



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

California Endangered Species Act
Incidental Take Permit No. 2081-2018-027-04
(Amendment No. 2)

MONTEREY PENINSULA WATER SUPPLY PROJECT

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

Permittee:	California American Water
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Amended ITP³ Background

On December 19, 2019, CDFW issued the original ITP No. 2081-2018-027-04 to California American Water (CalAm or Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Monterey Peninsula Water Supply Project in Monterey County, California (Project). The Project as described in the ITP as originally issued by CDFW includes expanding existing infrastructure and installation of a seawater desalination plant and associated infrastructure, to produce, transfer and store desalinated water and convey it to California American Water customers via an existing distribution system. The Project involves the installation of the desalination

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

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

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

plant, associated pipelines, and two Aquifer Storage and Recovery (ASR) Wells 5 and 6. Associated pipelines include the Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and the Transmission Main Pipeline. The Project area encompasses a total of 54.57 acres incorporated in areas of northern Monterey County, in the town of Castroville, and the City of Marina.

On October 16, 2023, CDFW issued Minor Amendment No. 1 which changed the expiration date of the ITP from June 30, 2023, to June 30, 2028, due to a lawsuit with the Marina Coast Water District (MCWD) which halted Coastal Development Permit approval for Project activities associated with the installation of the Desalination plant, Electrical Powerlines, Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and ASR Wells 5 and 6. Permittee requested a 5-year extension anticipating that the duration needed to resolve the MCWD lawsuit to be approximately 1-year, completion of Covered activities will take approximately 2 to 3 years, and an additional 2-year buffer period to allow for unforeseen complications. Minor Amendment No 1 also included revisions to the Project description and associated habitat quality related to General Jim Moore Boulevard and engineered fill.

On January 7, 2026, CDFW received a received an official request and the associated fee payment from the Permittee for a second minor amendment to the ITP to include specific construction phases, to allow for the phased purchase of Covered Species credits by construction phase, and to allow for establishing security funding. The request is due to the immediate need to construct the administration building and associated infrastructure which is within the Desalination Plant footprint of the Project as the Permittee refines the final design on other portions of the Project, and to allow for the flexibility to construct the administration building and purchase the corresponding Covered Species mitigation credits for just that phase of the Project. The minor amendment will also update Permittee contact information, and other non-substantial revisions. CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4). Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues the ITP. The amended ITP includes all of the operative provisions as of the effective date of this amended ITP. Attachment 4 to this amended ITP shows the specific red-line changes made to the ITP as a result of this minor amendment.

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Effective Date and Expiration Date of this ITP:

The original ITP was executed in duplicate form and became effective on December 19, 2019. This amended ITP shall become effective upon execution by the Regional Manager for CDFW's Central Region. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **June 30, 2028**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 7.8 of this ITP.

Project Location:

The Monterey Peninsula Water Supply Project activities (Project) include work at multiple locations for the installation of pipelines and construction of facilities within unincorporated areas of northern Monterey County, in the town of Castroville, and in the City of Marina. The Project is comprised of three phases: Phase 1, Phase 2, and Phase 3. Each Phase of construction, their corresponding Phase number, and location are described below. See Figure 1 and Figure 4 for the vicinity and locations of individual Project elements that are listed below.

Phase 1 Desalination Plant Administration Building: The administration building is located on approximately 3.41 acres within the 25-acre Desalination Plant site (see Phase 2 below) on the north side of Charles Benson Road in unincorporated Monterey County, 0.8 mile east of Del Monte Boulevard, south of the Salinas River. The centroid of the administration building site is at approximate coordinates 36°42'56.62"N, -121°46'31.89"W.

Phase 2 Remainder of Desalination Plant: The Desalination Plant site is located on approximately 25 acres of a vacant 46-acre parcel on the north side of Charles Benson Road in unincorporated Monterey County, 0.8 mile east of Del Monte Boulevard, south of the Salinas River. The western site location at Charles Benson Road is at approximate coordinates 36°42'56.62"N, -121°46'31.89"W.

Phase 3 Pipelines and ASR Wells: Phase 3 consists of the construction of all other Project components outside of the desalination plant. This includes two Aquifer Storage and Recovery ("ASR") Wells 5 and 6, as well as associated pipelines, including the Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and the Transmission Main Pipeline.

Pipelines:

- The Source Water Pipeline will carry seawater to the Desalination Plant. The segment will run from approximate coordinates 36°42'45.26"N, -121°47'43.98"W eastward along the existing CEMEX access road from the east side of Highway 1 for approximately 500 feet to a dirt road running northeast for 1,000 feet to Lapis Road. It

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will follow Lapis Road in the Transportation Agency for Monterey County (TAMC) right-of-way (ROW) for about 0.5 mile. Approximately 300 feet south of where Lapis Road meets Del Monte Boulevard, the pipeline will turn east across Del Monte Boulevard and continue east on the north side of Charles Benson Road outside the paved roadway for 0.8 mile to the Desalination Plant.

- The Desalinated Water Pipeline will carry desalinated water from the Desalination Plant westward for 0.8 mile on the north side of Charles Benson Road outside the paved roadway and adjacent to the proposed Source Water Pipeline, turning north at Del Monte Boulevard for approximately 800 feet to Lapis Road, and continuing south along the TAMC ROW and Lapis Road to Reservation Road (approximate coordinates 36°41'16.18"N, -121°47'59.20"W) where it will connect to a pipeline not addressed in this ITP.
- The Castroville Pipeline will carry desalinated water from the Desalination Plant. The pipeline will branch off the Desalinated Water Pipeline approximately 240 feet south of the intersection of Charles Benson Road and Del Monte Boulevard, running north along Del Monte Boulevard to Lapis Road and then along the west side of Lapis Road within the TAMC ROW and along Monte Road to Nashua Road. The Castroville Pipeline will continue north along a dirt agricultural road and the Union Pacific Railroad, then between Del Monte Avenue and Union Pacific Railroad, west across Del Monte Avenue and connecting to the existing Castroville Community Services District Well #3 at the north corner of Del Monte Avenue and Merritt Street (approximate coordinates 36°45'19.49"N, -121°44'37.76"W).
- The Transmission Main Pipeline will carry desalinated water within a length of General Jim Moore Boulevard that is owned by the United States Army, from approximately 900 feet south of Gigling Road (36°38'30.29"N, -121°48'27.50"W) to approximately 650 feet south of Arloncourt Road (36°37'34.38"N, -121°48'54.83"W). Each end will connect to pipeline lengths that are already installed.

ASR Wells: Two injection/extraction wells, ASR-6 and ASR-5, and associated facilities will be built on two United States Army-owned parcels located east of General Jim Moore Boulevard in the Fitch Park Monterey Bay Military Housing area, approximately 150 feet (ASR-6) and 900 feet (ASR-5) south of Adrennes Circle (36°38'1.29"N, -121°48'39.72"W and 36°37'54.85"N, -121°48'43.42"W respectively) (Figure 2). Each well will be situated within a fenced area (see below).

Project Description:

The Project includes activities that are part of the larger Monterey Peninsula Water Supply Project, to expand existing infrastructure and install a seawater desalination plant and associated infrastructure, to produce, transfer, and store desalinated water and convey it to California American Water customers via an existing distribution system. The Project will

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occur in up to three phases and involves the installation of a desalination plant, associated pipelines, and two Aquifer Storage and Recovery (ASR) wells. Phase 1 includes the construction of the administration building on the Desalination Plant site, Phase 2 includes the construction of the remainder of the Desalination Plant, and Phase 3 includes the construction of the pipelines and wells. The Project encompasses a total of 54.57 acres (Project Area), as described individually and in greater detail below.

Phase 1 Desalination Plant Administration Building. The administration building is within the larger Desalination Plant project site as described in Phase 2.

Construction: Administration building construction activities include site preparation and grading; pouring concrete footings for foundations, other support equipment; constructing walls and roofs; assembling and installing electrical equipment; and finish work such as paving, landscaping, and fencing. Construction equipment will include excavators, backhoes, graders, pavers, rollers, bulldozers, concrete trucks, flatbed trucks, boom trucks or cranes, forklifts, welding equipment, dump trucks, air compressors, and generators.

The Administration Building will result in 3.41 acres of permanent ground disturbance from creating impervious surfaces associated with the building, driveway, and parking areas. An additional 0.88 acres of temporary disturbance will occur during construction and will be further disturbed during Phase 2. The 0.88 acres of temporary disturbance will be restored or revegetated to pre-activity conditions following the completion of Phase 2 construction.

Electrical Powerlines: Temporary power service will be extended from a Pacific Gas and Electric Company (PG&E) power pole located north of the Desalination Plant site's northeast corner for use during construction (Figure 2). This will require installing a temporary 201-foot-long, 12-foot wide (0.055-acres) corridor for access, for use by PG&E to install a pole-mounted transformer, and for use by a contractor to install an eight-foot by four-foot temporary power meter and extend temporary overhead power along the temporary corridor to the Desalination Plant. Vegetation removal may be required for access and installation, but grading will not occur. Construction workers will use standard rubber-tired line utility trucks to access the alignment, and to install and tension the temporary overhead powerlines. Workers may need to trim or remove some vegetation along the alignment to keep vegetation away from the overhead powerlines.

Phase 2 Remainder of Desalination Plant. The Desalination Plant will house the seawater desalination infrastructure used to create potable water and will have a 6.4-million gallons per day production capacity.

Construction: Desalination Plant construction activities include site preparation and grading; pouring concrete footings for foundations, tanks, and other support equipment;

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constructing walls and roofs; cutting, laying, and welding pipelines and pipe connections; assembling and installing major desalination process components; installing piping, pumps, storage tanks, and electrical equipment; testing and commissioning facilities; and finish work such as paving, landscaping, and fencing the perimeter of the site.

Construction equipment will include excavators, backhoes, graders, pavers, rollers, bulldozers, concrete trucks, flatbed trucks, boom trucks or cranes, forklifts, welding equipment, dump trucks, air compressors, and generators. Pretreatment, reverse osmosis, and post-treatment facilities will be prefabricated and delivered to the site for installation.

The Desalination Plant will result in 11.28 acres of permanent ground disturbance from creating impervious surfaces associated with the desalination facilities, buildings, driveways, parking, and maintenance areas. An additional 7.29 acres of temporary disturbance will occur during construction in addition to the temporary disturbance of 0.88 acres from Phase 1, and will be restored or revegetated to pre-activity condition following the completion of construction.

Electrical Powerlines: Permanent power service will be extended from an existing power pole to the north of the Desalination Plant's western half by trenching for underground installation of the line within a 728-foot long, 12-foot wide (0.20-acres) temporary disturbance corridor (Figure 2). The trench will be excavated approximately one foot wide by three feet deep and will be backfilled and the ground surface restored after installation is completed.

Phase 3 Pipeline Installation and ASR Wells

Pipeline Installation Methods. Most pipeline segments will be installed using conventional open-trench technology; however, where it is not feasible or desirable to perform open-cut trenching, trenchless methods including horizontal directional drilling and jack-and-bore will be used:

- Open-cut trench methods will include clearing and grading the ground surface along the pipeline alignments; excavating the trench; preparing and installing pipeline sections; installing vaults, manhole risers, manifolds, and other pipeline components; backfilling the trench with non-expansive fills; restoring preconstruction contours; and restoring, revegetating, or repaving the pipeline alignments, as appropriate. A conventional backhoe, excavator, or other mechanized equipment will be used to excavate trenches. Work crews will install trench boxes or shoring, or lay back and bench the slopes, to stabilize the pipeline trenches and prevent the walls from collapsing during construction. Open-trench construction will generally proceed at a daily rate of 150 to 250 feet. Steel plates will be placed over trenches to maintain access to private driveways.

