



**California Department of Fish and Wildlife
North Central Region
1701 NIMBUS ROAD
RANCHO CORDOVA, CA 95670**

California Endangered Species Act
Incidental Take Permit No. 2081-2023-038-R2

NORTH VISTA PLAZA

I. Authority:

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

Permittee:	LGI Homes – California, LLC
Principal Officer:	Evan Licht
Contact Person:	Todd Wood, HELIX Environmental Planning, Inc., (916) 764-2113
Mailing Address:	1677 Eureka Road, Suite 100 Roseville, CA 95661

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on October 3, 2030.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 8.1 of this ITP.

III. Project Location:

The North Vista Plaza (Project) is located in the census-designated town of Valley Springs, in Calaveras County, California (See Figure 1). The Project is located approximately 1,000 feet north of State Route 26 and approximately 1.75 miles south of the State Route 12 and State Route 26 intersection. The approximate center of the Project Area is at Latitude 38.173488, and Longitude -120.843605 (WGS 84 datum, decimal degrees).

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

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

IV. Project Description:

The Project includes the development of 45.89 acres of undeveloped land into a residential development.

The Project plan includes up to 167 lots, including 156 residential lots, two (2) onsite detention basins, two (2) offsite detention basins, seven (7) landscaped areas, two (2) recreation areas, and private streets (See Figure 2). Project components include the installation of essential infrastructure, including new internal roads and the expansion of existing roads, electrical distribution lines, natural gas lines, sewer pipelines and sewer pump station within the Project Area, and water supply distributions, storm drain pipelines, detention basins, and water storage tanks and an associated pump station.

Project activities include mass grubbing and grading of 37.64 acres to accommodate roads, building pads, buried utilities, and storm drainage, installation of stormwater drainage system components, trench digging, road construction, tree removal, and other activities.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status³</u>
California Tiger Salamander (<i>Ambystoma californiense</i>)	Threatened ⁴

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities expected to result in incidental take of individuals of the Covered Species include grubbing, grading, fill, excavation, trenching, paving (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as movement and use of construction equipment and materials, entrapment in trenches or other steep walled holes, entombment or impingement during grading and other earthmoving activities, and noise and vibrations from construction equipment. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, capture, or attempt to do so of the Covered Species from capture and relocation efforts. The authorized take of the Covered Species is expected to occur throughout the entire Project Area.

The Project is expected to cause the permanent loss of 36.26 acres of upland habitat for the

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

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

Covered Species (See Figure 3). Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations from Covered Activities, stress from capture and relocation, long-term effects due to increased noise, light, and water quality pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.:2007032085) adopted by Calaveras County on January 22, 2008 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPMIS-CAL-43131) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

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- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Biological Opinion issued by the U.S. Fish and Wildlife Service for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 5. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 6. Provisions Prior to Disturbing Soil or Vegetation:**
 - 6.1. Designated Biologist(s) and/or Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information, including a description of the Designated Biologist and Biological Monitor duties at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(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. Biological Monitors may assist in monitoring efforts under the supervision of the Designated Biologist(s). Biological Monitor(s) shall be knowledgeable and experienced in the biology and natural history of the Covered Species, the Measures within this Permit, the definition of "take" in CESA, and in implementation of standard measures used on construction projects. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.
 - 6.2. 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.
 - 6.3. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.

6.4. 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.

6.5. Habitat Management Land Acquisition Compliance. Permittee shall comply with all conditions detailed in Section 9, Habitat Management Land Acquisition, that are required prior to the start of groundbreaking activities.

7. Provisions Prior to Disturbing Soil or Vegetation and for Entire Project:

7.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.

7.2. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare a fact sheet handout containing this information, and a copy shall be made available at the worksite office for workers. Permittee shall provide translation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite office and if requested, provided to CDFW. This training shall be repeated at least once annually for the duration of the Project.

7.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any

agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any 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.

- 7.4. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 7.5. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 7.6. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 7.7. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 7.8. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 7.9. 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 Project-related vehicles do not exceed a speed limit of 15 miles per hour to avoid Covered

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Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 7.10. 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.
- 7.11. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 7.12. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 7.13. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 7.14. Compliance Monitoring.** The Designated Biologist or Biological Monitor shall be on-site daily when Covered Activities occur. The Designated Biologist or Biological Monitor shall conduct compliance inspections a minimum of weekly during periods of inactivity. The Designated Biologist or Biological Monitor shall conduct compliance inspections to: minimize incidental take of the Covered Species; prevent unlawful take of species; check for compliance with all measures of this ITP; check all exclusion zones; and ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative, Designated Biologist, or Biological Monitor shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

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- 7.15. Quarterly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.14 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Region 2 CESA (R2CESA@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.16. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year, beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.15; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.17. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.18. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (916) 358-2900. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days.

