



**California Department of Fish and Wildlife**  
**South Coast Region**  
**3883 RUFFIN RD.**  
**SAN DIEGO, CA 92123**

California Endangered Species Act  
 Incidental Take Permit No. 2081-2025-033-05

**SYPHON RESERVOIR IMPROVEMENT PROJECT**

**I. Authority:**

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

<b>Permittee:</b>	<b>Irvine Ranch Water District</b>
<b>Principal Officer:</b>	<b>Fiona Nye, Director of Water Resources</b>
<b>Contact Person:</b>	<b>Fiona Nye, (949) 453-5325</b>
<b>Mailing Address:</b>	<b>15600 Sand Canyon Avenue Irvine, CA 92618</b>

**II. Effective Date and Expiration Date of this ITP:**

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 15, 2035**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.7 of this ITP.

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

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

**III. Project Location:****Syphon Reservoir Improvement and Irvine Lake North Mitigation Site Project**

The Syphon Reservoir Improvement and Irvine Lake North Mitigation Site Project (Project) will take place in two locations. The Syphon Reservoir Improvement portion located at the existing Syphon Reservoir recycled water storage facility within the unincorporated County of Orange (See Figure 1: Regional Map of Project Area). The Syphon Reservoir Improvement portion is located immediately adjacent to the City of Irvine, at approximately 33.710230, -117.731334. The Syphon Reservoir Improvement portion is bounded by Portola Parkway to the southwest, Bee Canyon Landfill Access Road to the northwest, and State Route 133 to the east.

The Irvine Lake North Mitigation Site is located 4.5 miles northeast of Syphon Reservoir (see Figure 3; Assessor's Parcel Numbers 105-361-07 and 105-361-09). The Irvine Lake North Property has been acquired by the Permittee for the purpose of long-term preservation.

**IV. Project Description:**

The Project includes replacing the existing 59-foot engineered dam at Syphon Reservoir with a new 138-foot engineered dam, to increase the recycled water storage capacity from the current 500 acre-feet to a total of 5,000 acre-feet (See Figure 2: Detailed Map of Project Site). The overall dam crest elevation will increase from the existing 388 feet above mean sea level to approximately 468 feet above mean sea level. The maximum water surface level of the reservoir will increase from the existing 376 feet above mean sea level to 456 feet above mean sea level. The new dam will include a spillway to protect the reservoir from overtopping, as well as a seepage control drainage system, and a circulation/aeration system for the reservoir. The existing strainer and disinfection facilities will be demolished, reconstructed, and expanded at the toe of the new dam to provide filtration, chlorination, and de-chlorination. Additional project features include: new on-site access and maintenance roads; on-site wetland and riparian mitigation areas; off-site wetland and riparian mitigation at the San Joaquin Marsh; on-site upland mitigation areas; a new grout curtain; eight piezometer installations, as well as a partially fenced access trail to reach the piezometers; a 15-foot-tall dam control building near the inlet/outlet; four air quality monitoring stations; new Southern California Edison infrastructure to power the dam control building below ground; fuel reduction zones around the new dam control building; a 42-inch inlet/outlet pipeline; access roads; and, potential recreational facilities.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> <sup>3</sup>
1. Crotch’s bumble bee ( <i>Bombus crotchii</i> )	Candidate <sup>4</sup>

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 described above are expected to result in the incidental take of individuals of the Covered Species which include initial site preparation; heavy equipment operation; grading; excavation; trenching and backfilling; installation and/or removal of structures and equipment; vehicle and foot traffic; access road construction; repair and resurfacing; handling of stockpiles and stored materials; soil compaction; vegetation clearing and maintenance including grading, mowing, and grubbing; revegetation requiring disking and excavation; inundation of the lake during operation and maintenance; and creation of the woody riparian mitigation area (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 initial site preparation; heavy equipment operation; grading; excavation; trenching and backfilling; installation and/or removal of structures and equipment; vehicle and foot traffic; access road construction; ground disturbance; handling of stockpiles and stored materials; soil compaction; vegetation clearing and maintenance such as grading, mowing and grubbing; revegetation requiring earthwork; initial inundation of the lake; Project operations; or during habitat enhancement, maintenance, and monitoring on the Project’s mitigation land. The areas where authorized take of the Covered Species is expected to occur include: the Project’s total on-site disturbance area in and around Syphon Reservoir, off-site at the Irvine Lake North mitigation property, as well as off-site at the San Joaquin Marsh wetland mitigation property (collectively, the Project Area).

The Project is expected to cause the permanent loss of **64.21** acres of habitat for the Covered Species, and temporary loss of **26.76** acres of habitat for the Covered Species, totaling **90.97** acres. Of the 26.76 acres of temporary habitat impacts, 21.4 acres will be restored on-site in place of habitat that is currently classified as non-native herbaceous and eucalyptus (see Figure 4 and Figure 5). Though the on-site restoration will provide beneficial habitat for the Covered Species, this Project feature is not included as mitigation for the purposes of this permit. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat

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

<sup>4</sup>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.

fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations, long-term effects due to increased pollution, displacement from preferred habitat, decreased food supply, increased competition for food and space, exposure to contaminants such as pesticides and fuels, 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.

#### **VIII. Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to all mitigation measures related to the Covered Species in the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No.: 2019080009) that was certified by Irvine Ranch Water District on July 27, 2021, Addendum No. 2 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No.: 2019080009; May 15, 2025), and Addendum No. 3 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No. 2019080009; October 2025), that were adopted by Irvine Ranch Water District as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement (LSAA) (Notification No. EPIMS-ORA-48911-R5) which is currently being prepared for the Project and will be executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

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## 5. General Provisions:

- 5.1. Designated Representative.** Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
- 5.2. Designated Biologists.** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information 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 avoid, minimize and mitigate the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.
- 5.3. 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 because of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 5.4. Worker Education Awareness Program.** Permittee shall conduct a Worker Education Awareness Program (WEAP) for all persons employed or otherwise working in the Project Area before performing any work. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the ecology of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal

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

- 5.5. Construction Monitoring Documentation.** The Designated Biologist(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 WEAP. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic scavengers that may cause a disturbance on site.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 5.9. Delineation of Property Boundaries.** Before starting Covered 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.
- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species remaining within the Project Area after initial site clearance with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of remaining Covered Species' habitat.

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- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, and shall not cross Covered Species' habitat outside of, or 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 15 miles per hour to avoid Covered Species on 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.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. 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 5.11 of this ITP.
- 5.13. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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

- 6.1. 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.
- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within

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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.

**6.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) 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 Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

During periods of Project inactivity, or after vegetation clearing and initial grading have been completed, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week only after Permittee obtains written approval from CDFW. Permittee shall immediately resume daily compliance inspections if the Designated Biologist or CDFW finds the Permittee is out of compliance with any Conditions of Approval of this ITP, upon written notification from CDFW, and/or if the Covered Species, including nests or overwintering queens, are suspected or confirmed in the Project Area.

