



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

California Endangered Species Act
Amended Incidental Take Permit No. 2081-2011-081-06-A2
(Amendment No.2)

**Kern River Gas Transmission Company
Operation and Maintenance**

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

Permittee:	Kern River Gas Transmission Company
Principal Officer:	Robert Checketts, Vice President
Contact Person:	Joseph Seamands, (801) 937-6133
Mailing Address:	2744 E. Cottonwood Parkway Salt Lake City, Utah, 84171-0400

Amended ITP Background³:

On October 17, 2011, Kern River Gas Transmission Company (Permittee) submitted a CESA ITP application to 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. Permittee sought take coverage authorization for CESA-listed species associated with project-related impacts from the Kern River Gas Transmission Company Operation and Maintenance Project (Project) in San Bernardino County.

On March 16, 2012, CDFW issued ITP No. 2081-2011-081-06 to Permittee, authorizing take of desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (now referred to as *Xerospermophilus*

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

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

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

mohavensis, but formerly known as *Spermophilus mohavensis*), and gilded northern flicker (*Colaptes auratus chrysoides*), associated with and incidental to the Project. The Project as described in the ITP originally issued by CDFW includes operation and maintenance of Permittee's existing pipeline systems found within San Bernardino County, California. In issuing the original ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on desert tortoise, Mohave ground squirrel, and gilded northern flicker and that issuance of the ITP would not jeopardize the continued existence of these species.

On September 22, 2020, western Joshua tree (*Yucca brevifolia*) became a candidate species under CESA. On October 25, 2024, western burrowing owl (*Athene cunicularia hypugaea*) became a candidate species under CESA. On March 14, 2025, Permittee requested a Major Amendment to the original ITP and paid the appropriate fee to extend coverage by an additional 10 years and include western burrowing owl and western Joshua tree as species covered. Collectively, desert tortoise, Mohave ground squirrel, gilded northern flicker, western Joshua tree, and western burrowing owl are referred to as the Covered Species herein.

On August 28, 2025, CDFW initiated a Minor Amendment (Amendment 1) to extend the expiration of the original ITP until September 30, 2025, and update the name and contact information of the Permittee.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now amends and reissues this ITP including the revised provisions in this first Major Amendment (collectively, the Amended ITP). The Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Major Amendment.

Effective Date and Expiration Date of this Amended ITP:

This Amended ITP shall become effective when signed by CDFW. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **August 18, 2035**.

Notwithstanding the expiration date on the take authorization provided by this Amended ITP,

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Permittee's obligations pursuant to this Amended ITP do not end until CDFW accepts as complete Permittee's Final Mitigation Report required by Condition of Approval 7.8 of this Amended ITP.

Project Location:

The Project is located within the Mojave Desert in San Bernardino County (see Figure 1). The Kern River pipeline system includes two 36-inch diameter high pressure natural gas mainlines, beginning at Kern River's Looped Line at the California/Nevada state line near Primm, Nevada, and terminating at the Daggett compressor station near Daggett, California. The system also includes the High Desert Lateral, a 24-inch diameter natural gas pipeline, beginning at Kramer Junction, California, and terminating near Victorville, California. The Project site is bounded by Primm, Nevada (Latitude 35.621731; Longitude -115.409669) on the northeast and Daggett, California (Latitude 34.851100; Longitude -116.849600) on the southwest. The Project is also bounded from Freemont Peak near the Kramer Junction (Latitude 34.985443; Longitude -117.526104) on the northwest to the Kern River's meter station in Victorville (Latitude 34.595800; Longitude -117.362790) on the southwest, and the Mountain Pass Lateral from Ivanpah Valley (Latitude 35.592768; Longitude -115.507178) to Molycorp Minerals LLC property (Latitude 35.476920; Longitude -115.520265) on the northeast.

The mainline pipeline section runs through Ivanpah Lake, Clark Mountain, Panhalka Spring, East of Kingston Springs, Turquoise Mountain, North of Baker, West of Baker, Red Pass Lake, Bitter Lake, Alvord Mountain, Nemo, Daggett, and Yermo USGS Quads through the following San Bernardino Meridian Townships, Ranges and Sections:

- T. 17 N. R. 15 E. Section 6, 7.
- T. 17 N. R. 14 E. Sections 7, 12, 13, 14, 15, 16, 17, 18.
- T. 17 N. R. 13 E. Sections 1, 2, 3, 4, 5, 6.
- T. 17 N. R. 12.5 E. Sections 1, 12.
- T. 17 N. R. 12 E. Sections 12, 11, 14, 15, 16, 21, 20, 19, 30.
- T. 17 N. R. 11 E. Sections 25, 26, 27, 34, 33.
- T. 16 N. R. 11 E. Section 6.
- T. 16 N. R. 10 E. Sections 4, 3, 2, 1, 9, 8, 18, 17, 19.
- T. 16 N. R. 9 E. Sections 24, 23, 26, 27, 34, 33, 32.
- T. 15 N. R. 9 E. Sections 4, 5, 6, 7.
- T. 15 N. R. 8 E. Sections 12, 11, 14, 15, 16, 17, 20, 21, 19, 30.
- T. 15 N. R. 7 E. Sections 25, 26, 35, 34.
- T. 14 N. R. 7 E. Sections 3, 4, 9, 8, 17, 20, 19, 30.
- T. 14 N. R. 6 E. Sections 25, 36, 35, 34, 33.
- T. 13 N. R. 6 E. Sections 4, 5, 6, 7, 18.
- T. 13 N. R. 5 E. Sections 13, 24, 25, 26, 35, 34.

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T. 12 N. R. 5 E. Sections 3, 4, 9, 16, 17, 20, 19, 30.
 T. 12 N. R. 4 E. Sections 25, 36, 35.
 T. 11 N. R. 4 E. Sections 2,3,10,9,16,17,18,19.
 T. 11 N. R. 3 E. Sections 24, 25, 26, 35, 34.
 T. 10 N. R. 3 E. Sections 3, 4, 9, 8, 17, 18.
 T. 10 N. R. 2 E. Sections 24, 23, 26, 27, 34.
 T. 9 N. R. 2 E. Sections 4, 9, 8, 17, 18, 19.
 T. 9 N. R. 1 E. Sections 24, 23.

The High Desert Lateral pipeline section runs through Kramer Junction, Red Buttes, Astley Ranchero, Victorville NW, Helendale, and Victorville USGS Quad Maps through the following San Bernardino Meridian Townships, Ranges and Sections:

T. 10 N. R. 6 W. Sections 4, 9, 16, 21, 28, 33.
 T. 9 N. R. 6 W. Sections 4, 9, 16, 21, 22, 27, 34.
 T. 8 N. R. 6 W. Sections 3, 10, 11, 14, 23, 26, 25, 36.
 T. 7 N. R. 6 W. Sections 1, 12, 13.
 T. 7 N. R. 5 W. Sections 18, 19, 30, 31, 32.
 T. 6 N. R. 5 W. Sections 5, 8, 9, 10, 11, 14, 13, 24.

The Mountain Pass Lateral passes through Ivanpah Lake, Clarke Mountains, and Mescal Range USGS Quad Maps through the following San Bernardino Meridian Townships, Ranges and Sections:

T. 16 N. R. 13 E. Section 13.
 T. 16 N. R. 14 E. Sections 6, 7, 18, 19, 30,31.
 T. 17 N. R. 15 E. Sections 18, 19, 20, 21, 30, 31.

Project Description:

The Project involves operations and maintenance activities along Kern River's existing California pipeline system, which consists of 104 miles of two 36-inch diameter pipelines, constructed in 1991 and 2003, in San Bernardino County from the Nevada border at Primm, Nevada, to Daggett, California (mainline); 32 miles of 24-inch diameter natural gas pipeline constructed in 2001, in San Bernardino County from Kramer Junction, California, to Victorville, California (High Desert Lateral). Operations and maintenance activities will also occur on 8.6 miles of 8-inch diameter pipeline currently under construction (ITP No. 2081-2011-047-06) in San Bernardino County from the existing mainline pipeline in Ivanpah Valley, California, to Molycorp Minerals LLC property at Mountain Pass, California (Mountain Pass Lateral).

Class I (Routine): normal maintenance activities that may occur year-round that do not result in

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new surface disturbance in listed species habitat:

Class I activities include routine maintenance activities including inspection, adjustment, exercising of valves and replacement of small system elements occur on a daily or regular basis on different portions of the pipeline system. Class I activities would utilize access roads and two-tracks on the right-of-way, and would not produce significant disturbance to species or habitats beyond the presence of personnel and vehicles in previously established pipeline and facility areas. Examples of Class I activities include: visual inspections and monitoring; cathodic protection/close interval surveys (e.g., surveys for taking measurements at test posts on a quarterly basis); determination of depth of cover; weed control; and meter station calibration/maintenance. These activities will not result in new habitat disturbance.

Class II (Major): normal maintenance activities that result in surface disturbance, including previously disturbed areas, during periods of reduced species activity in species habitat:

Class II maintenance activities would include the repair or replacement of major facility elements (e.g., equipment, cathodic protection systems, valves, pipes, etc.), using equipment that could result in impacts to habitat. Kern River anticipates Class II activities could include the following:

Right-of-Way Repair. Typically, these activities include repair of erosion, scour, land movement, slumping, etc. on the right-of-way. Equipment necessary to complete right-of-way repairs generally includes a motor grader, backhoe/excavator, cat-loader flat-bed trailer truck, crane and/or small four-wheel drive or pick-up trucks. Kern River anticipates that any given right-of-way repair, involving two or more employees and/or contractors, could require 10 days or more per year to complete.

Below-Grade Pipe and Coating Inspections/Repairs. Following a Class I, or routine in-line inspection and/or cathodic protection survey, portions of the pipe will need to be excavated for visual inspection. The pipe and pipe coating would be examined at this time. Should failed pipeline coating be revealed, further excavation and recoating of the pipeline segment would be necessary. This activity typically would involve pick-up trucks, a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, a portable sand-blaster, barricades, welding equipment, and plastic fencing. Any given pipe inspection could require two or more employees and/or contractors, and could last for approximately 6 to 8 or more days. The area disturbed and the time required to complete this activity would depend upon the length of pipeline needing inspection. A typical inspection of this type would involve exposing the pipe, usually a hole 6 to 10 feet deep and 20 to 30 feet in length depending on depth of pipe, slope and terrain. The holes are refilled with the excavated material immediately following the repair.

Maintenance/Replacement of Ground Anode Beds or Cathodic Protection Rectifiers. Kern River estimates that the ground anode beds and rectifiers installed during initial construction of the pipeline would need to be replaced approximately every 10 to 15 years. This activity is limited to

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previously disturbed areas and is typically inside or immediately adjacent to fenced facilities, such as meter stations. In addition to pick-up trucks with equipment specific to the task, this activity would involve a flatbed truck/trailer or dump truck with trailer, drilling rig, welding equipment, and a backhoe/excavator. Any given replacement of ground bed anodes or rectifiers could require two or more employees and/or contractors, and could last for approximately 6 to 8 or more days.

Installation of Anode Flex. Based on the results of pipeline surveys and expected adjacent power line loads, an engineering analysis may determine the need for installation of anode flex adjacent to the pipeline. The installation of anode flex is intended to alleviate induced current on the pipeline. Anode flex is a cathodic protection device that is installed by plowing/trenching and is placed parallel to and approximately 10 feet away from the pipeline. It is connected to the pipeline by lead wires at approximately 1,000 foot intervals. Anode flex can be installed parallel to the pipeline for several thousand feet to several miles. The surface disturbance is very minimal. It is typically buried a minimum of 4 feet deep using a tractor dozer with a 3-inch narrow plow blade. No material is typically excavated or stored during this process. This work takes place immediately adjacent to the existing pipe and within the disturbed right-of-way. Equipment required to install the anode flex includes a tractor dozer and several utility trucks. The number of employees and/or contractors and the construction schedule would vary depending upon the length of the area.

Alternating Current (AC) Mitigation Systems and other types of Cathodic Protection (CP) Systems. AC mitigation reduces corrosion by grounding AC current induced from overhead power lines. These systems include linear anode (grounding) connected to the pipeline through a Polarization Cell Replacement (PCR). Typical installations require a 1-foot-wide by 4-foot-deep trench and an adjoining 6-foot-wide temporary workspace to place spoils. AC Mitigation can range from 500 linear feet up to 3,000 linear feet. At every ~1,000 feet of linear mitigation, the pipeline is excavated, and the mitigation is connected to the pipeline through a PCR. Placement of a PCR requires an approximate 10-foot-radius (315 square feet) designated workspace that includes an excavation to reach the pipeline to connect the linear anode, spoil placement and installation of the permanent aboveground appurtenance. The temporary workspace will occur completely within the Kern River right-of-way.

CP is a pipeline corrosion control technique that uses a low voltage electrical current to prevent metal structures from corroding. A CP deep well anode installation involves vertically drilling a CP anode system into a 50 to 300 foot deep well. Surface disturbance of the deep well is typically a 10-foot-radius area (315 square feet), along with an adjoining non-ground disturbing workspace. The anode system installation includes installing anode wires, anode junction box, and a large positive cable routed to a CP rectifier and interconnection to overhead electrical distribution lines. The connection of the CP rectifier and pipeline connection requires additional ground surface disturbance to make the connection. Maintenance of CP systems could involve

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replacement, deep well abandonment, and site restoration.

Pipeline Segment Replacement. Should a pipeline segment require replacement (e.g., severe corrosion or other damage) excavation and replacement of a portion of the pipeline would be necessary. In addition to pickup trucks, this activity typically would involve a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, a truck-mounted crane, a side boom, barricades, welding equipment, and plastic fencing. Replacement of pipeline usually requires multiple employees and/or contractors. The area disturbed and the time required to complete this activity would depend upon the length of pipeline needing replacement.

Class III (Major): maintenance activities that result in surface disturbance during periods of increased species activities in species habitat:

These maintenance activities are the same as those described for Class II activities but would be carried out during periods of increased species activity in species habitat.

Class IV (Major): maintenance activities that may extend outside the pipeline right-of-way corridors and into undisturbed solids and vegetation in species habitat:

This class of activity could include any of the previously mentioned actions that would extend beyond the right-of-way, and creation of staging or lay down areas and equipment stockpile and spoil pile deposition areas. The extent of disturbance outside of the existing pipeline right-of-way would vary with the project and depend upon right-of-way width, topography, layout, and other factors.

Class V Emergency repairs:

Emergency Repairs. To ensure public safety and service reliability and to protect the environment, emergency repairs may be necessary for pipeline leaks or breaks, exposure of the pipeline due to erosion, and severe damage caused by a severe storm, natural disaster or catastrophic event. These activities would usually involve a backhoe and/or cat-loader, motor grader, and possibly other heavy earth-moving equipment. Any given emergency repair could require two or more employees and/or contractors, and could last for approximately three or more days. Pipeline leaks or breaks would involve equipment similar to those identified under the Class II (Major): Below-Grade Pipe and Coating Inspections/Repairs or Pipeline Segment Replacement sections. The amount of habitat disturbance would vary depending upon the nature of the emergency.

Emergency Leak Excavations. Following a leakage survey that detects gas, a portion of the pipe would be excavated for visual inspection. In addition to pickup trucks, this activity would typically involve a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, barricades and plastic fencing. Should workers find a leak, additional trucks with welding machines would be required. Emergency leak excavation could require two or more employees and/or contractors, and could last for approximately two to five or more days.

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Covered Species Subject to Take Authorization Provided by this Amended ITP:

This Amended ITP covers the following species:

Name	CESA Status
1. Agassiz’s Desert tortoise (<i>Gopherus agassizii</i>)	Endangered ⁴
2. Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	Threatened ⁵
3. Gilded northern flicker (<i>Colaptes auratus chrysoides</i>)	Endangered ⁶
4. Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	Candidate ⁷
5. Western Joshua tree (<i>Yucca brevifolia</i>)	Candidate ⁷

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. Take as defined by state law of individuals of the Covered Species could occur as a result of: clearing and grading, trenching, pipe stringing and bending, fence installation, pipe assembly and welding, x-ray and weld repair, coating field welds, pipe lowering, padding and backfilling, cleanup, restoration activities, and other activities described in the Project Description Section of this Amended ITP (Covered Activities). Take as defined by state law could occur within the Kern River Gas Transmission Company pipeline right-of-way, within lands immediately surrounding the Project site, and within access roads. Take is anticipated to occur between Kern River’s Looped Line situated at the California and Nevada border leading up to Daggett, California (Mainline) and between Fremont Peak near the Kramer Junction leading up to the Kern River meter station at the power plant next to the Southern California International Airport in Victorville (High Desert Lateral) (collectively, the Project Area/Project site).

Incidental take in the form of mortality (“kill”) of individuals of the Covered Species may occur as a result of Covered Activities such as: habitat removal, degradation and alteration, increased

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

⁵ See *Id.*, § 670.5, subd. (b)(6)(A).

⁶ See *Id.*, § 670.5, subd. (a)(5)(N).

⁷ The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

construction, vehicle traffic, and increased human presence in the Project area. Impacts are described in more detail for each Covered Species below:

Desert Tortoise Incidental Take

Direct impacts to desert tortoises due to construction may include: loss or displacement of individuals, disturbance to burrows, and removal and/or damage of vegetation comprising suitable habitat. Individuals could be injured or lost due to direct impacts such as collisions with vehicles or other construction equipment and entrapment in the pipeline trench. Desert tortoises may void their bladders during interactions with Project personnel or equipment, causing a loss of critical water stores that could lead to mortality by dehydration. The level of expected impact on Covered Species is related to the class of maintenance activity (as described above), and expected ground disturbance.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Western Burrowing Owl Incidental Take

Incidental take of individuals of western burrowing owl in the form of mortality ("kill") may occur as a result of Covered Activities such as relocating individuals; destruction of burrows, nests, eggs, or chicks from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access, and/or construction of laydown yards; burrow abandonment due to noise from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Mohave Ground Squirrel Incidental Take

Incidental take of individuals of Mohave ground squirrel in the form of mortality ("kill") may occur as a result of Covered Activities such as relocating individuals; destruction of burrows, nests, pups, from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access, and/or

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construction laydown yards; burrow abandonment due to noise or vibration from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Gilded Northern Flicker Incidental Take

Incidental take of individuals of gilded northern flicker in the form of mortality (“kill”) may occur as a result of Covered Activities such as destruction of nests, eggs, or chicks from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access, and/or construction laydown yards; nest abandonment due to noise from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Western Joshua Tree Incidental Take

Incidental take of individuals of western Joshua tree in the form of mortality (“kill”) may occur as a result of Covered Activities such as removing dead, mature, and emergent individuals; trimming of individuals; encroachment onto root systems; and removing seedbank and crushing and/or burying living seeds in the soil, rending living sees inviable and/or causing them to be killed. Impacts to western Joshua tree’s obligate pollinating moth (*Tegeticula synthetica*) may also occur while it is dormant in the soil, or while it is in its flight phase, which would impact the ability of western Joshua tree to sexually recruit new individuals. Destruction or modification of habitat may disrupt the seed dispersal behavior of rodents, which is the primary way that western Joshua tree seeds are buried at a soil depth suitable for successful germination. Destruction or modification of habitat may eliminate nurse plants that are critical for western Joshua tree seedling survival.

Based on the analysis of areas impacted by operation and maintenance activities performed by Kern River Transmission Gas Company in the past five years, the Project will have no additional permanent impacts to the original 8.5 acres of habitat for desert tortoise, Mohave ground squirrel, and gilded northern flicker as part of the original ITP. Upon issuance of this Amended ITP, if permanent and/or temporary impacts exceed 8.5 acres, Permittee shall amend its ITP to include those impacts and obtain additional take coverage before incurring such impacts.

The Project is expected to cause 3 acres of temporary loss and 2 acres of permanent loss of western

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burrowing owl habitat; cumulatively the loss of up to 5 acres of habitat for western burrowing owl per year with a maximum of 50 acres of impacts and up to 3.5 acres of habitat for western Joshua tree per year with a maximum of 35 acres of impacts is expected, under the entire term of this Amended ITP.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts to the Covered Species include: stress from noise and vibrations from tunneling and capture and relocation, long-term effects due to increased pollution, displacement from preferred habitat, exposure to herbicides, increased competition for food and space, and increased vulnerability to predation.

Covered Species Incidental Take Authorization:

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

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 have the potential to cause take. CDFW's issuance of this Amended 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 state, federal, and local laws in existence on the effective date of this Amended ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2001071035) certified by the California State Lands Commission on August 14, 2002 and the Mitigated Negative Declaration (SCH No.: 2011081078) adopted by the California State Lands Commission on October 6, 2011 for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

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- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPIMS-SBR-55497-R6) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq. If there is a conflict between Covered Species related measures in the LSAA for this Project and the measures in this Permit, this Permit controls.
- 4. ESA Compliance:** Permittee has a Biological Opinion (BO) for Operation and Maintenance of the Kern River and Mojave Gas Transmission Pipeline (BO# 84320-2011-F-0337 and 1-5-02-F-476) for the Project pursuant to the Federal Endangered Species Act (ESA). If implementation and adherence to the terms and conditions in the BO are less protective of the Covered Species or conflict with the conditions of this Amended ITP, this permit shall control.
- 5. Amended ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the Conditions of Approval of this Amended 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 Amended ITP.

6. General Provisions:

- 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this Amended ITP. Before initiating the Covered Activities, Permittee shall notify CDFW in writing 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 Amended ITP.
- 6.2. Biological Monitor(s). If Permittee elects to implement a Biological Monitor, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Biological Monitor(s) at least 30 days prior to the start of Covered Activities. Permittee shall ensure that the Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Biological Monitor(s) must be changed.
- 6.3. Authorized Biologist for Desert Tortoise (DT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of desert tortoise. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual desert tortoise and to

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minimize disturbance of desert tortoise habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, excavating burrows, handling and temporarily holding desert tortoise, relocating/translocating the desert tortoise, reconstructing burrows, unearthing and relocating eggs, locating, identifying, and recording all forms of desert tortoise signs, collecting blood samples, conducting health assessments, conducting protocol level surveys, and/or attaching and removing transmitters to and from the desert tortoise.

- 6.3.1. Authorized Biologist for Burrowing Owl (BUOW Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of burrowing owl. The BUOW Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual burrowing owl and to minimize disturbance of burrowing owl habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities, establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows.
- 6.3.2. Authorized Biologist for Mohave Ground Squirrel (MGS Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of Mohave ground squirrel. The MGS Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual Mohave ground squirrel and to minimize disturbance of Mohave ground squirrel habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities, establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows.
- 6.3.3. Authorized Biologist for Gilded Northern flicker (GNF Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of gilded northern flicker. The GNF Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual gilded northern flicker and to minimize disturbance of gilded northern flicker habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting surveys, establishing no-disturbance buffers, and monitoring nests.
- 6.3.4. Authorized Biologist for Western Joshua tree (WJT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of western Joshua tree. The WJT Authorized Biologist shall be responsible for

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monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual western Joshua tree and to minimize disturbance of western Joshua tree habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to pre-assessment surveys and establishing no-disturbance buffers.

- 6.4. Biologist and Veterinarian Approvals. Permittee shall obtain CDFW approval of the DT Authorized Biologist(s), BUOW, MGS and NGF Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2 and 2A of this ITP and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 21 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP and associated Desert Tortoise Translocation Plan, MGS Mortality Reduction and Relocation Plan, and Burrowing Owl Mortality Reduction Plan that the Permittee is requesting approval for that individual to carry out.
- 6.5. Authorized Biologist and Biological Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Authorized Biologist(s) and/or Biological Monitor (collectively, Biologists) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project site and otherwise facilitate the Biologist(s) in the performance of his/her duties. If the Biologist(s) is unable to comply with the ITP, then the Biologist(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Biologists(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.6. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Authorized Biologist 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

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violations and Project-specific protective measures described in this Amended 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 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.

- 6.7. Construction Monitoring Notebook. The Authorized Biologist(s) and Biological Monitor(s) shall maintain a construction-monitoring notebook on-site throughout the construction period which shall include a copy of this Amended 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 notebook is available for review at the Project site upon request by CDFW.
- 6.8. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.9. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and Biological Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 6.10. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species habitat.
- 6.11. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.
- 6.12. Delineation of Project Area. Before starting Covered Activities except Class I maintenance activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes or flags. Permittee shall restrict all Covered Activities to within the fenced, staked or flagged areas. Permittee shall maintain all fencing, stakes and flags until the completion of Covered Activities in that area.

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- 6.13. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat for all maintenance activities except Class I.
- 6.14. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this Amended ITP if additional take of Covered Species will occur as a result of the Project modification.
- 6.15. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.14 of this Amended ITP.
- 6.16. Hazardous Waste. At the time of occurrence of any fuel or hazardous waste leak or spill, or as soon as it is safe to do so, Permittee shall immediately stop and arrange for the repair and clean up of the waste leak or spill by qualified individuals in compliance with all pertinent state and federal statutes and regulations. 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.
- 6.17. Rodenticides. To avoid impacts to rodent dispersal of western Joshua tree seeds, Permittee shall not use rodenticides within the Project site at any time.
- 6.18. Herbicides. Permittee may only use herbicides within the Project site with CDFW's written authorization. If so authorized, Permittee may only use herbicides registered with the California Department of Pesticide Regulation (DPR). Any dyes included in the herbicides must be EPA-registered dyes approved for use in California. All herbicides shall be applied in accordance with labeled instructions and regulations set by DPR. Labeled instructions for the herbicide(s) used shall be made available to CDFW upon request. No herbicide shall be applied when wind speeds exceed 5 miles per hour.
- 6.19. Insecticides. In order to use insecticides within the Project site, Permittee must first provide a written explanation of a compelling need to use such chemicals to complete Project Activities

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and receive written authorization from CDFW to do so.

