



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

California Endangered Species Act  
Incidental Take Permit No. 2081-2024-068-04

**MADERA 41 SOUTH EXPRESSWAY PROJECT (PROJECT)  
CALTRANS EA 06-0R040**

**I. Authority:**

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c). (See Cal. Code Regs., tit. 14, § 783.4.)

<b>Permittee:</b>	<b>California Department of Transportation (Caltrans)</b>
<b>Principal Officer:</b>	<b>Dena Gonzalez, Biology Branch Chief</b>
<b>Contact Person:</b>	<b>Alyssa Kemp, (559) 401-9648</b>
<b>Mailing Address:</b>	<b>2015 East Shields Avenue, Suite 200 Fresno, California 93726</b>

**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 **December 31, 2035**.

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 7.12 of this ITP.

**III. Project Location:**

The Madera 41 South Expressway Project (Project) is located on a 4.8-mile segment of State Route (SR) 41, between post miles (PM) R1.9 (near Avenue 10.5) and R6.6 (0.4 mile north of Tesoro Viejo Blvd/Avenue 15) in Madera County (see Figures 1 and 2). The Project area occurs in portions of the following locations in the Mount Diablo Baseline and Meridian of the Public Land Survey System:

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

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

- Township 11 South, Range 20 East, in portions of Sections 16, 21, 28, and 33 (Lanes Bridge, California, USGS quad map);
- Township 12 South, Range 20 East, in portions of Sections 4, and 9 (Lanes Bridge, California, USGS quad map).

The southern end of the Project is located within the community of Rolling Hills, at Latitude 36.90248 and Longitude -119.79255. The northern end of the project is located within the community of Bonadelle Ranchos Nine, at Latitude 36.97238 and Longitude -119.79397.

#### **IV. Project Description:**

The Project involves expanding the existing two-lane highway into a divided four-lane expressway connecting to the existing four-lane expressway at the south end of the Project and transitioning down to the existing two-lane expressway at the north end. New lanes and drainage facilities will be constructed on the west side of the existing highway south of Avenue 12 and on the east side of the existing highway north of Avenue 12. Project components include road construction, widening shoulders, constructing a new bridge over Avenue 12, extending and adding new culverts at approximately 56 locations, constructing two stormwater detention basins, constructing v-ditches, upgrading guardrail, installing new lighting systems, and replacing and installing new right of way (ROW) fencing. Construction activities will also involve relocating utilities, vegetation clearing and grubbing (removal of roots), construction of temporary access roads, site restoration, and temporary stream diversion and dewatering. Project activities will take approximately 540 days to complete (approximately 1.5 years), intermittently over a total of approximately 360 working days and 180 working nights.

#### *Utility Relocation, Electrical and Lighting Systems:*

Fiber optic lines and/or underground telephone lines belonging to Central Valley Independent Network and Ponderosa Telephone Company, as well as overhead electrical poles and lines and underground gas lines belonging to Pacific Gas and Electric Company will be relocated into the highway ROW prior to construction along both sides of the highway. Four new overhead lighting fixtures will be installed at the intersections of SR 41/Avenue 12 and SR 41/Avenue 14 (two each, per intersection) and existing overhead lighting fixtures will be relocated at these intersections to accommodate the additional lanes. LED bulbs are currently used in the existing fixtures and will be used in the new and relocated fixtures. An existing changeable message sign for the highway and overhead lighting will also be upgraded and connected to existing utility lines. Utility potholing will be required to locate underground utility lines, which entails excavating holes that range in size from approximately 6- to 24-inches in diameter and 3- to 12-feet-deep. Once each utility line has been located, then the soil is returned. Utility potholing will not be completed in wetland or stream areas. The fiber optic system will be relocated using trenching, and the trenches will be approximately 3-feet-wide by 5-feet-deep. Electrical poles will be removed from their existing location and the holes will be backfilled. New holes, measuring approximately 2-feet-wide by 6-feet-deep, will be excavated to accommodate the new poles.

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### *Expressway Construction:*

The existing roadbed of SR 41 will be demolished throughout the Project area. The existing roadbed will be repaved to create new northbound lanes, but isolated areas will require cut (excavation) or fill to achieve desired elevations and grades. The new southbound lanes will be constructed on top of approximately 25 feet of earthen fill or excavated in isolated area, also as needed to achieve desired elevations and grades. Earthen fill will be imported or recycled from basin excavations throughout the Project area. Eight-foot-wide paved shoulders will be constructed throughout most of the Project area, which will involve either widening the existing roadway or building the new roadway wide enough to accommodate the shoulders. The existing 6- to 8-foot-wide paved shoulders on Avenue 12 on the west side of SR 41 will be widened to approximately 9.7 feet.

### *Culvert Activities:*

Culverts will be installed, replaced, or extended at approximately 56 locations in the Project area during the process of constructing the new southbound lanes. Existing culverts under the current SR 41 will be extended to continue under the new southbound lanes. For all locations besides PMs 5.84 and 5.97, new culverts will be replaced with reinforced concrete pipes of the same or larger diameter as the existing pipes (ranging from 18 to 48 inches in diameter). At PMs 5.84 and 5.97, the existing corrugated steel arch pipe culverts will be replaced with longer, larger sized (corrugated steel arch pipe culverts. Culvert activities will include addition or replacement of concrete flared end sections, drainage inlets, and headwalls and installation of rock slope protection.

The new reinforced concrete pipe segments, concrete flared end sections, drainage inlets, and headwalls will either be pre-cast (manufactured at a facility, off-site) or cast-in-place (use of wooden forms, falsework, and concrete pours). All culvert replacements, installations, and removals will be completed using the "cut and cover" method, where the culvert is excavated and removed, replaced, and then the trench is backfilled, within one traffic lane at a time. When work is not taking place, the trench will be covered with a steel plate to allow traffic movement over the Project area.

The existing reinforced box culvert at the Madera Lateral 6.2 Canal (PM 5.38) will be widened to accommodate new highway lanes and wider shoulders. This will require constructing a temporary water diversion, excavating soil, demolishing and removing the current concrete channel lining, wingwalls and apron, constructing a new cast-in-place reinforced concrete box culvert that connects to the existing box culvert, installing RSP at the new outlet, and backfilling material on top of the new box culvert to pave the new SR 41 lanes. The temporary diversion will be created by installing gravel bedding and temporary cofferdams comprised of plastic sheet wrapped sandbags, then diverting flow into a diversion. Temporary access ramps using fill-material will be created for equipment access to the bottom of the canal.

*Detention Basins and V-ditches:*

New v-ditches will be constructed on both sides of the highway between approximately PMs R2.9 and 6.6, and two stormwater detention basins will be constructed on the east side of the highway at PMs R2.9 and 3.78. Approximately 104,017 cubic yards of soil will be excavated to construct a new basin at PM R2.9, to a maximum depth of approximately 24 feet, with 4:1 side-slopes. There are three existing drainage basins at PM 3.78 that will be replaced with a single large drainage basin. The western portions of the existing basins will be filled to build up the new roadbed and shoulders, and approximately 43,491 cubic yards of soil will be excavated to complete the basin. The depth of this basin will be approximately 10 feet, with 4:1 side-slopes. As the basin is being excavated, the soil will be used to fill in necessary portions of the existing basins.

*Temporary Access and Staging:*

A 32-foot-wide, 900-foot-long detour road will be constructed in the median of SR 41 to divert northbound and southbound traffic south of Avenue 11. The temporary detour road will be constructed of a gravel base with hot mix asphalt surface. Temporary concrete barriers will also be used in this section to separate traffic from construction activities. All other temporary access, equipment and vehicle staging, and any construction yards will be located within the general construction footprint of the Project area, in pre-disturbed areas that have already been cleared and/or graded for Project activities or in existing pre-disturbed, unvegetated, and graveled or compacted areas.

*Other Construction Activities:*

Except for Madera Lateral 6.2 Canal, work will be planned during times the streams and ponds are expected to be naturally dry. If water is present, temporary water diversions will be implemented using silt fencing, fiber rolls, or sandbag barriers and water will be pumped out and released downstream or onto the adjacent bank to restore flow downstream or outside of the Project area. Vegetation clearing and grubbing (consisting primarily of grasses and weedy herbaceous vegetation) will be completed in work areas prior to the start of other construction activities. New sections of metal beam guardrail will be installed along SR 41 at various locations in the Project area. The existing barbed wire ROW fencing and concrete barriers will be removed, and new 5-strand barbed wire fencing will be installed along the new ROW boundaries.

After completion of roadway and drainage components, temporarily disturbed slopes will be graded to match adjacent contours and erosion controls applied, that may include fiber rolls, compost, straw, and hydromulch. Exposed soils will be hydroseeded using a California native seed mix.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. California Tiger Salamander ( <i>Ambystoma californiense</i> )	Threatened <sup>4</sup>
2. San Joaquin Valley Orcutt Grass ( <i>Orcuttia inaequalis</i> )	Endangered <sup>5</sup>

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

**VI. Impacts of the Taking on Covered Species:**

Project activities and their impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above that are expected to result in incidental take of individuals of the Covered Species include the following: clearing and grubbing to remove vegetation; soil grading and leveling (cut or fill); compacting soil; excavating and trenching; stockpiling soil; backfilling soil; pouring concrete; installing permanent drainage features; compacting; paving; temporarily storing materials, vehicles and equipment; transporting construction materials and other project-related traffic; trash and debris removal; seeding; and pre-construction excavation of small mammal burrows and Covered Species salvage and relocation efforts required by this ITP (Covered Activities).

*California Tiger Salamander (CTS):*

Incidental take of individuals of CTS in the form of mortality (“kill”) may occur as a result of Covered Activities due to construction crews or equipment running over, crushing, or entombing CTS situated either above or below ground during initial ground-disturbance or during ongoing construction. Incidental take of individuals may also occur from Covered Activities in the form of catch, capture or attempt to do so from entrapment in holes or open trenches; entrapment in fencing; uncovering individuals during the excavation of burrow systems; corralling individuals into a confined area, and capturing, collecting, and relocating CTS individuals during mortality reduction activities required by this ITP; and by temporary and permanent loss of habitat. Incidental take of individual CTS may also occur from the Project’s incremental contribution to cumulative impacts (indirect impacts) including potential exposure to chemical contamination from uncured concrete, concrete dust, drilling fluids, petroleum products, paint, and other construction chemicals; loss of breeding and burrowing habitat used for shelter, reproduction, and escape cover; and long term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, local population decline due to increased habitat fragmentation, introduction or spread of invasive species, changes in drainage patterns and hydrology, and increased vulnerability to predation.

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

<sup>4</sup>See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(3)(G).

<sup>5</sup>See Cal. Code Regs. tit. 14 § 670.2, subd. (a)(24)(C).

The Project is expected to cause the permanent loss of approximately 70.04 acres of upland habitat and 0.21 acres of breeding habitat for CTS and temporary impacts to approximately 21.03 acres of upland habitat and 2.96 acres of breeding habitat for CTS. Permanent impacts will result from road widening and culvert replacement activities. Temporary impacts will result from temporary stream diversion and pool dewatering and grading and vegetation removal in areas needed for equipment access and using and storing materials, vehicles, and equipment. The areas where authorized take of the CTS may occur includes the existing and proposed ROW on SR 41 between PMs R1.9 and 6.6 (Project Area). Impacts of the authorized taking also include adverse impacts to CTS related to temporal losses, local population decline due to increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts described above).

*San Joaquin Valley Orcutt Grass (SJVOG):*

Incidental take of individuals of SJVOG in the form of mortality ("kill") may occur as a result of Covered Activities such as clearing, grubbing, vegetation removal, excavating, cut and fill, trenching, backfilling, soil compaction, fine and rough grading, paving, dust control, vehicle traffic, foot traffic, slope stabilization, erosion control, and seeding. Additionally, viable seeds within the wetland soils in the Project Area where SJVOG occurs (the "seedbank") may be removed or destroyed by initial grading activities, compaction, and trampling by construction vehicles and workers. Incidental take of individuals may also occur from the Project's incremental contribution to cumulative impacts (indirect impacts) including exposure to chemical contamination from uncured concrete, concrete dust, drilling fluids, petroleum products, paint, and other construction chemicals; erosion and sedimentation; introduction or spread of invasive species; and changes in drainage patterns and hydrology.

The Project is expected to result in the permanent loss of approximately 1.35 acres of suitable habitat where SJVOG may occur (plants and seedbank) and approximately 2.14 acres of temporary impacts to suitable habitat where SJVOG may occur (plants and seedbank). Permanent impacts will result from road widening and culvert replacement activities. Temporary impacts will result from temporary stream diversion and pool dewatering and grading and vegetation removal in areas needed for equipment access. The areas where authorized take of the Covered Species include the existing and proposed ROW on SR 41 between PMs R1.9 and 6.6 (Project Area). Impacts of the authorized taking also include adverse impacts to SJVOG related to temporal losses, local population decline due to increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts described above).

**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

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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.

# **VIII. Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Expressway Final Environmental Impact Report/Environmental Assessment (FEIR/EA) and Section 4(f) Evaluation with Finding of No Significant Impact (SCH No. 2015051074) adopted by Caltrans on April 6, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. Lake or Streambed Alteration Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake or Streambed Alteration Agreement (Notification No. EPIMS-MAD-53835-R4) for the Project to be executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. Federal Endangered Species Act Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Reinitiation of Formal Consultation for the State Route 41 South Expressway Project, Merced County, California (08ESMF00- 2015-F-0038-1) for the Project pursuant to the Federal Endangered Species Act. 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

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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. Designated Biologist(s) and Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitors may assist the Designated Biologists in compliance monitoring under the direct supervision of the Designated Biologists and as specified in Compliance Monitoring Condition of Approval. Permittee shall ensure that the Designated Biologists are knowledgeable in the biology and natural history of the Covered Species, enforcing no-disturbance buffers, and monitoring construction activities. Designated Biologists for CTS shall also have experience with collecting and handling CTS, excavating small mammal burrows for CTS, and monitoring construction activities under an ITP for CTS. Designated Biologists for SJVOG shall also have survey and/or monitoring experience with SJVOG or other *Orcuttia* species. Permittee shall ensure that the Designated Monitors are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and 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. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.
- 6.3. Designated Biologist and Designated Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate Designated Biologists and Designated Monitors in the performance of their duties. If the Designated Biologist or Designated Monitor is unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any noncompliance or take or injury of a Covered Species because of such agreement



or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 6.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Designated 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 Area upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.7. Delineation of Property Boundaries.** Before starting Covered Activities within each discrete part of the Project Area in active construction (work area), Permittee shall clearly delineate the boundaries of the work area with stakes, fencing, and/or flags. Permittee shall maintain work area boundary demarcations until the completion of Covered Activities in that area.
- 6.8. Delineation of Habitat.** Before starting Covered Activities at any work area, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the work area with posted signs, posting stakes, flags, and/or rope or cord, and

place fencing as necessary to minimize the disturbance of Covered Species' habitat.

- 6.9. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of, or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per Staging Areas Condition of Approval. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid CTS on or traversing the roads. If Permittee determines construction of routes for travel within potential habitat for Covered Species is necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before conducting such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because of the project modification.
- 6.10. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, construction trailers, materials batching, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. No parking, storage, laydown, or staging areas shall be located within 50 feet of potential CTS burrows or breeding habitat (per CTS Burrow Avoidance Condition of Approval) or within 25 feet of suitable habitat for SJVOG, unless protective measures have been implemented for Covered Species as per Additional Measures for CTS and Additional Measures for SJVOG Conditions of Approval. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Project Access Condition of Approval. If Permittee determines parking, storage, laydown, or staging areas are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because of the project modification.
- 6.11. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil shall not pass into potential pools where Covered Species may occur, or into any "waters of the state," including streams that traverse the Project Area, in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.
- 6.12. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 6.13. 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.
- 6.14. 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.
- 6.15. Wildfire Avoidance.** Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in Education Program Condition of Approval.

## **7. Monitoring, Notification and Reporting Provisions:**

- 7.1. Notification Before Commencement.** The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and at least 14 days before recommencing Covered Activities after any break in construction activities lasting more than 30 days and shall document compliance with all pre-Project Conditions of Approval before starting or recommencing Covered Activities.
- 7.2. Notification of Non-compliance.** The Designated Representative, Designated Biologist, or Designated Monitor shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative, Designated Biologist, or Designated Monitor shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.3. Pre-Activity Survey Reports.** At least three days prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of CTS burrows/crevices and SJVOG observations, as per CTS Pre-Activity Clearance Surveys, Flag and Map CTS Burrows and Crevices, and SJVOG Pre-Activity Clearance Surveys Conditions of Approval. The report shall also include maps that depict known or potential CTS breeding habitat, areas that will be avoided per CTS Burrow and Crevice Avoidance Condition Approval, and burrows proposed to be excavated according to the CTS Burrow and Crevice Excavation

Condition of Approval, and a written justification of proposed burrow excavation locations.

- 7.4. Inspection Records.** The Designated Biologist(s) and Designated Monitor(s) shall prepare written observation and inspection records for compliance monitoring as per Compliance Monitoring Condition of Approval, summarizing: (1) construction activities observed; (2) integrity of signs, stakes or fencing; (3) wildlife and Covered Species observations; (4) observations of non-compliance with any Conditions in this ITP; and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records shall be submitted with Quarterly Compliance Reports.
- 7.5. CTS Mortality Reduction and Relocation Plan.** Permittee shall submit a CTS Mortality Reduction and Relocation Plan to CDFW for review and written approval at least 30 calendar days before starting Covered Activities. The CTS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential CTS habitat; (2) an identification of survey, capture, handling, burrow/crevice excavation, and relocation methods and preliminary schedule of these activities relative to Project construction phases; (3) identification of relocation areas; (4) mapping and specifications for the fencing which will be installed to exclude CTS from the Project Area (as per CTS Exclusion Fencing Condition of Approval); (5) details regarding the use of coverboards which will be employed accessory to the exclusion fencing and plans for timing of fence and coverboard usage and fence maintenance; (6) monitoring frequency and methods; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the CTS. The CTS Mortality Reduction and Relocation Plan must specify that only the approved CTS Designated Biologists are authorized to capture and handle individuals of the CTS. Covered Activities within the Project Area may not proceed until the CTS Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling CTS unless approved in writing by CDFW and under the direct supervision of a CTS Designated Biologist.

