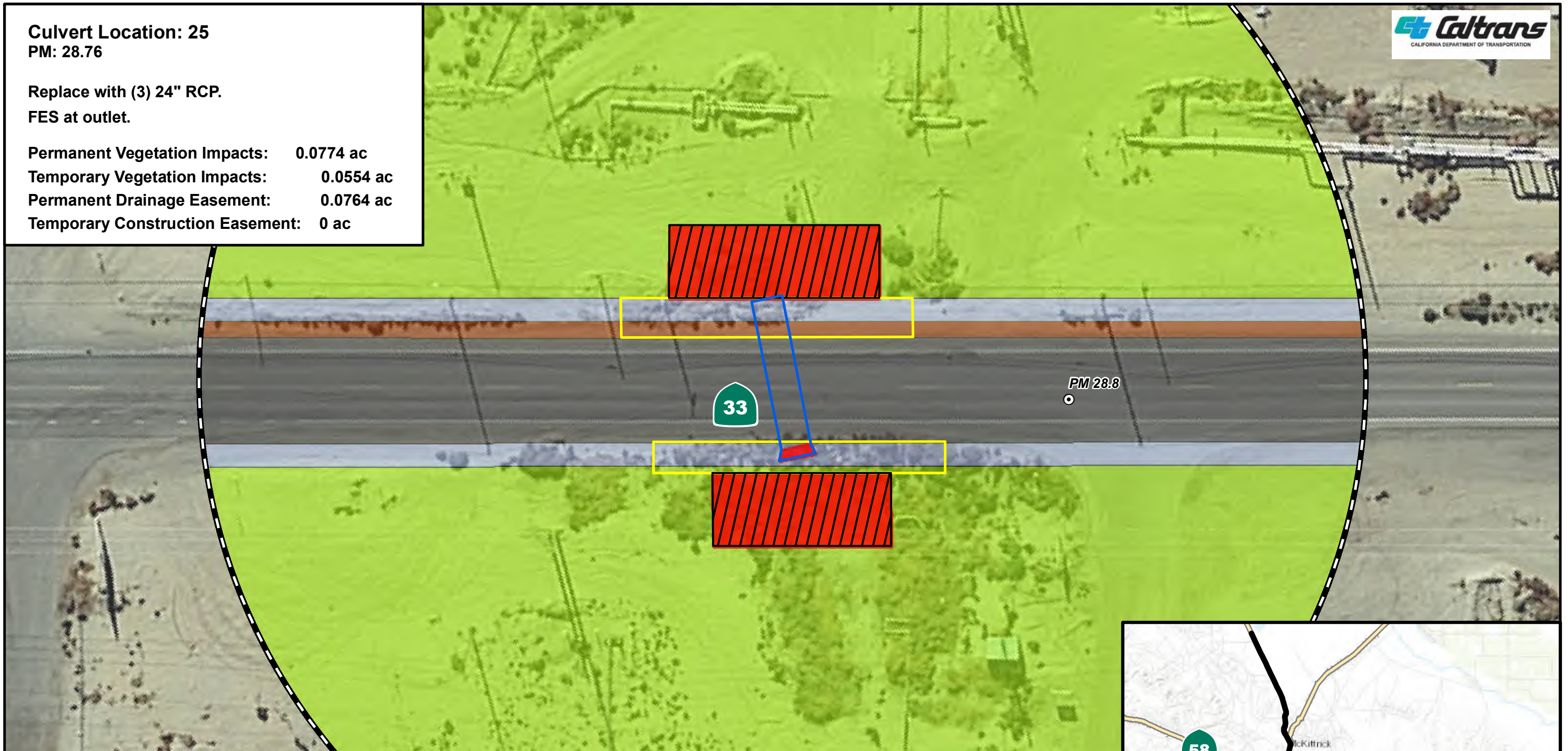




Culvert Location: 25
PM: 28.76

Replace with (3) 24" RCP.
FES at outlet.

Permanent Vegetation Impacts: 0.0774 ac
Temporary Vegetation Impacts: 0.0554 ac
Permanent Drainage Easement: 0.0764 ac
Temporary Construction Easement: 0 ac

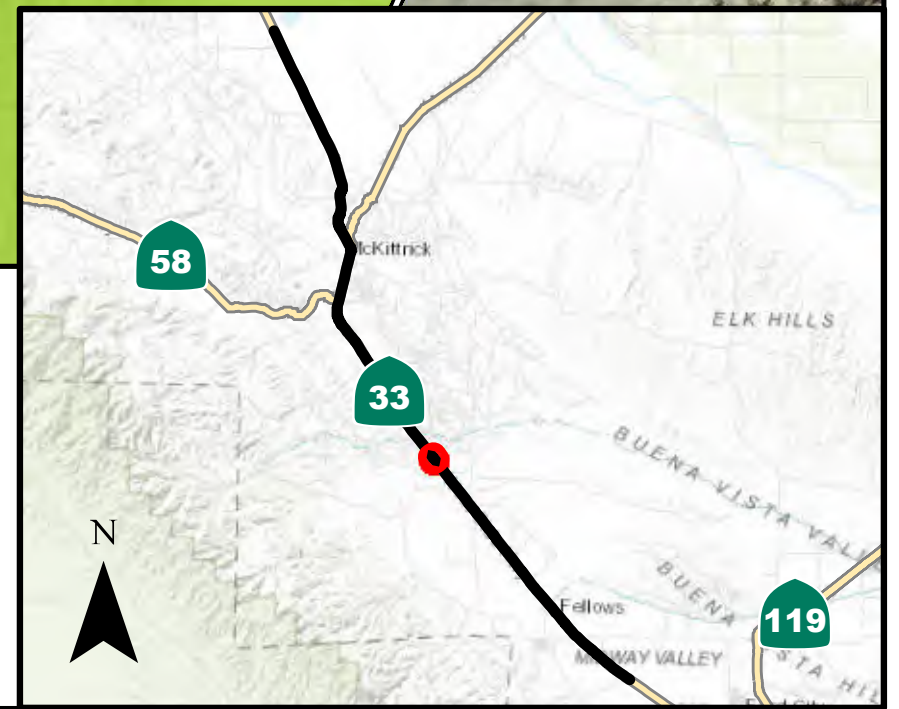
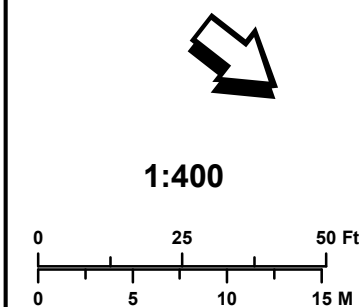


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|-----------------------------|---------------------|
| Postmiles | Disturbed/Developed |
| Culvert Work | Oil Field |
| Permanent Drainage Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 26

PM: 28.88

Replace with 24" RCP.

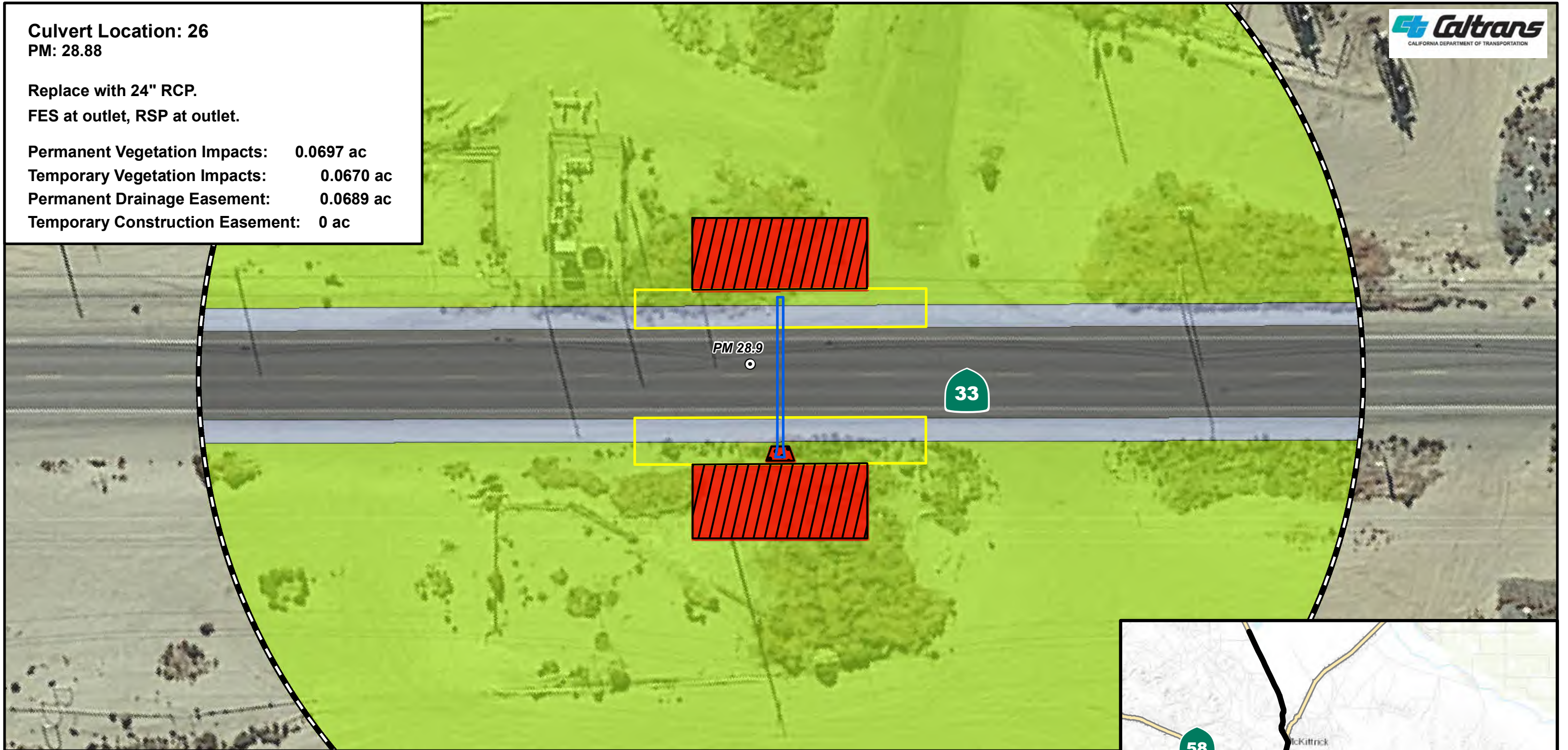
FES at outlet, RSP at outlet.

Permanent Vegetation Impacts: 0.0697 ac

Temporary Vegetation Impacts: 0.0670 ac

Permanent Drainage Easement: 0.0689 ac

Temporary Construction Easement: 0 ac

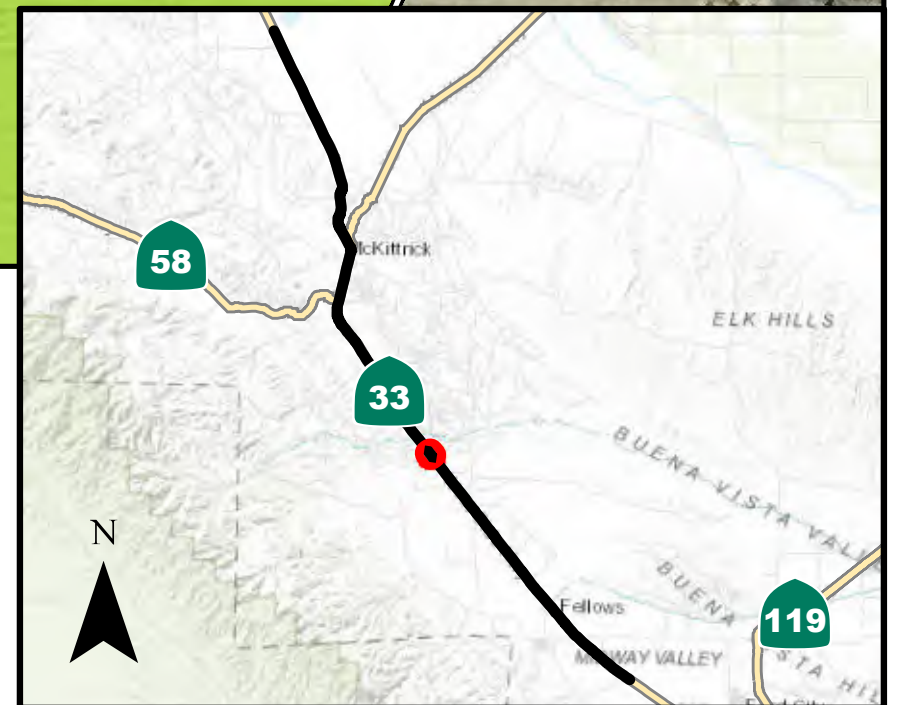
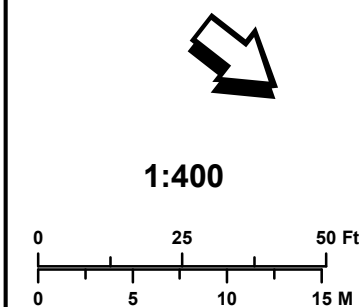


Impact Mapping

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SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Permanent Drainage Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Oil Field
- Road
- Ruderal
- Action Area (200')

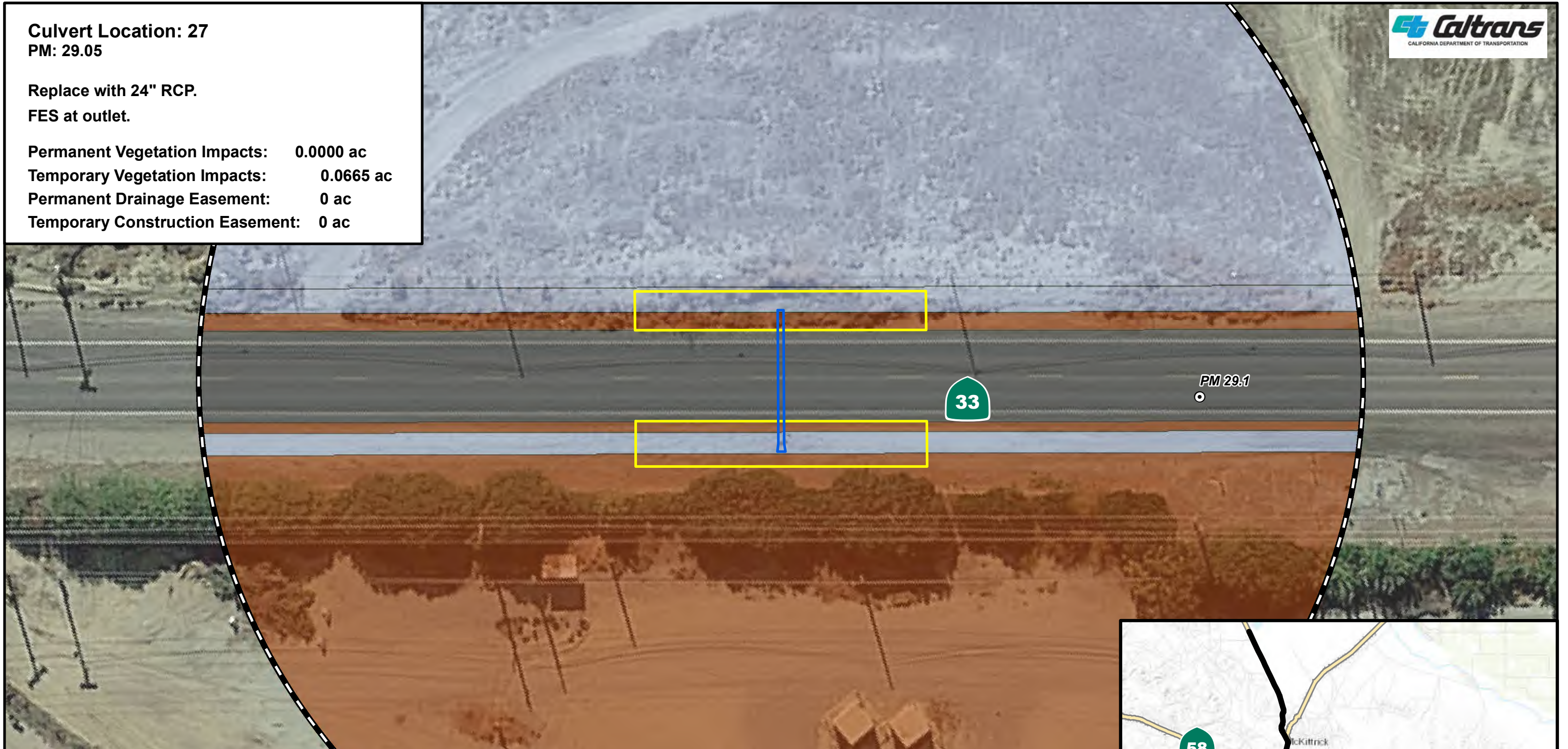




Culvert Location: 27
PM: 29.05

Replace with 24" RCP.
FES at outlet.

Permanent Vegetation Impacts: 0.0000 ac
Temporary Vegetation Impacts: 0.0665 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0 ac

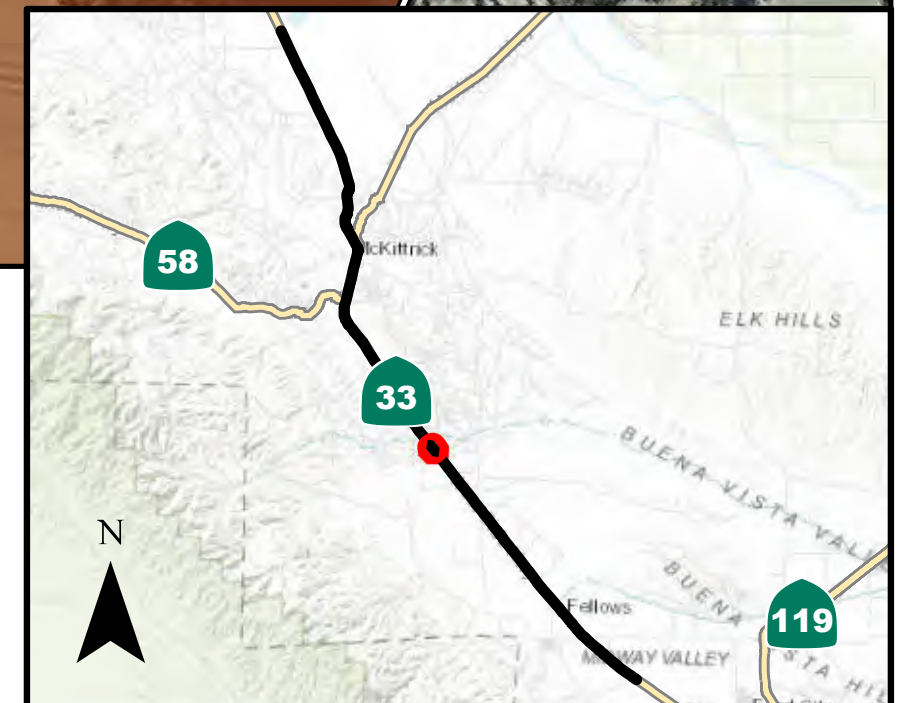
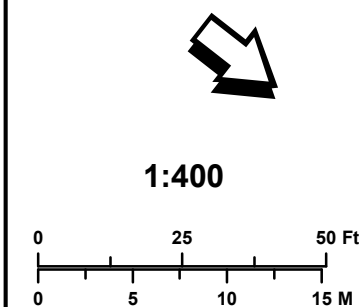


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

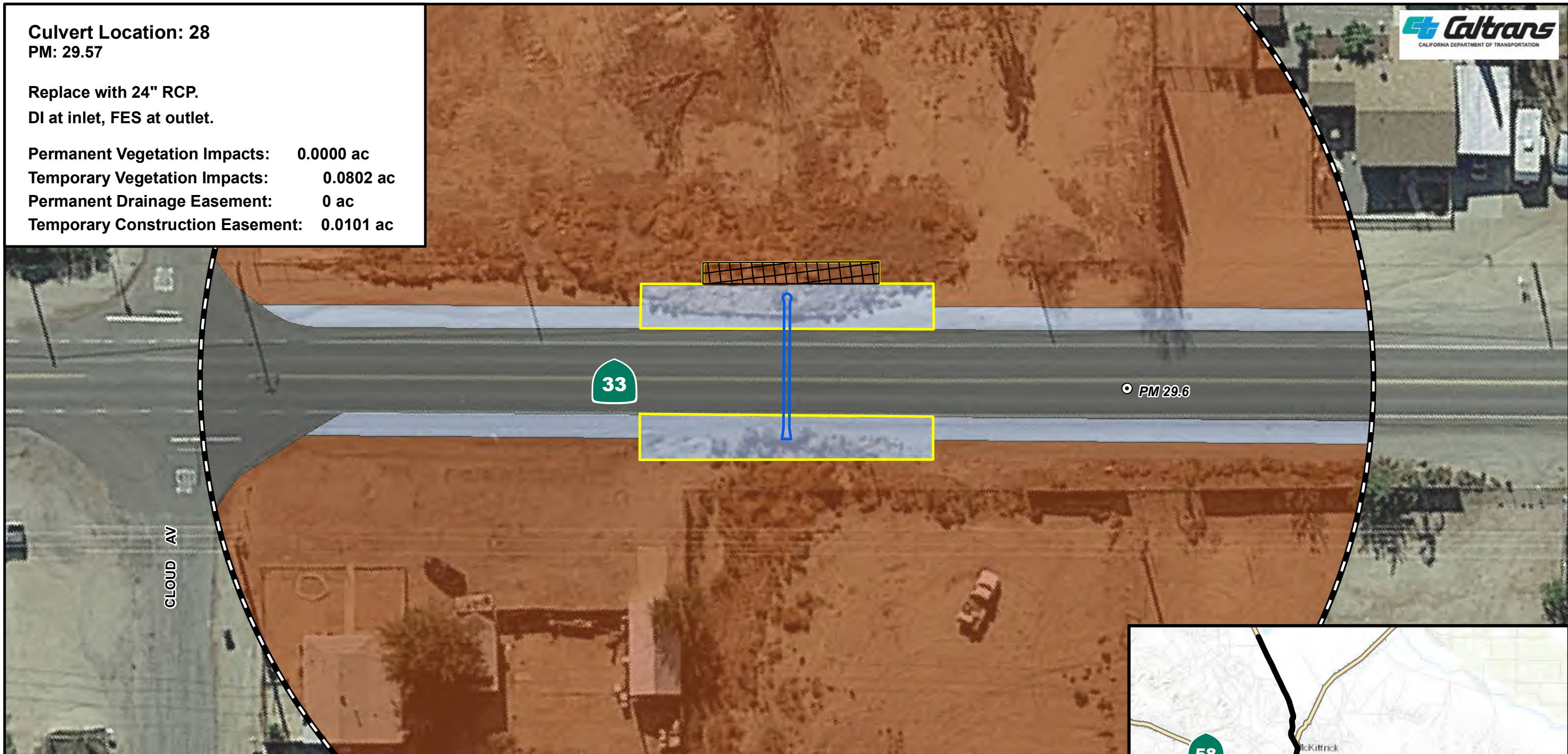
- Postmiles
- Culvert Work
- Temporary Veg Impacts
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Culvert Location: 28
PM: 29.57

Replace with 24" RCP.
DI at inlet, FES at outlet.