6.20. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this Amended ITP.

6.21. 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.

7. Monitoring, Notification and Reporting Provisions:

7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. Class I maintenance activities will not require this notification, however all Class I maintenance activities will be included in the Quarterly Report as indicated in Condition of Approval 7.5.

7.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this Amended ITP to CDFW within 24 hours.

7.3. Notifying Procedures. Permittee or the Designated Representative shall provide all required notifications in this ITP by sending an email to the CDFW Regional Representative Steven Recinos (Steven.Recinos@wildlife.ca.gov) and as described in the Notices section of this ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP Number, the ITP Condition number that the notification is addressing, any necessary photos or attachments, and the name and phone numbers of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).

7.4. Compliance Monitoring. The Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this Amended ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Authorized Biologist shall prepare daily written observation and inspection records summarizing:

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oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this Amended ITP. The Authorized Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.

- 7.5. Quarterly Compliance Report. The Designated Representative or Authorized Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this Amended ITP or via e-mail to CDFW's Regional Representative. At the time of this Amended ITP's approval, the CDFW Regional Representative is Steven Recinos (Steven.Recinos@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this Amended ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance per each Covered Species, both for the prior calendar year, and a total since Amended ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations. The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report. No later than 90 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all

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Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this Amended 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) geographic information system (GIS) shapefiles in the format specified in Attachment 3; and (9) any other pertinent information.

- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Authorized Biologist(s) and/or Biological Monitor(s) if a Covered Species is taken or injured by a Covered Activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Authorized Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, number of individuals taken or injured and the Amended ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass and/or plant or plant remains, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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 all the following conditions to minimize take of Covered Species:

- 8.1. Minimization of Vegetation Removal. Permittee shall minimize vegetation removal associated with construction activities to the fullest extent possible. The Authorized Biologist shall review and approve or deny any grubbing or clearing of vegetation.
- 8.2. Covered Species Observations. If a Covered Species is observed during Covered Activities, all work shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area OR an Authorized Biologist(s) approved under Condition of Approval 6.4 of this ITP relocates the Covered Species as described in this ITP and Desert Tortoise Translocation Plan or passively relocates as described in the BUOW Mortality Reduction Plan and/or Mohave Ground Squirrel Mortality Reduction and Relocation Plan. The Designated Representative shall notify

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CDFW of any Covered Species observations within the Project Area. Notification shall occur as described in Condition of Approval 7.3 within 24 hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map and shapefiles with the location (including GPS coordinates) where the individual was moved.

- 8.3. Trench Inspection. The Authorized Biologist shall inspect all open holes and trenches within the Project Area at the beginning, middle, and end of each day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals, the Authorized Biologist shall oversee the covering of all excavated, steep-walled holes or trenches more than two feet deep, or of any depth if they contain water or other material, at the close of each working day by placing plywood or other barrier materials such that animals are unable to enter and become entrapped. The Authorized Biologist shall also inspect any pipes, above ground fixtures, or similar structures with a diameter greater than 3 inches and less than 8 inches aboveground for Covered Species before the material is moved, buried, or capped. Permittee shall provide escape ramps in holes greater than two feet deep that do not hold water or other material, to allow animals to escape. Before holes or trenches are filled, the Authorized Biologist shall thoroughly inspect them for trapped animals. If any worker discovers that a Covered Species has become trapped, they shall halt Project-related activities and notify the Authorized Biologist immediately. Project workers and the Authorized Biologist shall allow the animal to escape unimpeded if possible, or the Authorized Biologist shall move it out of harm's way before allowing work to continue. The use of temporary fencing, as indicated in Condition of Approval 8.12, around the perimeter of trenches or holes is an acceptable minimization measure.
- 8.4. Care of Injured Covered Species. If a Covered Species, is injured or killed as a result of Project-related activities or if a Covered Species is otherwise found dead within the Project Area, Permittee shall immediately notify the Authorized Biologist as described in Section 7.9 except as described in Condition of Approval 8.20 for Mohave ground squirrel and 8.28 for western burrowing owl. The Authorized Biologist shall immediately take injured animals to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species.
- 8.5. Vehicular Traffic Restrictions. Permittee shall restrict Project-related vehicle traffic to established roads and the delineated Project Area; cross-country (off-road) vehicle travel is prohibited and signs shall be posted to this affect during maintenance activities. If a Covered Species is encountered drivers shall stop, wait for it to move off the road, and immediately notify the Authorized Biologist of its location.

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- 8.6. Emergency Activities. For emergency situations involving a pipeline leak or spill or any other immediate safety hazard, Permittee shall notify the CDFW Regional Office within 48 hours. As a part of this emergency response, CDFW may require specific measures to protect listed species. Following completion of emergency work, CDFW also may require additional measures to facilitate recovery of damaged habitat(s).

Desert Tortoise Minimization Measures

- 8.7. Desert Tortoise Pre-Construction Surveys. No more than 30 days prior to Covered Activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall conduct pre-construction surveys for desert tortoise. These surveys shall cover 100 percent of the Project Area with a 50-foot buffer zone. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall follow the survey methodology in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall flag all potential desert tortoise burrows within this area. Within 30 days of performing the pre-construction surveys, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall submit a report to CDFW documenting results (using the USFWS Protocol data sheet) and include a Translocation Plan per Condition of Approval 8.8. Upon report receipt and Translocation Plan approval by CDFW, desert tortoise burrows shall be excavated and individuals relocated by the Authorized Biologist per the CDFW-approved Translocation Plan.
- 8.8. Relocation of Desert Tortoise. Permittee shall prepare and submit a Desert Tortoise Relocation Plan for CDFW review and approval at least 30 calendar days prior to the first Covered Activity occurring. The Desert Tortoise Relocation Plan shall include parameters in which DT Authorized Biologists may relocate a desert tortoise to minimize impacts to the individual. The Desert Tortoise Relocation Plan shall contain at a minimum the following descriptions:
- (1) Recipient site selection criteria and characteristics that will benefit the relocated desert tortoise (including land ownership, maximum distance from Covered Activities work area based on surrounding land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features);
 - (2) Minimum distance away from paved highway/roads to reduce vehicular strikes;
 - (3) Survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the creation and design of supplemental artificial burrows within the site;
 - (4) Procedures for relocation of tortoises and eggs;
 - (5) Post-relocation monitoring of individuals by the Authorized Biologist(s) for at least

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two days after placement in the new burrows to ensure their safety;

- (6) Health assessments;
- (7) Shade structures and shelters to minimize potential heat stress and exposure to lethal temperatures;
- (8) Disinfectant and sanitation to prevent spread of disease;
- (9) Handling and releasing procedures including temperature restrictions to prevent overheating (no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 90 degrees Fahrenheit (F)), and requirements to rehydrate the individuals that void their bladder during handling at the location where the individual was captured, or the location where the individual will be released out of harm's way by the DT Authorized Biologist. Please see Condition of Approval 8.9 and 8.10 for requirements regarding ambient air temperature and re-hydration.
- (10) Attaching transmitters to assist with monitoring;
- (11) Transporting procedures;
- (12) Temporary penning procedures;
- (13) Construction coordination; and
- (14) Quarterly reporting requirements to CDFW.

All CDFW comments shall be resolved and incorporated into a final Desert Tortoise Relocation Plan. Covered Activities shall not commence until the Relocation Plan is approved in writing by CDFW. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all desert tortoises handled. The Desert Tortoise Relocation Plan shall be updated and otherwise amended to include the latest science and guidance as directed by CDFW.

- 8.9. Ambient Air Temperature. The DT Authorized Biologist shall ensure that desert tortoises are not captured, moved, transported, released, or purposefully caused to leave their burrow for any reason when the ambient air temperature is above 90 degrees Fahrenheit (35 degrees Celsius) or less than 50 degrees Fahrenheit (12.8 degrees Celsius). The DT Authorized Biologist shall ensure that no desert tortoise is captured if the ambient air temperature is anticipated to exceed 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit before handling or processing can be completed. If the ambient air temperature exceeds 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit during handling or processing, the DT Authorized Biologist shall ensure the desert tortoise is kept in an environment (shaded or

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sunny) with a temperature that does not exceed 90 degrees Fahrenheit or is greater than 50 degrees Fahrenheit, and that the individual is not released until ambient air temperature declines to below 90 degrees Fahrenheit or is above 50 degrees Fahrenheit. Releases shall occur only when temperatures range from 18–30°C (65–85°F) and are not forecasted to exceed 32°C (90°F) within 3 hours of release or 35°C (95°F) within 1 week of release. Additionally, forecasted daily low temperatures should not be cooler than 10°C (50°F) for one week post-release. Desert tortoises moved during inactive periods shall be monitored for at least 2 days after placement in the new burrows to ensure their safety. During relocation, the DT Authorized Biologist may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.

- 8.10. Desert Tortoise Re-hydration. If a desert tortoise voids its bladder as a result of being handled, the DT Authorized Biologist shall rehydrate the individual(s). The DT Authorized Biologist shall rehydrate the desert tortoise at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be relocated. The DT Authorized Biologist shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The DT Authorized Biologist shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The DT Authorized Biologist shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The DT Authorized Biologist shall place the lined tub in a quiet protected area during rehydration. After each tortoise is rehydrated the water shall be emptied and a new plastic disposable liner placed in the tub.
- 8.11. Desert Tortoise Handling Records. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Covered Species handled. This information shall include the following for each desert tortoise: (1) the locations and dates of observation; (2) the general condition and health, including injuries, state of healing, and whether the desert tortoise voided its bladder; (3) the location moved from and location moved to (using GPS technology); (4) ambient temperature when handled and released; and (5) digital photographs of each handled desert tortoise. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall take digital photographs of the carapace, plastron, and fourth costal scute of each desert tortoise handled (notching of scutes is NOT permitted). The DT Authorized Biologist(s) and/or Biological Monitor(s) shall record the information detailed above in the daily observation and inspection records for inclusion in the Construction Compliance Report as directed in Condition of Approval 7.4 above.
- 8.12. Temporary Fencing. With the DT Authorized Biologist(s) and/or Biological Monitor(s) present and prior to ground-disturbing activities, Permittee shall install temporary desert tortoise exclusionary fence around any active construction area, lay down area, and storage area (whether on-site or off-site), prior to the on-set of vegetation removal, or any other project

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related activities for any construction activities that require overnight work or disturbance of new desert tortoise habitat.

- 8.13. Vehicle Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.
- 8.14. Clearance Survey and Burrow Collapse. Immediately prior to start of ground disturbance activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance to this Amended ITP.

Mohave Ground Squirrel Minimization Measures

- 8.15. Pre-Construction Surveys for Mohave Ground Squirrel. For Covered Activities taking place in the distribution of Mohave ground squirrel, the MGS Authorized Biologist(s)/Biological Monitor(s) shall perform a pre-construction survey for Mohave ground squirrel no more than thirty (30) calendar days prior to the start of ground disturbing activities. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within thirty (30) Calendar days of completing the surveys. If any burrows are suspected or known to be occupied by Mohave ground squirrels Permittee shall comply with Condition of Approval 8.16, 8.17, and 8.18.
- 8.16. Mohave Ground Squirrel Mortality Reduction and Relocation Plan. Permittee shall submit a MGS Mortality Reduction and Relocation Plan, prepared by the MGS Authorized Biologist(s), for CDFW review and written approval prior to the start of Covered Activities. The MGS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) avoidance and minimization measures including the option to work within an established protective buffer of a burrow; (2) implementation timing; (3) burrow identification and excavation methods; (4) measures to be taken when dependent young are encountered; (5) release methods; (6) artificial burrow design and installation methods; (7) a map and locations of proposed receiver site(s) within the Project Area, or a legal description and draft conservation easement of proposed receiver site(s); (8) a comparison of the proposed receiver site's and source site's soil, plant communities, and topography to demonstrate that the receiver site(s) are suitable; (9) a description of existing MGS (pre-Project) status and resources on the proposed receiver site(s) (including density and distribution for receiver site(s)); (10) a proposed one-year monitoring plan of the receiver site(s); and (11) identification of a wildlife rehabilitation center or veterinary facility where injured animals

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will be cared for.

The MGS Mortality Reduction and Relocation Plan shall restrict MGS relocation to only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 1). Permittee may request from CDFW a 7-day extension to the relocation period if daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 – 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Subsequent 7-day extensions (through no later than November 1) may be requested and approved by CDFW so long as weather conditions are predicted by the National Weather Service to remain within the above temperature criterion. The relocation extension request(s) shall be approved in advance and in writing by CDFW (email will suffice). Once the MGS Mortality Reduction and Relocation Plan is approved by CDFW, it may be used for all MGS mortality reduction and relocation activities for the duration of this ITP. Any proposed changes to the MGS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications. The Draft MGS Mortality Reduction and Relocation Plan shall be submitted via e-mail at least 30 days before starting Covered Activities to the Regional Representative and Regional Office.

- 8.17. Mohave Ground Squirrel Burrow Avoidance. During all ground-disturbing activities (including vegetation modification) associated with construction, any burrows present within the work area(s) that are suspected or known to be occupied by MGS shall be avoided by a 50-foot avoidance buffer. If these burrows cannot be avoided the MGS Authorized Biologist(s) shall proceed as outlined in Condition of Approval 8.18.
- 8.18. Mohave Ground Squirrel Burrow Excavation. The MGS Authorized Biologist shall fully excavate by hand all burrows within the Project Area that are suspected or known to be occupied by Mohave ground squirrels that cannot be avoided. The MGS Authorized Biologist shall allow Mohave ground squirrels encountered in the excavated burrows during their active period to escape out of harm's way. Burrow excavation during the active period shall only occur after juveniles are observed above ground and during the main activity period for the species (April 1 to September 1), in accordance with the MGS Mortality Reduction and Relocation Plan. During the Mohave ground squirrel dormant period, the MGS Authorized Biologist shall collect and immediately relocate MGS in accordance with the MGS Mortality Reduction and Relocation Plan and relocate them to an artificial burrow at a protected off-site location approved in advance by CDFW's Regional Representative. The Mohave ground squirrel may only be relocated by the MGS Authorized Biologist. The MGS Authorized Biologist shall prepare relocation burrows in accordance to the MGS Mortality Reduction and Relocation Plan and in the following manner: (1) A hole of at least two feet deep shall be dug;

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(2) install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45-degree angle; (3) cover the surface end of the three-inch pipe remaining open with dirt. The MGS Authorized Biologist shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.

- 8.19. Clearance Survey and Burrow Collapse. Immediately prior to start of ground disturbance activities, the MGS Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The MGS Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance with the MGS Mortality Reduction and Relocation Plan.
- 8.20. Mohave Ground Squirrel Injury. If a Mohave ground squirrel is injured as a result of Project-related activities, the MGS Authorized Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Mohave ground squirrel. Permittee shall notify CDFW of the injury to the Mohave ground squirrel immediately by e-mail followed by a written incident report as described in Condition 7.9. Notification shall include the name of the facility where the animal was taken.
- 8.21. Mohave Ground Squirrel During Construction. If Mohave ground squirrel is found during Project activities or if a previously not identified burrow is detected, the worker shall immediately contact the MGS Authorized Biologist(s) and or Biological Monitor(s) approved in Condition of Approval 6.2 and 6.3.2 of this ITP and Mohave ground squirrel shall be allowed to move out of harm's way of its own volition and the new identified burrow suspected or known to be occupied by Mohave ground squirrel shall be avoided per Condition of Approval 8.17. If needed the MGS Authorized Biologist may capture it and relocate it to adjacent habitat out of harm's way. If impacts to new burrows are unavoidable, the Mohave Ground Squirrel Mortality Reduction and Relocation Plan shall be implemented accordingly.

Gilded Northern Flicker Minimization Measures

- 8.22. Gilded Northern Flicker Surveys. A GNF Authorized Biologist shall perform gilded northern flicker surveys when maintenance activities occur within potential suitable habitat (i.e. Joshua Trees). These surveys will occur within the Project Area, and within an additional 20-foot buffer. If an active northern flicker nest is located, the nest site shall be fenced a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest

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becomes inactive.

Western Burrowing Owl Minimization Measures

8.23. **Western Burrowing Owl Pre-Construction Surveys and Reporting.** Prior to beginning Covered Activities in each work area, a BUOW Authorized Biologist and/or Biological Monitor approved by CDFW shall conduct surveys by walking straight-line transects spaced 7 meters to 20 meters apart, adjusting for vegetation height and density. Surveys shall be conducted between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight when ambient temperatures are >20° C (68° F), cloud cover is <75%, and during <12 km/hr winds. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved in advance and in writing by CDFW. At the start of each transect and, at least, every 100 meters, the entire visible Project Area shall be scanned for burrows and western burrowing owls using binoculars. Permittee shall flag and map all potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24). Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval 8.23.2) in a written report to CDFW's Regional Representative at least five calendar days prior to the beginning of Covered Activities in each work area. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 7 calendar days or longer occurs in any part of the Project Area, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional western burrowing owl burrow surveys and provide a Burrow Map before work may be reinitiated in that part of the Project Area.

8.23.1. **Burrow Monitoring.** Following completion of surveys, potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24), shall be monitored to determine or confirm status and inform an appropriate course of action.

8.23.2. **Burrow Map.** The BUOW Authorized Biologist and/or Biological Monitor shall provide a KMZ map to CDFW of all western burrowing owl burrows found during the surveys performed per Condition of Approval 8.23. The map shall show details and locations of all western burrowing owl sightings and potential, known, and nesting western burrowing owl burrows as defined in Condition of Approval 8.24. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.

8.23.3. **Burrow Impact Analysis and Reporting.** Upon completion of Pre-construction surveys, burrow monitoring, and burrow mapping, the BUOW Authorized Biologist shall provide an impact analysis assessment detailing the impact that blockage, eviction, and/or excavation in the Project area(s) may have before impacts occur. In addition,

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Permittee shall report final impacts as per below to CDFW as part of the corresponding Compensatory Mitigation Period (see Condition of Approval 9).

- 8.23.3.1. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) must be blocked and/or eviction will result without excavation and burrow will be left for future use, Permittee shall calculate the impact within a 250-foot radius.
- 8.23.3.2. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) has been excavated and filled, Permittee shall calculate the impact within a 500-foot radius.
- 8.23.3.3. Permittee shall transmit the total impact analysis report to CDFW annually if impacts occur to calculate the final impacts to the Project area(s) and include the burrow map indicating the burrow and the type of impact, including the buffer. If no impacts occur for a given year, Permittee shall provide a memo indicating no impacts occurred.

8.24. Western Burrowing Owl Burrow Avoidance. If during the western burrowing owl survey in Condition of Approval 8.23, an occupied burrow is located, Permittee shall establish no-disturbance buffer zones around known and nesting western burrowing owl burrows according to the following guidelines:

- 8.24.1. If a known western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years or is known based on Project observations to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. western burrowing owl presence, whitewash, pellets, prey remains, etc.) is discovered, Permittee shall establish a minimum 500-foot no-disturbance buffer around known western burrowing owl burrows.
- 8.24.2. If a western burrowing owl burrow used for nesting (e.g., known western burrowing owl burrow with indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered, Permittee shall establish a minimum 656-foot no-disturbance buffer⁸. Covered Activities may not proceed within the established buffer until the BUOW Authorized Biologist confirms that the chicks have fledged and are no longer dependent on the nest. Adjacent satellite burrows that may be used

⁸ California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.

during the fledging process shall be afforded these same protections until fledging is complete.

8.24.3. If western burrowing owl are visibly stressed by the Covered Activities or by workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined and implemented by the BUOW Authorized Biologist based on their behavioral observations of the affected western burrowing owl. The BUOW Authorized Biologist shall report to CDFW any buffers that were increased due to behavioral observations.

8.25. Western Burrowing Owl Burrow Blockage. If during the western burrowing owl survey in Condition of Approval 8.23, an unoccupied western burrowing owl burrow is located outside of the Project Area, but within a reasonable distance of construction such that any potential western burrowing owl that may occupy the burrow may be indirectly impacted by Project activities, the BUOW Authorized Biologist shall block rather than destroy the burrow. The blocked burrow will be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with infrared camera and determined that western burrowing owl is not currently present. Complete burrow blockage shall cover the entire entrance preventing burrowing animals from digging back into the burrow. Blockage will occur in front of the burrow opening so that it covers the entire entrance. All blocked burrows shall be monitored by the BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If western burrowing owl gains access to the burrow, Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Covered Activities.

8.26. Western Burrowing Owl Minimization, Eviction, and Excavation. If occupied burrows may be impacted directly by the Project, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, shall implement minimization measures, in coordination with CDFW, such as construction of sound and visual barriers. If, in coordination with CDFW, it is determined that minimization measures may not be appropriate or effective, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, may evict western burrowing owl under certain conditions outlined in the Burrowing Owl Mortality Reduction Plan. The Burrowing Owl Mortality Reduction Plan shall be provided to CDFW for review and approval 30 days before eviction and/or excavation is implemented. The Burrowing Owl Mortality Reduction Plan shall include information regarding methods for eviction and monitoring of owls during the process, including but limited to the below.

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- 8.26.1. The BUOW Authorized Biologist shall ensure western burrowing owl breeding has not commenced at the Project site(s) and eviction shall only occur outside the breeding season and after fledglings are no longer dependent on the adults or nest, unless otherwise approved by CDFW in advance in writing.
 - 8.26.2. Eviction shall involve placement of one-way doors for a minimum of 48 hours and no more than 72 hours, with twice-daily monitoring and 24-hour cellular wildlife camera surveillance for 72 hours total to ensure the owls have left. Excavation of burrows directly impacted by the Project shall only occur after confirmation via monitoring, and use of infrared cameras or scopes, that the burrow is unoccupied. Western burrowing owl burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of western burrowing owl are inside. The BUOW Authorized Biologist shall ensure burrows are fully excavated, backfilled with dirt, and compacted so that western burrowing owl cannot reenter or use the burrow during the period that Covered Activities occur. If western burrowing owl presence is discovered during excavation, work shall stop immediately, CDFW shall be contacted, and additional monitoring shall be initiated.
 - 8.26.3. To the greatest extent possible, western burrowing owl exclusion activities shall take place during a three- to four-day period in which temperatures are expected to remain below 85°F. If temperatures of 85°F or higher cannot be avoided, the burrows undergoing exclusion shall be monitored, and if an owl is observed standing outside of a closed-door burrow (i.e., trying to get back in or not leaving the area of the burrow) after air temperatures reach 85°F, the one-way door of that burrow shall be opened to allow the owl to return to that burrow. The door shall be left open and all eviction activities shall be paused for three days to minimize any potential stress to the owl(s).
 - 8.26.4. At least 14 days prior to eviction and excavation, the BUOW Authorized Biologist shall conduct a survey within a 500-meter (1,640-foot) buffer zone of the proposed eviction area to identify available natural, unoccupied satellite burrows. If no natural satellite burrows are identified, Permittee shall install artificial burrows, per Condition of Approval 8.27, in suitable habitat within 100 meters of the burrows being removed, to provide alternative shelter a minimum of 14 days prior to initiating eviction or excavation. No eviction or excavation activities may proceed until satellite burrows are located or constructed.
- 8.27. Western Burrowing Owl Burrow Replacement. Permittee shall replace each known western burrowing owl burrow (as defined in Condition of Approval 8.24) that cannot be avoided within the Project Area with an artificial burrow to offset the loss of important shelter used

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by western burrowing owl for protection, reproduction, and escape from predators. Permittee shall replace these burrows at least 7 days prior to eviction or excavation. Permittee shall provide a western burrowing owl Burrow Replacement Plan to CDFW for review and written approval that shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; methods for monitoring western burrowing owl post-eviction; and timing of western burrowing owl burrow installation/construction.

- 8.28. Western Burrowing Owl Injury. Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment. All other western burrowing owl handling is prohibited. If a western burrowing owl is injured or found dead within the vicinity of the Project Area, Permittee shall notify CDFW of the injury or mortality to the western burrowing owl immediately by e-mail as described by the Condition of Approval 7.9. The BUOW Authorized Biologist shall either immediately: (1) transport injured individuals to a CDFW approved wildlife rehabilitation center or veterinary facility or (2) follow approved collection and storage procedures for deceased animals. Permittee shall bear any cost associated with care and recovery of any injured western burrowing owl adult(s), nestling(s) or egg(s) and hacking (controlled release of captive reared young). Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment or impacted western burrowing owl eggs for salvage. All other western burrowing owl handling is prohibited.

Western Joshua Tree Minimization Measures

- 8.29. Western Joshua Tree Avoidance. Permittee shall protect all individuals of western Joshua tree that will be preserved in the Project Area. Permittee, in consultation with the WJT Authorized Biologist, shall implement avoidance buffers surrounding western Joshua tree individuals that will not be removed. Permittee shall trim western Joshua trees instead of removal of the trees where feasible.
- 8.30. Identification of Western Joshua Trees to be Avoided. Permittee shall clearly identify with visible flagging, or with an alternative method approved in advance in writing by CDFW, all WJT that will be avoided within the Project site.
- 8.31. Western Joshua Tree Pre-Activity Assessment. When Covered Activities occur within suitable habitat for western Joshua tree, Permittee shall have a WJT Authorized Biologist and/or

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Biological Monitor conduct a pre-activity survey for western Joshua tree that are dead or alive within the work area which includes a 186-foot buffer around each tree but does not include areas of overlap. If the 186-foot buffer extends past the Project boundary, the buffer shall only extend 50 feet past the Project boundary. The survey shall take place within 14 days prior to start of surface-disturbing Covered Activities. The WJT Authorized Biologist and/or Biological Monitor shall map each individual western Joshua tree (dead or alive) using high-accuracy (<1-meter) global positioning system (GPS) technology and determine the health and height (meters) of each tree. Height of each tree shall be classified according to the following:

Tree Size Class A: Under 1 meter

Tree Size Class B: Greater than 1 meter but less than 5 meters

Tree Size Class C: 5 meters or greater

8.32. Western Joshua Tree Reporting. Permittee shall submit a report documenting the results of the western Joshua tree pre-activity assessment in Condition of Approval 8.31 to CDFW by December 31 of each year that Covered Activities occurred in suitable habitat for western Joshua tree. The report shall include a map showing the boundary of the work area, the boundary of the 186-foot buffer zone, the number and location of each individual western Joshua tree, and a 186-foot-radius buffer depicted around each mapped western Joshua tree. The map shall also distinguish western Joshua tree(s) that were avoided (i.e., preserved/left in place) and western Joshua trees tree(s) that were removed due to Covered Activities. Each western Joshua tree shall also be displayed in the map with an identification code, and a corresponding table in the report shall list each individual western Joshua tree, approximate height and size class, and whether the tree was avoided, preserved or removed, and photographs of each western Joshua tree.