- Horizontal Directional Drilling will entail the excavation of an approximately 50-foot by 50-foot pit on either end of the pipe segment along the pipeline. A surface-launched drilling rig will drill a horizontal bore at the desired depth between the two pits. The bore will be filled with drilling fluid and enlarged by a back-reamer to the required diameter, and the pipeline will be pulled into position through the boring. Drilling spoils will be contained and hauled offsite.
- Jack-and-bore installation will entail excavating an entry pit and an egress pit at either end of the pipe segment along the alignment. A horizontal auger will drill a hole, and a hydraulic jack will push a casing through the hole to the egress pit. As the boring proceeds, a steel casing will be jacked into the hole and the pipe will be installed in the casing. Drilling spoils will be contained and hauled offsite.

Along the pipeline alignments, a total of 52 air release valves with 12-inch covers and blow-off utility boxes that are each no more than 2.5 feet by 2 feet in area will be permanently installed within the limits of the work areas described for each pipeline.

Construction equipment for pipeline installation will include flatbed trucks, backhoes, excavators, pipe cutting and welding equipment, haul trucks for spoils transport, trucks for materials delivery, compaction equipment, Baker tanks, pickup trucks, arc-welding machines, generators, air compressors, cranes, drill rigs, and skip loaders. Pipeline segments will be delivered and installed in six-foot to 40-foot long sections. Topsoil that is removed will be stockpiled separately and replaced last. Multiple pipelines will be installed simultaneously.

Pipelines. Seawater originating offsite will be carried to the Desalination Plant by the Source Water Pipeline. Desalinated water will flow from the Desalination Plant through a series of pipelines and connect to existing and proposed infrastructure. Desalinated water will be carried by the Desalinated Water Pipeline, New Transmission Main pipeline, and Castroville Pipeline.

Source Water Pipeline: The approximately 1.584-mile long, 42-inch diameter Source Water Pipeline will be installed mainly using the open-trench method within a six-foot-wide trench. Jack-and-bore methods will be used to install the pipeline under the TAMC ROW at Lapis Road, just north of the CEMEX plant access road. The total work area including the trench and all associated activities along the pipeline alignment will be 50 feet wide along Charles Benson Road and 80 feet wide elsewhere.

Desalinated Water Pipeline: The 3.3-mile-long, 36-inch-diameter Desalinated Water Pipeline will be installed mainly using the open-trench method within a six-foot-wide trench. Jack-and-bore methods will be used to install the pipeline under the TAMC ROW at the southern of two intersections of Lapis Road and Del Monte Boulevard, and also under the TAMC ROW near Seaside Avenue and Del Monte Boulevard, north of

Reservation Road. The total work area including the trench and all associated activities along the pipeline alignment will be 50 feet wide along Charles Benson Road and 80 feet wide elsewhere.

Castroville Pipeline: The 4.5-mile long, 12-inch diameter Castroville Pipeline will convey desalinated Salinas Valley return water from the Desalination Plant to the existing Castroville Community Services District (CCSD) Well #3. It will be installed mainly using the open-trench method within a six-foot-wide trench. The Castroville Pipeline will require two locations of trenchless installation. Jack-and-bore methods will be used to install the pipeline under the TAMC ROW and the Dole Driveway adjacent to Monte Road south of the Salinas River, and horizontal directional drilling methods will be used to install the pipeline under Tembladero Slough. The total work area including the trench and all associated activities along the pipeline alignment will be 50 feet wide along Charles Benson Road and 80 feet wide elsewhere.

At the Salinas River crossing, the Castroville Pipeline will be attached to an existing trellis on the Del Monte Boulevard Bridge with the assistance of long-reach cranes parked on the bridge. Construction is expected to take up to a month, with construction equipment moved to various positions along the span of the bridge. Coyote bush scrub vegetation will be trimmed to allow access. Within the area leading up to the overhead portion of the pipeline at the top of each bank, the majority of the trenching will be performed within an existing unvegetated access road.

Transmission Main Pipeline: A 1.5-mile length of the 36-inch-diameter Transmission Main Pipeline will be installed within General Jim Moore Boulevard, which is a divided, paved road with two lanes in each direction (generally north/south) and a vegetated median strip. Most of the pipeline will be placed into a trench approximately six feet wide within the paved roadway, with the exception of a 332-square-foot work area in the vegetated median within which the pipeline alignment will cross from the east to the west lanes of the road at the north side of the Normandy Road intersection at General Jim Moore Boulevard. In addition, jack-and-bore methods will be used to install the pipeline under the TAMC ROW at Reservation Road. All related activities such as equipment and materials staging, stockpiling, and access will be limited to the area of the paved road or the work area of the road median.

Installation of all water pipelines will result in a combined total of 25.317 acres of temporary ground disturbance to bare or vegetated areas due to trenching, pit excavation, and associated activities, and 0.006 acres of permanent ground disturbance resulting from installation of air release valves and blow-off utility boxes. Disturbance to the paved General Jim Moore Boulevard roadway, including construction for pipeline installation and related activities will be temporary and will total 5.143 acres.

ASR Wells. ASR-5 and ASR-6 will each be drilled to a depth of approximately 1,000 feet, to inject desalinated water and Carmel River water supplies into the existing Seaside Groundwater Basin ASR system. The ASR wells will each have a permanent 500 horsepower, multi-stage, vertical turbine pump; Supervisory Control and Data Acquisition 3 controls for remote operation; and various pipes and valves. Each well pump and electrical control system will be housed in a 900-square-foot permanent concrete pump house. Resulting permanent ground disturbance will be 0.03 acre at ASR-5 and 0.02 acre at ASR-6. Construction activities for the wells will include grading, installation and removal of temporary sound walls; well drilling; and installation of electrical equipment and pumps. The wells will be drilled without bentonite drilling fluids, but non-corrosive, environmentally inert, biodegradable additives may be used to keep the borehole open if necessary. Construction equipment will include drill rigs, water tanks, pipe trucks, flatbed trucks, and service vehicles. Construction of both wells is expected to take 12 months. This ITP does not include installation of any associated pipelines that will connect to the ASR-5 and ASR-6 wells.

Each ASR well site will also include permanent perimeter fencing and a temporary unpaved driveway from General Jim Moore Boulevard. The fences will be chain link, around the 0.5-acre and 0.4-acre temporary disturbance areas at the ASR-5 and ASR-6 wells, respectively, and installation will include setting posts into holes drilled using a vehicle-mounted auger at 10-foot spacing. The ASR-5 site driveway will be 20 feet wide by 50 feet long (0.023 acre) and the ASR-6 driveway will be 20 feet wide by 35 feet long (0.016 acre), outside the fenced temporary disturbance areas surrounding the ASR-5 and ASR-6 wells.

Covered Species Subject to Take Authorization Provided by this ITP:

This ITP covers the following species:

Name	CESA Status
1. California tiger salamander (<i>Ambystoma californiense</i>)	Threatened ³

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

Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include ingress and egress of the Project Area; clearing and grubbing; excavating material such as soil and vegetation; moving, temporarily storing, and removing stockpiled material; backfilling excavated areas; pouring or

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

pumping concrete; compacting backfill material; road reconstruction and paving; underground powerline installation; overhead powerline installation; landscaping; permanent perimeter fence installation; temporary exclusion fence installation; open trench pipeline installation, including staging and equipment operation along the alignment; jack-and-bore, horizontal directional drilling, and related equipment operation for trenchless pipeline installation; moving equipment; grading; paving; and performing any of these activities at night (Covered Activities). Covered Activities do not include installation of any associated pipelines that will connect to the ASR-5 and ASR-6 wells.

Covered Activities may result in incidental take of Covered Species in the form of mortality ("kill") as a result of construction vehicle or equipment strikes during ingress and egress and hauling of materials; vehicle or equipment strikes and burrow collapse associated with earthwork, vegetation removal, roadway removal, and construction; crushing or suffocation by heavy equipment or laydown of equipment and materials; entrapment and desiccation within trenches and uncovered excavations; entrapment within exclusionary fencing; excavation of burrow systems; and entombment from deposition of stockpiled soil over occupied burrows. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursuit or capture through entrapment in holes or trenches; capture of individuals when exclusion fencing is constructed around the Project Area, and when individuals of the Covered Species are salvaged, collected, and relocated or translocated out of harm's way as required by this ITP.

Potential indirect impacts to Covered Species and its habitat include the effects of ground-disturbing activities and vehicle and equipment use including stress, disorientation, or other changes in behavior; increased vulnerability to predation; temporary displacement; introduction or spread of invasive species; increased habitat fragmentation and edge effects; and loss of burrow habitat used for shelter and escape cover. Individuals that are displaced may be unable to survive in adjacent areas that are already at carrying capacity or are otherwise unsuitable.

The Project is expected to cause the permanent loss of 14.746 acres and temporary impacts to 34.681 acres of upland refugia habitat for Covered Species, impacts per Project Phase are included in Table 1 below. The area where take is expected to occur is the entire 49.427-acre work area within upland habitat, which includes permanent and temporary impacts to valley oak woodland, non-native annual grassland, and agricultural (row crop) lands that provide habitat for Covered Species. No impacts to breeding habitat are anticipated. CDFW considers the 5.143-acre area of temporary disturbance within the paved roadway of General Jim Moore Boulevard and the engineered fill beneath the roadway as low quality dispersal habitat for Covered Species, because individuals may enter the work area from adjacent higher quality habitat areas.

Table 1. Expected Impacts to Covered Species Habitat Per Project Phase

Project Phase	Impacts per Project Phase
Phase 1	Permanent Impacts to 3.41 acres. Temporary Impacts to 0.935 acres
Phase 2	Permanent Impacts to 11.28 acres. Temporary Impacts to 7.29 *acres
Phase 3	Permanent Impacts to 0.056 acres. Temporary Impacts to 26.256 acres
Total	Permanent Impacts to 14.746 acres Temporary Impacts to 34.681 acres

* Does not include 0.88 acres of temporary disturbance within the Desalination Plant footprint from Phase 1.

Incidental Take Authorization of Covered Species:

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

Conditions of Approval:

Unless specified otherwise, the following measures apply to all Covered Activities within the Project Area, including areas used for 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. California Environmental Quality Act (CEQA):** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report / Environmental Impact Statement (State Clearinghouse (SCH) No. 2006101004) certified by the California Public Utilities Commission on September 14, 2018, as CEQA lead agency for the Project pursuant to the CEQA (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to mitigation measures and conditions related to the Covered Species in any Lake and Streambed Alteration Agreement (LSAA) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

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4. ESA Compliance: Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the United States Fish and Wildlife Service Biological Opinion on California American Water Company's Monterey Peninsula Water Supply Project, Monterey County, California (Biological Opinion No. 08EVEN00-2017-F-0613) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.

5. ITP Time Frame Compliance: Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

6. General Provisions:

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

6.2. Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of biological monitors (Designated Biologist(s)) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The 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. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW.

6.3. Designated Biologist and Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and

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Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.

- 6.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work in each Project Phase. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.5. Construction Monitoring Notebook. The Designated Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period of each Project Phase, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Upon completion of the Project, Permittee shall remove and properly dispose of all construction refuse including broken equipment parts, wrapping material, cords, cables, wire, rope, strapping twine buckets, metal or plastic containers, and boxes.
- 6.7. 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.

- 6.8. 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.
- 6.9. Delineation of Project Area. Before starting Covered Activities in each Project Phase, , Permittee shall clearly delineate the boundaries of the Project Phase 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 Project Phase.
- 6.10. 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. If Permittee determines that construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.11. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.10 of this ITP.
- 6.12. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.13. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.