Permanent Vegetation Impacts: 0.0000 ac
Temporary Vegetation Impacts: 0.0802 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.0101 ac

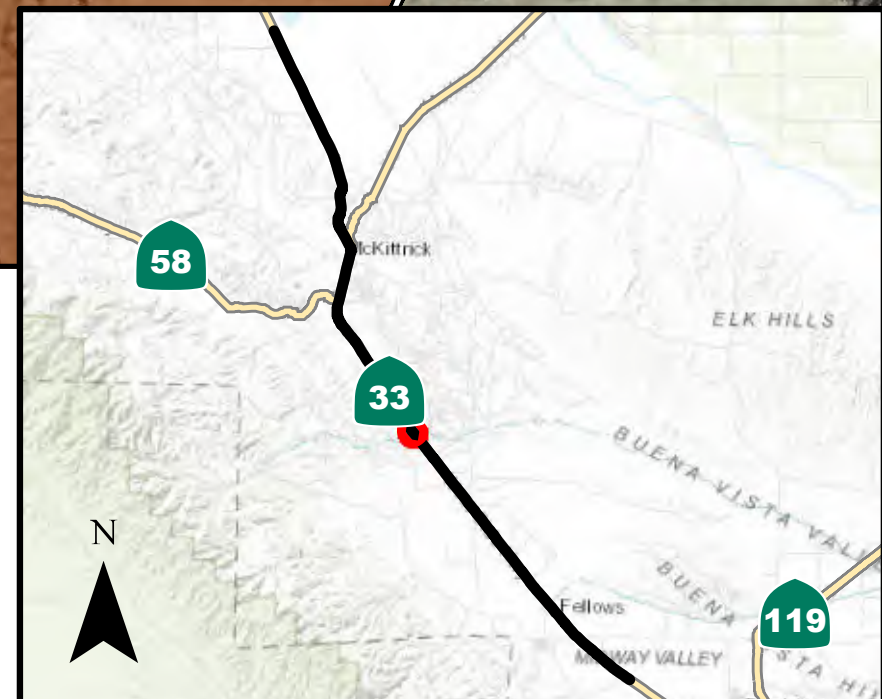
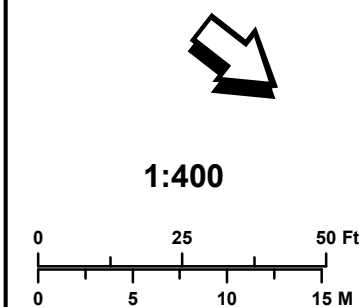


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

-  Postmiles
-  Culvert Work
-  Temporary Construction Easement
-  Temporary Veg Impacts
-  Disturbed/Developed
-  Road
-  Ruderal
-  Action Area (200')

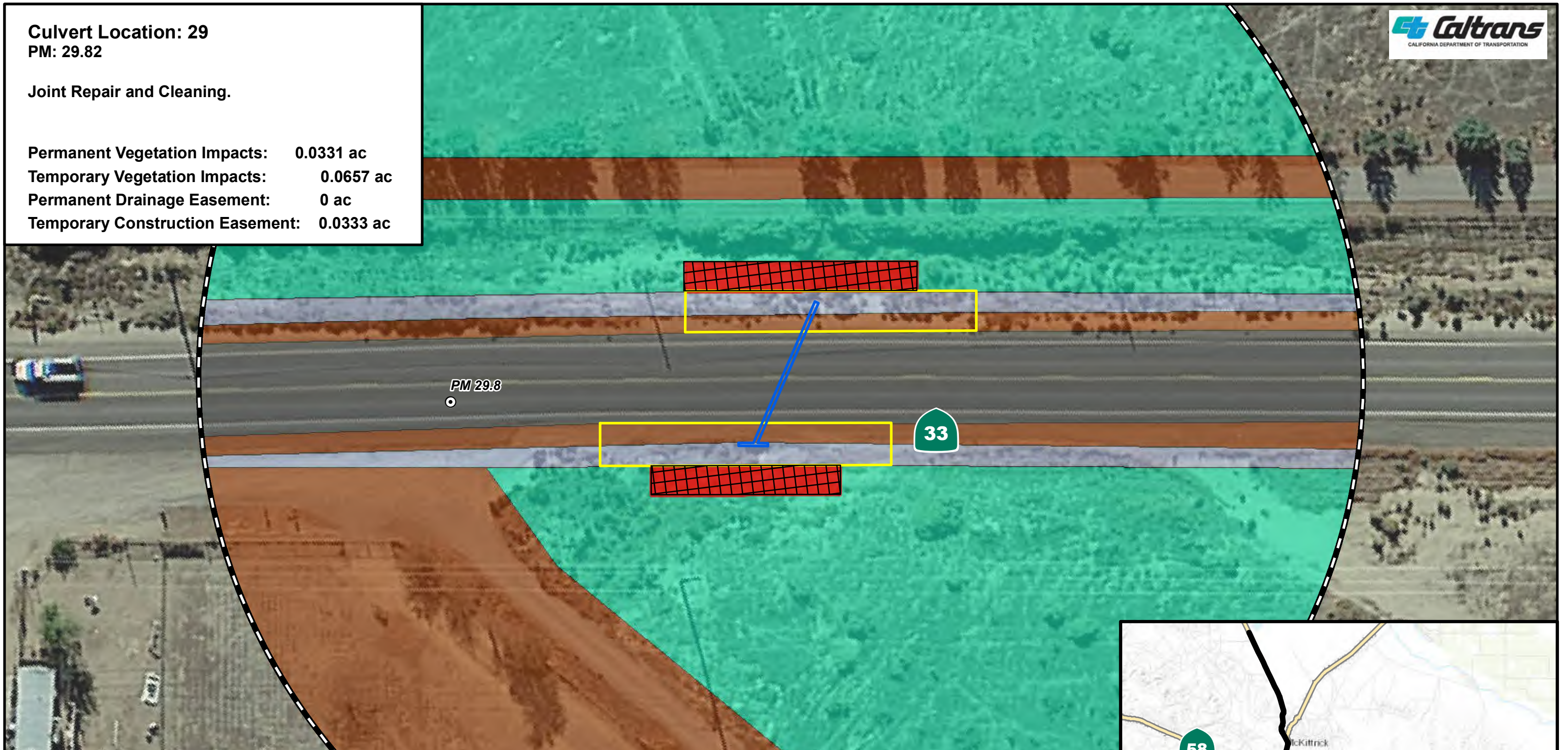




Culvert Location: 29
PM: 29.82

Joint Repair and Cleaning.

Permanent Vegetation Impacts:	0.0331 ac
Temporary Vegetation Impacts:	0.0657 ac
Permanent Drainage Easement:	0 ac
Temporary Construction Easement:	0.0333 ac

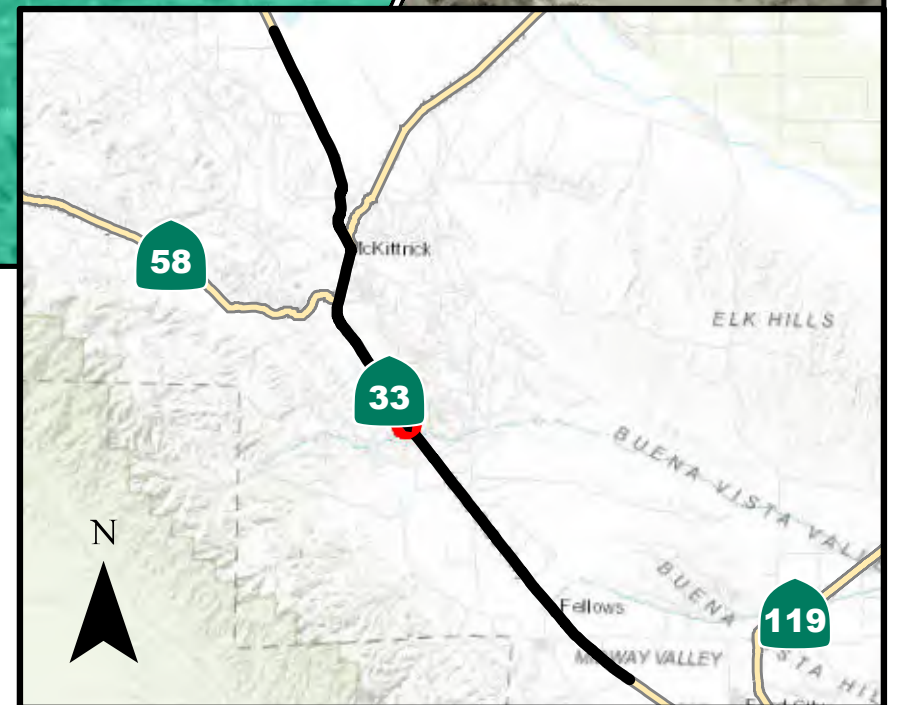
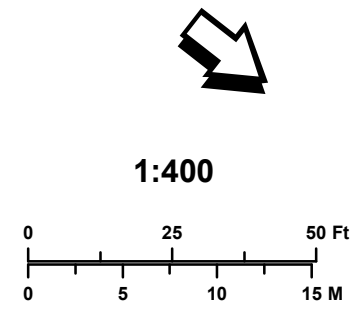


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |

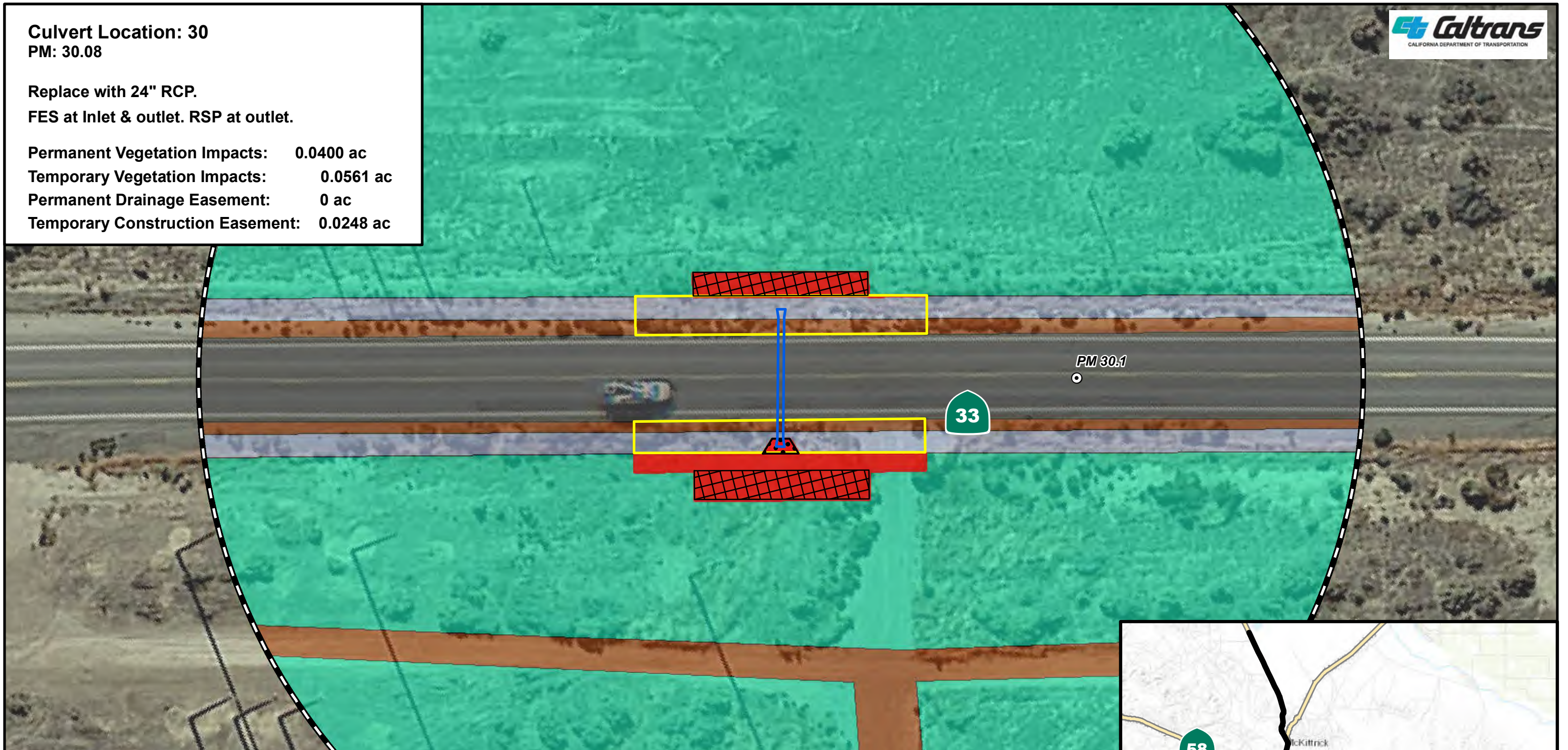




Culvert Location: 30
PM: 30.08

Replace with 24" RCP.
FES at Inlet & outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.0400 ac
Temporary Vegetation Impacts: 0.0561 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.0248 ac

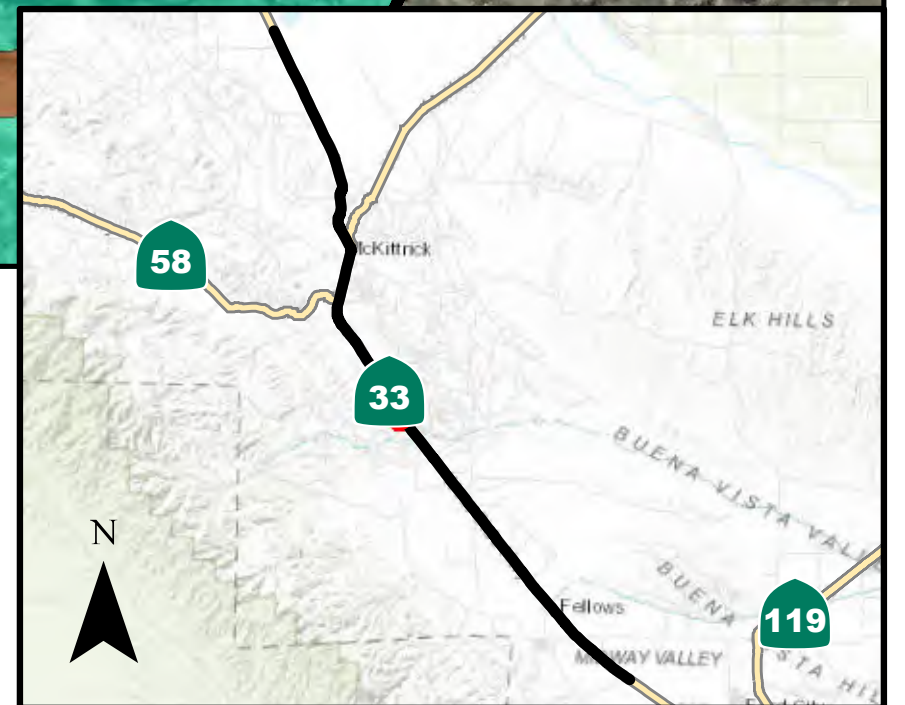
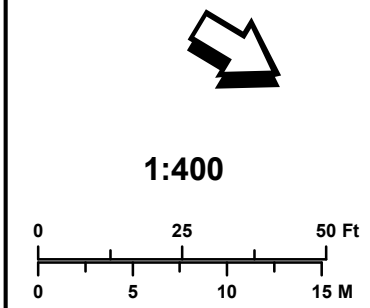


Impact Mapping

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SR 33 Culvert Rehab
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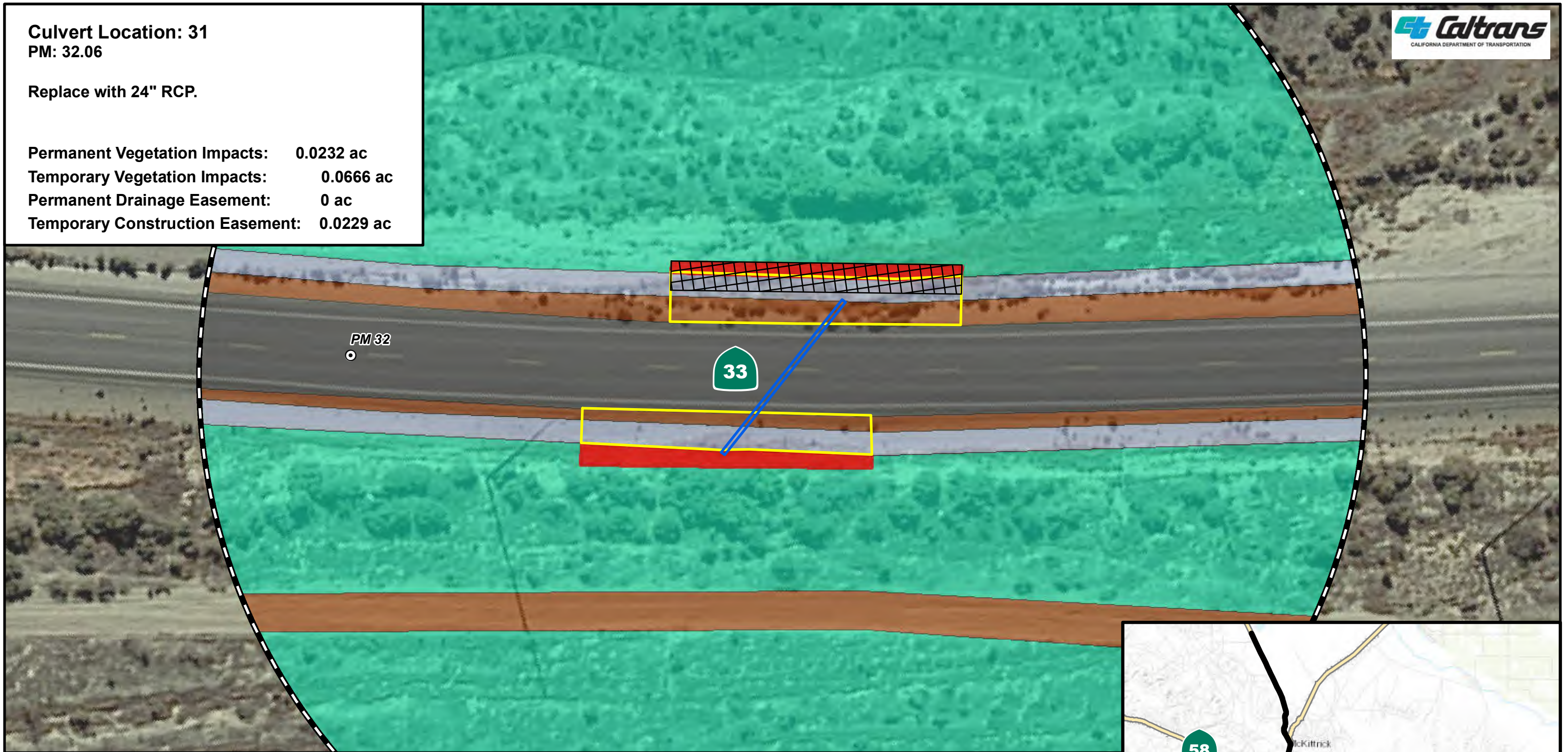
- Postmiles
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Culvert Location: 31
PM: 32.06

Replace with 24" RCP.