**6.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly 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. Monthly 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 Jennifer Turner, Senior Environmental Scientist Supervisory ([Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov) and copy [R5Cesa@wildlife.ca.gov](mailto:R5Cesa@wildlife.ca.gov)) and Headquarters CESA Program email is [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting



schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 6.5. 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 Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (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.
- 6.6. 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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit a notification of observation (including species name, date of observation and GPS coordinates) by email to CDFW's Regional Representative within 24 hours of observation.
- 6.7. 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 Monthly 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.
- 6.8. Notification of Take or Injury.** Designated Biologist shall immediately notify the Designated Representative if a Covered Species is taken, needs to be relocated, or is injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial

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notification to CDFW's Regional Representative ([Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov) and copy [R5CESA@wildlife.ca.gov](mailto:R5CESA@wildlife.ca.gov)) and by calling the Regional Office at (858) 467-4201. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, GPS location (including GPS error estimated in feet and datum) of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

- 6.8.1. Covered Species Salvage.** If a Covered Species is taken or otherwise found deceased, the Designated Biologist shall salvage, photograph, and place the carcass in a labeled, clean Ziplock bag or vial and store it in a freezer. The label shall include a unique identifier (collection number), species name, time and date of collection, collection location, GPS location (including datum and horizontal error in feet), circumstances surrounding death (if known), collector name and contact information (phone number or email), and ITP Number 2081- 2025-033-05. The Designated Biologist shall deliver the carcass (on dry ice if possible) to the following address and notify CDFW's Regional Representative at the time of shipping:

CDFW Wildlife Genetics Research Unit (Wildlife Health Lab)  
Attention: Michael Buchalski  
1415 North Market Blvd., Suite 9  
Sacramento, CA 95834

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

- 7.1. Timing of Vegetation Removal.** Permittee shall remove vegetation after plants have stopped blooming in the fall and outside of the Colony Active Period and Gyne Flight Season (approximately February 1 through August 31; varies based on the location/year and can be confirmed via pre-construction surveys), to the maximum extent feasible. When vegetation removal is occurring by mower, Permittee shall set mower blade heights no lower than 4 inches, unless otherwise approved by CDFW in writing.
- 7.1.1. Patched Vegetation Removal.** If vegetation needs to be removed during the bloom period, Permittee shall remove flowering vegetation in a patched manner leaving areas of floral resources as refugia for foraging Covered Species or wait until bloom has ceased. During the bloom period and colony active period, removal of non-native plants should be prioritized over native plants.

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**7.2. Daily Work Area Coverage.** Permittee shall ensure that each daily work area is adequately covered by a Designated Biologist. Permittee shall proceed with Covered Activities in a systematic manner to facilitate the Designated Biologist(s) in performing surveys required by Condition of Approval 7.4. If there are multiple, separate work areas on a given workday, Permittee shall provide a Designated Biologist for each separate work area.

**7.3. Immediately Stop Covered Activities.** Permittee shall immediately stop all Covered Activities in the vicinity if a Covered Species nest is found. Permittee shall notify the Designated Biologist and CDFW's Regional Representative (Jennifer.Turner@wildlife.ca.gov and copy R5CESA@wildlife.ca.gov) if a Covered Species is taken, needs to be relocated, or is injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured (see Condition of Approval 6.8). Covered Activities may resume in the vicinity where a Covered Species nest is found after Permittee receives written approval from CDFW's Regional Representative.

**7.4. Covered Species Pre-Construction Surveys.** Prior to Covered Activities occurring during the Colony Active Period (generally February 1 through August 31), the Designated Biologist shall search for the Covered Species through an area planned for Covered Activities. The Designated Biologist shall perform two surveys consisting of meandering transects no more than 10 days prior to the commencement of Covered Activities in that area<sup>5</sup>. The Designated Biologist shall conduct surveys at least four days apart with the second survey occurring within two days prior to starting Covered Activities in that area. The Designated Biologist shall focus attention on areas with blooming native and non-native nectar and pollen resources for the Covered Species. The survey duration shall be appropriate to the size of the area planned for Covered Activities plus 50 feet based on a minimum of one person-hour of searching per three acres of suitable habitat. The Designated Biologist shall conduct surveys between 8:00 AM and 4:00 PM (Pacific Standard Time) on sunny days between 55- and 90-degrees Fahrenheit with sustained wind speeds measuring less than 10 miles per hour. If the Covered Species is detected or suspected during surveys, the Designated Biologist shall flag the area where the observation was made and closely monitor the areas that were flagged during Covered Activities to further minimize take of Covered Species.

**7.4.1. Locating Nests.** The Designated Biologist shall make every effort to locate nests if the Covered Species is suspected or confirmed within the Project Area. The Designated Biologist shall observe any ground animal burrow entrances for signs of the Covered Species. To confirm a suspected Covered Species nest<sup>6</sup>, the Designated Biologist may

<sup>5</sup> The following are example protocols that can be used in survey method development:

- CA Bumble Bee Atlas non-lethal protocol (volunteer handbook)-<https://www.cabumblebeeatlas.org/point-surveys.html>
- USFWS Rusty patched bumble bee protocol  
[https://www.fws.gov/sites/default/files/documents/Survey\\_Protocols\\_RPBB\\_12April2019.pdf](https://www.fws.gov/sites/default/files/documents/Survey_Protocols_RPBB_12April2019.pdf)

<sup>6</sup> Because worker bees are actively foraging, they should arrive and exit an active nest site with frequency during the active period, such that their presence would be apparent after a few minutes of observation much like other bee, wasp, or hornet species

block/cover any burrow entrance with a jar/vial (or similar) of appropriate size for no more than 30 minutes or until a bumble bee is detected. The Designated Biologist shall also observe bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, or hollow logs to determine if a potential nest could be present. The Designated Biologist shall identify the species of bumble bee if a bumble bee is detected.

- 7.4.2. Nest Buffer.** If a Covered Species nest is detected or suspected, Permittee, in consultation with the Designated Biologist, shall prohibit or immediately stop all Project Activities within 50 feet of the nest. Designated Biologist shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation (see Condition of Approval 6.4 for contact information). The Designated Biologist shall record the nest location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the nest location as part of notification to CDFW's Regional Representative. Designated Biologist shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until further instructions from CDFW's Regional Representative. To determine if a nest has senesced, the Designated Biologist shall monitor the nest for senescence in late summer and fall. Nest senescence can typically be denoted after the presence of reproductives (gynes and males) are observed. Nests should be monitored a minimum of one hour per day for three consecutive days during optimal weather conditions (i.e. from 8am-4pm, low wind, and low cloud cover conditions, etc.). If there has been no nest activity after the above conditions are met, then the no disturbance work buffer may be removed if CDFW approves.
- 7.4.3. Exposed Nest.** If excavation or vegetation removal exposes a nest, the Designated Biologist shall halt work in the area and immediately contact and consult with CDFW. The designated Biologist shall set up a structure to shade the exposed nest and set up a 50 foot no disturbance buffer until the nest has senesced or project activities are completed, whichever comes first.
- 7.4.4. Overwintering Site Buffer.** If any overwintering Covered Species are found during Covered Activities, the Permittee, in consultation with the Designated Biologist shall immediately stop and prohibit all Covered Activities within 50 feet of the queen and/or hibernaculum. Permittee shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. If an overwintering queen is exposed, the Designated Biologist shall cover and protect the queen bumble bee using the substrate it was found in/under and return any materials removed during surveys (e.g., grass, vegetation, bark, and debris) to re-create pre-disturbed conditions. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation. The Designated Biologist shall record the

queen's location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the queen's location as part of notification to CDFW's Regional Representative. Permittee shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until the overwintering queen leaves the area, which typically occurs in the early spring, depending on the location and local climate conditions. Permittee shall confer with CDFW's Regional Representative for approval of further instructions.

**7.4.5. Repeat Surveys Following Periods of Inactivity.** If Covered Activities are suspended for longer than three days between February 1<sup>st</sup> and August 31, the Designated Biologist shall perform one visual survey when survey conditions are met (see Condition of Approval 7.4) prior to re-starting Covered Activities.

