



California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BOULEVARD, SUITE C-220
ONTARIO, CA 91764

California Endangered Species Act
 Incidental Take Permit No. 2081-2024-071-06

US 395 WIDENING PROJECT CONTRACT 2 0F633

I. Authority:

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

Permittee:	San Bernardino County Transportation Authority
Principal Officer:	Kristi Lynn Harris
Contact Person:	Kristi Lynn Harris, (909) 884-8276
Mailing Address:	1170 West Third Street, 2nd Floor San Bernardino, CA 924110

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **April 29, 2030**.

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 7.8 of this ITP.

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

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

III. Project Location:

The US 395 Widening Project Contract 2 0F633 (Project) is located along US 395 from 0.4 mile north of Interstate (I-) 15 to State Route (SR-) 18 (Palmdale Road) (post-mile (PM) 4.0 – 11.2) within the City of Victorville and Hesperia, San Bernardino County (See Figure 1). The south end of the Project area is located approximately 0.4 mile north of I-15, and approximately 8.5 miles north of the Cajon Pass between the San Bernardino and San Gabriel Mountains, which are located to the south. The northern end of the Permit area is located at the intersection of United States (US-) US-395 and SR-18/Palmdale Road. The total length of the Project area is approximately 7 miles, and the total area is approximately 136.6 acres. The Project occurs in the following:

United States Geological Survey 7.5 Minute Quadrangle	Township	Range	Section
Baldy Mesa	4N	5W	3, 4, 9, 10, 15, 16, 21, 22, 27, 28
Baldy Mesa	5N	5W	27, 28, 33, 34
Adelanto	5N	5W	21, 22

IV. Project Description:

The project involves widening US-395 by adding one travel lane in each direction (northbound and southbound) from Post Mile (PM) 4.0 to 11.2, creating a continuous four-lane highway to reduce congestion and improve operational efficiency. The existing corridor primarily consists of a two-lane roadway, with limited segments already widened. This segment represents the southernmost portion of three planned construction contracts.

Scope of Work

- *Roadway Widening:* Expand US-395 to four 12-foot lanes with 8-foot outside shoulders and a continuous 14-foot median, including 5-foot inside shoulders and a 4-foot raised median with left-turn pockets.
- *Bridge Replacement:* Replace the California Aqueduct Bridge (Bridge No. 54-0829 L/R) at PM 6.83 with a prefabricated structure set by crane. Abutments will be placed outside the aqueduct channel.
- *Drainage Infrastructure:* Reconstruct and relocate existing drainage facilities. Extend existing reinforced concrete box culverts (e.g., Oro Grande Wash and La Mesa Rd) and install new earthen ditches, inlets, dikes, storm drainpipes, and rock slope protection as needed. Construct a dike and stormwater collection system at Phelan Rd/Main Street and improve drainage at La Mesa Rd. Reconstruct the existing basin in the southwest corner of the US-395 crossing of the aqueduct.

- *Pedestrian and Roadway Infrastructure:* Extend curbs, guard rail, gutters, curb ramps, sidewalks, and crosswalks where currently present. Install traffic signals, lighting, signage, warning beacons, in-roadway bicycle detection, pedestrian heads, sharrows, bicycle/pedestrian safety features, and speed feedback signs.
- *Utilities:* Relocate utilities (electrical, water, sewer, fiber optic) as necessary.
- *Construction Activities and Equipment:* Include clearing and grubbing vegetation, grading, paving/concrete pouring, potholing, trenching, bridge and abutment installation, staging, fencing, landscaping, and demobilization. Equipment will include graders, backhoes, dozers, compactors, dump trucks, cranes, concrete mixers, pavers, water trucks, and other standard heavy machinery. Night work is anticipated.

Construction Timeline and Post-Construction

Construction is scheduled to begin in December 2025 and continue through August 2027 (approximately 480 working days). Post-construction activities will run through August 2029, consisting of routine roadside maintenance, including vegetation control, litter removal, and minor roadway repairs (e.g., crack and pothole repair, signage, etc.). These activities will be supported by shoulder-staged maintenance vehicles and may require temporary lane closures.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. Agassiz’s Desert Tortoise (<i>Gopherus agassizii</i>)	Threatened ⁴ Candidate Endangered ⁵
2. Mohave Ground Squirrel (<i>Xerospermophilus mohavensis</i>)	Threatened ⁶

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

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

⁴See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(4)(A).

⁵See Cal. Reg. Notice Register, No. 44-Z, pp. 1445-1446 (October 30, 2020). The species status may change following the decision of the Fish and Game Commission to designate the species as endangered but if there is such a designation, the species will remain a Covered Species.

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: vegetation clearing; grading and compaction; excavation; installation of fencing or barriers; installation and/or construction of temporary Project facilities and structures; general operation of vehicles and heavy equipment; noise, vibration, and dust generating activities; and capture and relocation activities (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as collision with, or crushing by, vehicles or heavy equipment; crushing or burial of individuals or eggs in burrows; destruction of burrows and refugia; and increased predation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from entrapment in holes, trenches, or stockpiles, uncovering Covered Species through the excavation of burrows, and capture and relocation activities. More specifically, relocation of Covered Species to the translocation site may disrupt the behavior and social structure of resident individuals. Relocated adult Covered Species may continue to disperse and never establish a territory, resulting in no reproductive effort and the loss of offspring to maintain population viability. The areas where authorized take of the Covered Species is expected to occur include are limited to the State right-of-way, staging areas, and areas subject to section 1600 et seq. along US-395 between postmiles 4.0 and 11.2 (collectively, the Project area).

The Project is expected to cause the permanent loss of 71.7 acres of habitat for the Covered Species, and temporary loss of 5.7 acres of habitat for the Covered Species. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise, vibrations, and human presence, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

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

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VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2009081105) adopted by California Department of Transportation on June 30, 2010 as 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-SBR-55585-R6) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion for the Widening of United State Route 395 (8-8-09-F-20) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 5. 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.
- 6. General Provisions:**
 - 6.1. 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.
 - 6.2. Biological Monitor(s).** Permittee shall designate Biological Monitor(s) knowledgeable and experienced in the biology and natural history of the Covered Species. The Biological

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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. The Biological Monitor(s) shall conduct field work that may require hiking long distances in uneven terrain and inclement weather.

- 6.3. Authorized Biologist.** Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of the Covered Species. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, excavating burrows, handling and temporarily holding the Covered Species, relocating/translocating the Covered Species, reconstructing Covered Species burrows, unearthing and relocating Covered Species eggs, locating, identifying, and recording all forms of Covered Species signs, collecting Covered Species blood samples, conducting Covered Species health assessments, conducting Covered Species protocol level surveys, and/or attaching and removing transmitters to and from the Covered Species. The Authorized Biologist(s) shall conduct field work that may require hiking long distances in uneven terrain and inclement weather.
- 6.4. Biologist and Veterinarian Approvals.** Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2 for Desert Tortoise and Attachment 3 for Mohave ground squirrel of this ITP and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 21 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP and associated Desert Tortoise Translocation Plan (DTTP) that the Permittee is requesting approval for that individual to carry out.
- 6.5. Authorized Biologist and Biological Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Authorized Biologist and/or Biological Monitor shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Authorized Biologist(s) and/or Biological Monitor(s) in the performance of his/her duties. If the Authorized Biologist(s) and/or Biological Monitor(s) is unable to comply with the ITP, then the Authorized Biologist(s) and/or Biological Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of

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

- 6.6. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project area before performing any work. The program shall consist of a presentation from the Authorized Biologist(s) and/or Biological Monitor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the program, employees shall sign and date 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. If the training program is presented as a prerecorded presentation, it shall be accompanied by a formal process that allows submission of questions that shall be answered by the Authorized Biologist(s) within 24 hours of submission.
- 6.7. Construction Monitoring and Documentation.** An Authorized Biologist(s) and/or Biological Monitor(s) shall be present during all Covered Activities that occur outside a permanent fenced area during the construction period. During the operations and maintenance period of the Project, an Authorized Biologist(s) shall be on-site to address any compliance-related issues. The Authorized Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.8. 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.

- 6.9. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and/or Biological Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.10. Erosion Control Materials.** To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not utilize erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall utilize erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic “photodegradable” erosion control materials.
- 6.11. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.
- 6.12. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species’ habitat.
- 6.13. Project Access.** Project-related personnel shall access the Project area using existing routes, and shall not cross Covered Species’ habitat outside of or en route to the Project area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Project-related vehicle traffic shall not exceed 25 miles per hour except in desert tortoise habitat where vehicle speed shall not exceed 15 miles per hour. If Permittee determines construction of routes for travel are necessary outside of the Project area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.14. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species’ habitat outside of the marked Project area unless provided for as described in Condition of Approval 6.13 of this ITP.

- 6.15. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.16. 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.
- 6.17. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 6.18. Concrete Washout.** Permittee shall not conduct concrete washout within the Project area.
- 6.19. Borrow Pit.** Removal of material from borrow pits or dumping of construction material into borrow pits is not covered by this ITP.
- 6.20. Firearms and Dogs.** Permittee shall prohibit Project personnel and any other individuals associated with the Project from bringing any firearms or dogs on the Project area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials, dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW fourteen [14] calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within twenty-four [24] hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. Notifying Procedures.** The Permittee or the Designated Representative shall provide all required notifications in this ITP by sending an email to the CDFW Regional Representative

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Alisha Curtis (Alisha.Curtis@wildlife.ca.gov) and as described in the Notices section of this ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP number, the ITP Condition Number that the notification is addressing, any necessary photos or attachments, and the name of the phone numbers of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).