Permanent Vegetation Impacts:	0.0232 ac
Temporary Vegetation Impacts:	0.0666 ac
Permanent Drainage Easement:	0 ac
Temporary Construction Easement:	0.0229 ac

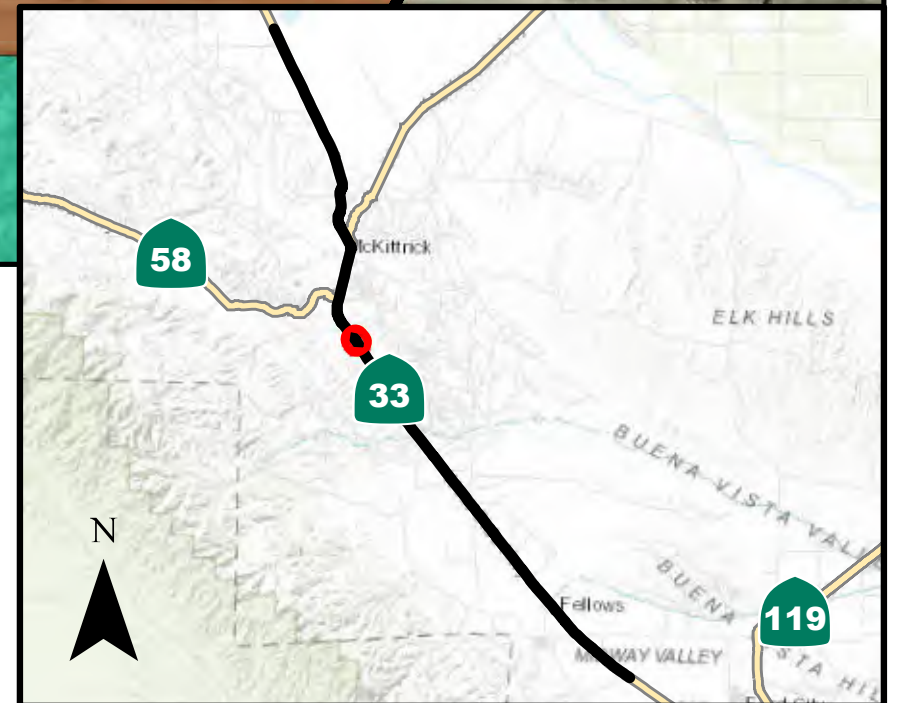
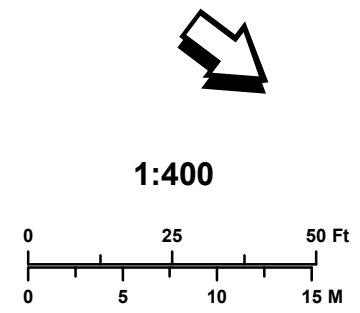


Impact Mapping

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SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 32

PM: 32.71

Replace with 24" RCP.

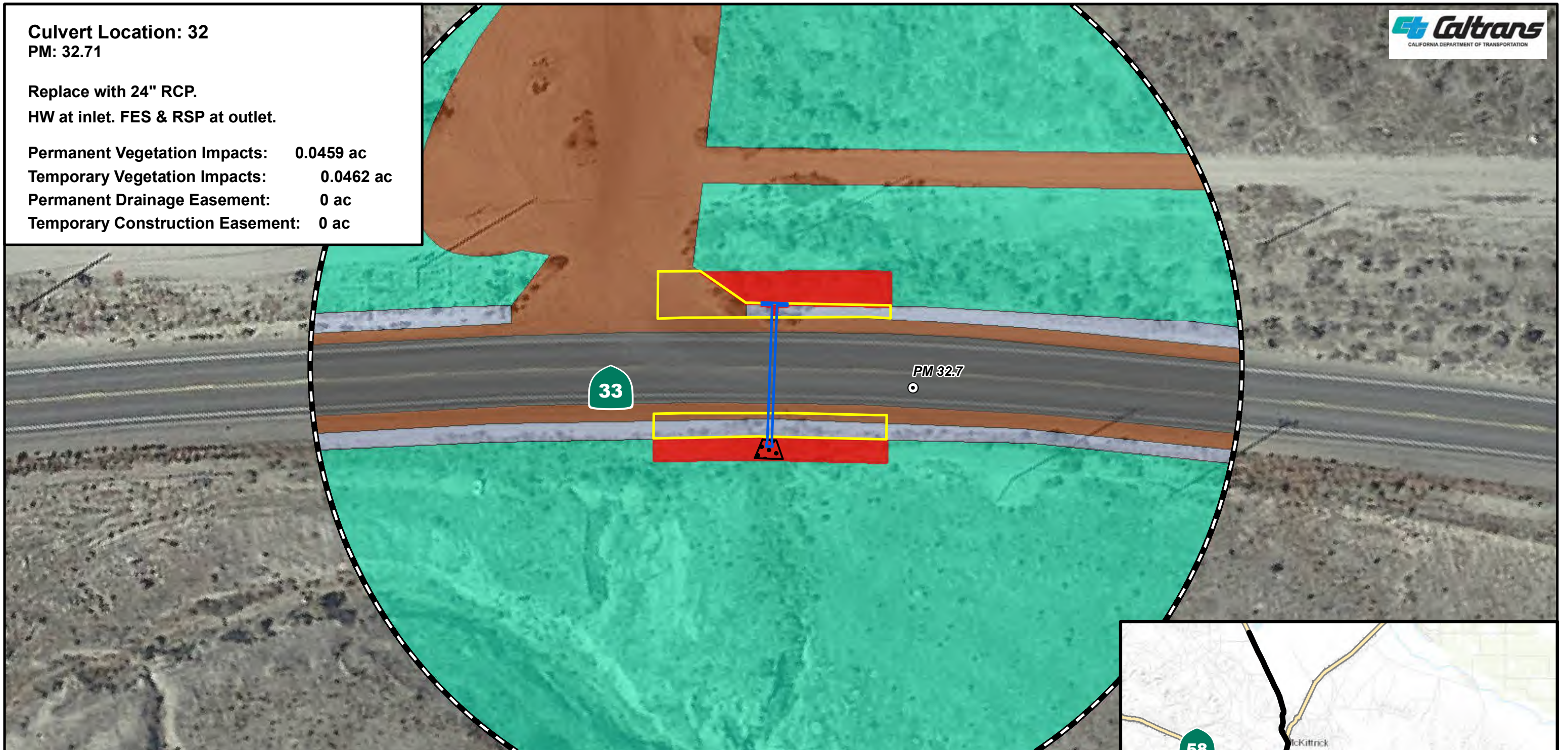
HW at inlet. FES & RSP at outlet.

Permanent Vegetation Impacts: 0.0459 ac

Temporary Vegetation Impacts: 0.0462 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0 ac

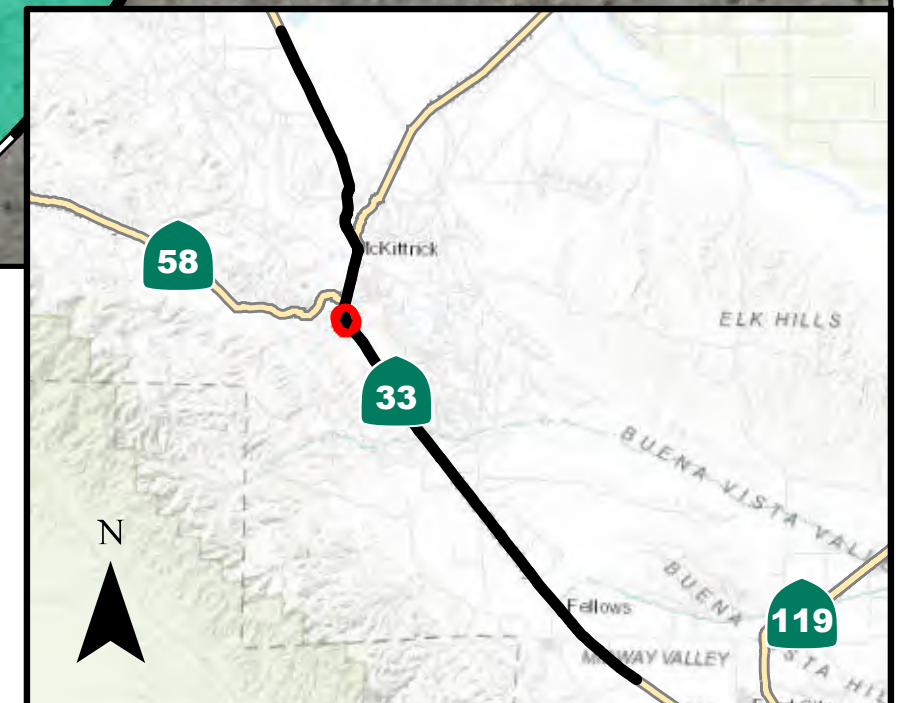
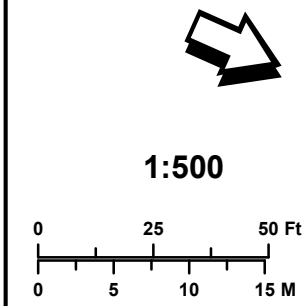


Impact Mapping

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SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Culvert Location: 33

PM: 32.91

Replace with 36" RCP.

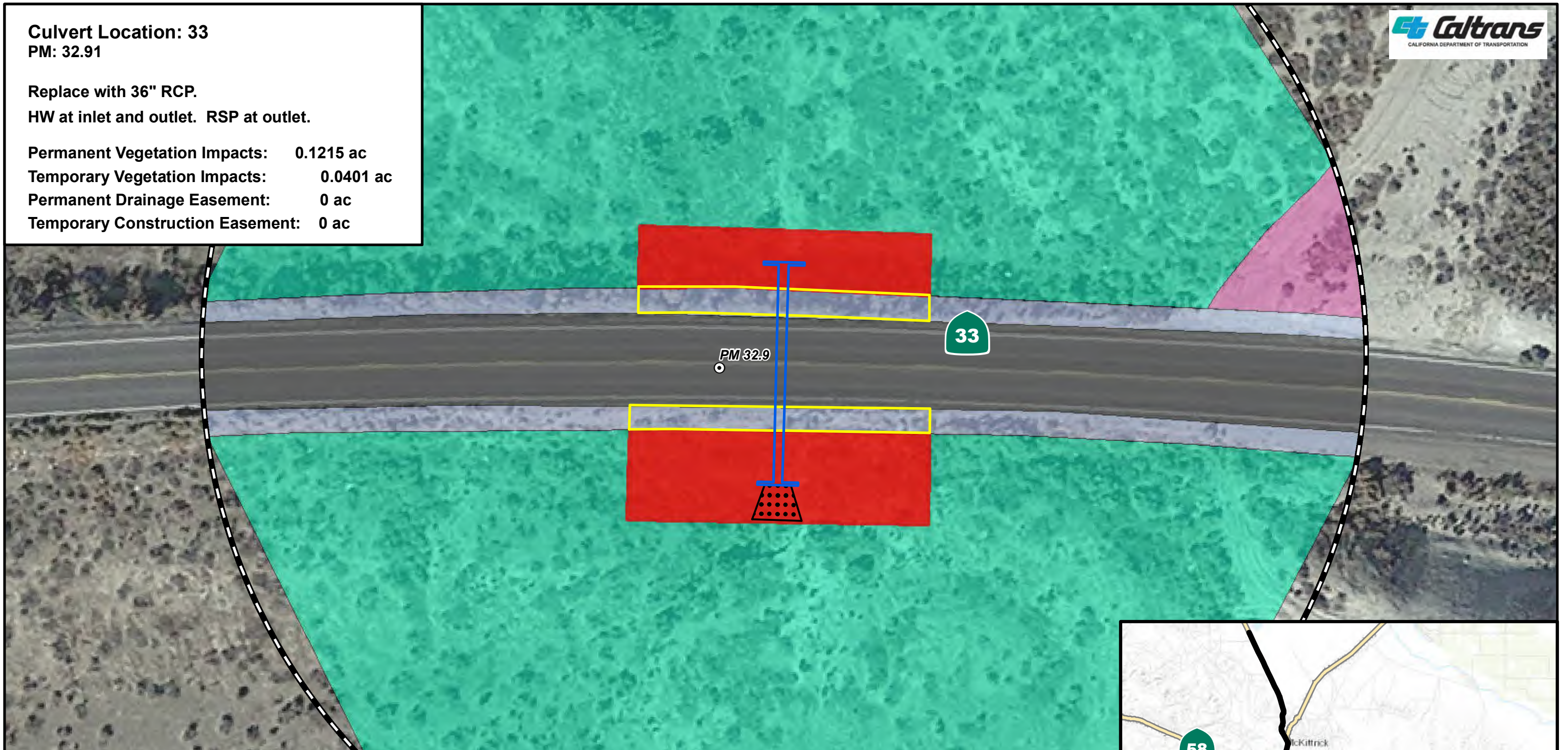
HW at inlet and outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.1215 ac

Temporary Vegetation Impacts: 0.0401 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0 ac

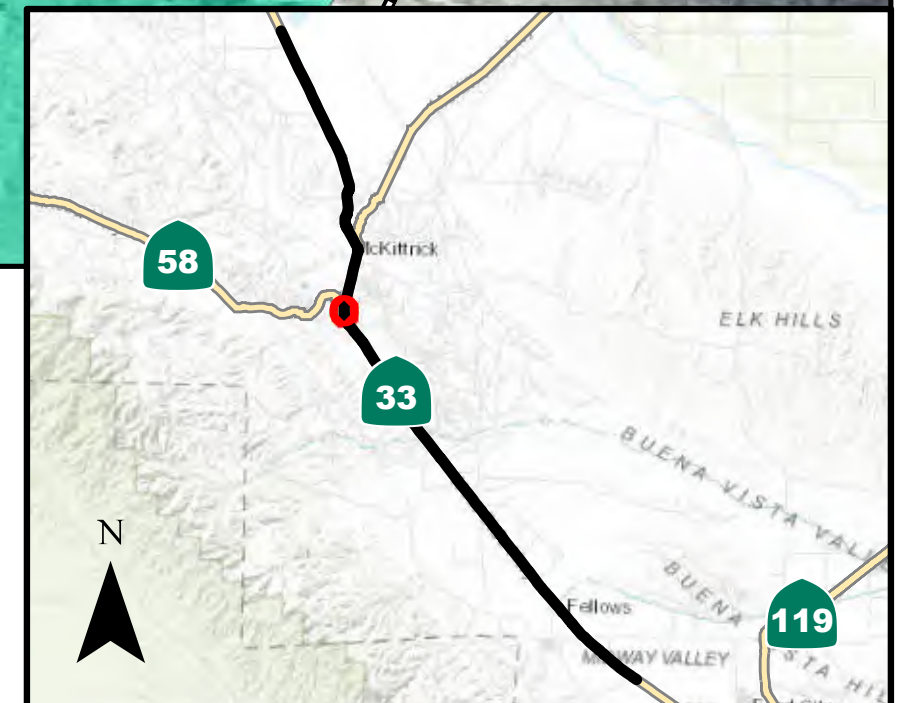
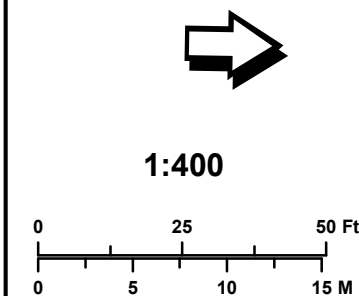


Impact Mapping

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SR 33 Culvert Rehab
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Project EA 06-0X240
Project ID: 06-1800-0043

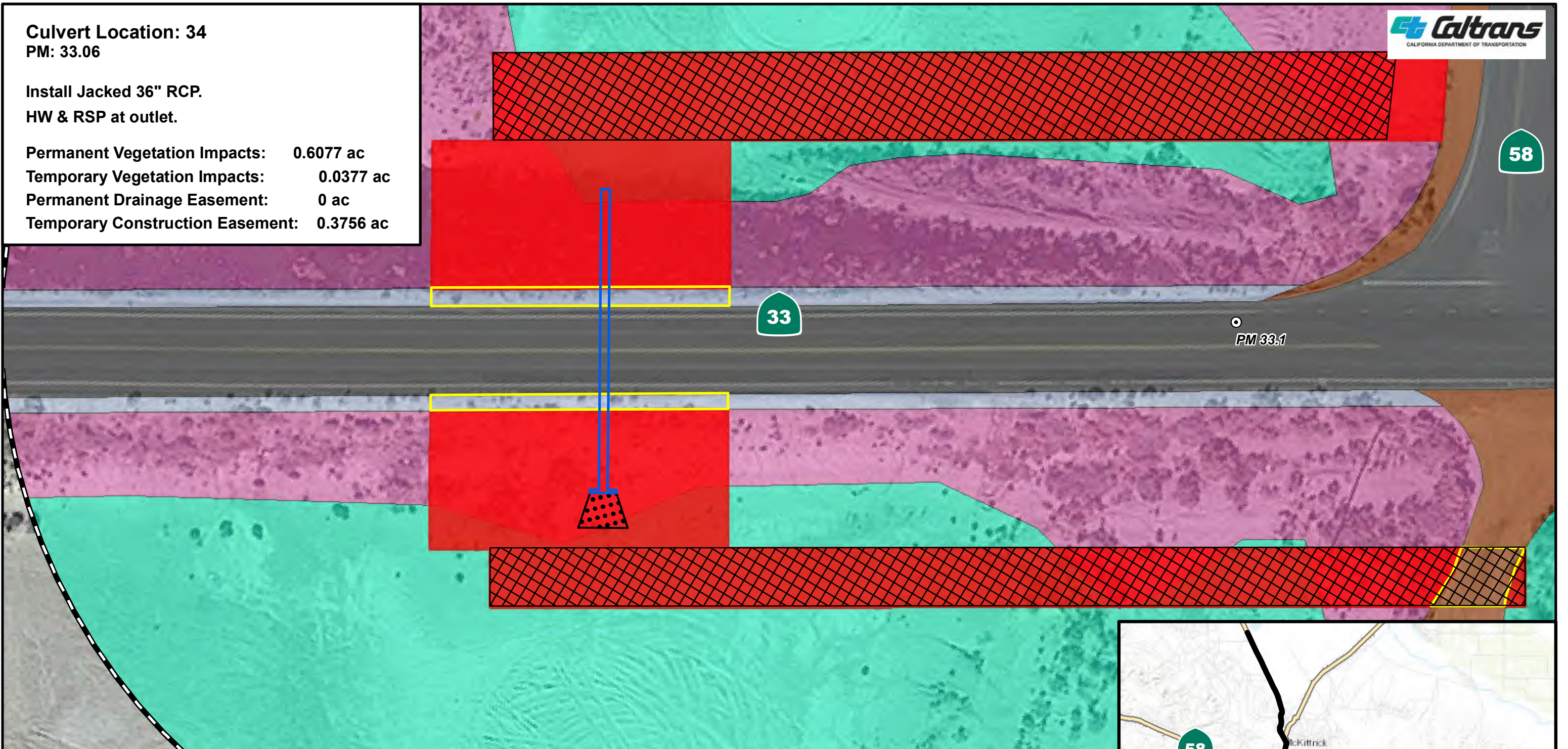
- Postmiles
- Culvert Work
- RSP
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Bush seepweed scrub
- Road
- Ruderal
- Action Area (200')



Culvert Location: 34
PM: 33.06

Install Jacked 36" RCP.
HW & RSP at outlet.

Permanent Vegetation Impacts: 0.6077 ac
Temporary Vegetation Impacts: 0.0377 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0.3756 ac

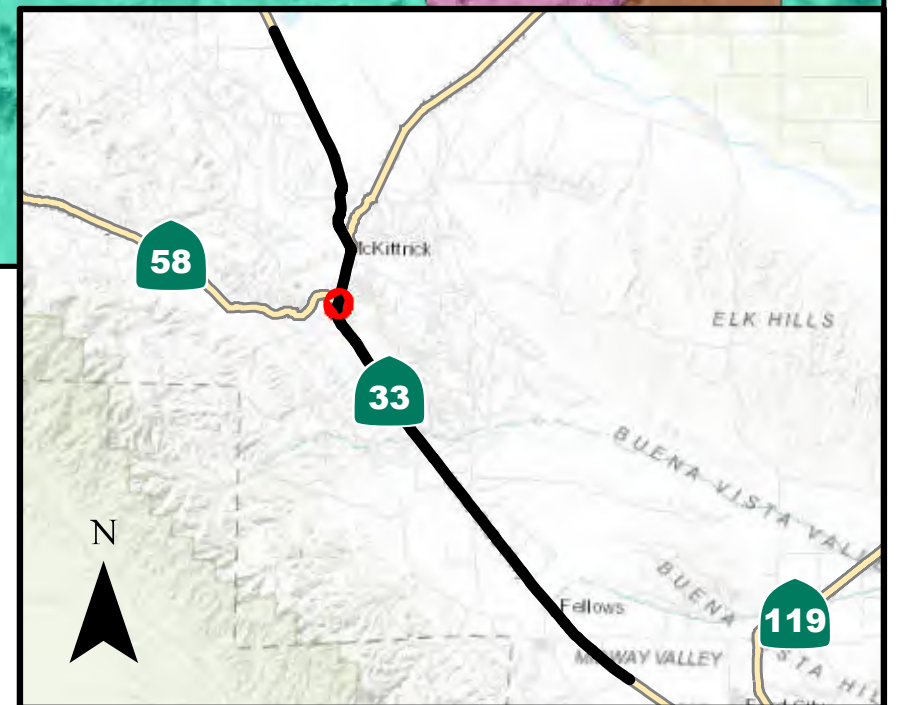
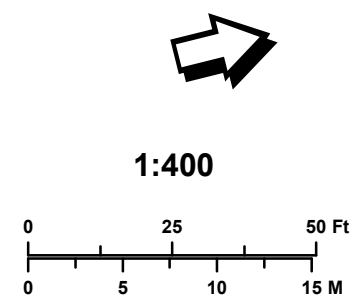


Impact Mapping

Sheet: 34 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Bush seepweed scrub |
| RSP | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |





Culvert Location: 35

PM: 34.17

Replace with 24" RCP.