**7.4.6. Daily Visual Sweeps.** The Designated Biologist shall conduct daily visual sweeps of the daily work area by walking ahead of grading and vegetation removal equipment for Covered Species at the start of daily work and throughout the daily workday. The Designated Biologist shall intermittently repeat visual sweeps throughout the daily work window because the Covered Species is unlikely to be active before the start of daily Covered Activities that initiate prior to 8:00 AM. If the Covered Species is detected or suspected, the Designated Biologist shall follow requirements under Conditions of Approval 7.4.1 and 7.4.2. After initial vegetation clearing has been completed, the frequency of daily visual sweeps may be modified after the Designated Representative consults with, and obtains written approval from, CDFW.

**7.5. Weed Management Plan.** Permittee shall submit to CDFW for its review and approval a Weed Management Plan (WMP) before starting Covered Activities, if weed management activities have not otherwise been addressed in another project plan to the satisfaction of CDFW. The WMP shall include measures to ensure that non-native invasive plant species do not become established within or adjacent to the Project Area or proliferate because of Covered Activities. The WMP shall address non-native plants within and adjacent to the Project Area during construction and post-construction. The WMP shall also address Covered Species habitat. The WMP shall prohibit the establishment of any plant listed on the California Invasive Plant Council's (Cal-IPC) [Invasive Plant Inventory](#) (High, Moderate, Limited, and Watch lists). The WMP shall address sources of non-native plant introduction and establishment; measures to minimize the potential of non-native plant spread and/or proliferate in the Project Area and adjacent to the Project Area; management of stockpiles; identification/Early Detection Rapid Response; and methods to eradicate nonnative plants prior to seed set. Prevention Best Management Practices and guidelines for invasive plants can be found on Cal-IPC's [Prevention](#) webpage and Cal-IPC's [Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers](#).

**7.6. Pesticide Use.** Permittee shall not use pesticides such as herbicides, insecticides, or rodenticides within the Project Area. If pesticides must be used, including for habitat restoration and enhancement, Permittee shall consult with CDFW and may only use pesticides upon CDFW's written approval (see Condition of Approval 7.7 below).

**7.7. Pesticide Use Plan.** If pesticide use is approved by CDFW, Permittee shall submit to CDFW for its review and approval a Pesticide Use Plan to Avoid and Minimize Impacts to the Covered Species (Pesticide Use Plan). The Pesticide Use Plan shall describe Best Management Practices to avoid and minimize adverse effects of pesticide use on individuals of the Covered Species and Covered Species habitat adjacent to the Project Area.

Permittee shall incorporate the following (at a minimum) into the Pesticide Use Plan: (1) follow best management practices described by Xerces Society's Guidance to Protect Habitat from Pesticide Contamination, California Department of Pesticide Regulation, and the University of California's Division of Agriculture and Natural Resources Statewide Integrated Pest Management Program's Best Management Practices to protect bees from pesticides; (2) avoid mixtures with adjuvants containing alkylphenol ethoxylates, (3) avoid use of soil fumigants, which penetrate the soil and can poison ground nesting bees; (4) avoid spraying herbicides, especially on plants that are in bloom to minimize direct or indirect contact the Covered Species; (5) use targeted methods only; (6) pesticide application shall be conducted when the Covered Species is overwintering (i.e., outside of the Colony Active Period) to the maximum extent practicable; (7) avoid the use of pesticides marked with the U.S. Environmental Protection Agency's bee hazard icon; and (8) preferentially use chemicals that are rated green/III in the University of California Integrated Pest Management Bee Precaution Database and chemicals of the least toxic products at the least concentrated application when possible.

**8. 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. The off-site mitigation property, Irvine Lake North, is 99.83 acres and contains more than 95 acres of natural upland vegetation that is suitable for the Covered Species. The remaining habitat on site provides a natural buffer and connectivity to neighboring habitat that is beneficial for the Covered Species. The property contains year-round floral resources preferred by the Covered Species (Figure 6).

To meet this requirement, the Permittee shall provide for both the permanent protection and management of **99.83 acres** of Habitat Management (HM) lands pursuant to Condition of

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Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of HM lands must be completed before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

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

**8.1.1.** Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$20,591 per acre for 99.83 acres: **\$2,055,635**

**8.1.2.** All costs necessary to review and record a conservation easement as described in Condition of Approval 8.2.1 and 8.2.2 below: **\$17,440;**

**8.1.3.** Start-up costs for HM lands, including initial site protection costs as described in Condition of Approval 8.2.5 below, estimated at **\$42,625.**

**8.1.4.** Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$15,081/acre for 99.83 acres: **\$1,505,558.** Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

**8.1.5.** 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 8.4, estimated at **\$6,000.**

**8.1.6.** 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 estimated at **\$75,000.**

**8.2. Habitat Management Lands Acquisition and Protection.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:

**8.2.1. Fee Title.** Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person,

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or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.

- 8.2.2. Conservation Easement.** If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.
- 8.2.3. HM Lands Documentation.** Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 8.2.4. Land Manager.** Designate a long-term land manager approved by CDFW. The long-term land manager may be the landowner or another party. 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 act as both the interim and long-term land manager unless otherwise specified. A grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.
- 8.2.5. 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; and (7) installing signage.

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**8.3. Endowment Fund.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

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

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

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does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).

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

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

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

8.3.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

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

**8.3.4. Management of the Endowment.** The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and

manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

- 8.4. Reimburse CDFW.** Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to, transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

- 9. Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 9.1. Security Amount.** The Security shall be in the amount of **\$3,702,258** or in the amount identified in Condition of Approval 8.1 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 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 9.2. 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's Office of the General Counsel.
- 9.3. Security Timeline.** The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 9.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

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- 9.5. Security Transmittal.** Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 9.6. 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.
- 9.7. 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:
- Written documentation of the acquisition of the HM lands;
  - Confirmation that start-up activities have been completed, as per Condition of Approval 8.2.5;
  - Copies of all executed and recorded conservation easements;
  - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
  - Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.

#### **IX. Amendment:**

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

#### **X. Stop-Work Order:**

If CDFW determines the Permittee has violated any term or condition of this ITP or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing the Permittee to suspend any Covered Activity for an initial period of up to 30 days or risk suspension or revocation of this ITP. CDFW can issue a stop-work order to prevent or remedy a violation of this ITP, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the

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

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

#### **XI. Compliance with Other Laws:**

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

#### **XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-033-05) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erinn Wilson-Olgin, Regional Manager  
California Department of Fish and Wildlife  
South Coast Region 5  
Attn: CESA Permitting Program  
3883 Ruffin Road  
San Diego, CA 92123  
[R5CESA@wildlife.ca.gov](mailto:R5CESA@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](mailto:CESA@wildlife.ca.gov)

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

Jennifer Turner, Senior Environmental Scientist Supervisory  
California Department of Fish and Wildlife  
South Coast Region 5  
3883 Ruffin Rd.  
San Diego, CA 92123  
(858) 539-9109  
[Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)

### **XIII. Compliance with the California Environmental Quality Act:**

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Irvine Ranch Water District. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Final Environmental Impact Report for the Syphon Reservoir Improvement Project (SCH No.: 2019080009; EIR), that was certified by the Irvine Ranch Water District on July 27, 2021, Addendum No. 2 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No.: 2019080009; Addendum 2), dated May 2025, and Addendum No. 3 to the Syphon Reservoir Improvement Project Final Environmental Impact Report (SCH No.: 2019080009; Addendum 3), dated October 2025. At the time the Lead Agency certified the EIR, approved the Addendums, 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 EIR and Addendums for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

### **XIV. Findings Pursuant to CESA:**

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

CDFW finds based on substantial evidence in the ITP application, the Syphon Reservoir Improvement

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Project Final Environmental Impact Report, Addendum No. 2, and Addendum No. 3 to the Syphon Reservoir Improvement Project Final Environmental Impact Report, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of **99.83 acres** of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (8) Issuance of this ITP will not jeopardize the continued existence of the Covered Species based on the best scientific and other information reasonably available, and this finding includes consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. Moreover, CDFW's finding is based, in part, on CDFW's express authority to

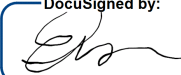
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amend the terms and conditions of this ITP without concurrence of the Permittee as necessary to avoid jeopardy and as required by law.