8.33. Fire Prevention. To avoid impacts to western Joshua trees as a result of fire, workers conducting Covered Activities within suitable habitat for western Joshua tree with the potential to inadvertently cause a fire (e.g., excavating, grinding, welding, driving over vegetation, parking on vegetation, mowing, disking, masticating) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and fire-resistant mats.

8.34. Integrated Pest Management. In consultation with the WJT Authorized Biologist, Permittee shall submit to CDFW for its review and approval an Integrated Pest Management Plan (IPM Plan) 30 days before starting Covered Activities within suitable habitat for western Joshua tree. The IPM Plan shall include measures to ensure that novel non-native invasive weed species and Argentine Ants (collectively, pests) are not introduced or proliferate as a result of Covered Activities. The IPM Plan shall address pests that pose a threat to western Joshua tree

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and desert plant communities and those in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. The IPM Plan shall address sources of pest introduction and establishment; measures to minimize the potential for pests to enter, spread, and/or proliferate; management of stockpiles; identification/Early Detection Rapid Response; methods to eradicate weeds prior to seed set; and Best Management Practices to avoid and minimize adverse effects of chemical control methods on western Joshua tree individuals, western Joshua tree habitat, and the natural environment (see Preventing the Spread of Invasive Plants: Best Management Practices for Land Manager, Cal-IPC).

9. Habitat Management Land Acquisition:

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

Permittee shall provide compensatory mitigation, in advance, for each defined compensatory mitigation period (defined below) prior to start of the Covered Activities for that term.

Compensatory Mitigation Period 1 is Year 1, starting upon Amended ITP execution

Compensatory Mitigation Period 2 is Year 2 through Year 4 of this Amended ITP

Compensatory Mitigation Period 3 is Year 5 through Year 7 of this Amended ITP

Compensatory Mitigation Period 4 is Year 8 through Year 10 of this Amended ITP

To meet this requirement, Permittee shall either purchase a portion or all of the required compensation habitat as acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below AND/OR shall provide for both the permanent protection and management of a portion or all of the required compensation habitat acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below such that the total combined acreage of purchased species credits and HM lands total the amount of estimated compensatory habitat acreage required for each compensatory mitigation period as required below. Purchase of Covered Species credits AND/OR permanent protection and funding for perpetual management of HM lands must be completed in advance before starting Covered Activities for each defined compensatory mitigation period (defined below), or within 18 months of

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initiating Covered Activities for each compensatory mitigation period if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. Permittee's take authorization under this Amended ITP for each compensatory mitigation period is contingent upon Permittee completing the compensatory mitigation, or providing Security for that mitigation, prior to the beginning of that compensatory mitigation period.

The estimated impacted acreage for the full 10-year Amended ITP term subject to compensatory mitigation is 105 acres for western Joshua tree and 150 acres for western burrowing owl. The estimated acreage for each compensatory mitigation period assumes Covered Activities will impact 3.5 acres of western Joshua tree and 5 acres of western burrowing owl annually. Estimated mitigation acres for those impacts are calculated using a 3:1 ratio (3 acres of compensatory mitigation for every 1 acre of Covered Activity impact). Compensatory mitigation for western Joshua tree and western burrowing owl may co-occur on the same acres where dual credits for western Joshua tree and western burrowing owl are available for purchase or HM lands contain habitat for both species. As of this amendment, Permittee has completed the compensatory mitigation requirements of 27.5 acres of HM lands for 8.5 acres of permanent impacts to desert tortoise, Mohave ground squirrel, and gilded northern flicker. As of issuance of this Amended ITP, Permittee has permanently impacted 0.14 acres of desert tortoise, Mohave ground squirrel, and gilded northern flicker. If additional temporary and/or permanent impacts occur exceeding 27.36 acres to desert tortoise, Mohave ground squirrel, and gilded northern flicker, Permittee shall amend this ITP and provide additional compensatory mitigation as determined by CDFW. Previously acquired mitigation credit purchase and/or HM land acquisition may be re-assessed for biological suitability for additional Covered Species and mitigation may be nested upon CDFW approval.

The estimated compensatory mitigation required for western Joshua tree and western burrowing owl and the method of completion of Permittee obligations is as follows:

- (1) For Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution), Permittee shall provide compensatory mitigation for the first year of impacts prior to the start of Year 1 Covered Activities by providing 10.5 acres of compensatory mitigation for western Joshua tree and 15 acres of compensatory mitigation for western burrowing owl.
- (2) For Compensatory Mitigation Period 2 (Years 2 through 4), Permittee shall mitigate for Years 2 through 4 impacts, prior to the commencement of Year 2 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 4 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with

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each species at a mitigation ratio of 3:1 for Years 1 through 4 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 3. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 and 2, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 5.

(3) For Compensatory Mitigation Period 3 (Years 5 through 7), Permittee shall mitigate for the Years 5 through 7 impacts, prior to commencement of Year 5 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 7 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 4. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 3, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 8.

(4) For Compensatory Mitigation Period 4 (Years 8 through 10), Permittee shall mitigate for the Years 8 through 10 impacts, prior to commencement of Year 8 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 10 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW no later than 6 months prior to the end of Year 10. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 4, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 10.

9.1. Cost Estimates. For the purposes of determining the Security amount for each Compensatory Mitigation Period, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the appropriate HM lands for Compensatory Period 1 below.

The Security amount for each subsequent compensatory mitigation period specific to the

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mitigation obligation that has not been completed shall be requested from CDFW by the Permittee as described in Condition of Approval 10.1.

9.1.1. Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution)

- 9.1.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 25.5 acres: **\$127,500.00**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;
- 9.1.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 9.3.1 and 9.3.2 below: **\$17,400.00**.
- 9.1.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.6 below, estimated at \$2,000/Acre for 25.5 acres: **\$51,000.00**;
- 9.1.1.4. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$600/acre for 25.5 acres: **\$15,300.00**;
- 9.1.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$3,000/acre for 25.5 acres plus a ten percent contingency fee as described in Condition of Approval 9.4.2.2.1: **\$76,500.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.1.6. 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 Condition of Approval 9.5, estimated at **\$10,000.00**.
- 9.1.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$75,000.00**.

- 9.2. Mitigation/Conservation Bank Credits. If Permittee elects to purchase mitigation/conservation bank credits for western Joshua tree or western burrowing owl, then Permittee shall purchase credits from a CDFW-approved mitigation or conservation bank

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prior to initiating Covered Activities for that compensatory mitigation period, or no later than 18 months from the start of Covered Activities associated with that period if Security is provided pursuant to Condition of Approval 10 below. Prior to purchasing credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project on western Joshua tree or western burrowing owl. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities for that compensatory mitigation period or within 18 months from start of Covered Activities associated with that period if Security is provided.

9.3. Habitat Management Lands Acquisition and Protection. To provide for the acquisition and protection of the HM lands, the Permittee shall:

- 9.3.1. Fee Title. Transfer fee title to the HM lands to CDFW pursuant to terms approved 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 section 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. 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 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;

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- 9.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase 1 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 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 manager may be the land owner or other 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 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 optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (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. 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 a 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

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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 for annual payment to the land manager.

- 9.4. Endowment Fund. If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this Amended ITP, the final management plan approved by CDFW, and the conservation easement. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the in-perpetuity 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 Amended ITP, the conservation easement, and the management plan required by Condition of Approval 9.3.5. Endowment Fund as used in this Amended ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this Amended 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 Amended 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 section 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

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

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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 Amended 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 Amended 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

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

10.1. Security Amount. The Security shall be in the amount of **\$372,700.00** or in the amount identified in 9.1 specific to the obligation that has not been completed for Compensatory

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Mitigation Period 1. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring for the first year of this ITP term. The Security for each subsequent compensatory mitigation period specific to the mitigation obligation that has not been completed shall be requested from CDFW by the Permittee no later than 150 days prior to the start of the next compensatory mitigation period. CDFW shall calculate the Security cost based on fair market value and consideration of inflation for per acre costs. CDFW shall provide the Permittee a Security amount based on the estimated cost of HM lands or Covered Species conservation bank credits, whichever cost is greater.

10.2. Security Form. The Security for each compensatory mitigation period shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW.

10.3. Security Timeline. The Security shall be provided to CDFW for Compensatory Mitigation Period 1 before Covered Activities begin or within 30 days after the effective date of this Amended ITP, whichever occurs first. The Security for subsequent compensatory mitigation periods shall be provided before Covered Activities begin for that period.

10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

10.5. Security Transmittal. Permittee shall transmit Security to CDFW by way of an approved instrument such as escrow agreement, irrevocable letter of credit, or other.

10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this Amended ITP.

10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection (if HM lands are acquired) and received confirmation that all secured requirements have been satisfied for each compensatory mitigation period, 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.

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Habitat Management Land Acquisition:

- Written documentation of the acquisition of the HM lands, in which the total acreage within the conservation easement equals the amount of required acres of compensatory mitigation, OR partial amount that in combination with a Credit Purchase, totals the amount of acres of compensatory mitigation required for that compensatory mitigation period;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment;
- Timely submission of all required reports;
- An on-site inspection by CDFW; and
- Written approval from CDFW.

Even if Security is provided, Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the start of each compensatory mitigation period. 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 Amended ITP may be amended as provided by California Code of Regulations, title 14, section 783.6, subdivision (c), and other applicable law. This Amended ITP may be amended without the concurrence of Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this Amended ITP would jeopardize the continued existence of the Covered Species, or where Project changes or changed biological conditions necessitate an Amended 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 Permittee has violated any term or condition of this Amended ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this Amended ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this Amended ITP, including but not limited to failure to comply with reporting, monitoring, or habitat acquisition 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 Amended ITP.

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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 a 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 Amended ITP. Suspension and revocation of this Amended ITP shall be governed by California Code of Regulations, title 14, section 783.7, and other applicable law. Neither the Authorized Biologist(s) and/or Biological Monitor(s) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XII. Compliance with Other Laws:

This Amended ITP sets forth CDFW's requirements for Permittee to implement the Project pursuant to CESA. This Amended 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 laws.

XIII. Notices:

Written notices, reports and other communications relating to this Amended ITP shall be delivered to CDFW by email or registered first class mail at the following addresses, or at addresses CDFW may subsequently provide Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and Amended ITP Number (2081-2011-081-06 A2) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert , Regional Manager
California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Heidi.Calvert@wildlife.ca.gov

and a Copy to:

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

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

Steven Recinos, Environmental Scientist
 California Department of Fish and Wildlife
 Inland Deserts Region
 3602 Inland Empire Blvd., Suite C-220
 Ontario, CA 91764
 Telephone (909) 731-5954
Steven.Recinos@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this Amended ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this Amended ITP because of prior environmental review of the Project by the lead agency, California State Lands Commission. (See generally Pub. Resources Code, §§ 21067, 21069.). The lead agency's prior environmental review of the Project is set forth in the Environmental Impact Report (EIR) for the Kern River 2003 Expansion Project (SCH No. 2001071035) certified by the California State Lands Commission on August 14, 2002 and the Mitigated Negative Declaration (MND) for the Kern River Mountain Pass Lateral Project (SCH No. 2011081078) adopted by the County of San Bernardino on October 6, 2011. At the time the lead agencies certified the EIR and adopted the MND and approved the Projects they also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This Amended ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agencies' EIR and MND for the Projects and the environmental effects related to issuance of this Amended ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this Amended 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 Amended ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this Amended ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the Amended ITP application, the EIR for the Kern River 2003 Expansion Project (SCH No. 2001071035) and the MND for the Kern River Mountain Pass Lateral Project (SCH No. 2011081078), as a result of consultation, and the administrative record of proceedings, that issuance of this Amended 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 Amended ITP will be incidental to the otherwise lawful activities covered under this Amended ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this Amended ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 27.5 acres of compensatory habitat for desert tortoise, Mohave ground squirrel, gilded northern flicker, 150 acres of compensatory habitat for western burrowing owl, and 105 acres of compensatory habitat for western Joshua tree 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 Amended 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 Amended ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this Amended ITP;
- (4) The measures required by this Amended ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This Amended ITP is consistent with any regulations adopted pursuant to Fish and Game Code

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sections 2112 and 2114;

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

XVI. Attachments:

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 2A	Desert Tortoise Biologist Resume Form
ATTACHMENT 3	GIS Data Collection Requirements
ATTACHMENT 4	Letter of Credit Form (Reduction)
ATTACHMENT 5	Red-Line Changes to ITP for Major Amendment

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE on 09/30/2025

DocuSigned by:

 CAEE4779B63E4A3
 Heidi Calvert, Regional Manager
 Inland Deserts Region

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Kern River Operation and Maintenance Project Site

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CESA ITP No. 2081-2011-081-6
Amendment



Legend

- Project Area / ROW
- Compressor Stations
- Meter Stations
- Mainline Valves

KRG T Pipeline

- KRG T Mainline
- KRG T Loop Line
- High Desert Lateral
- Mountain Pass Lateral
- Mojave Common Line



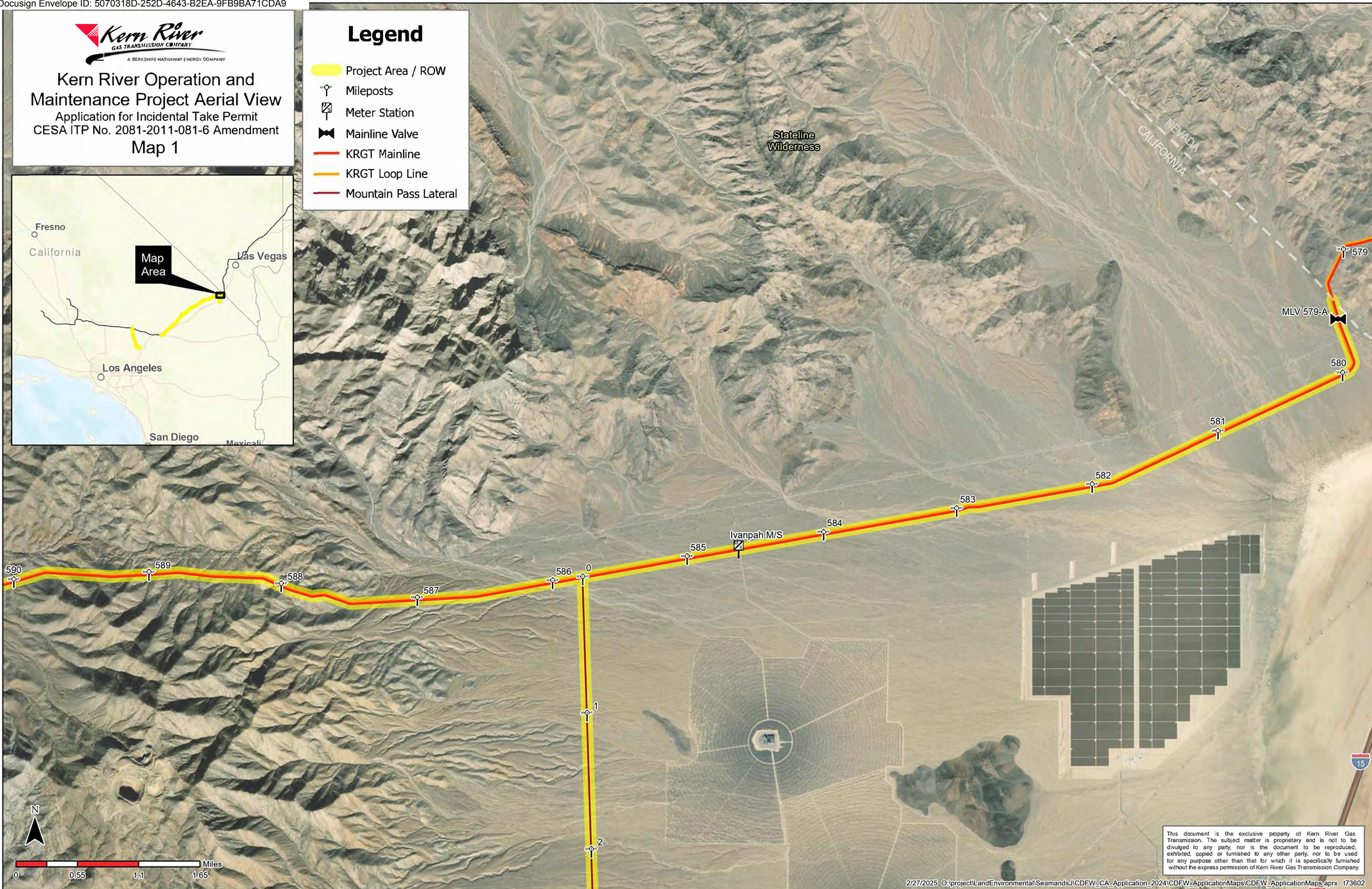
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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 1

Legend

- Project Area / ROW
- Mileposts
- Meter Station
- Mainline Valve
- KRGT Mainline
- KRGT Loop Line
- Mountain Pass Lateral



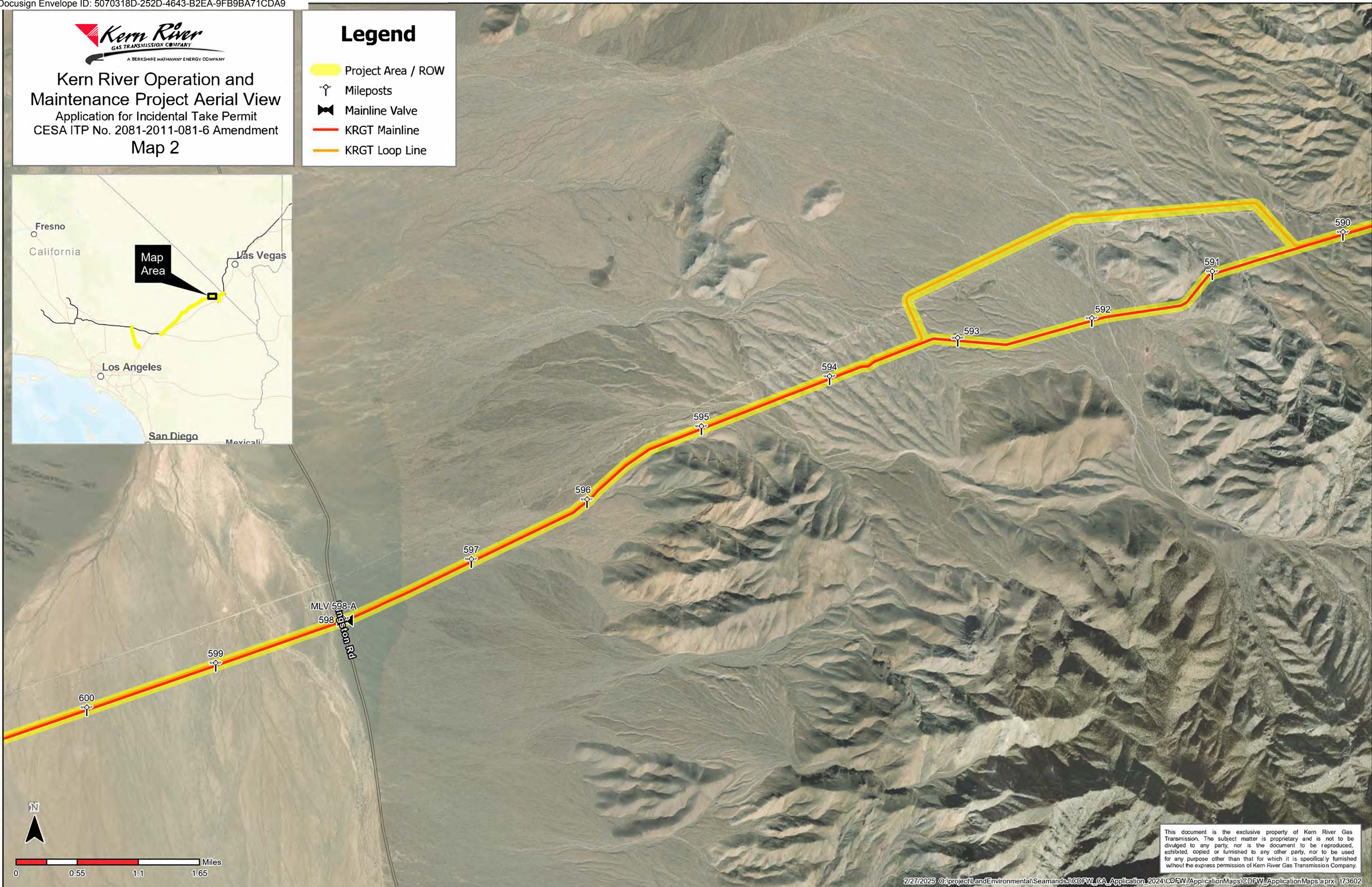
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Map 2

Legend

- Project Area / ROW
- Mileposts
- Mainline Valve
- KRGT Mainline
- KRGT Loop Line



0 0.55 1.1 1.65 Miles

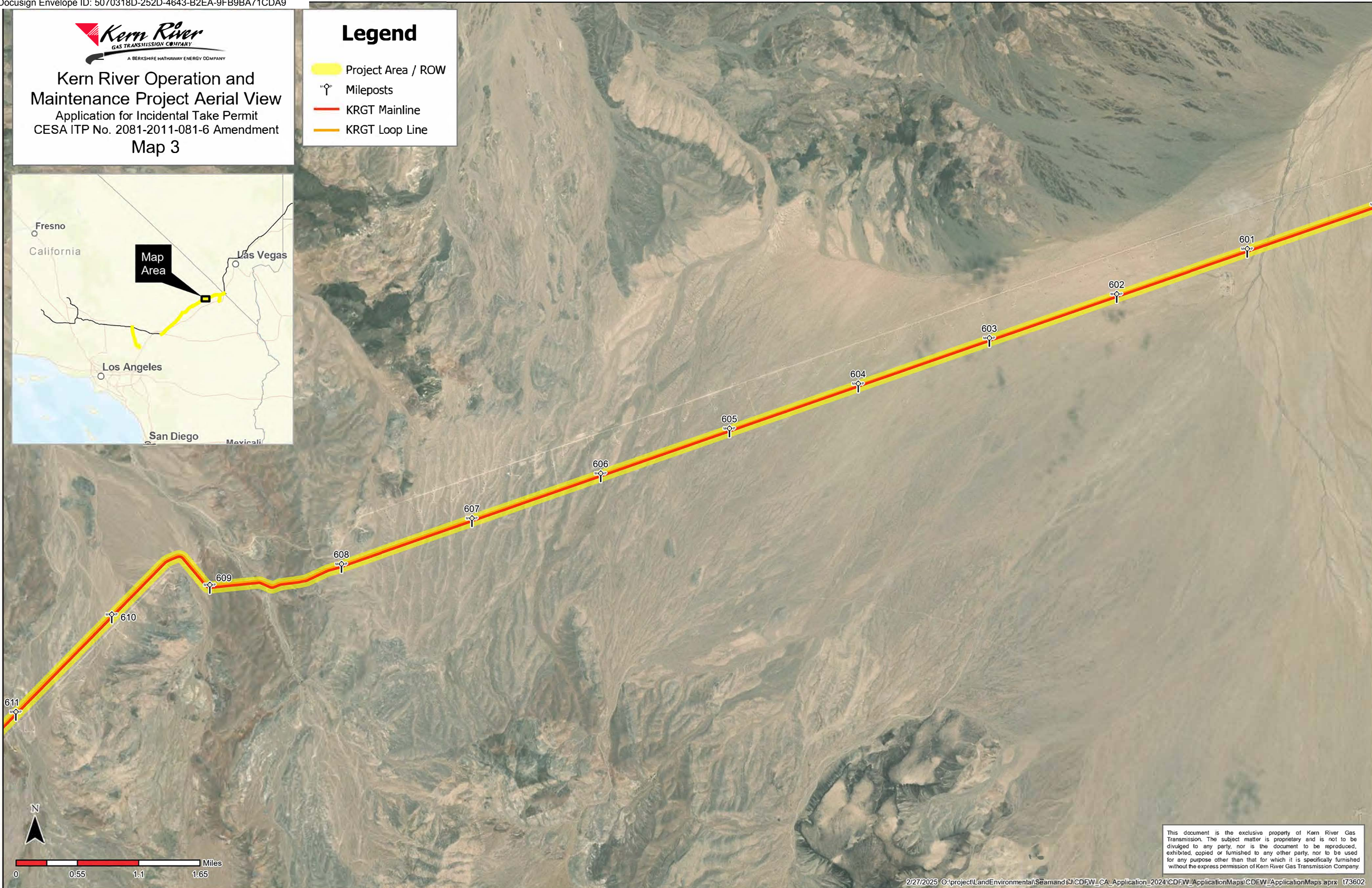
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**Kern River Operation and
Maintenance Project Aerial View**
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Map 3