7.4. Compliance Monitoring.

7.4.1. During Construction. The Authorized Biologist(s) or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist shall conduct compliance inspections a minimum of once a day during active construction. The Authorized Biologist shall conduct compliance inspections to:

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

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

7.4.2. During Operation and Maintenance. Once all construction-related Covered Activities have completed and the Project enters the operation and maintenance period, an Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site to monitor any ground-disturbing operation and maintenance related Covered Activities for the term of this ITP and/or until Project decommissioning commences, and comply with Condition of Approval 7.5, 7.6 and 7.8.

7.5. Quarterly Compliance Report. The Designated Representative or Authorized Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Alisha Curtis (alisha.curtis@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of

compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 7.6. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations.** The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report.** No later than forty five [45] days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) final Project plans including any design modifications made after the issuance of this ITP; (9) an accounting of the number of acres subject to both temporary and permanent disturbance, including both original acres at the time of the ITP issuance, and a total at construction completion to include any design modifications; and (10) any other pertinent information.

7.9. Notification of Take or Injury. Permittee shall immediately notify the Authorized 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 Authorized Biologist or Designated Representative shall provide initial notification to CDFW by following Condition of Approval 7.3. 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 2 Calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

7.10. Additional Reporting. Permittee shall send CDFW for review and approval the following Reports and/or Plans as specified in Section 8.0 and identified below.

- Preconstruction Survey Report following Condition of Approval 8.6 and 8.7
- Desert Tortoise Translocation Plan following Condition of Approval 8.11
- Raven Management Plan following Condition of Approval 8.20
- Invasive Plant Management Plan following Condition of Approval 8.22
- Photometric Studies following Condition of Approval 8.25
- Vegetation Restoration Plan following Condition of Approval 9.4

8. 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:

8.1. Herbicides. Permittee shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than 5 miles per hour.

8.2. Rodenticides and Insecticides. Permittee shall not use rodenticides and/or insecticides on the Project area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project area without prior written permission from CDFW.

8.3. Removal of Debris. Permittee shall remove all hardened concrete and other loose debris in areas that need to be cleared by slowly removing stored material starting from the top

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and working down to ground level, rather than scooping from the ground up. This method will minimize the possibility of harming a Covered Species using the debris as shelter and will allow them to escape.

8.4. Entrapment Inspections. Any pipes, culverts, or similar structures with a diameter greater than 3 inches and less than 8 inches aboveground shall be inspected by the Authorized Biologist(s) and/or Biological Monitor(s) for Covered Species' before the material is moved, buried, or capped. The Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches within Covered Species habitat at a minimum of twice a day and just prior to backfilling. At the end of each workday during construction, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed no greater than a 30° angle. If any worker discovers that Covered Species have become trapped, they shall halt Covered Activities and notify the Biological Monitor(s) and/or Authorized Biologist(s) immediately. Project workers and the Biological Monitor(s) and/or Authorized Biologist(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under Condition of Approval 6.4 of this ITP shall move the Covered Species out of harm's way before allowing work to continue.

8.5. Entrapment Permanent Structures. Permanent design features shall be constructed to prevent the entrapment of Covered Species.

- Pipes, culverts, or similar structures with a diameter greater than 3 inches, a depth exceeding 6 inches, and an angle steeper than 45° must include a permanent escape ramp. Exceptions may be granted for structures that are inaccessible to wildlife (e.g., secured with mesh screens at inlets/outlets).
- Desert washes and drainage features shall retain a sandy bottom. Interstitial spaces within rock slope protection must be filled with suitable substrate (e.g., partially grouted) to prevent entrapment.
- All entrapment-related permanent structures shall be inspected and approved by the Authorized Biologist(s) and/or Biological Monitor(s) upon Project completion, in accordance with Condition of Approval 7.8.

8.6. Pre-Construction Surveys for Desert Tortoise. No later than thirty [30] Calendar days prior to start of Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) approved under this ITP shall conduct pre-construction clearance surveys for Covered Species, using the methods described in the most recent United States Fish and Wildlife

Service (USFWS) Desert Tortoise (Mojave Population) Field Manual⁷ (hereinafter referred to as USFWS Field Manual). In addition to the guidance provided in the USFWS Field Manual⁷, CDFW provides the following requirement(s):

- 8.6.1. Pre-construction clearance surveys shall be completed using perpendicular survey routes within the Project area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for the Covered Species are documented.
- 8.6.2. These surveys shall cover 100 percent of the Project area and a 50-foot buffer zone around the Project site. The Biological Monitor(s) and/or Authorized Biologist(s) shall record all potential Covered Species and burrows within the pre-construction clearance survey area, using global positioning system (GPS) technology. The Biological Monitor(s) and/or Authorized Biologist(s) shall provide the results of the pre-construction clearance survey (including all information of the USFWS Protocol data sheet) to CDFW within thirty [30] Calendar days of completing the surveys. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them.
- 8.6.3. Twenty-four [24] hours prior to the start of any Covered Activities, except for areas already cleared within installation of desert tortoise exclusion fencing, the Biological Monitor(s) and/or Authorized Biologist(s) shall conduct a final clearance survey of Project area. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them.
- 8.7. Pre-Construction Surveys for Mohave Ground Squirrel. No more than thirty [30] Calendar days prior to the start of ground disturbing activities the Authorized Biologist(s)/Biological Monitor(s) shall be present onsite to perform a pre-construction survey for Mohave ground squirrel. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within thirty [30] Calendar days of completing the surveys.
- 8.8. Covered Species Observations. If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project area OR an Authorized Biologist(s) approved under

⁷ U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

Condition of Approval 6.4 of this ITP relocates the Covered Species as described in this ITP and Desert Tortoise Translocation Plan. The Designated Representative shall notify CDFW of any Covered Species observations within the Project area. Notification shall occur as described in Condition of Approval 7.3 within twenty-four [24] hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map and shapefiles with the location (including GPS coordinates) where the individual was moved as specified in the DTTP.

- 8.9. Desert Tortoise Burrow Excavation.** Only Authorized Biologist(s) and Biological Monitor(s) under Condition of Approval 6.4 are authorized to conduct burrow excavation. Excavation of burrows shall follow the methods described the USFWS Field Manual⁷.
- 8.10. Mohave Ground Squirrel Burrow Excavation.** The Authorized Biologist(s) shall fully excavate by hand all burrows OR scope each burrow within the Project area that are suspected or known to be occupied by Mohave ground squirrels. The Authorized Biologist(s) shall allow Mohave ground squirrels encountered in the excavated burrows during their active period (generally March 15 – July 15) to escape out of harm's way. During the Mohave ground squirrel dormant period (generally September 1 – January 31), the Authorized Biologist(s) shall collect and immediately relocate the individuals to an artificial burrow in the following preferential order: 1.) relocate to the nearest public lands with suitable habitat from where the squirrel was originally captured; 2.) relocate outside of right-of-way, on private property. Mohave ground squirrels may not be relocated to private property unless the Permittee obtains written permission from the property owner prior to Covered Activities. The Mohave ground squirrel may only be relocated by the Authorized Biologist(s). The Authorized Biologist(s) shall prepare relocation burrows in the following manner: (1) A hole of at least two feet deep shall be dug; (2) Install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45° angle; (3) The Authorized Biologist(s) shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.
- 8.11. Desert Tortoise Translocation.** Regardless of the number of desert tortoise estimated to be moved out of harm's way, the Permittee shall prepare a Desert Tortoise Translocation Plan (DTTP) fifteen [15] Calendar days prior to start of Covered Activities and submit it according to Condition of Approval 7.3 of this ITP. Covered Activities are not authorized to start until the DTTP is approved in writing by CDFW. The DTTP shall follow the most current guidelines provided by USFWS and CDFW regarding Covered Species translocation. Where guidance differs between USFWS and CDFW, verbal and/or written direction provided by CDFW always controls.

The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTTP along with the most recent USFWS translocation guidelines:

- Translocated tortoise are tortoises removed from the Project area and/or have a radio transmitter attached.
- The Authorized Biologist shall determine when the creation of artificial burrows is needed.
- Ambient air temperature guidelines shall be followed as specified in Condition of Approval 8.11 of this ITP.
- Tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held, transmitted, or blood drawn for disease testing as long as the temperature requirements in Condition of Approval 8.11 of this ITP above are met.
- Linear Facilities: Tortoises >100 mm MCL that are moved due to their burrow being collapsed shall be transmitted (duration of monitoring shall be determined on an individual project basis and shall be included in the DTTP) and disease tested.
- CDFW does not authorize the release of tortoises that test positive for disease even if it does not show outward signs of the disease. If a tortoise tests positive for disease it is the responsibility of the Permittee to locate a CDFW approved facility to place the tortoise in. Any exception to this determination will need to be approved in writing by CDFW on a case-by-case basis.
- Disease testing shall not be done between November 1 and May 14. If a tortoise >100 mm MCL is found between November 1 and May 14 or earlier with written approval from CDFW the tortoise shall be held in quarantine facilities and shall remain in quarantine until tested twice (once in the spring and once in the fall). If the tortoise tests negative for disease it can be released in accordance with the approved DTTP. Blood draw samples for *Mycoplasma agassizii* and *Mycoplasma testudineum* shall determine if a tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection will be used to determine the health of a tortoise. Blood draw samples will be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville, Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (*Mycoplasma agassizii* and *Mycoplasma testudineum*). If a tortoise tests positive for or is suspected of disease, then the tortoise will be tested twice for disease (once in the spring after May 15 to and once in the fall). To determine results of blood testing use the most current guidelines provided by the

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University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Pathology. The University of Florida Mycoplasma Laboratory Department of Infectious Diseases & Pathology 2013 criteria for classifying *Mycoplasma agassizii* and *Mycoplasma testudineum* is a titer <32 is negative, a titer > 64 is positive, and a titer of 32 is suspect (retesting in 6 weeks) or most current guidelines. All sample forms shall come from the University of Florida's guidance.