**XV. Attachments:**

FIGURE 1	Regional Map of Project Area
FIGURE 2	Detailed Map of Project Site
FIGURE 3	Map of Off-Site Mitigation Site, Relative to Project Site
FIGURE 4	Impacts to Natural Communities
FIGURE 5	Project Impacts by Type
FIGURE 6	Irvine Lake North Floral Resource Inventory
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 12/15/2025**

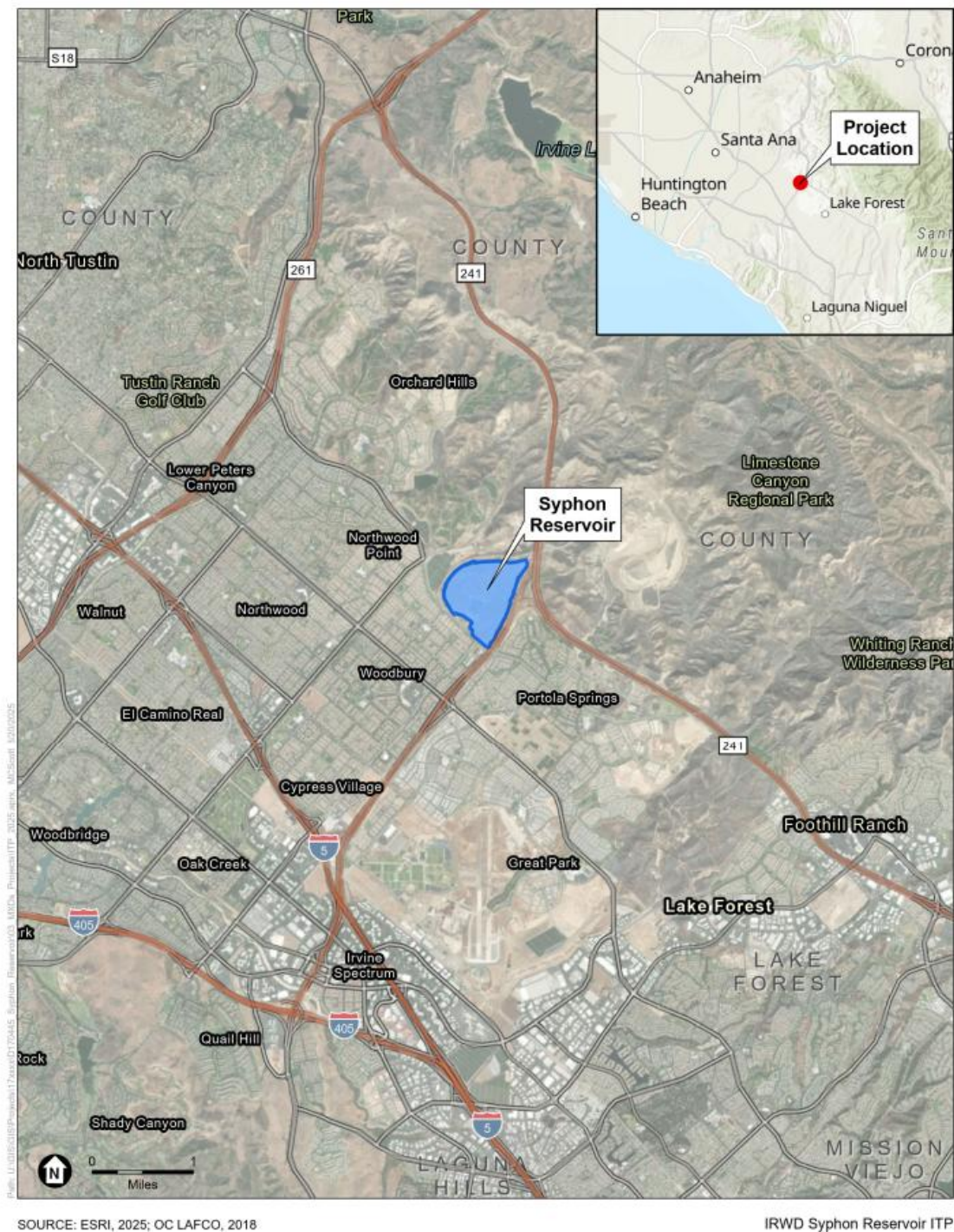
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Erinn Wilson-Olgin, Regional Manager

South Coast Region 5

Incidental Take Permit  
No. 2081-2025-033-05  
**IRVINE RANCH WATER DISTRICT**  
**SYPHON RESERVOIR IMPROVEMENT PROJECT**





