



**California Department of Fish and Wildlife  
Bay Delta Region  
2825 CORDELIA ROAD, SUITE 100  
FAIRFIELD, CA 94534**

California Endangered Species Act  
Incidental Take Permit No. 2081-2016-020-03  
(Amendment No. 2)

**CANON STATION 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 take<sup>1</sup> of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.<sup>2</sup> 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:** One Lake Holding, LLC  
**Principal Officer:** Dan Aguilar, Managing Partner  
**Contact Person:** Steve Forman, (510) 236-6810  
[Steve.Foreman@lsa.net](mailto:Steve.Foreman@lsa.net)  
**Mailing Address:** 157 Park Place, Point Richmond, CA 94801

**Amended ITP<sup>3</sup> Background:**

On May 21, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-020-03 (ITP) to One Lake Holding, LLC (Permittee), authorizing take of California tiger salamander (CTS, *Ambystoma californiense*) (Covered Species) associated with and incidental to the Canon Station Project in Solano County, California (Project). The Project as described in the ITP as originally issued by CDFW includes: 1) the development of 605.80 acres of undeveloped land into a mixed use residential and commercial development, including new housing, roads, parks, utility infrastructure, and storm water systems, over an approximately 10-year period; and 2) the enhancement of 648.06 acres of mitigation land including 92.40 acres of ground disturbance for creating,

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

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

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

enhancing, and restoring Covered Species breeding and upland habitat, and other wetland habitat. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

### Minor Amendment No. 1

As of April 28, 2021, CDFW received from the Permittee the first Amendment request which included: 1) a request that Project activities be allowed to begin in late April or May 2021 and, 2) subsequent information specifying that the requested activities would be limited to the Mixed-Use Development Area Phase III, as revised. The Permittee identified that wetlands including CTS breeding habitat within the Project area were previously removed or currently dry.

On May 11, 2021, CDFW amended this ITP including the revised provisions in Minor Amendment No. 1. This Minor Amendment No. 1 first changed the Dry Season beginning date for the year 2021 from June 15 to May 1 and second removed the ability to extend the Dry Season ending date on a week-by-week basis.

CDFW found that Amendment No. 1 was a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Issuance of Amendment No. 1 did not increase the amount of take of the Covered Species compared to the Project as originally approved, nor did 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 Amendment No. 1 did 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).

### Minor Amendment No. 2

As of April 11, 2025, CDFW received from the Permittee the second Amendment request which included a request to: 1) modify the Project Description to add and refine Project activities in eight locations within and adjacent to the currently permitted Project Area, add geotechnical studies and associated access routes and work areas along the future New Canon Road and New McCrory Road, and 2) revise Condition of Approval 8.1 to allow the above geotechnical studies to be conducted prior to June 15 (Dry Season start date). On August 22, 2025, the Permittee notified CDFW that the requested geotechnical studies and associated access routes and work areas along the future New Canon Road and New McCrory Road were completed prior to issuance of the requested amendment to cover those activities. On August 28, 2025, CDFW notified Permittee via email that the geotechnical

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studies work was conducted out of compliance with the ITP and requested detailed information describing the impacts to Covered Species habitat that occurred and the ITP conditions of approval that were implemented during the unauthorized impacts, and Permittee provided this information. CDFW has determined that Minor Amendment No. 2 will cover the unauthorized impacts that occurred during the geotechnical studies work. As the Permittee only requested the inclusion of additional areas with a reduction in total impacts to Covered Species habitat, this amendment request will not result in additional take of the Covered Species.

CDFW finds that Amendment No. 2 was a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Issuance of Amendment No. 2 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 Amendment No. 2 will 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).

**Effective Date and Expiration Date of this Amended ITP:**

The original ITP was executed in duplicate original form and became effective when a duplicate original was acknowledged by signature of the Permittee on the last page of the original ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. The original ITP's effective date was May 21, 2018. This remains the effective date for the original take authorization. This Amended ITP shall be executed as of the date signed by CDFW below. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **December 31, 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 7.10 of this ITP.

**Project Location:**

The Canon Station Project (Project) is located east and west of Vanden Road approximately 0.60 miles northeast of the Vanden Road and Peabody Road intersection, east of the City of Fairfield, Solano County. It is within the City of Fairfield's Train Station Specific Plan. The Project footprint is 605.80 acres and is situated east of Peabody Road, west of North Gate Road, north of Travis Air Force Base, and south of Leisure Town Road. The Project is located within Township 5N, Range 1W, Sections 2, 3, 10, and 11 of the Elmira U.S. Geological Survey 7.5 minute quadrangle map, Mt. Diablo meridian, and at an approximate latitude 38.299 and longitude -121.957 (Figure 1).

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**Project Description:**

The Project includes the development of a mixed use residential and commercial development and enhancement of mitigation land affecting 605.80 acres of undeveloped land (Project Area) (Figure 2).

**Mixed Use Development Area**

The Project includes the development of 513.40 acres of undeveloped land into a transit-oriented, mixed use residential and commercial development including parks, open space, bicycle and pedestrian trails, utility relocations and improvements, detention basins, water supply facilities, wastewater treatment and storm water drainage, road improvements, and new roads pursuant to the City of Fairfield Train Station Specific Plan.

Permittee will phase the mixed use development over an approximately 10-year period and four phases. Phase I will permanently impact 196.97 acres and will temporarily impact 71.02 acres (total Phase I impacts will be 267.99 acres) (175.59 acres will be impacted by the Mixed Use Development and, as described below, 92.40 acres will be impacted by Mitigation Land Enhancement), Phase II will permanently impact 4.77 acres, Phase III will permanently impact 54.79 acres, and Phase IV will permanently impact 234.14 and will temporarily impact 44.11 acres (total Phase IV impacts will be 278.25 acres).

Amendment No. 2 includes additional and refined Project activities in eight locations, and geotechnical studies with associated access routes and work areas as adjacent to and overlapping the future construction of New Canon Road and New McCrory Road (road construction), totaling nine locations (Figures 4-13). The geotechnical studies occurred in year 2025, an earlier year than the future road construction impacts described above. The nine work locations will result in a total net decrease of 0.70 acres of permanent impacts and 2.35 acres of temporary impacts as outlined below:

- PA5 Grading – West: decrease of 3.08 acres of temporary impacts
- PA5 Grading – East and Detention Basin: increase of 2.39 acres of permanent impacts and 2.85 acres of temporary impacts
- Storm Drain Outfall: increase of 0.02 acres of permanent impacts and 0.02 acres of temporary impacts
- DWR Culvert: Increase of 0.18 acres of permanent impacts
- PG&E Turnout: increase of 0.12 acres of permanent impacts
- New Canon Road (PA6 Road Construction): increase of 7.98 acres of permanent impacts and decrease of 5.52 acres of temporary impacts

- Utility Corridor: increase of 0.49 acres of temporary impacts
- Great Park: decrease of 11.39 acres of permanent impacts
- Geotechnical Study: increase of 2.89 acres of temporary impacts

**Mitigation Land Enhancement Area**

The Project includes the enhancement of 648.06 acres of mitigation land including 92.40 acres of ground disturbance for creating, enhancing, and restoring Covered Species breeding and upland habitat, and other wetland habitat. Project activities include berm construction; pond and wetland fencing installation; water trough, pipeline, and water storage tank installation with associated conveyance systems; firebreak construction and maintenance; surveying and monitoring grassland and wetland habitat; and temporary overland access routes. Mitigation land enhancement involving ground disturbing activities will occur in Phase I of the Project.

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

This ITP covers the following species:

| <b>Name</b>  | <b>CESA Status</b>      |
|--|-------------------------|
| California tiger salamander ( <i>Ambystoma californiense</i> ) | Threatened <sup>4</sup> |

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: Preparing the construction work areas; mowing; disking; grading and contouring; excavating; trenching; filling in ponds; stockpiling of soil and materials; spoils disposal; constructing temporary access routes; preparing staging areas; operating heavy equipment; removing trees and vegetation; constructing roads and structures; vehicular movement; installing and maintaining Covered Species barrier fencing; installing barrier/drift fencing and trapping arrays, capturing, handling, and relocating the Covered Species; installing pond and wetland fencing; applying herbicides; revegetation; surveying for Covered Species; surveying for plant and wildlife species; livestock grazing; and hydrologic assessments (Collectively the Covered Activities).

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

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as crushing of individuals during construction; cut and fill grading; road construction and widening; vehicular access; installing vegetation; fencing and filling of ponds; collapsing of burrows; and entrapment in excavated pits, trenches, or within construction materials. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from surveying and relocating operations.

The Project is expected to cause the permanent loss of 490.67 acres of habitat for the Covered Species, and temporary loss of 115.13 acres of habitat for the Covered Species. Temporary loss of habitat will occur in overlapping locations in different years from the geotechnical studies work shown on Figure 13 and the road construction work shown on Figure 10. The geotechnical studies occurred in year 2025, an earlier year than the future road construction. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased air and water pollution, displacement of previously productive habitat, increased competition for food and space, and increased vulnerability to predation.

#### **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 vehicular ingress and egress, staging and parking, and noise and vibration generating activities that may cause take. CDFW’s issuance of this ITP and Permittee’s authorization to take the Covered Species are subject to Permittee’s compliance with and implementation of the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.

- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (EIR; SCH No.: 2010042093) certified by the City of Fairfield on July 26, 2011 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement No. 1600-2018-0051-R3 and any other Lake and Streambed Alteration Agreement issued for the Project and executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Canon Station Project Biological Opinion (No. 2016-F-0524) for the Project and any future amendments to the Biological Opinion 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 Amended 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. Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist at least 30 days before starting Covered Activities. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. More than one Designated Biologist may be necessary to monitor Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and collecting and

handling of the Covered Species. The Designated Biologist 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.

- 6.3. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have the authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure 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. 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 Binder. The Designated Biologist shall maintain a construction monitoring binder on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure that a copy of the construction monitoring binder is available for review at the Project site upon request by CDFW.
- 6.6. Delineation of Property Boundaries. Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.
- 6.7. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or

rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. These habitat delineation materials shall be placed just outside of or flush with the Covered Species temporary barrier described in Condition of Approval 8.4.

- 6.8. 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, including habitat within a Project phase that has not commenced with construction (e.g., during Project Phases 1 or 2, personnel shall not cross habitat within Phase 3 before the commencement of Phase 3 construction activities). Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 6.9. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.10. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 6.8.
- 6.11. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.12. 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. Permittee shall ensure that plastic bottles and bags are removed from the Project Area daily.

- 6.13. 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.
- 6.14. 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.
- 6.15. Firearms and Dogs. Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.
- 6.16. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 6.17. Prevention of Spread of Invasive Species. Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <http://www.cal-ipc.org/ip/prevention/index.php> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <http://www.protectyourwaters.net/>.

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

- 7.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 7.2. Notification of Non-Compliance. The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.

- 7.3. Compliance Monitoring. A Designated Biologist shall be on site daily during Covered Activities unless otherwise approved in writing by CDFW. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity.
- 7.4. Reporting of Habitat Impacts. Permittee shall monitor, calculate, and record in an electronic ledger the total amount of temporary and permanent impacts to Covered Species habitat and shall at a minimum account for these impacts based upon grassland and wetland habitat types. Upon request, the Permittee shall provide a copy of the ledger to the CDFW.
- 7.5. 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. Injured Covered Species shall be evaluated and treated pursuant to Condition of Approval 8.8. The Designated Biologist or Designated Representative shall immediately provide initial notification to CDFW by calling the CDFW Representative at (707) 428-2002 and emailing [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov). 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 24 hours of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information.
- 7.6. Notification of Non-Native Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a suspected barred tiger salamander (*Ambystoma tigrinum mavortium*) or California tiger salamander non-native salamander hybrid is found within the Project Area within 24 hours by calling the Regional Office at (707) 428-2002. CDFW and Permittee shall consult to determine measures to address non-native or hybrid populations.
- 7.7. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.2 and 7.3 into a Monthly Compliance Report and submit

them to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been temporarily and permanently disturbed, and restored, within the Project Area both for the prior month and a total since ITP issuance, and estimate the expected number of acres to be disturbed in the successive month; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing activities authorized under the Covered Activities within the Project Area which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Office at the office listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative by the 5<sup>th</sup> working day of the following month. At the time of this ITP's approval, the CDFW Regional Representative Melanie Day, Senior Environmental Scientist (Specialist) ([Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov)). CDFW may at any time increase or decrease 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.

- 7.8. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.7; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, and restoration, 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. CNDDDB Observations. The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.10. Final Mitigation Report. No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The

Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

## 8. Take Minimization Measures:

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

- 8.1. Dry Season Work Restriction. This condition applies to initial ground disturbing Covered Activities in the Mixed-Use Development Area and all ground disturbing Covered Activities in the Mitigation Land Enhancement Area. Permittee shall ensure that ground disturbing activities involving construction and heavy equipment use within Covered Species habitat (such as excavation, grading and contouring) are limited to the period from June 15 to October 15 (Dry Season), except for the year 2021, during which Mixed-Use Development Area Phase III activities are limited to the period from May 1 to October 15 (2021 Dry Season). The following Phase 1 activities within the Mixed Use Development Area shall be limited to the period from April 15 to October 15: 1) installation of the temporary barrier fencing (see Condition of Approval 8.4), 2) ground disturbing activities that are outside of the watersheds for on-site Covered Species breeding ponds 3, 4, 5, and 6, and 3) up to 10 potholes for geotechnical soils testing (Figure 3). Best Management Practices shall be employed to ensure no sediment from temporary barrier fencing installation and potholing activities impact the aforementioned breeding ponds.
- 8.2. Wet Weather Work Restriction. The Permittee or the Designated Biologist shall consult the 72-hour weather forecast from the National Weather Service (NWS) prior to the start of ground disturbing activities. Ground disturbing activities shall not begin unless a no precipitation forecast is obtained covering the entire Project Area and necessary erosion control measures are implemented. Ground disturbing activities shall cease 24 hours prior to a 40 percent or greater chance of rain forecast from the NWS. Ground disturbing activities may continue 24 hours after the rain ceases and there is no precipitation in the 24-hour forecast. The

Designated Biologist shall keep precipitation records on-site and these records shall be subject to CDFW inspection.

CDFW may approve work in writing when there is a 40 percent or more chance of precipitation in the 24-hour forecast. If work is approved, the Designated Biologist shall survey the work area before construction begins each day rain is forecast. If rain exceeds 0.25 inches during a 24-hour period, work shall cease until there is a less than 40 percent chance of rain in the 24-hour forecast.

- 8.3. Time of Day Work Restriction. Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise during the Covered Species migration/active season from October 16 to June 14. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.
- 8.4. Covered Species Temporary Barrier. Permittee shall provide a Covered Species Temporary Barrier Plan a minimum of 30 days prior to commencing Covered Activities for approval in writing by CDFW. Permittee shall install a temporary barrier to prevent the Covered Species from dispersing into the Project Area for each associated phase, unless otherwise approved in writing by CDFW. The barrier shall be designed to allow Covered Species to leave the Project Area using a one-way funnel or other method approved by CDFW. The barrier shall remain in place until Covered Activities are completed, including during periods of inactivity. The Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects. Permittee shall provide refuge opportunities, such as coverboards, along both sides. The Designated Biologist shall check temporary Covered Species barriers and refuge areas daily during Covered Activities and before, during, and following storm events or periods of high humidity, and weekly, during periods of inactivity. Animals found within the interior of the barrier shall be relocated outside of the barrier as described in the Covered Species Relocation Plan (see Condition of Approval 8.6).
- 8.5. Covered Species Permanent Barrier. Permittee shall provide a Covered Species Permanent Barrier Plan a minimum of 30 days prior to commencing any Covered Activities both: 1) impacting Covered Species habitat until Project completion and 2) occurring adjacent to Covered Species habitat, such as during Phase 4, for approval in writing by CDFW. The Permittee shall install a permanent 12-inch high impenetrable barrier between the impacted area and Covered Species habitat where the Covered Species has the potential to enter the impacted area. The permanent barrier shall be installed after grading and stabilizing activities have been completed and prior to construction of residential, commercial, or other development unless otherwise approved in writing by CDFW. Permittee shall

design the barrier to prevent Covered Species from climbing over it or under it through burrows or cracks. The Permittee shall ensure the permanent barrier is monitored and maintained. The barrier shall be inspected annually prior to October 1 and all damages to the barrier shall be repaired immediately. Permittee shall ensure that permanent barriers installed between fully developed areas and Covered Species habitat, such as between Phase 4 and Mitigation 4, are maintained in perpetuity.