- The DTTP shall include a requirement that all translocated tortoises regardless of size be included in the translocation numbers and all reports.
- The DTTP shall propose one recipient site. Recipient sites shall have the vegetative structure to support all life stages of desert tortoises. In addition to the USFWS Field Manual⁷ guidelines the DTTP shall also include identifying the known threats or potential causes of population decline, how potential threats have been or would be addressed, complete physical examination and health assessments with sample collection, age-structure and sex ratios, protocol level surveys, vegetation classification and quality of habitat. The DTTP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project area including burrow aspects, and recovery needs such as habitat restoration and/or predator control.
- All tortoises >100 mm MCL removed off the Project area shall be transmitterd and monitored for 5 years post translocation or at the expiration of this ITP, whichever occurs first.
- Recipient sites shall be a minimum of 4 miles⁸ (6.5 kilometers) away from highway/road right-of-way that does not include Covered Species fencing.
- All tortoise burrows within the Project area shall be excavated following procedures outlined in the USFWS Field Manual⁷.
- Creation of artificial burrows, as well as translocation of tortoises and eggs shall only occur on land(s) (including Bureau of Land Management), when written authorization has been obtained from the landowner prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTTP and the DTTP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or translocation of tortoise or eggs is proposed to take place on private lands then in addition to written approval required above, some form of protection for the land such as a conservation easement shall be in place prior to translocation occurring.
- Cleaning and Disinfection Protocol. Trifectant and Rescue Ready to Use One Step Disinfectant Cleaner are the only products authorized under this ITP and its

⁸ U.S. Fish and Wildlife Service. 2018. Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance. U.S. Fish and Wildlife Service, Las Vegas, Nevada.

associated DTPP to be used as a disinfectant. These products are not authorized to be applied using a spray bottle or other spray methods.

- Cleaning and Disinfection Protocol shall include the following:⁹
 - Remove all grossly visible debris.
 - Wash the area or item with water and mild detergent.
 - Thoroughly rinse the cleaned area to remove any detergent residue.
 - Allow the area to dry completely.
 - Apply disinfectant mixture.
 - Allow the full disinfectant product recommended contact time.
 - Thoroughly rinse away any residual disinfectant and allow the area or item to air dry.

8.12. Ambient Air Temperature for Desert Tortoise. During all handling procedures, Covered Species shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Covered Species shall be kept shaded at all times until it is safe to release them. For the purposes of this permit, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface. For all Covered Activities no Covered Species shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)). No Covered Species shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, Covered Species shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95°F (35°C). Covered Species moved during the less active season (June 1 to August 31 and November 1 to March 31) shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety. During relocation, the Authorized Biologist(s) may hold a captured Covered Species overnight and move them the following morning within these temperature constraints.

8.13. Desert Tortoise Species Rehydration. If a Covered Species voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the animal(s). The Authorized

⁹ Brown, Mary. Cleaning and Disinfection Protocol. Department of Infectious Diseases and Pathology, College of Veterinary Medicine, Gainesville, FL.

Biologist(s) shall rehydrate the Covered Species at the location where the animal(s) was or were captured, or the location where the animal(s) is or will be released. The Authorized Biologist(s) shall rehydrate the Covered Species by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the Covered Species. The Authorized Biologist(s) shall rehydrate each Covered Species individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration.

- 8.14. Covered Species Handling Records.** The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; and (h) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the reports following Condition of Approval 7.5, 7.6 and 7.8.
- 8.15. Covered Species Guards.** The design of Covered Species guards shall include exit ramps and cleanout. Guards shall be installed along the Existing Right-of-Way fence. Guard locations and design shall be provided to CDFW and shall be approved by CDFW in writing prior to starting Covered Activities.
- 8.16. Covered Species Fencing.** Temporary exclusionary fencing shall be used adjacent to open habitat (e.g. project limits; stockpile, water tank, and staging areas). The fence shall include the installation of shade structures along the outer fence perimeter placed at regular intervals. The temporary fence shall be constructed according to USFWS Field Manual⁷.
- 8.17. Covered Species Fence Maintenance Inspection.** The Biological Monitor(s) and/or Authorized Biologist(s) shall inspect the Covered Species fencing during the Covered Activities, at the end of each workday, and during major rainfall events and within 24 hours to ensure Covered Species is prohibited from entering the Project area. If the fence is compromised, repairs shall be completed immediately, and clearance protocol level surveys shall be conducted as described in Condition of Approval 8.6.

- 8.18. Vehicle Inspection.** Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Biological Monitor(s) or Authorized Biologist(s) and wait for the Covered Species to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the Covered Species as described in Condition of Approval 8.11 before moving vehicles and equipment.
- 8.19. Staging Area and Parking Area.** The Permittee shall enclose all staging areas with Covered Species exclusion fencing. All parked vehicles and equipment shall be inspected prior to vehicles and equipment being moved. If a Covered Species is found within a staging or parking area the worker shall immediately contact the Authorized Biologist(s) and/or Biological Monitor approved in Condition of Approval 6.4 of this ITP. A biologist approved in Condition of Approval 6.4 of this ITP shall relocate the Covered Species in accordance with Condition of Approval 8.11 of this ITP and the DTTP.
- 8.20. Raven Management.** The Permittee shall prepare a Raven Management Plan to minimize the potential to attract common ravens to the site and submit it to CDFW for review and approval. In addition, the Permittee shall provide funds to the Renewable Energy Action Team (REAT) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on the tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of project disturbance. Based on this calculation the Permittee shall provide a one-time payment at \$105.00/acre for 71.7 acres at **\$7,528.50** to the REAT account established with NFWF's Raven Management Plan fund. A minimum of fifteen [15] days prior to the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (Attachment 4) and proof of paying this fee shall be provided to CDFW within 1 business day after the funds have been provided to NFWF.
- 8.21. Revegetation.** Plantings and seed mix shall be approved by CDFW prior to application. Plantings and seed mix shall be comprised of only native plant material from the same geographic range as the Project.
- 8.22. Invasive Plant Management Plan.** Permittee shall develop an Invasive Plant Management Plan focused on controlling or eradicating existing invasive plants within the project site and preventing the introduction of new nonnative and invasive plants into the project site. The Plan shall include a list of plant species targeted for control or eradication, a description of the methods that will be used for control or eradication, a list of Best Management Practices to prevent the introduction and spread of invasive plant species into and out of the project site, monitoring requirement, success criteria, and a rapid response plan in the event that a new plant species invades the project site. A list of

common invasive plant species¹⁰ including guidelines for preventing the establishment of invasive plants¹¹ can be found on the California Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website. The Plan shall be implemented during Covered Activities and monitored for the time specified in the Plan. The Plan shall be submitted to CDFW for review and approval no later than sixty [60] days prior to the commencement of Covered Activities.

8.23. General Habitat and Species Avoidance. Permittee shall, to the greatest extent feasible, avoid impacts/disturbances to sensitive plants, plant communities, and animals within the Project area. In addition, Permittee shall avoid, to the maximum extent practicable, impacts/disturbance to perennial, native vegetation within the Project area. To the maximum extent practicable, Permittee shall limit access-related Covered Activities to “drive and crush” rather than vegetation removal or grubbing.

8.24. Covered Species Injury. If a Covered Species is injured as a result of Project-related activities, the Authorized Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.9. Notification shall include the name of the facility where the animal was taken.

8.25. Permanent Artificial Lighting Features. Permittee shall ensure that all permanent artificial nighttime lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky. Permittee shall ensure use of LED lighting with a correlated color temperature of 2,700 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler. Photometric studies shall be submitted to CDFW for review and approval no later than sixty [60] days prior to the commencement of Covered Activities.

9. Habitat Management Land Acquisition and Restoration: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project area, the extent to

¹⁰ California Invasive Plant Inventory, 2025, California Invasive Plant Council (Cal-IPC), www.cal-ipc.org/plants/inventory/.

¹¹ California Invasive Plant Inventory, 2025, California Invasive Plant Council (Cal-IPC), www.cal-ipc.org/ip/prevention/index.php.

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 purchase **71.7** acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below. Purchase of Covered Species credits must be complete before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. The Permittee shall also restore on-site **5.7** acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.4 below.

9.1. 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:

9.1.1. Land acquisition costs for HM lands below, estimated at \$6,700.00/acre for 71.7 acres: **\$480,390.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;

9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement: **\$17,440.00**;

9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs estimated at **\$143,400.00**; including,

9.1.4. Interim management period funding estimated at **\$43,020.00**;

9.1.5. Long-term management funding estimated at \$3,100.00/acre for 71.7 acres: **\$222,270.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.6. 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, estimated at **\$6,000.00**.

9.1.7. 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 **\$75,000.00**.

- 9.2. Covered Species Credits.** If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 71.7 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.
- 9.3. 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.
- 9.4. Habitat Restoration.** Permittee shall restore on-site the 5.7 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of this ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 5.7 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between Spring and Fall shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan.

10. 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 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 10.1. Security Amount.** The Security shall be in the amount of **\$987,520.00** or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 10.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 5) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

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- 10.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal.** Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing.** The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release.** The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

Credit Purchase

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

Even if Security is provided, the Permittee must complete the required Covered Species credit purchase no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional Covered Species credits 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.

IX. Amendment:

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

X. Stop-Work Order:

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but

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not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species, regardless of whether that species is a Covered Species under this ITP. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee for a period not to exceed 30 additional days.