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- 6.14. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

7. Monitoring, Notification and Reporting Provisions:

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities in each Project Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities in each Project Phase.
- 7.2. Notification of Non-compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee is not in compliance with any Condition of Approval of this 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 report any non-compliance with this ITP to CDFW within 24 hours.
- 7.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily in each Project Phase under construction when Covered Activities occur. The Designated Biologist(s) 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 Phase under construction. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.
- 7.4. Covered Species Mortality Reduction and Relocation Plan. Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to; a discussion of survey, excavation, capture, handling, and relocation methods; design of exclusion fencing that is equipped with one-way exits to avoid entrapment of Covered Species within the Project Area; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken.

- 7.5. Quarterly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program, by the 5th day of the month beginning three months following the date this ITP takes effect. At the time of this ITP's approval, the CDFW Regional Representative is Jackson Powell (Jackson.Powell@wildlife.ca.gov), the CDFW Central Region office email is R4CESA@wildlife.ca.gov, and the CDFW Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.
- 7.6. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report 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 Annual Status Report shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates of each Project Phase, 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 by Project Phase, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.
- 7.7. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation.
- 7.8. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The

Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (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.

- 7.9. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005. 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, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

8. **Take Minimization Measures:**

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

- 8.1. Active Project Phase Boundary. Permittee shall restrict all Covered Activities, including staging and Project access to within the boundaries of any active Project Phases that have completed Condition of Approval 9.2 or Condition of Approval 10 below. The boundaries of Project Phases are defined in Figures 1, 2, 3, and 4. The total area of an individual active Project Phase shall not exceed the acreage described in the Project Description. Phase 1 shall occur first; other Phases do not need to proceed in numerical order and could happen simultaneously.

- 8.2. Designated Biologist On-site. The Designated Biologist shall be on-site during all ground-disturbing or vegetation-disturbing activities that may result in the take of Covered Species.
- 8.3. Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.
- 8.4. Pre-Activity Clearance Surveys and Reporting. Prior to initiating Covered Activities in each Project Phase, the Designated Biologist shall survey the Project Phase initiating construction, or portion of the total work area where Covered Activities will occur, for individuals of the Covered Species. These pre-activity clearance surveys shall provide 100 percent visual coverage of the Project Phase where construction will be initiated and a 50-foot buffer zone, including burrow openings. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area according to the approved CDFW approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities.
- 8.5. Flag Burrows. During the Pre-Activity Clearance Surveys (Condition of Approval 8.4), the Designated Biologist shall flag all small mammal burrows at and within 50 feet of the Project Phase starting construction, to alert work crews to their presence.
- 8.6. Small Mammal Burrow Excavation. Small mammal burrows identified within the each Project Phase starting construction during Pre-Activity Clearance Surveys (Condition of Approval 8.4) and flagged (Condition of Approval 8.5) that cannot be fully avoided by at least 50 feet shall be fully excavated by the Designated Biologist(s) according to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). The Designated Biologist shall relocate any live individuals of the Covered Species discovered during burrow excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the applicable Pre-Activity Clearance Survey.
- 8.7. Covered Species Exclusion Fencing. After surveying, flagging, and excavating small mammal burrows and relocating Covered Species (Conditions of Approval 8.4, 8.5, and 8.6), in each Project Phase starting construction, Permittee shall install exclusion fencing to prevent individuals of the Covered Species from moving into the Project Area. Permittee shall avoid small mammal burrows by a minimum of 50 feet during the installation of the exclusion fencing

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or as approved in the Covered Species Mortality Reduction and Relocation Plan required in Condition of Approval 7.4.

- 8.8. Exclusion Fencing Installation. Permittee shall install the exclusion fence in each Project Phase no later than 48 hours after the burrow excavation/salvage work is completed in each Project Phase, or at least 48 hours in advance of starting work within a paved roadway area. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Exclusion fence shall be removed immediately upon completion of Covered Activities.
- 8.9. Covered Species Observations. All workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species that could injure or kill the animal shall cease immediately until the individual moves from the Project Area of its own accord or is relocated by the Designated Biologist(s) in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4).
- 8.10. Fieldwork Code of Practice. To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) shall ensure that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 8.11. Open Excavation Inspection. The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within each Project Phase under construction at the beginning, middle, and end of each day (including weekends and any other non-workdays) for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Alternately, excavations with sidewalls steeper than a 1:1 (45 degree) slope may be covered with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of

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excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. The Designated Biologist(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are back-filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4) after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species individual is found incidentally trapped in the Project Area, Permittee shall contact CDFW's Regional Representative within one (1) working day of the incident.

- 8.12. Equipment Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is discovered during inspection, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if the animal is inside the fenced Project Phase, the Designated Biologist(s) shall capture and relocate the Covered Species as per the CDFW- approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4) after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species is found in the Project Area, Permittee shall contact CDFW's Regional Representative within one (1) working day of discovery.
- 8.13. Materials Inspection. Workers shall thoroughly inspect all construction pipe or other similar material with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. Permittee shall cap pipelines that are left overnight or for non-work days to prevent Covered Species from entering. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s), who shall capture and relocate the Covered Species in compliance with the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4).
- 8.14. Covered Species Injury. If an individual of the Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to the CDFW-approved wildlife rehabilitation or veterinary facility that routinely

evaluates and treats amphibians. As required in Condition of Approval 7.4, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report as described in Condition of Approval 7.9. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.

- 8.15. Rain Forecast. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area if Covered Activities are scheduled to occur from October 15 through January 15. Following the installation of exclusionary fencing according to Condition of Approval 8.8, if a 70 percent or greater chance of rainfall is predicted within 24 hours of Project activity, the Designated Biologist(s) shall survey each Project Phase under construction before Covered Activities begin each day rain is forecast in order to capture and relocate Covered Species that are discovered during the surveys, according to the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). If precipitation begins during Covered Activities, the Designated Biologist(s) shall remain at each Project Phase under construction for the duration of the rain event in order for Covered Activities to continue. If rain exceeds ½ inch during a 24-hour period, all Covered Activities shall cease until it is no longer raining, and no further rain is forecast. Covered Activities may continue in a given Project Phase under these conditions if the exclusion fence has been installed in that Project Phase as required by Condition of Approval 8.7.
- 8.16. Night Work. For Project Activities occurring at night, artificial lighting shall be shielded and oriented downward to minimize disturbance to the Covered Species and adjacent habitat.
- 8.17. Stockpiles. Permittee shall ensure that soil stockpiles are placed where soil shall not pass into potential Covered Species breeding pools, nor shall it pass into any "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect and cover stockpiles as needed to prevent soil erosion.
- 8.18. Record of Handling and Covered Species Reporting. All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name

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of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDB as per Condition of Approval 7.7. Permittee shall also include this information in the Quarterly Compliance Report (Condition of Approval 7.5).

- 8.19. Best Management Practices. Permittee shall implement Best Management Practices (BMPs), including a Storm Water Pollution Plan and Water Pollution Control Program, to minimize effects to Covered Species during Covered Activities. Permittee shall implement BMPs to prevent sedimentation from entering into Environmentally Sensitive Areas and to reduce erosion, dust, noise, and other deleterious aspects of construction-related Covered Activities. These BMPs may include, but not be limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near Environmentally Sensitive Areas, and temporary sediment disposal.

9. **Compensatory Mitigation:**

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

To meet this requirement, Permittee shall purchase 82.387 Covered Species credits from a CDFW-approved conservation bank (Condition of Approval 9.2) prior to initiating Covered Activities. Alternatively, the Permittee may purchase Covered Species credits for each Project Phase prior to initiating Covered Activities within that Phase. Purchase of Covered Species credits must be complete prior to initiating Covered Activities for each Project Phase. If Security is provided pursuant to Condition of Approval 10, in accordance with the Phased Mitigation Schedule presented in Table 2, Covered Species credits shall be purchased within 18 months of initiating Covered Activities for each Project Phase.

Table 2. Phased Mitigation

Project Phase	Acreage of Impact		Conservation Bank Credit Purchase Amount	Security Amount
	Permanent	Temporary		
1	3.41	0.935	11.26	\$563,000
2	11.28	7.49	42.08	\$2,104,000
3	0.056	26.256	29.047	\$1,452,350
TOTAL	14.746	34.681	82.387	\$4,119,350

9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW to purchase 82.387 Covered Species credits from a CDFW-approved conservation bank to fulfil the requirements outlined in Condition of Approval 9 as follows:

9.1.1. Cost Per Credit based on 2026 evaluations. The cost of one credit is \$50,000.

9.1.2. Beginning January 1, 2027, the cost in 9.1.1 above shall be adjusted and increased annually for each Phase based on the most recent Gross Domestic Product Price Deflator (GDPPD), as published by the United States Bureau of Economic Analysis, until the time of deposit, in accordance with Condition of Approval 10.1 below.

9.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 82.387 acres of Covered Species credits from a CDFW-approved conservation bank prior to initiating Covered Activities, or no later than 18 months from initiation of Covered Activities for each Project Phase if Security is provided pursuant to Condition of Approval 10 below. Permittee shall purchase Covered Species credits from the CDFW-approved Sparling Ranch Conservation Bank or other CDFW-approved conservation bank. Prior to purchase of Covered Species credits for each Project Phase, Permittee shall obtain CDFW approval to ensure the conservation bank is appropriate to compensate for the impacts of that specific Project Phase. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities in each Project Phase or within 18 months from initiation of Covered Activities for each Project Phase if Security is provided.

10. Security:

The Permittee may proceed with Covered Activities in each Project Phase only after the Permittee has ensured funding (Security) for the corresponding Project Phase to

complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 10.1. Security Amount. The total Security for the Project as a whole shall be in the amount of **\$4,119,350** or the amount identified in Condition of Approval 9.1 specific to the obligation/phase that has not been completed (see Table 2) in 2026 dollars. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW to purchase 82.387 Covered Species conservation bank credits (minimum purchase amount) from a CDFW-approved conservation bank. Because the Project is phased, and separate Security may be deposited for each Phase, the Security amounts shown in Table 2 above shall increase annually as per the GDPPD until the time of Security posting as approved by CDFW.
- 10.2. 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.
- 10.3. Security Timeline. The Security shall be provided in draft form to the CDFW Regional Representative for review and approval prior to execution. Permittee shall execute and provide the executed CDFW-approved Security to CDFW before Covered Activities begin within each phase.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. Permittee shall transmit it to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by.

For Credit Purchase

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

Even if Security is provided, the Permittee must complete the Covered Species credit purchase for each Project Phase no later than 18 months from the initiation of Covered Activities for each Phase of the Project. CDFW may require the Permittee to provide additional Compensatory Mitigation 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.

Amendment:

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

Stop-Work Order:

CDFW may issue Permittee a written stop-work order requiring Permittee to suspend any Covered Activity for an initial period of up to 25 days 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. 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 25 additional days. 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.

Compliance with Other Laws:

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

Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by registered first class mail at the following address, or at addresses CDFW may

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subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2018-027-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
Region 4 – Central Region
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
R4CESA@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, California 94244-2090
CESA@wildlife.ca.gov

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

Jackson Powell
Environmental Scientist
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 889-9758
Jackson.Powell@wildlife.ca.gov

Compliance with CEQA:

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 CEQA lead agency, California Public Utilities Commission. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Environmental Impact Report (EIR) for the CalAm Monterey Peninsula Water Supply Project, (SCH No. 2006101004) dated March 2018, which the lead agency certified for the Project on September 4, 2018. At the time the lead agency certified the EIR and

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CALIFORNIA AMERICAN WATER
MONTEREY PENINSULA WATER SUPPLY PROJECT

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 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.