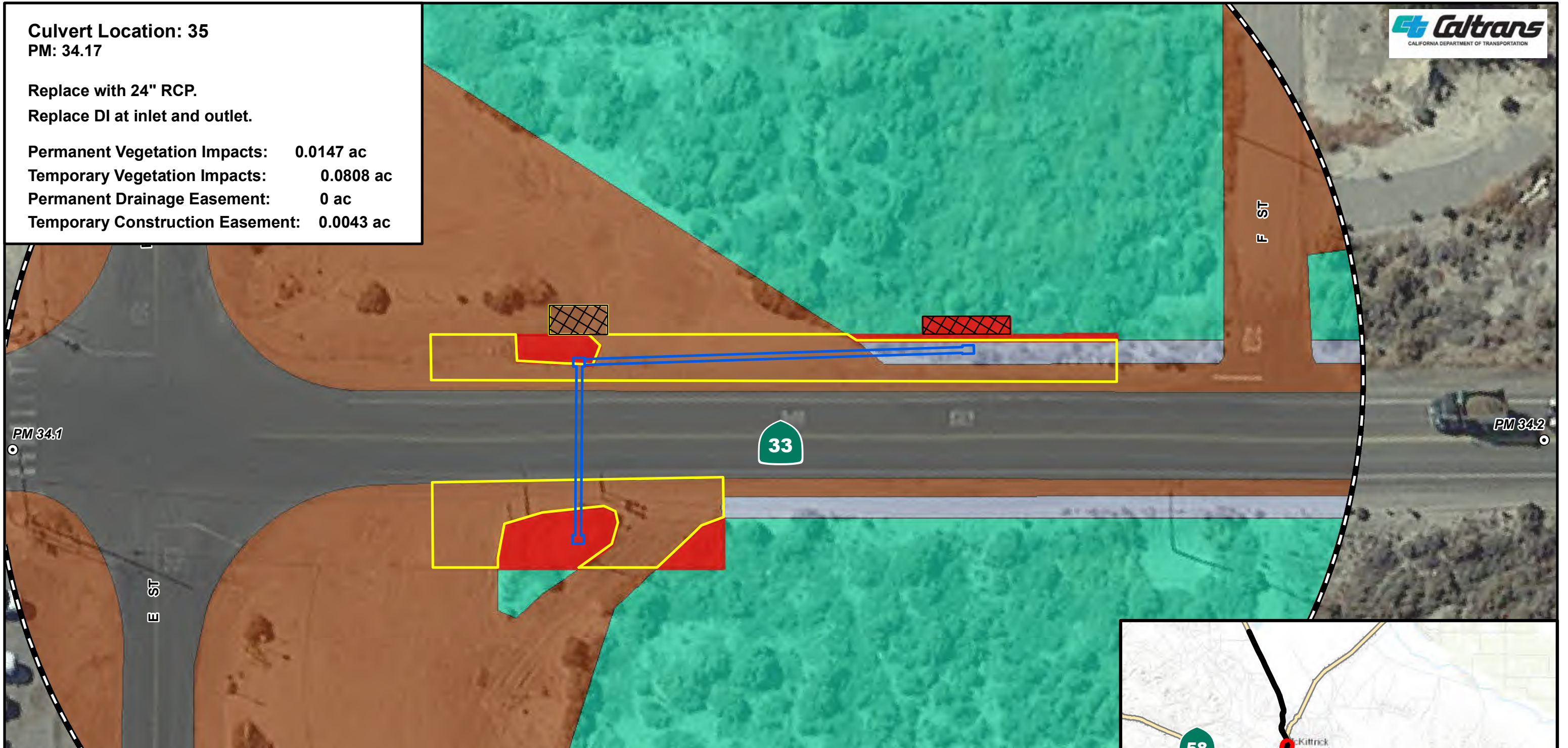
Replace DI at inlet and outlet.

Permanent Vegetation Impacts: 0.0147 ac

Temporary Vegetation Impacts: 0.0808 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.0043 ac

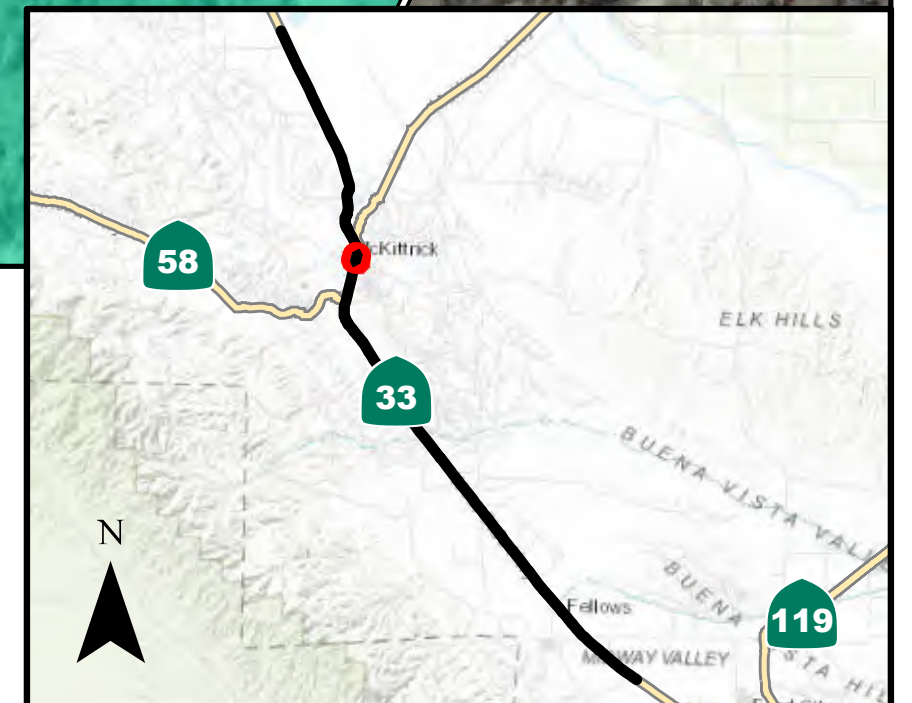
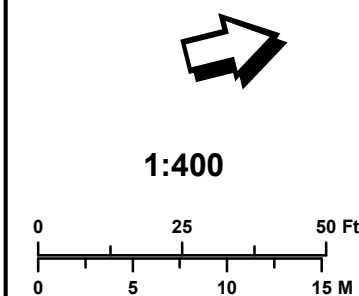


Impact Mapping

Sheet: 35 of 40

SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

- | | |
|---------------------------------|---------------------|
| Postmiles | Allscale scrub |
| Culvert Work | Disturbed/Developed |
| Temporary Construction Easement | Road |
| Permanent Veg Impacts | Ruderal |
| Temporary Veg Impacts | Action Area (200') |



Culvert Location: 36

PM: 34.17

Replace with 24" RCP.

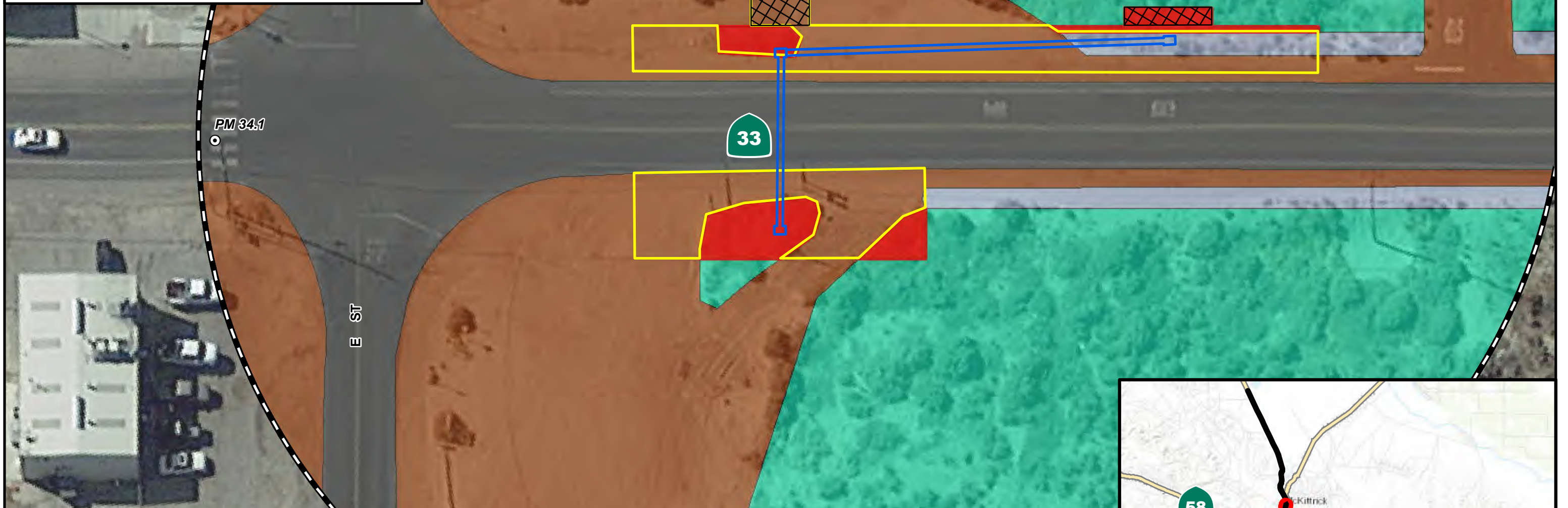
Replace DI's.

Permanent Vegetation Impacts: 0.0212 ac

Temporary Vegetation Impacts: 0.0480 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.0046 ac

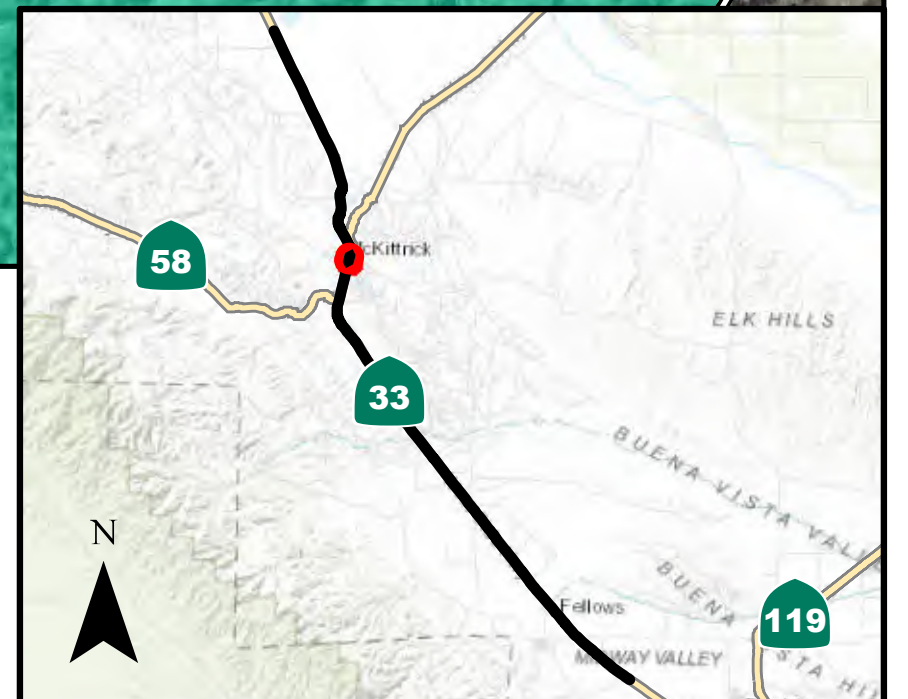
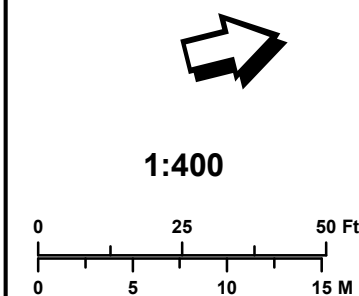


Impact Mapping

Sheet: 36 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')





Culvert Location: 37

PM: 36.37

Replace with 48" RCP.

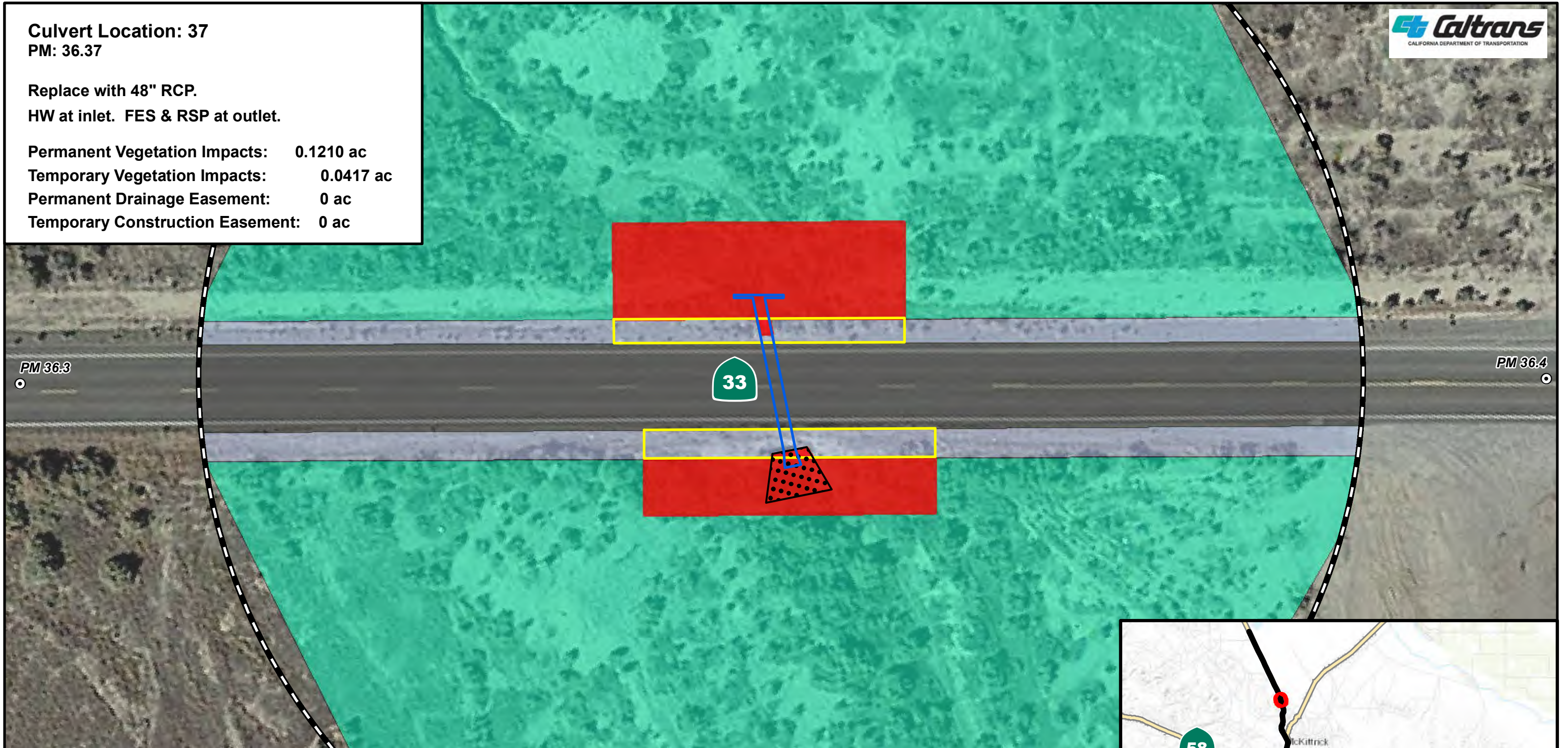
HW at inlet. FES & RSP at outlet.

Permanent Vegetation Impacts: 0.1210 ac

Temporary Vegetation Impacts: 0.0417 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0 ac

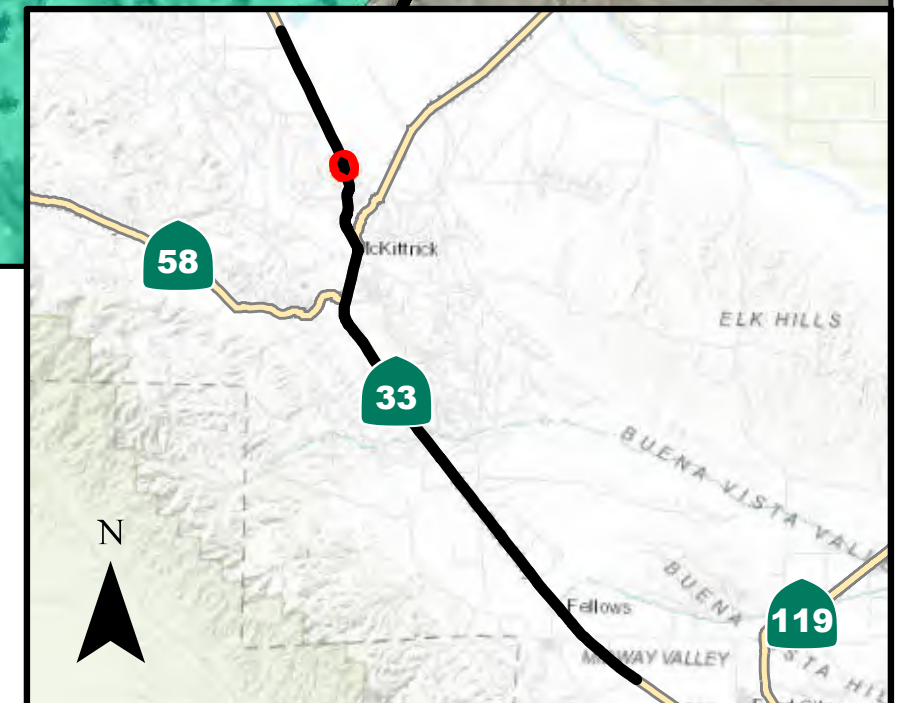
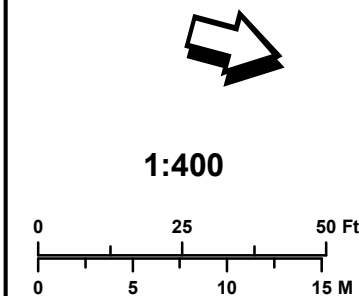


Impact Mapping

Sheet: 37 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Road
- Ruderal
- Action Area (200')





Culvert Location: 38

PM: 36.49

Replace with 24" RCP.

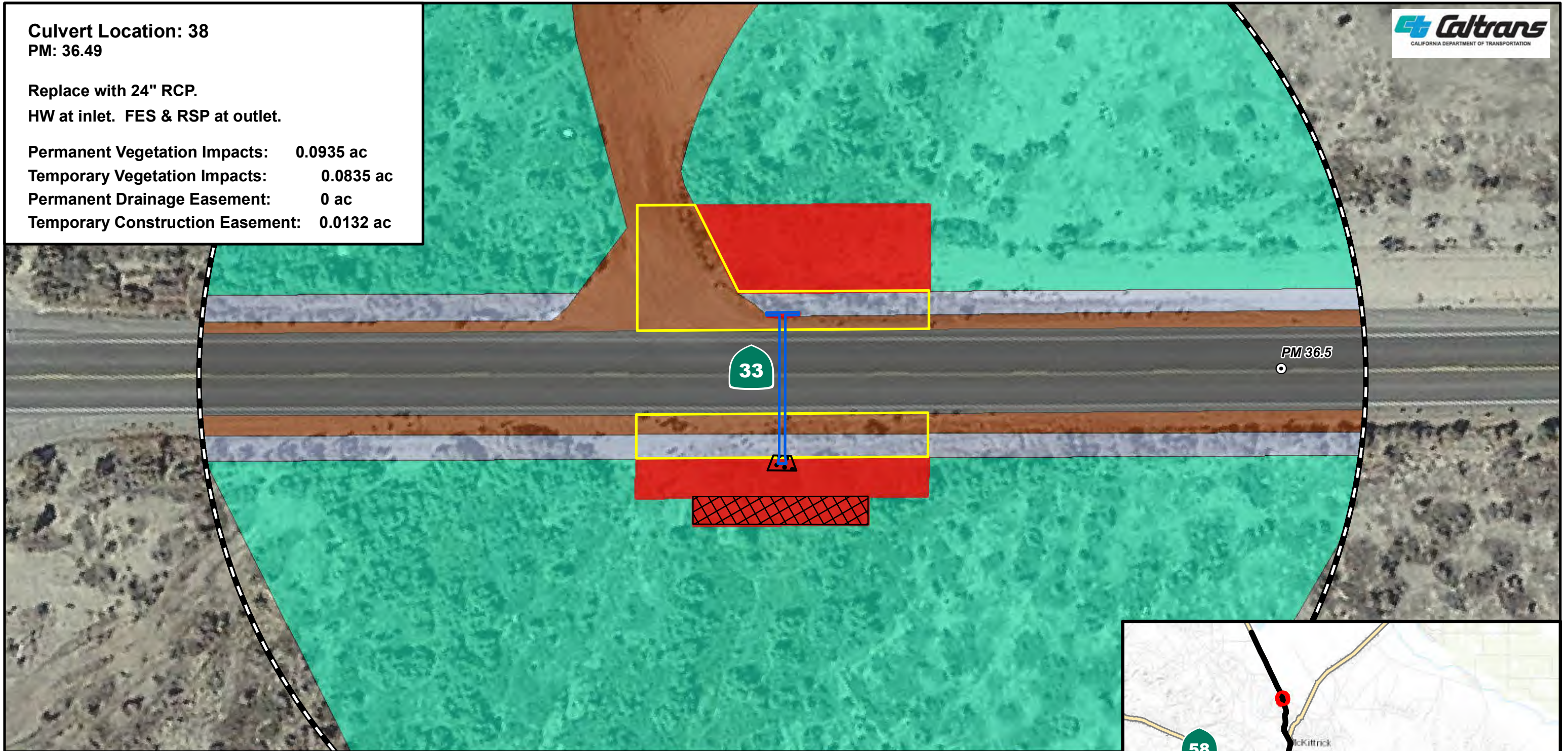
HW at inlet. FES & RSP at outlet.