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-071-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert, Regional Manager
California Department of Fish and Wildlife
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA
Telephone (909) 484-0167
R6CESA@wildlife.ca.gov

and a copy to:

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

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

Alisha Curtis, Senior Environmental Scientist (Specialist)
 California Department of Fish and Wildlife
 3602 Inland Empire Boulevard, Suite C-220
 Ontario, CA 91764
 Telephone (909) 544-2522
 Alisha.Curtis@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, California Department of Transportation, District 8. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Widening of Existing US 395, (SCH No.: 2009081105) dated December 2009 that the California Department of Transportation, District 8 adopted for the Project on June 30, 2010. 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.

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Widening of Existing US 395 Initial Study with Mitigated Negative Declaration, Natural Environment Study for US 395 Widening Project, Project plans, the results of permits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

Incidental Take Permit
 No. 2081-2024-071-06
SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY
US 395 WIDENING PROJECT CONTRACT 2 0F633

- (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) Quarterly 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 71.7 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

Incidental Take Permit
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XV. Attachments:

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form – Desert Tortoise
ATTACHMENT 3	Biologist Resume Form – Mohave Ground Squirrel
ATTACHMENT 4	Raven Management Renewable Deposit Form
ATTACHMENT 5	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 04/29/2025

DocuSigned by:

CA5E4770B63E4A3...

Heidi Calvert, Regional Manager
Inland Deserts Region

Incidental Take Permit
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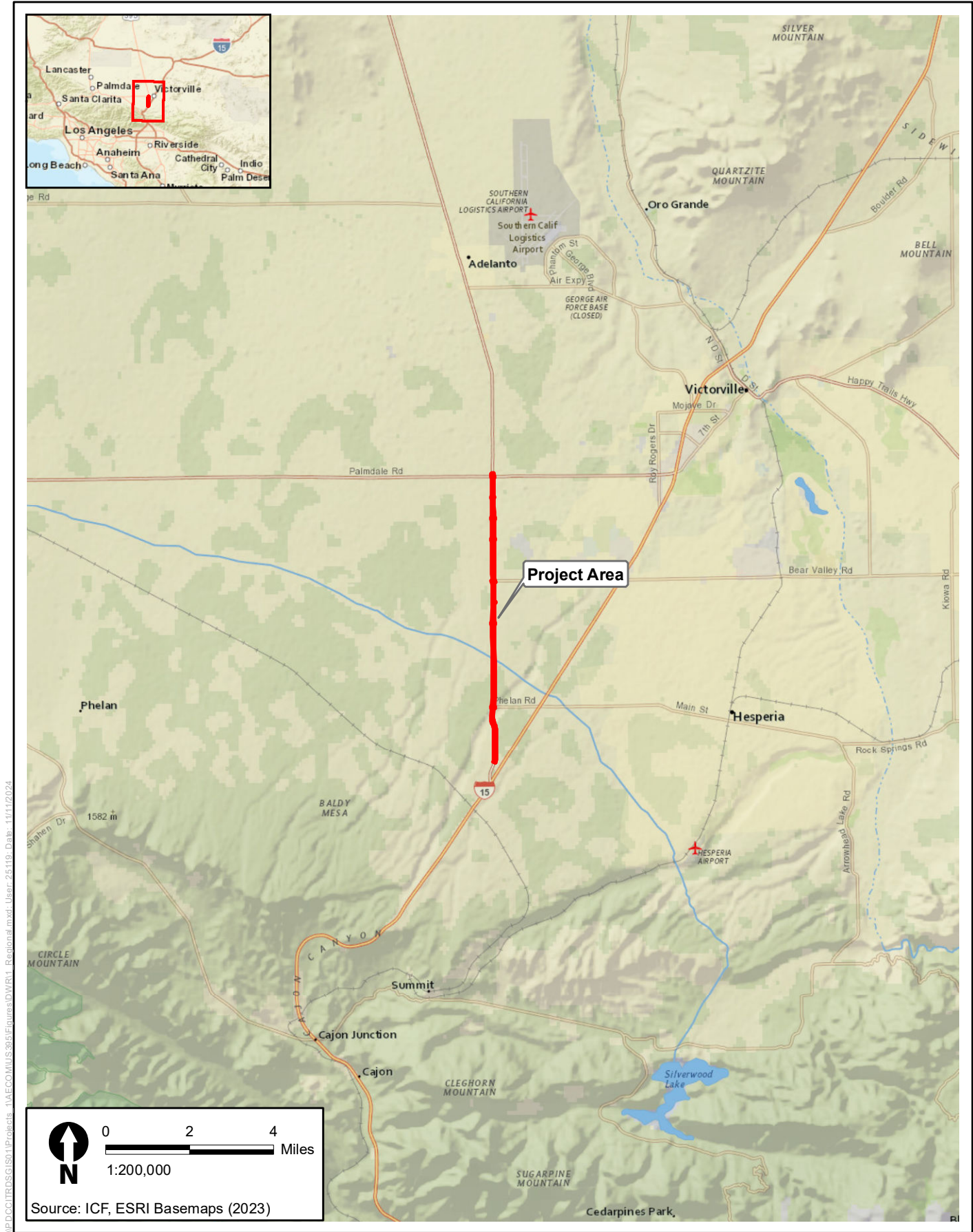


Figure 1
Project Vicinity Map
US-395 Road Widening Project - Contract 2

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2024-071-06

PERMITTEE: San Bernardino County Transportation Authority

PROJECT: US 395 Widening Project Contract 2 0F633

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Biological Monitor(s)</u> . Permittee shall designate Biological Monitor(s) knowledgeable and experienced in the biology and natural history of the Covered Species. The Biological 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. The Biological Monitor(s) shall conduct field work that may require hiking long distances in uneven terrain and inclement weather.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
3	<u>Authorized Biologist</u> . Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of the Covered Species. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, excavating burrows, handling and temporarily holding the Covered Species, relocating/translocating the Covered Species, reconstructing Covered Species burrows, unearthing and relocating Covered Species eggs, locating, identifying, and recording all forms of Covered Species signs, collecting Covered Species blood samples, conducting Covered Species health assessments, conducting Covered Species protocol level surveys, and/or attaching and removing transmitters to and from the Covered Species. The Authorized Biologist(s) shall conduct field work that may require hiking long distances in uneven terrain and inclement weather.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
4	<u>Biologist and Veterinarian Approvals</u> . Permittee shall obtain CDFW approval of the Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2 of the ITP and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 21 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in the ITP and associated Desert Tortoise Translocation Plan (DTTP) that the Permittee is requesting approval for that individual to carry out.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Authorized Biologist and Biological Monitor Authority.</u> To ensure compliance with the Conditions of Approval of the ITP, the Authorized Biologist and/or Biological Monitor shall immediately stop any activity that does not comply with the ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Authorized Biologist(s) and/or Biological Monitor(s) in the performance of his/her duties. If the Authorized Biologist(s) and/or Biological Monitor(s) is unable to comply with the ITP, then the Authorized Biologist(s) and/or Biological Monitor(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Authorized Biologist(s) and/or Biological Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	<u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project area before performing any work. The program shall consist of a presentation from the Authorized Biologist(s) and/or Biological Monitor(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in the ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project area. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the program, employees shall sign and date 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. If the training program is presented as a prerecorded presentation, it shall be accompanied by a formal process that allows submission of questions that shall be answered by the Authorized Biologist(s) within 24 hours of submission.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
8	<u>Dust Control.</u> Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and/or Biological Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
10	<u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
11	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW fourteen [14] calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
12	<u>Additional Reporting.</u> Permittee shall send CDFW for review and approval the following Reports and/or Plans as specified in Section 8.0 and identified below. <ul style="list-style-type: none"> o Preconstruction Survey Report following Condition of Approval 8.6 and 8.7 o Desert Tortoise Translocation Plan following Condition of Approval 8.11 o Raven Management Plan following Condition of Approval 8.20 o Invasive Plant Management Plan following Condition of Approval 8.22 o Photometric Studies following Condition of Approval 8.25 o Vegetation Restoration Plan following Condition of Approval 9.4 	ITP Condition # 7.10	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p><u>Pre-Construction Surveys for Desert Tortoise</u>. No later than thirty [30] Calendar days prior to start of Covered Activities, the Authorized Biologist(s) and/or Biological Monitor(s) approved under the ITP shall conduct pre-construction clearance surveys for Covered Species, using the methods described in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual). In addition to the guidance provided in the USFWS Field Manual⁷, CDFW provides the following requirement(s):</p> <ul style="list-style-type: none"> Pre-construction clearance surveys shall be completed using perpendicular survey routes within the Project area. Pre-construction clearance surveys cannot be combined with other clearance surveys conducted for other species while using the same personnel. Covered Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for the Covered Species are documented. These surveys shall cover 100 percent of the Project area and a 50-foot buffer zone around the Project site. The Biological Monitor(s) and/or Authorized Biologist(s) shall record all potential Covered Species and burrows within the pre-construction clearance survey area, using global positioning system (GPS) technology. The Biological Monitor(s) and/or Authorized Biologist(s) shall provide the results of the pre-construction clearance survey (including all information of the USFWS Protocol data sheet) to CDFW within thirty [30] Calendar days of completing the surveys. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them. Twenty-four [24] hours prior to the start of any Covered Activities, except for areas already cleared within installation of desert tortoise exclusion fencing, the Biological Monitor(s) and/or Authorized Biologist(s) shall conduct a final clearance survey of Project area. The use of specialized equipment (e.g., fiber optics) may be necessary to thoroughly inspect all burrows in preparation for collapsing them. 	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
14	<p><u>Pre-Construction Surveys for Mohave Ground Squirrel</u>. No more than thirty [30] Calendar days prior to the start of ground disturbing activities the Authorized Biologist(s)/Biological Monitor(s) shall be present onsite to perform a pre-construction survey for Mohave ground squirrel. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within thirty [30] Calendar days of completing the surveys.</p>	ITP Condition # 8.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