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, CalAm Monterey Peninsula Water Supply Project, 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; (4) the relocation of individuals of the Covered Species from within the Project Area; and (5) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the purchase of 82.387 Covered Species credits of Covered Species habitat at a CDFW-approved conservation bank prior to groundbreaking, along with the minimization, monitoring, and reporting requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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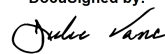
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;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

Attachments:

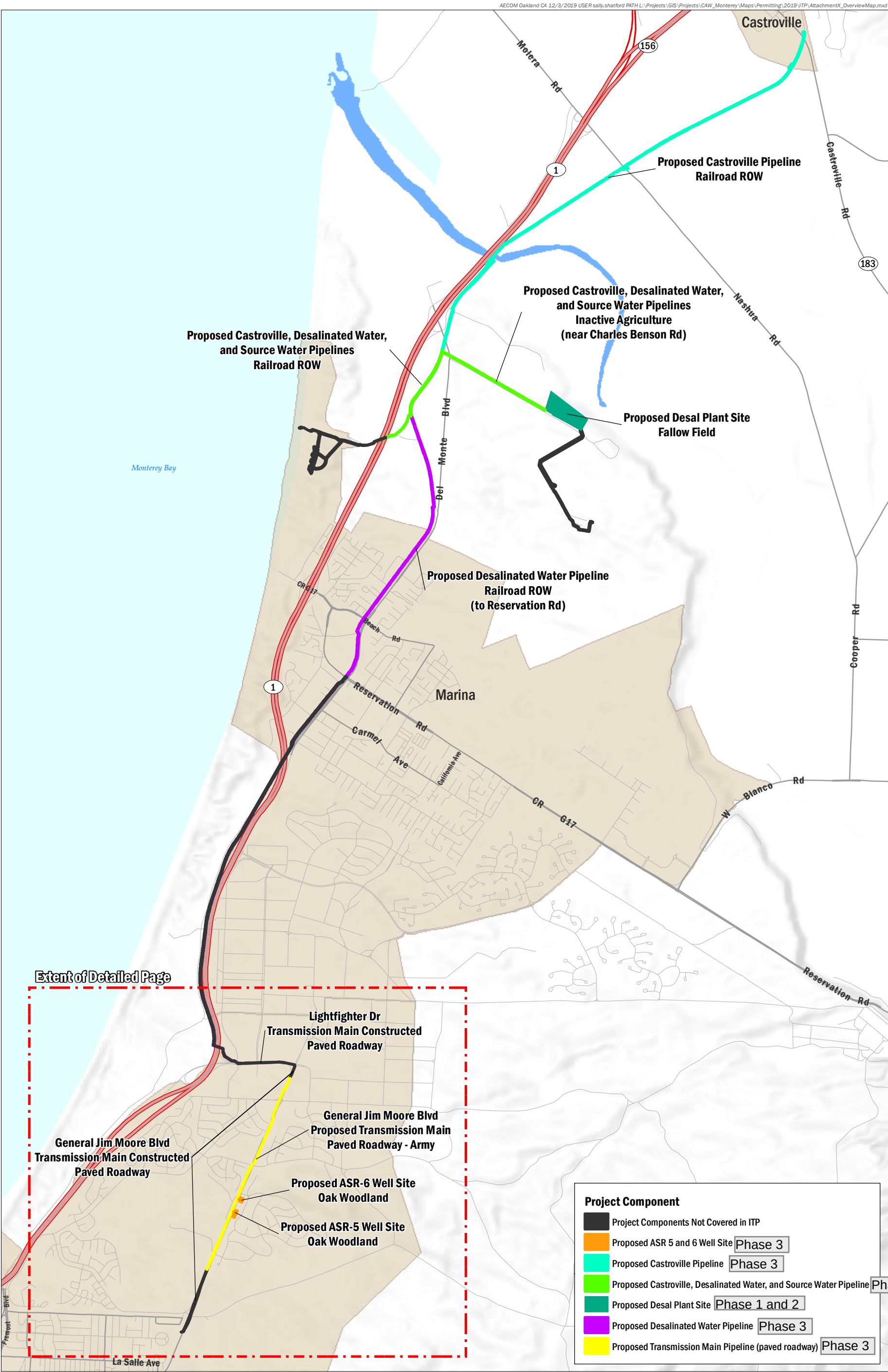
FIGURE 1	Map of Project Overview and Phases
FIGURE 2	Map of Desalination Plant and Electrical Powerlines
FIGURE 3	Map of ASR Wells
FIGURE 4	Map of Phase 1 Desalination Plant Administration Building
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice
ATTACHMENT 3	Letter of Credit Form
ATTACHMENT 4	Amendment 2 with Track Changes

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

on 1/22/2026

DocuSigned by:

 FA83F09FE08945A...
 Julie A. Vance, Regional Manager
 CENTRAL REGION

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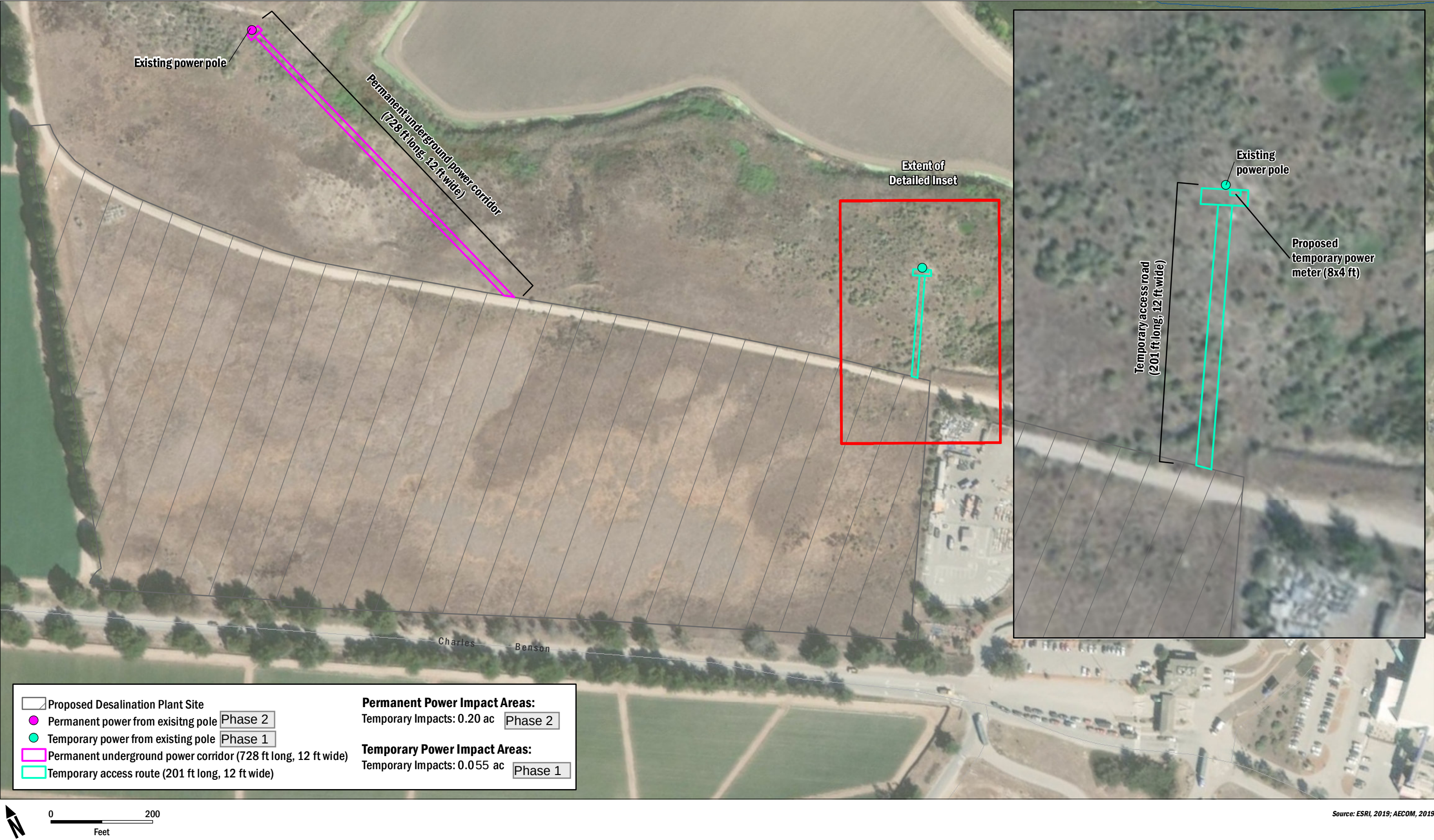
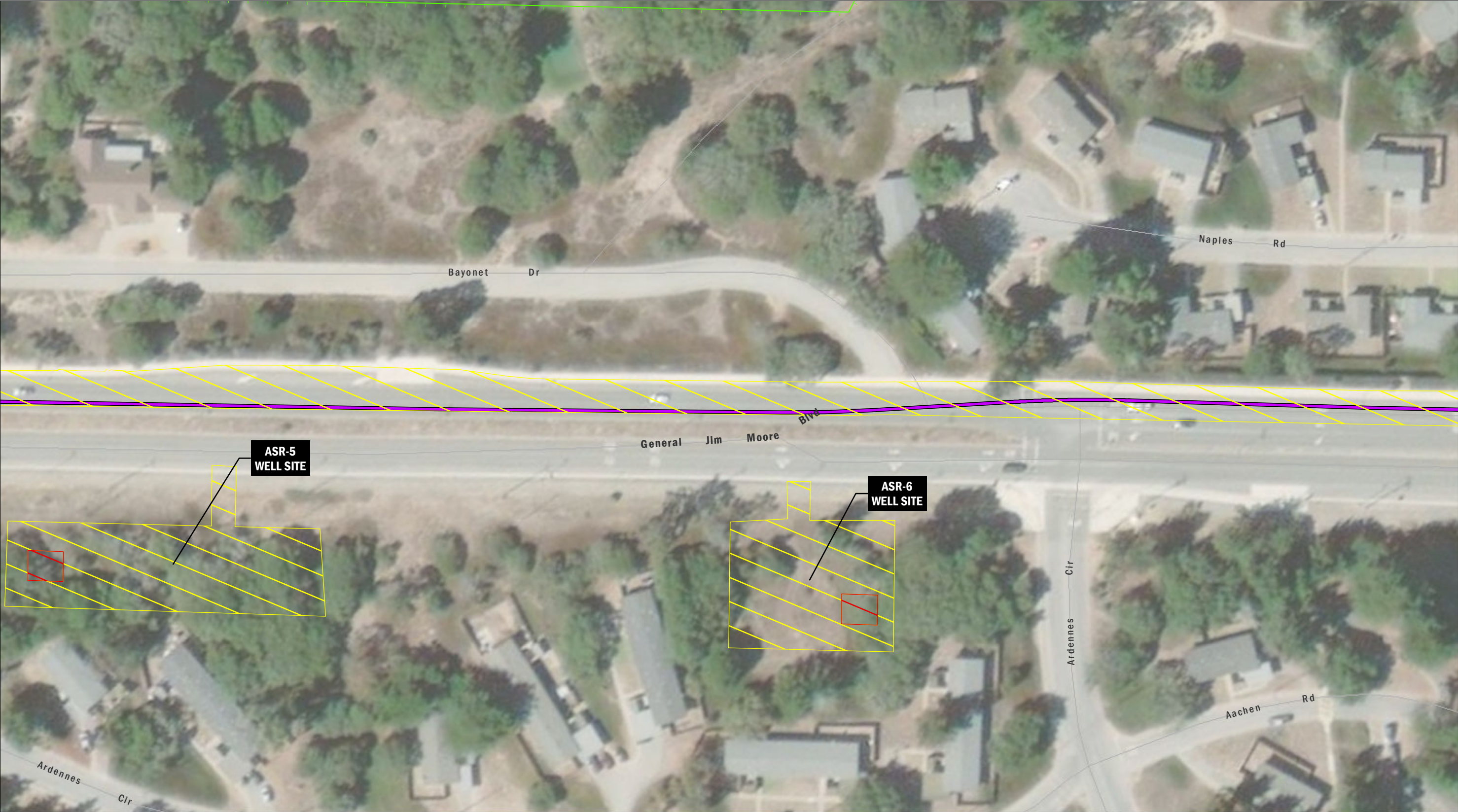