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The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

- 7.19. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately take it to a CDFW approved wildlife rehabilitation or veterinary facility. Permittee shall identify the facility before starting Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in Condition 7.8. Notification shall include the name of the facility where the animal was taken.
- 7.20. Environmental Sensitive Areas.** Permittee shall establish Environmentally Sensitive Areas (ESAs) in the Project Area to minimize the disturbance of Covered species habitat as necessary from Covered Activities. At the discretion of the Designated Biologist, areas within 1.3 mile of a breeding pond shall be designated ESAs. The Designated Biologist shall identify and flag all potential aquatic resources (i.e. wetlands and non-wetland waters as shown in Figure 1) within the Project Area as ESAs. Permittee shall minimize disturbance to ESAs during all phases of the Project. Permittee shall avoid ESAs when siting all staging areas, spoils disposal areas, and borrow pits. Permittee shall not use plastic mono-filament netting on the Project site for ESA fencing, erosion control, or any other purpose to avoid entanglement of Covered Species. The Designated Biologist or Biological Monitor shall inspect the ESA fencing before the start of each workday, and the Permittee shall maintain the ESA until the completion of the Project. Permittee shall remove all ESA material upon completion of the Project. Permittee shall ensure ESAs are clearly visible and recognizable to construction personnel.
- 7.21. Timing of Work.** Covered Activities within Covered Species habitat shall be conducted between May 1 and October 31.
- 7.22. Daily Construction Schedule.** If Covered Activities must be implemented during the breeding and dispersal season (after October 15 and before July 31), Covered Activities will not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset.
- 7.23. Covered Species Exclusion Fencing.** Permittee shall install exclusion fencing around the Project Area prior to commencing Covered Activities. Temporary high-visibility construction fencing shall be installed along the edge of work areas, and exclusion fencing shall be installed immediately outside of the temporary high-visibility construction fencing to exclude the Covered Species from entering the construction area or becoming entangled in the construction fencing. Exclusion fencing shall be at least 3 feet tall and be buried at least 6 inches below the ground or secured with

weighted material (e.g., sandbags, rock, concrete blocks) and have a minimum 4-inch lip at the top of the fence that would face away from the construction area. The exclusion fencing shall include directional end sections that shall be placed at appropriate intervals, as determined by the Designated Biologist, which will redirect individuals towards the exit funnels and away from the work area. Directional end sections shall also be installed at breaks in fencing and access points, or as determined appropriate with consultation with CDFW. The exclusion fencing shall have funnel openings (with the wide end measuring 10-inch in diameter) attached to the outside of the exclusion fence with five or six zip ties at the narrow end to create a one-way door. The funnels shall be spaced every 100 feet. Refuge opportunities, such as coverboards, shall be provided at regular intervals between the exit funnels on the inside and outside of the fence. Fencing will remain in place and in good working condition for a minimum of 2 years. No Covered Activities will occur outside the delineated Project Area. The Designated Biologist or Biological Monitor must inspect the exclusion fencing and provide refugia every morning before 7:00 a.m. between October 15 and July 31 and/or after any rain event greater than 0.1-inch year around for integrity and for any entrapped Covered Species. If a Covered Species is encountered, the Permittee shall adhere to Condition of Approval 7.26.

- 7.24. Covered Species Pre-construction Surveys.** No more than 24 hours prior to the commencement of initial ground disturbance, the Designated Biologist shall survey for the Covered Species within 1.3 miles of suitable habitat. If a Covered Species is found, the Designated Biologist shall delay installation of the exclusion barrier until the Designated Biologist relocates the Covered Species out of the Project Area and in accordance with Condition 7.27 below.
- 7.25. Covered Species Checks.** Before the start of work each morning, the Designated Biologist or Biological Monitor shall check for the Covered Species individuals under all vehicles, equipment, materials, or otherwise suitable locations for the Covered Species to hide. Workers shall inspect under vehicles and equipment for the Covered Species before the vehicles and equipment are moved. If the Covered Species is present, the worker shall notify the Designated Biologist. All ruts and holes near root structures, foundations, abutments, etc., shall be inspected for the Covered Species prior to and during excavation or removal. If the Covered Species is discovered by the Designated Biologist or anyone else, the Designated Biologist shall move the individual as required by Condition of Approval 7.27.
- 7.26. Covered Species Encounter Protocol.** If a Covered Species is encountered, Covered Activities will be suspended within a 100-foot radius of the animal until the animal is relocated (as described in the Condition of Approval 7.27) by the Designated Biologist. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the Covered Species, within two (2) calendar days to CDFW. The Designated Biologist will report any take of the Covered Species to CDFW as