Legend

-  Project Area / ROW
-  Mileposts
-  KRG T Mainline
-  KRG T Loop Line



0 0.55 1.1 1.65 Miles

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**Kern River Operation and
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CESA ITP No. 2081-2011-081-6 Amendment
Map 4

Legend

-  Project Area / ROW
-  Mileposts
-  Mainline Valve
-  KRGT Mainline
-  KRGT Loop Line



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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 5

Legend

- Project Area / ROW
- Mileposts
- Mainline Valve
- KRGT Mainline
- KRGT Loop Line



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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 6

Legend

-  Project Area / ROW
-  Mileposts
-  KRG T Mainline
-  KRG T Loop Line



0 0.55 1.1 1.65 Miles

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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 7

Legend

-  Project Area / ROW
-  Mileposts
-  Mainline Valve
-  KRGT Mainline
-  KRGT Loop Line



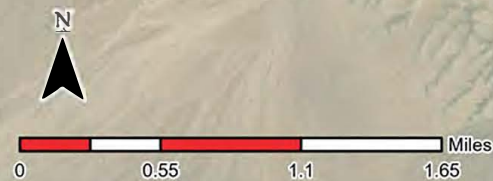
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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 8

Legend

-  Project Area / ROW
-  Mileposts
-  KRG T Mainline
-  KRG T Loop Line



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**Kern River Operation and
Maintenance Project Aerial View**
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 9

Legend

-  Project Area / ROW
-  Mileposts
-  Mainline Valve
-  KRGT Mainline
-  KRGT Loop Line



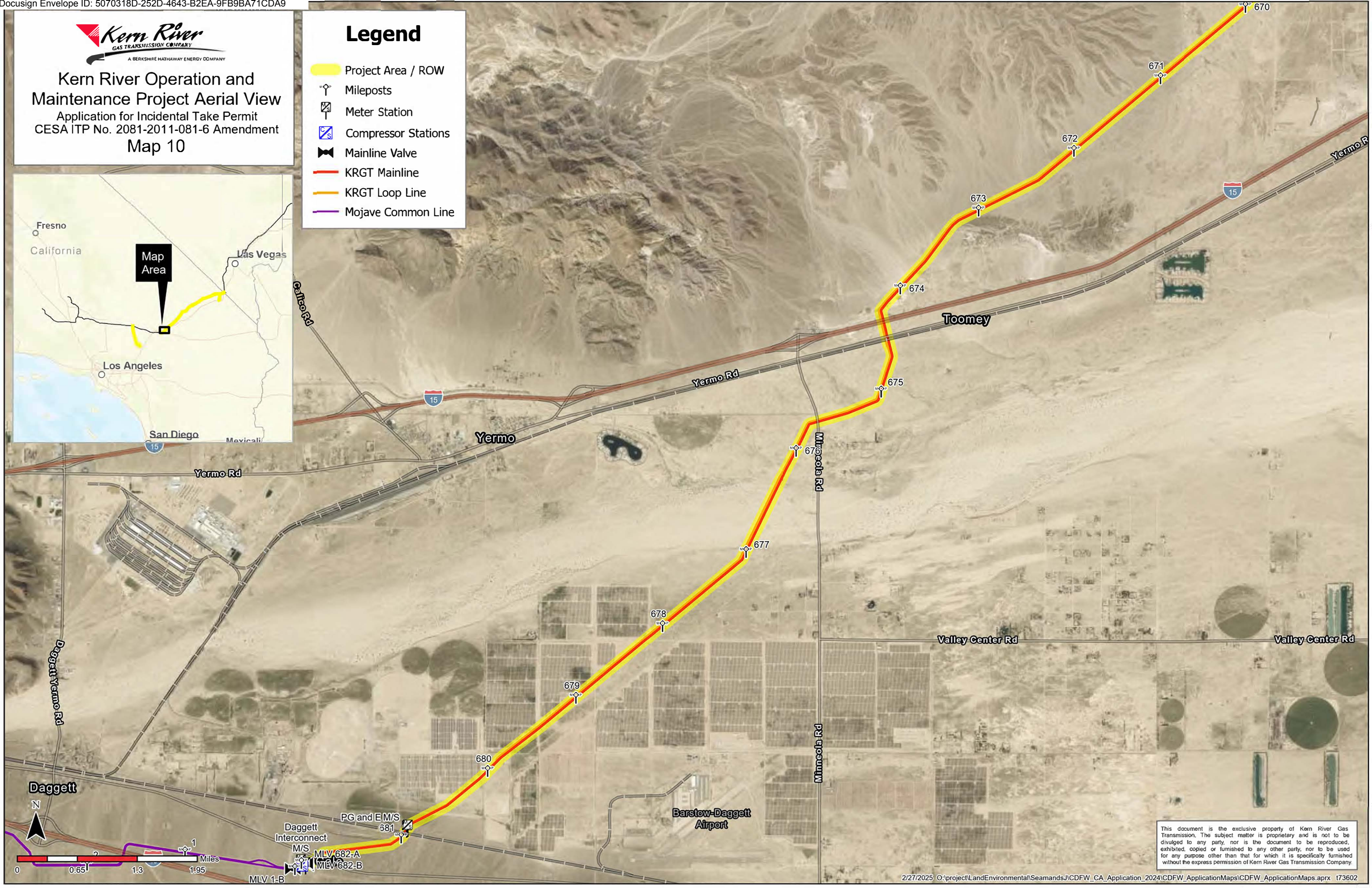
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Kern River Operation and Maintenance Project Aerial View
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Map 10

Legend

- Project Area / ROW
- Mileposts
- Meter Station
- Compressor Stations
- Mainline Valve
- KRGT Mainline
- KRGT Loop Line
- Mojave Common Line



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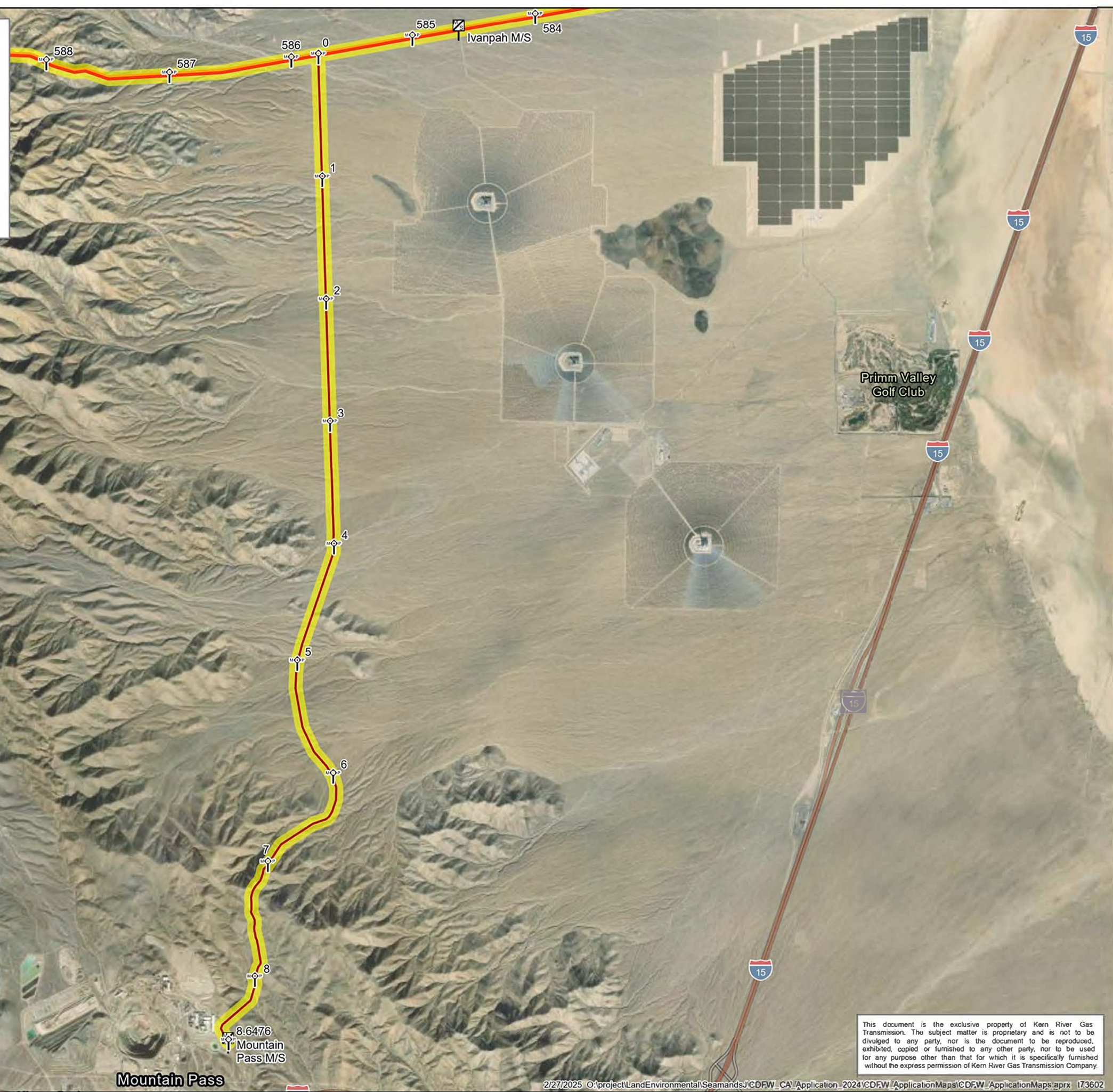


Kern River Operation and Maintenance Project Aerial View
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
Mountain Pass Lateral



Legend

- Project Area / ROW
- Mileposts
- Meter Station
- KRG T Mainline
- KRG T Loop Line
- Mountain Pass Lateral



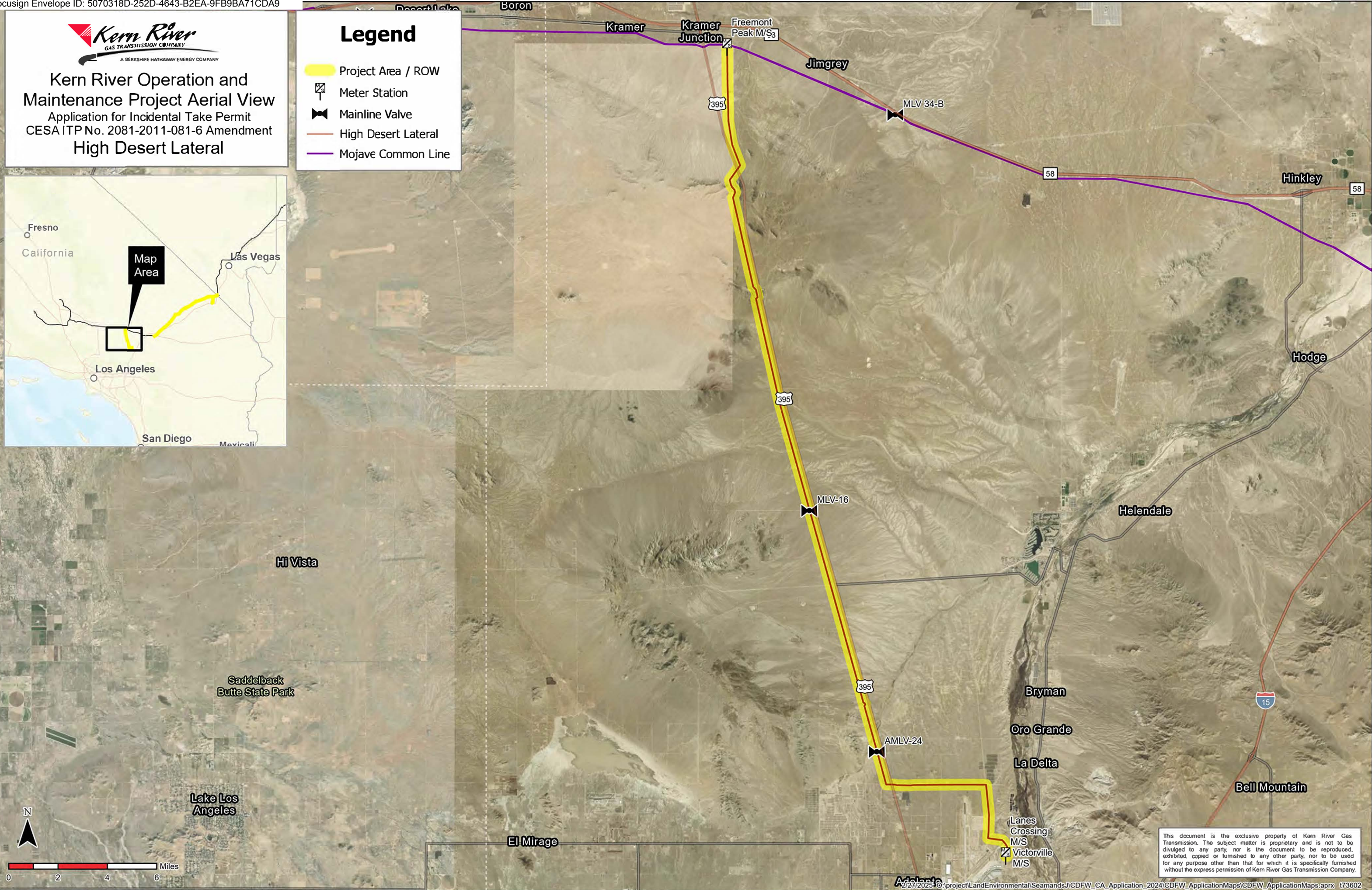
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Kern River Operation and Maintenance Project Aerial View
Application for Incidental Take Permit
CESA ITP No. 2081-2011-081-6 Amendment
High Desert Lateral

Legend

-  Project Area / ROW
-  Meter Station
-  Mainline Valve
-  High Desert Lateral
-  Mojave Common Line



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Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2011-081-06-A2

PERMITTEE: Kern River Gas Transmission Company

**PROJECT: Kern River Gas Transmission Company Operation
and Maintenance**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this Amended ITP. Before initiating the Covered Activities, Permittee shall notify CDFW in writing 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 Amended ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	If Permittee elects to implement a Biological Monitor, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Biological Monitor(s) at least 30 days prior to the start of Covered Activities. Permittee shall ensure that the Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Biological Monitor(s) must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	Authorized Biologist for Desert Tortoise (DT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of desert tortoise. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual desert tortoise and to minimize disturbance of desert tortoise habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, excavating burrows, handling and temporarily holding desert tortoise, relocating/translocating the desert tortoise, reconstructing burrows, unearthing and relocating eggs, locating, identifying, and recording all forms of desert tortoise signs, collecting blood samples, conducting health assessments, conducting protocol level surveys, and/or attaching and removing transmitters to and from the desert tortoise. Authorized Biologist for Burrowing Owl (BUOW Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of burrowing owl. The BUOW Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual burrowing owl and to minimize disturbance of burrowing owl habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities, establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows. Authorized Biologist for Mojave Ground Squirrel (MGS Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of Mojave ground squirrel. The MGS Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual Mojave ground squirrel and to minimize disturbance of Mojave ground squirrel habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities, establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows. Authorized Biologist for Gilded Northern flicker (GNF Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of gilded northern flicker. The GNF Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual gilded northern flicker and to minimize disturbance of gilded northern flicker habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting surveys, establishing no-disturbance buffers, and monitoring nests. Authorized Biologist for Western Joshua tree (WJT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of western Joshua tree. The WJT Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual western Joshua tree and to minimize disturbance of western Joshua tree habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to pre-assessment surveys and establishing no-disturbance buffers.	ITP Condition # 6.3-6.3.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	Permittee shall obtain CDFW approval of the DT Authorized Biologist(s), BUOW, MGS and NGF Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2 and 2A of this ITP and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 21 calendar days before starting Covered Activities or before any changes are made to these personnel. For each proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP and associated Desert Tortoise Translocation Plan, MGS Mortality Reduction and Relocation Plan, and Burrowing Owl Mortality Reduction Plan that the Permittee is requesting approval for that individual to carry out.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Authorized Biologist 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 Amended 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 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.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
6	The Authorized Biologist(s) and Biological Monitor(s) shall maintain a construction-monitoring notebook on-site throughout the construction period which shall include a copy of this Amended 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 notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
7	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 closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and Biological Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
9	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species habitat.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
10	Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
11	Before starting Covered Activities except Class I maintenance activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes or flags. Permittee shall restrict all Covered Activities to within the fenced, staked or flagged areas. Permittee shall maintain all fencing, stakes and flags until the completion of Covered Activities in that area.	ITP Condition # 6.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat for all maintenance activities except Class I.	ITP Condition # 6.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
13	Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this Amended ITP if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
14	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.14 of this Amended ITP.	ITP Condition # 6.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
15	At the time of occurrence of any fuel or hazardous waste leak or spill, or as soon as it is safe to do so, Permittee shall immediately stop and arrange for the repair and clean up of the waste leak or spill by qualified individuals in compliance with all pertinent state and federal statutes and regulations. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
16	To avoid impacts to rodent dispersal of western Joshua tree seeds, Permittee shall not use rodenticides within the Project site at any time.	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
17	Permittee may only use herbicides within the Project site with CDFW's written authorization. If so authorized, Permittee may only use herbicides registered with the California Department of Pesticide Regulation (DPR). Any dyes included in the herbicides must be EPA-registered dyes approved for use in California. All herbicides shall be applied in accordance with labeled instructions and regulations set by DPR. Labeled instructions for the herbicide(s) used shall be made available to CDFW upon request. No herbicide shall be applied when wind speeds exceed 5 miles per hour.	ITP Condition # 6.18	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
18	In order to use insecticides within the Project site, Permittee must first provide a written explanation of a compelling need to use such chemicals to complete Project Activities and receive written authorization from CDFW to do so.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
19	Permittee shall provide CDFW staff with reasonable access to the Project Area, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this Amended ITP.	ITP Condition # 6.20	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
20	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. Class I maintenance activities will not require this notification, however all Class I maintenance activities will be included in the Quarterly Report as indicated in Condition of Approval 7.5.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Representative	
21	No more than 30 days prior to Covered Activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall conduct pre-construction surveys for desert tortoise. These surveys shall cover 100 percent of the Project Area with a 50-foot buffer zone. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall follow the survey methodology in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall flag all potential desert tortoise burrows within this area. Within 30 days of performing the pre-construction surveys, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall submit a report to CDFW documenting results (using the USFWS Protocol data sheet) and include a Translocation Plan per Condition of Approval 8.8. Upon report receipt and Translocation Plan approval by CDFW, desert tortoise burrows shall be excavated and individuals relocated by the Authorized Biologist per the CDFW-approved Translocation Plan.	ITP Condition # 8.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist/ Biological Monitor	

22	Permittee shall prepare and submit a Desert Tortoise Relocation Plan for CDFW review and approval at least 30 calendar days prior to the first Covered Activity occurring. The Desert Tortoise Relocation Plan shall include parameters in which DT Authorized Biologists may relocate a desert tortoise to minimize impacts to the individual. The Desert Tortoise Relocation Plan shall contain at a minimum the following descriptions: (1) Recipient site selection criteria and characteristics that will benefit the relocated desert tortoise (including land ownership, maximum distance from Covered Activities work area based on surrounding land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features); (2) Minimum distance away from paved highway/roads to reduce vehicular strikes; (3) Survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the creation and design of supplemental artificial burrows within the site; (4) Procedures for relocation of tortoises and eggs; (5) Post-relocation monitoring of individuals by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety; (6) Health assessments; (7) Shade structures and shelters to minimize potential heat stress and exposure to lethal temperatures; (8) Disinfectant and sanitation to prevent spread of disease; (9) Handling and releasing procedures including temperature restrictions to prevent overheating (no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 90 degrees Fahrenheit (F)), and requirements to rehydrate the individuals that void their bladder during handling at the location where the individual was captured, or the location where the individual will be released out of harm's way by the DT Authorized Biologist. Please see Condition of Approval 8.9 and 8.10 for requirements regarding ambient air temperature and re-hydration. (10) Attaching transmitters to assist with monitoring; (11) Transporting procedures; (12) Temporary penning procedures; (13) Construction coordination; and (14) Quarterly reporting requirements to CDFW. All CDFW comments shall be resolved and incorporated into a final Desert Tortoise Relocation Plan. Covered Activities shall not commence until the Relocation Plan is approved in writing by CDFW. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all desert tortoises handled. The Desert Tortoise Relocation Plan shall be updated and otherwise amended to include the latest science and guidance as directed by CDFW.	ITP Condition # 8.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	The DT Authorized Biologist shall ensure that desert tortoises are not captured, moved, transported, released, or purposefully caused to leave their burrow for any reason when the ambient air temperature is above 90 degrees Fahrenheit (35 degrees Celsius) or less than 50 degrees Fahrenheit (12.8 degrees Celsius). The DT Authorized Biologist shall ensure that no desert tortoise is captured if the ambient air temperature is anticipated to exceed 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit before handling or processing can be completed. If the ambient air temperature exceeds 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit during handling or processing, the DT Authorized Biologist shall ensure the desert tortoise is kept in an environment (shaded or sunny) with a temperature that does not exceed 90 degrees Fahrenheit or is greater than 50 degrees Fahrenheit, and that the individual is not released until ambient air temperature declines to below 90 degrees Fahrenheit or is above 50 degrees Fahrenheit. Releases shall occur only when temperatures range from 18–30°C (65–85°F) and are not forecasted to exceed 32°C (90°F) within 3 hours of release or 35°C (95°F) within 1 week of release. Additionally, forecasted daily low temperatures should not be cooler than 10°C (50°F) for one week post-release. Desert tortoises moved during inactive periods shall be monitored for at least 2 days after placement in the new burrows to ensure their safety. During relocation, the DT Authorized Biologist may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.	ITP Condition # 8.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	
24	If a desert tortoise voids its bladder as a result of being handled, the DT Authorized Biologist shall rehydrate the individual(s). The DT Authorized Biologist shall rehydrate the desert tortoise at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be relocated. The DT Authorized Biologist shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The DT Authorized Biologist shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The DT Authorized Biologist shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The DT Authorized Biologist shall place the lined tub in a quiet protected area during rehydration. After each tortoise is rehydrated the water shall be emptied and a new plastic disposable liner placed in the tub.	ITP Condition # 8.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist	
25	The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Covered Species handled. This information shall include the following for each desert tortoise: (1) the locations and dates of observation; (2) the general condition and health, including injuries, state of healing, and whether the desert tortoise voided its bladder; (3) the location moved from and location moved to (using GPS technology); (4) ambient temperature when handled and released; and (5) digital photographs of each handled desert tortoise. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall take digital photographs of the carapace, plastron, and fourth costal scute of each desert tortoise handled (notching of scutes is NOT permitted). The DT Authorized Biologist(s) and/or Biological Monitor(s) shall record the information detailed above in the daily observation and inspection records for inclusion in the Construction Compliance Report as directed in Condition of Approval 7.4 above.	ITP Condition # 8.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist/ Biological Monitor	
26	With the DT Authorized Biologist(s) and/or Biological Monitor(s) present and prior to ground-disturbing activities, Permittee shall install temporary desert tortoise exclusionary fence around any active construction area, lay down area, and storage area (whether on-site or off-site), prior to the on-set of vegetation removal, or any other project related activities for any construction activities that require overnight work or disturbance of new desert tortoise habitat.	ITP Condition # 8.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.	ITP Condition # 8.13	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
28	Immediately prior to start of ground disturbance activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance to this Amended ITP.	ITP Condition # 8.14	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist/ Biological Monitor	
29	For Covered Activities taking place in the distribution of Mohave ground squirrel, the MGS Authorized Biologist(s)/Biological Monitor(s) shall perform a pre-construction survey for Mohave ground squirrel no more than thirty (30) calendar days prior to the start of ground disturbing activities. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within thirty (30) Calendar days of completing the surveys. If any burrows are suspected or known to be occupied by Mohave ground squirrels Permittee shall comply with Condition of Approval 8.16, 8.17, and 8.18.	ITP Condition # 8.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee/ Authorized Biologist/ Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	Permittee shall submit a MGS Mortality Reduction and Relocation Plan, prepared by the MGS Authorized Biologist(s), for CDFW review and written approval prior to the start of Covered Activities. The MGS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) avoidance and minimization measures including the option to work within an established protective buffer of a burrow; (2) implementation timing; (3) burrow identification and excavation methods; (4) measures to be taken when dependent young are encountered; (5) release methods; (6) artificial burrow design and installation methods; (7) a map and locations of proposed receiver site(s) within the Project Area, or a legal description and draft conservation easement of proposed receiver site(s); (8) a comparison of the proposed receiver site's and source site's soil, plant communities, and topography to demonstrate that the receiver site(s) are suitable; (9) a description of existing MGS (pre-Project) status and resources on the proposed receiver site(s) (including density and distribution for receiver site(s)); (10) a proposed one-year monitoring plan of the receiver site(s); and (11) identification of a wildlife rehabilitation center or veterinary facility where injured animals will be cared for. The MGS Mortality Reduction and Relocation Plan shall restrict MGS relocation to only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 1). Permittee may request from CDFW a 7-day extension to the relocation period if daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 – 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Subsequent 7-day extensions (through no later than November 1) may be requested and approved by CDFW so long as weather conditions are predicted by the National Weather Service to remain within the above temperature criterion. The relocation extension request(s) shall be approved in advance and in writing by CDFW (email will suffice). Once the MGS Mortality Reduction and Relocation Plan is approved by CDFW, it may be used for all MGS mortality reduction and relocation activities for the duration of this ITP. Any proposed changes to the MGS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications. The Draft MGS Mortality Reduction and Relocation Plan shall be submitted via e-mail at least 30 days before starting Covered Activities to the Regional Representative and Regional Office.	ITP Condition # 8.16	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
31	Immediately prior to start of ground disturbance activities, the MGS Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The MGS Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance with the MGS Mortality Reduction and Relocation Plan.	ITP Condition # 8.19	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee Authorized Biologist/ Biological Monitor	
32	A GNF Authorized Biologist shall perform gilded northern flicker surveys when maintenance activities occur within potential suitable habitat (i.e. Joshua Trees). These surveys will occur within the Project Area, and within an additional 20-foot buffer. If an active northern flicker nest is located, the nest site shall be fenced a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive.	ITP Condition # 8.22	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist	