The Permittee shall update the CTS Covered Species Mortality Reduction and Relocation Plan with proposed burrow avoidance and excavation locations, including an explanation for the proposed locations, after completion of CTS Pre-Activity Clearance Surveys, Flag and Map CTS Burrows and Crevices, and CTS Burrow and Crevice Avoidance Conditions of Approval, for CDFW review and written approval prior to initiating the CTS Burrow and Crevice Excavation Condition of Approval. Any proposed changes to the CDFW-approved CTS Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications. Burrow excavation and relocation activities shall not

proceed until the CTS Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (identified in Quarterly Compliance Reports Conditions of Approval).

- 7.6. SJVOG Seed Collection and Translocation Plan.** The Permittee shall submit a plan to collect and translocate SJVOG seed at the appropriate season, to CDFW for review and written approval at least 30 calendar days before starting Covered Activities. The SJVOG Seed Collection and Translocation Plan shall describe that SJVOG shall be harvested, as feasible, from areas observed during the SJVOG Pre-Activity Clearance Surveys Condition of Approval and which will be temporarily or permanently disturbed by Covered Activities, and provide a discussion of: (1) the identification of seed collection methods (including determination of appropriate timing); (2) methods of processing and/or storage of collected seed with the goal of maintaining the viability of the seed during collection and storage; and (3) a description and map(s) of the receiver site(s). Any proposed changes to the CDFW-approved SJVOG Seed Collection and Translocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications. Seed harvesting and translocation activities shall not proceed until the SJVOG Seed Collection and Translocation Plan has been approved in writing by CDFW's Regional Representative (identified in Quarterly Compliance Reports Conditions of Approval).
- 7.7. Compliance Monitoring.** A CTS Designated Biologist shall be on-site for the duration of Covered Activities (including night-work) unless all of the following have occurred: (1) CTS burrows have been avoided or excavated (per CTS Burrow/Crevice Avoidance and CTS Burrow/Crevice Excavation Conditions of Approval); (2) any captured CTS have been relocated according to the CDFW-approved CTS Mortality Reduction and Relocation Plan; (3) exclusion fence has been installed unless full-time monitoring is used in place of CTS Exclusionary Fencing; (4) SJVOG Pre- Activity Clearance Surveys have been completed; (5) SJVOG avoided, as feasible (per SJVOG Avoidance Condition of Approval) or seed collected (per SJVOG Seed Collection and Translocation Condition of Approval); and (6) initial grading activities are complete. Thereafter, a CTS Designated Biologist or CTS Designated Monitor shall conduct compliance inspections at least once a week for the duration of the Covered Activities (including periods of inactivity). During Covered Activities, at least one CTS and SJVOG Designated Biologist shall be available to respond to the Project Area within one hour of being contacted to address Covered Species needs and any other issues that may arise during implementation of this ITP. The Designated Biologist(s) and Designated Monitor(s) shall conduct weekly compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) ensure that signs, stakes, and fencing are intact; and (5) ensure that that

Covered Activities are only occurring in the Project Area. The Designated Representative, Designated Biologist(s), and/or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species, survey results, and monitoring activities required by this ITP. Inspections records shall be provided to CDFW upon request.

- 7.8. Covered Species Observations and Notification.** During all Covered Activities, workers shall inform a CTS Designated Biologist if any CTS or known or suspected SJVOG plants are observed at the Project Area. All work in the vicinity of the observed CTS which could injure or kill the species shall cease immediately until it moves from the Project Area of its own accord or until the CTS Designated Biologist can relocate the Covered Species following the CDFW-approved CTS Mortality Reduction and Relocation Plan. All work within 25 feet of known or suspected SJVOG shall cease until a SJVOG Designated Biologist can confirm the species identification, record the observation, and Permittee can determine if avoidance if possible, as per SJVOG Avoidance Condition of Approval. The Designated Biologist(s) and Designated Monitor(s) shall maintain a record of all Covered Species observed, handled, relocated, or protected in-place. This information shall include for each Covered Species: (1) the locations (Global Positioning System (GPS) coordinates and maps), date and time of the observation, handling, release, and/or protection in-place; (2) the name of the individual(s) that identified and handled the Covered Species; (3) circumstances of the incident; (4) for CTS, the general condition and health of each individual, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc. and any diagnostic markings, sex, age (juvenile or adult); (5) for SJVOG, the general condition and health and population census within the Project Area; (6) actions undertaken; (7) habitat description; and (8) for CTS, ambient temperature when observed and/or handled and released. Permittee shall provide this information in the next Quarterly Compliance Report and summarize it in the next Annual Status Report Conditions of Approval. The Designated Biologist responsible for the observation shall also submit this information to CDFW's CNDDDB per the CNDDDB Observations Condition of Approval.
- 7.9. Quarterly Compliance Reports.** The Designated Representative or a Designated Biologist shall compile the observation and inspection records identified in the Inspection Records and Covered Species Observations and Notification Conditions of Approval and documentation of night work according to the Lighting and Night Work Condition of Approval, into a Quarterly Compliance Report (QCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCRs shall be submitted before the 15th day of the month that it is due via electronic mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Dylan Burke

([dylan.burke@wildlife.ca.gov](mailto:dylan.burke@wildlife.ca.gov)), the Regional Office e-mail is [RRR.R4@wildlife.ca.gov](mailto:RRR.R4@wildlife.ca.gov), and the Headquarters CESA Program e-mail is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 7.10. Annual Status Reports.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report (see Final Mitigation Report Condition of Approval). Each ASR shall include, at a minimum: (1) a summary of all QCRs for the previous calendar year; (2) a record of the training sessions provided over the reporting year (per Education Program Condition of Approval); (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) summary of Covered Species observations, including copies of CNDDDB reports; (8) all available information about project-related incidental take of the Covered Species; and (9) information about other project impacts on the Covered Species. ASRs shall be submitted via email to the entities identified in the Quarterly Compliance Reports Condition of Approval.
- 7.11. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CNDDDB within 60 calendar days of the observation and the Permittee shall include copies of the submitted forms with the ASR.
- 7.12. Final Mitigation Report.** No later than 60 days after completion of all Conditions of Approval, including mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in the Quarterly Compliance Reports Condition of Approval. The Designated Representative or a Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs 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) any other pertinent information; and (9) before, during, and after photographic documentation of the project impact areas.

- 7.13. Notification of CTS Take or Injury.** Permittee shall immediately notify a CTS Designated Biologist if a CTS is taken or injured by a Project-related activity, or if a CTS is otherwise found dead or injured within the vicinity of the Project. If a CTS is injured, the CTS Designated Biologist(s) shall take the injured animal(s) to a CDFW-approved facility according to the CTS Injury Condition of Approval. The CTS Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, the Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, photograph(s), if possible, explanation as to the cause of take or injury, and any other pertinent information. The written report shall be submitted via email to the Regional Representative and Regional Office identified in the Quarterly Compliance Reports Condition of Approval.

- 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. Pesticide Use.** Permittee shall not use pesticides, including herbicides, insecticides, or rodenticides within the Project Area without written approval from CDFW. The request shall detail the type of pesticide proposed to be used, method of application, amount of pesticide to be used, spatial extent and timing of proposed application, impacts assessment of application specific to each Covered Species, measures to reduce impacts to each Covered Species, and justification for need of application. CDFW may approve limited use of pesticides through targeted spray (e.g., backpack sprayer, ground applications) at a buffer from Covered Species habitat. If approved, all pesticide application should be conducted by a Licensed and Certified Pesticide Applicator and used as directed by the manufacturer and approved by CDFW. Permittee shall only apply pesticide sprays via ground application when wind speeds measure less than 5 mph, or as otherwise approved by CDFW, in writing. Permittee shall ensure that great care is taken to avoid pesticide contact with any native vegetation and that all pesticide applied within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.



- 8.2. Avoid Introduction of Herbicides/Pesticides into Waters. Permittee shall ensure that pesticide mixing sites are only located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area, stream, vernal pool or wetland. Permittee shall ensure that any pesticide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.
- 8.3. Dust Control and Soil Stabilization. Permittee shall implement dust control measures, if needed, during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologists and Designated Monitors. Permittee shall keep the amount of water used to the minimum amount needed and shall minimize the formation of puddles. Permittee shall not apply dust palliatives (other than water), surfactants, soil binders, stabilizer products, hydromulch, or hydroseed over pools, burrows, and/or crevices unless otherwise approved by CDFW in writing prior to implementation. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.
- 8.4. Heavy Equipment Cleaning. Heavy equipment used in implementation of Covered Activities shall be thoroughly washed and inspected prior to its use on site to prevent introduction of invasive, exotic plant material (seeds, etc.) and pathogens from being introduced to the Project Area or adjacent habitats.
- 8.5. Equipment and Vehicle Fueling. Permittee shall ensure that all equipment and vehicle fueling, and maintenance occur at least 100 feet from any known or potential Covered Species pool or burrows/crevices unless otherwise approved in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.
- 8.6. Vehicle Parking. Permittee shall not allow vehicles to park on top of, or within 50 feet of any known or potential Covered Species pools or burrows/crevices, except within designated Staging Areas and in compliance with Additional Measures for CTS Condition of Approval. Vehicles left overnight shall be located at least 50 feet from any CTS burrows unless separated by exclusionary fencing (see CTS Exclusion Fencing Condition of Approval).
- 8.7. Soil Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 8.8. Invasive and Exotic Species Removal. Permittee shall remove any invasive plant species, identified in the California Invasive Plant Council Inventory (<https://www.calipc.org/plants/inventory/>) that are disturbed by the Project from the Project Area. Invasive plant species shall be bagged and appropriately disposed of

in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area. Permittee shall not stockpile cut invasive plant material within the Project Area at any time. Invasive plant species shall not be used in seeding, mulching, composting, or otherwise placed in or around the Project Area.

## **8.9. Additional Measures for CTS:**

- 8.9.1. Pipes and other Structures Entrapment Prevention. Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled in the Project Area are capped or otherwise enclosed at the ends, or stored at least 12-inches above ground, to prevent entry by CTS and other wildlife, unless separated by exclusionary fencing (see CTS Exclusion Fencing Condition of Approval). Permittee shall not leave such materials stockpiled for one or more workday or night periods where Covered Species may enter them and become trapped.
- 8.9.2. Vehicle, Equipment, and Materials Inspection. Project workers shall inspect under vehicles and equipment for CTS and other wildlife before the vehicles and equipment are moved. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more day or night periods for CTS and other wildlife before the object is subsequently moved, buried, or capped. If a CTS is present, workers stop work within 50 feet of the animal and shall notify a CTS Designated Biologist, and wait for the animal to move unimpeded to a safe location or the CTS Designated Biologist(s) may capture and relocate CTS in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval.
- 8.9.3. Barriers to Covered Species Movement. If curbs, berms, or dikes that could prevent CTS from accessing culverts or crossing low-traffic volume roads (Annual Average Daily Traffic less than 2,500) are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures as to allow CTS to walk over them. If steep dikes are required on low traffic-volume roads, their design shall include drains or curb/dike breaks spaced at intervals of up to 25 feet to allow CTS passage.
- 8.9.4. Open Trenches and Excavations. Workers shall inspect all open holes, sumps, and trenches within the Project Area at the beginning and end of each workday for trapped animals. In work areas where exclusionary fencing has not been installed, workers shall either cover all trenches greater than 6-inches deep, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope when workers or equipment

are not actively working in the excavation, which includes cessation of work overnight, or ensure that excavations have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope, unless separated by exclusionary fencing (see CTS Exclusion Fencing Condition of Approval). Coverings shall be comprised of hardware cloth or similar that restricts animals such as CTS from digging or squeezing under and becoming entrapped. The CTS Designated Biologist(s) or Designated Monitor(s) shall inspect excavation coverings to ensure compliance and shall thoroughly inspect all trenches, holes, sumps, and other excavations for or CTS (or other animals) before they are backfilled. If any worker discovers that CTS have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a CTS Designated Biologist immediately. the opportunity for the animal to escape unimpeded out of the work area before allowing work to continue. Alternatively, if the CTS will not leave the Project Area unimpeded, the CTS Designated Biologist(s) have captured and relocated the individual(s) as per the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval.

- 8.9.5. Erosion Control Materials. Permittee shall not use erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting), photodegradable mesh, or similar materials in potential CTS habitat, unless otherwise approved by CDFW in writing prior to implementation. Permittee shall include an impact assessment on CTS with any such requests for approval.
- 8.9.6. Lighting and Night Work. Permittee shall not use temporary exterior lighting, including motion-triggered security lighting that casts light into CTS habitat beyond the footprint of the Project Area. The number of nights and dates of night worked shall be documented as per the Annual Status Report Condition of Approval.
- 8.9.7. CTS Pre-Activity Clearance Surveys. No more than 14 days prior to starting Covered Activities, the Designated Biologist(s) approved for CTS shall survey the work area and a 50-foot buffer for CTS individuals and burrows and crevices suitable for CTS occupancy. The CTS Designated Biologist(s) shall repeat the surveys if there has been a break in Covered Activities by more than 30 days to search for new burrows and crevices suitable for CTS occupancy. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) of the Project work area and a 50-foot buffer zone around the work area, as visible or accessible. If any life stages (adults, metamorphs, eggs, or larvae) of CTS are found and avoidance is not possible, the CTS Designated Biologist(s)

shall capture and relocate CTS according the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval.

- 8.9.8. Flag and Map CTS Burrows and Crevices. During CTS pre-activity clearance surveys, the Designated Biologist(s) or approved Designated Monitor(s) approved for CTS shall map all animal burrows and crevices suitable for CTS occupancy and flag those proposed for avoidance or excavation, according to the CTS Burrow and Crevice Avoidance and CTS Burrow and Crevice Excavation Conditions of Approval. Permittee shall submit maps of potential CTS burrows and crevices to CDFW according to the Pre-Activity Survey Report Condition of Approval.
- 8.9.9. CTS Burrow and Crevice Avoidance. The Permittee shall establish a no-disturbance buffer of 50 feet or greater around potential CTS burrows and crevices identified and/or flagged according to the CTS Pre-Activity Clearance Surveys and Flag and Map CTS Burrows and Crevices Conditions of Approval, when they can be avoided from ground disturbing or other Covered Activities that could crush or entomb CTS. The boundary of the no-disturbance areas shall be mapped and clearly marked in the field using signs, stakes or posts with highly visible rope, or high visibility fencing that shall be removed upon completion of Covered Activities in each work area. The Permittee shall provide initial no-disturbance mapping to CDFW prior to starting Covered Activities or with the next applicable QCR for follow-up surveys.
- 8.9.10. CTS Burrow and Crevice Excavation. No more than 14 days after completing CTS pre-activity clearance surveys and no more than 30 days prior to initiating Covered Activities within a given work area, or resuming Covered Activities after a break of at least 30 days, the CTS Designated Biologist(s) and/or CTS Designated Monitor(s) under the direct supervision of a CTS Designated Biologist shall excavate potential CTS burrows and crevices within the areas approved by CDFW for excavation, as per the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval. The CTS Designated Biologist(s) shall capture and relocate any live CTS discovered during burrow and crevice excavation in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval. The Permittee shall provide the results of the burrow and crevice excavation (including locations and numbers of burrows excavated) and any CTS observations and relocation activities with each Annual Status Report (see Annual Status Reports Condition of Approval).

- 8.9.11. CTS Exclusion Fencing. After surveying, flagging, and excavating burrows and crevices in accordance with Conditions of Approval CTS Pre-Activity Clearance Survey and Reporting, Flag and Map CTS Burrows and Crevices, and CTS Burrow and Crevice Excavation Conditions of Approval, exclusion fencing (with cover boards) shall be installed to prevent individuals of the Covered Species from migrating into the cleared Project Area. The Covered Species exclusion fencing shall be installed in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval. Alternatively, Permittee may elect to maintain daily monitoring, for the duration of the day and/or night, by the CTS Designated Biologist(s) in place of exclusion fence installation for discrete work areas according to the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval.
- 8.9.12. Exclusion Fence Installation. The exclusion fence shall be installed under the direct supervision of the CTS Designated Biologist(s) and begin no later than 48 hours after the burrow/crevice excavation and relocation activities per Condition of Approval CTS Burrow/Crevice Excavation Condition of Approval, or as otherwise approved by CDFW. Permittee shall avoid animal burrows and crevices by 50 feet to the maximum extent possible during the installation of the exclusion fencing according to the CTS Burrow and Crevice Avoidance Condition of Approval. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration that it is in place. Permittee shall remove exclusion fencing immediately upon completion of Covered Activities in the Project Area.
- 8.9.13. Precipitation. The Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50% or greater chance of more than ½ inch of rainfall in a 24-hour period is predicted to occur during Covered Activities, or if unexpected rainfall commences during Covered Activities, Permittee shall cease all Covered Activities where exclusionary fencing and initial ground or vegetation disturbance have not occurred, until no further rain is forecast. Work at those locations may resume 24 hours after the rain ceases until no further rain is forecasted. The Designated Biologist(s) and Designated Monitor(s) approved for CTS shall survey for CTS at those work area locations before Covered Activities resume, and the CTS Designated Biologist(s) shall capture and relocate any that are discovered during the surveys, according to the CDFW-approved CTS Mortality Reduction and Relocation Plan Condition of Approval.

- 8.9.14. Fieldwork Code of Practice. To ensure that the Designated Biologist(s), Designated Monitor(s) and workers do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be always followed. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) shall ensure that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 8.9.15. CTS Injury. If a CTS is injured as a result of Covered Activities, the Designated Biologist(s) approved for CTS shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities, according to the CTS Mortality Reduction and Relocation Plan Condition of Approval. Permittee shall bear any costs associated with the care or treatment of such injured or damaged Covered Species. The Permittee shall notify CDFW of the injury as described in the Notification of CTS Take or Injury Condition of Approval.

**8.10. Additional Measures for SJVOG:**

- 8.10.1. SJVOG Pre-Activity Clearance Surveys and Reporting. The Designated Biologist(s) approved for SJVOG shall perform surveys for SJVOG in suitable habitat areas (vernal pools and swales) in the appropriate season the year prior to the start of Covered Activities. The surveys shall be floristic in nature (with the goal of identifying every plant species in each habitat feature), conducted during the peak flowering season for the species (approximately June 1 to July 31, as determined by a reference population), visually cover 100 percent of the entire habitat feature and a 25-foot buffer zone, and follow the CDFW "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities." All SJVOG plants shall be censused and mapped. The Permittee shall submit a detailed report of methods employed, survey dates and personnel, survey results (detailing number of individuals observed per life stage per habitat feature), and mapping to CDFW according to the Pre-Activity Survey Reports Condition of Approval. Maps shall depict the work area boundary, survey areas, mapped SJVOG plants, and the boundary of the estimated seedbank (habitat feature where SJVOG was observed as well as hydrologically connected habitat features). The report shall also describe traits or resources, including reference populations, used to properly identify the species.