Permanent Vegetation Impacts: 0.0935 ac

Temporary Vegetation Impacts: 0.0835 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0.0132 ac



PM 36.5

33

Impact Mapping

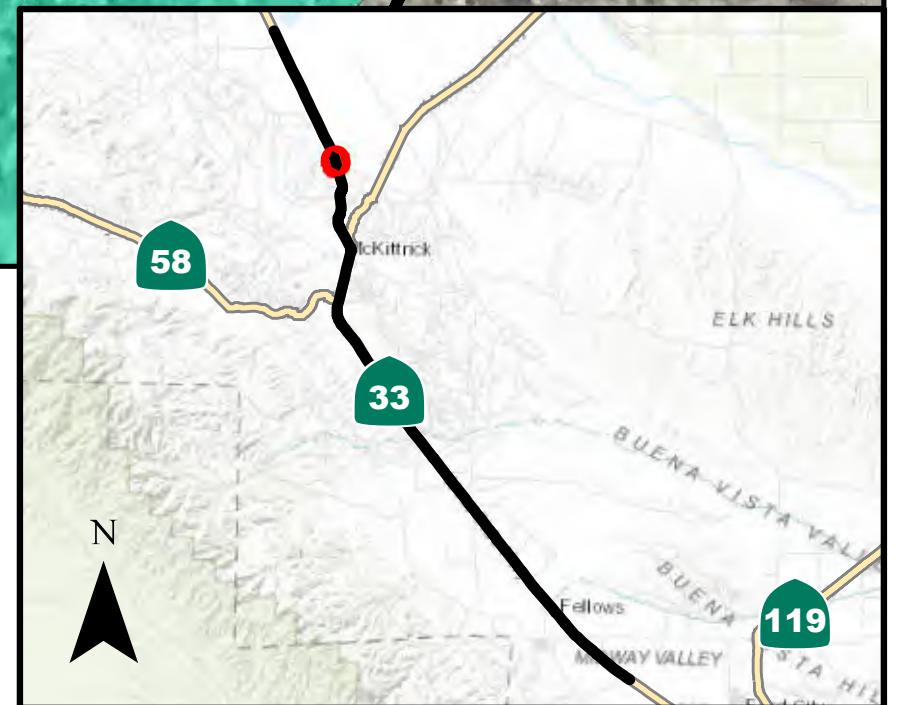
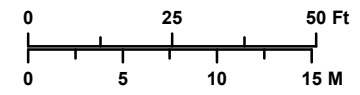
Sheet: 38 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Temporary Construction Easement
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



1:400



Culvert Location: 39

PM: 37.15

Replace with (2)-48" RCPs.

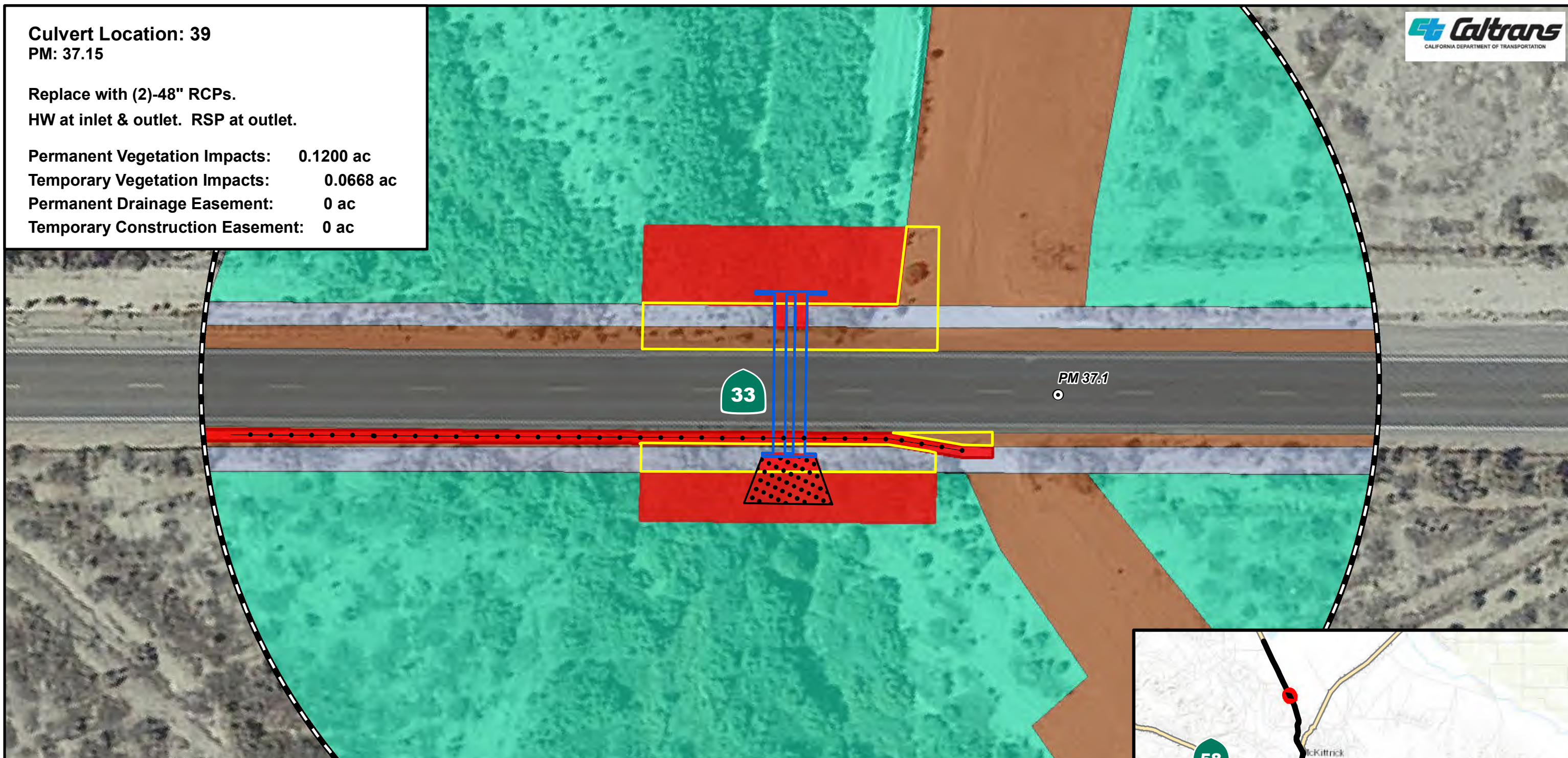
HW at inlet & outlet. RSP at outlet.

Permanent Vegetation Impacts: 0.1200 ac

Temporary Vegetation Impacts: 0.0668 ac

Permanent Drainage Easement: 0 ac

Temporary Construction Easement: 0 ac

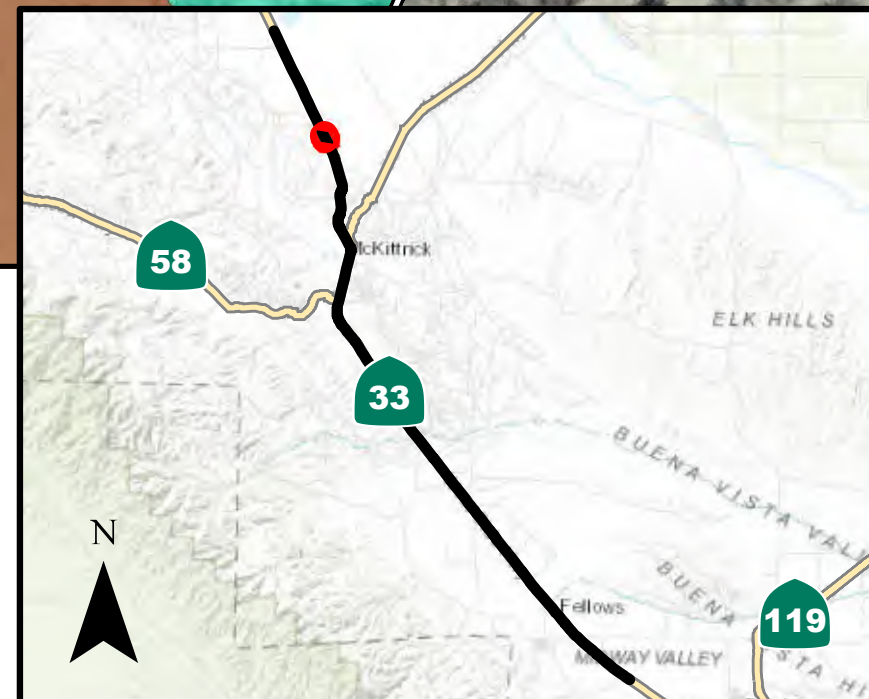
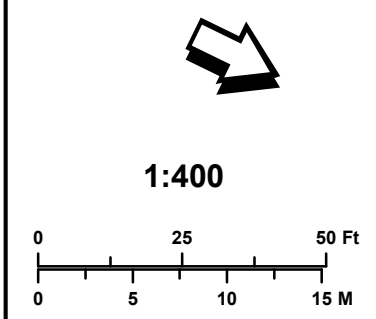


Impact Mapping

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SR 33 Culvert Rehab
 6-KER-33 PM 21.8 - 39.8
 Project EA 06-0X240
 Project ID: 06-1800-0043

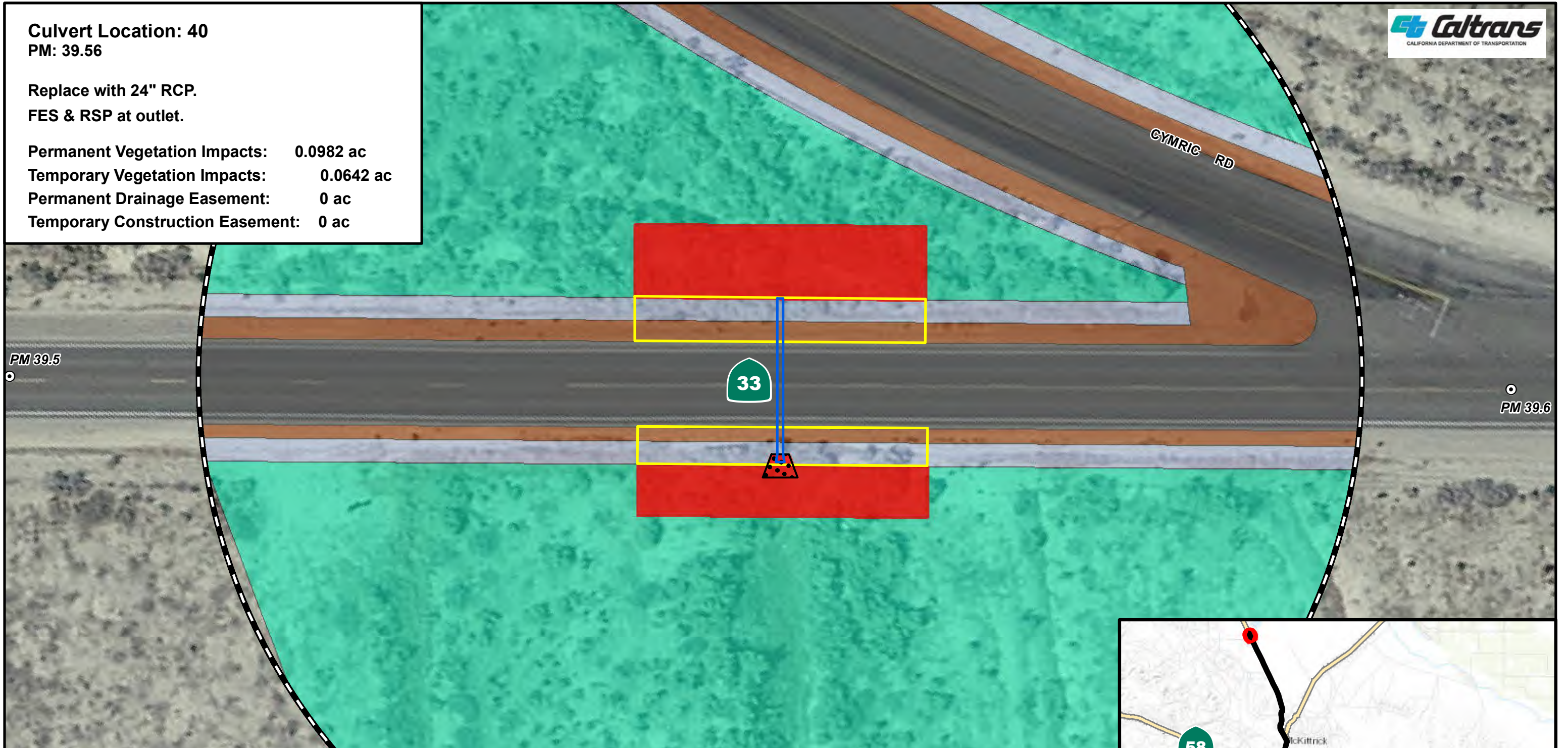
- | | |
|------------------------|---------------------|
| Postmiles | Allscale scrub |
| Guardrail | Disturbed/Developed |
| GuardRailVegControlMat | Road |
| Culvert Work | Ruderal |
| RSP | Action Area (200') |
| Permanent Veg Impacts | |
| Temporary Veg Impacts | |



Culvert Location: 40
PM: 39.56

Replace with 24" RCP.
FES & RSP at outlet.

Permanent Vegetation Impacts: 0.0982 ac
Temporary Vegetation Impacts: 0.0642 ac
Permanent Drainage Easement: 0 ac
Temporary Construction Easement: 0 ac

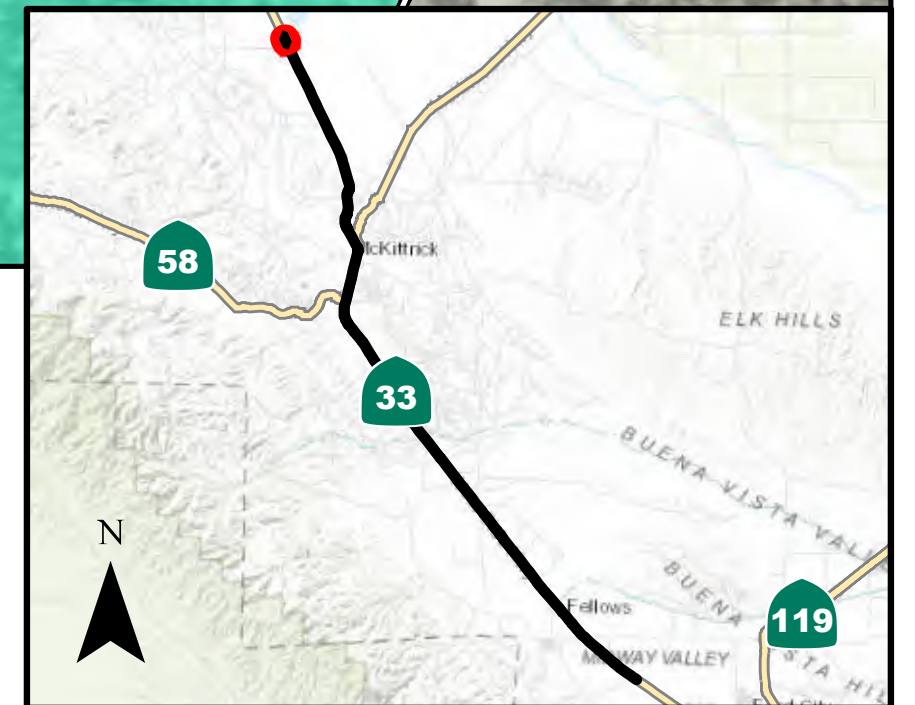
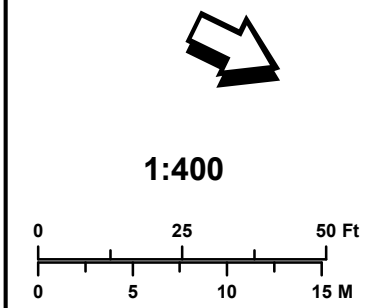


Impact Mapping

Sheet: 40 of 40

SR 33 Culvert Rehab
6-KER-33 PM 21.8 - 39.8
Project EA 06-0X240
Project ID: 06-1800-0043

- Postmiles
- Culvert Work
- RSP
- Permanent Veg Impacts
- Temporary Veg Impacts
- Allscale scrub
- Disturbed/Developed
- Road
- Ruderal
- Action Area (200')



Attachment 1

Amended Attachment 1

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

**AMENDED INCIDENTAL TAKE PERMIT NO. 2081-2024-004-04
(Amendment No. 1)**

PERMITTEE: California Department of Transportation

PROJECT: Kern 33 Culvert Rehabilitation Project (06-0X240)

PURPOSE OF THIS 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 and 2081.14 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 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: ITP Condition of Approval (COA) Source, Mitigation Measure, Implementation Schedule, and Status / Date/ Responsible Parties. The Mitigation Measure column summarizes the mitigation requirements of the Amended ITP (Amendment No. 1). The Implementation Schedule column shows the 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/ Responsible Parties 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 person(s) or roles (e.g., construction inspector) who implemented the mitigation measure.