- 8.6. Covered Species Relocation Plan. The Permittee shall submit a Covered Species Relocation Plan (Relocation Plan) a minimum of 30 days prior to the commencement of Covered Activities for approval in writing by CDFW. The Designated Biologist shall follow this Relocation Plan to install the Covered Species temporary barrier (see Condition of Approval 8.4), install the pitfall traps, cover boards, and drift fence arrays, check pitfall traps according to the rainfall-dependent schedule, and relocate captured Covered Species adults, juveniles, and larva to a suitable site.
- 8.7. Atypical Dens and Burrows. Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored in the Project Area for one or more overnight periods are either securely capped prior to storage or thoroughly inspected by the Designated Biologist before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered inside a pipe by the Designated Biologist or anyone else, the Designated Biologist shall move the animal to a safe nearby location per the Covered Species Relocation Plan described in Condition of Approval 8.6.
- 8.8. Covered Species Handling and Injury. The Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 2). If an injured Covered Species is found during the project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps pursuant to Condition of Approval 7.5. If the CDFW Regional Representative cannot be contacted immediately, the injured salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within two hours of initial attempts then the following steps shall be taken by the Designated Biologist:
- 8.8.1. If the injury is minor or healing and the salamander is likely to survive, the salamander shall be released immediately in accordance with the Condition of Approval 8.6.
- 8.8.2. If it is determined that the Covered Species has major or serious injuries as a

result of Project-related activities the Designated Biologist shall immediately take it to the Lindsay Wildlife Museum or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by the CDFW and Service. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.5.

- 8.9. Personnel Restriction. Permittee shall ensure that all construction activities and personnel, including subcontractors, are restricted to the active construction area surrounded by the Covered Species temporary barrier and public roads.

Personnel may enter mitigation lands which do not include a Covered Species Barrier using existing roads to remove trash and debris, as needed. Activities and personnel within mitigation lands shall be limited to Covered Activities associated with initial habitat establish, enhancement, maintenance and monitoring activities, livestock grazing management, and utility line construction and maintenance as needed to support mitigation land objectives.

- 8.10. Pre-Construction Surveys. The Designated Biologist shall complete walking surveys of the Project Area prior to any initial ground disturbing activity, and shall follow earthmoving equipment to look for Covered Species during initial site grading and other ground disturbing activities. Areas to be surveyed shall include suitable habitat features for the Covered Species such as aquatic and upland areas as well as under woody or other debris. Pre-construction surveys shall be conducted in conjunction with Covered Species temporary barrier installation. If a Covered Species is discovered, the Designated Biologist shall move the animal to a safe nearby location (e.g. mouth of ground-squirrel burrow outside of the construction area) and monitor it until it is determined that the animal is not imperiled by predators or other dangers (see Condition of Approval 8.6).

- 8.11. Trench Escape and Inspection. The Designated Biologist shall inspect all open holes, sumps, and trenches within the Project Area at the beginning of each working day for trapped animals. To prevent inadvertent entrapment of Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material at the close of each working day such that Covered Species 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 secured with soil staples or similar means to prevent gaps.

Each morning prior to beginning Covered Activities and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment has not occurred. Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately if any worker discovers that Covered Species have become trapped. If at any time a trapped Covered Species is discovered by the Designated Biologist or anyone else, the Designated Biologist shall capture and relocate the animal to a safe nearby location per the Covered Species Relocation Plan described in Condition of Approval 8.6.

- 8.11.1. If the open holes, sumps, trenches or excavations cannot be covered, then a Covered Species temporary barrier shall be installed around any trenches, holes, sumps, or other excavations to prevent Covered Species from becoming trapped. Refuge opportunities, such as coverboards (3-foot x 3-foot plywood) shall be provided on the outside perimeter of the barrier.
- 8.12. Burrow Protection. The Designated Biologist shall mark for avoidance all small mammal burrows with flagging at the limits of temporary access areas, including vehicle routes, and staging areas within the mitigation land.
- 8.13. Temporary Impacts. To be considered a temporary impact, Permittee shall recontour and seed all temporary impact areas by October 31 of the year of the impact, except as described in Condition 8.13.1 below, and the impacted area soils must be suitable to support small mammal burrows. Heavily compacted soil is not considered suitable. Additionally, these areas shall be made available to fossorial mammals and shall not be surrounded by fencing that limits access. Impacted areas that do not meet these requirements will be considered permanent impacts, an Amendment will be required, and additional Habitat Management Lands pursuant to Condition of Approval 9 may be required.
- 8.13.1. The geotechnical studies temporary impact area shown on Figure 13, which occurred in year 2025, is not required to be recontoured and seeded, as grading and other significant earth moving activities and significant vegetation removal did not occur in this area.
- 8.14. Spoil Pile Stabilization. The Permittee shall stabilize active and non-active spoil piles located within undeveloped lands with native grass hydro-seed, erosion control fabric, straw, or other biodegradable material by October 31 of each year of the Project. Plastic and other synthetic materials shall not be used. Fiber rolls and a Covered Species temporary barrier shall be placed around the perimeter of non-active spoil piles, and slope breaks shall be utilized on the slopes of non-active

spoil piles. Active spoil piles shall be covered/stabilized adequately when rainy conditions are evident (see Condition of Approval 8.2) or at any time when spoil material could enter Covered Species terrestrial or aquatic habitat.

- 8.15. Rodenticides Prohibited. Permittee shall ensure that rodenticides or other poisons used in the control of fossorial (burrow-dwelling) mammals are not used within the Project Area during the term of this ITP.

**9. Habitat Management Land Acquisition and Restoration**

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

To meet this requirement, the Permittee shall either purchase 1,734.98 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank (Condition of Approval 9.2) OR shall provide for both the permanent protection and management of 1,734.98 acres of Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below. The Permittee shall also restore on-site 115.13 acres of temporarily impacted Covered Species habitat pursuant to Condition of Approval 9.6 below.

Permanent protection and management of 1,734.98 acres and funding for long-term management shall be achieved in two parts. Part one consists of 844.64 acres (Part One) and part two consists of 890.34 acres (Part Two) of HM land. Part One provides compensatory mitigation for 327.55 acres of temporary and permanent impacts from Project Phases I, II, and III and Part Two provides compensation for 278.25 acres of temporary and permanent impacts from Project Phase IV. Permanent protection and funding for perpetual management of Part One compensatory habitat must be complete before starting Covered Activities for Project Phases I, II, and III, or within 18 months of the start of Covered Activities for Phases I, II, and III if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations. Permanent protection and funding for perpetual management of Part Two compensatory habitat must be completed before starting Covered Activities for Project Phase IV, or within 18 months of the start of Covered Activities for Phase IV if Security is provided pursuant to Condition of Approval 10 below for all uncompleted obligations.

9.1. Cost Estimates. CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands, and restoration of temporarily disturbed habitat in two parts as described above, as follows:

9.1.1. Part One (for Phases I, II, and III):

9.1.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 844.64 acres: **\$4,223,200**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.1.2. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at **\$1,463,517**;

9.1.1.3. Contingency security funding as described in Condition of Approval 9.3.6 estimated at **\$146,352**;

9.1.1.4. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at **\$773,469**;

9.1.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$1,625/acre for 844.64 acres: **\$1,372,540**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.1.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at **\$12,000**.

9.1.1.7. Restoration of on-site temporary impacts to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$1,200/acre for 115.13 acres: **\$138,156**.

9.1.2. Part Two (for Phase IV):

9.1.2.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 890.34 acres: **\$4,451,700**. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;

9.1.2.2. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at **\$33,225**;

9.1.2.3. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$876.70/ acre for 890.34 acres: **\$780,561**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.

9.2. Covered Species Credits. Permittee shall purchase 1,734.98 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.

OR:

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

9.3.1. Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);

9.3.2. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if

applicable, the Wildlife Conservation Board and the Department of General Services;

- 9.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;
- 9.3.4. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify the landowner as the Land Manager. Permittee shall notify CDFW of any subsequent changes in the Land Manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as long-term Land Manager unless otherwise specified.
- 9.3.5. Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved in writing by CDFW. Start-up activities include, at a minimum: (1) preparing a development and restoration plan for CDFW written approval; (2) preparing an interim management plan for CDFW written approval; (3) preparing a Long-Term Management Plan for CDFW written approval (see <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (4) conducting a baseline biological assessment including Covered Species surveys and land survey report within four months of recording or transfer; (5) developing and transferring Geographic Information Systems (GIS) data if applicable; (6) establishing initial fencing; (7) conducting litter removal; (8) conducting initial habitat restoration or enhancement, if applicable; and (9) installing signage;
- 9.3.6. Contingency. Provide for any necessary remedial action and guarantee that the performance measures as described in the development and restoration plan and interim management plan described in Condition 9.3.5 have been achieved;
- 9.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final interim management plan and conservation easement approved by CDFW. The interim management period shall be: A minimum

of 10 years or until success criteria described in the CDFW-approved Interim Management Plan are achieved, whichever is earlier; a minimum of three years from the date of full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final interim management plan shall include success criteria, Covered Species pond habitat monitoring, Covered Species surveys and monitoring, remediation activities (as needed), plant and general wildlife surveys, fence repair, trash removal, site monitoring, and vegetation and invasive species management. Success criteria shall include; demonstration of successful breeding within a minimum of one constructed pond in Mitigation Area 2 and one constructed pond in Mitigation Area 3, and successful metamorphosis of the Covered Species, among other criteria described in the CDFW-approved Interim Management Plan, unless otherwise approved in writing by CDFW. Permittee shall provide a security to CDFW for the 10 years of interim management. Permittee shall provide for the interim management of HM Lands beyond 10 years if necessary to achieve success criteria.

9.3.8. Long-Term Management Plan. The Permittee shall submit for CDFW approval a final Long-Term Management Plan (LTMP) within six months of beginning Covered Activities for the HM Lands. The LTMP shall describe all necessary tasks and funding, including, but not limited to: Land Manager and Resource Manager (rangeland manager) responsibilities and land management tasks; biological surveys and monitoring; adaptive management strategy and remedial measures and costs; and endowment amount.

9.4. Endowment Fund. Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. Permittee shall provide long-term management funding for the in-perpetuity management of the HM lands by establishing a long-term management fund (Endowment Fund). The Endowment Fund is a sum of money, held in a CDFW-authorized fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the LTMP required by Condition of Approval 9.3.8. Endowment Fund as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment Fund shall be fully funded by December 31, 2021. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

- 9.4.1. Identify an Endowment Manager. The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4);
- 9.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter "PAR") to calculate the amount of funding necessary to ensure the long-term management of the Mitigation lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.
- 9.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.

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

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

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

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

9.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of Mitigation lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

9.5. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of Mitigation lands to CDFW.

9.6. Habitat Restoration. Permittee shall restore on-site the 115.13 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions and ensure that a Vegetation Restoration Plan is successfully implemented by the contractor, except as described below.

Within three months of the effective date of this ITP, the Permittee shall prepare and submit to CDFW for approval a Vegetation Restoration Plan to facilitate revegetation

of the 115.13 acres. The Plan shall identify plant species damaged or removed during Project activities. For seeding and mulching exposed slopes, the seed blend shall include locally native grass species at a ratio appropriate to the site. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The Plan shall also indicate the best time of year for seeding to occur, three years of monitoring, and success criteria. Plantings undertaken during the dry season shall include regular watering to ensure adequate growth if necessary. Permittee shall complete seeding as soon as possible, but no later than October 15 of the year of impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

The geotechnical studies temporary impact area shown on Figure 13 is not subject to the Vegetation Restoration Plan requirement as grading and other significant earth moving activities and significant vegetation removal did not occur in this area during the geotechnical studies. Permittee shall: 1) install during the Dry Season ten 6-foot-long by 4-foot-wide by 3-foot-high wood piles for Covered Species refuge within the proposed HM lands and regularly spaced within 100 feet of the geotechnical studies temporary impact area, 2) submit to CDFW no later than September 1, 2026 a figure depicting woodpile locations and photographs documenting woodpile installation completion, and 3) obtain CDFW's written approval that this requirement has been met.

## 10. Performance Security

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

- 10.1 Security Amount. The Security shall be in the amount of **\$8,129,234** for Part One (Project Phases I, II, and III), and **\$5,265,486** for Part Two (Project Phase IV) as detailed below, totaling **\$13,394,720**. These amounts are based on the cost estimates identified above in Condition of Approval 9.1.1 for Part One, and Condition of Approval 9.1.2 for Part Two.

The Security amount for Phases I, II, and III shall include the following amounts:

- Land acquisition: \$4,223,200 (844.64 acres at \$5,000/acre)
- Start-up costs: \$1,463,517

- Contingency: \$146,352
- Interim management: \$773,469
- Long-term management: \$1,372,540
- Transaction fees: \$12,000
- Restoration of on-site temporary impacts: \$138,156

The Security amount for Phase IV shall include the following amounts:

- Land acquisition: \$4,451,700 (890.34 acres at \$5,000/acre)
- Interim management: \$33,225
- Long-term management: \$780,561

- 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 to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4 Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5 Security Transmittal. Permittee shall transmit security to CDFW by way of an approved instrument such as 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:
- Written documentation of the acquisition of the HM lands;

- Copies of all executed and recorded conservation easements;
- Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and
- Timely submission of all required reports.

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

**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:**

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, CA 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 (2081-2016-020-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Erin Chappell, Regional Manager  
California Department of Fish and Wildlife – Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
[R3CESA@wildlife.ca.gov](mailto:R3CESA@wildlife.ca.gov)

and a copy to:

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

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

Melanie Day, Senior Environmental Scientist (Supervisory)  
California Department of Fish and Wildlife – Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 210-4415  
[Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov)

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Incidental Take Permit  
No. 2081-2016-020-03  
(Amendment No. 2)  
**CANON STATION, LLC**  
**CANON STATION PROJECT**

**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 lead agency, the City of Fairfield. (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Fairfield Train Station Specific Plan EIR, (SCH No.: 2010042093) dated July 2011 that the City of Fairfield certified for the Canon Station Project on July 26, 2011. At the time the lead agency certified the EIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR 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.

None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, existed as a result of Amendment No. 1 or exist as a result of Amendment No. 2.

**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 and Game Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subsd. (a)-(b), 783.5, subd. (c)(2)].