- 8.10.2. SJVOG Avoidance and Marking. The Permittee shall establish a no-disturbance buffer of 25 feet or greater around the perimeter of habitat features containing SJVOG plants or seedbank identified and mapped according to the SJVOG Pre-Activity Clearance Surveys Condition of Approval, when they can be avoided from ground disturbing or other Covered Activities that could result in take of plants or seedbank. The boundary of the no-disturbance area shall be clearly marked in the field using signs, stakes or posts with highly visible rope, or high visibility fencing that shall be removed upon completion of Covered Activities in each work area. Permittee may request an alternative buffer based on habitat features and hydrologic conditions, and the request shall include an analysis of potential risks to SJVOG, including, but not limited to potential risks from erosion/sedimentation, changes in hydrology, and risks from possible dust or chemical drift. The buffer reduction shall not be implemented without advance written approval by CDFW.
- 8.10.3. SJVOG Seed Collection and Translocation. Designated Biologist(s) approved for SJVOG and Designated Monitor(s) approved for SJVOG, under the direct supervisor of a SJVOG Designated Biologist, shall harvest and translocate SJVOG seed at the appropriate season prior to clearing and grading activities where SJVOG may occur according to the CDFW-approved SJVOG Seed Collection and Translocation Plan Condition of Approval. Clearing and grading activities shall not proceed in work areas with SJVOG until the seed collection has been attempted according to the CDFW-approved SJVOG Seed Collection and Translocation Plan.

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

To meet this requirement, the Permittee shall either purchase 233.25 acres of CTS upland refugia credits, 6.55 acres of CTS breeding credits, and 6.98 acres of SJVOG credits from a CDFW-approved mitigation or conservation bank pursuant to the Covered Species Credits Condition of Approval OR shall provide for both the permanent protection and management of at least 233.25 acres of CTS upland refugia habitat, 6.55 acres of CTS breeding habitat, and 6.98 acres of SJVOG habitat in the form of Habitat Management (HM) lands pursuant to the HM Lands Acquisition and Protection Condition of Approval and the calculation and deposit of the management funds pursuant to the Endowment Fund Condition of Approval. Purchase of Covered Species credits OR permanent

protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 36 months of the effective date of this ITP if Security is provided pursuant to the Security Condition of Approval for all uncompleted obligations.

**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 identified in the Habitat Management Lands Acquisition and Protection Condition of Approval, estimated at \$11,263.00 per acre for 247 acres: **\$2,781,961.00**. Land acquisition 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 as described in the Fee Title and Conservation Easement Condition of Approval: **\$512,100.00**;
- 9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the Start-up Activities Condition of Approval, estimated at **\$296,560.36**;
- 9.1.4. Interim management period funding as described in the Interim Management Condition of Approval, estimated at **\$630,529.71**;
- 9.1.5. Long-term management funding as described in the Endowment Fund Condition of Approval, estimated at \$3,631.46 per acre for 247 acres: **\$896,971.25**. 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 as described in the Reimburse CDFW Condition of Approval, estimated at **\$13,600.00**.
- 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 **\$45,479.00**.



- 9.2. Covered Species Credits.** If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 233.25 acres of CTS upland refugia credits, 6.55 acres of CTS breeding credits, and 6.98 acres of SJVOG credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 36 months from the issuance of this ITP if Security is provided pursuant to the Security Condition of Approval. 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 36 months from issuance of this ITP if Security is provided.
- 9.3. Habitat Management Lands Acquisition and Protection.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:
- 9.3.1. **Fee Title.** Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.
- 9.3.2. **Conservation Easement.** If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 9.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.
- 9.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.
- 9.3.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 9.3.6. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&inline>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.
- 9.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following

start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management.

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

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

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

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

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

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

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

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

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

9.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

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

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

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

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

**9.5.** Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and

documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

**10. Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by the Habitat Management Land Acquisition Condition of Approval 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 \$5,165,938.31, or in the amount identified in the Cost Estimates Condition of Approval specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the Cost Estimates Condition of Approval, 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 the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation dated April 18, 2024, an irrevocable letter of credit, or another form of Security approved in advance in writing by CDFW..
- 10.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 12 months after the effective date of this ITP, whichever occurs first.
- 10.4. Master Funding Agreement:** If the Master Funding Agreement is used as security:
  - 10.4.1. Funding Memorandum.** Permittee shall submit a project-specific Funding Memorandum required by the Master Funding Agreement and (see Attachment 4).
  - 10.4.2. Funding of the Child Expenditure Authorization (EA).** Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.
  - 10.4.3. Compliance with the Master Funding Agreement.** Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.
- 10.5. Irrevocable Letter of Credit:** If an irrevocable letter of credit (see Attachment 5) is used as security:
  - 10.5.1. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

10.5.2. Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 6) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

10.5.3. 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.

**10.6. Security Release**. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has 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.

OR

Habitat Management Land Acquisition (HMLA):

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

**10.7.** Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 36 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

## **IX. Amendment:**

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological

conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

**X. Stop-Work Order:**

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

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

**XI. Compliance with Other Laws:**

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

**XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-004-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

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

and a copy to:

Incidental Take Permit  
No. 2081-2024-068-04  
CALIFORNIA DEPARTMENT OF TRANSPORTATION  
MADERA 41 SOUTH EXPRESSWAY PROJECT



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

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

Dylan Burkey  
California Department of Fish and Wildlife  
1234 East Shaw Avenue  
Fresno, California 93710  
Telephone (559) 767-0923  
[Dylan.Burke@wildlife.ca.gov](mailto:Dylan.Burke@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, Caltrans. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Madera 41 South Expressway FEIR/EA and Section 4(f) Evaluation with Finding of No Significant Impact (SCH No. 2015051074) dated March 2020, that Caltrans adopted on April 6, 2020. At the time the lead agency adopted the FEIR/EA 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 FEIR/EA 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).)

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No. 2081-2024-068-04  
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MADERA 41 SOUTH EXPRESSWAY PROJECT

CDFW finds based on substantial evidence in the ITP application, FEIR/EA for the Project, the results of CDFW's site visit on April 10, 2024, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports Condition of Approval. 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 247 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

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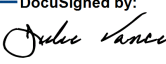
conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**XV. Attachments:**

Figure 1	Project Vicinity Map
Figure 2	Project Area Map
Figure 3	Project Impact Map Book: California Tiger Salamander
Figure 3	Project Impact Map Book: San Joaquin Valley Orcutt Grass
Attachment 1	Mitigation Monitoring and Reporting Program
Attachment 2	Biologist Resume Form
Attachment 3	Fieldwork Code of Practice
Attachment 4	Master Funding Agreement Memorandum Template
Attachment 5	Letter of Credit Form

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

5/28/2025

DocuSigned by:  
  
EA83E09FE08945A

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

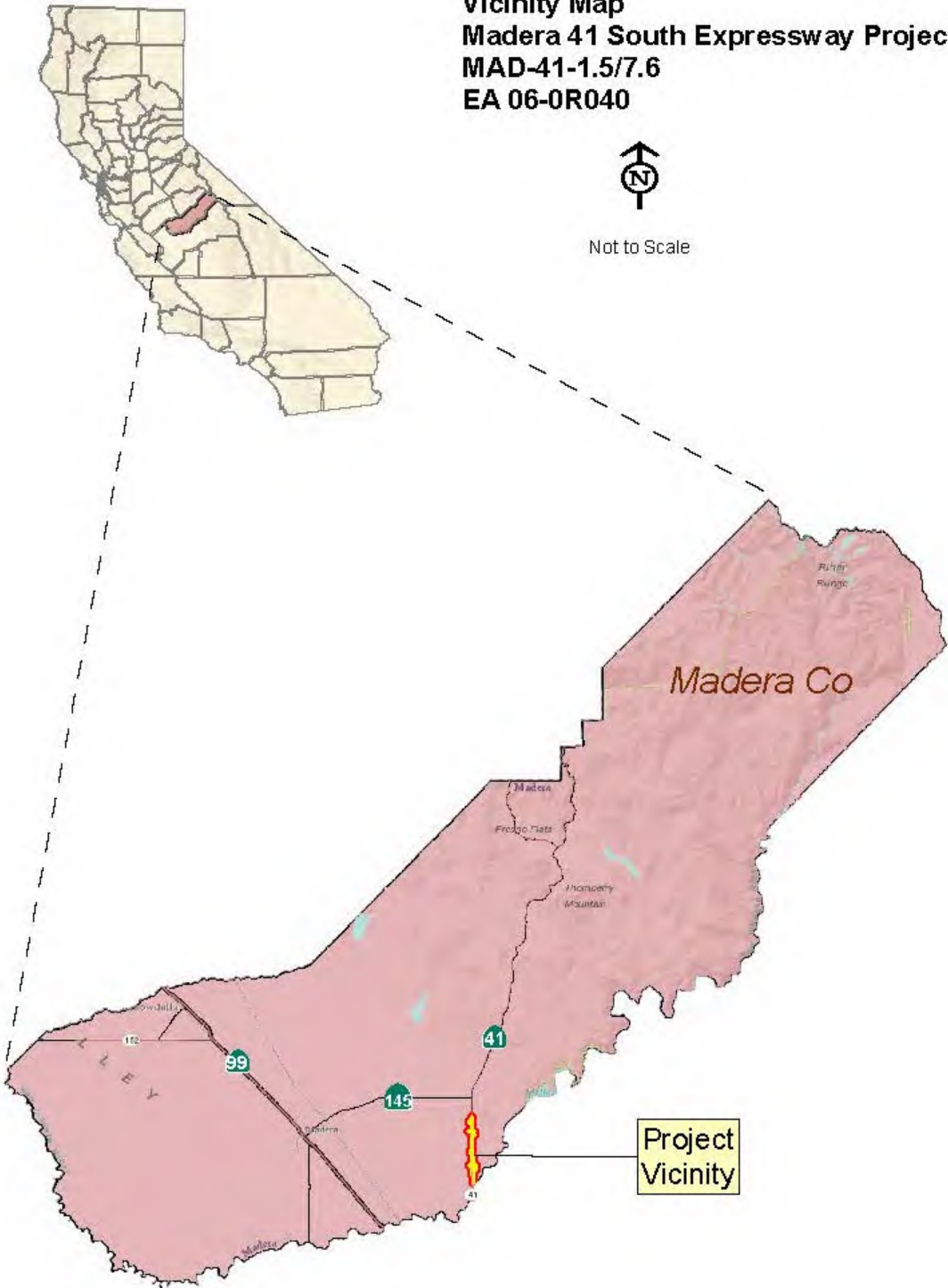
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MADERA 41 SOUTH EXPRESSWAY PROJECT

# Figure 1

Vicinity Map  
Madera 41 South Expressway Project  
MAD-41-1.5/7.6  
EA 06-0R040



Not to Scale



# Figure 2



**06-0R040 - SR 41**  
**Madera South**  
**Expressway**  
**Project**



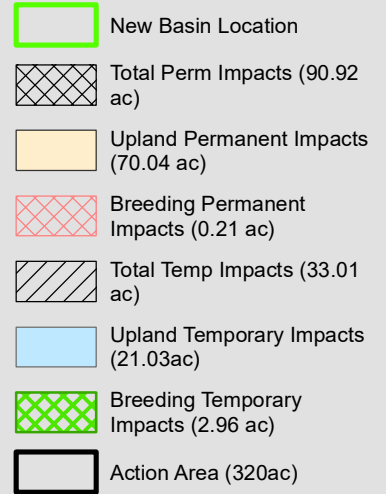
 Project Area



# Figure 3



## CDFW CTS Impact Map (06-0R040)

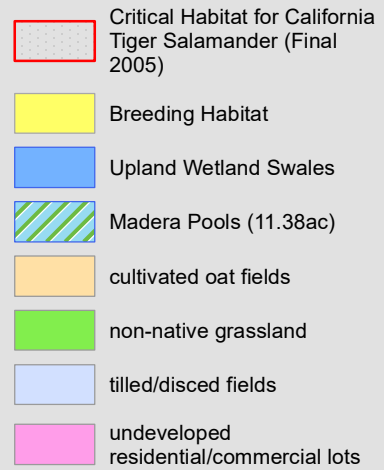


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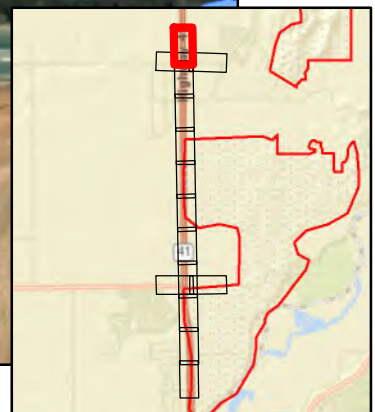


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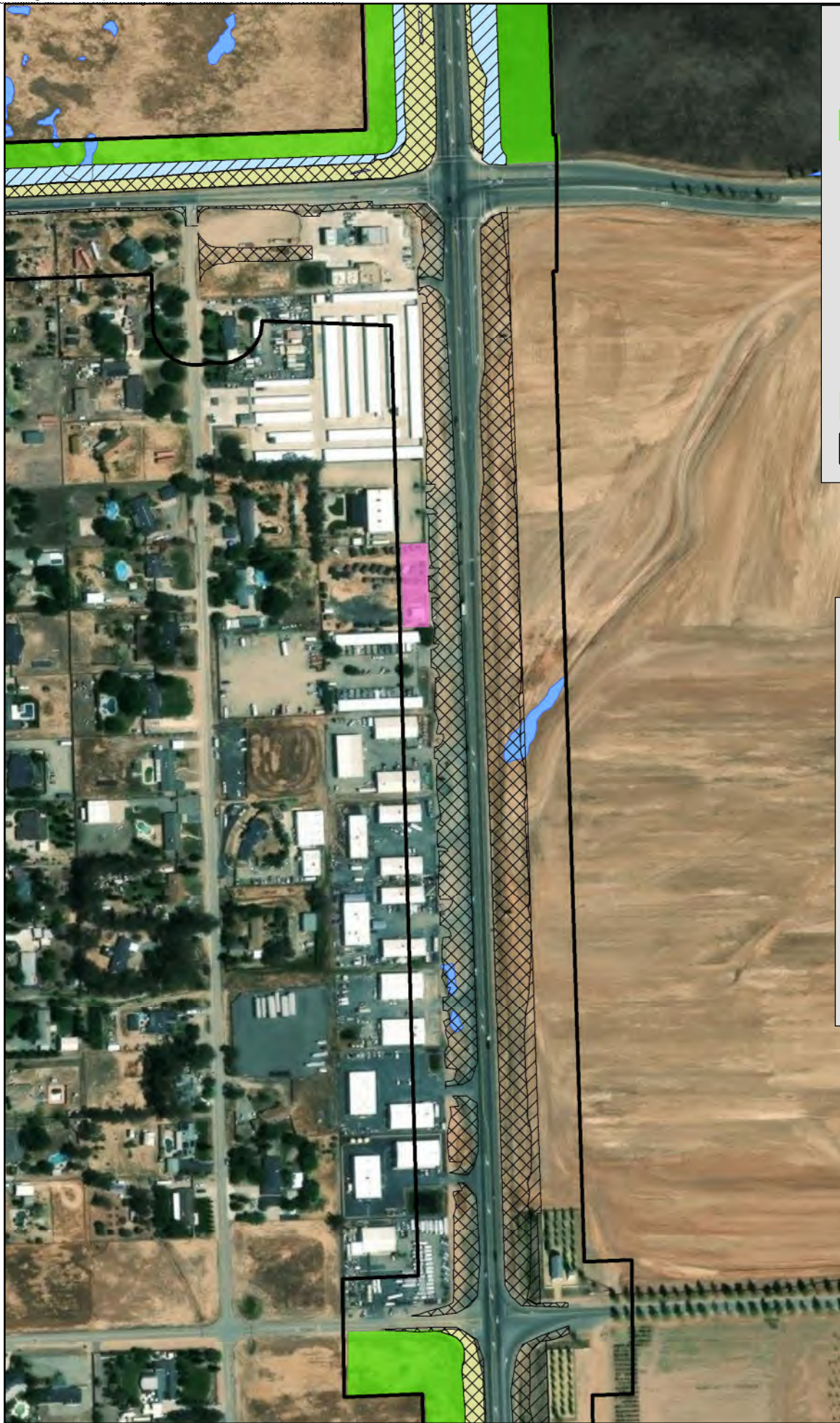
## CTS Habitat



370 185 0 370 Feet







## CDFW CTS Impact Map (06-0R040)

- New Basin Location
- Total Perm Impacts (90.92 ac)
- Upland Permanent Impacts (70.04 ac)
- Breeding Permanent Impacts (0.21 ac)
- Total Temp Impacts (33.01 ac)
- Upland Temporary Impacts (21.03ac)
- Breeding Temporary Impacts (2.96 ac)
- Action Area (320ac)

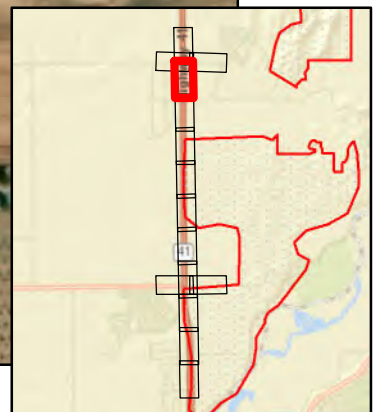
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Page 2 of 15