15	<p><u>Desert Tortoise Translocation.</u> Regardless of the number of desert tortoise estimated to be moved out of harm's way, the Permittee shall prepare a Desert Tortoise Translocation Plan (DTTP) fifteen [15] Calendar days prior to start of Covered Activities and submit it according to Condition of Approval 7.3 of the ITP. Covered Activities are not authorized to start until the DTTP is approved in writing by CDFW. The DTTP shall follow the most current guidelines provided by USFWS and CDFW regarding Covered Species translocation. Where guidance differs between USFWS and CDFW, verbal and/or written direction provided by CDFW always controls.</p> <p>The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTTP along with the most recent USFWS translocation guidelines:</p> <ul style="list-style-type: none"> • Translocated tortoise are tortoises removed from the Project area and/or have a radio transmitter attached. • The Authorized Biologist shall determine when the creation of artificial burrows is needed. • Ambient air temperature guidelines shall be followed as specified in Condition of Approval 8.11 of the ITP. • Tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held, transmittered, or blood drawn for disease testing as long as the temperature requirements in Condition of Approval 8.11 of the ITP above are met. • Linear Facilities: Tortoises >100 mm MCL that are moved due to their burrow being collapsed shall be transmittered (duration of monitoring shall be determined on an individual project basis and shall be included in the DTTP) and disease tested. • CDFW does not authorize the release of tortoises that test positive for disease even if it does not show outward signs of the disease. If a tortoise tests positive for disease it is the responsibility of the Permittee to locate a CDFW approved facility to place the tortoise in. Any exception to this determination will need to be approved in writing by CDFW on a case-by-case basis. • Disease testing shall not be done between November 1 and May 14. If a tortoise >100 mm MCL is found between November 1 and May 14 or earlier with written approval from CDFW the tortoise shall be held in quarantine facilities and shall remain in quarantine until tested twice (once in the spring and once in the fall). If the tortoise tests negative for disease it can be released in accordance with the approved DTTP. Blood draw samples for <i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i> shall determine if a tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection will be used to determine the health of a tortoise. Blood draw samples will be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville, Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (<i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i>). If a tortoise tests positive for or is suspected of disease, then the tortoise will be 	ITP Condition # 8.11	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
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	<p>tested twice for disease (once in the spring after May 15 to and once in the fall). To determine results of blood testing use the most current guidelines provided by the University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Pathology. The University of Florida Mycoplasma Laboratory Department of Infectious Diseases & Pathology 2013 criteria for classifying <i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i> is a titer <32 is negative, a titer > 64 is positive, and a titer of 32 is suspect (retesting in 6 weeks) or most current guidelines. All sample forms shall come from the University of Florida's guidance.</p> <ul style="list-style-type: none"> • The DTP shall include a requirement that all translocated tortoises regardless of size be included in the translocation numbers and all reports. The DTP shall propose one recipient site. Recipient sites shall have the vegetative structure to support all life stages of desert tortoises. In addition to the USFWS Field Manual guidelines the DTP shall also include identifying the known threats or potential causes of population decline, how potential threats have been or would be addressed, complete physical examination and health assessments with sample collection, age-structure and sex ratios, protocol level surveys, vegetation classification and quality of habitat. The DTP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project area including burrow aspects, and recovery needs such as habitat restoration and/or predator control. • All tortoises >100 mm MCL removed off the Project area shall be transmitted and monitored for 5 years post translocation or at the expiration of the ITP, whichever occurs first. • Recipient sites shall be a minimum of 4 miles (6.5 kilometers) away from highway/road right-of-way that does not include Covered Species fencing. • All tortoise burrows within the Project area shall be excavated following procedures outlined in the USFWS Field Manual. • Creation of artificial burrows, as well as translocation of tortoises and eggs shall only occur on land(s) (including Bureau of Land Management), when written authorization has been obtained from the landowner prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTP and the DTP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or translocation of tortoise or eggs is proposed to take place on private lands then in addition to written approval required above, some form of protection for the land such as a conservation easement shall be in place prior to translocation occurring. • Cleaning and Disinfection Protocol. Trifectant and Rescue Ready to Use One Step Disinfectant Cleaner are the only products authorized under the ITP and its associated DTP to be used as a disinfectant. These products are not authorized to be applied using a spray bottle or other spray methods. • Cleaning and Disinfection Protocol shall include the following: <ul style="list-style-type: none"> o Remove all grossly visible debris. o Wash the area or item with water and mild detergent. o Thoroughly rinse the cleaned area to remove any detergent residue. o Allow the area to dry completely. o Apply disinfectant mixture. o Allow the full disinfectant product recommended contact time. 				
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	o Thoroughly rinse away any residual disinfectant and allow the area or item to air dry.				
16	<u>Raven Management</u> . The Permittee shall prepare a Raven Management Plan to minimize the potential to attract common ravens to the site and submit it to CDFW for review and approval. In addition, the Permittee shall provide funds to the Renewable Energy Action Team (REAT) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on the tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of project disturbance. Based on this calculation the Permittee shall provide a one-time payment at \$105.00/acre for 71.7 acres at \$7,528.50 to the REAT account established with NFWF's Raven Management Plan fund. A minimum of fifteen [15] days prior to the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (Attachment 3) and proof of paying this fee shall be provided to CDFW within 1 business day after the funds have been provided to NFWF.	ITP Condition # 8.20	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
17	<u>Revegetation</u> . Plantings and seed mix shall be approved by CDFW prior to application. Plantings and seed mix shall be comprised of only native plant material from the same geographic range as the Project.	ITP Condition # 8.21	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
18	<u>Habitat Restoration</u> . Permittee shall restore on-site the 5.7 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions. Within 6 months of issuance of the ITP, the Permittee shall prepare a Vegetation Restoration Plan to facilitate revegetation of the 5.7 acres of temporary construction disturbance on-site, and shall ensure that the Plan is successfully implemented by the contractor. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The plan shall also indicate the best time of year for seeding to occur. Plantings undertaken between Spring and Fall shall include regular watering to ensure adequate growth. Described below are the minimum avoidance, minimization, restoration measures and success criteria that must be included in the Vegetation Restoration Plan.	ITP Condition # 9.4	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
19	<u>Invasive Plant Management Plan</u> . Permittee shall develop an Invasive Plant Management Plan focused on controlling or eradicating existing invasive plants within the project site and preventing the introduction of new nonnative and invasive plants into the project site. The Plan shall include a list of plant species targeted for control or eradication, a description of the methods that will be used for control or eradication, a list of Best Management Practices to prevent the introduction and spread of invasive plant species into and out of the project site, monitoring requirement, success criteria, and a rapid response plan in the event that a new plant species invades the project site. A list of common invasive plant species including guidelines for preventing the establishment of invasive plants can be found on the California Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website. The Plan shall be implemented during Covered Activities and monitored for the time specified in the Plan. The Plan shall be submitted to CDFW for review and approval no later than sixty [60] days prior to the commencement of Covered Activities.	ITP Condition # 8.22	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
20	<u>Permanent Artificial Lighting Features.</u> Permittee shall ensure that all permanent artificial nighttime lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky. Permittee shall ensure use of LED lighting with a correlated color temperature of 2,700 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler. Photometric studies shall be submitted to CDFW for review and approval no later than sixty [60] days prior to the commencement of Covered Activities.	ITP Condition # 8.25	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
21	<u>Covered Species Credits.</u> If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 71.7 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of the ITP if Security is provided.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
22	<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 and restoration of temporarily disturbed habitat as follows: <ul style="list-style-type: none"> Land acquisition costs for HM lands below, estimated at \$6,700.00/acre for 71.7 acres: \$480,390.00. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements; All other costs necessary to review and acquire the land in fee title and record a conservation easement: \$17,440.00; Start-up costs for HM lands, including initial site protection and enhancement costs estimated at \$143,400.00; including, Interim management period funding estimated at \$43,020.00; Long-term management funding estimated at \$3,100.00/acre for 71.7 acres: \$222,270.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. 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, estimated at \$6,000.00. 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 \$75,000.00. 	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	<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.	ITP Condition # 9.3	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
24	<u>Security.</u> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:	ITP Condition # 10.0	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
25	<u>Security Amount.</u> The Security shall be in the amount of \$987,520.00 or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.	ITP Condition # 10.1			
26	<u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.	ITP Condition # 10.2			
27	<u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first.	ITP Condition # 10.3			
28	<u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 10.4			
29	<u>Security Transmittal.</u> Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.	ITP Condition # 10.5			
30	<u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the ITP.	ITP Condition # 10.6			