CDFW finds based on substantial evidence in the ITP application, Fairfield Train Station Specific Plan EIR, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through

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Incidental Take Permit  
No. 2081-2016-020-03  
(Amendment No. 2)  
**CANON STATION, LLC**  
**CANON STATION PROJECT**

the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly/Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 1,734.98 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;

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

**Attachments:**

- |          |                      |
|----------|----------------------|
| FIGURE 1 | Project Location Map |
| FIGURE 2 | Project Area Map     |

|              |   |
|--------------|---|
| FIGURE 3     | Ground Disturbing Activities Beginning April 15     |
| FIGURES 4-13 | Amended Project Area                                |
| ATTACHMENT 1 | Amended Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2 | Covered Species Handling                            |
| ATTACHMENT 3 | Letter of Credit Form                               |
| ATTACHMENT 4 | Minor Amendment No. 1                               |
| ATTACHMENT 5 | Minor Amendment No. 2 with Track Changes            |

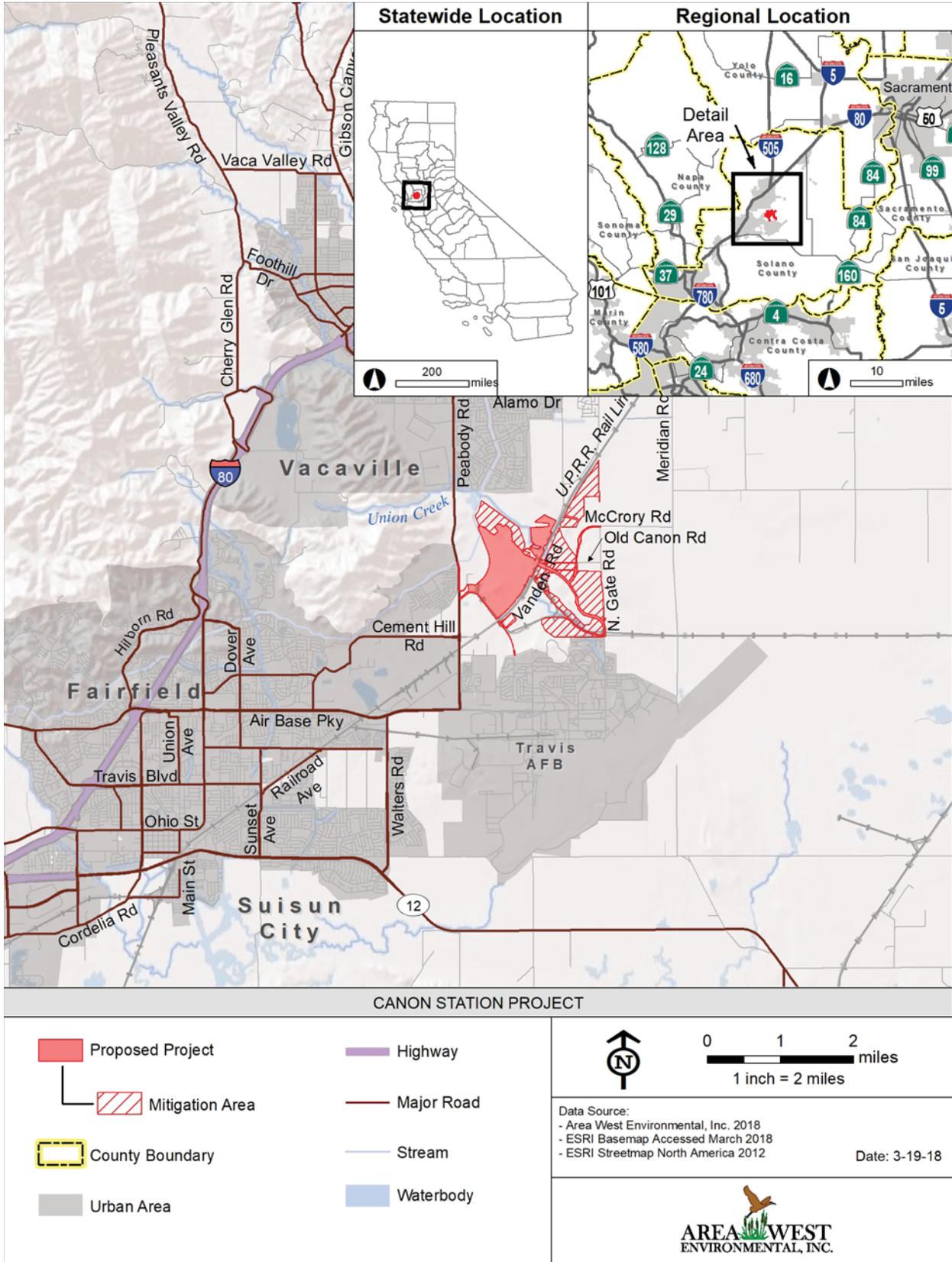
**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

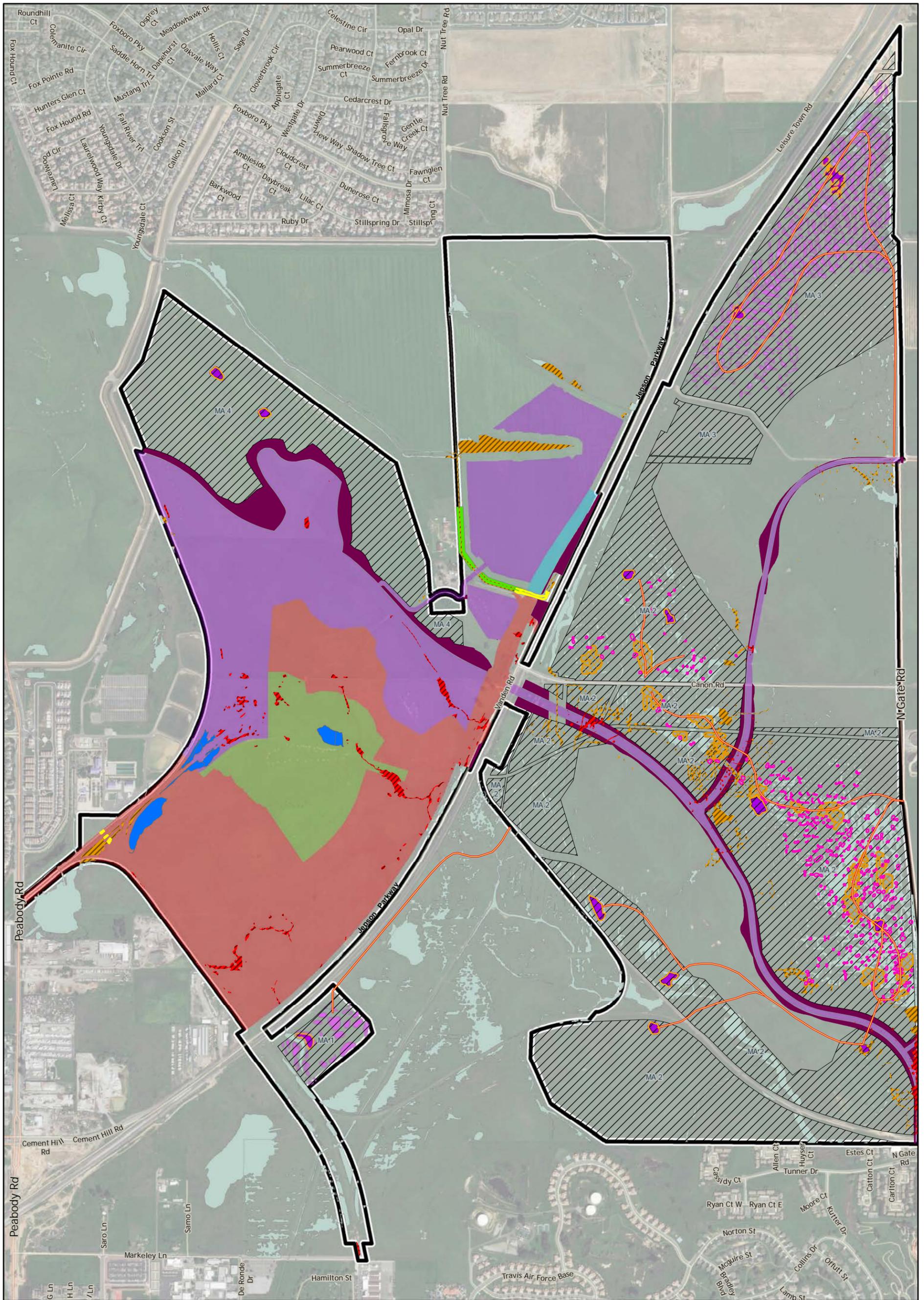
on 2/24/2026 .

DocuSigned by:  
*Erin Chappell*  
B77E9A6211EF486...

Erin Chappell, Regional Manager  
Bay Delta Region

Incidental Take Permit  
No. 2081-2016-020-03  
(Amendment No. 2)  
**CANON STATION, LLC**  
**CANON STATION PROJECT**

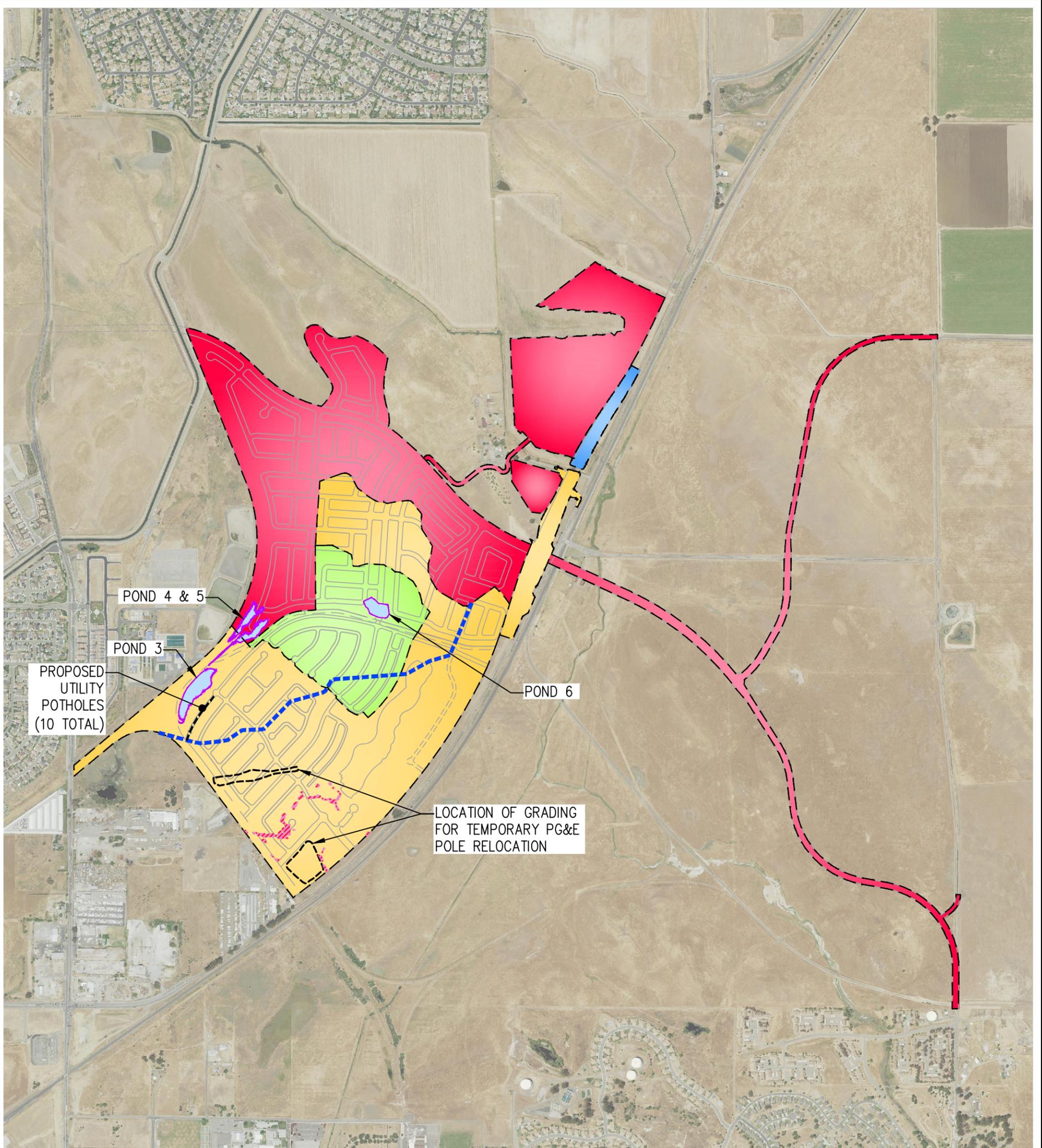




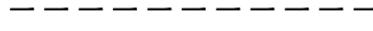
SOURCE: Esri World Imagery (8/19/2017).

I:\CNJ1401\GIS\Maps\Working\CTS\_Relocation\Project Phasing.mxd (5/2/2018)

Canon Station  
 Solano County,  
 California  
 Project Phasing



**LEGEND**

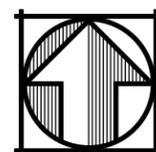
|   |  |   |   |
|---|--|---|---|
|  | PHASE BOUNDARY                             |  | DIRECT IMPACT TO WETLANDS PER LSA FIGURE 1 – PROJECT PHASING AND FENCING PLAN |
|  | PROPOSED UTILITY POTHOLES (10 TOTAL)       |   |   |
|  | APPROXIMATE WATERSHED DRAINAGE BOUNDARY    |   |   |
|  | LIMIT OF GRADING FOR PG&E POLE RELOCATION  |   |   |
|  | POND LOCATIONS                             |   |   |
|  | PHASE 1 – 201 ACRES ±, STARTS MARCH 2018   |   |   |
|  | PHASE 2 – 5 ACRES ±, STARTS SEPTEMBER 2018 |   |   |
|  | PHASE 3 – 51 ACRES ±, STARTS AUGUST 2019   |   |   |
|  | PHASE 4 – 213 ACRES ±, STARTS MAY 2020     |   |   |

**GRADING EXHIBIT  
CDFW-ITP  
CANON STATION**

CITY OF FAIRFIELD SOLANO COUNTY CALIFORNIA

DATE: JUNE 16, 2017 (REVISED: MAY 3, 2018)

SCALE: 1" = 1200'