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.1	<p><u>Designated Representative</u>. 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.</p>	<p>Before the start of Covered Activities and any time a new Designated Representative is selected</p>	
5.2	<p><u>Designated Biologist(s) and Designated Monitor(s)</u>. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitors may assist the Designated Biologists in compliance monitoring under the direct supervision of the Designated Biologists and as specified in <u>Compliance Monitoring</u> below. Based on the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised), the Designated Biologists shall have equal or greater experience than a Level II Surveyor and Designated Monitors shall have equal or greater experience than a Level I Surveyor. In addition, Permittee shall ensure that the Designated Biologists are knowledgeable in the biology and natural history of the Covered Species, and have experience with collecting and handling Covered Species, excavating small mammal burrows for the Covered Species, enforcing no-disturbance buffers, and monitoring construction activities under an ITP for the Covered Species. Permittee shall ensure that the Designated Monitors are knowledgeable and experienced in the biology and natural history of 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. Designated Biologists may be approved by CDFW for specific Covered Species. If this is the case, they will only be permitted to survey and monitor for those specific Covered Species.</p>	<p>Before the start of, and during Covered Activities as needed</p>	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.3	<p><u>Designated Biologist and Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors 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 Area and otherwise facilitate Designated Biologists and Designated Monitors in the performance of their duties. If the Designated Biologist or Designated Monitor is unable to comply with the ITP, then they 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 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 noncompliance or take or injury of a Covered Species because of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.</p>	During Covered Activities	
5.4	<p><u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species 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, or Fish and Game Code section 5050 as applicable, including legal protection, recovery efforts, penalties for violations and project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.5	<u>Construction Monitoring Documentation.</u> The Designated Biologists and Designated Monitors 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 Area upon request by CDFW.	During Covered Activities	
5.6	<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.	Before the start of, and during Covered Activities	
5.7	<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 and/or Designated Monitor. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant (other than water), surfactant, soil binders, stabilizer products, hydro-mulch, or hydroseed. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.	During Covered Activities	
5.8	<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, photodegradable mesh (erosion control matting), photodegradable mesh, or similar material, in potential Covered Species' habitat.	During Covered Activities	
5.9	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities within each discrete part of the Project Area in active construction (work area), Permittee shall clearly delineate the boundaries of the work area. The boundary of the Project Area shall be delineated with stakes, fencing, and/or flags and shall be maintained with signage until the completion of Covered Activities in that work area.	Before the start of, and during Covered Activities	
5.10	<u>Delineation of Habitat.</u> Before starting Covered Activities at any work area, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the work 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.	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.11	<p><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 on route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per <u>Staging Areas</u> below. 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 is necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before conducting such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because of the project modification.</p>	During Covered Activities	
5.12	<p><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. No parking, storage, laydown, or staging areas shall be located of potential SJAS burrows (per <u>SJAS Burrow Avoidance</u> below), BNLL burrows (per <u>BNLL Burrow Avoidance</u> below), or within the San Joaquin kit fox (SJKF) buffer areas (per <u>SJKF Den Avoidance</u> below). Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in <u>Project Access</u> above. If Permittee determines parking, storage, laydown, or staging areas 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 because of the project modification.</p>	During Covered Activities	
5.13	<p><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.</p>	During Covered Activities	
5.14	<p><u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.</p>	During Covered Activities	
5.15	<p><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.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
5.16	<p><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 <u>Education Program</u> above.</p>	During Covered Activities	
6.1	<p><u>Notification Before Commencement</u>. The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.</p>	Before the start of, and during Covered Activities	
6.2	<p><u>Notification of Non-compliance</u>. The Designated Representative, Designated Biologist, or Designated Monitor 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, Designated Biologist, or Designated Monitor 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.</p>	During Covered Activities	
6.3	<p><u>Pre-Activity Survey Report</u>. At least three days prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of burrows and dens, per <u>Pre-Activity Clearance Surveys and Reporting</u> below.</p>	Before the start of, and during Covered Activities	
6.4	<p><u>Inspection Records</u>. The Designated Biologists and Designated Monitors shall prepare written observation and inspection records for compliance monitoring as per <u>Compliance Monitoring</u> below, summarizing: (1) construction activities observed; (2) integrity of signs, stakes or protective fencing; (3) wildlife observations; (4) observations of non-compliance with any Conditions in this ITP; and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records shall be submitted <u>as a component of each Monthly Compliance Report</u>, as described below.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.5	<p>SJAS Mortality Reduction and Relocation Plan. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 30 calendar days before starting Covered Activities. Burrow excavation and relocation activities shall not proceed until the SJAS Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (identified in <u>Monthly Compliance Reports</u> below). The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential SJAS habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of SJAS; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) artificial burrow design and installation methods; (5) monitoring frequency and methods including a description of increased monitoring if implemented in place of exclusion fencing installation; (6) schedule of SJAS mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the SJAS. The SJAS Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture and handle individuals of the SJAS. Once the SJAS Covered Species 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 Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.6	<p><u>SJKF Den Replacement Plan</u>. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW’s Regional Representative identified in <u>Monthly Compliance Reports</u> below. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.7	<p><u>BNLL Mortality Reduction and Relocation Plan</u>. Permittee shall submit a BNLL Mortality Reduction and Relocation Plan to CDFW within 30 days of the effective date of this Amended ITP. Burrow excavation and relocation activities shall not continue or proceed until the BNLL Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (per <u>Monthly Compliance Report</u> below). The BNLL Mortality Reduction and Relocation Plan shall be consistent with <u>BNLL Burrow Avoidance</u>, <u>BNLL Individual Avoidance</u>, <u>BNLL Relocation</u>, <u>BNLL Relocation Weather Constraints</u>, and <u>BNLL Burrow Excavation</u> below. The BNLL Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential BNLL habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of BNLL; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) potential artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BNLL or care for at-risk torpid BNLL or BNLL eggs; (5) monitoring frequency and methods; (6) schedule of BNLL mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the BNLL. The BNLL Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture, handle, relocate, and transport individuals including eggs of the BNLL. Once the BNLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all BNLL mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved BNLL Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.8	<p><u>Compliance Monitoring</u>. The Designated Biologist shall be on-site daily when Covered Activities occur unless all of the following have occurred: SJAS burrows have been avoided or excavated (per <u>SJAS Burrow Avoidance</u> and <u>SJAS Burrow Excavation</u> below); BNLL burrows have been avoided or excavated (per <u>BNLL Burrow Excavation</u> below); any captured SJAS have been relocated (<u>SJAS Live Trapping and Relocation</u> below); any captured BNLL have been relocated (per <u>BNLL Relocation</u> below); SJKF dens have been identified and avoided per <u>SJKF Den Avoidance</u> below; unoccupied SJKF dens have been excavated (per <u>SJKF Den Excavation</u> below) and initial grading activities are complete. Thereafter, a Designated Biologist or Designated Monitor shall conduct compliance inspections at least once a week during all work activities. 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) ensure that signs, stakes, and fencing are intact; and (5) ensure that that Covered Activities are only occurring in the Project Area. Specific Designated Monitors may conduct burrow flagging, monitoring during fence installation (if used), and compliance inspections upon written approval from CDFW.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.9	<p><u>Covered Species Observations and Notification</u>. During all Covered Activities, workers shall inform a Designated Biologist if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist can relocate the Covered Species <u>SJAS Mortality Reduction and Relocation Plan</u> above, <u>Additional Measures for SJAS</u> below, <u>SJKF Den Replacement Plan</u> above, <u>Additional Measures for SJKF</u> below, <u>BNLL Mortality Reduction and Relocation Plan</u> above, and/or <u>Additional Measures for BNLL</u> below). Permittee shall notify CDFW within five business days of discovery of a Covered Species within the Project Area via electronic mail to the Regional Representative and Regional Office identified in <u>Monthly Compliance Reports</u> below.</p> <p>The Designated Biologists and Designated Monitors shall maintain a record of all Covered Species observed, captured, handled and relocated. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps), date and time of the observation, handling, or release; (2) the name of the individual(s) that identified and handled the Covered Species; (3) circumstances of the incident; (4) the general condition and health of each individual including any diagnostic markings, sex, age (juvenile or adult); and (6) ambient temperature when handled and released. Permittee shall also submit this information to CDFW’s California Natural Diversity Database (CNDDDB) as per <u>CNDDDB Observations</u> below. This information shall also be included in the Monthly Compliance Reports and Annual Status Reports.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.10	<p><u>Monthly Compliance Reports</u>. The Designated Representative or a Designated Biologist shall compile the observation and inspection records identified in the <u>Inspection Records and Covered Species Observations and Notification</u> above and documentation of night work according to <u>Lighting and Night Work</u> below, into a Monthly Compliance Report (MCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall be submitted before the 7th day of the month via electronic mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Adam Thompson (adam.thompson@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.</p>	During Covered Activities	
6.11	<p><u>Annual Status Reports</u>. 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 <u>Final Mitigation Report</u> identified below. Each ASR shall include, at a minimum: (1) a summary of all MCRs for the previous calendar year; (2) a record of the <u>Education Program</u> training sessions provided over the reporting year; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) all available information about project-related incidental take of the Covered Species; and (8) information about other project impacts on the Covered Species. ASRs shall be submitted via email to the entities identified in <u>Monthly Compliance Reports</u> above.</p>	During Covered Activities	
6.12	<p><u>CNDDB Observations</u>. The Designated Biologist shall submit all observations of Covered Species to CNDDB within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the ASR.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.13	<p><u>Final Construction Report.</u> No later than 60 days after completion of all construction activities, Permittee shall provide CDFW with a Final Construction Report, submitted via email to the entities identified in <u>Monthly Compliance Reports</u> above. The Designated Biologist shall prepare the Final Construction Report which shall include, at a minimum: (1) a summary of all MCRs and all ASRs; (2) a copy of the table in the MMRP with notes showing when and how each of the Condition of Approval 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 Project impacts of the taking on Covered Species; (7) any other pertinent information; and (8) before, during, and after photographic documentation of the project impact areas.</p>	Following completion of Covered Activities	
6.14	<p><u>Final Mitigation Report.</u> No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in <u>Monthly Compliance Reports</u> above. The Designated Biologist or Designated Representative shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of mitigation implemented; (2) a copy of the table in the MMRP for <u>Habitat Management Land Acquisition</u> through <u>Security</u> below, with notes showing when and how each of the mitigation measures were implemented; (3) an assessment of the effectiveness of this ITP's Conditions of Approval in fully mitigating Project impacts of the taking on SJAS and SJKF and conserving BNLL; (4) 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 (5) any other pertinent information.</p>	Following Covered Activities and completion of all mitigation measures	
6.15	<p><u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW through e-mail to the Regional Representative and Regional Office identified in <u>Monthly Compliance Reports</u> above. 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, name of facility that treated the individual if it was injured and treated, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office identified in <u>Monthly Compliance Reports</u> above.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.1	<u>Rodenticide Use</u> . Permittee shall prohibit the use of rodenticides in the Project area.	During Covered Activities	
7.2	<u>Lighting and Night Work</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 in the Project Area shall be turned on only when people are present. Permittee shall not install new permanent or upgrade existing lighting in the Project Area, except as otherwise identified in the Project Description. The number of nights worked shall be documented in Monthly Compliance Reports. The documentation shall include the number of nights that work occurred for the quarter that the report covers and a cumulative tabulation of the total number of nights worked since Project initiation.	During Covered Activities	
7.3	<u>Equipment and Vehicle Fueling</u> . Permittee shall ensure that all equipment and vehicle fueling, and maintenance occur at least 100 feet from any Covered Species burrows unless otherwise approved in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	During Covered Activities	
7.4	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of, or within 50 feet of Covered Species burrows, except within designated Staging Areas and in compliance with <u>Additional Measures for SJAS</u> below. Vehicles left overnight shall be located at least 50 feet from any SJAS burrows and 50 to 500 feet from SJKF dens, depending on SJKF activity (per <u>Additional Measures for SJKF</u> below).	During Covered Activities	
7.5	<u>Pipes and other Structures Entrapment Prevention</u> . Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled in the Project Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave pipes, conduit, electrical cabinets, or similar materials or structures stockpiled for one or more workday or night periods where Covered Species may enter them and become trapped.	During Covered Activities	
7.6	<u>Vehicle, Equipment, and Materials Inspection</u> . Workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. 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 day or night periods for the Covered Species before the object is subsequently moved, buried, or capped. If a Covered Species is present, the worker shall notify a Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or be moved by the Designated Biologist in accordance with <u>SJAS Mortality Reduction and Relocation Plan</u> , <u>SJKF Den Replacement Plan</u> , and/or <u>BNLL Mortality Reduction and Relocation Plan</u> above.	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.7	<p><u>Soil Stockpiles.</u> 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.</p>	During Covered Activities	
7.8	<p><u>Barriers to Covered Species Movement.</u> Except as described in the Project Description, the new roadway shall be constructed without steep curbs, berms, or dikes which prevent Covered Species from crossing the roadway. If curbs are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures as to allow Covered Species to walk over them. If steep dikes are required, design shall include over-site drains or curb/dike breaks spaced at intervals of 25 feet to allow Covered Species passage.</p>	During Covered Activities	
7.9	<p><u>Open Trenches and Excavations.</u> The Designated Biologists and Designated Monitors shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each workday for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall either have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope or shall be covered when workers or equipment are not actively working in the excavation, day or night. Escape ramps shall be at least 12 inches wide and erected every 15 feet. If a cover will be utilized, the Designated Biologist shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day or night such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If any Designated Biologists, Designated Monitors, or workers discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a Designated Biologist immediately. Designated Monitors, Project workers and the Designated Biologists shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, be moved by the Designated Biologist in accordance with <u>SJAS Mortality Reduction and Relocation Plan</u>, <u>SJKF Den Replacement Plan</u>, and/or <u>BNLL Mortality Reduction and Relocation Plan</u> above.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.10	<p><u>Covered Species Observations.</u> All workers shall inform a 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 injure or kill the animal, shall cease immediately until the Designated Biologist can relocate the Covered Species as per <u>SJAS Mortality Reduction and Relocation Plan</u>, <u>SJKF Den Replacement Plan</u>, and/or <u>BNLL Mortality Reduction and Relocation Plan</u> above.</p>	During Covered Activities	
7.11	<p><u>Pre-Activity Clearance Surveys and Reporting.</u> The Designated Biologist(s) shall perform pre-construction surveys for the Covered Species no more than 14 days prior to Covered Activities or prior to resumption of work if there has been a break in work by more than 30 days. The report shall include, but not be limited to, survey methods, date and time of the surveys, weather conditions per survey date (for SJAS surveys), name of the Designated Biologist(s) who performed the surveys, survey results, and map of the locations of each potential and known burrow or den and type of Covered Species use. Permittee shall provide the survey results to CDFW in a written report at least three days prior to the beginning of Covered Activities (per <u>Pre-Activity Survey Report</u> above).</p>	Before the start of Covered Activities	
7.11.1	<p><u>SJAS Surveys.</u> The Designated Biologist(s) shall survey the work area and 50 feet beyond the limits of the work area for individuals of the SJAS and to identify, flag and map the locations of all potential SJAS burrows. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species. Conditions considered appropriate for detection of San Joquin antelope squirrel include temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, and not under foggy or rainy conditions.</p>	Before the start of, and during Covered Activities	
7.11.2	<p><u>SJKF Surveys.</u> The Designated Biologist shall conduct surveys to identify known and/or natal SJKF dens. Surveys shall include the 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 four consecutive nights with tracking medium and infrared camera to determine the current use of the den(s) or as otherwise approved in the SJKF Den Replacement Plan.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.11.3	<p><u>BNLL Surveys</u>. The Designated Biologist(s) shall survey work areas and 50 feet beyond the limits of each Work Area (unless otherwise approved in writing by CDFW) to identify individual BNLL and to identify, flag, and map the locations of all potential BNLL burrows. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species consistent with survey methodology approved under the <u>BNLL Mortality Reduction and Relocation Plan</u>. Conditions considered appropriate for detection of BNLL include ambient temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, not under foggy or rainy conditions, and between April 15 and September 30, per the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised).</p>	Before the start of, and during Covered Activities	
7.12	<p><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 electronic mail followed by a written incident report as described in <u>Notification of Take or Injury</u> above. If Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.</p>	During Covered Activities	
7.13.1	<p><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 and adjacent to the Project Area to be disturbed by Covered Activities. If a 50-foot no-disturbance buffer cannot be established, daily monitoring, live trapping, relocation, and burrow excavation shall occur in accordance with the rest of <u>Additional Measures for SJAS</u> below. Alternatively, a buffer reduction may be requested to allow for burrow preservation where impacts can be reasonably avoided. Any buffer reduction strategy shall be identified in the <u>SJAS Mortality Reduction and Relocation Plan</u> and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.13.2	<p><u>SJAS Live Trapping and Relocation</u>. The Designated Biologist shall conduct live trapping at all potential SJAS burrows detected within each work area which cannot be avoided per <u>SJAS Burrow Avoidance</u> prior to starting ground- or vegetation-disturbing Covered Activities, according to the approved <u>SJAS Mortality Reduction and Relocation Plan</u>. SJAS shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the approved <u>SJAS Mortality Reduction and Relocation Plan</u>. Traps shall only be open during the time of day when on-site temperatures are within the 68-to-86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile of SJAS shall be released immediately at the trap location and trapping shall cease until young of the year of SJAS are observed above ground and no longer dependent on their mother.</p>	<p>Before the start of, and during Covered Activities</p>	
7.13.3	<p><u>SJAS Relocation Weather Constraints</u>. Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the SJAS (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68- and 86-degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at the release site approved in the <u>SJAS Mortality Reduction and Relocation Plan</u>.</p>	<p>Before the start of, and during Covered Activities</p>	
7.13.4	<p><u>SJAS Relocation Additional Timing Constraints</u>. If SJAS trapping and relocation occurs outside of the main activity period (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. These records may be requested to be submitted daily or weekly to CDFW in the written approval to conduct trapping and relocation outside of the main activity period (per <u>SJAS Relocation Weather Constraints</u> above). Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved excavation.</p>	<p>Before the start of, and during Covered Activities</p>	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.13.5	<p><u>SJAS Burrow Excavation</u>. Immediately following live trapping activities conducted to address burrows that cannot be avoided (per <u>SJAS Burrow Avoidance</u> above) and prior to beginning Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the project work limits, according to the approved <u>SJAS Mortality Reduction and Relocation Plan</u>. SJAS burrow excavation shall occur during the same weather conditions described in <u>SJAS Live Trapping and Relocation</u> and <u>SJAS Relocation Weather Constraints</u> above. Any SJAS encountered during burrow excavation shall be relocated according to the approved <u>SJAS Mortality Reduction and Relocation Plan</u>. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in that given work area.</p>	Before the start of, and during Covered Activities	
7.14.1	<p><u>SJKF Den Avoidance</u>. Permittee shall avoid destroying any known or potential SJKF dens unless they are in an area of direct ground disturbance (e.g., grading areas, excavation areas) or their location poses a risk of direct harm to SJKF individuals. Dens in an area 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 that 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 or exclude foxes from 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 United States Fish and Wildlife Service (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 the Project Area. An established no-disturbance buffer may be reduced once the SJKF is no longer using the area.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.14.2	<p><u>SJKF Den Replacement</u>. Permittee shall replace each known and natal SJKF den that cannot be avoided as per <u>SJKF Den Avoidance</u> above, with an artificial den. Permittee shall install one artificial SJKF den for each known den and three artificial dens for each natal den to be collapsed due to unavoidable disturbance. If there are no suitable existing dens within 300 feet of the collapsed den, Permittee shall install artificial dens within 300 feet of the collapsed den. Artificial natal dens shall be multi-chambered and have multiple entrances. If greater than 10 suitable kit fox dens are located within a 300-foot radius of the collapsed den, Permittee shall consult with CDFW about appropriate location for installation of artificial dens. Artificial den(s) shall be completed before excavation of known and natal SJKF dens can occur (per <u>SJKF Den Excavation</u> below) to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den replacement shall be completed in accordance with the CDFW-approved <u>San Joaquin Kit Fox Den Replacement Plan</u>.</p>	Before the start of, and during Covered Activities	
7.14.3	<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 <u>SJKF Den Avoidance</u> above, only after the Designated Biologist has determined that SJKF is not currently present after four 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 Project Area. If an individual SJKF does not vacate a den within the work area within a reasonable timeframe, Permittee shall consult with CDFW and the USFWS to obtain written guidance from both agencies prior to proceeding with den destruction. An established SJKF den no-disturbance buffer may be removed once the SJKF is no longer using the area.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.15.1	<p><u>BNLL Burrow Avoidance</u>. The Permittee shall notify CDFW's Regional Representative within 24 hours via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. The Designated Biologists shall establish a no-disturbance buffer of 50 feet or greater around potential burrows that could be occupied by BNLL, suspected burrows, or known burrows to be occupied by BNLL within the Project Area. If the 50-foot no-disturbance buffer cannot be implemented, potential live capture, relocation, and burrow excavation shall occur in accordance with the <u>BNLL Mortality Reduction and Relocation Plan</u> above, <u>BNLL Individual Avoidance</u> below, <u>BNLL Relocation</u> below, <u>BNLL Relocation Weather Constraints</u> below, and <u>BNLL Burrow Excavation</u> below. Alternatively, Permittee may request a buffer reduction to allow for burrow preservation where direct impacts to individual BNLL can be reasonably avoided. Any buffer reduction strategy shall be identified in the <u>BNLL Mortality Reduction and Relocation Plan</u> and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.</p>	Before the start of, and during Covered Activities	
7.15.2	<p><u>BNLL Individual Avoidance</u>. If an individual (adult or juvenile) BNLL is detected above ground within the Project Area, any Covered Activities occurring within 500 feet of the observed BNLL must temporarily cease. The BNLL shall first be allowed to leave the Project Area on its own volition and be monitored by the Designated Biologist(s). If the BNLL is unable to leave the Project Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the Designated Biologist(s) may establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e., not into the path of a paved road, etc.) or pursue the BNLL into an exit path leading away from the Project Area into suitable habitat only. The Designated Biologist(s) in either scenario shall monitor the exit of the BNLL. If a passive exit area or exit path needs to be established by the Designated Biologist(s) with passive or active exclusion (e.g., sequencing of temporary fence, boards, or flashing) the Designated Biologist(s) shall have such equipment ready to implement a non-handling exit area or exit path. If based on the Designated Biologist's assessment that the BNLL will not successfully exit the Project Area with passive or active exclusion the BNLL may be captured and relocated by the Designated Biologist(s) per <u>BNLL Mortality Reduction and Relocation Plan</u> above.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.15.3	<p><u>BNLL Relocation</u>. Prior to commencing or re-commencing Covered Activities within the Project Area, and following the methods outlined in the <u>BNLL Mortality Reduction and Relocation Plan</u> above, any above-ground BNLL detected by the Designated Biologist(s) within the Project Area that cannot be avoided as per <u>BNLL Burrow Avoidance</u> and <u>BNLL Individual Avoidance</u> above shall be live captured by the Designated Biologist(s) immediately after detection, in the event additional animals are detected after initial relocation activities. The Designated Biologist(s) shall relocate all captured BNLL immediately to the CDFW approved release site identified in <u>BNLL Mortality Reduction and Relocation Plan</u> above. The Designated Biologist(s) shall submit daily capture and release forms to CDFW for review and concurrence to continue (or not) with live capture. Daily capture forms shall include, but not be limited to: on-site shaded air temperatures measured 1 2 centimeters (cm) from above the ground and times of captures; capture details (e.g., attempts made, capture response, total duration of hold times); relocation details (e.g., behavioral response) and supporting photos and/or videos; weather conditions (e.g., wind and cloud cover) during capture and post release, etc. Permittee shall propose a final capture activity date for CDFW review and written approval. Following the CDFW-approved final day of capture activity, burrow excavation, as per <u>BNLL Burrow Excavation</u> below, may begin.</p>	Before the start of, and during Covered Activities	
7.15.4	<p><u>BNLL 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, the Designated Biologist(s) shall halt all capture of BNLL. Additionally, the Designated Biologists shall halt all capture of BNLL if the air temperature drops below 77 or exceeds 95 degrees Fahrenheit during the capture period. The Designated Biologist(s) shall cease capture activity if captured animals are found to be lethargic or are otherwise showing signs of distress.</p>	Before the start of, and during Covered Activities	
7.15.5.	<p><u>BNLL Burrow Excavation</u>. Immediately following live capture activities conducted in accordance with <u>BNLL Mortality Reduction and Relocation Plan</u> above, and prior to beginning Covered Activities within the Project Area, the Designated Biologist(s), or individuals under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Project Area to be disturbed by Covered Activities. The Designated Biologist(s) shall immediately relocate any active BNLL encountered during burrow excavation to the CDFW approved release site(s) identified in <u>BNLL Mortality Reduction and Relocation Plan</u> above. Any BNLL eggs or torpid BNLL discovered during burrow excavation shall be transported to an identified and approved care facility listed in the <u>BNLL Mortality Reduction and Relocation Plan</u> above.</p>	Before the start of, and during Covered Activities	