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<p><u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p>Credit Purchase</p> <p>Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and</p> <p>Timely submission of all required reports.</p> <p>Even if Security is provided, the Permittee must complete the required Covered Species credit purchase no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional Covered Species credits and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition # 10.7			
DURING CONSTRUCTION					
32	<p><u>Construction Monitoring and Documentation.</u> An Authorized Biologist(s) and/or Biological Monitor(s) shall be present during all Covered Activities that occur outside a permanent fenced area during the construction period. During the operations and maintenance period of the Project, an Authorized Biologist(s) shall be on-site to address any compliance-related issues. The Authorized Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of the ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.</p>	ITP Condition # 6.7	Entire Project	Permittee	
33	<p><u>Erosion Control Materials.</u> To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not utilize erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall utilize erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic "photodegradable" erosion control materials.</p>	ITP Condition # 6.10	Entire Project	Permittee	
34	<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 en route to the Project area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Project-related vehicle traffic shall not exceed 25 miles per hour except in desert tortoise habitat where vehicle speed shall not exceed 15 miles per hour. If Permittee determines construction of routes for travel are necessary outside of the Project area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.</p>	ITP Condition # 6.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project area unless provided for as described in Condition of Approval 6.13 of the ITP.	ITP Condition # 6.14	Entire Project	Permittee	
36	<u>Hazardous Waste</u> . Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.15	Entire Project	Permittee	
37	<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 the ITP.	ITP Condition # 6.16	Entire Project	Permittee	
38	<u>Concrete Washout</u> . Permittee shall not conduct concrete washout within the Project area.	ITP Condition # 6.18	Entire Project	Permittee	
39	<u>Borrow Pit</u> . Removal of material from borrow pits or dumping of construction material into borrow pits is not covered by the ITP.	ITP Condition # 6.19	Entire Project	Permittee	
40	<u>Firearms and Dogs</u> . Permittee shall prohibit Project personnel and any other individuals associated with the Project from bringing any firearms or dogs on the Project area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials, dogs that may be used to aid in official and approved monitoring procedures/protocols, or service dogs under Title II and Title III of the American with Disabilities Act.	ITP Condition # 6.20	Entire Project	Permittee	
41	<u>Notification of Non-compliance</u> . The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the ITP and/or the MMRP. The Designated Representative shall follow up within twenty-four [24] hours with a written report to CDFW describing, in detail, any non-compliance with the ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	
42	<u>Notifying Procedures</u> . The Permittee or the Designated Representative shall provide all required notifications in the ITP by sending an email to the CDFW Regional Representative Alisha Curtis (Alisha.Curtis@wildlife.ca.gov) and as described in the Notices section of the ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP number, the ITP Condition Number that the notification is addressing, any necessary photos or attachments, and the name of the phone numbers of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	<p><u>Compliance Monitoring.</u> During Construction. The Authorized Biologist(s) or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist shall conduct compliance inspections a minimum of once a day during active construction. The Authorized Biologist shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of the ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project area. <p>The Designated Representative or Authorized Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.</p> <p><u>During Operation and Maintenance.</u> Once all construction-related Covered Activities have completed and the Project enters the operation and maintenance period, an Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site to monitor any ground-disturbing operation and maintenance related Covered Activities for the term of the ITP and/or until Project decommissioning commences, and comply with Condition of Approval 7.5, 7.6 and 7.8.</p>	ITP Condition # 7.4	Entire Project	Permittee	
44	<p><u>Quarterly Compliance Report.</u> The Designated Representative or Authorized Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of the ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Representative is Alisha Curtis (Alisha.Curtis@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.</p>	ITP Condition # 7.5	Entire Project	Permittee	
45	<p><u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.</p>	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
46	<u>CNDDDB Observations</u> . The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.7	Entire Project	Permittee	
47	<u>Notification of Take or Injury</u> . Permittee shall immediately notify the Authorized 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 Authorized Biologist or Designated Representative shall provide initial notification to CDFW by following Condition of Approval 7.3. 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 2 Calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.9	Entire Project	Permittee	
48	<u>Herbicides</u> . Permittee shall only use herbicides containing a harmless dye and registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application when winds are greater than 5 miles per hour.	ITP Condition # 8.1	Entire Project	Permittee	
49	<u>Rodenticides and Insecticides</u> . Permittee shall not use rodenticides and/or insecticides on the Project area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project area without prior written permission from CDFW.	ITP Condition # 8.2	Entire Project	Permittee	
50	<u>Removal of Debris</u> . Permittee shall remove all hardened concrete and other loose debris in areas that need to be cleared by slowly removing stored material starting from the top and working down to ground level, rather than scooping from the ground up. This method will minimize the possibility of harming a Covered Species using the debris as shelter and will allow them to escape.	ITP Condition # 8.3	Entire Project	Permittee	
51	<u>Entrapment Inspections</u> . Any pipes, culverts, or similar structures with a diameter greater than 3 inches and less than 8 inches aboveground shall be inspected by the Authorized Biologist(s) and/or Biological Monitor(s) for Covered Species' before the material is moved, buried, or capped. The Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches within Covered Species habitat at a minimum of twice a day and just prior to backfilling. At the end of each workday during construction, Permittee shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed no greater than a 30° angle. If any worker discovers that Covered Species have become trapped, they shall halt Covered Activities and notify the Biological Monitor(s) and/or Authorized Biologist(s) immediately. Project workers and the Biological Monitor(s) and/or Authorized Biologist(s) shall allow the Covered Species to escape unimpeded if possible, or an Authorized Biologist(s) approved under Condition of Approval 6.4 of the ITP shall move the Covered Species out of harm's way before allowing work to continue.	ITP Condition # 8.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
52	<p><u>Entrapment Permanent Structures.</u> Permanent design features shall be constructed to prevent the entrapment of Covered Species.</p> <ul style="list-style-type: none"> •Pipes, culverts, or similar structures with a diameter greater than 3 inches, a depth exceeding 6 inches, and an angle steeper than 45° must include a permanent escape ramp. Exceptions may be granted for structures that are inaccessible to wildlife (e.g., secured with mesh screens at inlets/outlets). •Desert washes and drainage features shall retain a sandy bottom. Interstitial spaces within rock slope protection must be filled with suitable substrate (e.g., partially grouted) to prevent entrapment. •All entrapment-related permanent structures shall be inspected and approved by the Authorized Biologist(s) and/or Biological Monitor(s) upon Project completion, in accordance with Condition of Approval 7.8. 	ITP Condition # 8.5	Entire Project	Permittee	
53	<p><u>Covered Species Observations.</u> If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project area OR an Authorized Biologist(s) approved under Condition of Approval 6.4 of the ITP relocates the Covered Species as described in the ITP and Desert Tortoise Translocation Plan. The Designated Representative shall notify CDFW of any Covered Species observations within the Project area. Notification shall occur as described in Condition of Approval 7.3 within twenty-four [24] hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map and shapefiles with the location (including GPS coordinates) where the individual was moved as specified in the DTP.</p>	ITP Condition # 8.8	Entire Project	Permittee	
54	<p><u>Desert Tortoise Burrow Excavation.</u> Only Authorized Biologist(s) and Biological Monitor(s) under Condition of Approval 6.4 are authorized to conduct burrow excavation. Excavation of burrows shall follow the methods described the USFWS Field Manual.</p>	ITP Condition # 8.9	Entire Project	Permittee	
55	<p><u>Mohave Ground Squirrel Burrow Excavation.</u> The Authorized Biologist(s) shall fully excavate by hand all burrows OR scope each burrow within the Project area that are suspected or known to be occupied by Mohave ground squirrels. The Authorized Biologist(s) shall allow Mohave ground squirrels encountered in the excavated burrows during their active period (generally March 15 – July 15) to escape out of harm's way. During the Mohave ground squirrel dormant period (generally September 1 – January 31), the Authorized Biologist(s) shall collect and immediately relocate the individuals to an artificial burrow in the following preferential order: 1.) relocate to the nearest public lands with suitable habitat from where the squirrel was originally captured; 2.) relocate outside of right-of-way, on private property. Mohave ground squirrels may not be relocated to private property unless the Permittee obtains written permission from the property owner prior to Covered Activities. The Mohave ground squirrel may only be relocated by the Authorized Biologist(s). The Authorized Biologist(s) shall prepare relocation burrows in the following manner: (1) A hole of at least two feet deep shall be dug; (2) Install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45° angle; (3) The Authorized Biologist(s) shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.</p>	ITP Condition # 8.10	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
56	<u>Ambient Air Temperature for Desert Tortoise.</u> During all handling procedures, Covered Species shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Covered Species shall be kept shaded at all times until it is safe to release them. For the purposes of this permit, ambient air temperature shall be measured in the shade, protected from wind, at a height of 5 centimeters above the ground surface. For all Covered Activities no Covered Species shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)). No Covered Species shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, Covered Species shall be kept shaded in an environment that does not exceed 95° F (35° C), and not released until ambient air temperature declines to below 95°F (35°C). Covered Species moved during the less active season (June 1 to August 31 and November 1 to March 31) shall be monitored by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety. During relocation, the Authorized Biologist(s) may hold a captured Covered Species overnight and move them the following morning within these temperature constraints.	ITP Condition # 8.12	Entire Project	Permittee	
57	<u>Desert Tortoise Species Rehydration.</u> If a Covered Species voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the animal(s). The Authorized Biologist(s) shall rehydrate the Covered Species at the location where the animal(s) was or were captured, or the location where the animal(s) is or will be released. The Authorized Biologist(s) shall rehydrate the Covered Species by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the Covered Species. The Authorized Biologist(s) shall rehydrate each Covered Species individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected area during rehydration.	ITP Condition # 8.13	Entire Project	Permittee	
58	<u>Covered Species Handling Records.</u> The Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; and (h) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the reports following Condition of Approval 7.5, 7.6 and 7.8.	ITP Condition # 8.14	Entire Project	Permittee	
59	<u>Covered Species Guards.</u> The design of Covered Species guards shall include exit ramps and cleanout. Guards shall be installed along the Existing Right-of-Way fence. Guard locations and design shall be provided to CDFW and shall be approved by CDFW in writing prior to starting Covered Activities.	ITP Condition # 8.15	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	<u>Covered Species Fencing</u> . Temporary exclusionary fencing shall be used adjacent to open habitat (e.g. project limits; stockpile, water tank, and staging areas). The fence shall include the installation of shade structures along the outer fence perimeter placed at regular intervals. The temporary fence shall be constructed according to USFWS Field Manual7.	ITP Condition # 8.16	Entire Project	Permittee	
61	<u>Covered Species Fence Maintenance Inspection</u> . The Biological Monitor(s) and/or Authorized Biologist(s) shall inspect the Covered Species fencing during the Covered Activities, at the end of each workday, and during major rainfall events and within 24 hours to ensure Covered Species is prohibited from entering the Project area. If the fence is compromised, repairs shall be completed immediately, and clearance protocol level surveys shall be conducted as described in Condition of Approval 8.6.	ITP Condition # 8.17	Entire Project	Permittee	
62	<u>Vehicle Inspection</u> . Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Biological Monitor(s) or Authorized Biologists(s) and wait for the Covered Species to move unimpeded to a safe location or the Authorized Biologist(s) shall relocate the Covered Species as described in Condition of Approval 8.11 before moving vehicles and equipment.	ITP Condition # 8.18	Entire Project	Permittee	
63	<u>Staging Area and Parking Area</u> . The Permittee shall enclose all staging areas with Covered Species exclusion fencing. All parked vehicles and equipment shall be inspected prior to vehicles and equipment being moved. If a Covered Species is found within a staging or parking area the worker shall immediately contact the Authorized Biologist(s) and/or Biological Monitor approved in Condition of Approval 6.4 of the ITP. A biologist approved in Condition of Approval 6.4 of the ITP shall relocate the Covered Species in accordance with Condition of Approval 8.11 of the ITP and the DTTP.	ITP Condition # 8.19	Entire Project	Permittee	
64	<u>General Habitat and Species Avoidance</u> . Permittee shall, to the greatest extent feasible, avoid impacts/disturbances to sensitive plants, plant communities, and animals within the Project area. In addition, Permittee shall avoid, to the maximum extent practicable, impacts/disturbance to perennial, native vegetation within the Project area. To the maximum extent practicable, Permittee shall limit access-related Covered Activities to "drive and crush" rather than vegetation removal or grubbing.	ITP Condition # 8.23	Entire Project	Permittee	
65	<u>Covered Species Injury</u> . If a Covered Species is injured as a result of Project-related activities, the Authorized Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.9. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.24	Entire Project	Permittee	
POST-CONSTRUCTION					
66	<u>Refuse Removal</u> . Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.17	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
67	Final Mitigation Report. No later than forty five [45] days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; (8) final Project plans including any design modifications made after the issuance of the ITP; (9) an accounting of the number of acres subject to both temporary and permanent disturbance, including both original acres at the time of the ITP issuance, and a total at construction completion to include any design modifications; and (10) any other pertinent information.	ITP Condition # 7.8	Post-construction	Permittee	