**cbg** Carlson, Barbee & Gibson, Inc.  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
www.cbang.com

SAN RAMON, CALIFORNIA (925) 866 - 0322  
SACRAMENTO, CALIFORNIA (916) 375 - 1877

5/3/2018 8:36 AM

**ITP Figure 4**

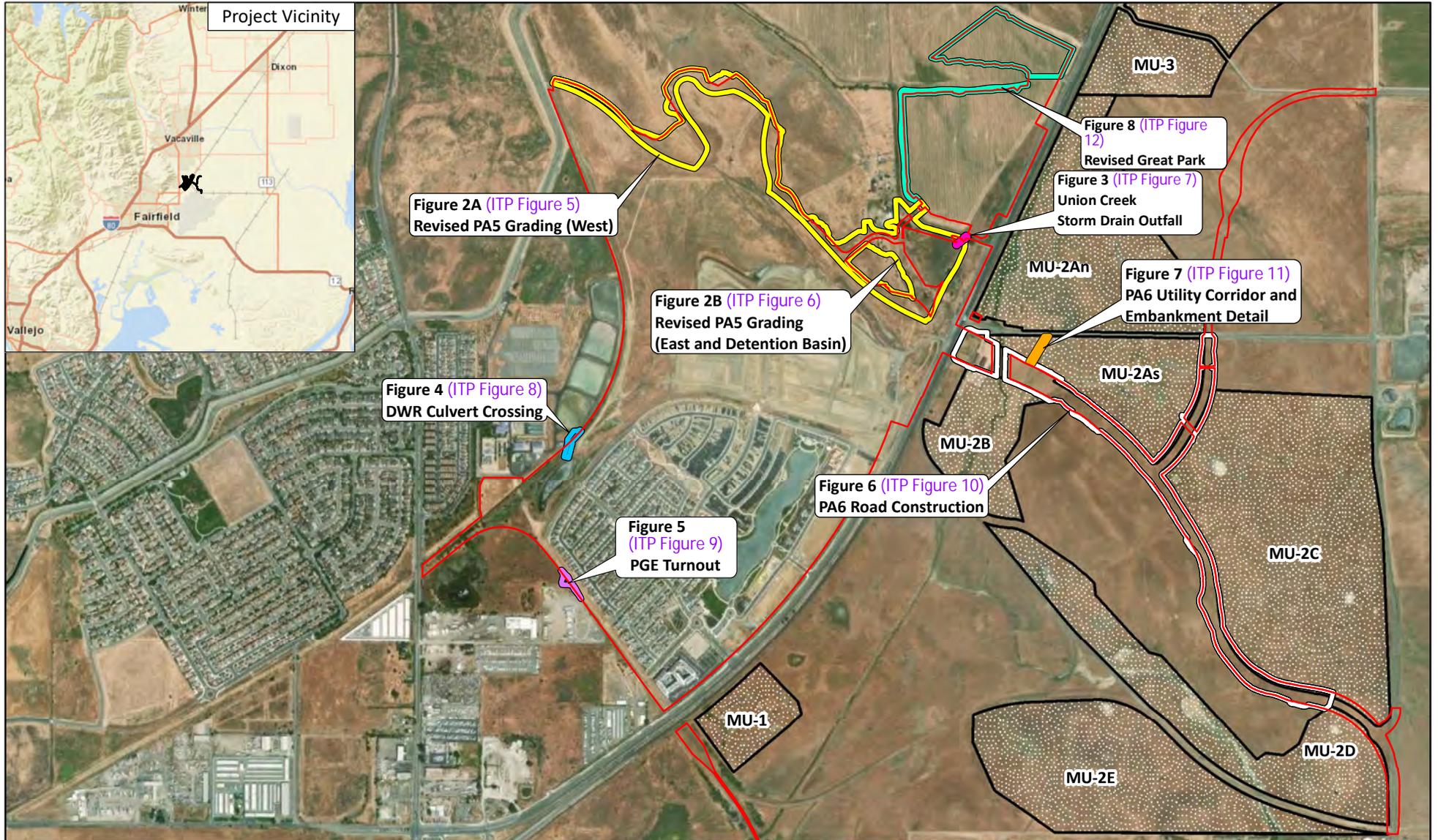


FIGURE 1

**LSA**

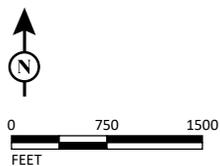
**LEGEND**

- Previous Permit Area
- Conservation Easement Boundary

**Actions**

- Revised PA5 Grading
- Union Creek Storm Drain Outfall
- DWR Culvert Crossing
- PGE Turnout

- PA6 Road Construction Impacts
- PA6 Utility Corridor
- Revised Great Park



SOURCE: CB&G (01/2024).

I:\C\NJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 1\_Overview of 2023 Permit Amendment Areas.mxd (8/27/2025)

*One Lake Project  
Fairfield, Solano County, California  
Permit Amendment Areas*

### ITP Figure 5



See Figure 2B  
Revised PA5 Grading  
Eastern Section

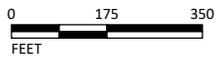
LSA

#### Previously Permitted Impacts

- Previous Permit Area
- Permanent Upland Impact
- Temporary Upland Impact
- Direct Impact to Wetland
- Indirect Impact to Wetland
- Wetland Avoided

#### Proposed Changes for Revised PA5 Grading

- New Temporary Upland Impact (Previously No Impact) - 0.996 ac.
- No Impact (Previously Temporary Upland Impact) - 4.073 ac.



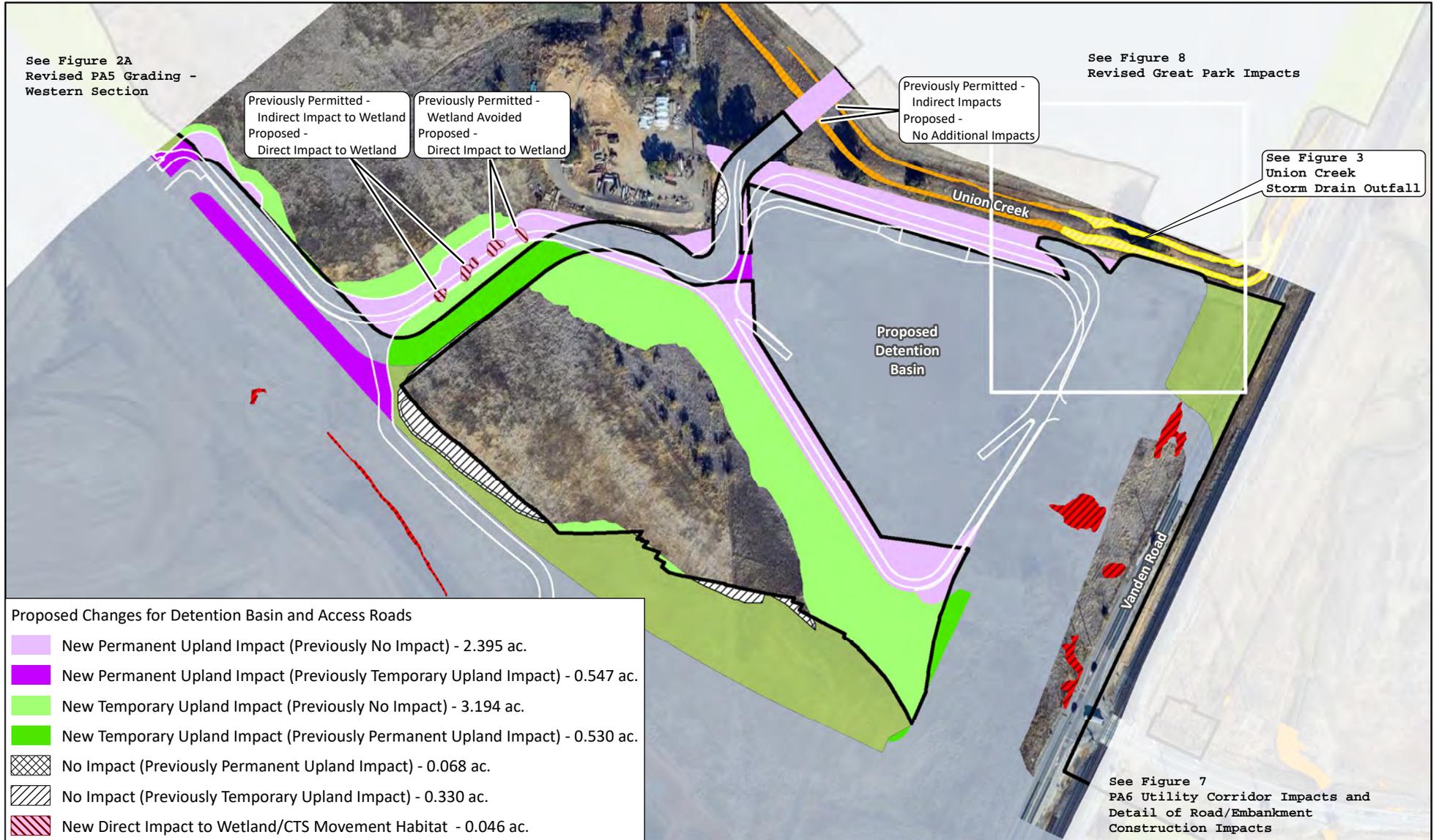
SOURCE: CB&G (01/2024).

I:\C\CNJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 2A\_Revised PA5 Grading (West).mxd (8/27/2025)

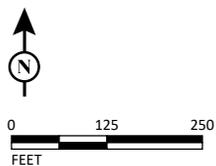
FIGURE 2A

*One Lake Project*  
*Fairfield, Solano County, California*  
 Revised PA5 Grading -  
 Western Section

**ITP Figure 6**



**LSA**



SOURCE: CB&G (01/2024).

I:\C\NJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 2B\_Detention Basin Impacts.mxd (8/27/2025)

**Previously Permitted Impacts**

- Previous Permit Area
- Permanent Upland Impact
- Temporary Upland Impact
- Direct Impact to Wetland
- Temporary Impact to Wetland
- Indirect Impact to Wetland

**FIGURE 2B**

*One Lake Project  
Fairfield, Solano County, California  
Revised PA5 Grading -  
Detention Basin and Access Road Impacts*



LSA

Previously Permitted Impacts

- Previous Permit Area
- Permanent Upland Impacts
- Temporary Upland Impacts
- Temporary Impact to Wetland
- Indirect Impact to Wetland

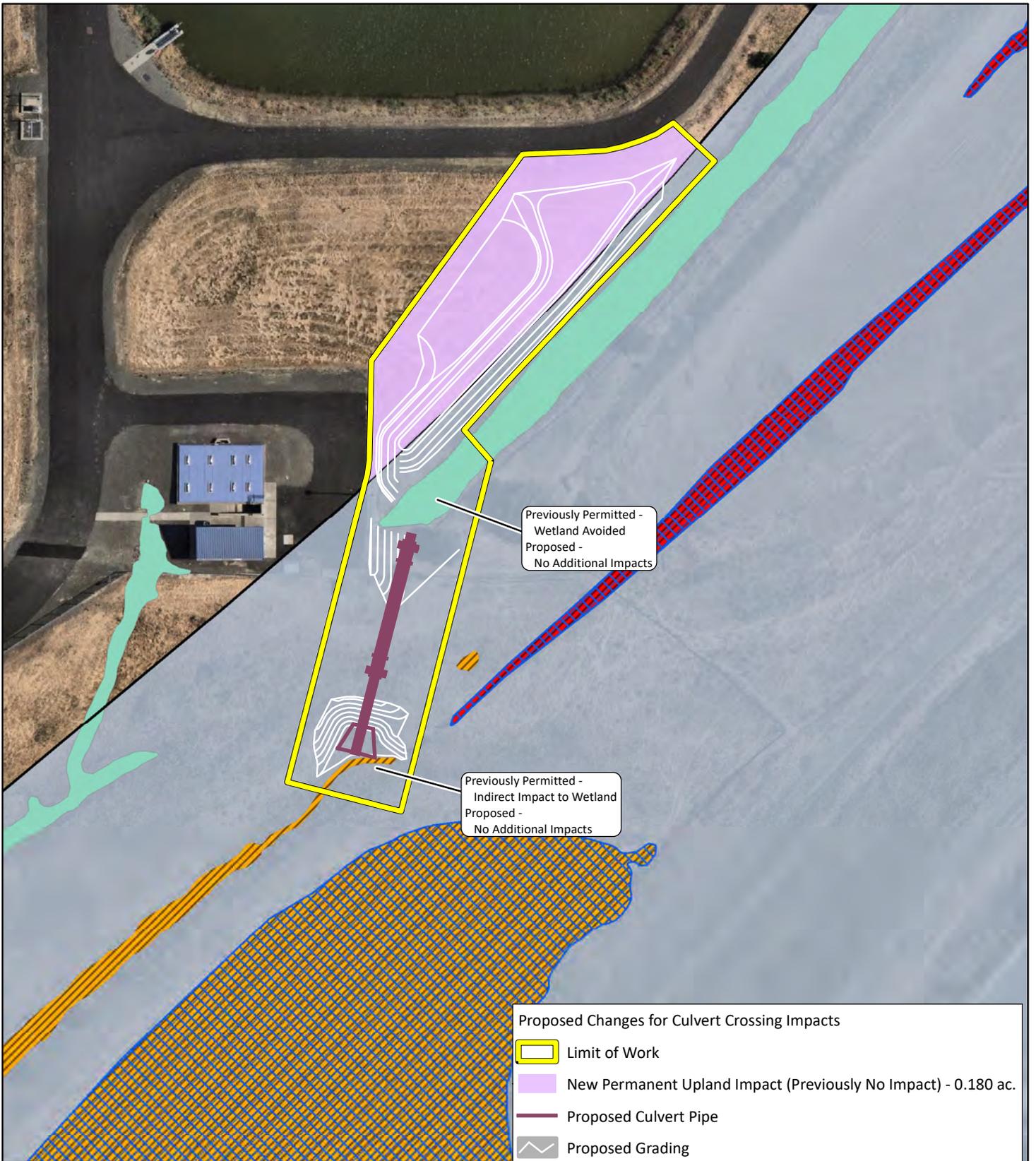


SOURCE: CB&G (02/2025).

FIGURE 3

One Lake Project  
Fairfield, Solano County, California

Union Creek Storm Drain Outfall Impacts

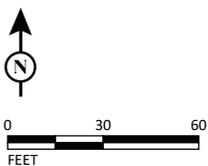


**Proposed Changes for Culvert Crossing Impacts**

- Limit of Work
- New Permanent Upland Impact (Previously No Impact) - 0.180 ac.
- Proposed Culvert Pipe
- Proposed Grading

**LSA**

- Previously Permitted Impacts**
- Previous Permit Area
  - Permanent Upland Impact
  - Direct Impact to Wetland
  - Indirect Impact to Wetland
  - California Tiger Salamander Breeding Habitat Impacts
  - Wetland Avoided



SOURCE: CB&G (01/2024).

FIGURE 4

*One Lake Project*  
Fairfield, Solano County, California  
City of Fairfield DWR Culvert Crossing Impacts



LSA

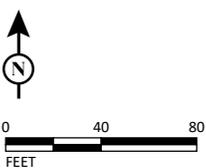
Previously Permitted Impacts

- Previous Permit Area
- Permanent Upland Impact
- Direct Impact to Wetland

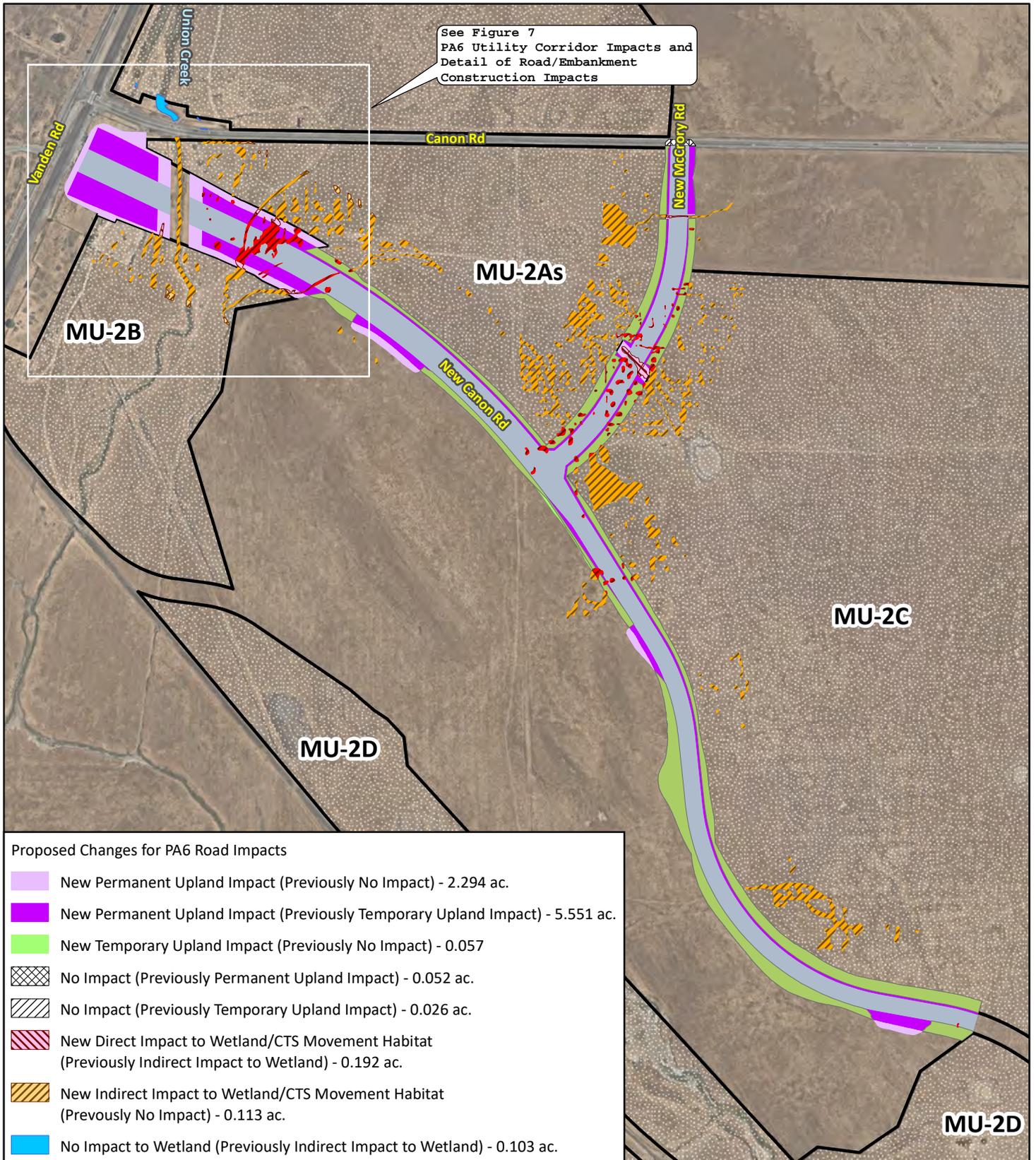
Proposed Changes for PG&E Turnout Impacts