Figure 2
Desalination Plant and Electrical Powerlines (Phase 1 and 2)



Source: ESRI, 2019; AECOM, 2019

AECOM
California American Water
Transmission Mains and Aquifer Storage & Recovery
MONTEREY PENINSULA WATER SUPPLY PROJECT, MPWSP

 Army Lands
Pipeline Alignment
 Proposed Transmission Main (in roadway)

Project Footprint Phase 3
 Permanent Impact
 Temporary Impact

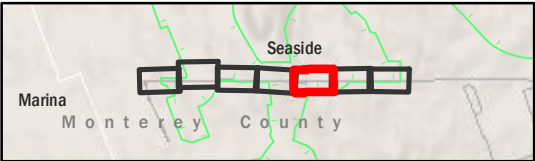
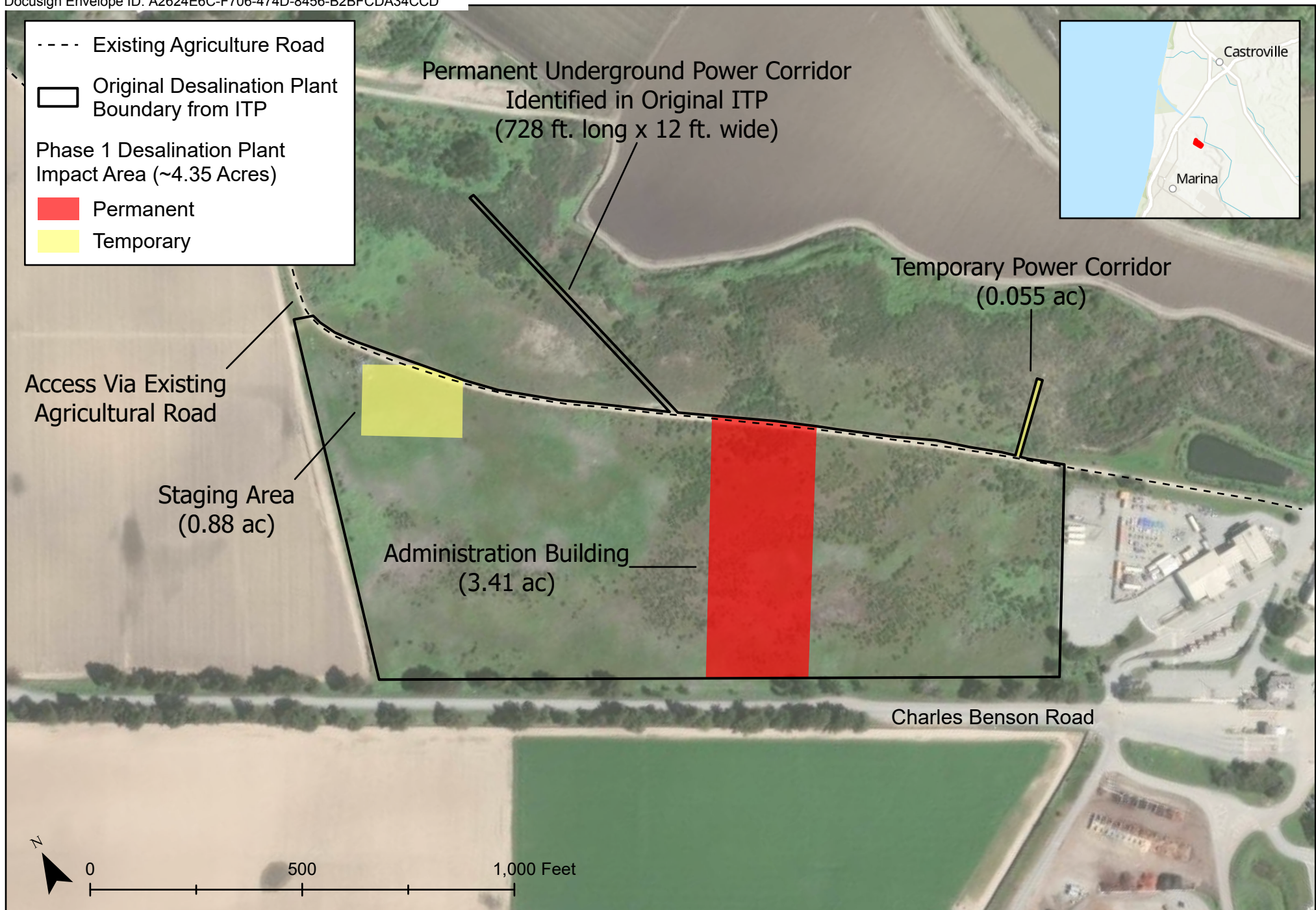


Figure 3
ASR Wells (part of Phase 3)



MPWSP Desalination Plant - Administration Building

Figure 4
Desalination Plant Administration Building (Phase 1)