Project Name: US 395 Widening Project Contract 2 0F633**LSA Agreement/ITP Number(s):** 2081-2024-071-06

Department of Fish and Wildlife

CDFW Region 6 Desert Tortoise Biologist Qualification Form

This form requests information about the qualifications of the Desert Tortoise Authorized 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).

While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of qualifications.

Requesting Approval for: Authorized Biologist (AB) or Biological Monitor (BM) (skills needed are determined by the conditions in the ITP and measures in the LSA)

Date Submitted: _____

Requesting Approval as: ☐ Desert Tortoise AB ☐ Desert Tortoise BM

SECTION I. BIOLOGIST NAME AND CONTACT INFORMATION:

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

SECTION II. RELEVANT STATE OR FEDERAL WILDLIFE PERMITS CURRENTLY HOLD, OR HAVE PREVIOUSLY HELD OR WORKED UNDER (Attach A Copy of the Permit and Any Amendments):

Species	State Permit Number	Federal Permit Number	Dates From/To	Permit Holder

SECTION III. EDUCATION:

College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	

Project Name:				
LSA Agreement/ITP Number(s):				
Name/Type of Training	Certification Received (Provide Copy)	Dates (From/To) and Hours	Location	Instructor/Sponsor

SECTION V. ITP/LSA REQUIREMENTS (Copy and paste measure(s) from LSA and/or ITP that describe the Authorized Biologist/Biological Monitors necessary qualifications that require CDFW review and approval)

Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	

SECTION VI. SPECIFIC DESERT TORTOISE FIELD EXPERIENCE

Number of <u>hours</u> conducting desert tortoise-related activities.	
How many worker education programs have you presented?	
How many projects/hours have you been on-site monitoring project activities for compliance and to prevent incidental take of desert tortoise?	
Number of <u>miles walked</u> conducting protocol level presence/absence surveys and clearance surveys.	Presence/Absence Surveys: Clearance Surveys:
Number of wild, free-ranging desert tortoises you encountered during <u>protocol level surveys</u> .	< 100 mm carapace length: ≥ 100 mm carapace length:
Check, one for each size, the number of wild, free-ranging desert tortoises you personally <u>handled under direct supervision of an AB</u> .	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of wild, free-ranging desert tortoises you have personally <u>handled, under no supervision of an AB</u> .	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>

Project Name:	
LSA Agreement/ITP Number(s):	
Check, one for each size, the number of transmitters or other devices (specify) you have personally <u>attached</u> to wild, free-ranging desert tortoises.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of transmitters or other devices (specify) you personally <u>removed</u> from wild, free-ranging desert tortoises.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under direct supervision of an AB.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under no supervision.	<100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> ≥100 mm: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have excavated, under direct supervision of an AB.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have excavated, under no supervision.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs, under direct supervision of an AB. What month(s) did you find and rebury the eggs?	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Month:
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs), under no supervision. What month(s) did you find and rebury the eggs?	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/> Month:
How many wild, free-ranging desert tortoises have you conducted health assessments on independently under the supervision of an AB and/or without supervision?	Disinfection/Sanitation Protocols: / Capture/Handling: / Physical Examination: / Biological Sample collection: / Hydration: / Other: /
Check, one for each category, how many biological samples have you prepared for shipment.	Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/>

Project Name:	
LSA Agreement/ITP Number(s):	
Check, how many artificial burrow(s) for desert tortoise have you constructed and how many artificial burrow(s) have you supervised the construction?	<p>Constructed: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p> <p>Supervised Construction: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p>
How many temporary holding pens have you constructed? How many temporary holding pens have you supervised the construction?	<p>Constructed:</p> <p>Supervised Construction:</p>
<p>Check how many translocation plans you have implemented as an AB?</p> <p>Check how many translocation plans you have implemented as a BM?</p> <p>Check how many desert tortoise you have personally translocated without supervision as an AB and BM?</p>	<p>Translocation Plans Implemented as Authorized Biologist: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p> <p>Translocation Plans Implemented as Biological Monitor: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p> <p>Desert tortoise translocated as Authorized Biological: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p> <p>Desert tortoise translocated as Biological Monitor: Zero <input type="checkbox"/> <10 <input type="checkbox"/> 10-25 <input type="checkbox"/> 25-50 <input type="checkbox"/> 50-75 <input type="checkbox"/> 75-100 <input type="checkbox"/> 100-150 <input type="checkbox"/> >150 <input type="checkbox"/></p>
If you have trained an AB or BM please provide one contact for each. Include the person's name, project name, and ITP number.	<p>Authorized Biologist Name/Project Name/ITP #:</p> <p>Biological Monitor Name/Project Name/ITP:</p>

SECTION VII. REFERENCE INFORMATION

This section requests three references that can confirm your qualifications. Include co-workers/biologists that can verify your experience, but do not use supervisors¹ listed in Section VIII.

Name:	Employer/Position	Address/Location:	Phone:	Email:

¹ In order to provide a broader spectrum of references, supervisors both past and present should not be included.

SECTION VIII. DESERT TORTOISE FIELD EXPERIENCE

This section details desert tortoise experience from the most recent and relevant projects. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Project 1:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	

Project Name:			
LSA Agreement/ITP Number(s):			
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
B. Project 2:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
C. Project 3:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
D. Project 4:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
E. Project 5:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			

Project Name:			
LSA Agreement/ITP Number(s):			
Skills Used:			
F. Project 6:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
G. Project 7:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
H. Project 8:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
I. Project 9:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			

Add Additional Pages for More Experience

**BIOLOGIST RESUME**Project Name: [Click or tap here to enter text.](#)LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)**COVER SHEET**

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

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

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.**

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.



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

SECTION I. NAME AND CONTACT INFORMATION

Name:

Title:

Company Name & Address:

Phone:

Email:

SECTION II. EDUCATION

College/University, Degree Name and Type Related to Natural Resource Science (e.g., BS in ecology), and Dates of Attendance:

Other Relevant Workshops & Training:

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):

Relevant LSA Agreement Measures or ITP Conditions²:

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 V.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed Provide project details in Section 5	Life History Knowledge Describe formal workshops & training with dates, or informal training details	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements	
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.



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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 IV. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

SPECIES OR RESOURCE 1:

Project 1 Name & Location:

Project Start Date:

Project End Date:

LSA Agreement, ITP, or Other Agency Permit Number:

Role(s)⁴:

Survey Type(s)⁵:

Construction Monitoring⁶

Days:

Activities:

Species Life Stages Observed & Handled, Number of Each

Company Name, Professional Reference Name, Phone, Email:

Life Stage:

Number Observed:

Number Handled:

Reported to

CNDDB⁷ (Y/N):

If not reported to CNDDB, why:

CDFW and Other Agency Email:

Project 2 Name & Location:

Project Start Date:

Project End Date:

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

Company Name, Professional Reference Name, Phone, Email:

Life Stage:

Number Observed:

Number Handled:

Reported to

CNDDB (Y/N):

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 CNDDB is the abbreviation for California Natural Diversity Database.