- Grading Limit
- New Permanent Upland Impact (Previously No Impact) - 0.123 ac.
- Proposed Turnout

FIGURE 5



One Lake Project  
Fairfield, Solano County, California  
PG&E Turnout Impacts



LSA

Previously Permitted Impacts

Conservation Easement Boundary

- Permanent Upland Impact
- Temporary Upland Impact
- Direct Impact to Wetland
- Indirect Impact to Wetland

FIGURE 6

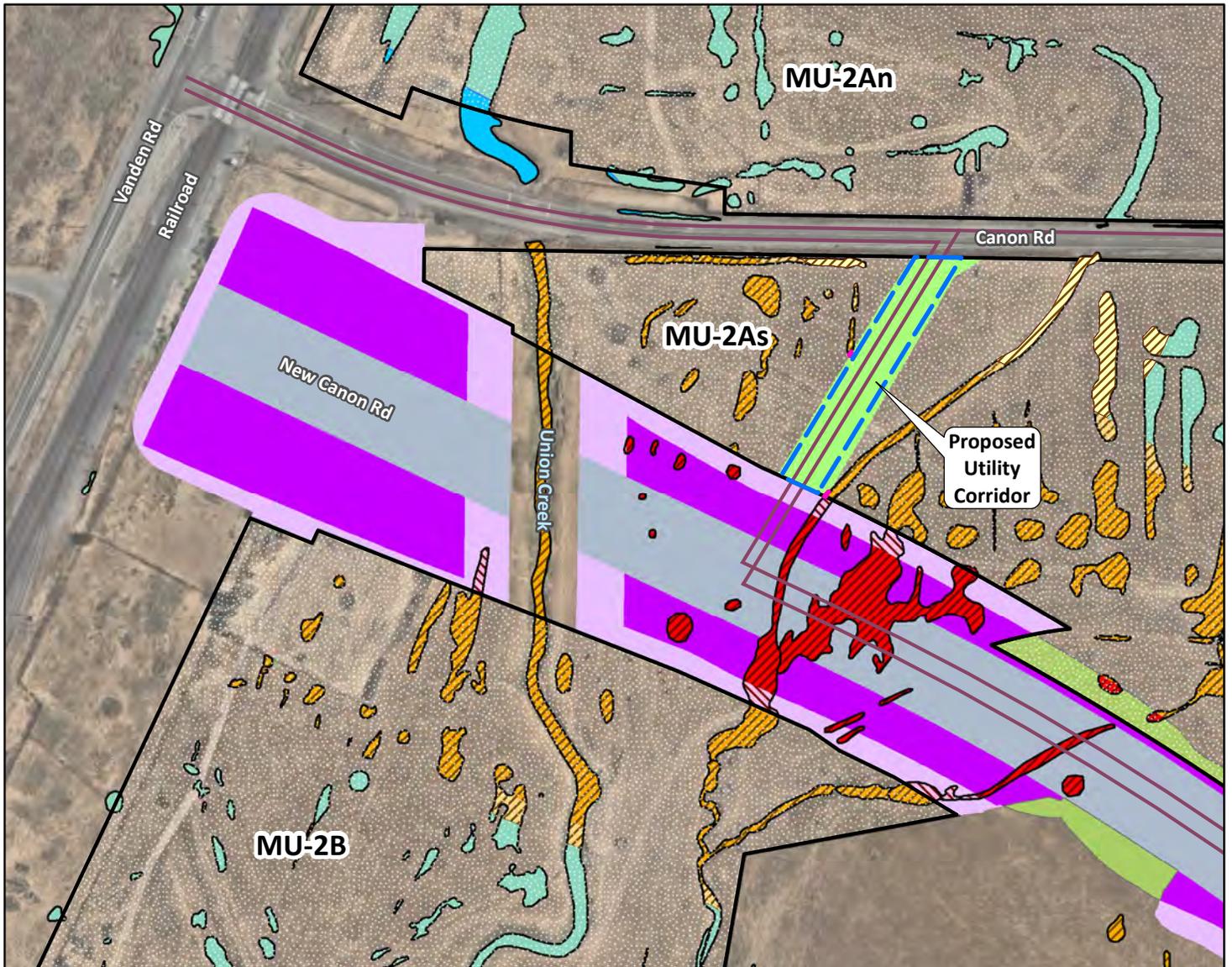


0 300 600  
FEET

SOURCE: CB&G (08/2024); Nearmap (06/2024).

I:\C\CNJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 6\_Road Construction Impacts.mxd (8/27/2025)

One Lake  
Solano County, California  
PA6 Road Construction Impacts



**Proposed Changes for PA6 Road Impacts (as depicted on Figure 6)**

- New Permanent Upland Impact (Previously No Impact)
- New Permanent Upland Impact (Previously Temporary Upland Impact)
- New Direct Impact to Wetland/CTS Movement Habitat (Previously Indirect Impact to Wetland)
- New Indirect Impact to Wetland/CTS Movement Habitat (Previously No Impact)
- No Impact to Wetland (Previously Indirect Impact to Wetland)

**Proposed Additional Changes for PA6 Utility Corridor Impacts**

- Proposed Utility Corridor Easement
- Sanitary Sewer or Water Line
- Additional Temporary Upland Impact (Previously No Impact) - 0.489 ac.
- Additional Direct Impact to Wetland/CTS Movement Habitat (Previously Indirect Impact to Wetland) - <0.000 ac.
- Additional Indirect Impact to Wetland/CTS Movement Habitat (Previously No Impact) - 0.154 ac.

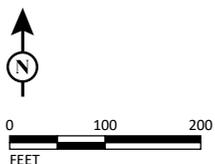


**Previously Permitted Impacts**

- Permanent Upland Impact
- Temporary Upland Impact
- Direct Impact to Wetland
- Indirect Impact to Wetland
- Wetland Avoided

Conservation Easement Boundary

FIGURE 7

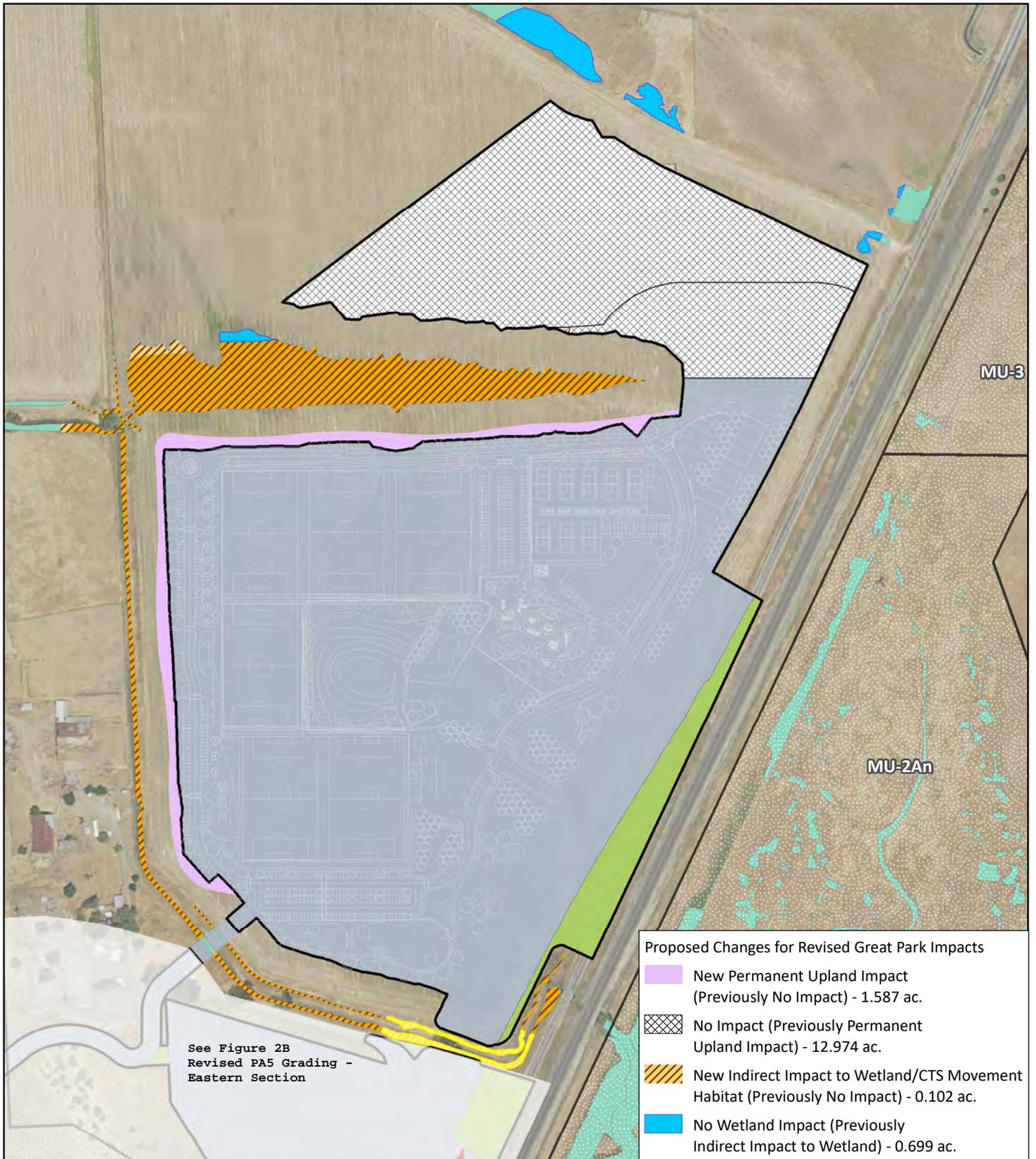


SOURCE: CB&G (08/2024); Nearmap (06/2024).

I:\C\NJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 7\_PA6 Utility Corridor and Embankment Detail.mxd (8/27/2025)

*One Lake  
Solano County, California*

**PA6 Utility Corridor Impacts and  
Detail of Road/Embankment Construction Impacts**



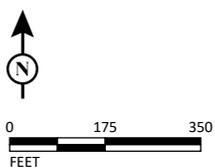
**Proposed Changes for Revised Great Park Impacts**

- New Permanent Upland Impact (Previously No Impact) - 1.587 ac.
- No Impact (Previously Permanent Upland Impact) - 12.974 ac.
- New Indirect Impact to Wetland/CTS Movement Habitat (Previously No Impact) - 0.102 ac.
- No Wetland Impact (Previously Indirect Impact to Wetland) - 0.699 ac.

**LSA**

**Previously Permitted Impacts**

- Previous Permit Area
- Permanent Upland Impact
- Temporary Upland Impact
- Direct Impact to Wetland
- Temporary Impact to Wetland
- Indirect Impact to Wetland
- Wetland Avoided
- Conservation Easement Boundary

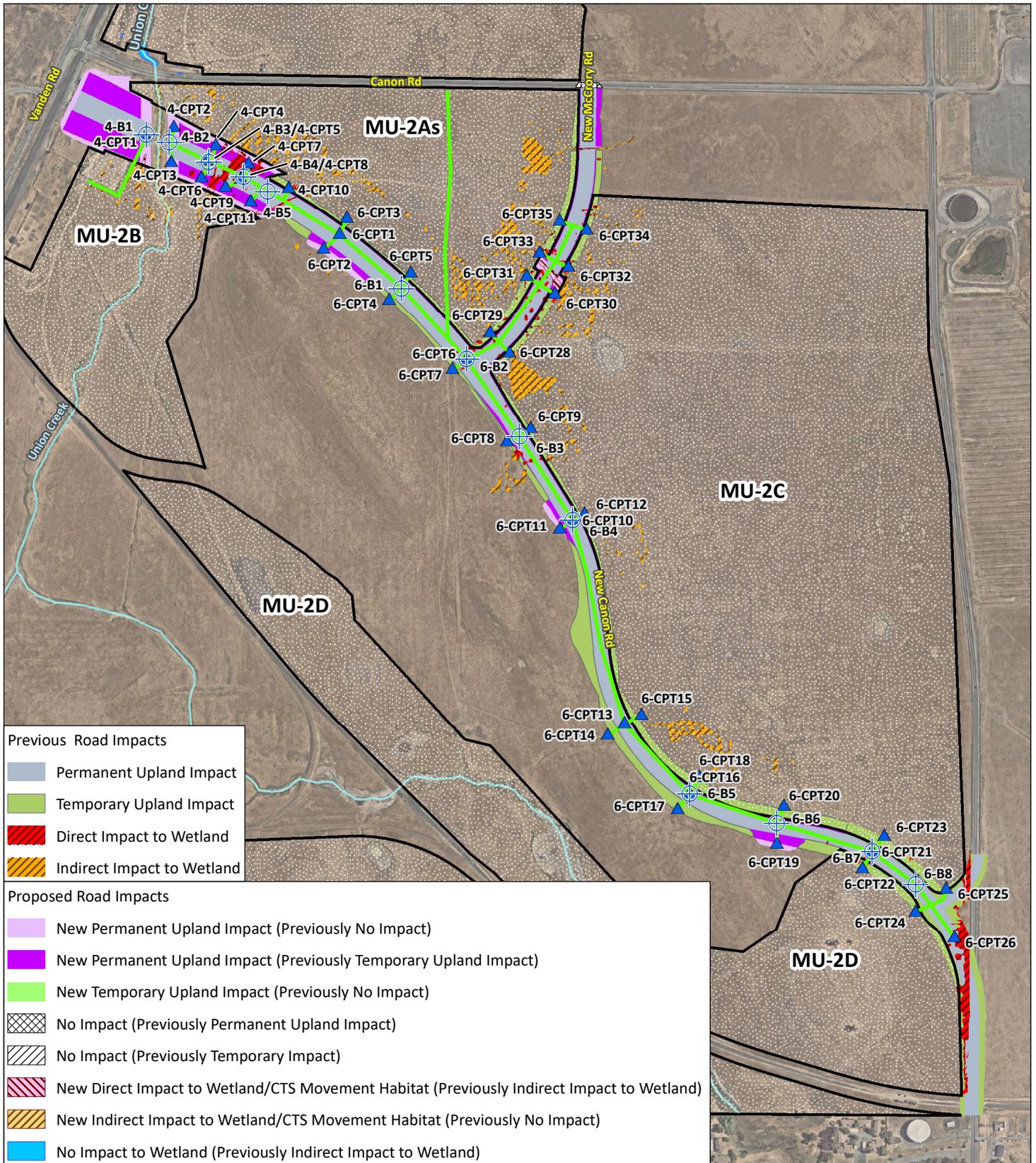


SOURCE: City of Fairfield (12/2024).