33	Prior to beginning Covered Activities in each work area, a BUOW Authorized Biologist and/or Biological Monitor approved by CDFW shall conduct surveys by walking straight-line transects spaced 7 meters to 20 meters apart, adjusting for vegetation height and density. Surveys shall be conducted between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight when ambient temperatures are >20° C (68° F), cloud cover is <75%, and during <12 km/hr winds. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved in advance and in writing by CDFW. At the start of each transect and, at least, every 100 meters, the entire visible Project Area shall be scanned for burrows and western burrowing owls using binoculars. Permittee shall flag and map all potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24). Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval 8.23.2) in a written report to CDFW's Regional Representative at least five calendar days prior to the beginning of Covered Activities in each work area. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 7 calendar days or longer occurs in any part of the Project Area, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional western burrowing owl burrow surveys and provide a Burrow Map before work may be reinitiated in that part of the Project Area. 8.23.1. Burrow Monitoring. Following completion of surveys, potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24), shall be monitored to determine or confirm status and inform an appropriate course of action. 8.23.2. Burrow Map. The BUOW Authorized Biologist and/or Biological Monitor shall provide a KMZ map to CDFW of all western burrowing owl burrows found during the surveys performed per Condition of Approval 8.23. The map shall show details and locations of all western burrowing owl sightings and potential, known, and nesting western burrowing owl burrows as defined in Condition of Approval 8.24. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend. 8.23.3. Burrow Impact Analysis and Reporting. Upon completion of Pre-construction surveys, burrow monitoring, and burrow mapping, the BUOW Authorized Biologist shall provide an impact analysis assessment detailing the impact that blockage, eviction, and/or excavation in the Project area(s) may have before impacts occur. In addition, Permittee shall report final impacts as per below to CDFW as part of the corresponding Compensatory Mitigation Period (see Condition of Approval 9). 8.23.3.1. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) must be blocked and/or eviction will result without excavation and burrow will be left for future use, Permittee shall calculate the impact within a 250-foot radius. 8.23.3.2. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) has been excavated and filled, Permittee shall calculate the impact within a 500-foot radius. 8.23.3.3. Permittee shall transmit the total impact analysis report to CDFW annually if impacts occur to calculate the final impacts to the Project area(s) and include the burrow map indicating the burrow and the type of impact, including the buffer. If no impacts occur for a given year, Permittee shall provide a memo indicating no impacts occurred.	ITP Condition # 8.23- 8.23.3.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist / Biological Monitor	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
34	If during the western burrowing owl survey in Condition of Approval 8.23, an occupied burrow is located, Permittee shall establish no-disturbance buffer zones around known and nesting western burrowing owl burrows according to the following guidelines: 8.24.1. If a known western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years or is known based on Project observations to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. western burrowing owl presence, whitewash, pellets, prey remains, etc.) is discovered, Permittee shall establish a minimum 500-foot no-disturbance buffer around known western burrowing owl burrows. 8.24.2. If a western burrowing owl burrow used for nesting (e.g., known western burrowing owl burrow with indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered, Permittee shall establish a minimum 656-foot no-disturbance buffer. Covered Activities may not proceed within the established buffer until the BUOW Authorized Biologist confirms that the chicks have fledged and are no longer dependent on the nest. Adjacent satellite burrows that may be used during the fledging process shall be afforded these same protections until fledging is complete. 8.24.3. If western burrowing owl are visibly stressed by the Covered Activities or by workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined and implemented by the BUOW Authorized Biologist based on their behavioral observations of the affected western burrowing owl. The BUOW Authorized Biologist shall report to CDFW any buffers that were increased due to behavioral observations.	ITP Condition # 8.24-8.24.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee / Authorized Biologist / Biological Monitor	
35	If during the western burrowing owl survey in Condition of Approval 8.23, an unoccupied western burrowing owl burrow is located outside of the Project Area, but within a reasonable distance of construction such that any potential western burrowing owl that may occupy the burrow may be indirectly impacted by Project activities, the BUOW Authorized Biologist shall block rather than destroy the burrow. The blocked burrow will be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with infrared camera and determined that western burrowing owl is not currently present. Complete burrow blockage shall cover the entire entrance preventing burrowing animals from digging back into the burrow. Blockage will occur in front of the burrow opening so that it covers the entire entrance. All blocked burrows shall be monitored by the BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If western burrowing owl gains access to the burrow, Permittee shall contact CDFW immediately and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Covered Activities.	ITP Condition # 8.25	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist / Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	If occupied burrows may be impacted directly by the Project, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, shall implement minimization measures, in coordination with CDFW, such as construction of sound and visual barriers. If, in coordination with CDFW, it is determined that minimization measures may not be appropriate or effective, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, may evict western burrowing owl under certain conditions outlined in the Burrowing Owl Mortality Reduction Plan. The Burrowing Owl Mortality Reduction Plan shall be provided to CDFW for review and approval 30 days before eviction and/or excavation is implemented. The Burrowing Owl Mortality Reduction Plan shall include information regarding methods for eviction and monitoring of owls during the process, including but limited to the below. 8.26.1. The BUOW Authorized Biologist shall ensure western burrowing owl breeding has not commenced at the Project site(s) and eviction shall only occur outside the breeding season and after fledglings are no longer dependent on the adults or nest, unless otherwise approved by CDFW in advance in writing. 8.26.2. Eviction shall involve placement of one-way doors for a minimum of 48 hours and no more than 72 hours, with twice-daily monitoring and 24-hour cellular wildlife camera surveillance for 72 hours total to ensure the owls have left. Excavation of burrows directly impacted by the Project shall only occur after confirmation via monitoring, and use of infrared cameras or scopes, that the burrow is unoccupied. Western burrowing owl burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of western burrowing owl are inside. The BUOW Authorized Biologist shall ensure burrows are fully excavated, backfilled with dirt, and compacted so that western burrowing owl cannot reenter or use the burrow during the period that Covered Activities occur. If western burrowing owl presence is discovered during excavation, work shall stop immediately, CDFW shall be contacted, and additional monitoring shall be initiated. 8.26.3. To the greatest extent possible, western burrowing owl exclusion activities shall take place during a three- to four-day period in which temperatures are expected to remain below 85°F. If temperatures of 85°F or higher cannot be avoided, the burrows undergoing exclusion shall be monitored, and if an owl is observed standing outside of a closed-door burrow (i.e., trying to get back in or not leaving the area of the burrow) after air temperatures reach 85°F, the one-way door of that burrow shall be opened to allow the owl to return to that burrow. The door shall be left open and all eviction activities shall be paused for three days to minimize any potential stress to the owl(s). 8.26.4. At least 14 days prior to eviction and excavation, the BUOW Authorized Biologist shall conduct a survey within a 500-meter (1,640-foot) buffer zone of the proposed eviction area to identify available natural, unoccupied satellite burrows. If no natural satellite burrows are identified, Permittee shall install artificial burrows, per Condition of Approval 8.27, in suitable habitat within 100 meters of the burrows being removed, to provide alternative shelter a minimum of 14 days prior to initiating eviction or excavation. No eviction or excavation activities may proceed until satellite burrows are located or constructed.	ITP Condition # 8.26-8.26.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Authorized Biologist / Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	Permittee shall replace each known western burrowing owl burrow (as defined in Condition of Approval 8.24) that cannot be avoided within the Project Area with an artificial burrow to offset the loss of important shelter used by western burrowing owl for protection, reproduction, and escape from predators. Permittee shall replace these burrows at least 7 days prior to eviction or excavation. Permittee shall provide a western burrowing owl Burrow Replacement Plan to CDFW for review and written approval that shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; methods for monitoring western burrowing owl post-eviction; and timing of western burrowing owl burrow installation/construction.	ITP Condition # 8.27	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
38	Permittee shall protect all individuals of western Joshua tree that will be preserved in the Project Area. Permittee, in consultation with the WJT Authorized Biologist, shall implement avoidance buffers surrounding western Joshua tree individuals that will not be removed. Permittee shall trim western Joshua trees instead of removal of the trees where feasible.	ITP Condition # 8.29	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
39	Permittee shall clearly identify with visible flagging, or with an alternative method approved in advance in writing by CDFW, all WJT that will be avoided within the Project site.	ITP Condition # 8.30	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
40	When Covered Activities occur within suitable habitat for western Joshua tree, Permittee shall have a WJT Authorized Biologist and/or Biological Monitor conduct a pre-activity survey for western Joshua tree that are dead or alive within the work area which includes a 186-foot buffer around each tree but does not include areas of overlap. If the 186-foot buffer extends past the Project boundary, the buffer shall only extend 50 feet past the Project boundary. The survey shall take place within 14 days prior to start of surface-disturbing Covered Activities. The WJT Authorized Biologist and/or Biological Monitor shall map each individual western Joshua tree (dead or alive) using high-accuracy (<1-meter) global positioning system (GPS) technology and determine the health and height (meters) of each tree. Height of each tree shall be classified according to the following: Tree Size Class A: Under 1 meter Tree Size Class B: Greater than 1 meter but less than 5 meters Tree Size Class C: 5 meters or greater	ITP Condition # 8.31	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee / Authorized Biologist / Biological Monitor	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
41	In consultation with the WJT Authorized Biologist, Permittee shall submit to CDFW for its review and approval an Integrated Pest Management Plan (IPM Plan) 30 days before starting Covered Activities within suitable habitat for western Joshua tree. The IPM Plan shall include measures to ensure that novel non-native invasive weed species and Argentine Ants (collectively, pests) are not introduced or proliferate as a result of Covered Activities. The IPM Plan shall address pests that pose a threat to western Joshua tree and desert plant communities and those in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. The IPM Plan shall address sources of pest introduction and establishment; measures to minimize the potential for pests to enter, spread, and/or proliferate; management of stockpiles; identification/Early Detection Rapid Response; methods to eradicate weeds prior to seed set; and Best Management Practices to avoid and minimize adverse effects of chemical control methods on western Joshua tree individuals, western Joshua tree habitat, and the natural environment (see Preventing the Spread of Invasive Plants: Best Management Practices for Land Manager, Cal-IPC).	ITP Condition # 8.34	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee / Authorized Biologist / Biological Monitor	

42	Permittee shall provide compensatory mitigation, in advance, for each defined compensatory mitigation period (defined below) prior to start of the Covered Activities for that term. Compensatory Mitigation Period 1 is Year 1, starting upon Amended ITP execution Compensatory Mitigation Period 2 is Year 2 through Year 4 of this Amended ITP Compensatory Mitigation Period 3 is Year 5 through Year 7 of this Amended ITP Compensatory Mitigation Period 4 is Year 8 through Year 10 of this Amended ITP To meet this requirement, Permittee shall either purchase a portion or all of the required compensation habitat as acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below AND/OR shall provide for both the permanent protection and management of a portion or all of the required compensation habitat acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below such that the total combined acreage of purchased species credits and HM lands total the amount of estimated compensatory habitat acreage required for each compensatory mitigation period as required below. Purchase of Covered Species credits AND/OR permanent protection and funding for perpetual management of HM lands must be completed in advance before starting Covered Activities for each defined compensatory mitigation period (defined below), or within 18 months of initiating Covered Activities for each compensatory mitigation period if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. Permittee's take authorization under this Amended ITP for each compensatory mitigation period is contingent upon Permittee completing the compensatory mitigation, or providing Security for that mitigation, prior to the beginning of that compensatory mitigation period. The estimated impacted acreage for the full 10-year Amended ITP term subject to compensatory mitigation is 105 acres for western Joshua tree and 150 acres for western burrowing owl. The estimated acreage for each compensatory mitigation period assumes Covered Activities will impact 3.5 acres of western Joshua tree and 5 acres of western burrowing owl annually. Estimated mitigation acres for those impacts are calculated using a 3:1 ratio (3 acres of compensatory mitigation for every 1 acre of Covered Activity impact). Compensatory mitigation for western Joshua tree and western burrowing owl may co-occur on the same acres where dual credits for western Joshua tree and western burrowing owl are available for purchase or HM lands contain habitat for both species. As of this amendment, Permittee has completed the compensatory mitigation requirements of 27.5 acres of HM lands for 8.5 acres of permanent impacts to desert tortoise, Mojave ground squirrel, and gilded northern flicker. As of issuance of this Amended ITP, Permittee has permanently impacted .14 acres of desert tortoise, Mojave ground squirrel, and gilded northern flicker. If additional temporary and/or permanent impacts occur exceeding 27.36 acres to desert tortoise, Mojave ground squirrel, and gilded northern flicker, Permittee shall amend this ITP and provide additional compensatory mitigation as determined by CDFW. Previously acquired mitigation	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
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credit purchase and/or HM land acquisition may be re-assessed for biological suitability for additional Covered Species and mitigation may be nested upon CDFW approval. The estimated compensatory mitigation required for western Joshua tree and western burrowing owl and the method of completion of Permittee obligations is as follows: (1) For Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution), Permittee shall provide compensatory mitigation for the first year of impacts prior to the start of Year 1 Covered Activities by providing 10.5 acres of compensatory mitigation for western Joshua tree and 15 acres of compensatory mitigation for western burrowing owl. (2) For Compensatory Mitigation Period 2 (Years 2 through 4), Permittee shall mitigate for Years 2 through 4 impacts, prior to the commencement of Year 2 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 4 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 1 through 4 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 3. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 and 2, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 5. (3) For Compensatory Mitigation Period 3 (Years 5 through 7), Permittee shall mitigate for the Years 5 through 7 impacts, prior to commencement of Year 5 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 7 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 4. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 3, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 8. (4) For Compensatory Mitigation Period 4 (Years 8 through 10), Permittee shall mitigate for the Years 8 through 10 impacts, prior to commencement of Year 8 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 10 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW				
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	no later than 6 months prior to the end of Year 10. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 4, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 10.				
43	For the purposes of determining the Security amount for each Compensatory Mitigation Period, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the appropriate HM lands for Compensatory Period 1 below. The Security amount for each subsequent compensatory mitigation period specific to the mitigation obligation that has not been completed shall be requested from CDFW by the Permittee as described in Condition of Approval 10.1. 9.1.1. Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution) 9.1.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 25.5 acres: \$127,500.00. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements; 9.1.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 9.3.1 and 9.3.2 below: \$17,400.00. 9.1.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.6 below, estimated at \$2,000/Acre for 25.5 acres: \$51,000.00; 9.1.1.4. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$600/acre for 25.5 acres: \$15,300.00; 9.1.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$3,000/acre for 25.5 acres plus a ten percent contingency fee as described in Condition of Approval 9.4.2.2.1: \$76,500.00. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management. 9.1.1.6. 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 Condition of Approval 9.5, estimated at \$10,000.00. 9.1.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$75,000.00.	ITP Condition #9.1-9.1.1.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	If Permittee elects to purchase mitigation/conservation bank credits for western Joshua tree or western burrowing owl, then Permittee shall purchase credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities for that compensatory mitigation period, or no later than 18 months from the start of Covered Activities associated with that period if Security is provided pursuant to Condition of Approval 10 below. Prior to purchasing credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project on western Joshua tree or western burrowing owl. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities for that compensatory mitigation period or within 18 months from start of Covered Activities associated with that period if Security is provided.	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

45	To provide for the acquisition and protection of the HM lands, the Permittee shall: 9.3.1. Fee Title. Transfer fee title to the HM lands to CDFW pursuant to terms approved 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 section 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. 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 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 1 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 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 manager may be the land owner or other 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 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 optional management plan template at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (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. Permittee shall ensure that the interim land manager implements the interim	ITP Condition #9.3-9.3.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	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 a 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 for annual payment to the land manager.				

46	If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this Amended ITP, the final management plan approved by CDFW, and the conservation easement. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the in-perpetuity 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 Amended ITP, the conservation easement, and the management plan required by Condition of Approval 9.3.5. Endowment Fund as used in this Amended ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this Amended 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 Amended 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 section 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 approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Condition #9.4-9.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	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 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 Amended 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.				
47	Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this Amended ITP, including but not limited to, transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM Lands to CDFW.	ITP Condition #9.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
48	Permittee may proceed with Covered Activities only after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin for a given Compensatory Mitigation Period. Permittee shall provide Security as follows:	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
49	The Security shall be in the amount of \$372,700.00 or in the amount identified in 9.1 specific to the obligation that has not been completed for Compensatory Mitigation Period 1. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring for the first year of this ITP term. The Security for each subsequent compensatory mitigation period specific to the mitigation obligation that has not been completed shall be requested from CDFW by the Permittee no later than 150 days prior to the start of the next compensatory mitigation period. CDFW shall calculate the Security cost based on fair market value and consideration of inflation for per acre costs. CDFW shall provide the Permittee a Security amount based on the estimated cost of HM lands or Covered Species conservation bank credits, whichever cost is greater.	ITP Condition # 10.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
50	The Security for each compensatory mitigation period shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW.	ITP Condition # 10.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
51	The Security shall be provided to CDFW for Compensatory Mitigation Period 1 before Covered Activities begin or within 30 days after the effective date of this Amended ITP, whichever occurs first. The Security for subsequent compensatory mitigation periods shall be provided before Covered Activities begin for that period.	ITP Condition # 10.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
52	The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 10.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	Permittee shall transmit Security to CDFW by way of an approved instrument such as escrow agreement, irrevocable letter of credit, or other.	ITP Condition # 10.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
54	The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this Amended ITP.	ITP Condition # 10.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection (if HM lands are acquired) and received confirmation that all secured requirements have been satisfied for each compensatory mitigation period, 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. Habitat Management Land Acquisition: • Written documentation of the acquisition of the HM lands, in which the total acreage within the conservation easement equals the amount of required acres of compensatory mitigation, OR partial amount that in combination with a Credit Purchase, totals the amount of acres of compensatory mitigation required for that compensatory mitigation period; • Copies of all executed and recorded conservation easements; • Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; • Timely submission of all required reports; • An on-site inspection by CDFW; and • Written approval from CDFW. Even if Security is provided, Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the start of each compensatory mitigation period. 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.	ITP Condition # 10.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
DURING CONSTRUCTION					
56	The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this Amended ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	Permittee or the Designated Representative shall provide all required notifications in this ITP by sending an email to the CDFW Regional Representative Steven Recinos (Steven.Recinos@wildlife.ca.gov) and as described in the Notices section of this ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP Number, the ITP Condition number that the notification is addressing, any necessary photos or attachments, and the name and phone numbers of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).	ITP Condition # 7.3	Entire Project	Permittee / Designated Representative	
58	The Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this Amended ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Authorized Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this Amended ITP. The Authorized Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.	ITP Condition # 7.4	Entire Project	Authorized Biologist / Biological Monitor	
59	The Designated Representative or Authorized Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this Amended ITP or via e-mail to CDFW's Regional Representative. At the time of this Amended ITP's approval, the CDFW Regional Representative is Steven Recinos (Steven.Recinos@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.5	Entire Project	Designated Representative / Authorized Biologist	
60	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this Amended ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance per each Covered Species, both for the prior calendar year, and a total since Amended ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.7	Entire Project	Permittee	
62	Permittee shall immediately notify the Authorized Biologist(s) and/or Biological Monitor(s) if a Covered Species is taken or injured by a Covered Activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Authorized Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, number of individuals taken or injured and the Amended ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass and/or plant or plant remains, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.9	Entire Project	Permittee / Authorized Biologist / Biological Monitor	
63	Permittee shall minimize vegetation removal associated with construction activities to the fullest extent possible. The Authorized Biologist shall review and approve or deny any grubbing or clearing of vegetation.	ITP Condition # 8.1	Entire Project	Permittee	
64	If a Covered Species is observed during Covered Activities, all work shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area OR an Authorized Biologist(s) approved under Condition of Approval 6.4 of this ITP relocates the Covered Species as described in this ITP and Desert Tortoise Translocation Plan or passively relocates as described in the BUOW Mortality Reduction Plan and/or Mohave Ground Squirrel Mortality Reduction and Relocation Plan. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur as described in Condition of Approval 7.3 within 24 hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map and shapefiles with the location (including GPS coordinates) where the individual was moved.	ITP Condition # 8.2	Entire Project	Permittee / Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
65	The Authorized Biologist shall inspect all open holes and trenches within the Project Area at the beginning, middle, and end of each day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals, the Authorized Biologist shall oversee the covering of all excavated, steep-walled holes or trenches more than two feet deep, or of any depth if they contain water or other material, at the close of each working day by placing plywood or other barrier materials such that animals are unable to enter and become entrapped. The Authorized Biologist shall also inspect any pipes, above ground fixtures, or similar structures with a diameter greater than 3 inches and less than 8 inches aboveground for Covered Species before the material is moved, buried, or capped. Permittee shall provide escape ramps in holes greater than two feet deep that do not hold water or other material, to allow animals to escape. Before holes or trenches are filled, the Authorized Biologist shall thoroughly inspect them for trapped animals. If any worker discovers that a Covered Species has become trapped, they shall halt Project-related activities and notify the Authorized Biologist immediately. Project workers and the Authorized Biologist shall allow the animal to escape unimpeded if possible, or the Authorized Biologist shall move it out of harm's way before allowing work to continue. The use of temporary fencing, as indicated in Condition of Approval 8.12, around the perimeter of trenches or holes is an acceptable minimization measure.	ITP Condition # 8.3	Entire Project	Permittee / Authorized Biologist	
66	If a Covered Species, is injured or killed as a result of Project-related activities or if a Covered Species is otherwise found dead within the Project Area, Permittee shall immediately notify the Authorized Biologist as described in Section 7.9 except as described in Condition of Approval 8.20 for Mojave ground squirrel and 8.28 for western burrowing owl. The Authorized Biologist shall immediately take injured animals to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species.	ITP Condition # 8.4	Entire Project	Permittee / Authorized Biologist	
67	Permittee shall restrict Project-related vehicle traffic to established roads and the delineated Project Area; cross-country (off-road) vehicle travel is prohibited and signs shall be posted to this affect during maintenance activities. If a Covered Species is encountered drivers shall stop, wait for it to move off the road, and immediately notify the Authorized Biologist of its location.	ITP Condition # 8.5	Entire Project	Permittee	
68	For emergency situations involving a pipeline leak or spill or any other immediate safety hazard, Permittee shall notify the CDFW Regional Office within 48 hours. As a part of this emergency response, CDFW may require specific measures to protect listed species. Following completion of emergency work, CDFW also may require additional measures to facilitate recovery of damaged habitat(s).	ITP Condition # 8.6	Entire Project	Permittee	
69	During all ground-disturbing activities (including vegetation modification) associated with construction, any burrows present within the work area(s) that are suspected or known to be occupied by MGS shall be avoided by a 50-foot avoidance buffer. If these burrows cannot be avoided the MGS Authorized Biologist(s) shall proceed as outlined in Condition of Approval 8.18.	ITP Condition # 8.17	Entire Project	Permittee / Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
70	The MGS Authorized Biologist shall fully excavate by hand all burrows within the Project Area that are suspected or known to be occupied by Mohave ground squirrels that cannot be avoided. The MGS Authorized Biologist shall allow Mohave ground squirrels encountered in the excavated burrows during their active period to escape out of harm's way. Burrow excavation during the active period shall only occur after juveniles are observed above ground and during the main activity period for the species (April 1 to September 1), in accordance with the MGS Mortality Reduction and Relocation Plan. During the Mohave ground squirrel dormant period, the MGS Authorized Biologist shall collect and immediately relocate MGS in accordance with the MGS Mortality Reduction and Relocation Plan and relocate them to an artificial burrow at a protected off-site location approved in advance by CDFW's Regional Representative. The Mohave ground squirrel may only be relocated by the MGS Authorized Biologist. The MGS Authorized Biologist shall prepare relocation burrows in accordance to the MGS Mortality Reduction and Relocation Plan and in the following manner: (1) A hole of at least two feet deep shall be dug; (2) install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45-degree angle; (3) cover the surface end of the three-inch pipe remaining open with dirt. The MGS Authorized Biologist shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.	ITP Condition # 8.18	Entire Project	Permittee / Authorized Biologist	
71	If a Mohave ground squirrel is injured as a result of Project-related activities, the MGS Authorized Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Mohave ground squirrel. Permittee shall notify CDFW of the injury to the Mohave ground squirrel immediately by e-mail followed by a written incident report as described in Condition 7.9. Notification shall include the name of the facility where the animal was taken.	ITP Condition # 8.20	Entire Project	Permittee / Authorized Biologist	
72	If Mohave ground squirrel is found during Project activities or if a previously not identified burrow is detected, the worker shall immediately contact the MGS Authorized Biologist(s) and or Biological Monitor(s) approved in Condition of Approval 6.2 and 6.3.2 of this ITP and Mohave ground squirrel shall be allowed to move out of harm's way of its own volition and the new identified burrow suspected or known to be occupied by Mohave ground squirrel shall be avoided per Condition of Approval 8.17. If needed the MGS Authorized Biologist may capture it and relocate it to adjacent habitat out of harm's way. If impacts to new burrows are unavoidable, the Mohave Ground Squirrel Mortality Reduction and Relocation Plan shall be implemented accordingly.	ITP Condition # 8.21	Entire Project	Authorized Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
73	Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment. All other western burrowing owl handling is prohibited. If a western burrowing owl is injured or found dead within the vicinity of the Project Area, Permittee shall notify CDFW of the injury or mortality to the western burrowing owl immediately by e-mail as described by the Condition of Approval 7.9. The BUOW Authorized Biologist shall either immediately: (1) transport injured individuals to a CDFW approved wildlife rehabilitation center or veterinary facility or (2) follow approved collection and storage procedures for deceased animals. Permittee shall bear any cost associated with care and recovery of any injured western burrowing owl adult(s), nestling(s) or egg(s) and hacking (controlled release of captive reared young). Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment or impacted western burrowing owl eggs for salvage. All other western burrowing owl handling is prohibited.	ITP Condition # 8.28	Entire Project	Permittee / Authorized Biologist	
74	Permittee shall submit a report documenting the results of the western Joshua tree pre-activity assessment in Condition of Approval 8.31 to CDFW by December 31 of each year that Covered Activities occurred in suitable habitat for western Joshua tree. The report shall include a map showing the boundary of the work area, the boundary of the 186-foot buffer zone, the number and location of each individual western Joshua tree, and a 186-foot-radius buffer depicted around each mapped western Joshua tree. The map shall also distinguish western Joshua tree(s) that were avoided (i.e., preserved/left in place) and western Joshua trees tree(s) that were removed due to Covered Activities. Each western Joshua tree shall also be displayed in the map with an identification code, and a corresponding table in the report shall list each individual western Joshua tree, approximate height and size class, and whether the tree was avoided, preserved or removed, and photographs of each western Joshua tree.	ITP Condition # 8.32	Entire Project	Permittee	
75	To avoid impacts to western Joshua trees as a result of fire, workers conducting Covered Activities within suitable habitat for western Joshua tree with the potential to inadvertently cause a fire (e.g., excavating, grinding, welding, driving over vegetation, parking on vegetation, mowing, disking, masticating) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and fire-resistant mats.	ITP Condition # 8.33	Entire Project	Permittee	
POST-CONSTRUCTION					
76	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.21	Post-construction	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
77	No later than 90 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this Amended 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) geographic information system (GIS) shapefiles in the format specified in Attachment 3; and (9) any other pertinent information.	ITP Condition # 7.8	Post-construction	Permittee	

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

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

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

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



BIOLOGIST RESUME

Project Name: Click or tap here to enter text.