## CTS Habitat

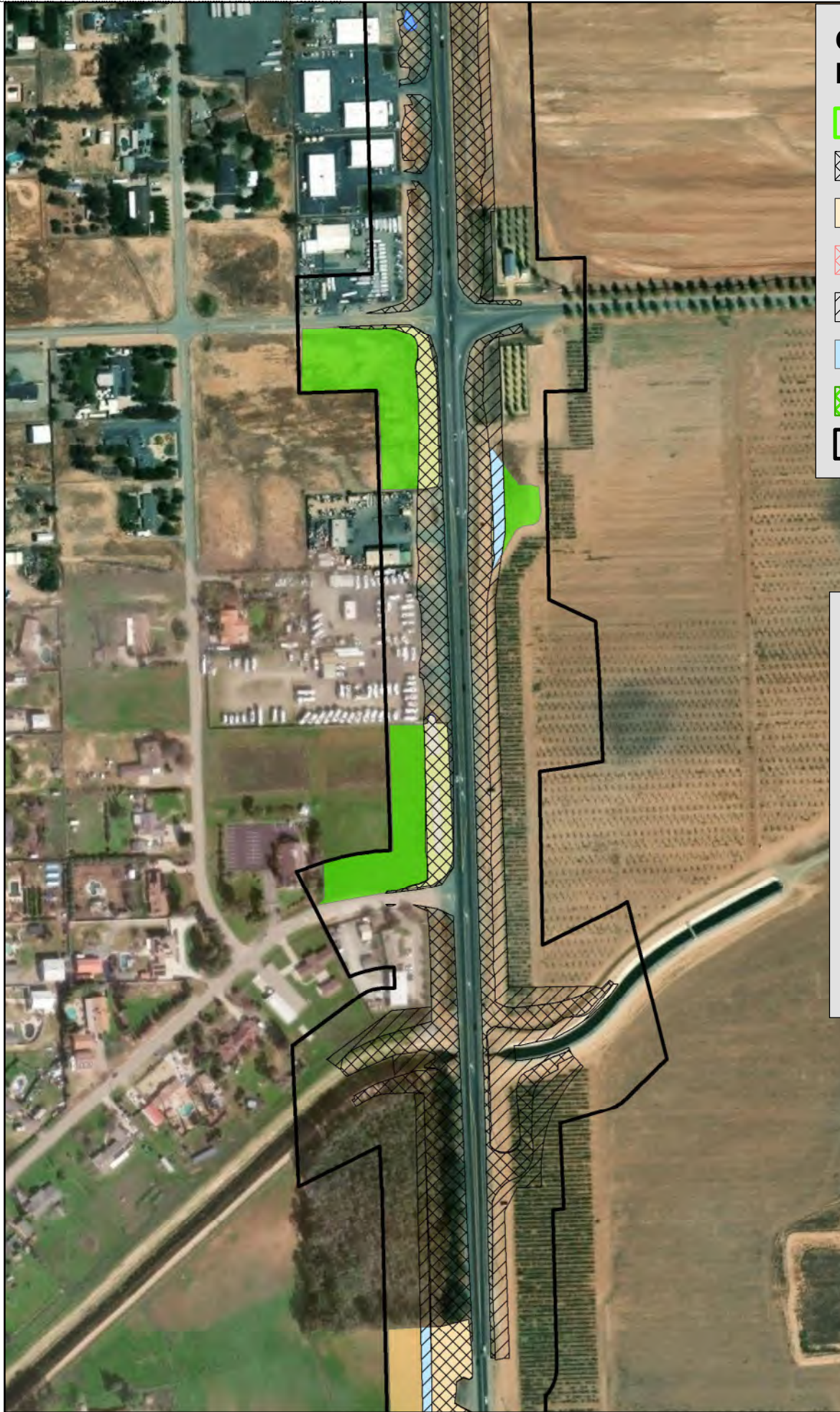
- Critical Habitat for California Tiger Salamander (Final 2005)
- Breeding Habitat
- Upland Wetland Swales
- Madera Pools (11.38ac)
- cultivated oat fields
- non-native grassland
- tilled/disc'd fields
- undeveloped residential/commercial lots



370 185 0 370 Feet







# CDFW CTS Impact Map (06-0R040)

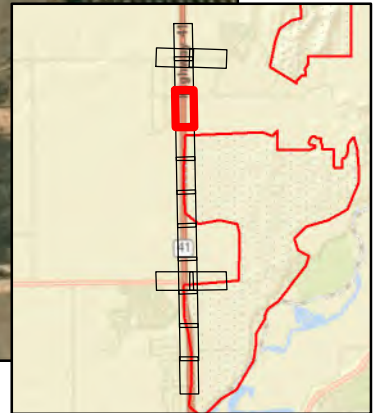
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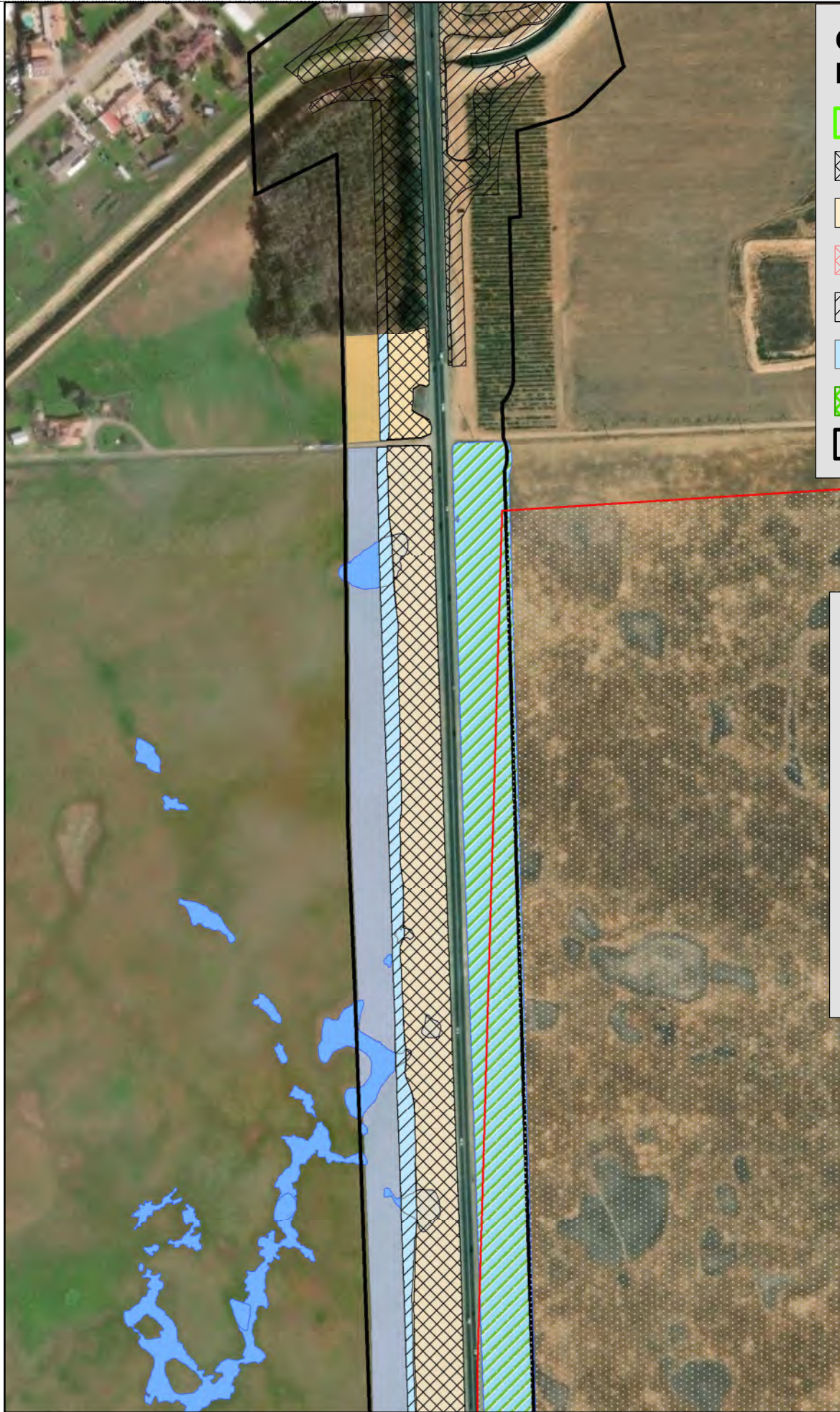
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


370 185 0 370 Feet















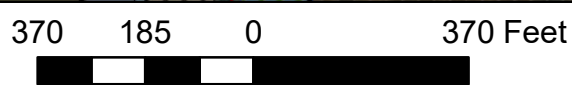
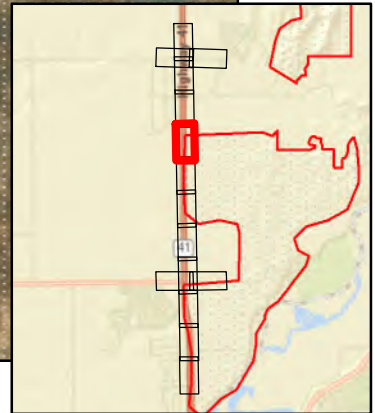
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



## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots





# CDFW CTS Impact Map (06-0R040)









-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

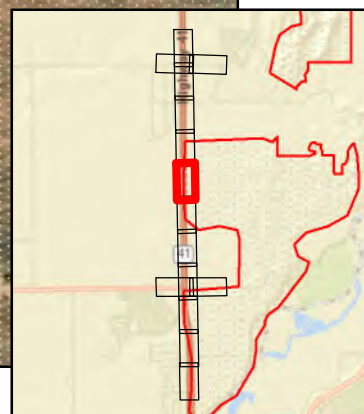
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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots











370 185 0 370 Feet





# CDFW CTS Impact Map (06-0R040)









-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

N



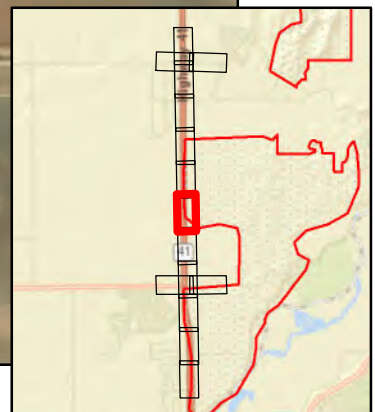
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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots









DB5

370 185 0 370 Feet











# CDFW CTS Impact Map (06-0R040)

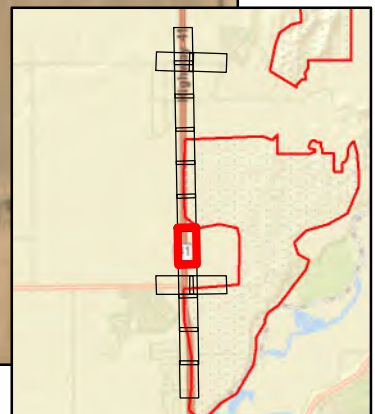
-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

N



## CTS Habitat

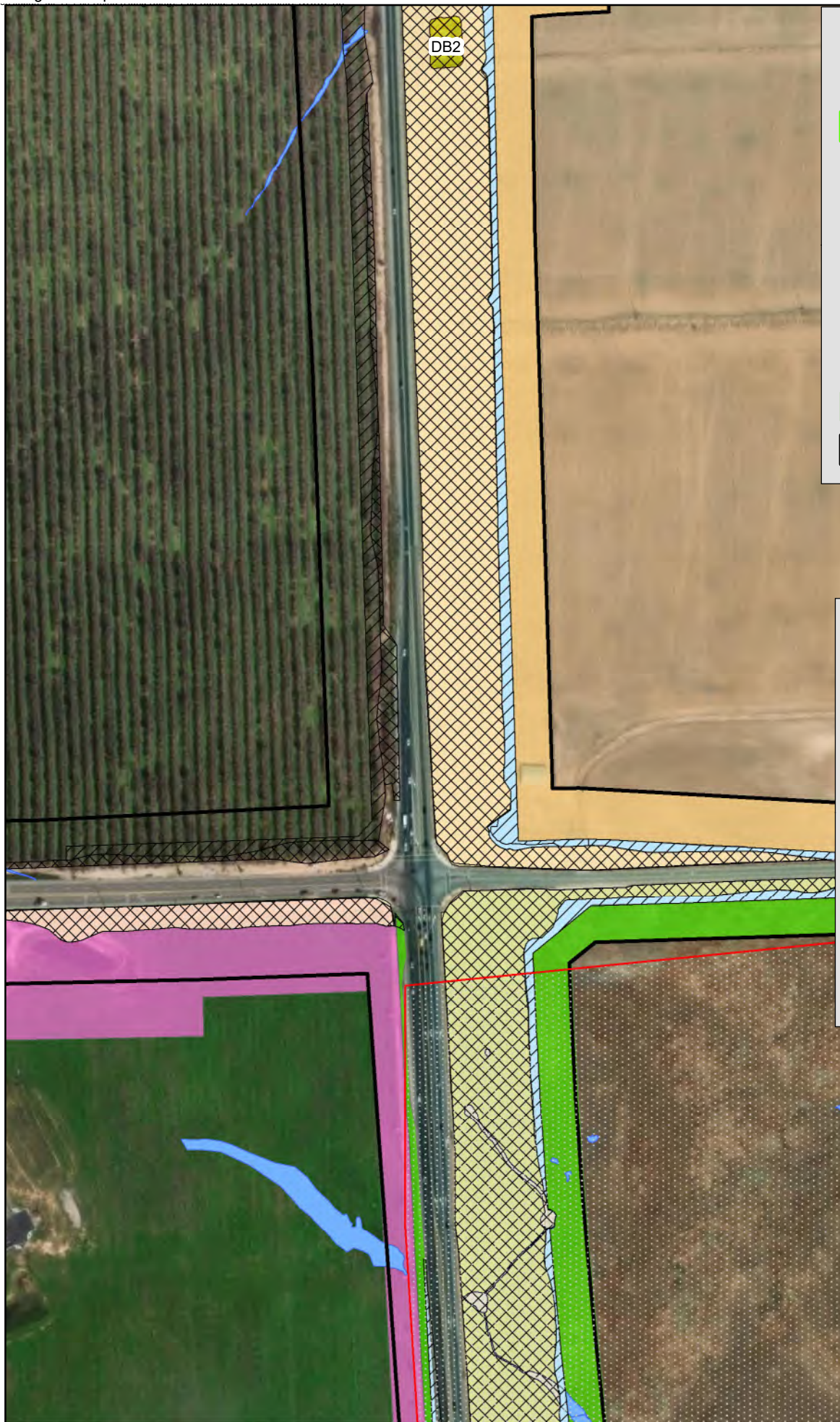
-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots



370 185 0 370 Feet







## CDFW CTS Impact Map (06-0R040)

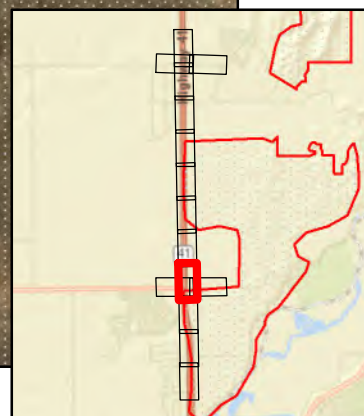
- New Basin Location
- Total Perm Impacts (90.92 ac)
- Upland Permanent Impacts (70.04 ac)
- Breeding Permanent Impacts (0.21 ac)
- Total Temp Impacts (33.01 ac)
- Upland Temporary Impacts (21.03ac)
- Breeding Temporary Impacts (2.96 ac)
- Action Area (320ac)

N

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## CTS Habitat

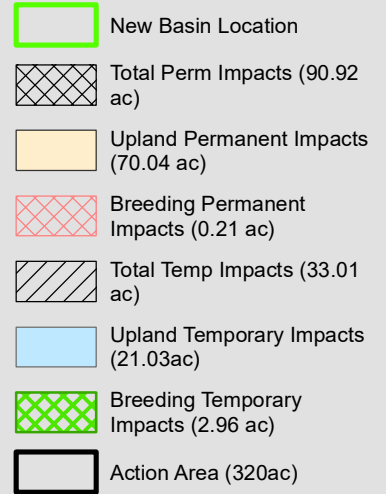
- Critical Habitat for California Tiger Salamander (Final 2005)
- Breeding Habitat
- Upland Wetland Swales
- Madera Pools (11.38ac)
- cultivated oat fields
- non-native grassland
- tilled/disc'd fields
- undeveloped residential/commercial lots



370 185 0 370 Feet



## CDFW CTS Impact Map (06-0R040)

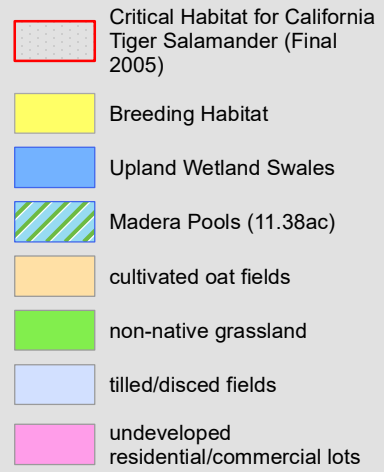


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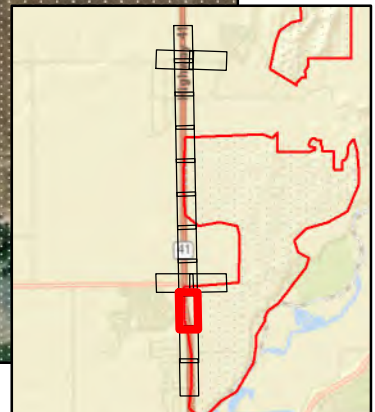