I:\C\CNJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 8\_Revised Great Park Impacts.mxd (8/27/2025)

**FIGURE 8**

*One Lake*  
Solano County, California  
Revised Great Park Impacts



LSA

LEGEND

- Proposed Geotechnical Explorations
- Conservation Easement Boundary
- Proposed Boring
- Proposed Cone Penetration Test
- Temporary Impacts for Access and Testing (2.89 acres)

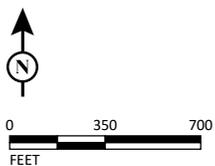


FIGURE 9

One Lake  
Solano County, California  
Proposed Geotechnical Explorations

SOURCE: Engeo (05/2025); CB&G (08/2024); Nearmap (06/2024).

I:\C\NJ1401\GIS\Maps\2023 Amendments\Revised2\Figure 9\_Proposed Geotechnical Explorations.mxd (10/10/2025)

**Attachment 1**

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

**INCIDENTAL TAKE PERMIT NO. 2081-2016-020-03**

**PERMITTEE: One Lake Holding, LLC**

**PROJECT: Canon Station Project**

**PURPOSE OF THIS MMRP**

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

**OBLIGATIONS OF PERMITTEE**

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

**VERIFICATION OF COMPLIANCE, EFFECTIVENESS**

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

**TABLE OF MITIGATION MEASURES**

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

|   | Mitigation Measure  | Source              | Implementation Schedule   | Responsible Party | Status / Date / Initials |
|---|---|---------------------|---|-------------------|--------------------------|
| <b>BEFORE DISTURBING SOIL OR VEGETATION</b> |   |                     |   |                   |                          |
| 1   | <p><u>Designated Representative.</u> 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.</p>   | ITP Condition # 6.1 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee         |                          |
| 2   | <p><u>Designated Biologist.</u> Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of a Designated Biologist at least 30 days before starting Covered Activities. Permittee shall obtain CDFW approval of the Designated Biologist in writing before starting Covered Activities, and shall also obtain approval in advance in writing if the Designated Biologist must be changed. More than one Designated Biologist may be necessary to monitor Covered Activities. Permittee shall ensure that the Designated Biologist is knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Designated Biologist 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.</p>  | ITP Condition # 6.2 | Before commencing ground- or vegetation-disturbing activities                 | Permittee         |                          |
| 3   | <p><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. 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.</p> | ITP Condition # 6.4 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee         |                          |
| 4   | <p><u>Delineation of Property Boundaries.</u> Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Covered Activities.</p>  | ITP Condition # 6.6 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee         |                          |
| 5   | <p><u>Delineation of Habitat.</u> Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat. These habitat delineation</p>   | ITP Condition # 6.7 | Before commencing ground- or vegetation-disturbing activities/ Entire Project | Permittee         |                          |

|   | <b>Mitigation Measure</b>   | <b>Source</b>        | <b>Implementation Schedule</b>  | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|---|---|----------------------|---|--------------------------|---------------------------------|
|   | materials shall be placed just outside of or flush with the Covered Species temporary barrier described in Condition of Approval 8.4.   |                      |   |                          |                                 |
| 6 | <u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed at least once a week to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Permittee shall ensure that plastic bottles and bags are removed from the Project Area daily.  | ITP Condition # 6.12 | Before commencing ground- or vegetation-disturbing activities/ Entire Project   | Permittee                |                                 |
| 7 | <u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.   | ITP Condition # 7.1  | Before commencing ground- or vegetation-disturbing activities/ Entire Project   | Permittee                |                                 |
| 8 | <u>Covered Species Temporary Barrier</u> . Permittee shall provide a Covered Species Temporary Barrier Plan a minimum of 30 days prior to commencing Covered Activities for approval in writing by CDFW. Permittee shall install a temporary barrier to prevent the Covered Species from dispersing into the Project Area for each associated phase, unless otherwise approved in writing by CDFW. The barrier shall be designed to allow Covered Species to leave the Project Area using a one-way funnel or other method approved by CDFW. The barrier shall remain in place until Covered Activities are completed, including during periods of inactivity. The Permittee shall maintain and repair the barrier immediately to ensure that it is functional and without defects. Permittee shall provide refuge opportunities, such as coverboards, along both sides. The Designated Biologist shall check temporary Covered Species barriers and refuge areas daily during Covered Activities and before, during, and following storm events or periods of high humidity, and weekly, during periods of inactivity. Animals found within the interior of the barrier shall be relocated outside of the barrier as described in the Covered Species Relocation Plan (see Condition of Approval 8.6).                             | ITP Condition # 8.4  | Before commencing ground- or vegetation-disturbing activities/ Entire Project   | Permittee                |                                 |
| 9 | <u>Covered Species Permanent Barrier</u> . Permittee shall provide a Covered Species Permanent Barrier Plan a minimum of 30 days prior to commencing any Covered Activities both: 1) impacting Covered Species habitat until Project completion and 2) occurring adjacent to Covered Species habitat, such as during Phase 4, for approval in writing by CDFW. The Permittee shall install a permanent 12-inch high impenetrable barrier between the impacted area and Covered Species habitat where the Covered Species has the potential to enter the impacted area. The permanent barrier shall be installed after grading and stabilizing activities have been completed and prior to construction of residential, commercial, or other development unless otherwise approved in writing by CDFW. Permittee shall design the barrier to prevent Covered Species from climbing over it or under it through burrows or cracks. The Permittee shall ensure the permanent barrier is monitored and maintained. The barrier shall be inspected annually prior to October 1 and all damages to the barrier shall be repaired immediately. Permittee shall ensure that permanent barriers installed between fully developed areas and Covered Species habitat, such as between Phase 4 and Mitigation 4, are maintained in perpetuity. | ITP Condition # 8.5  | Before commencing ground- or vegetation-disturbing activities both impacting Covered Species habitat for a period of 12 months or longer and occurring adjacent to Covered Species habitat, such as Phase 4 | Permittee                |                                 |

|    | <b>Mitigation Measure</b>  | <b>Source</b>        | <b>Implementation Schedule</b>  | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
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| 10 | <p><u>Covered Species Relocation Plan.</u> The Permittee shall submit a Covered Species Relocation Plan (Relocation Plan) a minimum of 30 days prior to the commencement of Covered Activities for approval in writing by CDFW. The Designated Biologist shall follow this Relocation Plan to install the Covered Species temporary barrier (see Condition of Approval 8.4), install the pitfall traps, cover boards, and drift fence arrays, check pitfall traps according to the rainfall-dependent schedule, and relocate captured Covered Species adults, juveniles, and larva to a suitable site.</p>   | ITP Condition # 8.6  | Before commencing ground- or vegetation-disturbing activities/ Entire Project   | Permittee                |                                 |
| 11 | <p><u>Pre-Construction Surveys.</u> The Designated Biologist shall complete walking surveys of the Project Area prior to any initial ground disturbing activity, and shall follow earthmoving equipment to look for Covered Species during initial site grading and other ground disturbing activities. Areas to be surveyed shall include suitable habitat features for the Covered Species such as aquatic and upland areas as well as under woody or other debris. Pre-construction surveys shall be conducted in conjunction with Covered Species temporary barrier installation. If a Covered Species is discovered, the Designated Biologist shall move the animal to a safe nearby location (e.g. mouth of ground-squirrel burrow outside of the construction area) and monitor it until it is determined that the animal is not imperiled by predators or other dangers (see Condition of Approval 8.6).</p>   | ITP Condition # 8.10 | Before commencing ground- or vegetation-disturbing activities/ Entire Project   | Permittee                |                                 |
| 12 | <p><u>Cost Estimates.</u> CDFW has estimated the cost of acquisition, protection, and perpetual management of the HM lands, and restoration of temporarily disturbed habitat in two parts as described above, as follows:</p> <p>Part One (for Phases I, II, and III):</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 844.64 acres: \$4,223,200. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.5 below, estimated at \$1,463,517;</p> <p>Contingency security funding as described in Condition of Approval 9.3.6 estimated at \$146,352;</p> <p>Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$773,469;</p> <p>Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$1,625/acre for 844.64 acres: \$1,372,540. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at \$12,000.</p> <p>Restoration of on-site temporary impacts to Covered Species habitat as described in Condition of Approval 9.6, calculated at \$1,200/acre for 115.13 acres: \$138,156.</p> | ITP Condition # 9.1  | Before commencing ground- or vegetation-disturbing activities (or within 18 months of the start of each phase of the ITP if Security is provided) | Permittee                |                                 |

|    | Mitigation Measure   | Source                     | Implementation Schedule   | Responsible Party | Status / Date / Initials |
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|    | <p>Part Two (for Phase IV):</p> <p>Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$5,000/acre for 890.34 acres: \$4,451,700. Land acquisitions costs are estimated using local fair market current value for lands with habitat values meeting mitigation requirements;</p> <p>Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$33,225;</p> <p>Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$876.70/ acre for 890.34 acres: \$780,561. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p>  |                            |   |                   |                          |
| 13 | <p><u>Covered Species Credits</u>. Permittee shall purchase 1,734.98 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below.</p> <p>OR:</p>   | ITP Condition # 9.2        | Before commencing ground- or vegetation-disturbing activities (or within 18 months of the start of each phase of the ITP if Security is provided) | Permittee         |                          |
| 14 | <p><u>Habitat Acquisition and Protection</u>. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:</p> <p>Fee Title/Conservation Easement. Transfer fee title to the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW does not hold the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e);</p> | ITP Condition # 9.3, 9.3.1 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided)     | Permittee         |                          |
| 15 | <p><u>HM Lands Documentation</u>. Provide a recent preliminary title report, Phase I Environmental Site Assessment and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;</p>   | ITP Condition # 9.3.2      | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase   | Permittee         |                          |

|    | Mitigation Measure   | Source                | Implementation Schedule   | Responsible Party | Status / Date / Initials |
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|    |  |                       | of the ITP if Security is provided)   |                   |                          |
| 16 | <u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;   | ITP Condition # 9.3.3 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided) | Permittee         |                          |
| 17 | <u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify the landowner as the Land Manager. Permittee shall notify CDFW of any subsequent changes in the Land Manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as long-term Land Manager unless otherwise specified.   | ITP Condition # 9.3.4 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided) | Permittee         |                          |
| 18 | <u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved in writing by CDFW. Start-up activities include, at a minimum: (1) preparing a development and restoration plan for CDFW written approval; (2) preparing an interim management plan for CDFW written approval; (3) preparing a Long-Term Management Plan for CDFW written approval (see <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736</a> ); (4) conducting a baseline biological assessment including Covered Species surveys and land survey report within four months of recording or transfer; (5) developing and transferring Geographic Information Systems (GIS) data if applicable; (6) establishing initial fencing; (7) conducting litter removal; (8) conducting initial habitat restoration or enhancement, if applicable; and (9) installing signage; | ITP Condition # 9.3.5 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided) | Permittee         |                          |
| 19 | <u>Contingency</u> . Provide for any necessary remedial action and guarantee that the performance measures as described in the development and restoration plan and interim management plan described in Condition 9.3.5 have been achieved;   | ITP Condition # 9.3.6 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided) | Permittee         |                          |
| 20 | <u>Interim Management (Initial and Capital)</u> . Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final interim management plan and conservation easement approved by CDFW. The interim management period shall be: A minimum of 10 years or until success criteria described in the CDFW-approved Interim Management Plan are achieved, whichever is earlier; a minimum of three years from the date of full funding of the Endowment and  | ITP Condition # 9.3.7 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase                                     | Permittee         |                          |

|    | Mitigation Measure  | Source                        | Implementation Schedule  | Responsible Party | Status / Date / Initials |
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|    | <p>includes expected management following start-up activities. Interim management period activities described in the final interim management plan shall include success criteria, Covered Species pond habitat monitoring, Covered Species surveys and monitoring, remediation activities (as needed), plant and general wildlife surveys, fence repair, trash removal, site monitoring, and vegetation and invasive species management. Success criteria shall include; demonstration of successful breeding within a minimum of one constructed pond in Mitigation Area 2 and one constructed pond in Mitigation Area 3, and successful metamorphosis of the Covered Species, among other criteria described in the CDFW-approved Interim Management Plan, unless otherwise approved in writing by CDFW. Permittee shall provide a security to CDFW for the 10 years of interim management. Permittee shall provide for the interim management of HM Lands beyond 10 years if necessary to achieve success criteria.</p>   |                               | <p>of the ITP if Security is provided)</p>   |                   |                          |
| 21 | <p><u>Long-term Management Plan.</u> The Permittee shall submit for CDFW approval a final Long Term Management Plan (LTMP) within six months of beginning Covered Activities for the HM Lands. The LTMP shall describe all necessary tasks and funding, including, but not limited to: Land Manager and Resource Manager (rangeland manager) responsibilities and land management tasks; biological surveys and monitoring; adaptive management strategy and remedial measures and costs; and endowment amount.</p>   | <p>ITP Condition # 9.3.8</p>  | <p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided)</p> | <p>Permittee</p>  |                          |
| 22 | <p><u>Endowment Fund.</u> Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. Permittee shall provide long-term management funding for the in-perpetuity management of the HM lands by establishing a long-term management fund (Endowment Fund). The Endowment Fund is a sum of money, held in a CDFW-authorized fund that provides funds for the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the LTMP required by Condition of Approval 9.3.8. Endowment Fund as used in this ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment Fund shall be fully funded by December 31, 2021. The Endowment shall be governed by this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with this ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p> | <p>ITP Condition # 9.4</p>    | <p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided)</p> | <p>Permittee</p>  |                          |
| 23 | <p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or</p>   | <p>ITP Conditions # 9.4.1</p> | <p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase</p>                                     | <p>Permittee</p>  |                          |

|    | Mitigation Measure  | Source                        | Implementation Schedule  | Responsible Party | Status / Date / Initials |
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|    | <p>congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager’s certification pursuant to Government Code section 65968(e). Within thirty days of CDFW’s receipt of Permittee’s written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(4) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(4);</p>   |                               | <p>of the ITP if Security is provided)</p>   |                   |                          |
| 24 | <p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare a Property Analysis Record (PAR) or PAR-equivalent analysis (hereinafter “PAR”) to calculate the amount of funding necessary to ensure the long-term management of the Mitigation lands (Endowment Deposit Amount). The Permittee shall submit to CDFW for review and approval the results of the PAR before transferring funds to the Endowment Manager.</p> <p>Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.</p> <p>Endowment Buffers/Assumptions. Permittee shall include in PAR assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <p>10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.</p> <p>Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.</p> <p>Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.</p> | <p>ITP Conditions # 9.4.2</p> | <p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided)</p> | <p>Permittee</p>  |                          |
| 27 | <p><u>Transfer Long-term Endowment Funds.</u> Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of Mitigation lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p>   | <p>ITP Condition # 9.4.3</p>  | <p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of start of each phase of the ITP if Security is provided)</p> | <p>Permittee</p>  |                          |