**Figure 1**  
Regional Map



Figure 1. Regional Map of Project Area





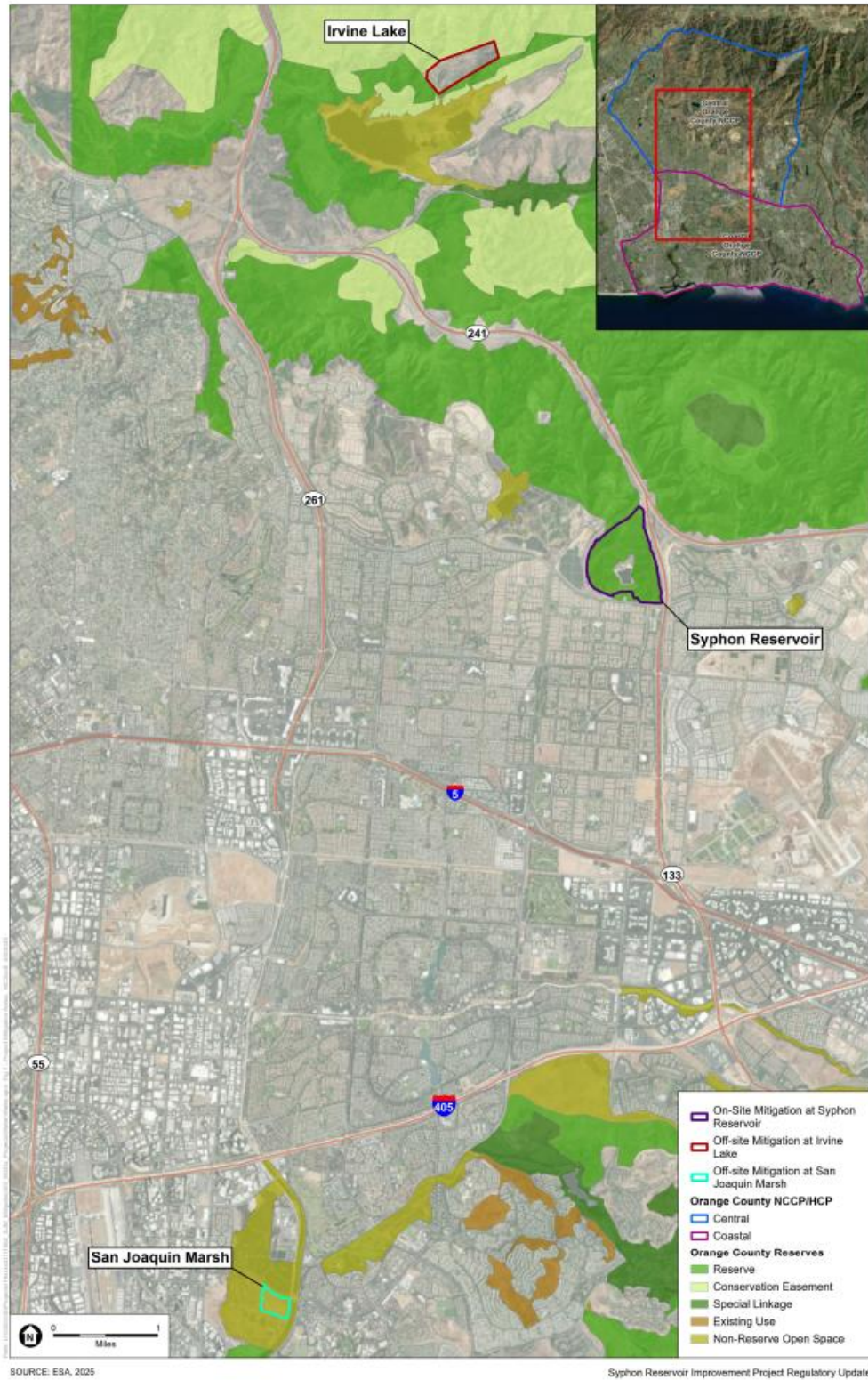
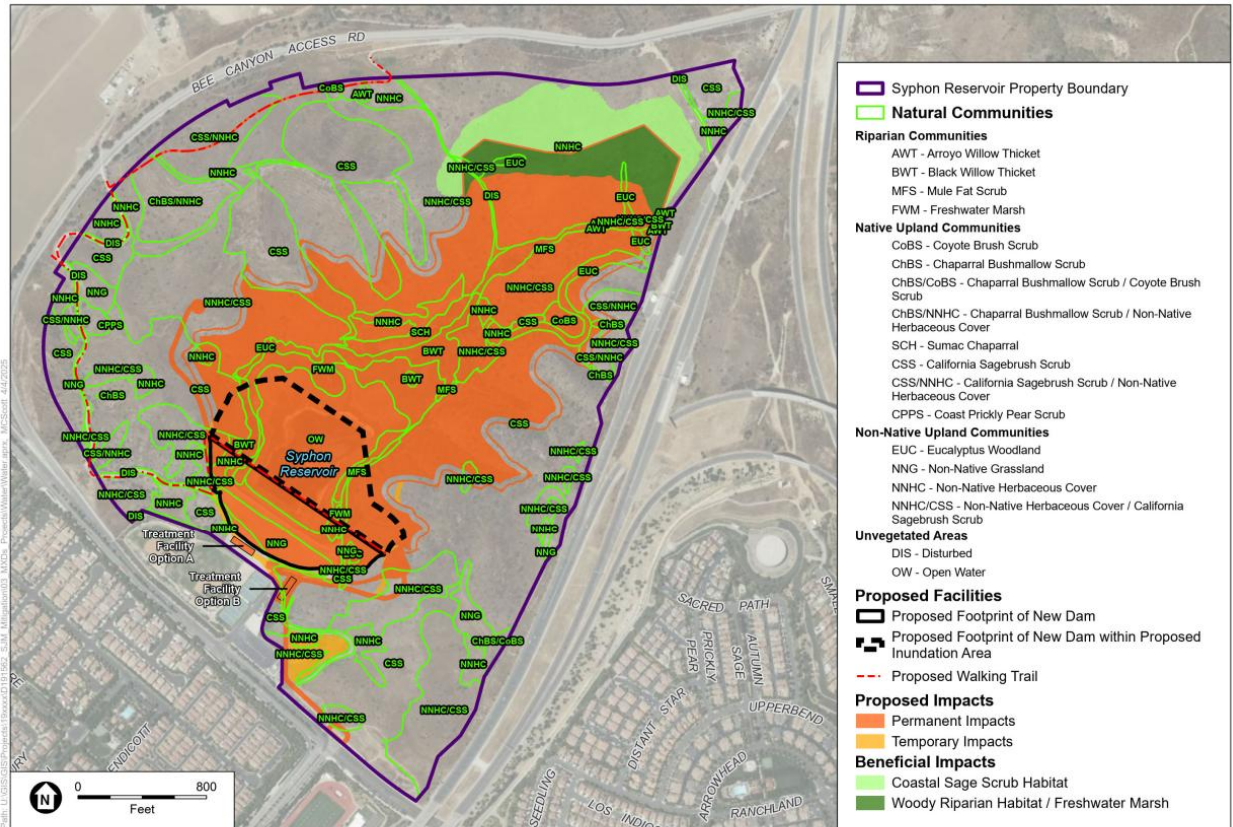


Figure 3. Map of Off-Site Mitigation Site, Relative to Project Site



SOURCE: ESRI, 2025

Syphon Reservoir Improvement Project Regulatory Update

Figure 4. Impacts to Natural Communities



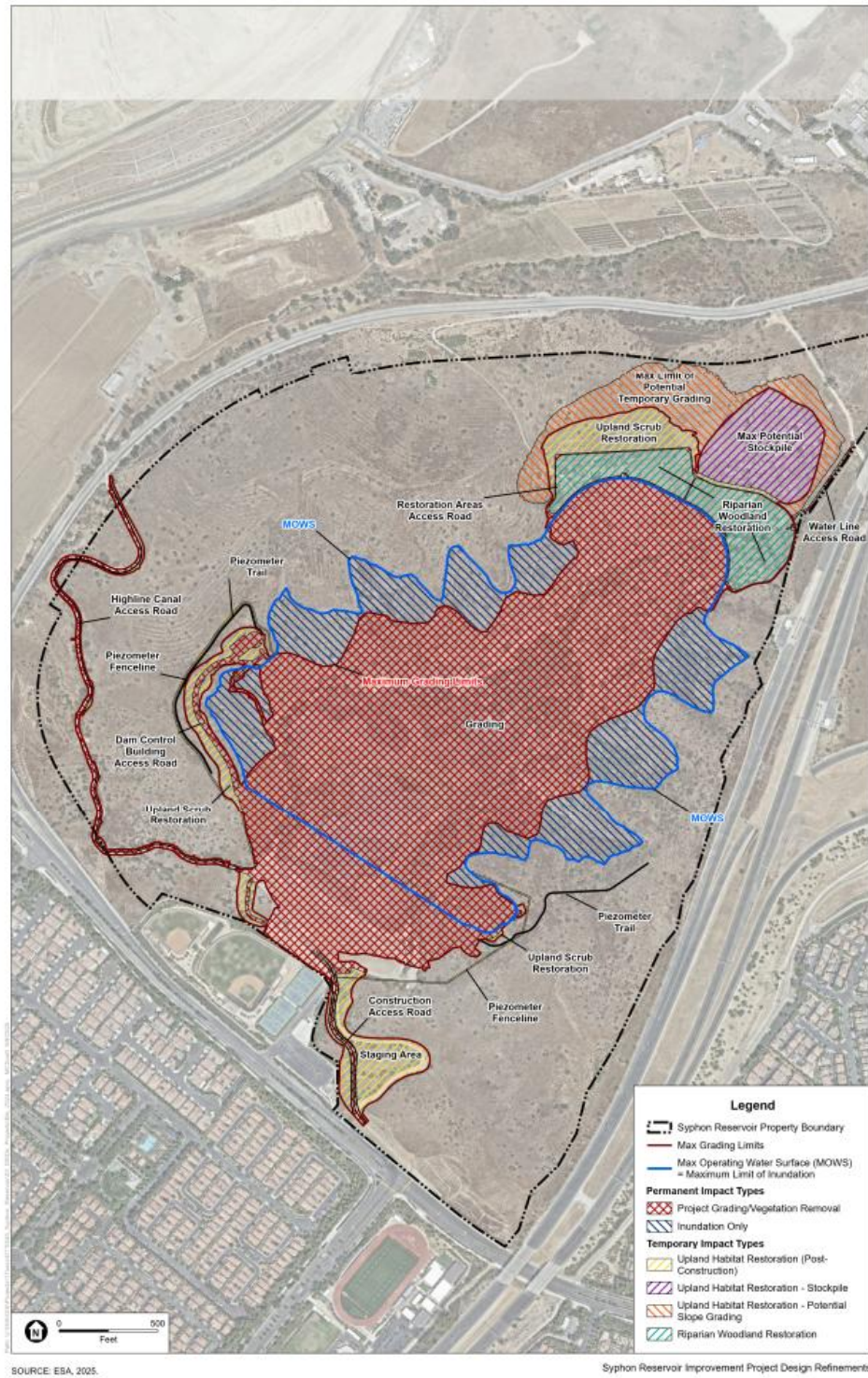


Figure 5. Project Impacts by Type

## IRVINE LAKE NORTH FLORAL RESOURCE INVENTORY

[illegible]