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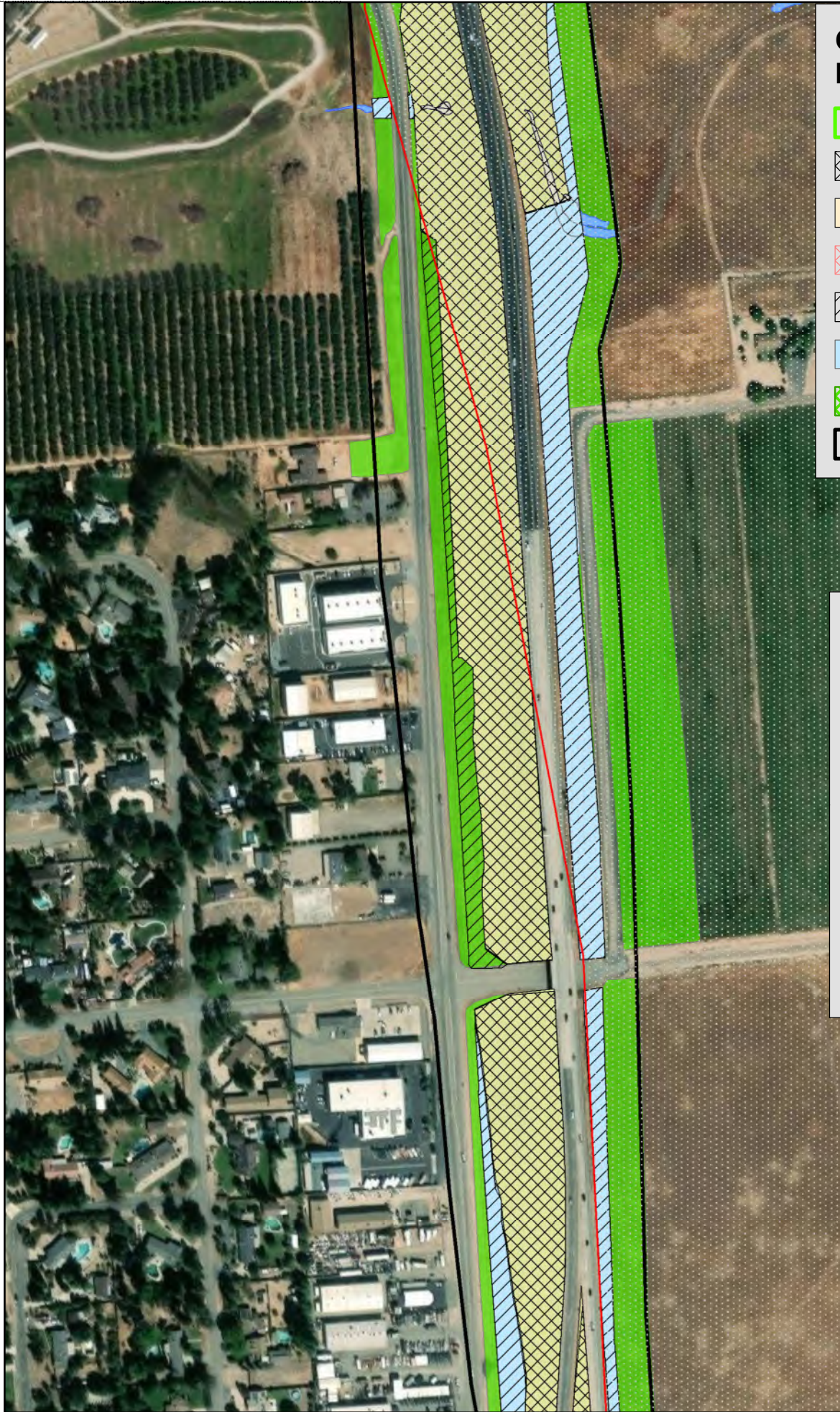
## CTS Habitat











370 185 0 370 Feet







## CDFW CTS Impact Map (06-0R040)








-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

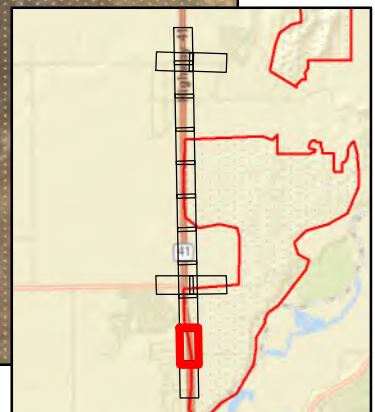
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## CTS Habitat

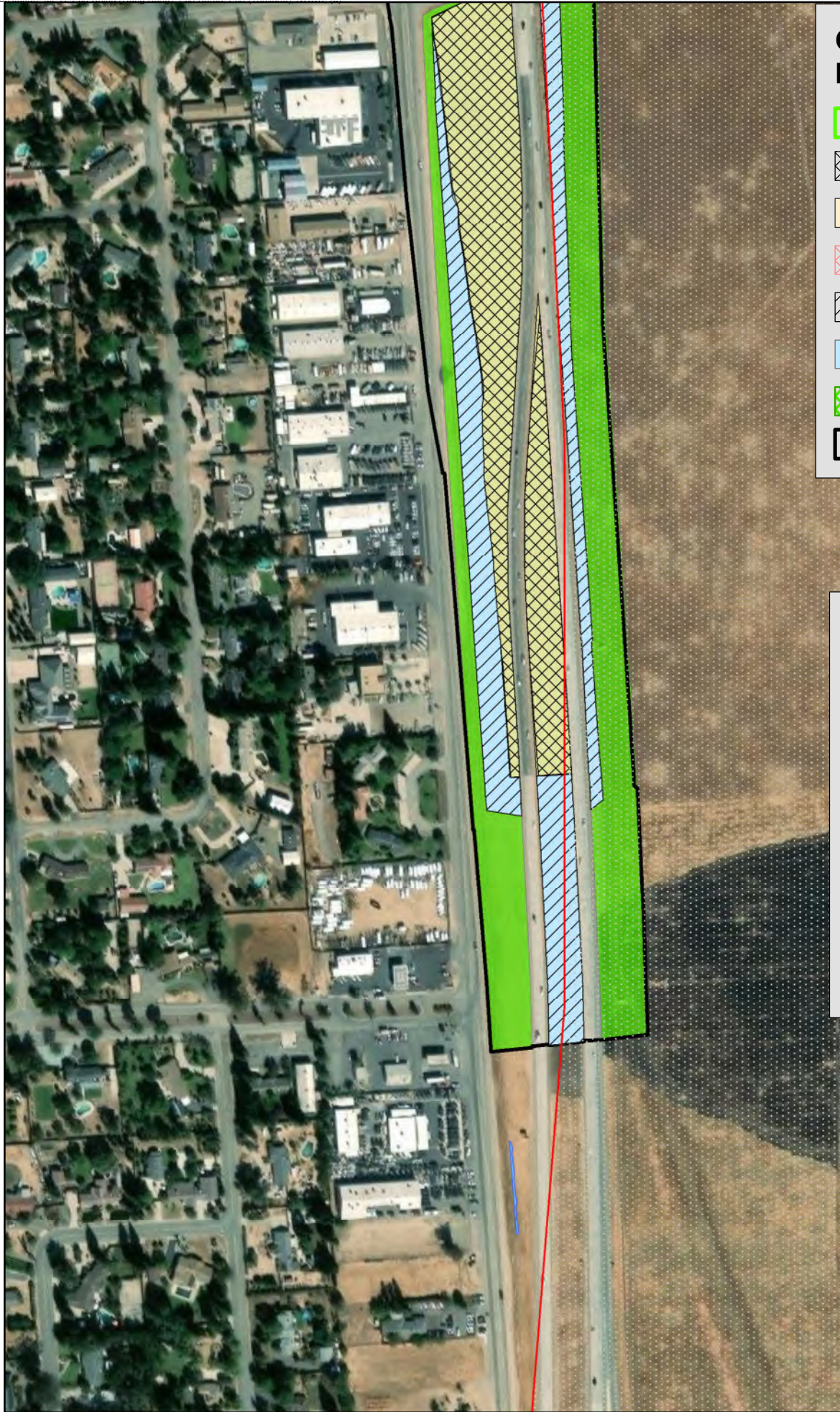
-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots











370 185 0 370 Feet







## CDFW CTS Impact Map (06-0R040)








-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

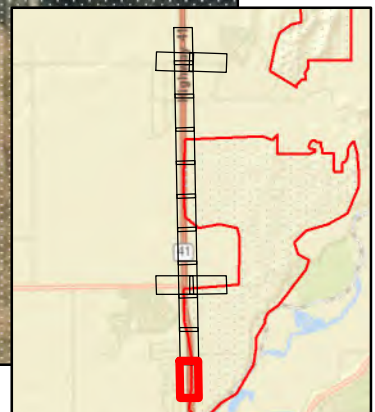
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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots



370 185 0 370 Feet







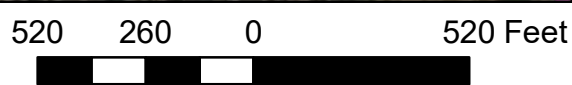
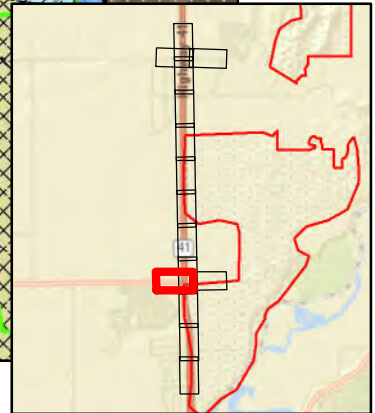
# CDFW CTS Impact Map (06-0R040)

- New Basin Location
- Total Perm Impacts (90.92 ac)
- Upland Permanent Impacts (70.04 ac)
- Breeding Permanent Impacts (0.21 ac)
- Total Temp Impacts (33.01 ac)
- Upland Temporary Impacts (21.03ac)
- Breeding Temporary Impacts (2.96 ac)
- Action Area (320ac)











## CTS Habitat

- Critical Habitat for California Tiger Salamander (Final 2005)
- Breeding Habitat
- Upland Wetland Swales
- Madera Pools (11.38ac)
- cultivated oat fields
- non-native grassland
- tilled/disc'd fields
- undeveloped residential/commercial lots













## CDFW CTS Impact Map (06-0R040)

-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

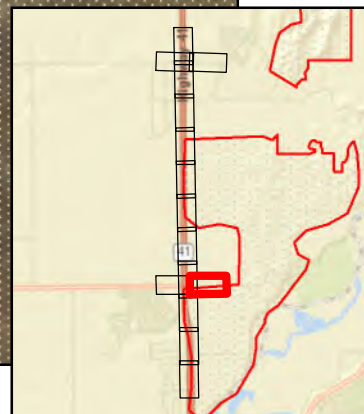
N

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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots









520 260 0 520 Feet







## CDFW CTS Impact Map (06-0R040)








-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03 ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

N

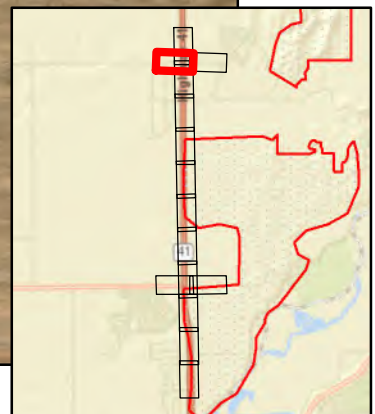


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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots









520 260 0 520 Feet







## CDFW CTS Impact Map (06-0R040)









-  New Basin Location
-  Total Perm Impacts (90.92 ac)
-  Upland Permanent Impacts (70.04 ac)
-  Breeding Permanent Impacts (0.21 ac)
-  Total Temp Impacts (33.01 ac)
-  Upland Temporary Impacts (21.03ac)
-  Breeding Temporary Impacts (2.96 ac)
-  Action Area (320ac)

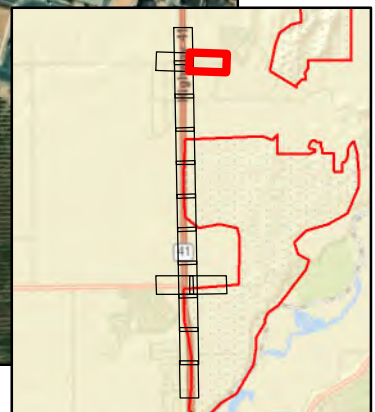
N



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## CTS Habitat

-  Critical Habitat for California Tiger Salamander (Final 2005)
-  Breeding Habitat
-  Upland Wetland Swales
-  Madera Pools (11.38ac)
-  cultivated oat fields
-  non-native grassland
-  tilled/disc'd fields
-  undeveloped residential/commercial lots



520 260 0 520 Feet




# Figure 4



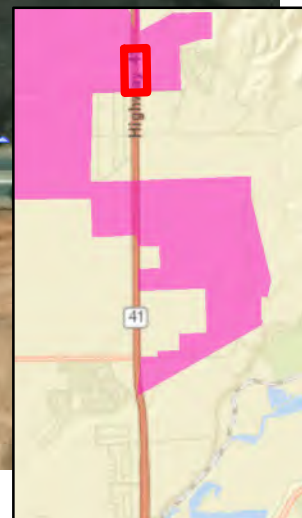
## SJVOG Impact (3.49 ac)

□ Action Area (320

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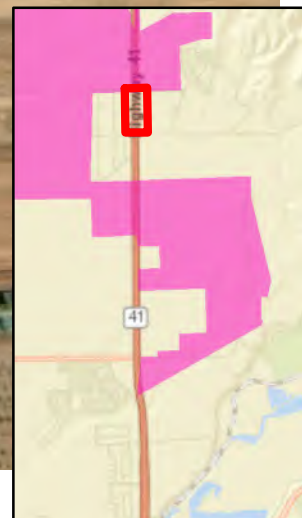
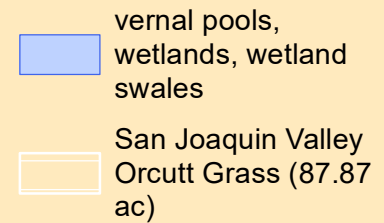
 San Joaquin Valley  
Orcutt Grass (87.87  
ac)

370      185      0      370 Feet



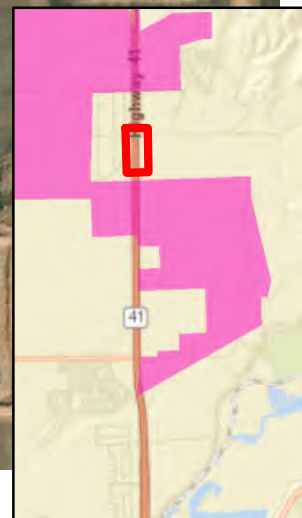
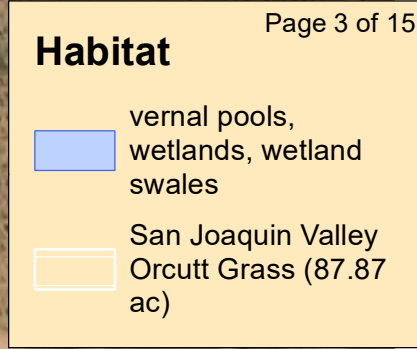


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# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)



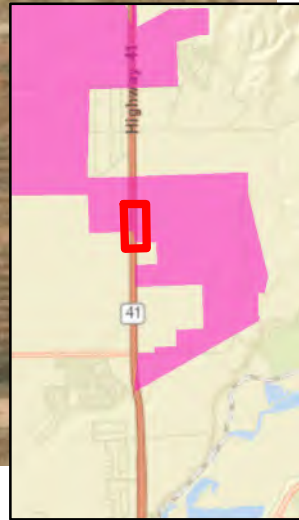
-  New Basin Location
- SJVOG Impact (3.49 ac)**
  -  Permanent (1.35 ac)
  -  Temporary (2.14 ac)
  -  Total Permanent Impacts ( 90.92 ac)
  -  Total Temporary Impacts (33.01 ac)
  -  Action Area (320)

## Habitat

Page 5 of 15

-  vernal pools, wetlands, wetland swales
-  San Joaquin Valley Orcutt Grass (87.87 ac)


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# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)





 New Basin Location


**SJVOG Impact (3.49 ac)**

 Permanent (1.35 ac)

 Temporary (2.14 ac)


 Total Permanent Impacts ( 90.92 ac)


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 Action Area (320)

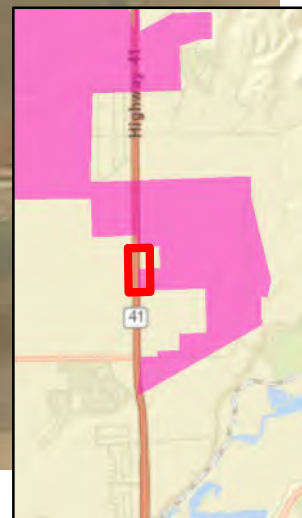
Page 6 of 15

## Habitat

 vernal pools, wetlands, wetland swales

 San Joaquin Valley Orcutt Grass (87.87 ac)


370 185 0 370 Feet







# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)





 New Basin Location


**SJVOG Impact (3.49 ac)**

 Permanent (1.35 ac)

 Temporary (2.14 ac)


 Total Permanent Impacts ( 90.92 ac)


 Total Temporary Impacts (33.01 ac)

 Action Area (320)

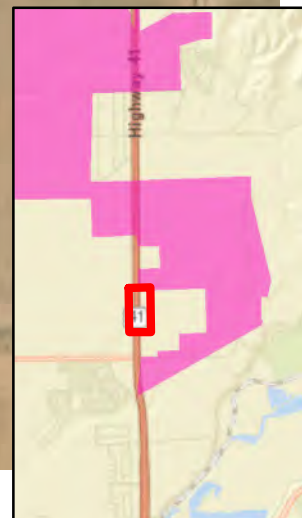
Page 7 of 15

## Habitat

 vernal pools, wetlands, wetland swales

 San Joaquin Valley Orcutt Grass (87.87 ac)

370 185 0 370 Feet







# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)


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
 New Basin Location


**SJVOG Impact (3.49 ac)**

 Permanent (1.35 ac)

 Temporary (2.14 ac)


 Total Permanent Impacts ( 90.92 ac)


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 Action Area (320)

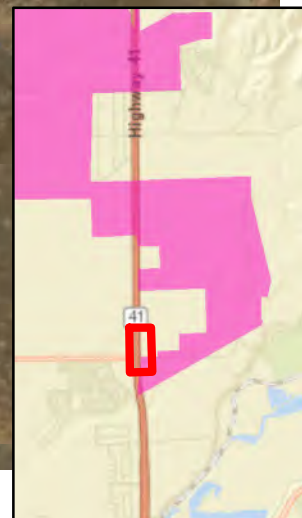
Page 8 of 15

## Habitat

 vernal pools, wetlands, wetland swales

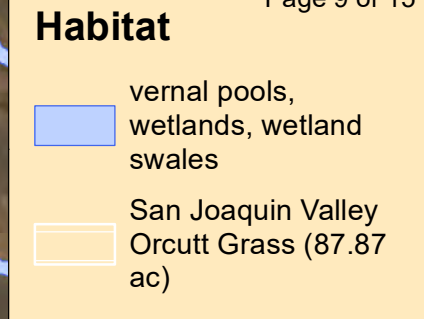
 San Joaquin Valley Orcutt Grass (87.87 ac)