|    | <b>Mitigation Measure</b>   | <b>Source</b>       | <b>Implementation Schedule</b>  | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
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| 28 | <p><u>Reimburse CDFW.</u> Permittee shall reimburse CDFW for all reasonable expenses incurred by CDFW such as transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of Mitigation lands to CDFW.</p>   | ITP Condition # 9.5 | Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of the ITP if Security is provided)                |                          |                                 |
| 29 | <p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <p><u>Security Amount.</u> The Security shall be in the amount of \$8,129,234 for Part One (Project Phases I, II, and III), and \$5,265,486 for Part Two (Project Phase IV) as detailed below, totaling \$13,394,720. These amounts are based on the cost estimates identified above in Condition of Approval 9.1.1 for Part One, and Condition of Approval 9.1.2 for Part Two.</p> <p>The Security amount for Phases I, II, and III shall include the following amounts:</p> <ul style="list-style-type: none"> <li>• Land acquisition: \$4,223,200 (844.64 acres at \$5,000/acre)</li> <li>• Start-up costs: \$1,463,517</li> <li>• Contingency: \$146,352</li> <li>• Interim management: \$773,469</li> <li>• Long-term management: \$1,372,540</li> <li>• Transaction fees: \$12,000</li> <li>• Restoration of on-site temporary impacts: \$138,156</li> </ul> <p>The Security amount for Phase IV shall include the following amounts:</p> <ul style="list-style-type: none"> <li>• Land acquisition: \$4,451,700 (890.34 acres at \$5,000/acre)</li> <li>• Interim management: \$33,225</li> <li>• Long term management: \$780,561</li> </ul> <p><u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.</p> <p><u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</p> <p><u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> | ITP Condition # 10  | Before commencing ground- or vegetation-disturbing activities (or within 18 months of the start of each phase of the ITP if Security is provided) | Permittee                |                                 |

|                            | <b>Mitigation Measure</b>  | <b>Source</b>       | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
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|                            | <p><u>Security Timeline.</u> The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.</p> <p><u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p><u>Security Transmittal.</u> Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p><u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.</p> <p><u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> <li>• Written documentation of the acquisition of the HM lands;</li> <li>• Copies of all executed and recorded conservation easements;</li> <li>• Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and</li> <li>• Timely submission of all required reports.</li> </ul> <p>Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the beginning of Covered Activities for each phase. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p> |                     |                                |                          |                                 |
| <b>DURING CONSTRUCTION</b> |  |                     |                                |                          |                                 |
| 30                         | <p><u>Designated Biologist Authority.</u> To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall have the authority to immediately stop any activity that does not comply with this ITP, and/or to order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species.</p>  | ITP Condition # 6.3 | Entire Project                 | Permittee                |                                 |
| 31                         | <p><u>Construction Monitoring Binder.</u> The Designated Biologist shall maintain a construction monitoring binder on-site throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure that a copy of the construction monitoring binder is available for review at the Project site upon request by CDFW.</p>   | ITP Condition # 6.5 | Entire Project                 | Permittee                |                                 |

|    | <b>Mitigation Measure</b>  | <b>Source</b>        | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
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| 32 | <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, including habitat within a Project phase that has not commenced with construction (e.g., during Project Phases 1 or 2, personnel shall not cross habitat within Phase 3 before the commencement of Phase 3 construction activities). Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification. | ITP Condition # 6.8  | Entire Project                 | Permittee                |                                 |
| 33 | <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 # 6.9  | Entire Project                 | Permittee                |                                 |
| 34 | <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 6.8.   | ITP Condition # 6.10 | Entire Project                 | Permittee                |                                 |
| 35 | <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 # 6.11 | Entire Project                 | Permittee                |                                 |
| 36 | <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 # 6.13 | Entire Project                 | Permittee                |                                 |
| 37 | <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 # 6.14 | Entire Project                 | Permittee                |                                 |
| 38 | <u>Firearms and Dogs.</u> Permittee shall prohibit firearms and domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials.   | ITP Condition # 6.15 | Entire Project                 | Permittee                |                                 |

|    | <b>Mitigation Measure</b>  | <b>Source</b>        | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
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| 39 | <u>Prevention of Spread of Invasive Species.</u> Permittee shall conduct Project activities in a manner that prevents the introduction, transfer, and spread of invasive species, including plants, animals, and microbes (e.g., algae, fungi, parasites, bacteria, etc.), from one Project site and/or waterbody to another. Prevention BMPs and guidelines for invasive plants can be found on the Cal-IPC's website at: <a href="http://www.cal-ipc.org/ip/prevention/index.php">http://www.cal-ipc.org/ip/prevention/index.php</a> and for invasive mussels and aquatic species can be found at the Stop Aquatic Hitchhikers website: <a href="http://www.protectyourwaters.net/">http://www.protectyourwaters.net/</a> .  | ITP Condition # 6.17 | Entire Project                 | Permittee                |                                 |
| 40 | <u>Notification of Non-Compliance.</u> The Designated Representative shall immediately notify CDFW in writing if it determines that the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall report any non-compliance with this ITP to CDFW within 24 hours.  | ITP Condition # 7.2  | Entire Project                 | Permittee                |                                 |
| 41 | <u>Compliance Monitoring.</u> A Designated Biologist shall be on site daily during Covered Activities unless otherwise approved in writing by CDFW. The Designated Biologist shall conduct compliance inspections to (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. The Designated Biologist shall prepare daily written observation and inspection records summarizing: oversight activities and compliance inspections, observations of Covered Species and their sign, and monitoring activities required by this ITP. The Designated Biologist shall conduct compliance inspections a minimum of once per week during periods of inactivity.   | ITP Condition # 7.3  | Entire Project                 | Permittee                |                                 |
| 42 | <u>Reporting of Habitat Impacts</u> Permittee shall monitor, calculate, and record in an electronic ledger the total amount of temporary and permanent impacts to Covered Species habitat and shall at a minimum account for these impacts based upon grassland and wetland habitat types. Upon request, the Permittee shall provide a copy of the ledger to the CDFW.   | ITP Condition # 7.4  | Entire Project                 | Permittee                |                                 |
| 43 | <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. Injured Covered Species shall be evaluated and treated pursuant to Condition of Approval 8.8. The Designated Biologist or Designated Representative shall immediately provide initial notification to CDFW by calling the CDFW Representative at (707) 428-2002 and emailing <a href="mailto:Melanie.Day@wildlife.ca.gov">Melanie.Day@wildlife.ca.gov</a> . 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 24 hours of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information. | ITP Condition # 7.5  | Entire Project                 | Permittee                |                                 |

|    | <b>Mitigation Measure</b>  | <b>Source</b>       | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|----|--|---------------------|--------------------------------|--------------------------|---------------------------------|
| 44 | <u>Notification of Non-Native Salamanders or Hybrids.</u> The Designated Biologist shall immediately notify CDFW if a suspected barred tiger salamander ( <i>Ambystoma tigrinum mavortium</i> ) or California tiger salamander non-native salamander hybrid is found within the Project Area within 24 hours by calling the Regional Office at (707) 428-2002. CDFW and Permittee shall consult to determine measures to address non-native or hybrid populations.   | ITP Condition # 7.6 | Entire Project                 | Permittee                |                                 |
| 45 | <u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval 7.2 and 7.3 into a Monthly Compliance Report and submit them to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall also include an accounting of the number of acres that have been temporarily and permanently disturbed, and restored, within the Project Area both for the prior month and a total since ITP issuance, and estimate the expected number of acres to be disturbed in the successive month; a summary of all pre-activity surveys conducted; and the number of building pads, utility installations, pipelines, roads, and other ground disturbing activities authorized under the Covered Activities within the Project Area which occurred during the previous month. Monthly Compliance Reports shall be submitted to CDFW's Regional Representative by the 5th working day of the following month. At the time of this ITP's approval, the CDFW Regional Representative Melanie Day, Senior Environmental Scientist (Specialist) ( <a href="mailto:Melanie.Day@wildlife.ca.gov">Melanie.Day@wildlife.ca.gov</a> ). CDFW may at any time increase or decrease 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 # 7.7 | Entire Project                 | Permittee                |                                 |
| 46 | <u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 7.7; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, and restoration, 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 # 7.8 | Entire Project                 | Permittee                |                                 |
| 47 | <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 Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.   | ITP Condition # 7.9 | Entire Project                 | Permittee                |                                 |

|    | Mitigation Measure   | Source              | Implementation Schedule | Responsible Party | Status / Date / Initials |
|----|--|---------------------|-------------------------|-------------------|--------------------------|
| 48 | <p><u>Dry Season Work Restriction:</u> This condition applies to initial ground disturbing Covered Activities in the Mixed Use Development Area and all ground disturbing Covered Activities in the Mitigation Land Enhancement Area. Permittee shall ensure that ground disturbing activities involving construction and heavy equipment use within Covered Species habitat (such as excavation, grading and contouring) are limited to the period from June 15 to October 15 (Dry Season), except for the year 2021, during which Mixed-Use Development Area Phase III activities are limited to the period from May 1 to October 15 (2021 Dry Season). The following Phase 1 activities within the Mixed Use Development Area shall be limited to the period from April 15 to October 15: 1) installation of the temporary barrier fencing (see Condition of Approval 8.4), 2) ground disturbing activities that are outside of the watersheds for onsite Covered Species breeding ponds 3, 4, 5, and 6, and 3) up to 10 potholes for geotechnical soils testing (Figure 3). Best Management Practices shall be employed to ensure no sediment from temporary barrier fencing installation and potholing activities impact the aforementioned breeding ponds.</p> | ITP Condition # 8.1 | Entire Project          | Permittee         |                          |
| 49 | <p><u>Wet Weather Work Restriction:</u> The Permittee or the Designated Biologist shall consult the 72-hour weather forecast from the National Weather Service (NWS) prior to the start of ground disturbing activities. Ground disturbing activities shall not begin unless a no precipitation forecast is obtained covering the entire Project Area and necessary erosion control measures are implemented. Ground disturbing activities shall cease 24 hours prior to a 40 percent or greater chance of rain forecast from the NWS. Ground disturbing activities may continue 24 hours after the rain ceases and there is no precipitation in the 24-hour forecast. The Designated Biologist shall keep precipitation records onsite and these records shall be subject to CDFW inspection.</p> <p>CDFW may approve work in writing when there is a 40 percent or more chance of precipitation in the 24-hour forecast. If work is approved, the Designated Biologist shall survey the work area before construction begins each day rain is forecast. If rain exceeds 0.25 inches during a 24-hour period, work shall cease until there is a less than 40 percent chance of rain in the 24-hour forecast.</p>  | ITP Condition # 8.2 | Entire Project          | Permittee         |                          |
| 50 | <p><u>Time of Day Work Restriction.</u> Permittee shall terminate all Covered Activities 30 minutes before sunset and shall not resume Covered Activities until 30 minutes after sunrise during the Covered Species migration/active season from October 16 to June 14. The Permittee shall use sunrise and sunset times established by the U.S. Naval Observatory Astronomical Applications Department for determining when Covered Activities shall terminate and resume.</p>  | ITP Condition # 8.3 | Entire Project          | Permittee         |                          |
| 51 | <p><u>Atypical Dens and Burrows.</u> Permittee shall ensure that all construction pipes, culverts, or similar structures that are stored in the Project Area for one or more overnight periods are either securely capped prior to storage or thoroughly inspected by the Designated Biologist before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a Covered Species is discovered inside a pipe by the Designated Biologist or anyone else, the Designated Biologist shall move the animal to a safe nearby location per the Covered Species Relocation Plan described in Condition of Approval 8.6.</p>  | ITP Condition # 8.7 | Entire Project          | Permittee         |                          |

|    | <b>Mitigation Measure</b>   | <b>Source</b>        | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|----|---|----------------------|--------------------------------|--------------------------|---------------------------------|
| 52 | <p><u>Covered Species Handling and Injury.</u> The Covered Species shall be handled and assessed according to the Restraint and Handling of Live Amphibians USGS, National Wildlife Health Center (D. Earl Greene, ARMI SOP NO. 100; 16 February 2001) (Attachment 2). If an injured Covered Species is found during the project term, the individual shall be evaluated by the Designated Biologist who shall then immediately contact the CDFW Regional Representative, via email and telephone, to discuss the next steps pursuant to Condition of Approval 7.5. If the CDFW Regional Representative cannot be contacted immediately, the injured salamander shall be placed in a shaded container and kept moist. If the CDFW Regional Representative is not available or has not responded within 2 hours of initial attempts then the following steps shall be taken by the Designated Biologist:</p> <p>If the injury is minor or healing and the salamander is likely to survive, the salamander shall be released immediately in accordance with the Condition of Approval 8.6.</p> <p>If it is determined that the Covered Species has major or serious injuries as a result of Project-related activities the Designated Biologist shall immediately take it to the Lindsay Wildlife Museum or another CDFW approved facility. If taken into captivity the individual shall remain in captivity and not be released into the wild unless it has been kept in quarantine and the release is authorized by the CDFW and Service. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The circumstances of the injury, the procedure followed and the final disposition of the injured animal shall be documented in a written incident report as described in Condition of Approval 7.5.</p> | ITP Condition # 8.8  | Entire Project                 | Permittee                |                                 |
| 53 | <p><u>Personnel Restriction.</u> Permittee shall ensure that all construction activities and personnel, including subcontractors, are restricted to the active construction area surrounded by the Covered Species temporary barrier and public roads.</p> <p>Personnel may enter mitigation lands which do not include a Covered Species Barrier using existing roads to remove trash and debris, as needed. Activities and personnel within mitigation lands shall be limited to Covered Activities associated with initial habitat establish, enhancement, maintenance and monitoring activities, livestock grazing management, and utility line construction and maintenance as needed to support mitigation land objectives.</p>   | ITP Condition # 8.9  | Entire Project                 | Permittee                |                                 |
| 56 | <p><u>Trench Escape and Inspection.</u> The Designated Biologist shall inspect all open holes, sumps, and trenches within the Project Area at the beginning of each working day for trapped animals. To prevent inadvertent entrapment of Covered Species, the Designated Biologist shall oversee the covering of all trenches, holes, sumps, or other excavations with a greater than 1:1 (45 degree) slope of any depth with barrier material at the close of each working day such that Covered Species 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 secured with soil staples or similar means to prevent gaps.</p> <p>Each morning prior to beginning Covered Activities and immediately before trenches, holes, sumps, or other excavations are back-filled, the Designated Biologist shall thoroughly inspect them for Covered Species. Trenches, holes, sumps, or other excavations that are covered long-term shall be inspected at the beginning of each working day to ensure inadvertent entrapment</p>   | ITP Condition # 8.11 | Entire Project                 | Permittee                |                                 |

|    | <b>Mitigation Measure</b>   | <b>Source</b>                | <b>Implementation Schedule</b> | <b>Responsible Party</b> | <b>Status / Date / Initials</b> |
|----|---|------------------------------|--------------------------------|--------------------------|---------------------------------|
|    | <p>has not occurred. Permittee shall cease all Covered Activities in the vicinity and notify the Designated Biologist immediately if any worker discovers that Covered Species have become trapped. If at any time a trapped Covered Species is discovered by the Designated Biologist or anyone else, the Designated Biologist shall capture and relocate the animal to a safe nearby location per the Covered Species Relocation Plan described in Condition of Approval 8.6.</p> <p>If the open holes, sumps, trenches or excavations cannot be covered, then a Covered Species temporary barrier shall be installed around any trenches, holes, sumps, or other excavations to prevent Covered Species from becoming trapped. Refuge opportunities, such as coverboards (3 foot x 3 foot plywood) shall be provided on the outside perimeter of the barrier.</p>  |                              |                                |                          |                                 |
| 57 | <p><u>Burrow Protection.</u> The Designated Biologist shall mark for avoidance all small mammal burrows with flagging at the limits of temporary access areas, including vehicle routes, and staging areas within the mitigation land.</p>  | ITP Condition # 8.12         | Entire Project                 | Permittee                |                                 |
| 58 | <p><u>Temporary Impacts.</u> To be considered a temporary impact, Permittee shall recontour and seed all temporary impact areas by October 31 of the year of the impact, except as described in Condition 8.13.1 below, and the impacted area soils must be suitable to support small mammal burrows. Heavily compacted soil is not considered suitable. Additionally these areas shall be made available to fossorial mammals and shall not be surrounded by fencing that limits access. Impacted areas that do not meet these requirements will be considered permanent impacts, an Amendment will be required, and additional Habitat Management Lands pursuant to Condition of Approval 9 may be required.</p> <p>The geotechnical studies temporary impact area shown on Figure 13, which occurred in year 2025, is not required to be recontoured and seeded, as grading and other significant earth moving activities and significant vegetation removal did not occur in this area.</p> | ITP Condition # 8.13, 8.13.1 | Entire Project                 | Permittee                |                                 |
| 59 | <p><u>Spoil Pile Stabilization.</u> The Permittee shall stabilize active and non-active spoil piles located within undeveloped lands with native grass hydro-seed, erosion control fabric, straw, or other biodegradable material by October 31 of each year of the Project. Plastic and other synthetic materials shall not be used. Fiber rolls and a Covered Species temporary barrier shall be placed around the perimeter of non-active spoil piles, and slope breaks shall be utilized on the slopes of non-active spoil piles. Active spoil piles shall be covered/stabilized adequately when rainy conditions are evident (see Condition of Approval 8.2) or at any time when spoil material could enter Covered Species terrestrial or aquatic habitat.</p>  | ITP Condition # 8.14         | Entire Project                 | Permittee                |                                 |
| 60 | <p><u>Rodenticides Prohibited.</u> Permittee shall ensure that rodenticides or other poisons used in the control of fossorial (burrow-dwelling) mammals are not used within the Project Area during the term of this ITP.</p>   | ITP Condition # 8.15         | Entire Project                 | Permittee                |                                 |