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2018-027-04

PERMITTEE: California American Water

PROJECT: Monterey Peninsula Water Supply 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
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> : Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	<u>Designated Biologist(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of biological monitors (Designated Biologist(s)) at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) is knowledgeable and experienced in the biology, natural history, collecting and handling of the Covered Species. The Designated Biologist(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. The 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. The Designated Biologist(s) may be assisted by approved biologists identified as Designated Monitors that do not meet the qualifications to be a Designated Biologist. Designated Monitors and their activities shall be approved in advance and in writing by CDFW.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	<u>Designated Biologist and Designated Monitor Authority</u> . To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall have authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure(s) to avoid the unauthorized take of an individual of the Covered Species.	ITP Condition # 6.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work in each Project Phase. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	<u>Trash Abatement.</u> Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Upon completion of the Project, Permittee shall remove and properly dispose of all construction refuse including broken equipment parts, wrapping material, cords, cables, wire, rope, strapping twine buckets, metal or plastic containers, and boxes.	ITP Condition # 6.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	<u>Dust Control.</u> 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 # 6.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Project Area.</u> Before starting Covered Activities in each Project Phase, Permittee shall clearly delineate the boundaries of the Project Phase 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 Project Phase.	ITP Condition # 6.9	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Covered Species Mortality Reduction and Relocation Plan.</u> Prior to initiating Covered Activities, the Designated Biologist(s) shall prepare, and submit to CDFW for written approval, a Covered Species Mortality Reduction and Relocation Plan. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to; a discussion of the survey, hand excavation, capture, handling, and relocation methods; design of exclusion fencing that is equipped with one-way exits to avoid entrapment of Covered Species and other amphibians or reptiles within the Project Area; identification of where the salvaged individuals will be relocated to; and identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken. Only the approved Designated Biologist(s) is authorized to capture and handle individuals of the Covered Species.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Notification Before Commencement.</u> The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities in each Project Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities in each Project Phase.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	CDFW has determined that the permanent protection and perpetual management of compensatory Covered Species habitat is necessary and required, pursuant to CESA, to fully mitigate the Project-related impacts of the taking on the Covered Species that will result from the Covered Activities at the Project Area during the term of this ITP. This determination is based on factors including an assessment of the importance of Covered Species habitat at and in the vicinity of the Project Area, the extent to which the Covered Activities will impact the Covered Species within that habitat, and CDFW's estimate of the Covered Species habitat required to provide for adequate compensation. To meet this requirement, Permittee shall purchase 82.387 Covered Species credits from a CDFW-approved conservation bank (Condition of Approval 9.2) prior to initiating Covered Activities. Alternatively, the Permittee may purchase Covered Species credits for each Project Phase prior to initiating Covered Activities within that Phase. Purchase of Covered Species credits must be complete prior to initiating Covered Activities for each Project Phase. If Security is provided pursuant to Condition of Approval 10, in accordance with the Phased Mitigation Schedule presented in Table 2, Covered Species credits shall be purchased within 18 months of initiating Covered Activities for each Project Phase.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
11	Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW to purchase 82.387 Covered Species credits from a CDFW approved conservation bank to fulfil the requirements outlined in Condition of Approval 9 as follows: - Cost Per Credit based on 2026 evaluations. The cost of one credit is \$50,000. - Beginning January 1, 2027, the cost in 9.1.1 above shall be adjusted and increased annually for each Phase based on the most recent Gross Domestic Product Price Deflator (GDPPD), as published by the United States Bureau of Economic Analysis, until the time of deposit, in accordance with Condition of Approval 10.1 below.	ITP Condition # 9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	
12	<u>Covered Species Credits.</u> <u>Covered Species Credits.</u> If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 82.387 acres of Covered Species credits from a CDFW-approved conservation bank prior to initiating Covered Activities, or no later than 18 months from the date on which Security was received by CDFW for each Phase of the Project if Security is provided pursuant to Condition of Approval 10 below. Covered Species credits shall be purchased. Permittee shall purchase 82.387 Covered Species credits from the CDFW-approved Sparling Ranch Conservation Bank or other CDFW-approved conservation bank. Permittee shall obtain CDFW approval to ensure the conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.	ITP Condition # 9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	Security: The Permittee may proceed with Covered Activities in each Project Phase only after the Permittee has ensured funding (Security) for the corresponding Project Phase to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: - Security Amount. The total Security for the Project as a whole shall be in the amount of \$4,119,350 or the amount identified in Condition of Approval 9.1 specific to the obligation/phase that has not been completed (see Table 2) in 2026 dollars. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW to purchase 82.387 Covered Species conservation bank credits (minimum purchase amount) from a CDFW-approved conservation bank. Because the Project is phased, and separate Security may be deposited for each Phase, the Security amounts shown in Table 2 above shall increase annually as per the GDPPD until the time of Security posting as approved by CDFW. - 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. - Security Timeline. The Security shall be provided in draft form to the CDFW Regional Representative for review and approval prior to execution. Permittee shall execute and provide the executed CDFW-approved Security to CDFW before Covered Activities begin within each phase. - Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. - Security Transmittal. Permittee shall transmit it to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. - 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. - 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. For Credit Purchase - Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and - Timely submission of all required reports. Even if Security is provided, the Permittee must complete the Covered Species credit purchase for each Project Phase no later than 18 months from the initiation of Covered Activities for each Phase of the Project. CDFW may require the Permittee to provide additional Compensatory Mitigation and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING CONSTRUCTION					
14	<u>Construction Monitoring Notebook.</u> The Designated Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period of each Project Phase, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring notebook is available for review at the Project site upon request by CDFW.	ITP Condition # 6.5	Entire Project	Permittee	
15	<u>Compliance Monitoring.</u> The Designated Biologist(s) shall be on-site daily in each Project Phase under construction when Covered Activities occur. The Designated Biologist(s) 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 Phase under construction. The Designated Representative or Designated Biologist(s) 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.	ITP Condition # 7.3	Entire Project	Permittee	
16	<u>Quarterly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Jackson Powell (Jackson.Powell@wildlife.ca.gov), the CDFW Central Region office email is R4CESA@wildlife.ca.gov , and the CDFW 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 # 7.5	Entire Project	Permittee	
17	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report 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 Annual Status Report shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates of each Phase, 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 by Project Phase, 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 # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
18	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Quarterly Compliance Report or Annual Status Report, whichever is submitted first relative to the observation	ITP Condition # 7.7	Entire Project	Permittee	
19	<u>Notification of Non-compliance.</u> The Designated Representative shall immediately notify CDFW in writing if it determines that Permittee is not in compliance with any Condition of Approval of this 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 report any non-compliance with this ITP to CDFW within 24 hours.	ITP Condition # 7.2	Entire Project	Permittee	
20	<u>Erosion Control Materials.</u> 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 # 6.8	Entire Project	Permittee	
21	<u>Project Access.</u> Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines that 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 # 6.10	Entire Project	Permittee	
22	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.10 of this ITP.	ITP Condition # 6.11	Entire Project	Permittee	
23	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.12	Entire Project	Permittee	
24	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 6.13	Entire Project	Permittee	
25	<u>Active Project Phase Boundary.</u> Permittee shall restrict all Covered Activities, including staging and Project access to within the boundaries of any active Project Phases that have completed Condition of Approval 9.2 or Condition of Approval 10 below. The boundaries of Project Phases are defined in Figures 1, 2, 3, and 4. The total area of an individual active Project Phase shall not exceed the acreage described in the Project Description. Phase 1 shall occur first; other Phases do not need to proceed in numerical order and could happen simultaneously.	ITP Condition #8.1	Entire Project	Permittee	
26	<u>Designated Biologist On-site.</u> The Designated Biologist shall be on-site during all ground-disturbing or vegetation-disturbing activities that may result in the take of Covered Species.	ITP Condition # 8.2	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	Delineation of Ingress and Egress Routes. Permittee shall flag all access roads in the field from the paved road and vehicle operation shall be limited to these designated ingress and egress routes.	ITP Condition # 8.3	Entire Project	Permittee	
28	<u>Pre-Activity Clearance Surveys and Reporting.</u> Prior to initiating Covered Activities in each Project Phase, the Designated Biologist shall survey the Project Phase initiating construction, or portion of the total work area where Covered Activities will occur, for individuals of the Covered Species. These pre-activity clearance surveys shall provide 100 percent visual coverage of the Project Phase where construction will be initiated and a 50-foot buffer zone, including burrow openings. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area according to the approved CDFW approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities.	ITP Condition # 8.4	Entire Project	Permittee	
29	<u>Flag Burrows.</u> During the Pre-Activity Clearance Surveys (Condition of Approval 8.4), the Designated Biologist shall flag all small mammal burrows at and within 50 feet of the Project Phase starting construction, to alert work crews to their presence.	ITP Condition #8.5	Entire Project	Permittee	
30	<u>Small Mammal Burrow Excavation.</u> Small mammal burrows identified within each Project Phase starting construction during Pre-Activity Clearance Surveys (Condition of Approval 8.4) and flagged (Condition of Approval 8.5) that cannot be fully avoided by at least 50 feet shall be fully excavated by the Designated Biologist(s) according to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). The Designated Biologist shall relocate any live individuals of the Covered Species discovered during burrow excavation in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the applicable Pre Activity Clearance Survey.	ITP Condition # 8.6	Entire Project	Permittee	
31	<u>Covered Species Exclusion Fencing.</u> After surveying, flagging, and excavating small mammal burrows and relocating Covered Species (Conditions of Approval 8.4, 8.5, and 8.6), in each Project Phase starting construction, Permittee shall install exclusion fencing to prevent individuals of the Covered Species from moving into the Project Area. Permittee shall submit the type of fencing material and design for CDFW written approval before exclusion fencing installation. For all habitat areas, the exclusion fence shall be buried a minimum of four inches below ground surface and shall be equipped with one-way exits to avoid entrapment of Covered Species and other amphibians or reptiles. For Covered Activities occurring in the paved road, Permittee shall submit an alternate fencing design. Permittee shall avoid small mammal burrows by a minimum of 50 feet during the installation of the exclusion fencing or as approved in the CTS Mortality Reduction and Relocation Plan required in Condition of Approval 7.4.	ITP Condition # 8.7	Entire Project	Permittee	
32	<u>Exclusion Fencing Installation.</u> Permittee shall install the exclusion fence in each Project Phase no later than 48 hours after the burrow excavation/salvage work is completed in each Project Phase. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The exclusion fencing shall be supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities. The Designated Biologist(s) shall check the exclusion fence at least once weekly and inform Permittee of necessary maintenance or repairs. Exclusion fence shall be removed immediately upon completion of Covered Activities	ITP Condition # 8.8	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
33	<u>Covered Species Observations.</u> All workers shall inform the Designated Biologist(s) if a Covered Species is seen within or near the Project Area. All work in the vicinity of the Covered Species that could injure or kill the animal shall cease immediately until the individual moves from the Project Area of its own accord or is relocated by the Designated Biologist(s) in accordance with the CDFW-approved CTS Mortality Reduction and Relocation Plan (Condition of Approval 7.4).	ITP Condition # 8.9	Entire Project	Permittee	
34	<u>Fieldwork Code of Practice.</u> To ensure that disease is not conveyed to and from the Project Area by the Designated Biologist(s) or Designated Monitors(s), the fieldwork code of practice developed by the Declining Amphibian Populations Task Force Fieldwork Code of Practice (see Attachment 2) shall be followed at all times. The Designated Biologist(s) or Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) shall ensure that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition # 8.10	Entire Project	Permittee	
35	<u>Open Excavation Inspection.</u> The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within each Project Phase under construction at the beginning, middle, and end of each day (including weekends and any other non-workdays) for trapped individuals of the Covered Species. To prevent inadvertent entrapment of Covered Species, all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope shall have an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. Alternately, excavations with sidewalls steeper than a 1:1 (45 degree) slope may be covered with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground, and the excavation cover shall be secured with soil staples or by similar means to prevent gaps. The Designated Biologist(s) shall thoroughly inspect all trenches, holes, sumps, or other excavations for Covered Species (or other wildlife) before they are back filled. If any worker discovers that Covered Species have become trapped, Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist(s) immediately. Project workers and the Designated Biologist(s) shall allow Covered Species to escape unimpeded if possible before Covered Activities are allowed to continue, or the Designated Biologist(s) shall capture and relocate the Covered Species as per the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4) after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species individual is found incidentally trapped in the Project Area, Permittee shall contact CDFW's Regional Representative within one (1) working day of the incident.	ITP Condition # 8.11	Entire Project	Permittee	
36	<u>Equipment Inspection.</u> Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is discovered during inspection, the worker shall notify the Designated Biologist(s) and wait for the Covered Species to move unimpeded to a safe location. Alternatively, if the animal is inside the fenced Project Phase, the Designated Biologist(s) shall capture and relocate the Covered Species as per the CDFW- approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4) after receiving approval from the CDFW Regional Representative. If, at any time, a Covered Species is found in the Project Area, Permittee shall contact CDFW's Regional Representative within one (1) working day of discovery.	ITP Condition # 8.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	<u>Materials Inspection.</u> Workers shall thoroughly inspect all construction pipe or other similar material with a diameter of one inch or greater that are stored for one or more overnight periods for the Covered Species before the object is subsequently moved, buried, or capped. Permittee shall cap pipelines that are left overnight or for non-work days to prevent Covered Species from entering. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, workers shall notify the Designated Biologist(s), who shall capture and relocate the Covered Species in compliance with the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4).	ITP Condition # 8.13	Entire Project	Permittee	
38	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4014, extension 231. 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, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 7.9	Entire Project	Permittee	
39	<u>Covered Species Injury.</u> If an individual of the Covered Species is injured as a result of Covered Activities, the Designated Biologist(s) shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility that routinely evaluates and treats amphibians. As required in Condition of Approval 7.4, Permittee shall identify the facility prior to the start of Covered Activities. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. Permittee shall notify CDFW of the injury to the Covered Species immediately unless the incident occurs outside of normal business hours. In that event, CDFW shall be notified no later than the next business day. Notification to CDFW shall be via telephone or e-mail, followed by a written incident report as described in Condition of Approval 7.9. Notification shall include the date, time, location, and circumstances of the incident and the name of the facility where the animal was taken.	ITP Condition # 8.14	Entire Project	Permittee	
40	<u>Rain Forecast.</u> The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area if Covered Activities within Covered Species habitat are scheduled to occur from October 15 through January 15. If a 70 percent or greater chance of rainfall is predicted within 24 hours of Project activity, the Designated Biologist(s) shall survey each Project Phase under construction before Covered Activities begin each day rain is forecast in order to capture and relocate Covered Species that are discovered during the surveys, according to the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). If precipitation begins during Covered Activities, the Designated Biologist(s) shall remain at each Project Phase under construction for the duration of the rain event in order for Covered Activities to continue. If rain exceeds ½ inch during a 24-hour period, all Covered Activities shall cease until it is no longer raining, and no further rain is forecast. Covered Activities may continue in a given Project Phase under these conditions if the exclusion fence has been installed in that Project Phase as required by Condition of Approval 8.7.	ITP Condition # 8.15	Entire Project	Permittee	
41	<u>Night Work.</u> For Project Activities occurring at night, artificial lighting shall be shielded and oriented downward to minimize disturbance to the Covered Species and adjacent habitat.	ITP Condition # 8.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<u>Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil shall not pass into potential Covered Species breeding pools, nor shall it pass into any "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall appropriately protect and cover stockpiles as needed to prevent soil erosion.	ITP Condition # 8.17	Entire Project	Permittee	
43	<u>Record of Handling and Covered Species Reporting.</u> All Covered Species captures, relocations, and observations by the Designated Biologist(s) shall include the following documented information: the date, time, and location of each occurrence using Global Positioning System (GPS) technology; the name of the party that actually identified the Covered Species; circumstances of the incident; the general condition and health of each individual; any diagnostic markings, sex, age (juvenile or adult); actions undertaken; and habitat description. Permittee shall also submit this information to the CNDDB as per Condition of Approval 7.7. Permittee shall also include this information in the Quarterly Compliance Report (Condition of Approval 7.5).	ITP Condition # 8.18	Entire Project	Permittee	
44	<u>Best Management Practices.</u> Permittee shall implement Best Management Practices (BMPs), including a Storm Water Pollution Plan and Water Pollution Control Program, to minimize effects to Covered Species during Covered Activities. Permittee shall implement BMPs to prevent sedimentation from entering into Environmentally Sensitive Areas and to reduce erosion, dust, noise, and other deleterious aspects of construction-related Covered Activities. These BMPs may include, but not be limited to, silt fencing, temporary berms, restrictions on cleaning equipment in or near Environmentally Sensitive Areas, and temporary sediment disposal.	ITP Condition # 8.19	Entire Project	Permittee	
POST-CONSTRUCTION					
45	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.14	Post-construction	Permittee	
46	<u>Final Mitigation Report.</u> No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all Annual Status Reports; (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 # 7.8	Post-construction and after completion of mitigation	Permittee	
47	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 7.8	Post-construction and after completion of mitigation	CDFW	

Attachment 2

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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

Attachment 3

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the 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 in the above-referenced standby letter of credit ("Credit"), hereby certifies to the Issuer that:

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[CDFW Letterhead]

[Date]

[Name and address of financial institution]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

Attachment 4

Incidental Take Permit No. 2081-2018-027-04
(Amendment No. 2)

Monterey Peninsula Water Supply Project

1. The Authority section has been amended as follows:

* * *

Permittee:	California American Water
Principal Officer: Engineering	Ian Crooks <u>Lacy Carothers</u> , Vice President of <u>(916) 568-4200, Lacy.Carothers@amwater.com</u>
Contact Person: <u>(831) 646-3291</u>	John Chamberlain, (408) 961-8441 <u>Tim O'Halloran,</u> <u>Tim.Ohalloran@amwater.com</u>
Mailing Address:	511 Forest Lodge Road, Suite 100 Pacific Grove, California 93950

2. An Amended ITP Background section has been added as follows:

On December 19, 2019, CDFW issued the original ITP No. 2081-2018-027-04 to California American Water (CalAm or Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Monterey Peninsula Water Supply Project in Monterey County, California (Project). The Project as described in the ITP as originally issued by CDFW includes expanding existing infrastructure and installation of a seawater desalination plant and associated infrastructure, to produce, transfer and store desalinated water and convey it to California American Water customers via an existing distribution system. The Project involves the installation of the desalination plant, associated pipelines, and two Aquifer Storage and Recovery (ASR) Wells 5 and 6. Associated pipelines include the Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and the Transmission Main Pipeline. The Project area encompasses a total of 54.57 acres incorporated in areas of northern Monterey County, in the town of Castroville, and the City of Marina.