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

SECTION I. NAME AND CONTACT INFORMATION

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

SECTION II. EDUCATION

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

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):
Relevant LSA Agreement Measures or ITP Conditions²:

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

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

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

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

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

SPECIES OR RESOURCE 1:**Project 1 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s)⁴:****Survey Type(s)⁵:****Construction Monitoring⁶****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:****Number Handled:****Reported to****CNDDB⁷ (Y/N):****If not reported to CNDDB, why:****CDFW and Other Agency Email:****Project 2 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s):****Survey Type(s):****Construction Monitoring:****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:****Number Handled:****Reported to****CNDDB (Y/N):**

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

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

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

⁷ CNDDB is the abbreviation for California Natural Diversity Database.

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

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

**BIOLOGIST RESUME**

Project Name: Click or tap here to enter text.

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

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



BIOLOGIST RESUME

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

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

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 Name:
LSA Agreement/ITP Number(s):



Department of Fish and Wildlife

CDFW Region 6 Desert Tortoise Biologist Qualification Form

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

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

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

Date Submitted: _____

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

SECTION I. BIOLOGIST NAME AND CONTACT INFORMATION:

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

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

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

SECTION III. EDUCATION:

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

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

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

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

SECTION VI. SPECIFIC DESERT TORTOISE FIELD EXPERIENCE

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

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

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

SECTION VII. REFERENCE INFORMATION

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

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

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

SECTION VIII. DESERT TORTOISE FIELD EXPERIENCE

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

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

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

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

Add Additional Pages for More Experience

Attachment 3

GIS data collection condition for mitigation sites.

Provide CDFW with GIS Shapefiles. Collect data in WGS84 reference coordinate system in decimal degrees (DD). Provide shapefiles of the following information:

Project Information- County project is in, Project Name, Accessors Parcel Number, Lat, Long, acres, and permit number.

HM Land Information – County HM Lands are located in, Accessors Parcel Number, Lat, Long, acres, and name of mitigation package.

GIS data collection condition for translocation sites.

Provide CDFW with GIS Shapefiles. Collect data in WGS84 reference coordinate system in decimal degrees (DD). Provide shapefiles of the following information:

Project Information- County project is in, Project Name, Accessors Parcel Number, Lat, Long, acres, and permit number.

Desert Tortoise Translocation- County recipient site is located, Recipient Site, Recipient Site Accessor Parcel Number, Lat, Long, Acres of recipient site, desert tortoise release location within recipient site, age translocatee, sex of translocatee, date of translocation, and disease test results of each translocatee.

[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, as set forth in conditions **[numbers]** 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 or the Principal Sum will be reduced upon receipt by us of Certificate of Cancellation/Reduction, 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 of 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/REDUCTION

[**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 presented documentary evidence of compliance with the following Mitigation Requirement[(s)] referenced in paragraph 3 of the Credit: [**insert brief description of requirement(s) or requirement number(s) completed**]." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. [**Insert one of the following statements:** "CDFW therefore requests the cancellation of the Credit." **or** "CDFW therefore requests a reduction in the Principal Sum in the amount of \$_____, thereby making the new Principal Sum \$_____."]

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"]



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

**California Endangered Species Act
Amended Incidental Take Permit No. 2081-2011-081-06-A2
(Amendment No.2)**

**Kern River Gas Transmission Company
Operation and Maintenance**

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

Permittee:	Kern River Gas Transmission Company
Principal Officer:	Robert Checketts, Vice President
Contact Person:	Joseph Seamands, (801) 937-6133
Mailing Address:	2744 E. Cottonwood Parkway Salt Lake City, Utah, 84171-0400

Amended ITP Background³:

On October 17, 2011, Kern River Gas Transmission Company (Permittee) submitted a CESA ITP application to 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. Permittee sought take coverage authorization for CESA-listed species associated with project-related impacts from the Kern River Gas Transmission Company Operation and Maintenance Project (Project) in San Bernardino County.

On March 16, 2012, CDFW issued ITP No. 2081-2011-081-06 to Permittee, authorizing take of desert tortoise (*Gopherus agassizii*), Mohave ground squirrel (now referred to as *Xerospermophilus mohavensis*, but formerly known as *Spermophilus mohavensis*), and gilded northern flicker (*Colaptes*

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

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

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

auratus chrysoides), associated with and incidental to the Project. The Project as described in the ITP originally issued by CDFW includes operation and maintenance of Permittee's existing pipeline systems found within San Bernardino County, California. In issuing the original ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on desert tortoise, Mohave ground squirrel, and gilded northern flicker and that issuance of the ITP would not jeopardize the continued existence of these species.

On September 22, 2020, western Joshua tree (*Yucca brevifolia*) became a candidate species under CESA. On October 25, 2024, western burrowing owl (*Athene cunicularia hypugaea*) became a candidate species under CESA. On March 14, 2025, Permittee requested a Major Amendment to the original ITP and paid the appropriate fee to extend coverage by an additional 10 years and include western burrowing owl and western Joshua tree as species covered. Collectively, desert tortoise, Mohave ground squirrel, gilded northern flicker, western Joshua tree, and western burrowing owl are referred to as the Covered Species herein.

On August 28, 2025, CDFW initiated a Minor Amendment (Amendment 1) to extend the expiration of the original ITP until September 30, 2025, and update the name and contact information of the Permittee.

CDFW finds that this Amendment is a Major Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(5).

Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now amends and reissues this ITP including the revised provisions in this first Major Amendment (collectively, the Amended ITP). The Amended ITP includes all of the operative provisions as of the effective date of this Amended ITP. Attachment 5 to this Amended ITP shows the specific red-line changes made to the ITP as a result of this Major Amendment.

Effective Date and Expiration Date of this Amended ITP:

This Amended ITP shall become effective when signed by CDFW. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **August 18, 2035**.

Notwithstanding the expiration date on the take authorization provided by this Amended ITP,

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Permittee's obligations pursuant to this Amended ITP do not end until CDFW accepts as complete Permittee's Final Mitigation Report required by Condition of Approval 7.8 of this Amended ITP.

Project Location:

The Project is located within the Mojave Desert in San Bernardino County (see Figure 1). The Kern River pipeline system includes two 36-inch diameter high pressure natural gas mainlines, beginning at Kern River's Looped Line at the California/Nevada state line near Primm, Nevada, and terminating at the Daggett compressor station near Daggett, California. The system also includes the High Desert Lateral, a 24-inch diameter natural gas pipeline, beginning at Kramer Junction, California, and terminating near Victorville, California. The Project site is bounded by Primm, Nevada (Latitude 35.621731; Longitude -115.409669) on the northeast and Daggett, California (Latitude 34.851100; Longitude -116.849600) on the southwest. The Project is also bounded from Freemont Peak near the Kramer Junction (Latitude 34.985443; Longitude -117.526104) on the northwest to the Kern River's meter station in Victorville (Latitude 34.595800; Longitude -117.362790) on the southwest, and the Mountain Pass Lateral from Ivanpah Valley (Latitude 35.592768; Longitude -115.507178) to Molycorp Minerals LLC property (Latitude 35.476920; Longitude -115.520265) on the northeast.

The mainline pipeline section runs through Ivanpah Lake, Clark Mountain, Panhalka Spring, East of Kingston Springs, Turquoise Mountain, North of Baker, West of Baker, Red Pass Lake, Bitter Lake, Alvord Mountain, Nemo, Daggett, and Yermo USGS Quads through the following San Bernardino Meridian Townships, Ranges and Sections:

- T. 17 N. R. 15 E. Section 6, 7.
- T. 17 N. R. 14 E. Sections 7, 12, 13, 14, 15, 16, 17, 18.
- T. 17 N. R. 13 E. Sections 1, 2, 3, 4, 5, 6.
- T. 17 N. R. 12.5 E. Sections 1, 12.
- T. 17 N. R. 12 E. Sections 12, 11, 14, 15, 16, 21, 20, 19, 30.
- T. 17 N. R. 11 E. Sections 25, 26, 27, 34, 33.
- T. 16 N. R. 11 E. Section 6.
- T. 16 N. R. 10 E. Sections 4, 3, 2, 1, 9, 8, 18, 17, 19.
- T. 16 N. R. 9 E. Sections 24, 23, 26, 27, 34, 33, 32.
- T. 15 N. R. 9 E. Sections 4, 5, 6, 7.
- T. 15 N. R. 8 E. Sections 12, 11, 14, 15, 16, 17, 20, 21, 19, 30.
- T. 15 N. R. 7 E. Sections 25, 26, 35, 34.
- T. 14 N. R. 7 E. Sections 3, 4, 9, 8, 17, 20, 19, 30.
- T. 14 N. R. 6 E. Sections 25, 36, 35, 34, 33.

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T. 13 N. R. 6 E. Sections 4, 5, 6, 7, 18.
T. 13 N. R. 5 E. Sections 13, 24, 25, 26, 35, 34.
T. 12 N. R. 5 E. Sections 3, 4, 9, 16, 17, 20, 19, 30.
T. 12 N. R. 4 E. Sections 25, 36, 35.
T. 11 N. R. 4 E. Sections 2,3,10,9,16,17,18,19.
T. 11 N. R. 3 E. Sections 24, 25, 26, 35, 34.
T. 10 N. R. 3 E. Sections 3, 4, 9, 8, 17, 18.
T. 10 N. R. 2 E. Sections 24, 23, 26, 27, 34.
T. 9 N. R. 2 E. Sections 4, 9, 8, 17, 18, 19.
T. 9 N. R. 1 E. Sections 24, 23.

The High Desert Lateral pipeline section runs through Kramer Junction, Red Buttes, Astley Ranchero, Victorville NW, Helendale, and Victorville USGS Quad Maps through the following San Bernardino Meridian Townships, Ranges and Sections:

T. 10 N. R. 6 W. Sections 4, 9, 16, 21, 28, 33.
T. 9 N. R. 6 W. Sections 4, 9, 16, 21, 22, 27, 34.
T. 8 N. R. 6 W. Sections 3, 10, 11, 14, 23, 26, 25, 36.
T. 7 N. R. 6 W. Sections 1, 12, 13.
T. 7 N. R. 5 W. Sections 18, 19, 30, 31, 32.
T. 6 N. R. 5 W. Sections 5, 8, 9, 10, 11, 14, 13, 24.

The Mountain Pass Lateral passes through Ivanpah Lake, Clarke Mountains, and Mescal Range USGS Quad Maps through the following San Bernardino Meridian Townships, Ranges and Sections:

T. 16 N. R. 13 E. Section 13.
T. 16 N. R. 14 E. Sections 6, 7, 18, 19, 30,31.
T. 17 N. R. 15 E. Sections 18, 19, 20, 21, 30, 31.

Project Description:

The Project involves operations and maintenance activities along Kern River's existing California pipeline system, which consists of 104 miles of two 36-inch diameter pipelines, constructed in 1991 and 2003, in San Bernardino County from the Nevada border at Primm, Nevada, to Daggett, California (mainline); 32 miles of 24-inch diameter natural gas pipeline constructed in 2001, in San Bernardino County from Kramer Junction, California, to Victorville, California (High Desert Lateral). Operations and maintenance activities will also occur on 8.6 miles of 8-inch diameter pipeline currently under

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construction (ITP No. 2081-2011-047-06) in San Bernardino County from the existing mainline pipeline in Ivanpah Valley, California, to Molycorp Minerals LLC property at Mountain Pass, California (Mountain Pass Lateral).

Class I (Routine): normal maintenance activities that may occur year-round that do not result in new surface disturbance in listed species habitat:

Class I activities include routine maintenance activities including inspection, adjustment, exercising of valves and replacement of small system elements occur on a daily or regular basis on different portions of the pipeline system. Class I activities would utilize access roads and two-tracks on the right-of-way, and would not produce significant disturbance to species or habitats beyond the presence of personnel and vehicles in previously established pipeline and facility areas. Examples of Class I activities include: visual inspections and monitoring; cathodic protection/close interval surveys (e.g., surveys for taking measurements at test posts on a quarterly basis); determination of depth of cover; weed control; and meter station calibration/maintenance. These activities will not result in new habitat disturbance.

Class II (Major): normal maintenance activities that result in surface disturbance, including previously disturbed areas, during periods of reduced species activity in species habitat:

Class II maintenance activities would include the repair or replacement of major facility elements (e.g., equipment, cathodic protection systems, valves, pipes, etc.), using equipment that could result in impacts to habitat. Kern River anticipates Class II activities could include the following:

Right-of-Way Repair. Typically, these activities include repair of erosion, scour, land movement, slumping, etc. on the right-of-way. Equipment necessary to complete right-of-way repairs generally includes a motor grader, backhoe/excavator, cat-loader flat-bed trailer truck, crane and/or small four-wheel drive or pick-up trucks. Kern River anticipates that any given right-of-way repair, involving two or more employees and/or contractors, could require 10 days or more per year to complete.

Below-Grade Pipe and Coating Inspections/Repairs. Following a Class I, or routine in-line inspection and/or cathodic protection survey, portions of the pipe will need to be excavated for visual inspection. The pipe and pipe coating would be examined at this time. Should failed pipeline coating be revealed, further excavation and recoating of the pipeline segment would be necessary. This activity typically would involve pick-up trucks, a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, a portable sand-blaster, barricades, welding equipment, and plastic fencing. Any given pipe inspection could require two or more employees and/or contractors, and could last for approximately 6 to 8 or more days. The area disturbed and the time required to complete this activity would depend upon the length of

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pipeline needing inspection. A typical inspection of this type would involve exposing the pipe, usually a hole 6 to 10 feet deep and 20 to 30 feet in length depending on depth of pipe, slope and terrain. The holes are refilled with the excavated material immediately following the repair.

Maintenance/Replacement of Ground Anode Beds or Cathodic Protection Rectifiers. Kern River estimates that the ground anode beds and rectifiers installed during initial construction of the pipeline would need to be replaced approximately every 10 to 15 years. This activity is limited to previously disturbed areas and is typically inside or immediately adjacent to fenced facilities, such as meter stations. In addition to pick-up trucks with equipment specific to the task, this activity would involve a flatbed truck/trailer or dump truck with trailer, drilling rig, welding equipment, and a backhoe/excavator. Any given replacement of ground bed anodes or rectifiers could require two or more employees and/or contractors, and could last for approximately 6 to 8 or more days.

Installation of Anode Flex. Based on the results of pipeline surveys and expected adjacent power line loads, an engineering analysis may determine the need for installation of anode flex adjacent to the pipeline. The installation of anode flex is intended to alleviate induced current on the pipeline. Anode flex is a cathodic protection device that is installed by plowing/trenching and is placed parallel to and approximately 10 feet away from the pipeline. It is connected to the pipeline by lead wires at approximately 1,000 foot intervals. Anode flex can be installed parallel to the pipeline for several thousand feet to several miles. The surface disturbance is very minimal. It is typically buried a minimum of 4 feet deep using a tractor dozer with a 3-inch narrow plow blade. No material is typically excavated or stored during this process. This work takes place immediately adjacent to the existing pipe and within the disturbed right-of-way. Equipment required to install the anode flex includes a tractor dozer and several utility trucks. The number of employees and/or contractors and the construction schedule would vary depending upon the length of the area.

Alternating Current (AC) Mitigation Systems and other types of Cathodic Protection (CP) Systems. AC mitigation reduces corrosion by grounding AC current induced from overhead power lines. These systems include linear anode (grounding) connected to the pipeline through a Polarization Cell Replacement (PCR). Typical installations require a 1-foot-wide by 4-foot-deep trench and an adjoining 6-foot-wide temporary workspace to place spoils. AC Mitigation can range from 500 linear feet up to 3,000 linear feet. At every ~1,000 feet of linear mitigation, the pipeline is excavated, and the mitigation is connected to the pipeline through a PCR. Placement of a PCR requires an approximate 10-foot-radius (315 square feet) designated workspace that includes an excavation to reach the pipeline to connect the linear anode, spoil placement and installation of the permanent aboveground appurtenance. The temporary workspace will occur completely within the Kern River right-of-way.

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CP is a pipeline corrosion control technique that uses a low voltage electrical current to prevent metal structures from corroding. A CP deep well anode installation involves vertically drilling a CP anode system into a 50 to 300 foot deep well. Surface disturbance of the deep well is typically a 10-foot-radius area (315 square feet), along with an adjoining non-ground disturbing workspace. The anode system installation includes installing anode wires, anode junction box, and a large positive cable routed to a CP rectifier and interconnection to overhead electrical distribution lines. The connection of the CP rectifier and pipeline connection requires additional ground surface disturbance to make the connection. Maintenance of CP systems could involve replacement, deep well abandonment, and site restoration.

Pipeline Segment Replacement. Should a pipeline segment require replacement (e.g., severe corrosion or other damage) excavation and replacement of a portion of the pipeline would be necessary. In addition to pickup trucks, this activity typically would involve a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, a truck-mounted crane, a side boom, barricades, welding equipment, and plastic fencing. Replacement of pipeline usually requires multiple employees and/or contractors. The area disturbed and the time required to complete this activity would depend upon the length of pipeline needing replacement.

Class III (Major): maintenance activities that result in surface disturbance during periods of increased species activities in species habitat:

These maintenance activities are the same as those described for Class II activities but would be carried out during periods of increased species activity in species habitat.

Class IV (Major): maintenance activities that may extend outside the pipeline right-of-way corridors and into undisturbed solids and vegetation in species habitat:

This class of activity could include any of the previously mentioned actions that would extend beyond the right-of-way, and creation of staging or lay down areas and equipment stockpile and spoil pile deposition areas. The extent of disturbance outside of the existing pipeline right-of-way would vary with the project and depend upon right-of-way width, topography, layout, and other factors.

Class V Emergency repairs:

Emergency Repairs. To ensure public safety and service reliability and to protect the environment, emergency repairs may be necessary for pipeline leaks or breaks, exposure of the pipeline due to erosion, and severe damage caused by a severe storm, natural disaster or catastrophic event. These activities would usually involve a backhoe and/or cat-loader, motor grader, and possibly other heavy earth-moving equipment. Any given emergency repair could require two or more employees and/or contractors, and could last for approximately three or

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more days. Pipeline leaks or breaks would involve equipment similar to those identified under the Class II (Major): Below-Grade Pipe and Coating Inspections/Repairs or Pipeline Segment Replacement sections. The amount of habitat disturbance would vary depending upon the nature of the emergency.

Emergency Leak Excavations. Following a leakage survey that detects gas, a portion of the pipe would be excavated for visual inspection. In addition to pickup trucks, this activity would typically involve a flatbed truck/trailer or dump truck with trailer, a backhoe, a trailer-mounted compressor, barricades and plastic fencing. Should workers find a leak, additional trucks with welding machines would be required. Emergency leak excavation could require two or more employees and/or contractors, and could last for approximately two to five or more days.

Covered Species Subject to Take Authorization Provided by this Amended ITP:

This Amended ITP covers the following species:

Name	CESA Status
1. Agassiz's Desert tortoise (<i>Gopherus agassizii</i>)	Endangered ⁴
2. Mohave ground squirrel (<i>Xerospermophilus mohavensis</i>)	Threatened ⁵
3. Gilded northern flicker (<i>Colaptes auratus chrysoides</i>)	Endangered ⁶
4. Western burrowing owl (<i>Athene cunicularia hypugaea</i>)	Candidate ⁷
5. Western Joshua tree (<i>Yucca brevifolia</i>)	Candidate ⁷

These species and only these species are the "Covered Species" for the purposes of this Amended ITP.

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. Take as defined by state law of individuals of the Covered Species could occur as a result of: clearing and grading, trenching, pipe stringing and bending, fence installation, pipe

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

⁵ See *Id.*, § 670.5, subd. (b)(6)(A).

⁶ See *Id.*, § 670.5, subd. (a)(5)(N).

⁷ The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

assembly and welding, x-ray and weld repair, coating field welds, pipe lowering, padding and backfilling, cleanup, restoration activities, and other activities described in the Project Description Section of this Amended ITP (Covered Activities). Take as defined by state law could occur within the Kern River Gas Transmission Company pipeline right-of-way, within lands immediately surrounding the Project site, and within access roads. Take is anticipated to occur between Kern River's Looped Line situated at the California and Nevada border leading up to Daggett, California (Mainline) and between Fremont Peak near the Kramer Junction leading up to the Kern River meter station at the power plant next to the Southern California International Airport in Victorville (High Desert Lateral) (collectively, the Project Area/Project site).

Incidental take in the form of mortality ("kill") of individuals of the Covered Species may occur as a result of Covered Activities such as: habitat removal, degradation and alteration, increased construction, vehicle traffic, and increased human presence in the Project area. Impacts are described in more detail for each Covered Species below:

Desert Tortoise Incidental Take

Direct impacts to desert tortoises due to construction may include: loss or displacement of individuals, disturbance to burrows, and removal and/or damage of vegetation comprising suitable habitat. Individuals could be injured or lost due to direct impacts such as collisions with vehicles or other construction equipment and entrapment in the pipeline trench. Desert tortoises may void their bladders during interactions with Project personnel or equipment, causing a loss of critical water stores that could lead to mortality by dehydration. The level of expected impact on Covered Species is related to the class of maintenance activity (as described above), and expected ground disturbance.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Western Burrowing Owl Incidental Take

Incidental take of individuals of western burrowing owl in the form of mortality ("kill") may occur as a result of Covered Activities such as relocating individuals; destruction of burrows, nests, eggs, or chicks from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access,

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and/or construction of laydown yards; burrow abandonment due to noise from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Mohave Ground Squirrel Incidental Take

Incidental take of individuals of Mohave ground squirrel in the form of mortality ("kill") may occur as a result of Covered Activities such as relocating individuals; destruction of burrows, nests, pups, from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access, and/or construction laydown yards; burrow abandonment due to noise or vibration from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from capture or entrapment in holes or trenches, uncovering Covered Species through the excavation of burrows, by corralling the Covered Species into a confined area when barrier fencing is constructed, and relocation of Covered Species when required by this Amended ITP.

Gilded Northern Flicker Incidental Take

Incidental take of individuals of gilded northern flicker in the form of mortality ("kill") may occur as a result of Covered Activities such as destruction of nests, eggs, or chicks from clearing, grubbing, and trimming of vegetation for equipment placement, pipeline access, and/or construction laydown yards; nest abandonment due to noise from Project activities (e.g., vegetation trimming, human presence, excavation to expose pipeline); and increased predation.

Western Joshua Tree Incidental Take

Incidental take of individuals of western Joshua tree in the form of mortality ("kill") may occur as a result of Covered Activities such as removing dead, mature, and emergent individuals; trimming of individuals; encroachment onto root systems; and removing seedbank and crushing and/or burying

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living seeds in the soil, rendering living seeds inviable and/or causing them to be killed. Impacts to western Joshua tree's obligate pollinating moth (*Tegeticula synthetica*) may also occur while it is dormant in the soil, or while it is in its flight phase, which would impact the ability of western Joshua tree to sexually recruit new individuals. Destruction or modification of habitat may disrupt the seed dispersal behavior of rodents, which is the primary way that western Joshua tree seeds are buried at a soil depth suitable for successful germination. Destruction or modification of habitat may eliminate nurse plants that are critical for western Joshua tree seedling survival.