370 185 0 370 Feet





## N

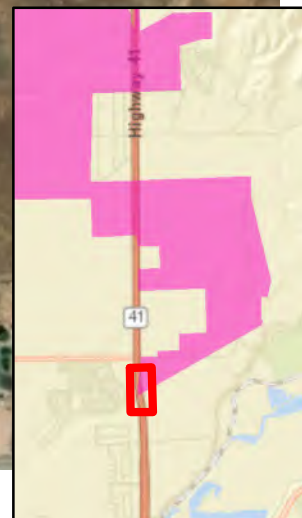


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## Habitat


vernal pools,  
wetlands, wetland  
swales

San Joaquin Valley  
Orcutt Grass (87.87  
ac)








# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)


 New Basin Location


**SJVOG Impact (3.49 ac)**

 Permanent (1.35 ac)


 Temporary (2.14 ac)


 Total Permanent Impacts ( 90.92 ac)

 Total Temporary Impacts (33.01 ac)

 Action Area (320)

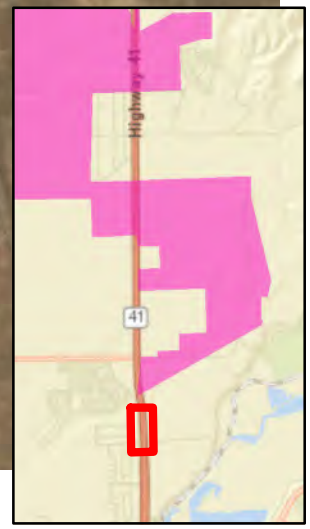
**Habitat**

 vernal pools, wetlands, wetland swales

 San Joaquin Valley Orcutt Grass (87.87 ac)









370 185 0 370 Feet







# 06-0R040 Impacts to San Joaquin Valley Orcutt Grass Map(CDFW)

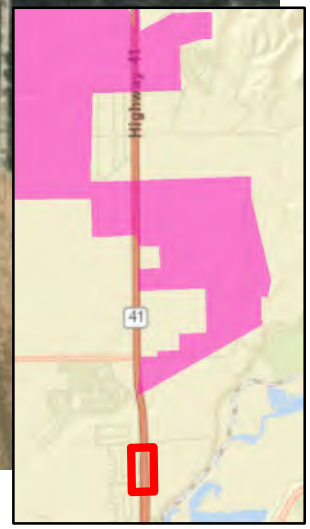
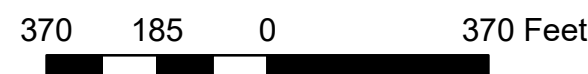
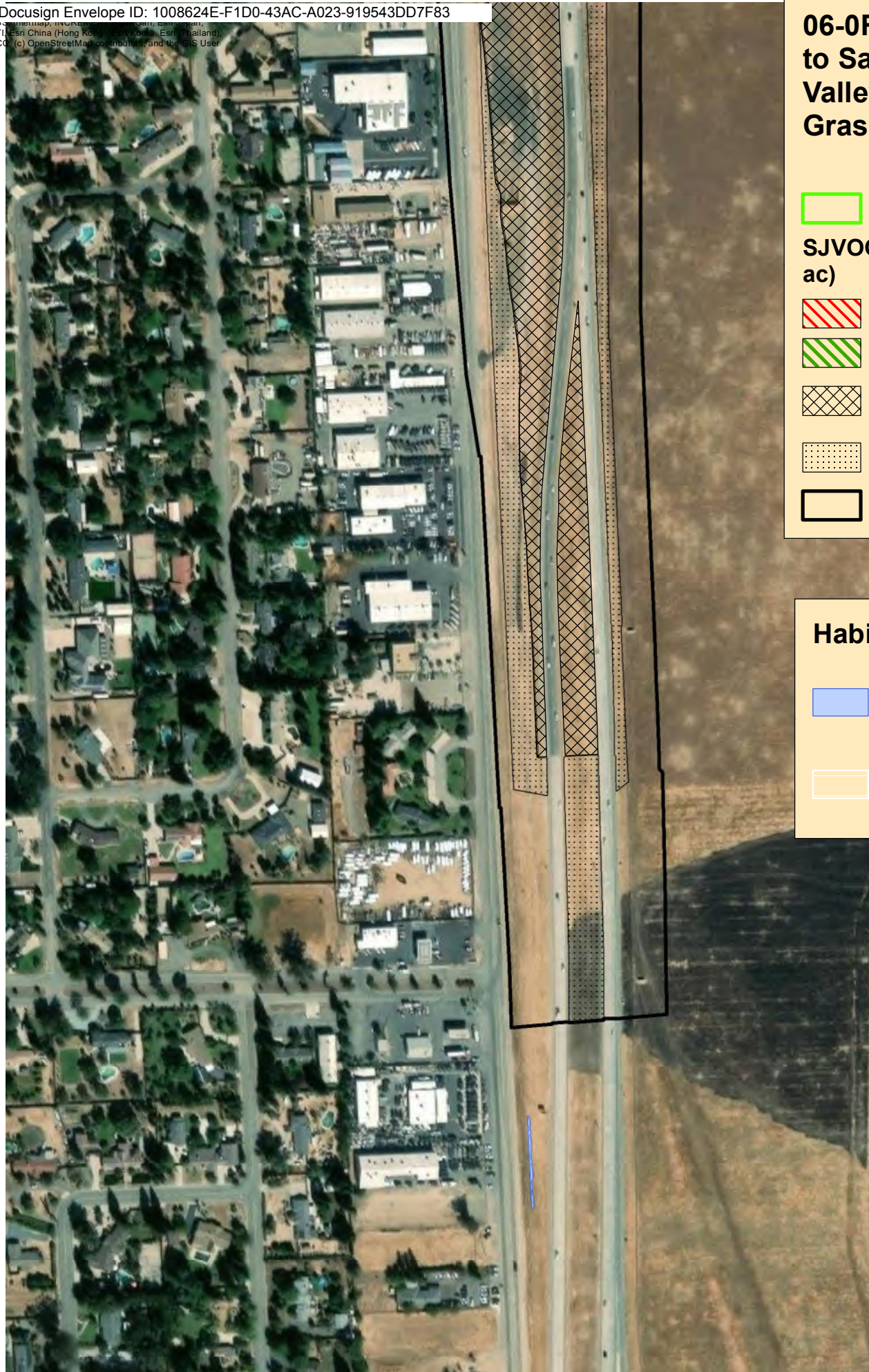
-  New Basin Location
- SJVOG Impact (3.49 ac)**
  -  Permanent (1.35 ac)
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  -  Total Permanent Impacts ( 90.92 ac)
  -  Total Temporary Impacts (33.01 ac)
  -  Action Area (320)

Habitat

 vernal pools, wetlands, wetland swales







 San Joaquin Valley Orcutt Grass (87.87 ac)

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



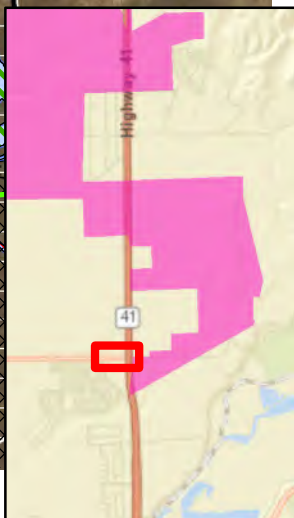
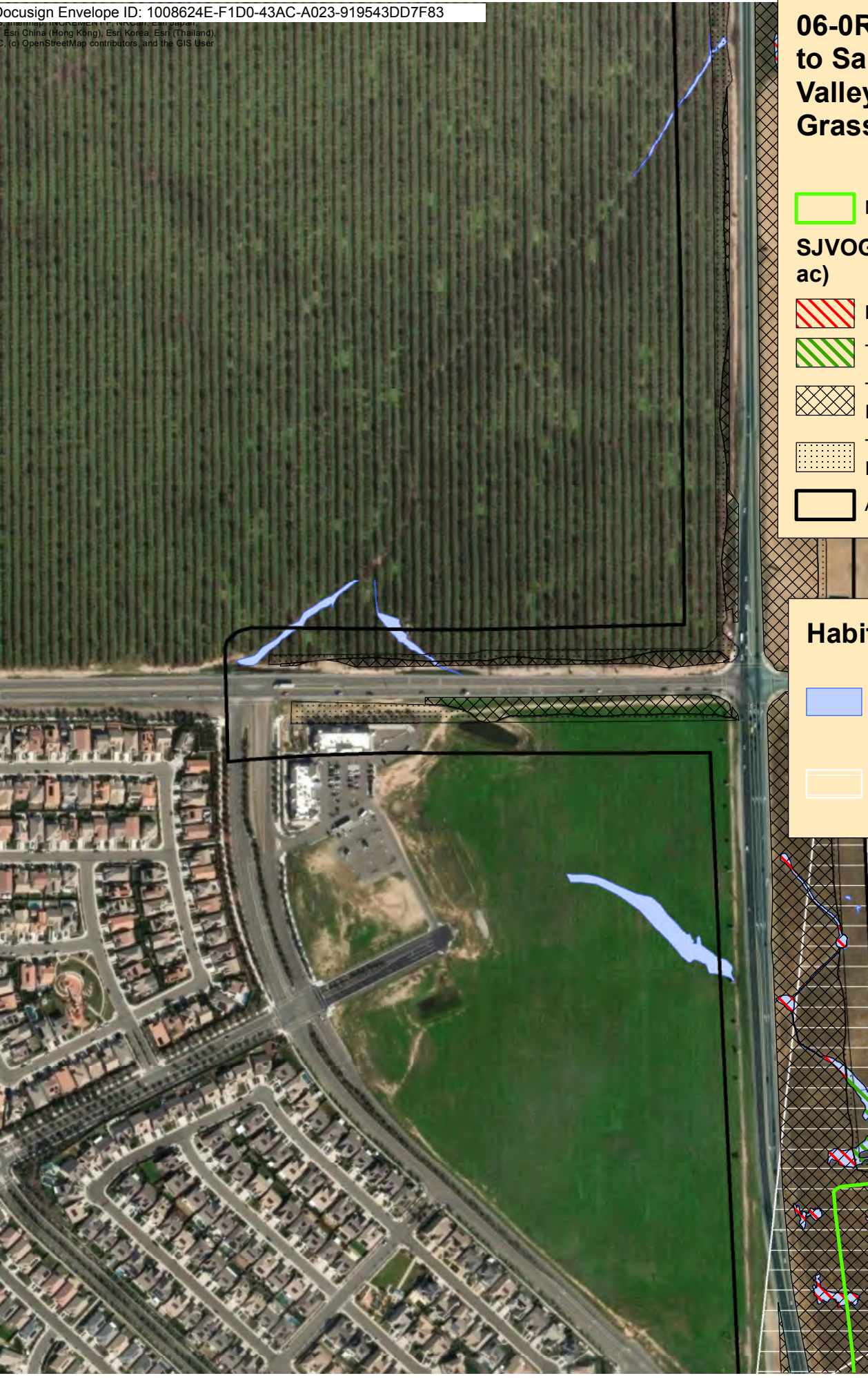
**06-0R040 Impacts  
to San Joaquin  
Valley Orcutt  
Grass Map(CDFW)**

-  New Basin Location
- SJVOG Impact (3.49 ac)**
  -  Permanent (1.35 ac)
  -  Temporary (2.14 ac)
  -  Total Permanent Impacts ( 90.92 ac)
  -  Total Temporary Impacts (33.01 ac)
  -  Action Area (320)

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**Habitat**

-  vernal pools, wetlands, wetland swales
-  San Joaquin Valley Orcutt Grass (87.87 ac)





06-0R040 Impacts  
to San Joaquin  
Valley Orcutt  
Grass Map(CDFW)

New Basin Location

**SJVOG Impact (3.49  
ac)**

Permanent (1.35 ac)

Temporary (2.14 ac)

Total Permanent  
Impacts ( 90.92 ac)

Total Temporary  
Impacts (33.01 ac)

Action Area (320

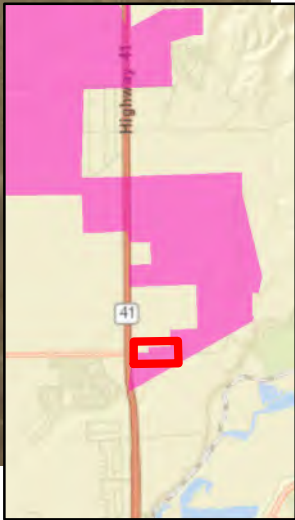
Habitat

Page 13 of 15

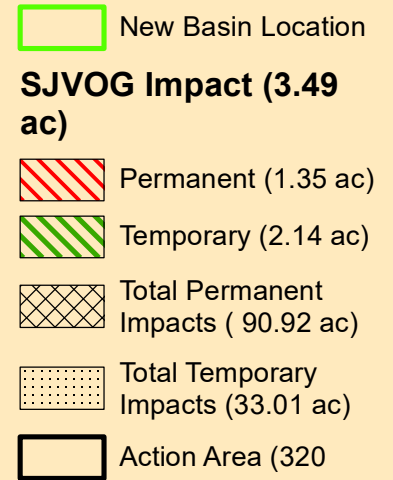
vernal pools,  
wetlands, wetland  
swales

San Joaquin Valley  
Orcutt Grass (87.87  
ac)

475 237.5 0 475 Feet

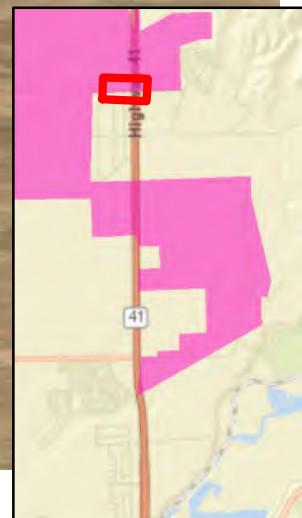






vernal pools,  
wetlands, wetland  
swales

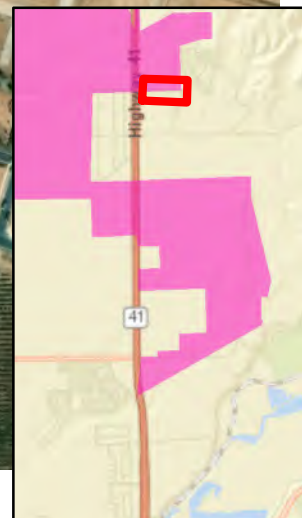
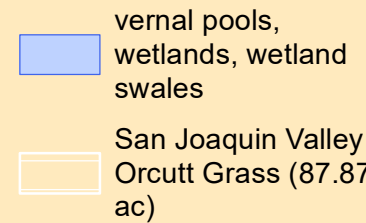
San Joaquin Valley  
Orcutt Grass (87.87  
ac)



480      240      0      480 Feet



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# Attachment 1



ATTACHMENT 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2024-068-04

PERMITTEE: California Department of Transportation

PROJECT: Madera 41 South Expressway Project (06-0R040)

PURPOSE OF THIS MMRP

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and sections 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 Incidental Take Permit (ITP) and in attachments to the ITP, and the omission of a permit requirement from the attached table does not relieve the Permittee of the obligation to ensure the requirement is performed.

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: ITP Condition of Approval (COA) Source, Mitigation Measure, Implementation Schedule, and Status / Date/ Responsible Parties. The Mitigation Measure column summarizes the mitigation requirements of the ITP. The Implementation Schedule column shows the phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status / Date/ Responsible Parties column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report and must identify the implementation status of each mitigation measure, the date that status was determined, and the person(s) or roles (e.g., construction inspector) who implemented the mitigation measure.