**BIOLOGIST RESUME**Project Name: [Click or tap here to enter text.](#)LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
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:	
Additional Information:	
SPECIES OR RESOURCE 2:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
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:	



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

Project 2 Name & Location:	
Project Start Date:	Project End Date:
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 Date:	Project End Date:
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:	
SPECIES OR RESOURCE 3:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	



BIOLOGIST RESUME

Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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 Date:	End Date:
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 Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring:	
Days:	



BIOLOGIST RESUME

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Project Name: [Click or tap here to enter text.](#)

LSA Agreement/ITP Number(s): [Click or tap here to enter text.](#)

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:	

2081-2024-071-06

DESERT MANAGERS GROUP
DEPOSIT DOCUMENT

Please fill out all applicable sections highlighted in blue.

Project Name:

Project Phase (if applicable):

Project Location
(i.e. County, Township, Range,
Section, Base and Meridian):

Land Ownership
of Project Site:

Project Proponent:

Permittee/Grantee:

<input type="checkbox"/>	Prior Deposit Document(s) submitted for previous deposit(s) (check and complete, if applicable)			
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>
	Project Phase:	<div></div>	Deposit: \$	<div></div>

Permitting Agency (check if applicable) and Decision Documents (identify by name, date, and permit #):**FEDERAL AGENCIES**☐
☐**Bureau of Land Management** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐
☐**National Park Service** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐
☐**U.S. Forest Service, San Bernardino National Forest** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐
☐**U.S. Bureau of Indian Affairs** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐
☐**U.S. Fish and Wildlife Service** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐
☐**U.S. Geological Survey** (check if applicable)

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

U.S. DEPARTMENT OF DEFENSE AGENCIES☐ **Marine Corps Installations West-Marine Corps Base Camp Pendleton**

(check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Edwards Air Force Base** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Air Ground Combat Center, Twentynine Palms** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Air Station, Yuma** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Marine Corps Logistics Base, Barstow** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **National Training Center, Fort Irwin** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Naval Air Weapons Station, China Lake** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

STATE OF CALIFORNIA AGENCIES

☐ **California Department of Fish and Wildlife** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **California Department of Parks and Recreation** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **California Department of Transportation** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **California Energy Commission** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

COUNTIES - STATE OF CALIFORNIA☐ **Imperial County** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Inyo County** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Kern County** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **San Bernardino County** (check if applicable)☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

Monies Required for Deposit:☐ **Raven Management Sub-Account**

Management Measures

\$

☐ **NFWF Deposit Fee (\$3,000)****Not Applicable****TOTAL DEPOSIT for Project (or Project Phase)**

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**SUB-ACCOUNT AND REQUIRED MEASURE DETAILS:
Raven Management Sub-Account****Measures:**

A. Description of Measure:

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B. Citation (e.g., page, section, condition number) to Applicable Decision Document(s):

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C. Implementation Schedule:

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D. Applicable DMG Agency(ies) with Authority over Implementation of the Measure:

AGENCY	CONTACT PERSON & INFORMATION

E. Name and contact information for each applicable DMG Agency(ies)' designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account):

AGENCY	CONTACT PERSON & INFORMATION

INFORMATION & INSTRUCTIONS

The Deposit Document is used for internal purposes by the DMG Agencies and NFWF. The Deposit Document is not itself a Decision Document. The following is information and direction with respect to the Deposit Document.

The Deposit Document is to be filled out by the appropriate DMG Agency(ies) staff or depositors, as determined by the DMG Agencies. The DMG Agency staff who takes the lead in preparing the Deposit Document shall coordinate with the other applicable DMG Agency staff, and National Fish and Wildlife Foundation (NFWF) staff prior to finalizing the Deposit Document.

Project Name:

- Identify the name of the permitted project.

Project Phase:

- If the project has been permitted in phases, specify the phase(s) to which this Deposit Document applies.

Project Location:

- Identify the county in which the project is located.
- Provide available information as to township, range, section, and base and meridian.

Land Ownership of Project Site:

- Indicate whether the land on which the permitted project or project phase(s) is located is privately or publicly owned.
- If it is publicly owned, identify the applicable governmental entity.

Permittee/Grantee:

- Identify the name of the permittee/grantee, which also may be known as the project proponent or responsible party.
- If the permittee/grantee is a company that is owned by another company, identify the name of the parent company.

Prior Deposit Documents:

- Check the box if a prior deposit document was submitted for the project. If the box is checked, identify the phase of the project and the total dollar figure of the deposit for which the prior deposit document was submitted. There is space to identify up to six (6) prior deposit documents.

Permitting Agency and Decision Documents:

- Check the box of each permitting agency. This is an agency that has issued a decision document (permit or other authorization) for the project or project phase(s).
- Under the applicable permitting agency, identify the decision document by (1) name; (2) date; (3) permit identification number.

- Submit with the Deposit Document, a CD or hard copy of each decision document, and indicate by checking the box that the decision document is attached.
- Under the applicable permitting agency, identify the project identification or tracking number. For example, for BLM, this is the “CACA” number. For DFW, this may be an “ITP”, “SAA”, “SCH”, or other number. For the CEC, this is the “Decision” number. For the USFWS, this is the “Permit” or “File” number.

Monies Required for Deposit:

Currently, there is one single subaccount established under the NFWF DMG Mitigation Account. For purposes of the Deposit Document, a subaccount may be referred to as “Account.” The existing Account and the associated NFWF fees are as follows:

1. Raven Management Account
 - a. NFWF Deposit Fee (\$3,000 for the establishment of a single subaccount into which all deposits will be made. This single, one-time deposit fee will satisfy the deposit fee for all depositors, but shall be deducted from the initial deposit into the subaccount at the time of deposit)
 - b. NFWF Annual Fee (greater of 2% or \$1,000 annual)
2. To calculate the “**TOTAL DEPOSIT for Project (or Project Phase),**” enter the amount of the required Raven Management payment. (The NFWF Deposit Fee need not be added to the calculation of any deposit into the Raven Management Account because the single, one-time Deposit Fee shall be deducted from the initial deposit made into the subaccount at the time of the deposit, and it will satisfy the Deposit Fee for all depositors. In addition, the NFWF Annual Fee need not be added to the calculation of the Total Deposit because it is assessed and collected against earned investment income, and to the extent investment income is insufficient, the Annual Fee is assessed against the Account balance.)

Required Measure Details:

- **Raven Management Measures:** These are actions to manage ravens in order to minimize and mitigate impacts to desert tortoise.
- For each listed measure, subsections a-d call for specific information, as follows:
 - Subsection A.: description of the Measure.
 - Subsection B.: citation(s) to the applicable Decision Document(s) requiring the Measure, such as the page, section, and condition number.
 - Subsection C.: identification of the implementation schedule for the Measure so that the deadlines and time periods within which the Measure must be completed are clear.
 - Subsection D.: identification of the applicable DMG Agency(ies) with authority over implementation of the Measure, the name of the agency contact person, and the contact information for the agency person, including phone number and email address.
 - Subsection E.: Name and contact information for each applicable DMG Agency(ies)’ designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account.

Submitting the Deposit Document and Funds for Deposit

The Deposit Document may be submitted to NFWF by a DMG Agency separately from, but concurrent with, the Permittee's payment of funds for deposit, or the Deposit Document may be submitted to NFWF by the Permittee together with the payment of funds for deposit.

The funds for deposit may be paid by check or wire:

Deposits by check shall be sent to:

National Fish and Wildlife Foundation,
1133 15th Street, NW, Suite 1000
Washington, D.C. 20005
Attn: Chief Financial Officer

Deposits by wire shall be sent to:

For depositors desiring to send funds to NFWF via electronic funds transfer, the deposit will be made in accordance with wire instructions provided by NFWF in writing at the time of deposit.

All deposits must include a notation identifying the name of the project for which the deposit is being made.

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
960 Riverside Parkway, Suite 90
West Sacramento, CA 95605
Attn: HCPB Mitigation Funds

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

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

Dear Sirs:

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

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled upon receipt by us of Certificate of Cancellation, which: (i) shall be in the form of Attachment B, which is attached hereto, and (ii) shall be completed and signed by an Authorized Representative of CDFW, as defined in paragraph 12 below.
12. An Authorized Representative shall mean the Director of CDFW; the General Counsel of CDFW; a Regional Manager of CDFW; or the Branch Manager of CDFW's Habitat Conservation Planning Branch.
13. This Credit shall be automatically extended without amendment for additional periods of one year from the present or any future expiration date hereof, unless at least sixty (60) days prior to any such date, we notify CDFW in writing by registered mail, return receipt requested, or by overnight courier that we elect not to consider this Credit extended for any such period.
14. Communications with respect to this Credit shall be in writing and addressed to us at [***name and address of financial institution***], specifically referring upon such writing to this credit by number. The address for notices with respect to this Credit shall be: (i) for CDFW: Department of Fish and Wildlife, Habitat Conservation Planning Branch, 960 Riverside Parkway, Suite 90, West

Sacramento, CA 95605, Attn: HCPB Mitigation Funds; and (ii) for the Applicant:
[name and address of applicant].

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws of the State of California.
17. This Credit shall, if not canceled, expire on **[expiration date]**, or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

[Name of financial institution]

By: _____
Name: _____
Title: _____
Telephone: _____

ATTACHMENT A

CERTIFICATE FOR DRAWING

[CDFW Letterhead]**[Date]****[Name and address of financial institution]**Re: Irrevocable Standby Letter of Credit No. **[number issued by financial institution]**

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[**CDFW Letterhead**]

[**Date**]

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

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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