On October 16, 2023, CDFW issued Minor Amendment No. 1 which changed the expiration date of the ITP from June 30, 2023, to June 30, 2028, due to a lawsuit with the Marina Coast Water District (MCWD) which halted Coastal Development Permit approval for Project activities associated with the installation of the Desalination plant, Electrical Powerlines, Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and ASR Wells 5 and 6. Permittee requested a 5-year extension anticipating that the duration needed to resolve the MCWD lawsuit to be approximately 1-year.

completion of Covered activities will take approximately 2 to 3 years, and an additional 2-year buffer period to allow for unforeseen complications. Minor Amendment No 1 also included revisions to the Project description and associated habitat quality related to General Jim Moore Boulevard and engineered fill.

On January 7, 2026, CDFW received a received an official request and the associated fee payment from the Permittee for a second minor amendment to the ITP to include specific construction phases, to allow for the phased purchase of Covered Species credits by construction phase, and to allow for establishing security funding. The request is due to the immediate need to construct the administration building and associated infrastructure which is within the Desalination Plant footprint of the Project as the Permittee refines the final design on other portions of the Project, and to allow for the flexibility to construct the administration building and purchase the corresponding Covered Species mitigation credits for just that phase of the Project. The minor amendment will also update Permittee contact information, and other non-substantial revisions. CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4). Issuance of this Amendment will not increase the amount of take of the Covered Species compared to the Project as originally approved, nor will this amendment increase other Project impacts on the Covered Species (i.e., "impacts of taking" as used in Fish and Game Code Section 2081, subd. (b)(2)). Issuance of this Amendment does not affect CDFW's previous determination that issuance of the ITP meets and is otherwise consistent with the permitting criteria set forth in Fish and Game Code section 2081, subdivisions (b) and (c).

CDFW now reissues the ITP. The amended ITP includes all of the operative provisions as of the effective date of this amended ITP. Attachment 4 to this amended ITP shows the specific red-line changes made to the ITP as a result of this minor amendment.

3. The Effective Date and Expiration Date section has been amended as follows:

Effective Date and Expiration Date of this ITP:

~~This~~The original ITP ~~shall be~~was executed in duplicate ~~original~~ form and ~~shall become~~ effective on December 19, 2019. This amended ITP ~~shall become effective once a duplicate original is acknowledged upon execution by signature of the Permittee on the last page of this ITP and returned to~~Regional Manager for CDFW's ~~Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP.~~Central Region. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **June 30, 2028.**

* * *

4. The Project Location section has been amended as follows:

The Monterey Peninsula Water Supply Project activities (Project) include work at multiple locations for the installation of pipelines and construction of facilities within unincorporated areas of northern Monterey County, in the town of Castroville, and in the

City of Marina. ~~See Figure 1~~ The Project is comprised of three phases: Phase 1, Phase 2, and Phase 3. Each Phase of construction, their corresponding Phase number, and location are described below. See Figure 1 and Figure 4 for the vicinity and locations of individual Project elements that are listed below.

Phase 1 Desalination Plant Administration Building: The administration building is located on approximately 3.41 acres within the 25-acre Desalination Plant site (see Phase 2 below) on the north side of Charles Benson Road in unincorporated Monterey County, 0.8 mile east of Del Monte Boulevard, south of the Salinas River. The centroid of the administration building site is at approximate coordinates 36°42'56.62"N, -121°46'31.89"W.

Phase 2 Remainder of Desalination Plant: The Desalination Plant site is located on approximately 25 acres of a vacant 46-acre parcel on the north side of Charles Benson Road in unincorporated Monterey County, 0.8 mile east of Del Monte Boulevard, south of the Salinas River. The western site location at Charles Benson Road is at approximate coordinates 36°42'56.62"N, -121°46'31.89"W.

Phase 3 Pipelines and ASR Wells: Phase 3 consists of the construction of all other Project components outside of the desalination plant. This includes two Aquifer Storage and Recovery ("ASR") Wells 5 and 6, as well as associated pipelines, including the Source Water Pipeline, Desalinated Water Pipeline, Castroville Pipeline, and the Transmission Main Pipeline. [...].

- The Transmission Main Pipeline will carry desalinated water within a length of General Jim Moore Boulevard that is owned by the United States Army, from approximately 900 feet south of Gigling ~~road~~ Road (36°38'30.29"N, -121°48'27.50"W) to approximately 650 feet south of Arloncourt Road (36°37'34.38"N, -121°48'54.83"W). Each end will connect to pipeline lengths that are already installed.

* * *

5. The Project Description section has been amended as follows:

The Project includes activities that are part of the larger Monterey Peninsula Water Supply Project, to expand existing infrastructure and install a seawater desalination plant and associated infrastructure, to produce, transfer, and store desalinated water and convey it to California American Water customers via an existing distribution system. The Project will occur in up to three phases and involves the installation of a desalination plant, associated pipelines, and two Aquifer Storage and Recovery (ASR) wells. ~~The Project encompasses~~ Phase 1 includes the construction of the administration building on the Desalination Plant site, Phase 2 includes the construction of the remainder of the Desalination Plant, and Phase 3 includes the construction of the pipelines and wells. The Project encompasses a total of 54.57 acres (Project Area), as described individually and in greater detail below.

Phase 1 Desalination Plant Administration Building. The administration building is within the larger Desalination Plant project site as described in Phase 2.

Construction: Administration building construction activities include site preparation and grading; pouring concrete footings for foundations, other support equipment; constructing walls and roofs; assembling and installing electrical equipment; and finish work such as paving, landscaping, and fencing. Construction equipment will include excavators, backhoes, graders, pavers, rollers, bulldozers, concrete trucks, flatbed trucks, boom trucks or cranes, forklifts, welding equipment, dump trucks, air compressors, and generators.

The Administration Building will result in 3.41 acres of permanent ground disturbance from creating impervious surfaces associated with the building, driveway, and parking areas. An additional 0.88 acres of temporary disturbance will occur during construction and will be further disturbed during Phase 2. The 0.88 acres of temporary disturbance will be restored or revegetated to pre-activity conditions following the completion of Phase 2 construction.

Electrical Powerlines: Temporary power service will be extended from a Pacific Gas and Electric Company (PG&E) power pole located north of the Desalination Plant site's northeast corner for use during construction (Figure 2). This will require installing a temporary 201-foot-long, 12-foot wide (0.055-acres) corridor for access, for use by PG&E to install a pole-mounted transformer, and for use by a contractor to install an eight-foot by four-foot temporary power meter and extend temporary overhead power along the temporary corridor to the Desalination Plant. Vegetation removal may be required for access and installation, but grading will not occur. Construction workers will use standard rubber-tired line utility trucks to access the alignment, and to install and tension the temporary overhead powerlines. Workers may need to trim or remove some vegetation along the alignment to keep vegetation away from the overhead powerlines.

Phase 2 Remainder of Desalination Plant. The Desalination Plant will house the seawater desalination infrastructure used to create potable water and will have a 6.4-million ~~gallon~~gallons per day production capacity. [...].

The Desalination Plant will result in ~~44.69~~11.28 acres of permanent ground disturbance from creating impervious surfaces associated with the desalination facilities, buildings, driveways, parking, and maintenance areas. An additional ~~8.177~~.29 acres of temporary disturbance will occur during construction in addition to the temporary disturbance of 0.88 acres from Phase 1, and will be restored or revegetated to pre-activity condition following the completion of construction.

~~Electrical Powerlines:~~ Temporary power service will be extended from a Pacific Gas and Electric Company (PG&E) power pole located north of the Desalination Plant site's northeast corner for use during construction (Figure 3). This will require installing a temporary 201-foot long, 12-foot wide (0.055-acre ~~Electrical Powerlines:~~ ~~corridor for access, for use by PG&E to install a pole-mounted transformer, and for~~

~~use by a contractor to install an eight foot by four foot temporary power meter and extend temporary overhead power along the temporary corridor to the Desalination Plant. Vegetation removal may be required for access and installation, but grading will not occur. Construction workers will use standard rubber-tired line utility trucks to access the alignment, and to install and tension the temporary overhead powerlines. Workers may need to trim or remove some vegetation along the alignment to keep vegetation away from the overhead powerlines.~~

Permanent power service will be extended from an existing power pole to the north of the Desalination Plant’s western half by trenching for underground installation of the line within a 728-feet long, 12-foot wide (0.20-~~acre~~acres) temporary disturbance corridor (Figure 32). The trench will be excavated approximately one foot wide by three feet deep and will be backfilled and the ground surface restored after installation is completed.

Phase 3 Pipeline Installation and ASR Wells

Pipeline Installation Methods. Most pipeline segments will be installed using conventional open-trench technology; however, where it is not feasible or desirable to perform open-cut trenching, trenchless methods including horizontal directional drilling and jack-and-bore will be used:

* * *

6. The Impacts of the Taking on Covered Species section has been amended as follows:

* * *

The Project is expected to cause the permanent loss of 14.746 acres and temporary impacts to 34.681 acres of upland refugia habitat for Covered Species-. impacts per Project Phase are included in Table 1 below. [...].

Table 1. Expected Impacts to Covered Species Habitat Per Project Phase

<u>Project Phase</u>	<u>Impacts per Project Phase</u>
<u>Phase 1</u>	<u>Permanent Impacts to 3.41 acres. Temporary Impacts to 0.935 acres</u>
<u>Phase 2</u>	<u>Permanent Impacts to 11.28 acres. Temporary Impacts to 7.29*acres</u>
<u>Phase 3</u>	<u>Permanent Impacts to 0.056 acres. Temporary Impacts to 26.256 acres</u>
<u>Total</u>	<u>Permanent Impacts to 14.746 acres</u> <u>Temporary Impacts to 34.681 acres</u>

** Does not include 0.88 acres of temporary disturbance within the Desalination Plant footprint from Phase 1.*

7. The Conditions of Approval section has been amended as follows:

* * *

6. General Provisions:

* * *

- 6.4 Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work in each Project Phase. [...].

* * *

- 6.5 Construction Monitoring Notebook. The Designated Biologist(s) shall maintain a construction-monitoring notebook on-site throughout the construction period of each Project Phase, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. [...].

* * *

- 6.9 Delineation of Project Area. Before starting Covered Activities ~~along in~~ each ~~part of the Project in active construction Phase,~~ Permittee shall clearly delineate the boundaries of the Project ~~Area Phase~~ 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 Project Phase~~.

* * *

7. Monitoring, Notification and Reporting Provisions:

- 7.1 Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities in each Project Phase and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities in each Project Phase.

* * *

- 7.3 Compliance Monitoring. The Designated Biologist(s) shall be on-site daily in each Project Phase under construction when Covered Activities occur. The Designated Biologist(s) 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 Phase~~ under construction. [...].