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.1	<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.	Before the start of, and during Covered Activities as needed	
6.2	<u>Designated Biologist(s) and Biological Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitors may assist the Designated Biologists in compliance monitoring under the direct supervision of the Designated Biologists and as specified in <u>Compliance Monitoring</u> Condition of Approval. Permittee shall ensure that the Designated Biologists are knowledgeable in the biology and natural history of the Covered Species, enforcing no-disturbance buffers, and monitoring construction activities. Designated Biologists for CTS shall also have experience with collecting and handling CTS, excavating small mammal burrows for CTS, and monitoring construction activities under an ITP for CTS. Designated Biologists for SJVOG shall also have survey and/or monitoring experience with SJVOG or other <i>Orcuttia</i> species. Permittee shall ensure that the Designated Monitors are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and 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. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.	Before the start of, and during Covered Activities as needed	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.3	<p><u>Designated Biologist and Designated Monitor Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologists and Designated Monitors shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate Designated Biologists and Designated Monitors in the performance of their duties. If the Designated Biologist or Designated Monitor is unable to comply with the ITP, then they shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any noncompliance or take or injury of a Covered Species because of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.</p>	During Covered Activities	
6.4	<p><u>Education Program.</u> Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they are authorized to perform any work. The program shall consist of a presentation from the Designated Biologist for the Covered Species that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.5	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated 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 Area upon request by CDFW.	During Covered Activities	
6.6	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	Before the start of, and during Covered Activities	
6.7	<u>Delineation of Property Boundaries.</u> Before starting Covered Activities within each discrete part of the Project Area in active construction (work area), Permittee shall clearly delineate the boundaries of the work area with stakes, fencing, and/or flags. Permittee shall maintain work area boundary demarcations until the completion of Covered Activities in that area.	Before the start of, and during Covered Activities	
6.8	<u>Delineation of Habitat.</u> Before starting Covered Activities at any work area, Permittee shall clearly delineate habitat of the Covered Species within or adjacent to the work area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	Before the start of, and during Covered Activities	
6.9	<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 enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging areas, and parking areas as per Staging Areas Condition of Approval. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid CTS on or traversing the roads. If Permittee determines construction of routes for travel within potential habitat for Covered Species is necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before conducting such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because of the project modification.	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.10	<u>Staging Areas</u> . Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, construction trailers, materials batching, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. No parking, storage, laydown, or staging areas shall be located within 50 feet of potential CTS burrows or breeding habitat (per <u>CTS Burrow Avoidance</u> Condition of Approval) or within 25 feet of suitable habitat for SJVOG, unless protective measures have been implemented for Covered Species as per <u>Additional Measures for CTS</u> and <u>Additional Measures for SJVOG</u> Conditions of Approval. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in <u>Project Access</u> Condition of Approval. If Permittee determines parking, storage, laydown, or staging areas are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur because of the project modification.	During Covered Activities	
6.11	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil shall not pass into potential pools where Covered Species may occur, or into any "waters of the state," including streams that traverse the Project Area, in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect stockpiles to prevent soil erosion.	During Covered Activities	
6.12	<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.	During Covered Activities	
6.13	<u>CDFW Access</u> . Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	During Covered Activities	
6.14	<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.	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
6.15	<u>Wildfire Avoidance</u> . Permittee or Permittee's contractors shall minimize the potential for human-caused wildfires by carrying water or fire extinguishers and shovels in all Project-related vehicles and equipment. The use of shields, protective mats, or use of other fire preventative methods shall be used during grinding and welding to minimize the potential for fire. Personnel shall be trained regarding the fire hazard for wildlife as part of the worker education program described in <u>Education Program</u> Condition of Approval.	During Covered Activities	
7.1	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW at least 14 calendar days before starting Covered Activities and at least 14 days before recommencing Covered Activities after any break in construction activities lasting more than 30 days and shall document compliance with all pre-Project Conditions of Approval before starting or recommencing Covered Activities.	Before the start of, and during Covered Activities	
7.2	<u>Notification of Non-compliance</u> . The Designated Representative, Designated Biologist, or Designated Monitor shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative, Designated Biologist, or Designated Monitor shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	During Covered Activities	
7.3	<u>Pre-Activity Survey Reports</u> . At least three days prior to starting Covered Activities, Permittee shall prepare and submit to CDFW the results of pre-activity surveys and maps of CTS burrows/crevices and SJVOG observations, as per <u>CTS Pre-Activity Clearance Surveys, Flag and Map CTS Burrows and Crevices</u> , and <u>SJVOG Pre-Activity Clearance Surveys</u> Conditions of Approval. The report shall also include maps that depict known or potential CTS breeding habitat, areas that will be avoided per <u>CTS Burrow and Crevice Avoidance</u> Condition Approval, and burrows proposed to be excavated according to the <u>CTS Burrow and Crevice Excavation</u> Condition of Approval, and a written justification of proposed burrow excavation locations.	Before the start of, and during Covered Activities	
7.4	<u>Inspection Records</u> . The Designated Biologist(s) and Designated Monitor(s) shall prepare written observation and inspection records for compliance monitoring as per <u>Compliance Monitoring</u> Condition of Approval, summarizing: (1) construction activities observed; (2) integrity of signs, stakes or fencing; (3) wildlife and Covered Species observations; (4) observations of non-compliance with any Conditions in this ITP; and (5) measures implemented or anticipated to rectify or remediate any incidents of non-compliance with this ITP. The inspection records shall be submitted with <u>Quarterly Compliance Reports</u> .	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.5	<p><u>CTS Mortality Reduction and Relocation Plan</u>. Permittee shall submit a CTS Mortality Reduction and Relocation Plan to CDFW for review and written approval at least 30 calendar days before starting Covered Activities. The CTS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) a discussion (and map) of the Project Area and those areas identified as potential CTS habitat; (2) an identification of survey, capture, handling, burrow/crevice excavation, and relocation methods and preliminary schedule of these activities relative to Project construction phases; (3) identification of relocation areas; (4) mapping and specifications for the fencing which will be installed to exclude CTS from the Project Area (as per <u>CTS Exclusion Fencing Condition of Approval</u>); (5) details regarding the use of coverboards which will be employed accessory to the exclusion fencing and plans for timing of fence and coverboard usage and fence maintenance; (6) monitoring frequency and methods; and (7) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured individuals of the CTS. The CTS Mortality Reduction and Relocation Plan must specify that only the approved CTS Designated Biologists are authorized to capture and handle individuals of the CTS. Covered Activities within the Project Area may not proceed until the CTS Mortality Reduction and Relocation Plan is approved in writing by CDFW. Designated Monitors are prohibited from capturing and handling CTS unless approved in writing by CDFW and under the direct supervision of a CTS Designated Biologist.</p> <p>The Permittee shall update the CTS Covered Species Mortality Reduction and Relocation Plan with proposed burrow avoidance and excavation locations, including an explanation for the proposed locations, after completion of <u>CTS Pre-Activity Clearance Surveys, Flag and Map CTS Burrows and Crevices</u>, and <u>CTS Burrow and Crevice Avoidance Conditions of Approval</u>, for CDFW review and written approval prior to initiating the <u>CTS Burrow and Crevice Excavation Condition of Approval</u>. Any proposed changes to the CDFW-approved CTS Covered Species Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications. Burrow excavation and relocation activities shall not proceed until the CTS Mortality Reduction and Relocation Plan has been approved in writing by CDFW's Regional Representative (identified in <u>Quarterly Compliance Reports Conditions of Approval</u>).</p>	Before the start of, and during Covered Activities	
7.6	<p><u>SJVOG Seed Collection and Translocation Plan</u>. The Permittee shall submit a plan to collect and translocate SJVOG seed at the appropriate season, to CDFW for review and written approval at least 30 calendar days before starting Covered Activities. The SJVOG Seed Collection and Translocation Plan shall describe that SJVOG shall be harvested, as feasible, from areas observed during the <u>SJVOG Pre-Activity</u></p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	<p><u>Clearance Surveys</u> Condition of Approval and which will be temporarily or permanently disturbed by Covered Activities, and provide a discussion of: (1) the identification of seed collection methods (including determination of appropriate timing); (2) methods of processing and/or storage of collected seed with the goal of maintaining the viability of the seed during collection and storage; and (3) a description and map(s) of the receiver site(s). Any proposed changes to the CDFW-approved SJVOG Seed Collection and Translocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Plan modifications. Seed harvesting and translocation activities shall not proceed until the SJVOG Seed Collection and Translocation Plan has been approved in writing by CDFW's Regional Representative (identified in <u>Quarterly Compliance Reports</u> Conditions of Approval).</p>		
7.7	<p><u>Compliance Monitoring</u>. A CTS Designated Biologist shall be on-site for the duration of Covered Activities (including night-work) unless all of the following have occurred: (1) CTS burrows have been avoided or excavated (per <u>CTS Burrow/Crevice Avoidance and CTS Burrow/Crevice Excavation Conditions of Approval</u>); (2) any captured CTS have been relocated according to the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u>; (3) exclusion fence has been installed unless full-time monitoring is used in place of <u>CTS Exclusionary Fencing</u>; (4) <u>SJVOG Pre-Activity Clearance Surveys</u> have been completed; (5) SJVOG avoided, as feasible (per <u>SJVOG Avoidance</u> Condition of Approval) or seed collected (per <u>SJVOG Seed Collection and Translocation</u> Condition of Approval); and (6) initial grading activities are complete. Thereafter, a CTS Designated Biologist or CTS Designated Monitor shall conduct compliance inspections at least once a week for the duration of the Covered Activities (including periods of inactivity). During Covered Activities, at least one CTS and SJVOG Designated Biologist shall be available to respond to the Project Area within one hour of being contacted to address Covered Species needs and any other issues that may arise during implementation of this ITP. The Designated Biologist(s) and Designated Monitor(s) shall conduct weekly compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) ensure that signs, stakes, and fencing are intact; and (5) ensure that that Covered Activities are only occurring in the Project Area. The Designated Representative, Designated Biologist(s), and/or Designated Monitor(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species, survey results, and monitoring activities required by this ITP. Inspections records shall be provided to CDFW upon request.</p>	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.8	<p><u>Covered Species Observations and Notification</u>. During all Covered Activities, workers shall inform a CTS Designated Biologist if any CTS or known or suspected SJVOG plants are observed at the Project Area. All work in the vicinity of the observed CTS which could injure or kill the species shall cease immediately until it moves from the Project Area of its own accord or until the CTS Designated Biologist can relocate the Covered Species following the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u>. All work within 25 feet of known or suspected SJVOG shall cease until a SJVOG Designated Biologist can confirm the species identification, record the observation, and Permittee can determine if avoidance if possible, as per <u>SJVOG Avoidance</u> Condition of Approval. The Designated Biologist(s) and Designated Monitor(s) shall maintain a record of all Covered Species observed, handled, relocated, or protected in-place. This information shall include for each Covered Species: (1) the locations (Global Positioning System (GPS) coordinates and maps), date and time of the observation, handling, release, and/or protection in-place; (2) the name of the individual(s) that identified and handled the Covered Species; (3) circumstances of the incident; (4) for CTS, the general condition and health of each individual, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc. and any diagnostic markings, sex, age (juvenile or adult); (5) for SJVOG, the general condition and health and population census within the Project Area; (6) actions undertaken; (7) habitat description; and (8) for CTS, ambient temperature when observed and/or handled and released. Permittee shall provide this information in the next <u>Quarterly Compliance Report</u> and summarize it in the next <u>Annual Status Report</u> Conditions of Approval. The Designated Biologist responsible for the observation shall also submit this information to CDFW's CNDDDB per the <u>CNDDDB Observations</u> Condition of Approval.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.9	<u>Quarterly Compliance Reports.</u> The Designated Representative or a Designated Biologist shall compile the observation and inspection records identified in the <u>Inspection Records and Covered Species Observations and Notification Conditions</u> of Approval and documentation of night work according to the <u>Lighting and Night Work</u> Condition of Approval, into a Quarterly Compliance Report (QCR) and submit it to CDFW, along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. QCRs shall be submitted before the 15th day of the month that it is due via electronic mail to CDFW's Regional Representative, Regional Office, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Dylan Burke (dylan.burke@wildlife.ca.gov), the Regional Office e-mail is RRR.R4@wildlife.ca.gov, and the Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	During Covered Activities	
7.10	<u>Annual Status Reports.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report (see <u>Final Mitigation Report</u> Condition of Approval). Each ASR shall include, at a minimum: (1) a summary of all QCRs for the previous calendar year; (2) a record of the training sessions provided over the reporting year (per <u>Education Program</u> Condition of Approval); (3) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (4) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) a summary of findings from all pre-activity surveys conducted, including but not limited to, the number of times a Covered Species was encountered, location, if avoidance was achieved, and if not, what measures were implemented; (7) summary of Covered Species observations, including copies of CNDDDB reports; (8) all available information about project-related incidental take of the Covered Species; and (9) information about other project impacts on the Covered Species. ASRs shall be submitted via email to the entities identified in the <u>Quarterly Compliance Reports</u> Condition of Approval.	During Covered Activities	
7.11	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CNDDDB within 60 calendar days of the observation and the Permittee shall include copies of the submitted forms with the ASR.	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
7.12	<p><u>Final Mitigation Report</u>. No later than 60 days after completion of all Conditions of Approval, including mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report, submitted via email to the entities identified in the <u>Quarterly Compliance Reports</u> Condition of Approval. The Designated Representative or a Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all QCRs 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) any other pertinent information; and (9) before, during, and after photographic documentation of the project impact areas.</p>	Following Covered Activities and completion of all mitigation measures	
7.13	<p><u>Notification of CTS Take or Injury</u>. Permittee shall immediately notify a CTS Designated Biologist if a CTS is taken or injured by a Project-related activity, or if a CTS is otherwise found dead or injured within the vicinity of the Project. If a CTS is injured, the CTS Designated Biologist(s) shall take the injured animal(s) to a CDFW-approved facility according to the <u>CTS Injury</u> Condition of Approval. The CTS Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and the CDFW Regional Representative. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, the Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, photograph(s), if possible, explanation as to the cause of take or injury, and any other pertinent information. The written report shall be submitted via email to the Regional Representative and Regional Office identified in the <u>Quarterly Compliance Reports</u> Condition of Approval.</p>	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.1	<p><u>Pesticide Use.</u> Permittee shall not use pesticides, including herbicides, insecticides, or rodenticides within the Project Area without written approval from CDFW. The request shall detail the type of pesticide proposed to be used, method of application, amount of pesticide to be used, spatial extent and timing of proposed application, impacts assessment of application specific to each Covered Species, measures to reduce impacts to each Covered Species, and justification for need of application. CDFW may approve limited use of pesticides through targeted spray (e.g., backpack sprayer, ground applications) at a buffer from Covered Species habitat. If approved, all pesticide application should be conducted by a Licensed and Certified Pesticide Applicator and used as directed by the manufacturer and approved by CDFW. Permittee shall only apply pesticide sprays via ground application when wind speeds measure less than 5 mph, or as otherwise approved by CDFW, in writing. Permittee shall ensure that great care is taken to avoid pesticide contact with any native vegetation and that all pesticide applied within and adjacent to identified habitat features suitable for Covered Species contain a dye (registered for aquatic use by the California Department of Pesticide Regulation, if warranted) to prevent overspray.</p>	During Covered Activities	
8.2	<p><u>Avoid Introduction of Herbicides/Pesticides into Waters.</u> Permittee shall ensure that pesticide mixing sites are only located in areas devoid of vegetation, and where there is no potential of a spill reaching a vegetated area, stream, vernal pool or wetland. Permittee shall ensure that any pesticide used where there is the possibility that the herbicide could come into direct contact with water is approved for use in an aquatic environment.</p>	During Covered Activities	
8.3	<p><u>Dust Control and Soil Stabilization.</u> Permittee shall implement dust control measures, if needed, during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologists and Designated Monitors. Permittee shall keep the amount of water used to the minimum amount needed and shall minimize the formation of puddles. Permittee shall not apply dust palliatives (other than water), surfactants, soil binders, stabilizer products, hydromulch, or hydroseed over pools, burrows, and/or crevices unless otherwise approved by CDFW in writing prior to implementation. Permittee shall provide all available documentation of each product's safety or hazards to wildlife to CDFW with any such request for approval.</p>	During Covered Activities	
8.4	<p><u>Heavy Equipment Cleaning.</u> Heavy equipment used in implementation of Covered Activities shall be thoroughly washed and inspected prior to its use on site to prevent introduction of invasive, exotic plant material (seeds, etc.) and pathogens from being introduced to the Project Area or adjacent habitats.</p>	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.5	<u>Equipment and Vehicle Fueling</u> . Permittee shall ensure that all equipment and vehicle fueling, and maintenance occur at least 100 feet from any known or potential Covered Species pool or burrows/crevices unless otherwise approved in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment shall be present at all fueling locations.	During Covered Activities	
8.6	<u>Vehicle Parking</u> . Permittee shall not allow vehicles to park on top of, or within 50 feet of any known or potential Covered Species pools or burrows/crevices, except within designated Staging Areas and in compliance with <u>Additional Measures for CTS</u> Condition of Approval. Vehicles left overnight shall be located at least 50 feet from any CTS burrows unless separated by exclusionary fencing (see <u>CTS Exclusion Fencing</u> Condition of Approval).	During Covered Activities	
8.7	<u>Soil Stockpiles</u> . Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	During Covered Activities	
8.8	Invasive and Exotic Species Removal. Permittee shall remove any invasive plant species, identified in the California Invasive Plant Council Inventory ( <a href="https://www.calipc.org/plants/inventory/">https://www.calipc.org/plants/inventory/</a> ) that are disturbed by the Project from the Project Area. Invasive plant species shall be bagged and appropriately disposed of in a manner that avoids the risk of introduction or spreading of exotic species in or around the Project Area. Permittee shall not stockpile cut invasive plant material within the Project Area at any time. Invasive plant species shall not be used in seeding, mulching, composting, or otherwise placed in or around the Project Area.	During Covered Activities	
8.9.1	<u>Pipes and other Structures Entrapment Prevention</u> . Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled in the Project Area are capped or otherwise enclosed at the ends, or stored at least 12-inches above ground, to prevent entry by CTS and other wildlife, unless separated by exclusionary fencing (see <u>CTS Exclusion Fencing</u> Condition of Approval). Permittee shall not leave such materials stockpiled for one or more workday or night periods where Covered Species may enter them and become trapped.	During Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.9.2	<u>Vehicle, Equipment, and Materials Inspection.</u> Project workers shall inspect under vehicles and equipment for CTS and other wildlife before the vehicles and equipment are moved. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more day or night periods for CTS and other wildlife before the object is subsequently moved, buried, or capped. If a CTS is present, workers stop work within 50 feet of the animal and shall notify a CTS Designated Biologist, and wait for the animal to move unimpeded to a safe location or the CTS Designated Biologist(s) may capture and relocate CTS in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> Condition of Approval.	During Covered Activities	
<u>8.9.3</u>	<u>Barriers to Covered Species Movement.</u> If curbs, berms, or dikes that could prevent CTS from accessing culverts or crossing low-traffic volume roads (Annual Average Daily Traffic less than 2,500) are necessary for safety and/or surface runoff, Permittee shall design and construct them as rounded or gently sloping structures as to allow CTS to walk over them. If steep dikes are required on low traffic-volume roads, their design shall include drains or curb/dike breaks spaced at intervals of up to 25 feet to allow CTS passage.	Before the start of Covered Activities	
<u>8.9.4.</u>	<u>Open Trenches and Excavations.</u> Workers shall inspect all open holes, sumps, and trenches within the Project Area at the beginning and end of each workday for trapped animals. In work areas where exclusionary fencing has not been installed, workers shall either cover all trenches greater than 6-inches deep, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or ensure that excavations have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope, unless separated by exclusionary fencing (see <u>CTS Exclusion Fencing</u> Condition of Approval). Coverings shall be comprised of hardware cloth or similar that restricts animals such as CTS from digging or squeezing under and becoming entrapped. The CTS Designated Biologist(s) or Designated Monitor(s) shall inspect excavation coverings to ensure compliance and shall thoroughly inspect all trenches, holes, sumps, and other excavations for or CTS (or other animals) before they are backfilled. If any worker discovers that CTS have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify a CTS Designated Biologist immediately. the opportunity for the animal to escape unimpeded out of the work area before allowing work to continue. Alternatively, if the CTS will not leave the Project Area unimpeded, the CTS Designated Biologist(s) have captured and relocated the individual(s) as per the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> Condition of Approval.	During Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.9.5	<u>Erosion Control Materials</u> . Permittee shall not use erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting, photodegradable mesh (erosion control matting), photodegradable mesh, or similar materials in potential CTS habitat, unless otherwise approved by CDFW in writing prior to implementation. Permittee shall include an impact assessment on CTS with any such requests for approval.	During Covered Activities	
8.9.6	<u>Lighting and Night Work</u> . Permittee shall not use temporary exterior lighting, including motion-triggered security lighting that casts light into CTS habitat beyond the footprint of the Project Area. The number of nights and dates of night worked shall be documented as per the <u>Annual Status Report</u> Condition of Approval.	During Covered Activities	
8.9.7	<u>CTS Pre-Activity Clearance Surveys</u> . No more than 14 days prior to starting Covered Activities, the Designated Biologist(s) approved for CTS shall survey the work area and a 50-foot buffer for CTS individuals and burrows and crevices suitable for CTS occupancy. The CTS Designated Biologist(s) shall repeat the surveys if there has been a break in Covered Activities by more than 30 days to search for new burrows and crevices suitable for CTS occupancy. These surveys shall provide 100 percent visual coverage (including burrow and crevice openings) of the Project work area and a 50-foot buffer zone around the work area, as visible or accessible. If any life stages (adults, metamorphs, eggs, or larvae) of CTS are found and avoidance is not possible, the CTS Designated Biologist(s) shall capture and relocate CTS according to the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> Condition of Approval.	Before the start of, and during Covered Activities	
8.9.8	<u>Flag and Map CTS Burrows and Crevices</u> . During CTS pre-activity clearance surveys, the Designated Biologist(s) or approved Designated Monitor(s) approved for CTS shall map all animal burrows and crevices suitable for CTS occupancy and flag those proposed for avoidance or excavation, according to the <u>CTS Burrow and Crevice Avoidance</u> and <u>CTS Burrow and Crevice Excavation</u> Conditions of Approval. Permittee shall submit maps of potential CTS burrows and crevices to CDFW according to the <u>Pre-Activity Survey Report</u> Condition of Approval.	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.9.9	<p><u>CTS Burrow and Crevice Avoidance</u>. The Permittee shall establish a no-disturbance buffer of 50 feet or greater around potential CTS burrows and crevices identified and/or flagged according to the <u>CTS Pre-Activity Clearance Surveys and Flag and Map CTS Burrows and Crevices Conditions of Approval</u>, when they can be avoided from ground disturbing or other Covered Activities that could crush or entomb CTS. The boundary of the no-disturbance areas shall be mapped and clearly marked in the field using signs, stakes or posts with highly visible rope, or high visibility fencing that shall be removed upon completion of Covered Activities in each work area. The Permittee shall provide initial no-disturbance mapping to CDFW prior to starting Covered Activities or with the next applicable QCR for follow-up surveys.</p>	Before the start of, and during Covered Activities	
8.9.10	<p><u>CTS Burrow and Crevice Excavation</u>. No more than 14 days after completing CTS pre-activity clearance surveys and no more than 30 days prior to initiating Covered Activities within a given work area, or resuming Covered Activities after a break of at least 30 days, the CTS Designated Biologist(s) and/or CTS Designated Monitor(s) under the direct supervision of a CTS Designated Biologist shall excavate potential CTS burrows and crevices within the areas approved by CDFW for excavation, as per the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan Condition of Approval</u>. The CTS Designated Biologist(s) shall capture and relocate any live CTS discovered during burrow and crevice excavation in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan Condition of Approval</u>. The Permittee shall provide the results of the burrow and crevice excavation (including locations and numbers of burrows excavated) and any CTS observations and relocation activities with each Annual Status Report (see <u>Annual Status Reports Condition of Approval</u>).</p>	Before the start of, and during Covered Activities	
8.9.11	<p><u>CTS Exclusion Fencing</u>. After surveying, flagging, and excavating burrows and crevices in accordance with Conditions of Approval <u>CTS Pre-Activity Clearance Survey and Reporting</u>, <u>Flag and Map CTS Burrows and Crevices</u>, and <u>CTS Burrow and Crevice Excavation Conditions of Approval</u>, exclusion fencing (with cover boards) shall be installed to prevent individuals of the Covered Species from migrating into the cleared Project Area. The Covered Species exclusion fencing shall be installed in accordance with the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan Condition of Approval</u>. Alternatively, Permittee may elect to maintain daily monitoring, for the duration of the day and/or night, by the CTS Designated Biologist(s) in place of exclusion fence installation for discrete work areas according to the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan Condition of Approval</u>.</p>	Before the start of, and during Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.9.12	<u>Exclusion Fence Installation</u> . The exclusion fence shall be installed under the direct supervision of the CTS Designated Biologist(s) and begin no later than 48 hours after the burrow/crevice excavation and relocation activities per Condition of Approval <u>CTS Burrow/Crevice Excavation</u> Condition of Approval, or as otherwise approved by CDFW. Permittee shall avoid animal burrows and crevices by 50 feet to the maximum extent possible during the installation of the exclusion fencing according to the <u>CTS Burrow and Crevice Avoidance</u> Condition of Approval. The exclusion fence shall be supported sufficiently to maintain its integrity under all conditions, such as wind and heavy rain, for the duration that it is in place. Permittee shall remove exclusion fencing immediately upon completion of Covered Activities in the Project Area.	Before the start of, and during Covered Activities	
8.9.13	<u>Precipitation</u> . The Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area. If a 50% or greater chance of more than ½ inch of rainfall in a 24-hour period is predicted to occur during Covered Activities, or if unexpected rainfall commences during Covered Activities, Permittee shall cease all Covered Activities where exclusionary fencing and initial ground or vegetation disturbance have not occurred, until no further rain is forecast. Work at those locations may resume 24 hours after the rain ceases until no further rain is forecast. The Designated Biologist(s) and Designated Monitor(s) approved for CTS shall survey for CTS at those work area locations before Covered Activities resume, and the CTS Designated Biologist(s) shall capture and relocate any that are discovered during the surveys, according to the CDFW-approved <u>CTS Mortality Reduction and Relocation Plan</u> Condition of Approval.	During Covered Activities	
8.9.14	<u>Fieldwork Code of Practice</u> . To ensure that the Designated Biologist(s), Designated Monitor(s) and workers do not convey disease between the Project Area and areas outside the Project Area, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 3) shall be always followed. The Designated Biologist(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) shall ensure that all traces of the disinfectant are removed before entering the next aquatic habitat.	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.9.15	<p><u>CTS Injury</u>. If a CTS is injured as a result of Covered Activities, the Designated Biologist(s) approved for CTS shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities, according to the <u>CTS Mortality Reduction and Relocation Plan</u> Condition of Approval. Permittee shall bear any costs associated with the care or treatment of such injured or damaged Covered Species. The Permittee shall notify CDFW of the injury as described in the <u>Notification of CTS Take or Injury</u> Condition of Approval.</p>	Before the start of, and during Covered Activities	
8.10.1	<p><u>SJVOG Pre-Activity Clearance Surveys and Reporting</u>. The Designated Biologist(s) approved for SJVOG shall perform surveys for SJVOG in suitable habitat areas (vernal pools and swales) in the appropriate season the year prior to the start of Covered Activities. The surveys shall be floristic in nature (with the goal of identifying every plant species in each habitat feature), conducted during the peak flowering season for the species (approximately June 1 to July 31, as determined by a reference population), visually cover 100 percent of the entire habitat feature and a 25-foot buffer zone, and follow the CDFW "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities." All SJVOG plants shall be censused and mapped. The Permittee shall submit a detailed report of methods employed, survey dates and personnel, survey results (detailing number of individuals observed per life stage per habitat feature), and mapping to CDFW according to the <u>Pre-Activity Survey Reports</u> Condition of Approval. Maps shall depict the work area boundary, survey areas, mapped SJVOG plants, and the boundary of the estimated seedbank (habitat feature where SJVOG was observed as well as hydrologically connected habitat features). The report shall also describe traits or resources, including reference populations, used to properly identify the species.</p>	Before the start of, and during Covered Activities	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
8.10.2	<p><u>SJVOG Avoidance and Marking</u>. The Permittee shall establish a no disturbance buffer of 25 feet or greater around the perimeter of habitat features containing SJVOG plants or seedbank identified and mapped according to the <u>SJVOG Pre-Activity Clearance Surveys</u> Condition of Approval, when they can be avoided from ground disturbing or other Covered Activities that could result in take of plants or seedbank. The boundary of the no-disturbance area shall be clearly marked in the field using signs, stakes or posts with highly visible rope, or high visibility fencing that shall be removed upon completion of Covered Activities in each work area. Permittee may request an alternative buffer based on habitat features and hydrologic conditions, and the request shall include an analysis of potential risks to SJVOG, including, but not limited to potential risks from erosion/sedimentation, changes in hydrology, and risks from possible dust or chemical drift. The buffer reduction shall not be implemented without advance written approval by CDFW.</p>	Before the start of, and during Covered Activities	
8.10.3	<p><u>SJVOG Seed Collection and Translocation</u>. Designated Biologist(s) approved for SJVOG and Designated Monitor(s) approved for SJVOG, under the direct supervisor of a SJVOG Designated Biologist, shall harvest and translocate SJVOG seed at the appropriate season prior to clearing and grading activities where SJVOG may occur according to the CDFW-approved <u>SJVOG Seed Collection and Translocation Plan</u> Condition of Approval. Clearing and grading activities shall not proceed in work areas with SJVOG until the seed collection has been attempted according to the CDFW-approved SJVOG Seed Collection and Translocation Plan.</p>	Before the start of, and during Covered Activities	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9	<p><b>Habitat Management Land Acquisition:</b> CDFW has determined that permanent protection and perpetual management of compensatory habitat and on site habitat restoration is necessary and required pursuant to CESA to fully mitigate Project related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.</p> <p>To meet this requirement, the Permittee shall either purchase 233.25 acres of CTS upland refugia credits, 6.55 acres of CTS breeding credits, and 6.98 acres of SJVOG credits from a CDFW-approved mitigation or conservation bank pursuant to the <u>Covered Species Credits</u> Condition of Approval OR shall provide for both the permanent protection and management of at least 233.25 acres of CTS upland refugia habitat, 6.55 acres of CTS breeding habitat, and 6.98 acres of SJVOG habitat in the form of Habitat Management (HM) lands pursuant to the <u>HM Lands Acquisition and Protection</u> Condition of Approval and the calculation and deposit of the management funds pursuant to the <u>Endowment Fund</u> Condition of Approval. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 36 months of the effective date of this ITP if Security is provided pursuant to the <u>Security</u> Condition of Approval for all uncompleted obligations.</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9.1	<p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands and restoration of temporarily disturbed habitat as follows:</p> <p>9.1.1. Land acquisition costs for HM lands identified in the <u>Habitat Management Lands Acquisition and Protection</u> Condition of Approval, estimated at \$11,263.00 per acre for 247 acres: <b>\$2,781,961.00</b>. Land acquisition costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in the <u>Fee Title and Conservation Easement</u> Condition of Approval: <b>\$512,100.00</b>;</p> <p>9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in the <u>Start-up Activities</u> Condition of Approval, estimated at <b>\$296,560.36</b>;</p> <p>9.1.4. Interim management period funding as described in the <u>Interim Management</u> Condition of Approval, estimated at <b>\$630,529.71</b>;</p> <p>9.1.5. Long-term management funding as described in the <u>Endowment Fund</u> Condition of Approval, estimated at \$3,631.46 per acre for 247 acres: <b>\$896,971.25</b>. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>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 as described in the <u>Reimburse CDFW</u> Condition of Approval, estimated at <b>\$13,600.00</b>.</p> <p>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 <b>\$45,479.00</b>.</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
9.2	<p><u>Covered Species Credits</u>. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 233.25 acres of CTS upland refugia credits, 6.55 acres of CTS breeding credits, and 6.98 acres of SJVOG credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 36 months from the issuance of this ITP if Security is provided pursuant to the <u>Security</u> Condition of Approval. 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 36 months from issuance of this ITP if Security is provided.</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	