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required by Condition of Approval 7.18. Any worker who inadvertently injures or kills a Covered Species or who finds dead, injured, or entrapped Covered Species shall immediately report the incident to the Designated Biologist.

- 7.27. Covered Species Relocation Plan.** Permittee shall ensure the Designated Biologist prepares a Covered Species Relocation Plan (Relocation Plan) for Covered Activities. The Relocation Plan shall include the name(s) of the Designated Biologist who will relocate the Covered Species; pre-construction habitat assessment methodology; identification of refuge areas along the exclusion fencing, capture, handling, and relocation methods; a map and description of the relocation area(s) for captured Covered Species, including relative location, quality of habitat, non-native species or the potential for Covered Species-barred tiger salamander hybrids to be present, identified upland burrows determined to be suitable for Covered Species placement, distance to aquatic habitat, and potential barriers for movement; written permission from the landowner to use their land as a relocation site; and identification of a wildlife rehabilitation center or veterinary facility that routinely evaluates or treats Covered Species. Permittee shall submit the Relocation Plan to CDFW for review and approval at least 30 calendar days prior to the beginning of any Covered Activities.
- 7.28. Covered Species Relocation.** If Covered Species is encountered within a construction site, it is directly threatened by Covered Activities, and it is unable to move to a safe area on its own, the Designated Biologist shall relocate Covered Species to a safe area in accordance with the Relocation Plan. Covered Species may only be captured and handled by the Designated Biologist. The Permittee or Designated Representative shall notify CDFW within 24 hours of each time Covered Species is relocated. Notification to CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.
- 7.29. Avoid Covered Species Entrapment.** Permittee shall ensure all excavated locations, steep-walled holes, or trenches more than six (6) inches deep are completely covered, or one or more escape ramps of earth fill or wooden planks are installed at the end of each workday or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the Designated Biologist or Biological Monitor each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight will be inspected for Covered Species by the Designated Biologist or Biological Monitor prior to being moved. If a Covered Species is encountered, refer to Condition of Approval 7.26.
- 7.30. Erosion Control Materials.** If erosion control is implemented within, non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to

ensure the Covered Species is not trapped (no monofilament). Coconut coir matting and fiber rolls with burlap are examples of acceptable erosion control materials.

- 7.31. Inspection of Refuge Habitat.** All potential refuge features (e.g. debris piles), created as a result of the Project, shall be inspected by the Designated Biologist or Biological Monitor for the Covered Species prior to removal. The Designated Biologist or Biological Monitor shall inspect the debris piles for the Covered Species as the debris is being loaded onto trucks.
- 7.32. Check for Wildlife in Pipes and Other Construction Materials.** Permittee shall visually check all sections of pipe and other construction materials for the presence of wildlife sheltering within them prior to the pipe sections being placed in the trench and attached together or shall have the ends capped while stored on site to prevent wildlife from entering. After attachment of the pipe sections to one another, whether in the trench or not, the exposed end(s) of the pipeline shall be capped at the end of each day during construction to prevent wildlife from entering and being trapped within the pipeline.
- 7.33. Soil Stockpiles.** Permittee shall place soil stockpiles where soil will not pass into potential Covered Species breeding ponds; nor shall it pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650 *et seq.* Permittee shall use appropriate best management practices to protect stockpiles and prevent soil erosion.
- 7.34. Rodent Control.** At no time during the life of the Project shall rodenticides or other poisons used in the control of burrowing animals be used by Permittee in the Project Area.
- 7.35. Work Period in Low Rainfall / Dry Weather Only.** The work period within the unnamed tributaries to Indian and Cosgrove creeks shall be restricted to periods of low rainfall (less than ¼-inch per 24-hour period) or periods of dry weather (with less than a 50% chance of rain). Permittee shall monitor the National Weather Service (NWS) 72-hour forecast for the project area. No work shall occur during a dry-out period of 24 hours after the above-mentioned wet weather. *Revegetation, restoration, and erosion control work outside of flowing water is not confined to this work period.*
- 7.36. Night Work.** If night work is necessary, night lighting shall be selectively placed, shielded, and directed away from natural habitats.
- 7.37. Development Area Lighting.** All lighting shall be designed so that exterior light fixtures are hooded, with lights directed downward or toward the area to be illuminated, with little to no horizontal spread, as low to the ground as feasible and so that backscatter to the nighttime sky is minimized. The design of the lighting will be such that the luminescence or light sources are shielded to prevent light trespass