Family Name	Latin Name	Common Name	Habit <sup>a</sup>	Duration <sup>b</sup>	Flower Color <sup>c</sup>	Bloom Period <sup>d</sup>											
						Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.
Cucurbitaceae	<i>Marah macrocarpa</i>	chilicothe	V	P	W												
Euphorbiaceae	<i>Euphorbia albomarginata</i>	rattlesnake sandmat	H	P	W												
Fabaceae	<i>Acemison glaber</i> var. <i>glaber</i>	deerweed	SS	P	Y												
Fabaceae	<i>Lathyrus vestitus</i> var. <i>vestitus</i>	hillside pea	H	P	L – Pu												
Fabaceae	<i>Medicago polymorpha</i>	California burclover	H	A	Y												
Fabaceae	<i>Parkinsonia aculeata</i>	Mexican palo verde	T	P	Y												
Geraniaceae	<i>Erodium cicutarium</i>	redstem filaree	H	A	P – Pu												
Hydrophyllaceae	<i>Phacelia ramosissima</i>	branching phacelia	H	P	W/B/L												
Hydrophyllaceae	<i>Phacelia parryi</i>	Parry's phacelia	H	A	Pu												
Iridaceae	<i>Sisyrinchium bellum</i>	blue-eyed grass	H	P	B/Pu/VW												
Lamiaceae	<i>Salvia apiana</i>	White sage	S	P	W												
Lamiaceae	<i>Salvia mellifera</i>	black sage	S	P	W/B/L												
Liliaceae	<i>Calochortus catalinae</i>	Catalina mariposa lily	H	P	W – Pu												
Malvaceae	<i>Malacothamnus fasciculatus</i> var. <i>laxiflorus</i>	splendid bushmallow	S	P	P												
Myrtaceae	<i>Eucalyptus camaldulensis</i>	red gum	T	P	W												
Nyctaginaceae	<i>Mirabilis laevis</i> var. <i>crassifolia</i>	wishbone bush	S	P	P – Pu/R												
Onagraceae	<i>Clarkia botata</i>	punch bowl godetia	H	A	L – P												
Orobanchaceae	<i>Castilleja exserta</i> ssp. <i>exserta</i>	purple owls' clover	H	A	W, Y, P - Pu												
Orobanchaceae	<i>Castilleja foliolosa</i>	woolly paintbrush	H/SS	P	O-R												
Papaveraceae	<i>Eschscholzia californica</i>	California poppy	H	A/P	O or Y												
Phrymaceae	<i>Diplacus auranticus</i>	orange bush monkeyflower	S	P	Y-O												
Plantaginaceae	<i>Plantago erecta</i>	California plantain	H	A	Op												
Plantaginaceae	<i>Antirrhinum coulterianum</i>	Coulter's snapdragon	H	A	W												
Polygonaceae	<i>Eriogonum fasciculatum</i> var. <i>foliosum</i>	California buckwheat	S	P	W												
Rosaceae	<i>Adenostoma fasciculatum</i> var. <i>fasciculatum</i>	chamise	S	P	W												
Rosaceae	<i>Heteromeles arbutifolia</i>	toyon	T	P	W												

Family Name	Latin Name	Common Name	Habit <sup>a</sup>	Duration <sup>b</sup>	Flower Color <sup>c</sup>	Bloom Period <sup>d</sup>											
						Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.
Rubiaceae	<i>Galium angustifolium</i> ssp. <i>angustifolium</i>	narrow-leaved bedstraw	H	P	R – Y												
Rubiaceae	<i>Galium aparine</i>	goose grass	H	A	W												
Solanaceae	<i>Solanum umbelliferum</i> var. <i>umbelliferum</i>	blue witch nightshade	SS	P	L – B/Pu												
Viburnaceae	<i>Sambucus mexicana</i>	blue elderberry	T	P	W-B												

SOURCE: Blooming species observed on ILN property as noted during the April 2, 2025 site visit. Floral information is noted as identified within the Jepson Flora Project (eds.) 2025. *Jepson eFlora*, <https://ucjeps.berkeley.edu/eflora/> [accessed on April 18, 2025].

NOTES: Common names, habits, flower colors and bloom period as noted within the Jepson eFlora

- Habit: Tree (T), Shrub (S), Subshrub (SS), Vine (V), Herbaceous (H)
- Duration: Annual (A), Perennial (P)
- Flower Color: White (W), Red (R), Yellow (Yellow), Violet (V), Lavender (L), Pink (P), Purple (Pu), Blue (B), Orange (O), Opaque (Op), - represents a range between the two colors.
- Bloom Period: Suitable bloom period for floral resources identified as February through November.