<p>8</p>	<p>Habitat Management Land Acquisition: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA, and Fish and Game Code section 5050 as applicable, 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.</p> <p>To meet this requirement, Permittee shall either purchase 12.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to <u>Covered Species Credits</u> below OR shall provide for both the permanent protection and management of at least 12.2 acres of Habitat Management (HM) lands pursuant to <u>HM Lands Acquisition and Protection</u> below and the calculation and deposit of the management funds pursuant to <u>Endowment Fund</u> 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 24 months of the effective date of the Amended ITP if Security is provided pursuant to <u>Security</u> below for all uncompleted obligations.</p> <p>At the time of issuance of this Amended ITP, Permittee proposes the purchase of mitigation credits at the Blackwells Corner Conservation Bank (BCCB), which is conceptually approved by CDFW and has higher quality habitat for the Covered Species than the habitat being impacted by the Project. Further, the BCCB contributes to providing essential linkage habitat for the Covered Species and may help secure important genetic connectivity for BNLL between the Antelope Plain, Lokern, and Buena Vista subpopulations within the Western Kern County Critical Recovery Area listed in the 1998 USFWS Recovery Plan (Recovery Plan).</p> <p>Conservation of the BCCB properties will contribute to multiple recovery actions for the species in the Recovery Plan. Recovery Action 1 for BNLL calls for determining appropriate habitat management and compatible land uses for BNLL. Recovery Action 3.d. for BNLL calls for protecting additional habitat for BNLL in key portions of their range. The areas of highest priority to target for protection identified in the Recovery Plan for BNLL includes natural lands between Highway 33 and the coastal ranges (southern Fresno County/northern Kern County), which is where the BCCB is located. Additionally, one of the four recommendations by the USFWS for BNLL in the latest (2020) five-year review encourages conservation and coordination between private landowners and other partners, including the USFWS. The purchase of 12.2 acres of Covered Species credits from BCCB will help to achieve Recovery Action 3.d. for</p>	<p>Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided</p>
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ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	<p>BNLL and is in line with the most recent five-year review of BNLL by providing habitat restoration, restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS. For these reasons, the purchase of 12.2 mitigation credits from BCCB along with the other requirements of this Amended ITP will satisfy the requirement of Fish and Game Code section 2081.15, subdivision (a)(2) that further measures to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) are incorporated into the Project.</p> <p>Should purchasing conservation credits at the proposed BCCB become infeasible, then Permittee shall provide an alternative 12.2 acres of HM Lands which are comparable or better in habitat quality than the Project Area, are occupied by all the Covered Species, provide regional importance to the conservation of BNLL, have connectivity to other conserved lands, and achieve one or more Recovery Actions of the Recovery Plan for BNLL. 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 24 months of the effective date of the Amended ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.</p>		

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.1	<p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <p>8.1.1. Land acquisition costs for HM lands identified in <u>Habitat Management Lands Acquisition and Protection</u> below, estimated at 1,366.20/acre for 12.2 acres: \$16,667.68. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>8.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in <u>Fee Title and Conservative Easement</u> below: \$268,600.00;</p> <p>8.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in <u>Start-up Activities</u> below, estimated at \$4,936.80; including;</p> <p>8.1.4. Interim management period funding as described in <u>Interim Management</u> below, estimated at \$55,573.32;</p> <p>8.1.5. Long-term management funding as described in <u>Endowment Fund</u> below, estimated at \$10,399.86/acre for 12.2acres: \$124,798.27. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>8.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in <u>Reimburse CDFW</u> below, estimated at \$12,000.00.</p> <p>8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor’s work \$42,000.00.</p>	<p>Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided</p>	
8.2	<p><u>Covered Species Credits.</u> If Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 12 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 24 months from the issuance of this Amended ITP if Security is provided pursuant to <u>Security</u> 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 24 months from issuance of this Amended ITP if Security is provided.</p>	<p>Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided</p>	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.3	<p><u>Habitat Management Lands Acquisition and Protection</u>. If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:</p> <p>8.3.1. 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.</p> <p>8.3.2. 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.</p>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.3 (cont.)	<p>8.3.3. 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;</p> <p>8.3.4. 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;</p> <p>8.3.5. 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.</p> <p>8.3.6. 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 (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline) (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;</p>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.3 (cont.)	<p>8.3.7. 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, and vegetation and invasive species management.</p> <p>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.</p>		

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.4	<p><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 as per <u>Land Manager</u> above. 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.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>8.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</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>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.4 (cont.)	<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> <p>8.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare 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> <p>8.4.2.1. 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.</p> <p>8.4.2.2. 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:</p> <p>8.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>8.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>8.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>8.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.4 (cont.)	<p>8.4.4. 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 the 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>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	
8.5	<p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the 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>	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	
9	<p>Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p>		
9.1	<p><u>Master Funding Agreement.</u> Security for the ITP shall be governed by the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation, dated April 18, 2024.</p>		
9.2	<p><u>Funding Memorandum.</u> Permittee has prepared and CDFW has approved, the project-specific Funding Memorandum required by the Master Funding Agreement and attached to the ITP as Attachment 3.</p>		
9.3	<p><u>Security Amount.</u> The Security shall be in the amount of \$524,576.07. This amount is based on the cost estimates identified in <u>Cost Estimates</u> above.</p>		
9.4	<p><u>Funding of the Child Expenditure Authorization (EA).</u> Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.</p>	Prior to effective date of the ITP	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9.5	Compliance with the Master Funding Agreement. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.	Before the start of, and during Covered Activities	
9.6	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 24 months from the effective date of this Amended ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.	Before starting Covered Activities, or within 24 months of the effective date of the ITP if Security is provided	

Attachment 2



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: _____

Name	Requested Role(s) ¹	Species/Resource(s)

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a “Qualified Biologist” or “Designated Biologist” with the necessary experience to survey for special status species, or a “Biological Monitor” with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



Department of Fish and Wildlife

BIOLOGIST RESUME FORM

This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).

Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.

SECTION I. NAME AND CONTACT INFORMATION

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

SECTION II. EDUCATION

College/University & Degree Type Related to Natural Resource Science:	
Other Relevant Workshops & Training:	

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions ² :	

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.³ If more space is needed, add rows to this table. Provide details in Section 5.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed <i>Provide project details in Section 5</i>	Life History Knowledge <i>Describe formal workshops & training with dates, or informal training details</i>	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities <i>This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements</i>
Insert Species or Resource 1	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:		Issued to: Expiration: Agency contact:

² List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

³ Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section details experience from the three most recent and relevant projects for each species and resource identified in Section 4. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s) ⁴ :	
Survey Type(s) ⁵ :		Construction Monitoring ⁶ :	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB ⁷ (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

⁴ Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., “lead biologist with handling authorization” or “biological monitor.”

⁵ For example, pre-construction survey or description of the protocol or guideline followed.

⁶ Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

⁷ CNDDDB is the abbreviation for California Natural Diversity Database.

**Project Name:
LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

B. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

**Project Name:
LSA Agreement/ITP Number(s):**

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Additional Information:			

C. Species or Resource:			
Project 1 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 2 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:
Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why:			
CDFW and Other Agency Email:			
Project 3 Name & Location:		Project Start & End Dates:	
LSA Agreement, ITP, or Other Agency Permit Number:		Role(s):	
Survey Type(s):		Construction Monitoring:	Days: Activities:

Project Name:
LSA Agreement/ITP Number(s):

Species Life Stages Observed & Handled, Number of Each:	Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:	
If <u>not</u> reported to CNDDDB, why: CDFW and Other Agency Email:			
Additional Information:			

Attachment 3

Exhibit B
FUNDING MEMORANDUM
06-0X240

- 1) Name of Project: KER 33 Culvert Rehab
- 2) Brief Description of the Project: see ITP application
- 3) ITP #: *not yet provided by CDFW*
- 4) Caltrans Parent Project EA: 06-0X240
- 5) Caltrans Child EA and program funding source: 06-0X241 SHOPP
- 6) Estimated costs of Mitigation (including monitoring): \$937,955
- 7) Total amount for security (combined total of estimated costs of Mitigation and Monitoring): \$937,955 at a min. to be programmed in CHILD EA

The funds for this project have been currently budgeted (but not yet allocated), for the project as described above. The funds that have been put aside in the Child EA will be only for the purpose of satisfying mitigation requirements and will not be re-allocated to another other element of the project or expended for any purpose other than completing the mitigation requirements.

Signature _____



Date: 4/18/24

Name/Title: Dena Gonzalez, Biology Senior

Instruction: This form is to be transmitted by CALTRANS to CDFW with each application for an incidental take permit under Fish and Game Code section 2081, and with each request for a Consistency Determination under Fish and Game Code section 2080.1. CALTRANS personnel who signs permit shall also sign this form.

Attachment 4

Attachment 4

Amended Incidental Take Permit No. 2081-2024-004-04
(Amendment No. 1)

1. The Authority section has been amended as follows:

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.)

CDFW also issues this Amended ITP pursuant to Fish and Game Code section 2081.15 with respect to blunt-nosed leopard lizard (*Gambelia sila*) (BNLL). Fish and Game Code section 5050 generally prohibits the take of the fully protected BNLL. However, for qualifying projects CDFW may authorize the take of fully protected species by permit pursuant to the conditions set forth in Fish and Game Code section 2081.15, subdivisions (a)-(d). Because the Project involves the implementation of a transportation project undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel, the Project is qualified pursuant to Fish and Game Code section 2081.15, subdivisions (b)(3).³

Permittee:	California Department of Transportation (Caltrans)
Principal Officer:	Dena Gonzalez <u>David Johnson</u>, Biology Branch Chief
Contact Person:	Tamra Nunes, (559) 383-5814
Mailing Address:	2015 East Shields Avenue, <u>Suite A-100</u> Fresno, California 93726

* * *

¹ 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”].)

² 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.

³ Senate Bill 147 added section 2081.15 to the Fish and Game Code to allow CDFW to authorize the take of a fully protected species in sections 3511, 4700, 5050, and 5515. Section 2081.15, subdivision (b) specifies the projects or categories of projects eligible for a take authorization permit pursuant to section 2081.15.

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

Amended ITP⁴ Background:

ITP No. 2081-2024-004-04 was originally issued on June 13, 2024. On November 25, 2024, CDFW received a request from the Permittee for a major amendment (Amendment No. 1) to the original ITP and the corresponding fee payment. The Permittee requested to amend the ITP to add the fully protected and state endangered blunt-nosed leopard lizard (BNLL) as a species covered by the ITP. The Permittee requested to add BNLL as a Covered Species to the ITP after the species was observed within the Project area during pre-activity surveys in 2024. CDFW also initiated several additional modifications to the ITP by extending the ITP expiration date and addressing minor typographical errors in the original ITP.

This Project is a transportation project being undertaken by a state agency. In addition, the Project will clearly not result in an increase in highway or street capacity for automobile or truck travel. For these reasons, the Project qualifies as an eligible project pursuant to Fish and Game Code section 2081.15, subdivision (b)(3).

Issuance of this Amended ITP will not increase the amount of take of the Covered Species as compared to the Project as originally approved, nor will the Amended ITP increase other Project impacts on the Covered Species (i.e., “impacts of taking” as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amended ITP 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 amends and reissues the ITP. This Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 4 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Major Amendment No. 1.

* * *

⁴ When this incidental take permit and attachments refer to the “ITP”, it means the “Amended ITP” unless the context dictates otherwise.

3. The Effective Date and Expiration Date of this ITP has been amended as follows:

~~This~~ The original ITP ~~is~~ was effective as of the date signed by ~~CDFW below, which was June 13, 2024.~~ This remains the effective date for the original take authorization. The Amended ITP shall be executed in the same manner and shall become effective when signed by CDFW. Unless renewed by CDFW, this Amended ITP and its authorization to take the Covered Species shall expire on **December 31, 2026**~~7~~.

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 as-a-by Condition of Approval 6.14 of this ITP.

4. The Project Description section has been amended as follows:

The Project involves replacement and rehabilitation of existing culverts at 40 locations within an 18-mile section of SR 33. Work includes vegetation clearing and grubbing (removal of roots) prior to culvert activities; replacing or adding concrete headwalls, flared end sections,

drainage inlets, and rock slope protection (RSP) pads associated with culvert replacements;[...]

* * *

Other Construction Activities

* * *

Construction equipment parking and staging areas will be in previously disturbed, unvegetated areas within the highway right-of-way. Temporary construction signs will be hammered into the ground adjacent to the paved road. Construction equipment parking and staging areas will be in previously disturbed, unvegetated areas within the highway right-of-way (ROW) or as approved in this ITP.

* * *

5. The Covered Species Subject to Take Authorization Provided by this ITP section has been amended as follows:

<u>Name</u> <u>Status</u> ⁵	<u>CESA-Protected</u>
1. San Joaquin Antelope Squirrel (<i>Ammospermophilus nelson</i>)	Threatened ⁶
2. San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>)	Threatened ⁷
<u>3. Blunt-nosed leopard lizard (<i>Gambelia sila</i>)</u>	<u>Endangered⁸ and Fully Protected⁹</u>

* * *

⁵ Under CESA, a species may be on the list of endangered species, the list of threatened species, or the list of candidate species and subject to the protections set forth in CESA. Under Fish and Game Code section 5050, certain species of reptiles are protected as “fully protected species.”

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

⁷ See *Id.*, subd. (b)(6)(E).

⁸ See *Id.*, subd. (a)(4)(B).

⁹ See Fish & G. Code § 5050.

6. Condition of Approval 2 has been amended as follows

California Environmental Quality Act (CEQA) Compliance: Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Initial Study with Mitigated Negative Declaration and Initial Study/Environmental Impact Report (SCH No. 2021090066) adopted by Caltrans on dated March 28, 2022 that Caltrans, as the lead agency, adopted on March 28, 2022, as and revalidated on April 8, 2024 and January 9, 2025. Caltrans in the lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

7. Condition of Approval 5.2 has been amended as follows:

5.2. Designated Biologist(s) and Biological-Designated Monitor(s). Permittee shall submit to CDFW, in writing, the name, qualifications, business address, and contact

information of the Designated Biologist(s) and Biological-Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitors may assist the Designated Biologists in compliance monitoring under the direct supervision of the Designated Biologists and as specified in Compliance Monitoring below. Based on the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised), the Designated Biologists shall have equal or greater experience than a Level II Surveyor and Designated Monitors shall have equal or greater experience than a Level I Surveyor. In addition, Permittee shall ensure that the Designated Biologists are knowledgeable in the biology and natural history of the Covered Species, and have experience with collecting and handling Covered Species, enforcing no-disturbance buffers, and monitoring construction activities under an ITP for the Covered Species. The Designated Biologist(s) and Biological-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 Biological-Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological-Designated Monitor(s) must be changed. Designated Biologists may be approved by CDFW for specific Covered Species. If this is the case, they will only be permitted to survey and monitor for these specific Covered Species.

8. Condition of Approval 5.4 has been amended as follows:

- 5.4.** Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species 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, or Fish and Game Code section 5050 as applicable, including legal protection, recovery efforts, penalties for violations and project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.

9. Condition of Approval 5.7 has been amended as follows:

- 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- and/or Designated Monitor. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not apply dust suppressant, surfactant, soil binders, or stabilizer products that

may be harmful to Covered Species. Permittee shall obtain written approval from CDFW before applying any dust suppressant (other than water), surfactant, soil binders, stabilizer products, hydromulch, or hydroseed. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.

10. Condition of Approval 5.12 has been amended as follows:

- 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. No parking, storage, laydown, or staging areas shall be located within ~~50-feet~~ of potential ~~San Joaquin antelope squirrel (SJAS)~~ burrows (per SJAS Burrow Avoidance below), BNLL burrows (per BNLL Burrow Avoidance below), or within the San Joaquin kit fox (SJKF) buffer areas (per SJKF Den Avoidance below) ~~unless protective measures have been implemented for Covered Species as per Additional Measures for SJAS and Additional Measures for SJKF below.~~ Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Project Access above. If Permittee determines parking, storage, laydown, or staging areas 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 because of the project modification.

11. Condition of Approval 6.4 has been amended as follows:

- 6.4. Inspection Records.** The Designated Biologists and Designated Monitors shall prepare written observation and inspection records for compliance monitoring as per Compliance Monitoring below, summarizing: (1) construction activities observed; (2) integrity of signs, stakes or fencing; (3) wildlife observations; (4) observations of non-compliance with any Conditions in this ITP; and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records shall be submitted ~~with the~~ as a component of each Monthly Compliance Reports, as described below.

12. Condition of Approval 6.5 has been amended as follows:

- 6.5. ~~San Joaquin Antelope Squirrel~~ SJAS Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 30 calendar days before starting Covered Activities. Burrow excavation and relocation activities shall not proceed until the SJAS Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (identified in QuarterlyMonthly Compliance Reports below). The SJAS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential SJAS habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of SJAS; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) artificial burrow design and installation methods; (5) monitoring frequency and methods; (6) schedule

of SJAS mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the SJAS. The SJAS Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture and handle individuals of the SJAS. Once the SJAS Covered Species 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 Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.

13. Condition of Approval 6.6 has been amended as follows:

6.6. San Joaquin Kit Fox SJKF Den Replacement Plan. Permittee shall submit a SJKF Den Replacement Plan to CDFW at least 30 calendar days before starting Covered Activities. Permittee shall replace each potential, known, and active SJKF den that cannot be avoided within the Project Area with an artificial den to compensate for the loss of important shelter used by SJKF for protection, reproduction, and escape from predators. Den excavation within the Project Area may not proceed until the SJKF Den Replacement Plan is approved, in writing, by CDFW's Regional Representative identified in Quarterly/Monthly Compliance Reports below. The SJKF Den Replacement Plan shall include, but not be limited to, a discussion and map of potential artificial den replacement locations; detailed description of the den excavation methods; and description of the replacement den dimensions (e.g., depth and width of den, width of den entrance, orientation of den entrance, number and placement of entrances to natal dens). Once the SJKF Den Replacement Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes to the SJKF Den Replacement Plan shall be submitted, in writing, to CDFW and approved by CDFW in writing prior to implementation of any proposed SJKF Den Replacement Plan modifications.

14. Condition of Approval 6.7 has been added as follows:

6.7. BNLL Mortality Reduction and Relocation Plan. Permittee shall submit a BNLL Mortality Reduction and Relocation Plan to CDFW within 30 days of the effective date of this Amended ITP. Burrow excavation and relocation activities shall not continue or proceed until the BNLL Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (per Monthly Compliance Report below). The BNLL Mortality Reduction and Relocation Plan shall be consistent with BNLL Burrow Avoidance, BNLL Individual Avoidance, BNLL Relocation, BNLL Relocation Weather Constraints, and BNLL Burrow Excavation below. The BNLL Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential BNLL habitat; (2) a detailed description of methods to be used for the surveys, burrow excavation, capture, handling, and relocation of individuals of BNLL; (3) release locations and methods (i.e., soft release, hard release, or another method); (4) potential artificial burrow design and installation methods; and identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured BNLL or care for at-risk torpid BNLL or BNLL eggs; (5) monitoring frequency and methods; (6) schedule of

BNLL mortality reduction and relocation activities; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the BNLL. The BNLL Mortality Reduction and Relocation Plan must specify that only the approved Designated Biologists are authorized to capture, handle, relocate, and transport individuals including eggs of the BNLL. Once the BNLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all BNLL mortality reduction activities for the duration of this ITP. Any proposed changes to the CDFW-approved BNLL Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications.

15. Condition of Approval 6.7 has been amended as follows:

6.7-6.8. Compliance Monitoring. The Designated Biologist shall be on-site daily when Covered Activities occur unless all of the following have occurred: SJAS burrows have been avoided or excavated (per SJAS Burrow Avoidance and SJAS Burrow Excavation below); BNLL burrows have been avoided or excavated (per BNLL Burrow Excavation below); any captured SJAS have been relocated (SJAS Live Trapping and Relocation below); any captured BNLL have been relocated (per BNLL Relocation below); SJKF dens have been identified and avoided (per SJKF Den Avoidance below); unoccupied SJKF dens have been excavated (per SJKF Den Excavation below); and initial grading activities are complete. Thereafter, a Designated Biologist or Designated Monitor shall conduct compliance inspections at least once a week during all work activities. 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) ensure that signs, stakes, and fencing are intact; and (5) ensure that that Covered Activities are only occurring in the Project Area. Specific Designated Monitors may conduct burrow flagging, monitoring during fence installation (if used), and compliance inspections upon written approval from CDFW.

16. Condition of Approval 6.8 has been amended as follows:

6.8-6.9. Covered Species Observations and Notification. During all Covered Activities, workers shall inform a Designated Biologist if an individual of the Covered Species is observed at the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until the Covered Species moves from the Project Area of its own accord or until the Designated Biologist can relocate the Covered Species following the CDFW-approved San Joaquin Antelope Squirrel(per SJAS Mortality Reduction and Relocation Plan. If above, Additional Measures for SJAS below, SJKF-is observedDen Replacement Plan above, Additional Measures for SJKF below, BNLL Mortality Reduction and does not vacate the area of its own accord within a reasonable timeframe, or cannot vacate the area, CDFW shall be contacted,Relocation Plan above, and Permittee shall get written concurrence prior to proceeding with relocation and/or rescue of the SJKF- and/or Additional Measures for BNLL below). Permittee shall notify CDFW no more than within five business days after discovery of a Covered Species within the Project Area via electronic mail to the Regional Representative and Regional Office identified in Quarterly Monthly Compliance Reports below.

The Designated Biologists and Designated Monitors shall maintain a record of all Covered Species observed, captured, handled and relocated. This information shall include for each animal: (1) the locations (Global Positioning System (GPS) coordinates and maps), date and time of the observation, handling, or release; (2) the name of the individual(s) that identified and handled the Covered Species; (3) circumstances of the incident; (4) the general condition and health of each individual including any diagnostic markings, sex, age (juvenile or adult); and (6) ambient temperature when handled and released. Permittee shall also submit this information to CDFW's California Natural Diversity Database (CNDDDB) as per CNDDDB Observations below. This information shall also be included in the Quarterly Monthly Compliance Reports and Annual Status Reports.

17. Condition of Approval 6.9 has been amended as follows:

~~6.9~~ 6.10. Quarterly Monthly Compliance Report. The Designated Representative or a Designated Biologist shall compile the observation and inspection records identified in the Inspection Records and Covered Species Observations and Notification above and documentation of night work according to Lighting and Night Work below, into a Quarterly Monthly Compliance Report (QCR MCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCRs MCRs shall be submitted before the 15th 7th day of the month that it is due via electronic mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Adam Thompson (adam.thompson@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the 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.