Based on the analysis of areas impacted by operation and maintenance activities performed by Kern River Transmission Gas Company in the past five years, the Project will have no additional permanent impacts to the original 8.5 acres of habitat for desert tortoise, Mohave ground squirrel, and gilded northern flicker as part of the original ITP. Upon issuance of this Amended ITP, if permanent and/or temporary impacts exceed 8.5 acres, Permittee shall amend its ITP to include those impacts and obtain additional take coverage before incurring such impacts.

The Project is expected to cause 3 acres of temporary loss and 2 acres of permanent loss of western burrowing owl habitat; cumulatively the loss of up to 5 acres of habitat for western burrowing owl per year with a maximum of 50 acres of impacts and up to 3.5 acres of habitat for western Joshua tree per year with a maximum of 35 acres of impacts is expected, under the entire term of this Amended ITP.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts to the Covered Species include: stress from noise and vibrations from tunneling and capture and relocation, long-term effects due to increased pollution, displacement from preferred habitat, exposure to herbicides, increased competition for food and space, and increased vulnerability to predation.

Covered Species Incidental Take Authorization:

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

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capture and relocation of Covered Species as authorized by this Amended ITP.

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 have the potential to cause take. CDFW's issuance of this Amended 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 state, federal, and local laws in existence on the effective date of this Amended ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2001071035) certified by the California State Lands Commission on August 14, 2002 and the Mitigated Negative Declaration (SCH No.: 2011081078) adopted by the California State Lands Commission on October 6, 2011 for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
3. **LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPIMS-SBR-55497-R6) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq. If there is a conflict between Covered Species related measures in the LSAA for this Project and the measures in this Permit, this Permit controls.
4. **ESA Compliance:** Permittee has a Biological Opinion (BO) for Operation and Maintenance of the Kern River and Mojave Gas Transmission Pipeline (BO# 84320-2011-F-0337 and 1-5-02-F-476) for the Project pursuant to the Federal Endangered Species Act (ESA). If implementation and adherence to the terms and conditions in the BO are less protective of the Covered Species or conflict with the conditions of this Amended ITP, this permit shall control.
5. **Amended ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the Conditions of Approval of this Amended 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 Amended ITP.

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6. General Provisions:

- 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this Amended ITP. Before initiating the Covered Activities, Permittee shall notify CDFW in writing 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 Amended ITP.
- 6.2. Biological Monitor(s). If Permittee elects to implement a Biological Monitor, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Biological Monitor(s) at least 30 days prior to the start of Covered Activities. Permittee shall ensure that the Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Biological Monitor(s) must be changed.
- 6.3. Authorized Biologist for Desert Tortoise (DT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of desert tortoise. The Authorized Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate and avoid the incidental take of individual desert tortoise and to minimize disturbance of desert tortoise habitat. Additionally, the Authorized Biologist(s) shall have experience with all activities that will be carried out for the Project including, but not limited to, excavating burrows, handling and temporarily holding desert tortoise, relocating/translocating the desert tortoise, reconstructing burrows, unearthing and relocating eggs, locating, identifying, and recording all forms of desert tortoise signs, collecting blood samples, conducting health assessments, conducting protocol level surveys, and/or attaching and removing transmitters to and from the desert tortoise.
 - 6.3.1. Authorized Biologist for Burrowing Owl (BUOW Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of burrowing owl. The BUOW Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual burrowing owl and to minimize disturbance of burrowing owl habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities,

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establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows.

6.3.2. Authorized Biologist for Mohave Ground Squirrel (MGS Authorized Biologist).

Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of Mohave ground squirrel. The MGS Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual Mohave ground squirrel and to minimize disturbance of Mohave ground squirrel habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting passive exclusion activities, establishing no-disturbance buffers, excavating burrows, and monitoring blocked burrows.

6.3.3. Authorized Biologist for Gilded Northern flicker (GNF Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of gilded northern flicker. The GNF Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual gilded northern flicker and to minimize disturbance of gilded northern flicker habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to conducting surveys, establishing no-disturbance buffers, and monitoring nests.

6.3.4. Authorized Biologist for Western Joshua tree (WJT Authorized Biologist). Permittee shall designate an Authorized Biologist(s) knowledgeable in the biology and natural history of western Joshua tree. The WJT Authorized Biologist shall be responsible for monitoring Covered Activities to help minimize and fully mitigate the incidental take of individual western Joshua tree and to minimize disturbance of western Joshua tree habitat. Additionally, the Authorized Biologist shall have experience with all activities that will be carried out for the Project including, but not limited to pre-assessment surveys and establishing no-disturbance buffers.

6.4. Biologist and Veterinarian Approvals. Permittee shall obtain CDFW approval of the DT Authorized Biologist(s), BUOW, MGS and NGF Authorized Biologist(s), Biological Monitor(s), and if needed veterinarian(s), in writing before starting Covered Activities, and shall also obtain advance written approval if any of these entities are changed. For approval, the Designated Representative shall submit Attachment 2 and 2A of this ITP and an Excel spreadsheet listing in alphabetical order the names of the proposed Authorized Biologist(s), Biological Monitor(s), and veterinarian(s) to CDFW a minimum of 21 calendar days before starting Covered Activities or before any changes are made to these personnel. For each

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proposed Authorized Biologist(s) and Biological Monitor(s), the Excel spreadsheet shall include the activities outlined in this ITP and associated Desert Tortoise Translocation Plan, MGS Mortality Reduction and Relocation Plan, and Burrowing Owl Mortality Reduction Plan that the Permittee is requesting approval for that individual to carry out.

- 6.5. Authorized Biologist and Biological Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Authorized Biologist(s) and/or Biological Monitor (collectively, Biologists) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project site and otherwise facilitate the Biologist(s) in the performance of his/her duties. If the Biologist(s) is unable to comply with the ITP, then the Biologist(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Biologists(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.6. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Authorized Biologist 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 Amended 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 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.
- 6.7. Construction Monitoring Notebook. The Authorized Biologist(s) and Biological Monitor(s) shall maintain a construction-monitoring notebook on-site throughout the construction period which shall include a copy of this Amended ITP with attachments and a list of

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signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.

- 6.8. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in closed (animal-proof) containers and removed regularly (at least once a week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.9. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized Biologist(s) and Biological Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed, and shall not allow water to form puddles.
- 6.10. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as mono-filament netting (erosion control matting) or similar material, in potential Covered Species habitat.
- 6.11. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.
- 6.12. Delineation of Project Area. Before starting Covered Activities except Class I maintenance activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes or flags. Permittee shall restrict all Covered Activities to within the fenced, staked or flagged areas. Permittee shall maintain all fencing, stakes and flags until the completion of Covered Activities in that area.
- 6.13. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat for all maintenance activities except Class I.
- 6.14. Project Access. Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative

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shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this Amended ITP if additional take of Covered Species will occur as a result of the Project modification.

- 6.15. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.14 of this Amended ITP.
- 6.16. Hazardous Waste. At the time of occurrence of any fuel or hazardous waste leak or spill, or as soon as it is safe to do so, Permittee shall immediately stop and arrange for the repair and clean up of the waste leak or spill by qualified individuals in compliance with all pertinent state and federal statutes and regulations. 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.
- 6.17. Rodenticides. To avoid impacts to rodent dispersal of western Joshua tree seeds, Permittee shall not use rodenticides within the Project site at any time.
- 6.18. Herbicides. Permittee may only use herbicides within the Project site with CDFW's written authorization. If so authorized, Permittee may only use herbicides registered with the California Department of Pesticide Regulation (DPR). Any dyes included in the herbicides must be EPA-registered dyes approved for use in California. All herbicides shall be applied in accordance with labeled instructions and regulations set by DPR. Labeled instructions for the herbicide(s) used shall be made available to CDFW upon request. No herbicide shall be applied when wind speeds exceed 5 miles per hour.
- 6.19. Insecticides. In order to use insecticides within the Project site, Permittee must first provide a written explanation of a compelling need to use such chemicals to complete Project Activities and receive written authorization from CDFW to do so.
- 6.20. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this Amended ITP.
- 6.21. 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.

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7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities. Class I maintenance activities will not require this notification, however all Class I maintenance activities will be included in the Quarterly Report as indicated in Condition of Approval 7.5.
- 7.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee is not in compliance with any Condition of Approval of this Amended ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this Amended ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this Amended ITP to CDFW within 24 hours.
- 7.3. Notifying Procedures. Permittee or the Designated Representative shall provide all required notifications in this ITP by sending an email to the CDFW Regional Representative Steven Recinos (Steven.Recinos@wildlife.ca.gov) and as described in the Notices section of this ITP. All notifications shall be submitted via email to the Regional Representative and shall include the following information: ITP Number, the ITP Condition number that the notification is addressing, any necessary photos or attachments, and the name and phone numbers of the Biological Monitor(s) and/or Authorized Biologist(s) (if applicable).
- 7.4. Compliance Monitoring. The Authorized Biologist(s) and/or Biological Monitor(s) shall be on-site daily when Covered Activities occur. The Authorized Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this Amended ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Authorized Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this Amended ITP. The Authorized Biologist shall conduct compliance inspections a minimum of once a week during periods of inactivity and after clearing, grubbing, and grading are completed.
- 7.5. Quarterly Compliance Report. The Designated Representative or Authorized Biologist shall compile the observation and inspection records identified in Condition of Approval 7.4 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table

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with notes showing the current implementation status of each mitigation measure. Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this Amended ITP or via e-mail to CDFW's Regional Representative. At the time of this Amended ITP's approval, the CDFW Regional Representative is Steven Recinos (Steven.Recinos@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this Amended ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance per each Covered Species, both for the prior calendar year, and a total since Amended ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations. The Authorized Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Authorized Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report. No later than 90 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Authorized Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this Amended ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species;

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(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) geographic information system (GIS) shapefiles in the format specified in Attachment 3; and (9) any other pertinent information.

- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Authorized Biologist(s) and/or Biological Monitor(s) if a Covered Species is taken or injured by a Covered Activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Authorized Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, number of individuals taken or injured and the Amended ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass and/or plant or plant remains, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

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 all the following conditions to minimize take of Covered Species:

- 8.1. Minimization of Vegetation Removal. Permittee shall minimize vegetation removal associated with construction activities to the fullest extent possible. The Authorized Biologist shall review and approve or deny any grubbing or clearing of vegetation.
- 8.2. Covered Species Observations. If a Covered Species is observed during Covered Activities, all work shall immediately stop and the observation shall be immediately reported to the Authorized Biologist(s). Covered Activities shall not resume until the Authorized Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area OR an Authorized Biologist(s) approved under Condition of Approval 6.4 of this ITP relocates the Covered Species as described in this ITP and Desert Tortoise Translocation Plan or passively relocates as described in the BUOW Mortality Reduction Plan and/or Mohave Ground Squirrel Mortality Reduction and Relocation Plan. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur as described in Condition of Approval 7.3 within 24 hours. Notification and the written report shall include the date, location, and circumstances of the observation, the name of the Authorized Biologist(s) that relocated the individual, pictures, map and shapefiles with the location (including GPS coordinates) where the individual was moved.

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- 8.3. Trench Inspection. The Authorized Biologist shall inspect all open holes and trenches within the Project Area at the beginning, middle, and end of each day for trapped animals. To prevent inadvertent entrapment of Covered Species or any other animals, the Authorized Biologist shall oversee the covering of all excavated, steep-walled holes or trenches more than two feet deep, or of any depth if they contain water or other material, at the close of each working day by placing plywood or other barrier materials such that animals are unable to enter and become entrapped. The Authorized Biologist shall also inspect any pipes, above ground fixtures, or similar structures with a diameter greater than 3 inches and less than 8 inches aboveground for Covered Species before the material is moved, buried, or capped. Permittee shall provide escape ramps in holes greater than two feet deep that do not hold water or other material, to allow animals to escape. Before holes or trenches are filled, the Authorized Biologist shall thoroughly inspect them for trapped animals. If any worker discovers that a Covered Species has become trapped, they shall halt Project-related activities and notify the Authorized Biologist immediately. Project workers and the Authorized Biologist shall allow the animal to escape unimpeded if possible, or the Authorized Biologist shall move it out of harm's way before allowing work to continue. The use of temporary fencing, as indicated in Condition of Approval 8.12, around the perimeter of trenches or holes is an acceptable minimization measure.
- 8.4. Care of Injured Covered Species. If a Covered Species, is injured or killed as a result of Project-related activities or if a Covered Species is otherwise found dead within the Project Area, Permittee shall immediately notify the Authorized Biologist as described in Section 7.9 except as described in Condition of Approval 8.20 for Mohave ground squirrel and 8.28 for western burrowing owl. The Authorized Biologist shall immediately take injured animals to a CDFW-approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species.
- 8.5. Vehicular Traffic Restrictions. Permittee shall restrict Project-related vehicle traffic to established roads and the delineated Project Area; cross-country (off-road) vehicle travel is prohibited and signs shall be posted to this affect during maintenance activities. If a Covered Species is encountered drivers shall stop, wait for it to move off the road, and immediately notify the Authorized Biologist of its location.
- 8.6. Emergency Activities. For emergency situations involving a pipeline leak or spill or any other immediate safety hazard, Permittee shall notify the CDFW Regional Office within 48 hours. As a part of this emergency response, CDFW may require specific measures to protect listed species. Following completion of emergency work, CDFW also may require additional

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measures to facilitate recovery of damaged habitat(s).

Desert Tortoise Minimization Measures

- 8.7. Desert Tortoise Pre-Construction Surveys. No more than 30 days prior to Covered Activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall conduct pre-construction surveys for desert tortoise. These surveys shall cover 100 percent of the Project Area with a 50-foot buffer zone. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall follow the survey methodology in the most recent United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall flag all potential desert tortoise burrows within this area. Within 30 days of performing the pre-construction surveys, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall submit a report to CDFW documenting results (using the USFWS Protocol data sheet) and include a Translocation Plan per Condition of Approval 8.8. Upon report receipt and Translocation Plan approval by CDFW, desert tortoise burrows shall be excavated and individuals relocated by the Authorized Biologist per the CDFW-approved Translocation Plan.
- 8.8. Relocation of Desert Tortoise. Permittee shall prepare and submit a Desert Tortoise Relocation Plan for CDFW review and approval at least 30 calendar days prior to the first Covered Activity occurring. The Desert Tortoise Relocation Plan shall include parameters in which DT Authorized Biologists may relocate a desert tortoise to minimize impacts to the individual. The Desert Tortoise Relocation Plan shall contain at a minimum the following descriptions:
- (1) Recipient site selection criteria and characteristics that will benefit the relocated desert tortoise (including land ownership, maximum distance from Covered Activities work area based on surrounding land uses, presence of native vegetation species and percentage of cover, no predator sign and concentrations, friable soil types, and lack of anthropogenic features);
 - (2) Minimum distance away from paved highway/roads to reduce vehicular strikes;
 - (3) Survey requirement to identify unoccupied natural burrows available for immediate use or enhancement and the creation and design of supplemental artificial burrows within the site;
 - (4) Procedures for relocation of tortoises and eggs;
 - (5) Post-relocation monitoring of individuals by the Authorized Biologist(s) for at least two days after placement in the new burrows to ensure their safety;

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- (6) Health assessments;
- (7) Shade structures and shelters to minimize potential heat stress and exposure to lethal temperatures;
- (8) Disinfectant and sanitation to prevent spread of disease;
- (9) Handling and releasing procedures including temperature restrictions to prevent overheating (no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 90 degrees Fahrenheit (F)), and requirements to rehydrate the individuals that void their bladder during handling at the location where the individual was captured, or the location where the individual will be released out of harm's way by the DT Authorized Biologist. Please see Condition of Approval 8.9 and 8.10 for requirements regarding ambient air temperature and re-hydration.
- (10) Attaching transmitters to assist with monitoring;
- (11) Transporting procedures;
- (12) Temporary penning procedures;
- (13) Construction coordination; and
- (14) Quarterly reporting requirements to CDFW.

All CDFW comments shall be resolved and incorporated into a final Desert Tortoise Relocation Plan. Covered Activities shall not commence until the Relocation Plan is approved in writing by CDFW. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all desert tortoises handled. The Desert Tortoise Relocation Plan shall be updated and otherwise amended to include the latest science and guidance as directed by CDFW.

- 8.9. Ambient Air Temperature. The DT Authorized Biologist shall ensure that desert tortoises are not captured, moved, transported, released, or purposefully caused to leave their burrow for any reason when the ambient air temperature is above 90 degrees Fahrenheit (35 degrees Celsius) or less than 50 degrees Fahrenheit (12.8 degrees Celsius). The DT Authorized Biologist shall ensure that no desert tortoise is captured if the ambient air temperature is anticipated to exceed 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit before handling or processing can be completed. If the ambient air temperature exceeds 90 degrees Fahrenheit or is less than 50 degrees Fahrenheit during handling or processing, the DT

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Authorized Biologist shall ensure the desert tortoise is kept in an environment (shaded or sunny) with a temperature that does not exceed 90 degrees Fahrenheit or is greater than 50 degrees Fahrenheit, and that the individual is not released until ambient air temperature declines to below 90 degrees Fahrenheit or is above 50 degrees Fahrenheit. Releases shall occur only when temperatures range from 18–30°C (65–85°F) and are not forecasted to exceed 32°C (90°F) within 3 hours of release or 35°C (95°F) within 1 week of release. Additionally, forecasted daily low temperatures should not be cooler than 10°C (50°F) for one week post-release. Desert tortoises moved during inactive periods shall be monitored for at least 2 days after placement in the new burrows to ensure their safety. During relocation, the DT Authorized Biologist may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.

- 8.10. Desert Tortoise Re-hydration. If a desert tortoise voids its bladder as a result of being handled, the DT Authorized Biologist shall rehydrate the individual(s). The DT Authorized Biologist shall rehydrate the desert tortoise at the location where the individual(s) was or were captured, or the location where the individual(s) is or will be relocated. The DT Authorized Biologist shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The DT Authorized Biologist shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The DT Authorized Biologist shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The DT Authorized Biologist shall place the lined tub in a quiet protected area during rehydration. After each tortoise is rehydrated the water shall be emptied and a new plastic disposable liner placed in the tub.
- 8.11. Desert Tortoise Handling Records. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall maintain a record of all Covered Species handled. This information shall include the following for each desert tortoise: (1) the locations and dates of observation; (2) the general condition and health, including injuries, state of healing, and whether the desert tortoise voided its bladder; (3) the location moved from and location moved to (using GPS technology); (4) ambient temperature when handled and released; and (5) digital photographs of each handled desert tortoise. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall take digital photographs of the carapace, plastron, and fourth costal scute of each desert tortoise handled (notching of scutes is NOT permitted). The DT Authorized Biologist(s) and/or Biological Monitor(s) shall record the information detailed above in the daily observation and inspection records for inclusion in the Construction Compliance Report as directed in Condition of Approval 7.4 above.
- 8.12. Temporary Fencing. With the DT Authorized Biologist(s) and/or Biological Monitor(s) present

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and prior to ground-disturbing activities, Permittee shall install temporary desert tortoise exclusionary fence around any active construction area, lay down area, and storage area (whether on-site or off-site), prior to the on-set of vegetation removal, or any other project related activities for any construction activities that require overnight work or disturbance of new desert tortoise habitat.

- 8.13. Vehicle Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall wait for the Covered Species to move unimpeded to a safe location.
- 8.14. Clearance Survey and Burrow Collapse. Immediately prior to start of ground disturbance activities, the DT Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The DT Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance to this Amended ITP.

Mohave Ground Squirrel Minimization Measures

- 8.15. Pre-Construction Surveys for Mohave Ground Squirrel. For Covered Activities taking place in the distribution of Mohave ground squirrel, the MGS Authorized Biologist(s)/Biological Monitor(s) shall perform a pre-construction survey for Mohave ground squirrel no more than thirty (30) calendar days prior to the start of ground disturbing activities. These surveys shall cover the Project area and a 50-foot buffer zone. All known or suspected Mohave ground squirrel burrows within the work areas shall be flagged to alert biological and work crews to their presence. A report documenting the results of the preconstruction surveys shall be submitted to CDFW within thirty (30) Calendar days of completing the surveys. If any burrows are suspected or known to be occupied by Mohave ground squirrels Permittee shall comply with Condition of Approval 8.16, 8.17, and 8.18.
- 8.16. Mohave Ground Squirrel Mortality Reduction and Relocation Plan. Permittee shall submit a MGS Mortality Reduction and Relocation Plan, prepared by the MGS Authorized Biologist(s), for CDFW review and written approval prior to the start of Covered Activities. The MGS Mortality Reduction and Relocation Plan shall include, but not be limited to: (1) avoidance and minimization measures including the option to work within an established protective buffer of a burrow; (2) implementation timing; (3) burrow identification and excavation methods; (4) measures to be taken when dependent young are encountered; (5) release methods; (6) artificial burrow design and installation methods; (7) a map and locations of proposed receiver site(s) within the Project Area, or a legal description and draft conservation easement of proposed receiver site(s); (8) a comparison of the proposed

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receiver site's and source site's soil, plant communities, and topography to demonstrate that the receiver site(s) are suitable; (9) a description of existing MGS (pre-Project) status and resources on the proposed receiver site(s) (including density and distribution for receiver site(s)); (10) a proposed one-year monitoring plan of the receiver site(s); and (11) identification of a wildlife rehabilitation center or veterinary facility where injured animals will be cared for.

The MGS Mortality Reduction and Relocation Plan shall restrict MGS relocation to only after young of the year are observed above ground and during the main activity period for the species (April 1 to September 1). Permittee may request from CDFW a 7-day extension to the relocation period if daytime temperatures (sunrise to sunset) are predicted by the National Weather Service to remain within the temperature criterion of 68 – 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a predicted 40 percent or greater chance of precipitation). Subsequent 7-day extensions (through no later than November 1) may be requested and approved by CDFW so long as weather conditions are predicted by the National Weather Service to remain within the above temperature criterion. The relocation extension request(s) shall be approved in advance and in writing by CDFW (email will suffice). Once the MGS Mortality Reduction and Relocation Plan is approved by CDFW, it may be used for all MGS mortality reduction and relocation activities for the duration of this ITP. Any proposed changes to the MGS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed modifications. The Draft MGS Mortality Reduction and Relocation Plan shall be submitted via e-mail at least 30 days before starting Covered Activities to the Regional Representative and Regional Office.

- 8.17. Mohave Ground Squirrel Burrow Avoidance. During all ground-disturbing activities (including vegetation modification) associated with construction, any burrows present within the work area(s) that are suspected or known to be occupied by MGS shall be avoided by a 50-foot avoidance buffer. If these burrows cannot be avoided the MGS Authorized Biologist(s) shall proceed as outlined in Condition of Approval 8.18.
- 8.18. Mohave Ground Squirrel Burrow Excavation. The MGS Authorized Biologist shall fully excavate by hand all burrows within the Project Area that are suspected or known to be occupied by Mohave ground squirrels that cannot be avoided. The MGS Authorized Biologist shall allow Mohave ground squirrels encountered in the excavated burrows during their active period to escape out of harm's way. Burrow excavation during the active period shall only occur after juveniles are observed above ground and during the main activity period for the species (April 1 to September 1), in accordance with the MGS Mortality Reduction and

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Relocation Plan. During the Mohave ground squirrel dormant period, the MGS Authorized Biologist shall collect and immediately relocate MGS in accordance with the MGS Mortality Reduction and Relocation Plan and relocate them to an artificial burrow at a protected off-site location approved in advance by CDFW's Regional Representative. The Mohave ground squirrel may only be relocated by the MGS Biologist. The MGS Authorized Biologist shall prepare relocation burrows in accordance to the MGS Mortality Reduction and Relocation Plan and in the following manner: (1) A hole of at least two feet deep shall be dug; (2) install a nine-inch diameter non-collapsible plastic container, which shall be connected to a three-inch diameter non-collapsible plastic pipe that runs to the ground surface at a 45-degree angle; (3) cover the surface end of the three-inch pipe remaining open with dirt. The MGS Authorized Biologist shall place the Mohave ground squirrel in the artificial burrow and lightly plug the burrow mouth with soil in a manner that is similar to a natural Mohave ground squirrel burrow.

- 8.19. Clearance Survey and Burrow Collapse. Immediately prior to start of ground disturbance activities, the MGS Authorized Biologist(s) and/or Biological Monitor(s) shall resurvey the Project Area and access route for Covered Species and their burrows. The MGS Authorized Biologist(s) and/or Biological Monitor(s) shall inspect all the burrows within the Project Area for habitation prior to collapsing them in accordance with the MGS Mortality Reduction and Relocation Plan.
- 8.20. Mohave Ground Squirrel Injury. If a Mohave ground squirrel is injured as a result of Project-related activities, the MGS Authorized Biologist(s) shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Mohave ground squirrel. Permittee shall notify CDFW of the injury to the Mohave ground squirrel immediately by e-mail followed by a written incident report as described in Condition 7.9. Notification shall include the name of the facility where the animal was taken.
- 8.21. Mohave Ground Squirrel During Construction. If Mohave ground squirrel is found during Project activities or if a previously not identified burrow is detected, the worker shall immediately contact the MGS Authorized Biologist(s) and or Biological Monitor(s) approved in Condition of Approval 6.2 and 6.3.2 of this ITP and Mohave ground squirrel shall be allowed to move out of harm's way of its own volition and the new identified burrow suspected or known to be occupied by Mohave ground squirrel shall be avoided per Condition of Approval 8.17. If needed the MGS Authorized Biologist may capture it and relocate it to adjacent habitat out of harm's way. If impacts to new burrows are unavoidable,

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the Mohave Ground Squirrel Mortality Reduction and Relocation Plan shall be implemented accordingly.