* * *

7.5 Quarterly Compliance Report. [...]. At the time of this ITP's approval, the CDFW Regional Representative is ~~Annette Tennebee~~ (~~annette.tennebee@wildlife.ca.gov~~), ~~Jackson Powell~~ (~~Jackson.Powell@wildlife.ca.gov~~), the CDFW Central Region office email is ~~R4CESA@wildlife.ca.gov~~, ~~R4CESA@wildlife.ca.gov~~, and the CDFW Headquarters CESA Program email is ~~CESA@wildlife.ca.gov~~, ~~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. [...].

7.6 Annual Status Report. Permittee shall provide CDFW with an Annual Status Report 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 Annual Status Report shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval 7.5; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates of each Project Phase, 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 by Project Phase, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

* * *

7.9 Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4014, ~~extension 231.4005~~. [...].

8. Take Minimization Measures:

8.1. Active Project Phase Boundary. Permittee shall restrict all Covered Activities, including staging and Project access to within the boundaries of any active Project Phases that have completed Condition of Approval 9.2 or Condition of Approval 10 below. The

boundaries of Project Phases are defined in Figures 1, 2, 3, and 4. The total area of an individual active Project Phase shall not exceed the acreage described in the Project Description. Phase 1 shall occur first; other Phases do not need to proceed in numerical order and could happen simultaneously.

8.1.8.2. Designated Biologist On-site. [...].

8.2.8.3. Delineation of Ingress and Egress Routes. [...].

8.3.8.4. Pre-Activity Clearance Surveys and Reporting. Prior to initiating Covered Activities in each Project Phase, the Designated Biologist shall survey the Project AreaPhase initiating construction, or portion of the total Work Area where Covered Activities will occur, for individuals of the Covered Species. These pre-activity clearance surveys shall provide 100 percent visual coverage of the Project AreaPhase where construction will be initiated and a 50-foot buffer zone, including burrow openings. If individuals of the Covered Species are found, the Designated Biologist(s) shall relocate them from the Project Area according to the approved CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). Permittee shall provide the survey results to CDFW in a written report prior to the beginning of Covered Activities.

8.4.8.5. Flag Burrows. During the Pre-Activity Clearance Surveys (Condition of Approval 8.34), the Designated Biologist shall flag all small mammal burrows at and within 50 feet of the Project AreaPhase starting construction, to alert work crews to their presence.

8.5.8.6. Small Mammal Burrow Excavation. Small mammal burrows identified within the each Project AreaPhase starting construction during ~~the~~ Pre-Activity Clearance Surveys (Condition of Approval 8.34) and flagged (Condition of Approval 8.45) that cannot be fully avoided by at least 50 feet shall be fully excavated by the Designated Biologist(s) according to the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). The Designated Biologist shall relocate any live individuals of the Covered Species discovered during burrow excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Excavation shall occur no more than 14 days after the completion of the applicable Pre-Activity Clearance Surveys~~Survey~~.

8.6.8.7. Covered Species Exclusion Fencing. After surveying, flagging, and excavating small mammal burrows and relocating Covered Species (Conditions of Approval 8.3, 8.4, 8.5, and 8.5;~~6~~), in each Project Phase starting construction, Permittee shall install exclusion fencing

to prevent individuals of the Covered Species from moving into the Project Area. [...].

~~8.7.8.8.~~ Exclusion Fencing Installation. Permittee shall install the exclusion fence in each Project Phase no later than 48 hours after the burrow excavation/salvage work is completed in each Project Phase, or at least 48 hours in advance of starting work within a paved roadway area. [...].

~~8.8.8.9.~~ Covered Species Observations. [...].

~~8.9.8.10.~~ Fieldwork Code of Practice. [...].

~~8.10.8.11.~~ Open Excavation Inspection. The Designated Biologist(s) shall inspect all open holes, sumps, and trenches within ~~the~~each Project ~~Area~~Phase under construction at the beginning, middle, and end of each day (including weekends and any other non-workdays) for trapped individuals of the Covered Species. [...].

~~8.11.8.12.~~ Equipment Inspection. [...]. Alternatively, if the animal is inside the fenced Project ~~Area~~Phase, the Designated Biologist(s) shall capture and relocate the Covered Species as per the CDFW-approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4) after receiving approval from the CDFW Regional Representative. [...].

~~8.12.8.13.~~ Materials Inspection. [...].

~~8.13.8.14.~~ Covered Species Injury. [...].

~~8.14.8.15.~~ Rain Forecast. The Designated Biologist(s) and Permittee shall monitor the National Weather Service 72-hour forecast for the Project Area if Covered Activities are scheduled to occur from October 15 through January 15. Following the installation of exclusionary fencing according to Condition of Approval 8.~~78~~, if a 70 percent or greater chance of rainfall is predicted within 24 hours of Project activity, the Designated Biologist(s) shall survey ~~the~~each Project ~~Area~~Phase under construction before Covered Activities begin each day rain is forecast in order to capture and relocate Covered Species that are discovered during the surveys, according to the approved Covered Species Mortality Reduction and Relocation Plan (Condition of Approval 7.4). If precipitation begins during Covered Activities, the Designated Biologist(s) shall remain at ~~the~~each Project ~~Area~~Phase under construction for the duration of the rain event in order for Covered Activities to continue. If rain exceeds ½ inch

during a 24-hour period, all Covered Activities shall cease until it is no longer raining, and no further rain is forecast. Covered Activities may continue in ~~thea given~~ Project ~~Area~~Phase under these conditions if the exclusion fence has been installed ~~in that~~ Project Phase as required by Condition of Approval 8.67.

~~8.15-8.16.~~ Night Work. [...].

~~8.16-8.17.~~ Stockpiles. [...].

~~8.17-8.18.~~ Record of Handling and Covered Species Reporting. [...].

~~8.18-8.19.~~ Best Management Practices. [...].

9. Compensatory Mitigation:

To meet this requirement, Permittee shall purchase 82.387 Covered Species credits from a CDFW-approved conservation bank (Condition of Approval 9.4) ~~prior to initiating Covered Activities2) prior to initiating Covered Activities.~~ Alternatively, the Permittee may purchase Covered Species credits for each Project Phase prior to initiating Covered Activities within that Phase. Purchase of Covered Species credits must be complete prior to initiating Covered Activities for each Project Phase. If Security is provided pursuant to Condition of Approval 10, in accordance with the Phased Mitigation Schedule presented in Table 2, Covered Species credits shall be purchased within 18 months of initiating Covered Activities for each Project Phase.

~~Permittee shall~~ Table 2. Phased Mitigation

<u>Project Phase</u>	<u>Acreage of Impact</u>		<u>Conservation Bank Credit Purchase Amount</u>	<u>Security Amount</u>
	<u>Permanent</u>	<u>Temporary</u>		
<u>1</u>	<u>3.41</u>	<u>0.935</u>	<u>11.26</u>	<u>\$563,000</u>
<u>2</u>	<u>11.28</u>	<u>7.49</u>	<u>42.08</u>	<u>\$2,104,000</u>
<u>3</u>	<u>0.056</u>	<u>26.256</u>	<u>29.047</u>	<u>\$1,452,350</u>
<u>TOTAL</u>	<u>14.746</u>	<u>34.681</u>	<u>82.387</u>	<u>\$4,119,350</u>

9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW to purchase 82.387 Covered Species credits from ~~thea~~ CDFW-approved ~~Sparling Ranch Conservation Bank and provide CDFW with a copy of the~~ conservation credit certificate issued by the Sparling Ranch Conservation Bank prior to ~~bank to fulfil the start of Covered activities. A copy~~ requirements outlined in Condition of Approval 9 as follows:

9.1.1. Cost Per Credit based on 2026 evaluations. The cost of one credit is \$50,000.

9.1.2. Beginning January 1, 2027, the credit certificate cost in 9.1.1 above shall be kept at adjusted and increased annually for each Phase based on the Project site while conducting most recent Gross Domestic Product Price Deflator (GDPPD), as published by the United States Bureau of Economic Analysis, until the time of deposit, in accordance with Condition of Approval 10.1 below.

9.1.9.2. Covered Species Credits. If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 82.387 acres of Covered Species credits from a CDFW-approved conservation bank prior to initiating Covered Activities-, or no later than 18 months from initiation of Covered Activities for each Project Phase if Security is provided pursuant to Condition of Approval 10 below. Permittee shall purchase Covered Species credits from the CDFW-approved Sparling Ranch Conservation Bank or other CDFW-approved conservation bank. Prior to purchase of Covered Species credits for each Project Phase, Permittee shall obtain CDFW approval to ensure the conservation bank is appropriate to compensate for the impacts of that specific Project Phase. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities in each Project Phase or within 18 months from initiation of Covered Activities for each Project Phase if Security is provided.

10. Security:

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

10.1. Security Amount. The total Security for the Project as a whole shall be in the amount of \$4,119,350 or the amount identified in Condition of Approval 9.1 specific to the obligation/phase that has not been completed (see Table 2) in 2026 dollars. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW to purchase 82.387 Covered Species conservation bank credits (minimum purchase amount) from a CDFW-approved conservation bank. Because the Project is phased, and separate Security may be deposited for each Phase, the Security amounts shown in Table 2 above shall increase annually as per the GDPPD until the time of Security posting as approved by CDFW.

- 10.2. 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.
- 10.3. Security Timeline. The Security shall be provided in draft form to the CDFW Regional Representative for review and approval prior to execution. Permittee shall execute and provide the executed CDFW-approved Security to CDFW before Covered Activities begin within each phase.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. Permittee shall transmit it to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by.

For Credit Purchase

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

Even if Security is provided, the Permittee must complete the Covered Species credit purchase for each Project Phase no later than 18 months from the initiation of Covered Activities for each Phase of the Project. CDFW may require the Permittee to provide additional Compensatory Mitigation 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.

* * *

8. The Notices section has been amended as follows:

Notices:

~~The Permittee shall deliver a fully executed duplicate original ITP by registered first class mail or overnight delivery to the following address:~~

~~Habitat Conservation Planning Branch
California Department of Fish and Wildlife
Attention: CESA Permitting Program
Post Office Box 944209
Sacramento, California 94244-2090~~

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by 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 (2081-2018-027-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
Region 4 – Central Region
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 243-4005
R4CESA@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, California 94244-2090
CESA@wildlife.ca.gov

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

~~Annette Tennebee~~
~~Senior Jackson Powell~~
Environmental Scientist ~~(Specialist)~~
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710

Telephone (559) ~~243-4014~~, ~~extension 231~~889-9758
Jackson.Powell@wildlife.ca.gov

9. The Findings Pursuant to CESA section has been amended as follows:

* * *

- (2) Based on this evaluation, CDFW determined that the purchase of 82.387 Covered Species credits of Covered Species habitat at a CDFW-approved ~~mitigation and~~ conservation bank prior to groundbreaking, along with the minimization, monitoring, and reporting requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

* * *

10. The Attachments section has been amended as follows:

Attachments:

FIGURE 1	Map of Project Overview <u>and Phases</u>
FIGURE 2	Map of Desalination Plant and Electrical Powerlines
FIGURE 3	Map of ASR Wells
<u>FIGURE 4</u>	<u>Map of Phase 1 Desalination Plant Administration Building</u>
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Declining Amphibian Populations Task Force Fieldwork Code of Practice
<u>ATTACHMENT 3</u>	<u>Letter of Credit Form</u>
<u>ATTACHMENT 4</u>	<u>Amendment 2 with Track Changes</u>

11. The signature section has been amended as follows:

ACKNOWLEDGMENT

~~The undersigned: (1) warrants that he or she is acting as a duly authorized representative of the Permittee, (2) acknowledges receipt of this ITP, and (3) agrees on behalf of the Permittee to comply with all terms and conditions~~

By: _____ Date: _____

Printed Name: _____ Title: _____