Figure 6. Irvine Lake North Floral Resource Inventory

## **Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2025-033-05**

**PERMITTEE: Irvine Ranch Water District**

**PROJECT: Syphon Reservoir Improvement Project**

#### **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
<b>BEFORE DISTURBING SOIL OR VEGETATION</b>					
1	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.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information 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 avoid, minimize and mitigate the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be changed.	ITP Condition # 5.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Permittee shall conduct a Worker Education Awareness Program (WEAP) for all persons employed or otherwise working in the Project Area before performing any work. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the ecology of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, and the WEAP shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the WEAP, employees shall sign a form stating they attended the WEAP 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 # 5.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	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 scavengers that may cause a disturbance on site.	ITP Condition # 5.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	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.	ITP Condition # 5.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	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.	ITP Condition # 5.8	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	Before starting Covered 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 # 5.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Permittee shall clearly delineate habitat of the Covered Species remaining within the Project Area after initial site clearance with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of remaining Covered Species' habitat.	ITP Condition # 5.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	Permittee shall submit to CDFW for its review and approval a Weed Management Plan (WMP) before starting Covered Activities, if weed management activities have not otherwise been addressed in another project plan to the satisfaction of CDFW. The WMP shall include measures to ensure that non-native invasive plant species do not become established within or adjacent to the Project Area or proliferate because of Covered Activities. The WMP shall address non-native plants within and adjacent to the Project Area during construction and post-construction. The WMP shall also address Covered Species habitat. The WMP shall prohibit the establishment of any plant listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (High, Moderate, Limited, and Watch lists). The WMP shall address sources of non-native plant introduction and establishment; measures to minimize the potential of non-native plant spread and/or proliferate in the Project Area and adjacent to the Project Area; management of stockpiles; identification/Early Detection Rapid Response; and methods to eradicate nonnative plants prior to seed set. Prevention Best Management Practices and guidelines for invasive plants can be found on Cal-IPC's Prevention webpage and Cal-IPC's Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers.	ITP Condition # 7.5	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	Permittee shall provide for both the permanent protection and management of 99.83 acres of Habitat Management (HM) lands pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Permanent protection and funding for perpetual management of HM lands must be completed before starting Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.	ITP Condition # 8	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
12	<p>CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands as follows:</p> <ul style="list-style-type: none"> <li>i) Land acquisition costs for HM lands identified in Condition of Approval 8.2 below, estimated at \$20,591 per acre for 99.83 acres: \$2,055,635</li> <li>ii) All costs necessary to review and record a conservation easement as described in Condition of Approval 8.2.1 and 8.2.2 below: \$17,440;</li> <li>iii) Start-up costs for HM lands, including initial site protection costs as described in Condition of Approval 8.2.5 below, estimated at \$42,625.</li> <li>iv) Long-term management funding as described in Condition of Approval 8.3 below, estimated at \$15,081/acre for 99.83 acres: \$1,505,558. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</li> <li>v) 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 8.4, estimated at \$6,000.</li> <li>vi) 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 estimated at \$75,000.</li> </ul>	ITP Condition # 8.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
13	Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.	ITP Condition # 8.2.1	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
14	If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.	ITP Condition # 8.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
15	Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;	ITP Condition # 8.2.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)		
16	Designate a long-term land manager approved by CDFW. The long-term land manager may be the landowner or another party. 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 act as both the interim and long-term land manager unless otherwise specified. A 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.	ITP Condition # 8.2.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)		
17	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 <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736</a> ) (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; and (7) installing signage.	ITP Condition # 8.2.5	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
18	<p>If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 8.2.5. Endowment as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions, and appreciation thereon. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	ITP Condition # 8.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
19	<p>The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	ITP Condition # 8.3.1	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
20	After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Condition # 8.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
21	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.	ITP Condition # 8.3.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
22	Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment: <ul style="list-style-type: none"> <li>i) 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.</li> <li>ii) Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</li> <li>iii) 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.</li> </ul>	ITP Condition # 8.3.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
23	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Condition # 8.3.3	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
24	<p>The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition # 8.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	
25	<p>Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to, transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.</p>	ITP Condition # 8.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if security is provided)	Permittee	



26	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 7 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p>a) <u>Security Amount</u>. The Security shall be in the amount of <b>\$3,702,258</b> or in the amount identified in Condition of Approval 8.1 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 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p> <p>b) <u>Security Form</u>. 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's Office of the General Counsel.</p> <p>c) <u>Security Timeline</u>. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</p> <p>d) <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p>e) <u>Security Transmittal</u>. Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p>f) <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p>g) <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Confirmation that start-up activities have been completed, as per Condition of Approval 8.2.5;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of this ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	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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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
<b>DURING CONSTRUCTION</b>					
27	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 because of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 5.3	Entire Project	Permittee	
28	The Designated Biologist(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 WEAP. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition # 5.5	Entire Project	Permittee	
29	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 15 miles per hour to avoid Covered Species on 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.	ITP Condition # 5.11	Entire Project	Permittee	
30	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 5.11 of this ITP.	ITP Condition # 5.12	Entire Project	Permittee	
31	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 5.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 5.14	Entire Project	Permittee	
33	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 # 5.15	Entire Project	Permittee	
34	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.	ITP Condition # 6.2	Entire Project	Permittee	
35	<p>The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:</p> <ul style="list-style-type: none"> <li>(1) minimize incidental take of the Covered Species;</li> <li>(2) prevent unlawful take of species;</li> <li>(3) check for compliance with all measures of this ITP;</li> <li>(4) check all exclusion zones; and</li> <li>(5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.</li> </ul> <p>The Designated Representative or Designated Biologist shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.</p> <p>During periods of Project inactivity, or after vegetation clearing and initial grading have been completed, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week only after Permittee obtains written approval from CDFW. Permittee shall immediately resume daily compliance inspections if the Designated Biologist or CDFW finds the Permittee is out of compliance with any Conditions of Approval of this ITP, upon written notification from CDFW, and/or if the Covered Species, including nests or overwintering queens, are suspected or confirmed in the Project Area.</p>	ITP Condition # 6.3	Entire Project	Permittee	