18. Condition of Approval 6.10 has been amended as follows:

~~6.10~~ 6.11. Annual Status Reports. 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 QCRs MCRs for the previous calendar year ; (2) a record of the Education Program training sessions provided over the reporting year; (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) all available information about project-related incidental take of the Covered Species; and (8) information about other project impacts on the Covered

Species. ASRs shall be submitted via email to the entities identified in Quarterly Monthly Compliance Reports above.

19. Condition of Approval 6.11 has been renumbered to 6.12.

20. Condition of Approval 6.12 has been amended as follows:

6.12-6.13. Final Mitigation Construction Report. No later than 60 days after completion of all ~~construction activities~~mitigation measures, Permittee shall provide CDFW with a Final Mitigation Construction Report, submitted via email to the entities identified in Quarterly Monthly Compliance Reports above. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs MCRs and all ASRs; (2) a copy of the table in the MMRP with notes showing when and how each of the ~~mitigation measures was~~ Conditions of Approval were 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;~~ (87) any other pertinent information; and (98) before, during, and after photographic documentation of the project impact areas.

21. Condition of Approval 6.14 has been added as follows:

6.14. Final Mitigation Report. No later than 60 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in Monthly Compliance Reports above. The Designated Biologist or Designated Representative shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of mitigation implemented; (2) a copy of the table in the MMRP for Habitat Management Land Acquisition through Security below, with notes showing when and how each of the mitigation measures were implemented; (3) an assessment of the effectiveness of this ITP's Conditions of Approval in fully mitigating Project impacts of the taking on SJAS and SJKF and conserving BNLL; (4) 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 (5) any other pertinent information.

22. Condition of Approval 6.13 has been amended as follows:

6.13-6.15. 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 through e-mail to the Regional Representative and Regional Office identified in Quarterly Monthly Compliance Reports above. 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, name of facility that treated the individual if it was injured and treated, and any other pertinent information. The written report shall be submitted via e-mail to the Regional Representative and Regional Office identified in Quarterly-Monthly Compliance Reports above.

23. Condition of Approval 7.2 has been amended as follows:

- 7.2. Lighting and Night Work. 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 in the Project Area shall be turned on only when people are present. Permittee shall not install new permanent or upgrade existing lighting in the Project Area, except as otherwise identified in the Project Description. The number of nights worked shall be documented in Quarterly Monthly Compliance Reports. The documentation shall include the number of nights that work occurred for the quarter that the report covers and a cumulative tabulation of the total number of nights worked since Project initiation

24. Condition of Approval 7.4 has been amended as follows:

- 7.4. Vehicle Parking. Permittee shall not allow vehicles to park on top of, or within 50 feet of Covered Species burrows, except within designated Staging Areas and in compliance with Additional Measures for SJAS and Additional Measures for BNLL below. Vehicles left overnight shall be located at least 50 feet from any SJAS burrows and 50 to 500 feet from SJKF dens, depending on SJKF activity (per Additional Measures for SJKF below).

25. Condition of Approval 7.6 has been amended as follows:

- 7.6. Vehicle, Equipment, and Materials Inspection. Workers shall inspect under vehicles and equipment for Covered Species before the vehicles and equipment are moved. 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 day or night periods for the Covered Species before the object is subsequently moved, buried, or capped. If a Covered Species is present, the worker shall notify a Designated Biologist and wait for the Covered Species to move unimpeded to a safe location or be moved by the Designated Biologist in accordance with SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above, as otherwise directed per Covered Species Observations and Notification, above

26. Condition of Approval 7.9 has been amended as follows:

- 7.9 Open Trenches and Excavations. The Designated Biologists and Designated Monitors shall inspect all open holes, sumps, and trenches within the Project Area at the beginning, middle, and end of each workday for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches,

holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall either have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope or shall be covered when workers or equipment are not actively working in the excavation, day or night. Escape ramps shall be at least 12 inches wide and erected every 15 feet. If a cover will be utilized, the Designated Biologist shall oversee the covering of all excavated, trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day or night such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of the excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. Worker(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are backfilled. If any Designated Biologists, Designated Monitors, or workers discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a Designated Biologist immediately. Designated Monitors, Project workers and the Designated Biologists shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or a Designated Biologist shall capture and relocate the Covered Species as per SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above. ~~or as otherwise directed per Covered Species Observations and Notification, above.~~

27. Condition of Approval 7.10 has been added as follows:

7.10. Covered Species Observations. All workers shall inform a 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 injure or kill the animal, shall cease immediately until the Designated Biologist can relocate the Covered Species as per SJAS Mortality Reduction and Relocation Plan, SJKF Den Replacement Plan, and/or BNLL Mortality Reduction and Relocation Plan above.

28. Condition of Approval 7.10 has been renumbered to 7.11.

29. Condition of Approval 7.11.3 has been added as follows:

7.11.3. BNLL Surveys. The Designated Biologist(s) shall survey Work Areas and 50 feet beyond the limits of each Work Area (unless otherwise approved in writing by CDFW) to identify individual BNLL and to identify, flag, and map the locations of all potential BNLL burrows. Pre-activity surveys shall be conducted under appropriate conditions to detect Covered Species consistent with survey methodology approved under the BNLL Mortality Reduction and Relocation Plan. Conditions considered appropriate for detection of BNLL include ambient temperatures between 68- and 86-degrees Fahrenheit, no more than 80 percent cloud cover, not under foggy or rainy conditions, and between April 15 and September 30, per the Approved Survey Methodology for the Blunt-Nosed Leopard Lizard October 2019 (Revised).

30. Condition of Approval 7.11 has been amended as follows:

7.11.7.12. 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 electronic mail followed by a written incident report as described in Notification of Take or Injury above. ~~Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was treated.~~ If Covered Species is found deceased, the Designated Biologist shall immediately collect, bag, and freeze the carcass and consult with CDFW to determine if submittal of the carcass to a laboratory is warranted.

31. Condition of Approval 7.12 has been amended as follows:

7.12.7.13. Additional Measures for SJAS:

~~7.12.4.7.13.1.~~ 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 and adjacent to the Project Area to be disturbed by Covered Activities. If a 50-foot no-disturbance buffer cannot be established, daily monitoring, live trapping, relocation, and burrow excavation shall occur in accordance with the rest of Additional Measures for SJAS below. Alternatively, a buffer reduction may be requested to allow for burrow preservation where impacts can be reasonably avoided. Any buffer reduction strategy shall be identified in the ~~San Joaquin Antelope Squirrel~~ SJAS Mortality Reduction and Relocation Plan and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.

~~7.12.27.13.2.~~ SJAS Live Trapping and Relocation. The Designated Biologist shall conduct live trapping at all potential SJAS burrows detected within each work area which cannot be avoided per SJAS Burrow Avoidance prior to starting ground- or vegetation-disturbing Covered Activities in that work area, according to the approved ~~San Joaquin Antelope Squirrel~~ SJAS Mortality Reduction and Relocation Plan. SJAS shall be relocated only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW. The Designated Biologist shall relocate any captured SJAS to a release site identified in the approved ~~San Joaquin Antelope Squirrel~~ SJAS Mortality Reduction and Relocation Plan. Traps shall only be open during the time of day when on-site temperatures are within the 68-to-86-degree Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four hours. Any captured lactating/nursing female or dependent juvenile of SJAS shall be released immediately at the trap location and trapping shall cease until young of the year of SJAS are observed above ground and no longer dependent on their mother.

~~7.12.3.~~7.13.3. SJAS Relocation Weather Constraints. Permittee may submit a written request for approval to conduct trapping and relocation outside of the main activity period for the SJAS (October 1 to March 31). The written request shall include reference to the seven-day forecast predicted by the National Weather Service demonstrating daytime high temperatures (sunrise to sunset) between 68- and 86-degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 30 percent or greater chance of precipitation). In addition, the written request shall include evidence that young of the year of SJAS (if prior to April 1) and/or adults (if after September 30) are present above ground at the release site approved in the ~~San Joaquin Antelope Squirrel~~SJAS Mortality Reduction and Relocation Plan.

~~7.12.4.~~7.13.4. SJAS Relocation Additional Timing Constraints. If SJAS trapping and relocation occurs outside of the main activity period (October 1 to March 31), a Designated Biologist shall prepare daily trapping records that shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. These records may be requested to be submitted daily or weekly to CDFW in the written approval to conduct trapping and relocation outside of the main activity period (per SJAS Relocation Weather Constraints above). Burrow excavation shall occur after the final trapping and only after CDFW has reviewed the final daily trapping records and approved excavation.

~~7.12.5.~~7.13.5. SJAS Burrow Excavation. Immediately following live trapping activities conducted to address burrows that cannot be avoided (per SJAS Burrow Avoidance above) and prior to beginning Covered Activities within the Project Area, the Designated Biologist, or an approved Designated Monitor under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the project work limits, according to the approved ~~San Joaquin Antelope Squirrel~~SJAS Mortality Reduction and Relocation Plan. SJAS burrow excavation shall occur during the same weather conditions described in SJAS Live Trapping and Relocation and SJAS Relocation Weather Constraints above. Any SJAS encountered during burrow excavation shall be relocated according to the approved ~~San Joaquin Antelope Squirrel~~SJAS Mortality Reduction and Relocation Plan. All burrow excavation shall be completed within 72 hours of the conclusion of live trapping in that given work area.

32. Condition of Approval 7.13 has been renumbered to 7.14.

33. Condition of Approval 7.15 has been added as follows:

7.15. Additional Measures for BNLL:

7.15.1. BNLL Burrow Avoidance. The Permittee shall notify CDFW's Regional Representative within 24 hours via telephone or e-mail if any BNLL are discovered within or immediately adjacent to the Project Area. The Designated Biologists shall establish a no-disturbance buffer of 50 feet or greater around

potential burrows that could be occupied by BNLL, suspected burrows or known burrows to be occupied by BNLL within the Project Area. If the 50-foot no-disturbance buffer cannot be implemented, potential live capture, relocation, and burrow excavation shall occur in accordance with the BNLL Mortality Reduction and Relocation Plan above, BNLL Individual Avoidance below, BNLL Relocation below, BNLL Relocation Weather Constraints below, and BNLL Burrow Excavation below. Alternatively, Permittee may request a buffer reduction to allow for burrow preservation where direct impacts to individual BNLL can be reasonably avoided. Any buffer reduction strategy shall be identified in the BNLL Mortality Reduction and Relocation Plan and shall include the review and written approval of CDFW prior to the implementation of a reduced buffer.

7.15.2. BNLL Individual Avoidance. If an individual (adult or juvenile) BNLL is detected above ground within the Project Area, any Covered Activities occurring within 500 feet of the observed BNLL must temporarily cease. The BNLL shall first be allowed to leave the Project Area on its own volition and be monitored by the Designated Biologist(s). If the BNLL is unable to leave the Project Area on its own volition due to Project related obstructions (e.g., fencing, vehicles, Project materials, etc.), the Designated Biologist(s) may establish an area for a passive exit leading/oriented away from the Project Area into suitable habitat only (i.e., not into the path of a paved road, etc.) or pursue the BNLL into an exit path leading away from the Project Area into suitable habitat only. The Designated Biologist(s) in either scenario shall monitor the exit of the BNLL. If a passive exit area or exit path needs to be established by the Designated Biologist(s) with passive or active exclusion (e.g., sequencing of temporary fence, boards, or flashing) the Designated Biologist(s) shall have such equipment ready to implement a non-handling exit area or exit path. If based on the Designated Biologist's assessment that the BNLL will not successfully exit the Project Area with passive or active exclusion the BNLL may be captured and relocated by the Designated Biologist(s) per BNLL Mortality Reduction and Relocation Plan above.

7.15.3. BNLL Relocation. Prior to commencing or re-commencing Covered Activities within the Project Area, and following the methods outlined in the BNLL Mortality Reduction and Relocation Plan above, any above-ground BNLL detected by the Designated Biologist(s) within the Project Area that cannot be avoided as per BNLL Burrow Avoidance and BNLL Individual Avoidance above shall be live captured by the Designated Biologist(s) immediately after detection, in the event additional animals are detected after initial relocation activities. The Designated Biologist(s) shall relocate all captured BNLL immediately to the CDFW approved release site identified in BNLL Mortality Reduction and Relocation Plan above. The Designated Biologist(s) shall submit daily capture and release forms to CDFW for review and concurrence to continue (or not) with live capture. Daily capture forms shall include, but not be limited to: on-site shaded air temperatures measured 1 2 centimeters (cm) from above the ground and times of captures; capture details (e.g., attempts made, capture response, total duration of hold times); relocation details (e.g., behavioral response) and supporting photos and/or videos; weather conditions

(e.g., wind and cloud cover) during capture and post release, etc. Permittee shall propose a final capture activity date for CDFW review and written approval. Following the CDFW-approved final day of capture activity, burrow excavation, as per BNLL Burrow Excavation below, may begin.

7.15.4. BNLL 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, the Designated Biologist(s) shall halt all capture of BNLL. Additionally, the Designated Biologists shall halt all capture of BNLL if the air temperature drops below 77 or exceeds 95 degrees Fahrenheit during the capture period. The Designated Biologist(s) shall cease capture activity if captured animals are found to be lethargic or are otherwise showing signs of distress.

7.15.5. BNLL Burrow Excavation. Immediately following live capture activities conducted in accordance with BNLL Mortality Reduction and Relocation Plan above, and prior to beginning Covered Activities within the Project Area, the Designated Biologist(s), or individuals under the direct supervision of the Designated Biologist(s), shall fully excavate by hand all burrows potentially occupied by BNLL within each fenced Project Area to be disturbed by Covered Activities. The Designated Biologist(s) shall immediately relocate any active BNLL encountered during burrow excavation to the CDFW approved release site(s) identified in BNLL Mortality Reduction and Relocation Plan above. Any BNLL eggs or torpid BNLL discovered during burrow excavation shall be transported to an identified and approved care facility listed in the BNLL Mortality Reduction and Relocation Plan above.

34. Condition of Approval 8 has been amended as follows:

8. Habitat Management Land Acquisition ~~and Restoration~~: CDFW has determined that permanent protection and perpetual management of compensatory habitat ~~and on-site habitat restoration~~ is necessary and required pursuant to CESA, and Fish and Game Code section 5050 as applicable, 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 shall either purchase 12.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Covered Species Credits below OR shall provide for both the permanent protection and management of at least 12.2 acres of Habitat Management (HM) lands pursuant to HM Lands Acquisition and Protection below and the calculation and deposit of the management funds pursuant to Endowment Fund 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 24 months of the effective date of this Amended ITP if Security is provided pursuant to Security below for all uncompleted obligations.

At the time of issuance of this Amended ITP, Permittee proposes the purchase of mitigation credits at the Blackwells Corner Conservation Bank (BCCB), which is conceptually approved by CDFW and has higher quality habitat for the Covered Species than the habitat being impacted by the Project. Further, the BCCB contributes to providing essential linkage habitat for the Covered Species and may help secure important genetic connectivity for BNLL between the Antelope Plain, Lokern, and Buena Vista subpopulations within the Western Kern County Critical Recovery Area listed in the 1998 USFWS Recovery Plan (Recovery Plan).

Conservation of the BCCB properties will contribute to multiple recovery actions for the species in the Recovery Plan. Recovery Action 1 for BNLL calls for determining appropriate habitat management and compatible land uses for BNLL. Recovery Action 3.d. for BNLL calls for protecting additional habitat for BNLL in key portions of their range. The areas of highest priority to target for protection identified in the Recovery Plan for BNLL includes natural lands between Highway 33 and the coastal ranges (southern Fresno County/northern Kern County), which is where the BCCB is located. Additionally, one of the four recommendations by the USFWS for BNLL in the latest (2020) five-year review encourages conservation and coordination between private landowners and other partners, including the USFWS. The purchase of 12.2 mitigation credits from BCCB will help to achieve Recovery Action 3.d. for BNLL and is in line with the most recent five-year review of BNLL by providing habitat restoration, restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS. For these reasons, the purchase of 12.2 mitigation credits from BCCB along with the other requirements of this Amended ITP will satisfy the requirement of Fish and Game Code section 2081.15, subdivision (a)(2) that further measures to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) are incorporated into the Project.

Should purchasing conservation credits at the proposed BCCB become infeasible, then Permittee shall provide an alternative 12.2 acres of HM Lands which are comparable or better in habitat quality than the Project Area, are occupied by all the Covered Species, provide regional importance to the conservation of BNLL, have connectivity to other conserved lands, and achieve one or more Recovery Actions of the Recovery Plan for BNLL. 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 24 months of the effective date of this Amended ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

8.1 Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands, ~~and restoration of temporarily disturbed habitat~~ as follows:

* * *

8.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands, ~~and restoration of~~

~~temporarily disturbed habitat~~. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$42,000.00**.

35. Condition of Approval 8.2 has been amended as follows:

8.2 Covered Species Credits. If ~~the~~ Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 12.2 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than ~~18~~ 24 months from the issuance of this Amended ITP if Security is provided pursuant to Security 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~~ 24 months from issuance of this Amended ITP if Security is provided.

36. Condition of Approval 9.6 has been amended as follows:

9.6. 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 24 months from the effective date of this Amended ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

37. The Amendment section has been amended as follows:

With respect to the Covered Species listed under CESA, ~~this~~ ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. With respect to the fully protected Covered Species, this ITP may be amended as provided by Fish and Game Code section 2081.15, subdivisions (a)(3) and (d), and other applicable law. This ITP may also 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.

38. The Stop-Work Order section has been amended as follows:

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, or species designated as fully protected by the Fish and

Game Code, 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 Biologists, Designated Monitors, nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

39. The Compliance with the California Environmental Quality Act section has been amended as follows:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Kern 33 Culvert Rehabilitation Initial Study with Mitigated Negative Declaration and Initial Study (SCH No. 2021090066) dated March ~~28~~, 2022, that Caltrans, as the lead agency, adopted on March 28, 2022, and revalidated on April 8, 2024 and January 9, 2025. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project. It also adopted various mitigation measures for the Covered Species as conditions of Project approval.

* * *

40. The Findings Pursuant to CESA section has been amended as follows:

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), and 783.5, subd. (c)(2).) Fish & G. Code § 2081.15, subd. ((a), (b)(3), and (d).)

* * *

- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly 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 12.2 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed permanently impacted 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;

* * *

~~(6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;~~

~~(7)(6)~~ Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

~~(8)(7)~~ Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

~~(8) As stated in Findings (1) – (7) above, the requirements of Fish and Game Code section 2081, subdivisions (b) and (c) are satisfied as to BNLL;~~

~~(9) As stated in Finding (2) above, the impacts of the taking on BNLL will be minimized and fully mitigated through the implementation of measures required by this ITP such as the protection and management of compensatory habitat. The further measures required to satisfy the conservation standard of Fish and Game Code section 2805, subdivision (d) with respect to BNLL include: the protection of higher quality habitat than the habitat being impacted; the BCCB's contribution towards essential linkage habitat for the Covered Species and important genetic connectivity for BNLL between the Antelope Plain, Lokern, and Buena Vista subpopulations within the Western Kern County Critical Recovery Area from the 1998 USFWS Recovery Plan; and contributions to multiple recovery actions for BNLL listed in the Recovery Plan (including Action 1 to determine appropriate habitat management and compatible land uses for BNLL and Action 3.d to protect additional habitat for BNLL in key portions of their range and areas of highest priority to target for protection). The purchase of 12.2 mitigation credits from BCCB will help to achieve Recovery Action 3.d. for BNLL and is in line with the most recent (2020) USFWS five-year review of BNLL by providing habitat restoration, restoring connectivity within and between populations, and encouraging conservation and coordination between private landowners and other partners, including CDFW and USFWS;~~

~~(10) This ITP provides for the development and implementation of a monitoring program and adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take of BNLL. The take monitoring programs and adaptive management plans are in the forms of the take monitoring program (Compliance Monitoring Condition of Approval), adaptive management as required in the BNLL Mortality Reduction and Relocation Plan (BNLL Mortality Reduction and Relocation Plan Condition of Approval), and the HM Land acquisition and associated land management and monitoring activities or those monitoring activities required of a CDFW-approved mitigation or conservation bank with BNLL credits.~~

(11) The Project that is the subject of this ITP’s authorization to take BNLL incidentally in carrying out Covered Activities is a transportation project undertaken by a state, regional, or local agency, that does not increase highway or street capacity for automobile or truck travel and is thus an eligible project pursuant to Fish and Game Code section 2081.15, subdivision (b)(3).

41. The Literature Cited section has been added as follows:

XVI. Literature Cited:

Richmond J.Q., D.A. Wood, M. Westphal, A.G. Vandergast, A.D. Leache, L.R. Saskaw, H.S. Butterfield, and R.N. Fisher 2017. Persistence of historical population structure in an endangered species despite near-complete biome conversion in California’s San Joaquin Desert. *Molecular Ecology*. 2017; 26: 3618–3635.

United States Fish and Wildlife Service. 1998. *Recovery Plan for Upland Species of the San Joaquin Valley, California*. Region 1, Portland, OR. 319 pp.

United States Fish and Wildlife Service. 2020. Sacramento Fish & Wildlife Office. Sacramento, California. 5-year review. Blunt-nosed leopard lizard (*Gambelia sila*).

42. The Attachments section has been amended as follows:

* * *

Attachment 1 Amended Mitigation Monitoring and Reporting Program

* * *

Attachment 4 Amendment No. 1 with Track Changes