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outside the Development Area boundary and neither the lamp nor the reflector interior surface would be visible from outside the footprint of the Development Area except for public roadways. Only narrow spectrum bulbs shall be used to limit the range of species affected by lighting. All lighting will be of minimum necessary brightness consistent for worker safety. The number of lighting fixtures on buildings and roadways shall be limited to the minimum required by Calaveras County.

7.38. Storm Water Infrastructure Designs. Permittee shall ensure that storm water-related infrastructure (e.g., storm drains, storm drain grates, v-ditches, and detention basins) are designed and constructed in a manner that minimizes take of Covered Species to the maximum extent feasible. At least 45 calendar days prior to commencement of Covered Activities, Permittee shall submit design plans to CDFW for review.

- (1) At a minimum, the storm water infrastructure designs shall include design components of the detention basins that allow Covered Species to leave of their own volition. The design may include escape ramps, ladders, or basin slope modifications, or a combination thereof. Ramps and/or ladders shall: (a) be placed along a wall of the basin and shall span the distance from the lowest point in the basin to the top of the bank; (b) be at least two [2] feet wide; (c) be at a slope no greater than 3:1; and (d) be fashioned with perforated metal sheeting covered with an open structured synthetic matting material, or of similar design, to allow for sufficient traction for the Covered Species. Alternatively, if ladder and ramp inclusion is not feasible, detention basins shall be designed to have walls that are slanted outward with a slope no greater than 3:1, allowing for volitional escape of the Covered Species.

8. Post Construction Conditions

- 8.1. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.
- 8.2. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all construction refuse, including, but

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not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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 on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation.

To meet this requirement, the Permittee shall purchase 108.78 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.1 below. Purchase of Covered Species credits must be complete before starting Covered Activities or within 24 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9.3 below for all uncompleted obligations.

9.1. Cost Estimates. CDFW has estimated the cost sufficient for the cost of purchasing credits from a CDFW-approved mitigation or conservation bank as follows:

- (1) Purchase of 108.78 acres of Covered Species upland credits, for permanent impacts, at a CDFW-approved mitigation or conservation bank is estimated at **\$4,623,150**.
- (2) Reporting and implementation of Conditions of Approval within this ITP are estimated at **\$137,800**.

9.2. Covered Species Credits. Permittee shall purchase 108.78 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities. Prior to the purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities.

9.3. 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. Permittee shall provide Security as follows:

- (1) **Security Amount.** The Security shall be in the amount of **\$4,760,950** or in the amount identified in 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to

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complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

- (2) Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW.
- (3) Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 90 days after the effective date of this ITP, whichever occurs first.
- (4) Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- (5) Security Transmittal. Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Attachment 4) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- (6) Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- (7) Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:
 - Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and
 - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required proof of credit purchase, no later than 24 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM land and/or additional funding to ensure the impact of the taking is minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements with the specified timeframe.

IX. Amendment:

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

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taking to the Covered Species are minimized and fully mitigated.

X. Stop-Work Order:

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

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

XI. Liability:

All terms and conditions of this ITP shall be binding upon each Permittee. Notwithstanding California Civil Code section 1431 or any other provision of law, each Permittee shall be jointly and severally liable for performance of all terms, conditions, and obligations of this ITP and shall be jointly and severally liable for any unauthorized take or other violations of this ITP, whether committed by Permittees or any person acting on behalf of one or more Permittees, including their officers, employees, representatives, agents or contractors and subcontractors. Any failure by one or more Permittees to comply with any term, condition, or obligation herein shall be deemed a failure to comply by all Permittees.

XII. Compliance with Other Laws:

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

XIII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2023-038-R2) in a cover letter and on any other associated documents. Email submittal is preferred.