	<b>Mitigation Measure</b>	<b>Source</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
36	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly 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. Monthly 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 Jessie Lane, Environmental Scientist (Jessie.Lane@wildlife.ca.gov and copy R5Cesa@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.	ITP Condition # 6.4	Entire Project	Permittee	
37	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 Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (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.	ITP Condition # 6.5	Entire Project	Permittee	
38	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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation. The Designated Biologist shall submit a notification of observation (including species name, date of observation and GPS coordinates) by email to CDFW's Regional Representative within 24 hours of observation.	ITP Condition # 6.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
39	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 Monthly 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.	ITP Condition # 6.7	Entire Project	Permittee	
40	Designated Biologist shall immediately notify the Designated Representative if a Covered Species is taken, needs to be relocated, or is injured by a Project-related activity, or if a Covered Species is otherwise found dead within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW's Regional Representative (Jessie.Lane@wildlife.ca.gov and copy R5CESA@wildlife.ca.gov) and by calling the Regional Office at (858) 467-4201. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, GPS location (including GPS error estimated in feet and datum) of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 6.8	Entire Project	Permittee	
41	<p>If a Covered Species is taken or otherwise found deceased, the Designated Biologist shall salvage, photograph, and place the carcass in a labeled, clean Ziplock bag or vial and store it in a freezer. The label shall include a unique identifier (collection number), species name, time and date of collection, collection location, GPS location (including datum and horizontal error in feet), circumstances surrounding death (if known), collector name and contact information (phone number or email), and ITP Number 2081- 2025-033-05. The Designated Biologist shall deliver the carcass (on dry ice if possible) to the following address and notify CDFW's Regional Representative at the time of shipping:</p> <p>CDFW Wildlife Genetics Research Unit (Wildlife Health Lab)  Attention: Michael Buchalski  1415 North Market Blvd., Suite 9  Sacramento, CA 95834</p>	ITP Condition # 6.8.1	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	Permittee shall remove vegetation after plants have stopped blooming in the fall and outside of the Colony Active Period and Gyne Flight Season (approximately February 1 through August 31; varies based on the location/year and can be confirmed via pre-construction surveys), to the maximum extent feasible. When vegetation removal is occurring by mower, Permittee shall set mower blade heights no lower than 4 inches, unless otherwise approved by CDFW in writing.	ITP Condition # 7.1	Entire Project	Permittee	
43	If vegetation needs to be removed during the bloom period, Permittee shall remove flowering vegetation in a patched manner leaving areas of floral resources as refugia for foraging Covered Species or wait until bloom has ceased. During the bloom period and colony active period, removal of non-native plants should be prioritized over native plants.	ITP Condition # 7.1.1	Entire Project	Permittee	
44	Permittee shall ensure that each daily work area is adequately covered by a Designated Biologist. Permittee shall proceed with Covered Activities in a systematic manner to facilitate the Designated Biologist(s) in performing surveys required by Condition of Approval 7.4. If there are multiple, separate work areas on a given workday, Permittee shall provide a Designated Biologist for each separate work area.	ITP Condition # 7.2	Entire Project	Permittee	
45	Permittee shall immediately stop all Covered Activities in the vicinity if a Covered Species nest is found. Permittee shall notify the Designated Biologist and CDFW's Regional Representative (Jessie.Lane@wildlife.ca.gov and copy R5CESA@wildlife.ca.gov) if a Covered Species is taken, needs to be relocated, or is injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured (see Condition of Approval 6.8). Covered Activities may resume in the vicinity where a Covered Species nest is found after Permittee receives written approval from CDFW's Regional Representative.	ITP Condition # 7.3	Entire Project	Permittee	
46	Prior to Covered Activities occurring during the Colony Active Period (generally February 1 through August 31), the Designated Biologist shall search for the Covered Species through an area planned for Covered Activities. The Designated Biologist shall perform two surveys consisting of meandering transects no more than 10 days prior to the commencement of Covered Activities in that area. The Designated Biologist shall conduct surveys at least four days apart with the second survey occurring within two days prior to starting Covered Activities in that area. The Designated Biologist shall focus attention on areas with blooming native and non-native nectar and pollen resources for the Covered Species. The survey duration shall be appropriate to the size of the area planned for Covered Activities plus 50 feet based on a minimum of one person-hour of searching per three acres of suitable habitat. The Designated Biologist shall conduct surveys between 8:00 AM and 4:00 PM (Pacific Standard Time) on sunny days between 55- and 90-degrees Fahrenheit with sustained wind speeds measuring less than 10 miles per hour. If the Covered Species is detected or suspected during surveys, the Designated Biologist shall flag the area where the observation was made and closely monitor the areas that were flagged during Covered Activities to further minimize take of Covered Species.	ITP Condition # 7.4	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	The Designated Biologist shall make every effort to locate nests if the Covered Species is suspected or confirmed within the Project Area. The Designated Biologist shall observe any ground animal burrow entrances for signs of the Covered Species. To confirm a suspected Covered Species nest, the Designated Biologist may block/cover any burrow entrance with a jar/vial (or similar) of appropriate size for no more than 30 minutes or until a bumble bee is detected. The Designated Biologist shall also observe bunch grasses, thatched annual grasses, brush piles, old bird nests, dead trees, or hollow logs to determine if a potential nest could be present. The Designated Biologist shall identify the species of bumble bee if a bumble bee is detected.	ITP Condition # 7.4.1	Entire Project	Permittee	
48	If a Covered Species nest is detected or suspected, Permittee, in consultation with the Designated Biologist, shall prohibit or immediately stop all Project Activities within 50 feet of the nest. Designated Biologist shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation (see Condition of Approval 6.4 for contact information). The Designated Biologist shall record the nest location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the nest location as part of notification to CDFW's Regional Representative. Designated Biologist shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until further instructions from CDFW's Regional Representative. To determine if a nest has senesced, the Designated Biologist shall monitor the nest for senescence in late summer and fall. Nest senescence can typically be denoted after the presence of reproductives (gynes and males) are observed. Nests should be monitored a minimum of one hour per day for three consecutive days during optimal weather conditions (i.e. from 8am-4pm, low wind, and low cloud cover conditions, etc.). If there has been no nest activity after the above conditions are met, then the no disturbance work buffer may be removed if CDFW approves.	ITP Condition # 7.4.2	Entire Project	Permittee	
49	If excavation or vegetation removal exposes a nest, the Designated Biologist shall halt work in the area and immediately contact and consult with CDFW. The designated Biologist shall set up a structure to shade the exposed nest and set up a 50 foot no disturbance buffer until the nest has senesced or project activities are completed, whichever comes first.	ITP Condition # 7.4.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	If any overwintering Covered Species are found during Covered Activities, the Permittee, in consultation with the Designated Biologist shall immediately stop and prohibit all Covered Activities within 50 feet of the queen and/or hibernaculum. Permittee shall delineate the 50-foot buffer and notify all workers not to enter the environmentally sensitive area. If an overwintering queen is exposed, the Designated Biologist shall cover and protect the queen bumble bee using the substrate it was found in/under and return any materials removed during surveys (e.g., grass, vegetation, bark, and debris) to re-create pre- disturbed conditions. The Designated Representative or Designated Biologist shall contact CDFW's Regional Representative within 24 hours for further consultation. The Designated Biologist shall record the queen's location with a GPS (including datum and horizontal accuracy in feet) and include photographs and a map of the queen's location as part of notification to CDFW's Regional Representative. Permittee shall increase the size and/or modify the environmentally sensitive area buffer upon notice from CDFW. Permittee shall maintain buffers until the overwintering queen leaves the area, which typically occurs in the early spring, depending on the location and local climate conditions. Permittee shall confer with CDFW's Regional Representative for approval of further instructions.	ITP Condition # 7.4.4	Entire Project	Permittee	
51	If Covered Activities are suspended for longer than three days between February 1st and August 31, the Designated Biologist shall perform one visual survey when survey conditions are met (see Condition of Approval 7.4) prior to re-starting Covered Activities.	ITP Condition # 7.4.5	Entire Project	Permittee	
52	The Designated Biologist shall conduct daily visual sweeps of the daily work area by walking ahead of grading and vegetation removal equipment for Covered Species at the start of daily work and throughout the daily workday. The Designated Biologist shall intermittently repeat visual sweeps throughout the daily work window because the Covered Species is unlikely to be active before the start of daily Covered Activities that initiate prior to 8:00 AM. If the Covered Species is detected or suspected, the Designated Biologist shall follow requirements under Conditions of Approval 7.4.1 and 7.4.2. After initial vegetation clearing has been completed, the frequency of daily visual sweeps may be modified after the Designated Representative consults with, and obtains written approval from, CDFW.	ITP Condition # 7.4.6	Entire Project	Permittee	
53	Permittee shall not use pesticides such as herbicides, insecticides, or rodenticides within the Project Area. If pesticides must be used, including for habitat restoration and enhancement, Permittee shall consult with CDFW and may only use pesticides upon CDFW's written approval (see Condition of Approval 7.7 below).	ITP Condition # 7.6	Entire Project	Permittee	



	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	<p>If pesticide use is approved by CDFW, Permittee shall submit to CDFW for its review and approval a Pesticide Use Plan to Avoid and Minimize Impacts to the Covered Species (Pesticide Use Plan). The Pesticide Use Plan shall describe Best Management Practices to avoid and minimize adverse effects of pesticide use on individuals of the Covered Species and Covered Species habitat adjacent to the Project Area.</p> <p>Permittee shall incorporate the following (at a minimum) into the Pesticide Use Plan: (1) follow best management practices described by Xerces Society's Guidance to Protect Habitat from Pesticide Contamination, California Department of Pesticide Regulation, and the University of California's Division of Agriculture and Natural Resources Statewide Integrated Pest Management Program's Best Management Practices to protect bees from pesticides; (2) avoid mixtures with adjuvants containing alkylphenol ethoxylates, (3) avoid use of soil fumigants, which penetrate the soil and can poison ground nesting bees; (4) avoid spraying herbicides, especially on plants that are in bloom to minimize direct or indirect contact the Covered Species; (5) use targeted methods only; (6) pesticide application shall be conducted when the Covered Species is overwintering (i.e., outside of the Colony Active Period) to the maximum extent practicable; (7) avoid the use of pesticides marked with the U.S. Environmental Protection Agency's bee hazard icon; and (8) preferentially use chemicals that are rated green/III in the University of California Integrated Pest Management Bee Precaution Database and chemicals of the least toxic products at the least concentrated application when possible.</p>	ITP Condition # 7.7	Entire Project	Permittee	



Department of Fish and Wildlife

## BIOLOGIST RESUME COVER SHEET

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**SUBMIT EACH RESUME AS A SEPARATE DOCUMENT**

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

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

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

**BIOLOGIST RESUME FORM****Project Name:**  
**LSA Agreement/ITP Number(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.**

**SECTION I. NAME AND CONTACT INFORMATION**

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

**SECTION II. EDUCATION**

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

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

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

**SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY**

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

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

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

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

**SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Attachment 3: Letter of Credit Form**

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**[Financial institution letterhead]**

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

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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 Uniform Commercial Code, Article 5 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

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[**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"]