Gilded Northern Flicker Minimization Measures

8.22. Gilded Northern Flicker Surveys. A GNF Authorized Biologist shall perform gilded northern flicker surveys when maintenance activities occur within potential suitable habitat (i.e. Joshua Trees). These surveys will occur within the Project Area, and within an additional 20foot buffer. If an active northern flicker nest is located, the nest site shall be fenced a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive.

Western Burrowing Owl Minimization Measures

8.23. Western Burrowing Owl Pre-Construction Surveys and Reporting. Prior to beginning Covered Activities in each work area, a BUOW Authorized Biologist and/or Biological Monitor approved by CDFW shall conduct surveys by walking straight-line transects spaced 7 meters to 20 meters apart, adjusting for vegetation height and density. Surveys shall be conducted between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight when ambient temperatures are >20° C (68° F), cloud cover is <75%, and during <12 km/hr winds. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved in advance and in writing by CDFW. At the start of each transect and, at least, every 100 meters, the entire visible Project Area shall be scanned for burrows and western burrowing owls using binoculars. Permittee shall flag and map all potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24). Permittee shall provide the preconstruction survey results with a Burrow Map (see Condition of Approval 8.23.2) in a written report to CDFW's Regional Representative at least five calendar days prior to the beginning of Covered Activities in each work area. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting). If a lapse in Project related work of 7 calendar days or longer occurs in any part of the Project Area, Permittee shall contact the CDFW Regional Representative by email and may be required to conduct additional western burrowing owl burrow surveys and provide a Burrow Map before work may be reinitiated in that part of the Project Area.

8.23.1. Burrow Monitoring. Following completion of surveys, potential burrows, known burrows, and/or nesting burrows (as defined in Condition of Approval 8.24), shall be monitored to determine or confirm status and inform an appropriate course of action.

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8.23.2. Burrow Map. The BUOW Authorized Biologist and/or Biological Monitor shall provide a KMZ map to CDFW of all western burrowing owl burrows found during the surveys performed per Condition of Approval 8.23. The map shall show details and locations of all western burrowing owl sightings and potential, known, and nesting western burrowing owl burrows as defined in Condition of Approval 8.24. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend.

8.23.3. Burrow Impact Analysis and Reporting. Upon completion of Pre-construction surveys, burrow monitoring, and burrow mapping, the BUOW Authorized Biologist shall provide an impact analysis assessment detailing the impact that blockage, eviction, and/or excavation in the Project area(s) may have before impacts occur. In addition, Permittee shall report final impacts as per below to CDFW as part of the corresponding Compensatory Mitigation Period (see Condition of Approval 9).

8.23.3.1. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) must be blocked and/or eviction will result without excavation and burrow will be left for future use, Permittee shall calculate the impact within a 250-foot radius.

8.23.3.2. If an occupied western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years) has been excavated and filled, Permittee shall calculate the impact within a 500-foot radius.

8.23.3.3. Permittee shall transmit the total impact analysis report to CDFW annually if impacts occur to calculate the final impacts to the Project area(s) and include the burrow map indicating the burrow and the type of impact, including the buffer. If no impacts occur for a given year, Permittee shall provide a memo indicating no impacts occurred.

8.24. Western Burrowing Owl Burrow Avoidance. If during the western burrowing owl survey in Condition of Approval 8.23, an occupied burrow is located, Permittee shall establish no-disturbance buffer zones around known and nesting western burrowing owl burrows according to the following guidelines:

8.24.1. If a known western burrowing owl burrow (a burrow that shows evidence of current or past use within the last 3 years or is known based on Project observations to have been used in the past) or an "atypical" burrow (e.g., a pipe, culvert, buckled concrete, etc.) showing signs of occupancy (e.g. western burrowing owl presence, whitewash,

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pellets, prey remains, etc.) is discovered, Permittee shall establish a minimum 500-foot no-disturbance buffer around known western burrowing owl burrows.

8.24.2. If a western burrowing owl burrow used for nesting (e.g., known western burrowing owl burrow with indications of the presence of eggs, chicks, dependent young, and/or brooding or egg incubation) is discovered, Permittee shall establish a minimum 656-foot no-disturbance buffer⁸. Covered Activities may not proceed within the established buffer until the BUOW Authorized Biologist confirms that the chicks have fledged and are no longer dependent on the nest. Adjacent satellite burrows that may be used during the fledging process shall be afforded these same protections until fledging is complete.

8.24.3. If western burrowing owl are visibly stressed by the Covered Activities or by workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers will be determined and implemented by the BUOW Authorized Biologist based on their behavioral observations of the affected western burrowing owl. The BUOW Authorized Biologist shall report to CDFW any buffers that were increased due to behavioral observations.

8.25. Western Burrowing Owl Burrow Blockage. If during the western burrowing owl survey in Condition of Approval 8.23, an unoccupied western burrowing owl burrow is located outside of the Project Area, but within a reasonable distance of construction such that any potential western burrowing owl that may occupy the burrow may be indirectly impacted by Project activities, the BUOW Authorized Biologist shall block rather than destroy the burrow. The blocked burrow will be unblocked and made available for use after construction is complete. Burrows (including burrows in natural substrate and in/under man-made structures) may be blocked only immediately after the BUOW Authorized Biologist(s) has conducted four consecutive 24-hour periods of monitoring with infrared camera and determined that western burrowing owl is not currently present. Complete burrow blockage shall cover the entire entrance preventing burrowing animals from digging back into the burrow. Blockage will occur in front of the burrow opening so that it covers the entire entrance. All blocked burrows shall be monitored by the BUOW Authorized Biologist or Biological Monitor at least once a week to ensure that the exclusion material is still intact. If western burrowing owl gains access to the burrow, Permittee shall contact CDFW immediately and obtain written

⁸ California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.

guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Covered Activities.

8.26. Western Burrowing Owl Minimization, Eviction, and Excavation. If occupied burrows may be impacted directly by the Project, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, shall implement minimization measures, in coordination with CDFW, such as construction of sound and visual barriers. If, in coordination with CDFW, it is determined that minimization measures may not be appropriate or effective, the BUOW Authorized Biologist, or Biological Monitor under direct supervision of the BUOW Authorized Biologist, may evict western burrowing owl under certain conditions outlined in the Burrowing Owl Mortality Reduction Plan. The Burrowing Owl Mortality Reduction Plan shall be provided to CDFW for review and approval 30 days before eviction and/or excavation is implemented. The Burrowing Owl Mortality Reduction Plan shall include information regarding methods for eviction and monitoring of owls during the process, including but limited to the below.

8.26.1. The BUOW Authorized Biologist shall ensure western burrowing owl breeding has not commenced at the Project site(s) and eviction shall only occur outside the breeding season and after fledglings are no longer dependent on the adults or nest, unless otherwise approved by CDFW in advance in writing.

8.26.2. Eviction shall involve placement of one-way doors for a minimum of 48 hours and no more than 72 hours, with twice-daily monitoring and 24-hour cellular wildlife camera surveillance for 72 hours total to ensure the owls have left. Excavation of burrows directly impacted by the Project shall only occur after confirmation via monitoring, and use of infrared cameras or scopes, that the burrow is unoccupied. Western burrowing owl burrows shall be carefully excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is clear no individuals of western burrowing owl are inside. The BUOW Authorized Biologist shall ensure burrows are fully excavated, backfilled with dirt, and compacted so that western burrowing owl cannot reenter or use the burrow during the period that Covered Activities occur. If western burrowing owl presence is discovered during excavation, work shall stop immediately, CDFW shall be contacted, and additional monitoring shall be initiated.

8.26.3. To the greatest extent possible, western burrowing owl exclusion activities shall take place during a three- to four-day period in which temperatures are expected to remain below 85°F. If temperatures of 85°F or higher cannot be avoided, the burrows undergoing exclusion shall be monitored, and if an owl is observed standing outside of

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a closed-door burrow (i.e., trying to get back in or not leaving the area of the burrow) after air temperatures reach 85°F, the one-way door of that burrow shall be opened to allow the owl to return to that burrow. The door shall be left open and all eviction activities shall be paused for three days to minimize any potential stress to the owl(s).

8.26.4. At least 14 days prior to eviction and excavation, the BUOW Authorized Biologist shall conduct a survey within a 500-meter (1,640-foot) buffer zone of the proposed eviction area to identify available natural, unoccupied satellite burrows. If no natural satellite burrows are identified, Permittee shall install artificial burrows, per Condition of Approval 8.27, in suitable habitat within 100 meters of the burrows being removed, to provide alternative shelter a minimum of 14 days prior to initiating eviction or excavation. No eviction or excavation activities may proceed until satellite burrows are located or constructed.

8.27. Western Burrowing Owl Burrow Replacement. Permittee shall replace each known western burrowing owl burrow (as defined in Condition of Approval 8.24) that cannot be avoided within the Project Area with an artificial burrow to offset the loss of important shelter used by western burrowing owl for protection, reproduction, and escape from predators. Permittee shall replace these burrows at least 7 days prior to eviction or excavation. Permittee shall provide a western burrowing owl Burrow Replacement Plan to CDFW for review and written approval that shall include, but not be limited to: a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; methods for monitoring western burrowing owl post-eviction; and timing of western burrowing owl burrow installation/construction.

8.28. Western Burrowing Owl Injury. Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment. All other western burrowing owl handling is prohibited. If a western burrowing owl is injured or found dead within the vicinity of the Project Area, Permittee shall notify CDFW of the injury or mortality to the western burrowing owl immediately by e-mail as described by the Condition of Approval 7.9. The BUOW Authorized Biologist shall either immediately: (1) transport injured individuals to a CDFW approved wildlife rehabilitation center or veterinary facility or (2) follow approved collection and storage procedures for deceased animals. Permittee shall bear any cost associated with care and recovery of any injured western burrowing owl

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adult(s), nestling(s) or egg(s) and hacking (controlled release of captive reared young). Only CDFW-approved BUOW Authorized Biologists or personnel following directions from and under the supervision of the BUOW Authorized Biologist, shall handle and transport injured western burrowing owl for treatment or impacted western burrowing owl eggs for salvage. All other western burrowing owl handling is prohibited.

Western Joshua Tree Minimization Measures

8.29. Western Joshua Tree Avoidance. Permittee shall protect all individuals of western Joshua tree that will be preserved in the Project Area. Permittee, in consultation with the WJT Authorized Biologist, shall implement avoidance buffers surrounding western Joshua tree individuals that will not be removed. Permittee shall trim western Joshua trees instead of removal of the trees where feasible.

8.30. Identification of Western Joshua Trees to be Avoided. Permittee shall clearly identify with visible flagging, or with an alternative method approved in advance in writing by CDFW, all WJT that will be avoided within the Project site.

8.31. Western Joshua Tree Pre-Activity Assessment. When Covered Activities occur within suitable habitat for western Joshua tree, Permittee shall have a WJT Authorized Biologist and/or Biological Monitor conduct a pre-activity survey for western Joshua tree that are dead or alive within the work area which includes a 186-foot buffer around each tree but does not include areas of overlap. If the 186-foot buffer extends past the Project boundary, the buffer shall only extend 50 feet past the Project boundary. The survey shall take place within 14 days prior to start of surface-disturbing Covered Activities. The WJT Authorized Biologist and/or Biological Monitor shall map each individual western Joshua tree (dead or alive) using high-accuracy (<1-meter) global positioning system (GPS) technology and determine the health and height (meters) of each tree. Height of each tree shall be classified according to the following:

Tree Size Class A: Under 1 meter

Tree Size Class B: Greater than 1 meter but less than 5 meters

Tree Size Class C: 5 meters or greater

8.32. Western Joshua Tree Reporting. Permittee shall submit a report documenting the results of the western Joshua tree pre-activity assessment in Condition of Approval 8.31 to CDFW by December 31 of each year that Covered Activities occurred in suitable habitat for western Joshua tree. The report shall include a map showing the boundary of the work area, the boundary of the 186-foot buffer zone, the number and location of each individual western

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Joshua tree, and a 186-foot-radius buffer depicted around each mapped western Joshua tree. The map shall also distinguish western Joshua tree(s) that were avoided (i.e., preserved/left in place) and western Joshua trees tree(s) that were removed due to Covered Activities. Each western Joshua tree shall also be displayed in the map with an identification code, and a corresponding table in the report shall list each individual western Joshua tree, approximate height and size class, and whether the tree was avoided, preserved or removed, and photographs of each western Joshua tree.

- 8.33. Fire Prevention. To avoid impacts to western Joshua trees as a result of fire, workers conducting Covered Activities within suitable habitat for western Joshua tree with the potential to inadvertently cause a fire (e.g., excavating, grinding, welding, driving over vegetation, parking on vegetation, mowing, disking, masticating) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and fire-resistant mats.
- 8.34. Integrated Pest Management. In consultation with the WJT Authorized Biologist, Permittee shall submit to CDFW for its review and approval an Integrated Pest Management Plan (IPM Plan) 30 days before starting Covered Activities within suitable habitat for western Joshua tree. The IPM Plan shall include measures to ensure that novel non-native invasive weed species and Argentine Ants (collectively, pests) are not introduced or proliferate as a result of Covered Activities. The IPM Plan shall address pests that pose a threat to western Joshua tree and desert plant communities and those in the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory. The IPM Plan shall address sources of pest introduction and establishment; measures to minimize the potential for pests to enter, spread, and/or proliferate; management of stockpiles; identification/Early Detection Rapid Response; methods to eradicate weeds prior to seed set; and Best Management Practices to avoid and minimize adverse effects of chemical control methods on western Joshua tree individuals, western Joshua tree habitat, and the natural environment (see Preventing the Spread of Invasive Plants: Best Management Practices for Land Manager, Cal-IPC).

9. Habitat Management Land Acquisition:

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

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To meet the compensatory mitigation requirement for western burrowing owl and western Joshua tree, Permittee shall provide compensatory mitigation, in advance, for each defined compensatory mitigation period (defined below) prior to start of the Covered Activities for that term.

Compensatory Mitigation Period 1 is Year 1, starting upon Amended ITP execution

Compensatory Mitigation Period 2 is Year 2 through Year 4 of this Amended ITP

Compensatory Mitigation Period 3 is Year 5 through Year 7 of this Amended ITP

Compensatory Mitigation Period 4 is Year 8 through Year 10 of this Amended ITP

To meet this requirement, Permittee shall either purchase a portion or all of the required compensation habitat as acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below AND/OR shall provide for both the permanent protection and management of a portion or all of the required compensation habitat acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below such that the total combined acreage of purchased species credits and HM lands total the amount of estimated compensatory habitat acreage required for each compensatory mitigation period as required below. Purchase of Covered Species credits AND/OR permanent protection and funding for perpetual management of HM lands must be completed in advance before starting Covered Activities for each defined compensatory mitigation period (defined below), or within 18 months of initiating Covered Activities for each compensatory mitigation period if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. Permittee's take authorization under this Amended ITP for each compensatory mitigation period is contingent upon Permittee completing the compensatory mitigation, or providing Security for that mitigation, prior to the beginning of that compensatory mitigation period.

The estimated impacted acreage for the full 10-year Amended ITP term subject to compensatory mitigation is 105 acres for western Joshua tree and 150 acres for western burrowing owl. The estimated acreage for each compensatory mitigation period assumes Covered Activities will impact 3.5 acres of western Joshua tree and 5 acres of western burrowing owl annually. Estimated mitigation acres for those impacts are calculated using a 3:1 ratio (3 acres of compensatory

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mitigation for every 1 acre of Covered Activity impact). Compensatory mitigation for western Joshua tree and western burrowing owl may co-occur on the same acres where dual credits for western Joshua tree and western burrowing owl are available for purchase or HM lands contain habitat for both species. As of this amendment, Permittee has completed the compensatory mitigation requirements of 27.5 acres of HM lands for 8.5 acres of permanent impacts to desert tortoise, Mohave ground squirrel, and gilded northern flicker. As of issuance of this Amended ITP, Permittee has permanently impacted 0.14 acres of desert tortoise, Mohave ground squirrel, and gilded northern flicker. If additional temporary and/or permanent impacts occur exceeding 27.36 acres to desert tortoise, Mohave ground squirrel, and gilded northern flicker, Permittee shall amend this ITP and provide additional compensatory mitigation as determined by CDFW. Previously acquired mitigation credit purchase and/or HM land acquisition may be re-assessed for biological suitability for additional Covered Species and mitigation may be nested upon CDFW approval.

The estimated compensatory mitigation required for western Joshua tree and western burrowing owl and the method of completion of Permittee obligations is as follows:

- (1) For Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution), Permittee shall provide compensatory mitigation for the first year of impacts prior to the start of Year 1 Covered Activities by providing 10.5 acres of compensatory mitigation for western Joshua tree and 15 acres of compensatory mitigation for western burrowing owl.
- (2) For Compensatory Mitigation Period 2 (Years 2 through 4), Permittee shall mitigate for Years 2 through 4 impacts, prior to the commencement of Year 2 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 4 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 1 through 4 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 3. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 and 2, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 5.
- (3) For Compensatory Mitigation Period 3 (Years 5 through 7), Permittee shall mitigate for the Years 5 through 7 impacts, prior to commencement of Year 5 Covered Activities, by

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providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 7 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW no later than 6 months prior to Compensatory Mitigation Period 4. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 3, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 8.

- (4) For Compensatory Mitigation Period 4 (Years 8 through 10), Permittee shall mitigate for the Years 8 through 10 impacts, prior to commencement of Year 8 Covered Activities, by providing 31.5 acres of compensatory mitigation for western Joshua tree and 45 acres of compensatory mitigation for western burrowing owl. At the beginning of Year 10 from the date of Amended ITP execution, Permittee shall review the difference between the estimated Covered Activities impacts with the actual post-Covered Activities impact acres associated with each species at a mitigation ratio of 3:1 for Years 5 through 7 and provide that information to CDFW no later than 6 months prior to the end of Year 10. CDFW will review and, if in agreement, will provide concurrence. Should actual post-Covered Activities impact exceed the compensatory mitigation provided for Compensatory Mitigation Periods 1 through 4, Permittee shall provide any deficit required compensatory mitigation acreage no later than 90 days prior to the start of Year 10.

- 9.1. Cost Estimates. For the purposes of determining the Security amount for each Compensatory Mitigation Period, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the appropriate HM lands for Compensatory Period 1 below.

The Security amount for each subsequent compensatory mitigation period specific to the mitigation obligation that has not been completed shall be requested from CDFW by the Permittee as described in Condition of Approval 10.1.

- 9.1.1. Compensatory Mitigation Period 1 (Year 1, starting upon Amended ITP execution)

- 9.1.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 25.5 acres: **\$127,500.00**. Land acquisitions

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costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

- 9.1.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval 9.3.1 and 9.3.2 below: **\$17,400.00.**
- 9.1.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.6 below, estimated at \$2,000/Acre for 25.5 acres: **\$51,000.00;**
- 9.1.1.4. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$600/acre for 25.5 acres: **\$15,300.00;**
- 9.1.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$3,000/acre for 25.5 acres plus a ten percent contingency fee as described in Condition of Approval 9.4.2.2.1: **\$76,500.00.** Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
- 9.1.1.6. 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 Condition of Approval 9.5, estimated at **\$10,000.00.**
- 9.1.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$75,000.00.**

9.2. Mitigation/Conservation Bank Credits. If Permittee elects to purchase mitigation/conservation bank credits for western Joshua tree or western burrowing owl, then Permittee shall purchase credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities for that compensatory mitigation period, or no later than 18 months from the start of Covered Activities associated with that period if Security is provided pursuant to Condition of Approval 10 below. Prior to purchasing credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to

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compensate for the impacts of the Project on western Joshua tree or western burrowing owl. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities for that compensatory mitigation period or within 18 months from start of Covered Activities associated with that period if Security is provided.

9.3. Habitat Management Lands Acquisition and Protection. To provide for the acquisition and protection of the HM lands, the Permittee shall:

- 9.3.1. Fee Title. Transfer fee title to the HM lands to CDFW pursuant to terms approved 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 section 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. 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 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 1 Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title

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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 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 manager may be the land owner or other 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 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 optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (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. 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 a 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

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in advance; or (3) establish a short-term enhancement account with CDFW for annual payment to the land manager.

- 9.4. Endowment Fund. If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this Amended ITP, the final management plan approved by CDFW, and the conservation easement. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the in-perpetuity 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 Amended ITP, the conservation easement, and the management plan required by Condition of Approval 9.3.5. Endowment Fund as used in this Amended ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by this Amended 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 Amended 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 section 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

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

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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 Amended 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 Amended 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

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

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- 10.1. Security Amount. The Security shall be in the amount of **\$372,700.00** or in the amount identified in 9.1 specific to the obligation that has not been completed for Compensatory Mitigation Period 1. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring for the first year of this ITP term. The Security for each subsequent compensatory mitigation period specific to the mitigation obligation that has not been completed shall be requested from CDFW by the Permittee no later than 150 days prior to the start of the next compensatory mitigation period. CDFW shall calculate the Security cost based on fair market value and consideration of inflation for per acre costs. CDFW shall provide the Permittee a Security amount based on the estimated cost of HM lands or Covered Species conservation bank credits, whichever cost is greater.
- 10.2. Security Form. The Security for each compensatory mitigation period shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW.
- 10.3. Security Timeline. The Security shall be provided to CDFW for Compensatory Mitigation Period 1 before Covered Activities begin or within 30 days after the effective date of this Amended ITP, whichever occurs first. The Security for subsequent compensatory mitigation periods shall be provided before Covered Activities begin for that period.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. Permittee shall transmit Security to CDFW by way of an approved instrument such as escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that Permittee has failed to comply with the Conditions of Approval of this Amended ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to Permittee after CDFW has conducted an on-site inspection (if HM lands are acquired) and received confirmation that all secured requirements have been satisfied for each compensatory mitigation period, as evidenced by:

Credit Purchase:

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- 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.

Habitat Management Land Acquisition:

- Written documentation of the acquisition of the HM lands, in which the total acreage within the conservation easement equals the amount of required acres of compensatory mitigation, OR partial amount that in combination with a Credit Purchase, totals the amount of acres of compensatory mitigation required for that compensatory mitigation period;
- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment;
- Timely submission of all required reports;
- An on-site inspection by CDFW; and
- Written approval from CDFW.

Even if Security is provided, Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the start of each compensatory mitigation period. 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 Amended ITP may be amended as provided by California Code of Regulations, title 14, section 783.6, subdivision (c), and other applicable law. This Amended ITP may be amended without the concurrence of Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this Amended ITP would jeopardize the continued existence of the Covered Species, or where Project changes or changed biological conditions necessitate an Amended 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:

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If CDFW determines Permittee has violated any term or condition of this Amended ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this Amended ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this Amended ITP, including but not limited to failure to comply with reporting, monitoring, or habitat acquisition 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 Amended 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 a 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 Amended ITP. Suspension and revocation of this Amended ITP shall be governed by California Code of Regulations, title 14, section 783.7, and other applicable law. Neither the Authorized Biologist(s) and/or Biological Monitor(s) nor CDFW shall be liable for any costs incurred in complying with stop-work orders.

XII. Compliance with Other Laws:

This Amended ITP sets forth CDFW's requirements for Permittee to implement the Project pursuant to CESA. This Amended 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 laws.

XIII. Notices:

Written notices, reports and other communications relating to this Amended ITP shall be delivered to CDFW by email or registered first class mail at the following addresses, or at addresses CDFW may subsequently provide Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and Amended ITP Number (2081-2011-081-06 A2) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert , Regional Manager
California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Heidi.Calvert@wildlife.ca.gov

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and a Copy to:

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

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

Steven Recinos, Environmental Scientist
California Department of Fish and Wildlife
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Telephone (909) 731-5954
Steven.Recinos@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this Amended ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this Amended ITP because of prior environmental review of the Project by the lead agency, California State Lands Commission. (See generally Pub. Resources Code, §§ 21067, 21069.). The lead agency's prior environmental review of the Project is set forth in the Environmental Impact Report (EIR) for the Kern River 2003 Expansion Project (SCH No. 2001071035) certified by the California State Lands Commission on August 14, 2002 and the Mitigated Negative Declaration (MND) for the Kern River Mountain Pass Lateral Project (SCH No. 2011081078) adopted by the County of San Bernardino on October 6, 2011. At the time the lead agencies certified the EIR and adopted the MND and approved the Projects they also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This Amended ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agencies' EIR and MND for the Projects and the environmental effects related to issuance of this Amended ITP (CEQA Guidelines, §

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15096, subd. (f)). CDFW finds that issuance of this Amended 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 Amended ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this Amended ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the Amended ITP application, the EIR for the Kern River 2003 Expansion Project (SCH No. 2001071035) and the MND for the Kern River Mountain Pass Lateral Project (SCH No. 2011081078), as a result of consultation, and the administrative record of proceedings, that issuance of this Amended 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 Amended ITP will be incidental to the otherwise lawful activities covered under this Amended ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this Amended ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 27.5 acres of compensatory habitat for desert tortoise, Mohave ground squirrel, gilded northern flicker, 150 acres of compensatory habitat for western burrowing owl, and 105 acres of compensatory habitat for western Joshua tree 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,

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reporting, and funding requirements of this Amended 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 Amended ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this Amended ITP;
- (4) The measures required by this Amended ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This Amended 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 Amended ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this Amended ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to amend the terms and conditions of this Amended ITP without concurrence of Permittee as necessary to avoid jeopardy and as required by law.

XVI. Attachments:

FIGURE 1	Map of Project
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 2A	Desert Tortoise Biologist Resume Form
ATTACHMENT 3	GIS Data Collection Requirements
ATTACHMENT 4	Letter of Credit Form (Reduction)

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ATTACHMENT 5

Red-Line Changes to ITP for Major Amendment

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE on MM/DD/YEAR

Heidi Calvert, Regional Manager
Inland Deserts Region

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