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Original cover with attachment(s) to:

Morgan Kilgour, Regional Manager
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900
R2CESA@wildlife.ca.gov

and a copy to:

CESA@wildlife.ca.gov

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

CESA Desk
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
(916) 358-2900
R2CESA@wildlife.ca.gov

XIV. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Calaveras County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Initial Study and Mitigated Negative Declaration for 2005-190 Zoning Amendment, Tentative Subdivision Tract Map, and Planned Development Permit for Floyd and Marily Norried and the Mark Pringle Company, LLC (North Vista Plaza), (SCH No.: 2007032085) dated March 9, 2007 that the Calaveras County adopted for North Vista Plaza on January 22, 2008. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Initial Study and Mitigated Negative Declaration for 2005-190 Zoning Amendment, Tentative Subdivision Tract Map, and Planned Development Permit for Floyd and Marily Norried and the Mark Pringle Company, LLC, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) 108.78 acres of 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 108.78 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and

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

XVI. Attachments:

FIGURE 1	Project Vicinity
FIGURE 2	Project Layout
FIGURE 3	Potential California Tiger Salamander Upland Habitat
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHEMNT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit
ATTACHMENT 4	Mitigation Credit Transmittal Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 10/3/2025

DocuSigned by:

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Morgan Kilgour, Regional Manager
 North Central Region