9.3	<p><u>Habitat Management Lands Acquisition and Protection</u>. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:</p> <p>9.3.1. <u>Fee Title</u>. Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.</p> <p>9.3.2. <u>Conservation Easement</u>. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.</p> <p>9.3.3. <u>HM Lands Approval</u>. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species.</p> <p>9.3.4. <u>HM Lands Documentation</u>. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.</p> <p>9.3.5. <u>Land Manager</u>. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	
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ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	<p>to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.</p> <p>9.3.6. <u>Start-up Activities</u>. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline</a>) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage.</p> <p>9.3.7. <u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either: (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>		

9.4	<p><u>Endowment Fund</u>. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan as per <u>Land Manager</u> Condition of Approval. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> <p>9.4.1. <u>Identify an Endowment Manager</u>. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	
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	<p>does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p> <p>9.4.2. <u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment cost assessment to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval of the results of the endowment assessment before transferring funds to the Endowment Manager.</p> <p>9.4.2.1. <u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p> <p>9.4.2.2. <u>Endowment Buffers/Assumptions.</u> Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>9.4.2.2.1. <u>10 Percent Contingency.</u> A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>9.4.2.2.2. <u>Three Years Delayed Spending.</u> The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>9.4.2.2.3. <u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> <p>9.4.3. <u>Transfer Long-term Endowment Funds.</u> Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.</p> <p>9.4.4. <u>Management of the Endowment.</u> The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any</p>		
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ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
	<p>agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>		
9.5	<p><u>Reimburse CDFW</u>. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	
10	<p><b>Security:</b> The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by the <u>Habitat Management Land Acquisition Condition of Approval</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	
10.1	<p><u>Security Amount</u>. The Security shall be in the amount of \$5,165,938.31, or in the amount identified in the <u>Cost Estimates</u> Condition of Approval specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in the <u>Cost Estimates</u> Condition of Approval, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	
10.2	<p><u>Security Form</u>. The Security shall be in the form of the Master Funding Agreement between the California Department of Fish and Wildlife and the California Department of Transportation dated April 18, 2024, an irrevocable letter of credit, or another form of Security approved in advance in writing by CDFW.</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	
10.3	<p><u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 12 months after the effective date of this ITP, whichever occurs first.</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	

ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
10.4	<p><u>Master Funding Agreement</u>: If the Master Funding Agreement is used as security:</p> <p>10.4.1. <u>Funding Memorandum</u>. Permittee shall submit a project-specific Funding Memorandum required by the Master Funding Agreement and (see Attachment 4).</p> <p>10.4.2. <u>Funding of the Child Expenditure Authorization (EA)</u>. Permittee shall create and fund the Child EA with funds equivalent to the Security Amount.</p> <p>10.4.3. <u>Compliance with the Master Funding Agreement</u>. Permittee shall complete all requirements set forth in the Master Funding Agreement and shall at all times comply with the terms and conditions of that Agreement.</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	
10.5	<p><u>Irrevocable Letter of Credit</u>: If an irrevocable letter of credit (see Attachment 5) is used as security:</p> <p>10.5.1. <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>10.5.2. <u>Security Transmittal</u>. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 6) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>10.5.3. <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	



ITP COA (Source)	Mitigation Measure	Implementation Schedule	Status / Date / Responsible Party(ies)
10.6	<p><u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <p>Credit Purchase:</p> <ul style="list-style-type: none"> <li>• Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and</li> <li>• Timely submission of all required reports.</li> </ul> <p>OR</p> <p>Habitat Management Land Acquisition (HMLA):</p> <ul style="list-style-type: none"> <li>• CDFW has conducted an on-site inspection</li> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports.</li> </ul>	Before the start of Covered Activities, or within 12 months after the effective date of this ITP, whichever occurs first	
10.7	Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 36 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.	Before the start of Covered Activities, or within 36 months of the effective date of the ITP if Security is provided	

# Attachment 2

## ATTACHMENT 2



Department of Fish and Wildlife

BIOLOGIST RESUME COVER SHEET

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## SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Number of Resumes Included in Transmittal: \_\_\_\_\_

Name	Requested Role(s) <sup>1</sup>	Species/Resource(s)

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<sup>1</sup> 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 "Designated Monitor" with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.





Department of Fish and Wildlife

**BIOLOGIST RESUME FORM**

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

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

**SECTION I. NAME AND CONTACT INFORMATION**

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

**SECTION II. EDUCATION**

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

**SECTION III. ROLE(S) AND PERMIT REQUIREMENTS**

Requested Role(s):	
Relevant LSA Agreement Measures or ITP Conditions <sup>2</sup> :	

**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.<sup>3</sup> If more space is needed, add rows to this table. Provide details in Section 5.*

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

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

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

## SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

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

<sup>4</sup> 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 “designated monitor.”

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

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

<sup>7</sup> CNDDDB is the abbreviation for California Natural Diversity Database.

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

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

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



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

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

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

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

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

# Attachment 3



## Attachment 3

## The Declining Amphibian Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Task Force (DAPTF) to provide guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g. boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70% ethanol solution (or sodium hypochlorite 3 to 6%) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g. via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.
6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. Used cleaning materials (liquids, etc.) should be disposed of safely and if necessary taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.

# Attachment 4

## California Department of Transportation

OFFICE OF THE DIRECTOR

P.O. BOX 942873, MS-49 | SACRAMENTO, CA 94273-0001

(916) 654-6130 | FAX (916) 653-5776 TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)



<Current Date>

<Mr./Ms./The Honorable Name>

<Title>

California Department of Fish and Wildlife

<Address>

<City, CA ZIP>

Dear <Mr./Ms. >:

This funding memorandum satisfies security funding assurance requirements.

1. Name of Project:
2. Brief Description of the Project:
3. Incidental Take Permit Number or Consistency Determination Number:
4. Caltrans parent Project EA and program funding source:
5. Caltrans Child EA and program funding source:
6. Estimated costs of Mitigation (including monitoring):
7. Total amount for security (combined total of estimated costs of Mitigation and Monitoring):

The funds for this project have been currently budgeted and allocated, for the project as described above. The funds that have been allocated for mitigation and monitoring will not be re-allocated to another element of the project or expended for any purpose other than completing the mitigation and monitoring requirements.

Sincerely,



# Attachment 5

**[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"]



# Attachment 5

State of California - Department of Fish and Wildlife  
**MITIGATION PAYMENT TRANSMITTAL FORM**  
DFW 1057 (NEW 07/28/17)

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

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

**4. AGREEMENT/ACCOUNT INFORMATION:** (check the applicable type)

☐ 2081 Permit    ☐ Conservation Bank    ☐ 2835 NCCP    ☐ 1802 Agreement    1600 Agreement    ☐ Other \_\_\_\_\_

\_\_\_\_\_  
Project Tracking Number

**5. PAYMENT TYPE** (One check per form only): The following funds are being remitted in connection with the above referenced project:

Check information:

Total \$ \_\_\_\_\_ Check No. \_\_\_\_\_  
Account No. \_\_\_\_\_ Bank Routing No. \_\_\_\_\_

- a.

Endowment: for Long-Term Management

Subtotal \$ \_\_\_\_\_
- b.

Habitat Enhancement

Subtotal \$ \_\_\_\_\_
- c.

Security:

1.

Cash Refundable Security Deposit

Subtotal \$ \_\_\_\_\_

2.

Letter of Credit

Subtotal \$ \_\_\_\_\_

1.

Financial Institution: \_\_\_\_\_

2.

Letter of Credit Number: \_\_\_\_\_

3.

Date of Expiration: \_\_\_\_\_

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