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FIGURE 1
PROJECT VICINITY

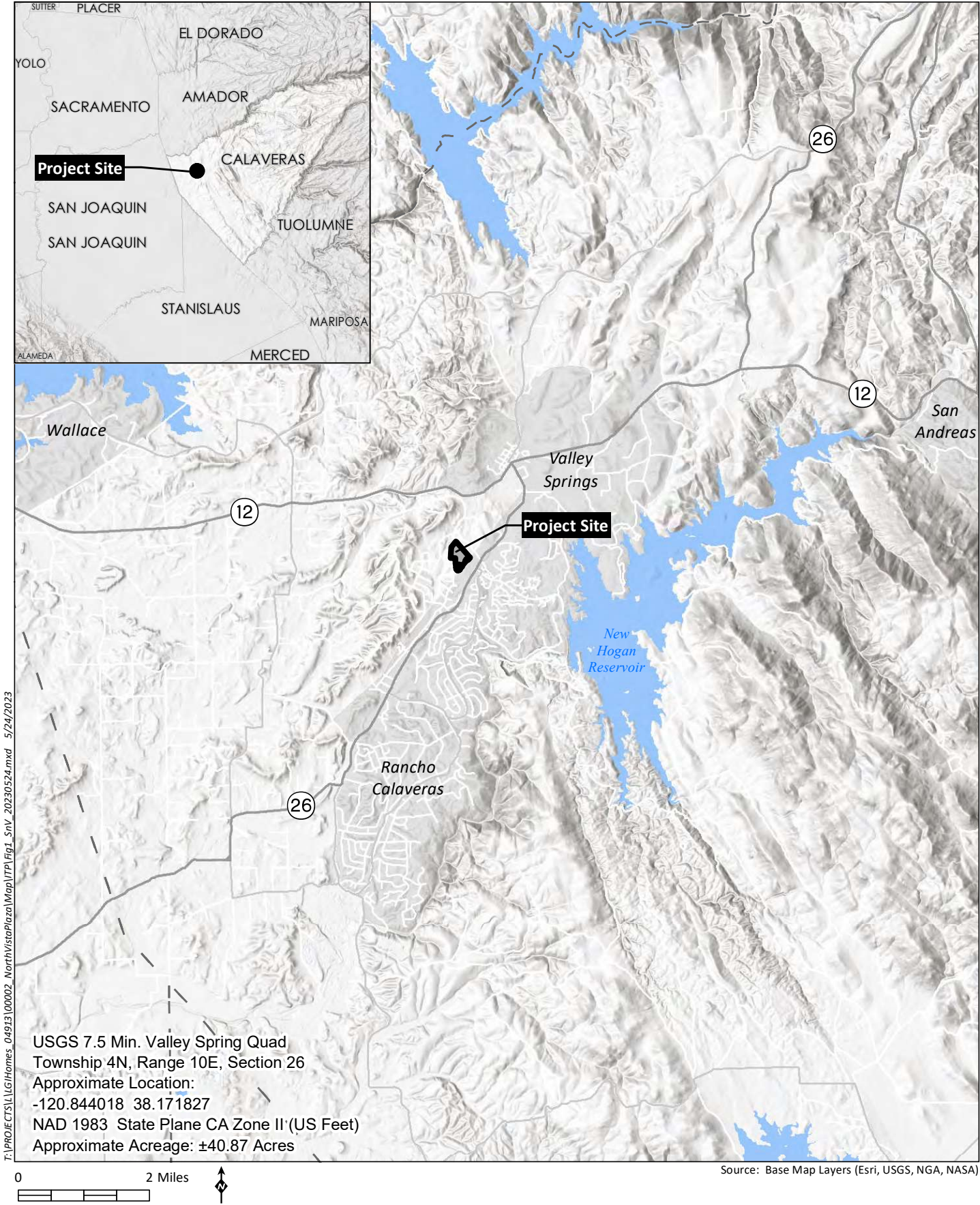


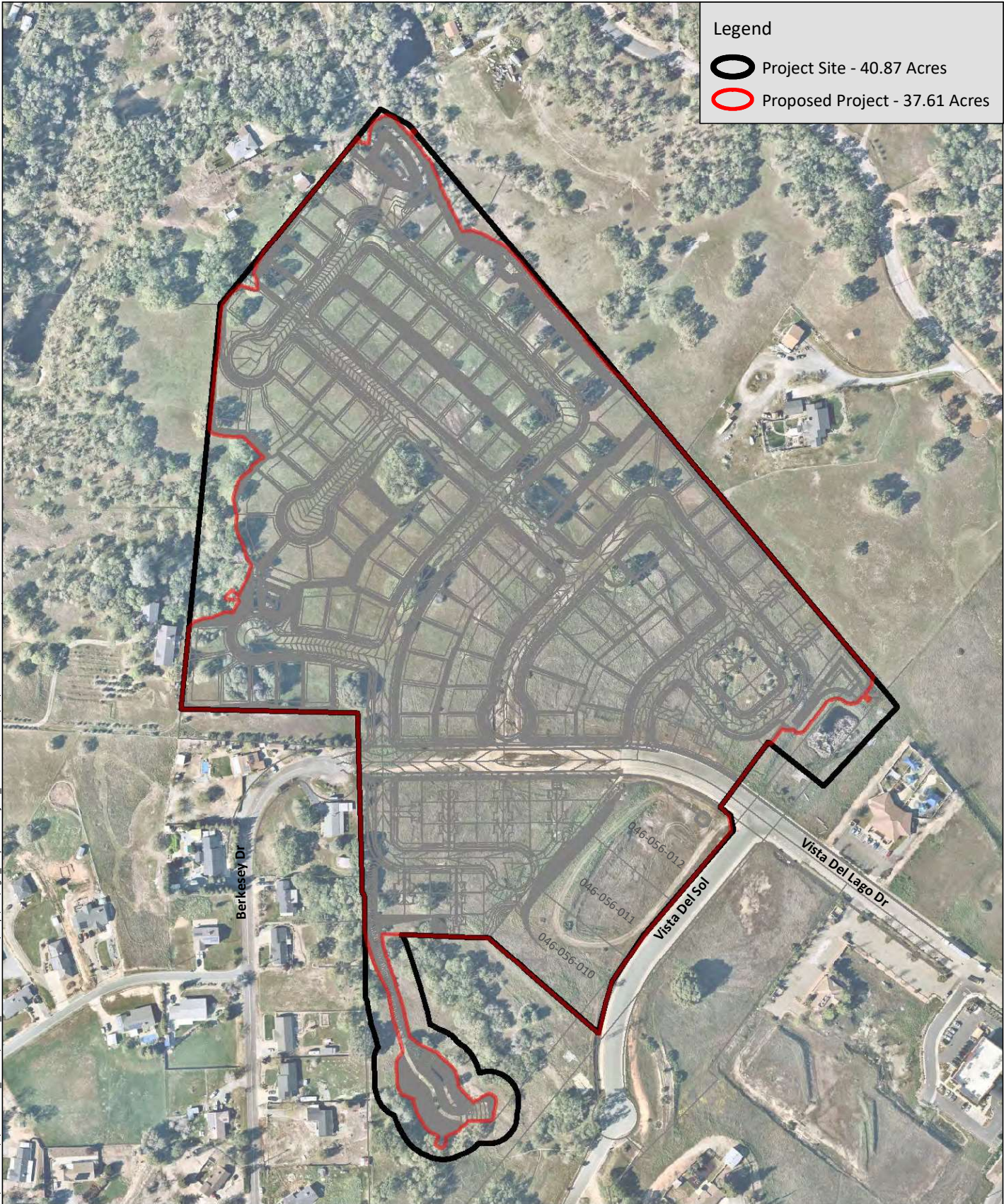
FIGURE 2
PROJECT LAYOUT

Legend

Project Site - 40.87 Acres

Proposed Project - 37.61 Acres

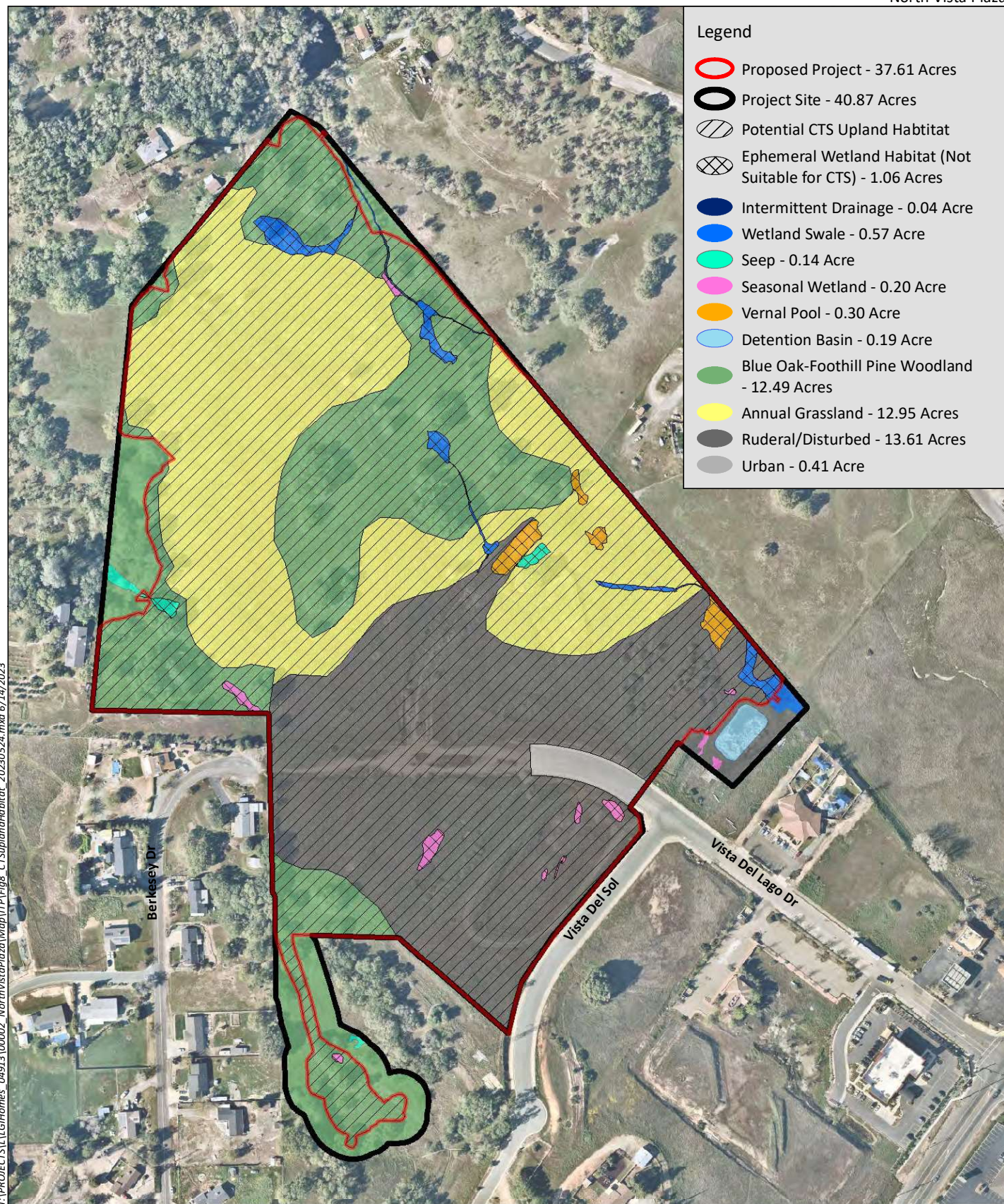
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Source: Aerial (NearMap, 3/22/2022)

FIGURE 3

POTENTIAL CALIFORNIA TIGER SALAMANDER UPLAND HABITAT



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