|                          | Mitigation Measure  | Source               | Implementation Schedule                              | Responsible Party | Status / Date / Initials |
|--------------------------|---|----------------------|--|-------------------|--------------------------|
| <b>POST-CONSTRUCTION</b> |   |                      |  |                   |                          |
| 61                       | <p><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.</p>   | ITP Condition # 6.16 | Post-construction                                    | Permittee         |                          |
| 62                       | <p><u>Habitat Restoration.</u> Permittee shall restore on-site the 115.13 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions and ensure that a Vegetation Restoration Plan is successfully implemented by the contractor, except as described below. Within three months of the effective date of this ITP, the Permittee shall prepare and submit to CDFW for approval a Vegetation Restoration Plan to facilitate revegetation of the 115.13 acres. The Plan shall identify plant species damaged or removed during Project activities. For seeding and mulching exposed slopes, the seed blend shall include locally native grass species at a ratio appropriate to the site. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The Plan shall also indicate the best time of year for seeding to occur, three years of monitoring, and success criteria. Plantings undertaken during the dry season shall include regular watering to ensure adequate growth if necessary. Permittee shall complete seeding as soon as possible, but no later than October 15 of the year of impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.</p> <p>The geotechnical studies temporary impact area shown on Figure 13 is not subject to the Vegetation Restoration Plan requirement as grading and other significant earth moving activities and significant vegetation removal did not occur in this area during the geotechnical studies. Permittee shall: 1) install during the Dry Season ten 6-foot-long by 4-foot-wide by 3-foot-high wood piles for Covered Species refuge within the proposed HM lands and regularly spaced within 100 feet of the geotechnical studies temporary impact area, 2) submit to CDFW no later than September 1, 2026 a figure depicting woodpile locations and photographs documenting woodpile installation completion, and 3) obtain CDFW's written approval that this requirement has been met.</p> | ITP Condition # 9.6  | Post-construction                                    | Permittee         |                          |
| 63                       | <p><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 Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.</p>   | ITP Condition # 7.10 | Post-construction and after completion of mitigation | Permittee         |                          |

## Attachment 2

[http://www.nwhc.usgs.gov/publications/amphibian\\_research\\_procedures/handling\\_and\\_restraint.jsp](http://www.nwhc.usgs.gov/publications/amphibian_research_procedures/handling_and_restraint.jsp)

### Restraint and Handling of Live Amphibians

#### STANDARD OPERATING PROCEDURE

ARMI SOP No. 100

Revised, 16 February 2001

- I. **PURPOSE:** Provide guidelines for humane handling of amphibians so that injury and distress to the amphibian are minimized.
- II. **SCOPE:** These guidelines apply to larvae and tadpoles, as well as adult frogs, toads, salamanders and neotenes. Because of their anatomically different and very delicate skin, tadpoles and larvae must be handled differently than post-metamorphic amphibians.
- III. **EQUIPMENT and SUPPLIES.**
  - A. Standard capture equipment (seine nets, dip nets, minnow traps)
  - B. Clear plastic bags (half liter or full liter size)
- IV. **BACKGROUND:** There are three main hazards associated with handling live amphibians: two to the amphibian and one to the handler. To amphibians, the main dangers of being handled are skin damage that could result in secondary skin infections, and bone and muscle injuries caused by struggling when being held. For the handler, the main danger comes from toxic skin secretions produced by some amphibians (in the USA, this is mostly newts and the introduced giant/marine toad). Tadpoles and larvae have thin delicate skin that is very easily damaged by the slightest handling. The skin of larvae lacks keratin and has fewer cell layers than adult amphibian skin. Therefore, direct contact handling of tadpoles and larvae is to be avoided; instead, these amphibian stages are examined through clear flexible plastic bags containing water. Although the skin of adult (post-metamorphic) amphibians has keratin and is less delicate than larval skin, their skin is still much more delicate than the skin of reptiles, birds and mammals. Rough handling of adult amphibians can easily result in skin abrasions, small tears, punctures, erosions and ulcers; normally, minor skin wounds heal quickly, but if contaminants, sewage or high levels of microorganisms are present in the pond or other environment, then wound infections are possible.  
Frogs and Toads. All amphibians can be expected to struggle following capture. For anurans, there is a danger that vigorous kicking with the hindlimbs can cause joint dislocations or a broken (fractured) back; broken backs are a well-documented and major problem in another species that moves by hopping---rabbits. Therefore, proper

restraint of anurans, first and foremost involves inhibiting their ability to kick. Salamanders. For salamanders, there are three major dangers associated with handling: 1) loss (automizing) of the tail, 2) damage to the very delicate external gills (in neotenes), and 3) back injury during whip-like thrashing movements.

#### V. METHODS OF PHYSICAL RESTRAINT:

- A. Anurans. Medium and large size frogs and toads (those about 5 grams and larger) should be grasped around the waist with the hindlimbs fully extended. The animal should not be allowed to bend (flex) its hip and knee joints, since this would allow it to kick.
  
- B. Caudates. Medium and large size salamanders (those about 5 grams and larger) should be grasped in the middle of the body between the forelimbs and hindlimbs. Larval and neotenic salamanders should never be grasped around the head or neck, because the gills can be easily damaged. Under no circumstances should salamanders be grasped by the tail or picked up by the tail.
  
- C. Larvae. All larvae (including tadpoles) should be handled with nets or scoops. For examinations, the larvae should be placed in a clear plastic bag with a mild amount of water. Alternatively, larvae may be sedated with an anesthetic and examined in a dish or bowl of water. As much as possible, larvae should be examined only while they are in water. Larvae should not be grasped with bare hands.

#### VI. MISHAPS.

- A. Skin wounds: If an amphibian suffers a skin wound during handling, it is recommended that the wound be sprayed with the over-the-counter product, Bactine® (See the SOP on Toe Clipping of Frogs and Toads, NWHC ACUC Protocol 2001-004). All other topical antiseptics and disinfectants (sprays and ointments) are CONTRAINDICATED in amphibians. If possible, the animal should then be released on land rather than into water, since the antiseptic spray would be quickly washed off in water.
  
- B. Broken back: If a frog or toads suffers a broken back during capture or handling, it should be promptly euthanized. It would be inhumane to release such a crippled animal. An animal with a broken back will have serious damage to the spinal cord and should show almost immediate paralysis of the hindlimbs and tail. Recommended methods of humane euthanasia include (see NWHC ACUC Protocol 1999-009, Methods of Euthanasia):
  - 1. Pithing
  - 2. Overdosing in anesthetic solutions of MS222 or benzocaine

3. Application of a benzocaine-based topical ointment (as used by humans to relieve tooth-aches) to the top of the head and dorsum of the body.
- C. Broken leg: If a major bone of a limb is broken during capture or handling, the animal should be euthanized or taken to a wildlife rehabilitation center or veterinarian for treatment. A broken leg bone typically is recognized as an abnormal bend in the leg where there is no joint; other signs of a broken leg bone are protrusion of a bone fragment through the skin, inability of the animal to move a limb or position a leg in its normal resting posture. After treatment, amphibians with broken bones might be given to a zoo or placed in a captive breeding program. Only if the injured amphibian is kept isolated from all other fish, amphibians and reptiles (eg, in a separate cage) during treatment, can it later be considered for release at the point of capture. Injuries to digits (toes and fingers) generally are not life-threatening; if the skin of the injured toe also is wounded, then treatment with Bactine® prior to immediate release is acceptable. If a toe bone is broken and protruding through the skin, the affected toe may be amputated just proximal to the site of the fracture, the stump should be sprayed with Bactine®, and the animal may be released.
  - D. Automized tail: If a salamander automizes (detaches) its tail during capture or handling, the stump should be treated (sprayed) with Bactine®; the salamander can then be promptly released.
  - E. Crushing injuries to head and body. Amphibians that have serious injuries to skin, muscles and bones should be promptly euthanized. Crushing injuries that are limited to a limb or tail will require treatment at a wildlife rehabilitation center or a veterinary clinic; alternatively, the animal may be euthanized, but it would be inhumane to release a seriously injured amphibian.
  - F. Snout abrasions. Amphibians that are held in glass or clear plastic containers may jump head-first into the glass, or may rub their snout against the container in attempts to burrow out. If amphibians are held for more than an hour in a clear container (bottle, aquarium, etc), they should be examined for evidence of skin injury at the tip of the snout and elsewhere around the head prior to release. If abrasions are detected, they should be sprayed with Bactine® prior to release.
  - G. Toxic skin secretions. All amphibians have glands in their skin that secrete a vast number of chemicals; some of which are merely noxious and repellent-like, while others may cause skin or eye irritation, and some may actually kill. The poison-dart frogs of Central America are an example of a frog with toxic secretions that can kill a human. Among the native amphibians of the United

States, the two amphibians of greatest concern are giant toads (also called cane toads, marine toads, aka toads; *Bufo marinus*) and western newts of the genus, *Taricha*.

Giant toads secrete a potent white mucoid substance from their parotid glands (large warts just behind the eyes) that affects the heart, but it is not absorbed through the intact human skin; however, the toxin is readily absorbed through the eyes and mouth. Hence, the best way to prevent poisoning is to carefully avoid rubbing the eyes or putting fingers in the mouth after handling a giant toad. If skin secretions of giant toads contact the eye or mouth, then flush promptly with generous amounts of clean fresh water or contact lens wetting solution, and then seek emergency care at a clinic or hospital if stinging or numbness of the eye or mouth develops.

Newts of the genus, *Taricha*, also secrete toxins from their skin; it is presumed that the entire body of these newts secretes toxins (newts and other salamanders do not have parotid glands). Their skin secretions are very irritating to the eyes and mouth. Temporary blindness (lasting about 24 hrs) has been reported by field biologists that handled newts and then rubbed their eyes. If sensations of blurred vision, or burning or stinging of the eyes occur after handling any genus or species of newt, wash the eyes with copious amounts of fresh clean water (or contact lens wetting solutions) and promptly seek medical care. Persons with newt skin secretions in their eyes are advised not to drive a vehicle or operate other dangerous or heavy equipment.

Finally, it is possible that other amphibian species in the USA besides giant toads and newts, could produce skin secretions that are irritants to the eyes. Furthermore, amphibians may carry some bacteria in their intestines and feces that are human pathogens, such as the bacteria, *Salmonella* and *Leptospira*. Hence, it is always best to practice good personal hygiene after handling any amphibian (namely, thoroughly wash your hands with soap and water).

#### VII. CITED LITERATURE:

1. MARTIN, D., and H. HONG. 1991. The use of Bactine® in the treatment of open wounds and other lesions in captive anurans. *Herpetol Rev* 22: 21.

**[Financial institution letterhead]**

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

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Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the laws of the State of California.
17. This Credit shall, if not canceled, expire on **[expiration date]**, or any extended expiration date.
18. We hereby agree with CDFW that documents presented in compliance with the terms of this Credit will be duly honored upon presentation, as specified herein.
19. This Credit sets forth in full the terms of our undertaking. Such undertaking shall not in any way be modified, amended or amplified by reference to any document or instrument referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

**[Name of financial institution]**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_

ATTACHMENT A

CERTIFICATE FOR DRAWING

[*CDFW Letterhead*]

[*Date*]

[*Name and address of financial institution*]

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

The undersigned, a duly Authorized Representative of the California Department of Fish and Wildlife (“CDFW”), as defined in paragraph 12 in the above-referenced standby letter of credit (“Credit”), hereby certifies to the Issuer that:

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

Therefore, CDFW has executed and delivered this Certificate as of this \_\_\_\_day of [*month*], [*year*].

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

ATTACHMENT B

CERTIFICATE FOR CANCELLATION

[*CDFW Letterhead*]

[*Date*]

[*Name and address of financial institution*]

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

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

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

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

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

BAY DELTA REGION  
2825 CORDELIA ROAD, SUITE 100  
FAIRFIELD, CA 94534



**AMENDMENT NO. 1**

(A Minor Amendment)

California Endangered Species Act  
Incidental Take Permit No. 2081-2016-020-03  
One Lake Holding, LLC  
Canon Station Project in Solano County

**INTRODUCTION**

On May 21, 2018 the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-020-03 (ITP) to One Lake Holding, LLC (Permittee), authorizing take of California tiger salamander (*Ambystoma californiense*) (Covered Species) associated with and incidental to the Canon Station Project in Solano County, California (Project). The Project as described in the ITP as originally issued by CDFW includes: 1) the development of 605.80 acres of undeveloped land into a mixed use residential and commercial development, including new housing, roads, parks, utility infrastructure, and storm water systems, over an approximately 10-year period; and 2) the enhancement of 648.06 acres of mitigation land including 92.40 acres of ground disturbance for creating, enhancing, and restoring Covered Species breeding and upland habitat, and other wetland habitat. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

California is currently experiencing drought conditions throughout most of the state. For the current rain year through late-April 2021, the Project area is estimated to have received less than 42% of its average annual rainfall based on National Oceanic and Atmospheric Administration's Climate Station Precipitation Summary data for surrounding areas. Due to the low amount of precipitation and dry conditions, the Project Area has entered the Dry Season earlier than normal. The ITP limits initial ground disturbing activities to the Dry Season, defined as June 15 to October 15.

CDFW received from the Permittee: 1) on April 28, 2021 a request that Project activities be allowed to begin in late April or May 2021 and, 2) subsequent information specifying that the requested activities would be limited to the Mixed-Use Development Area Phase III, as revised. The Permittee identified that wetlands including CTS breeding habitat within the Project area were previously removed or are currently dry.

This Minor Amendment No. 1 (Amendment) makes the following changes to the existing ITP:

First, this Amendment changes the Dry Season beginning date for the year 2021 from June 15 to May 1.

Second, this Amendment removes the ability to extend the Dry Season ending date on a week-by-week basis.

## AMENDMENT

The ITP is amended as follows (amended language in ***bold italics***; deleted language in ~~strikethrough~~):

The ITP Condition of Approval 8.1, page 9, is amended to read:

Dry Season Work Restriction. This condition applies to initial ground disturbing Covered Activities in the Mixed-Use Development Area and all ground disturbing Covered Activities in the Mitigation Land Enhancement Area. Permittee shall ensure that ground disturbing activities involving construction and heavy equipment use within Covered Species habitat (such as excavation, grading and contouring) are limited to the period from June 15 to October 15 (Dry Season), ***except for the year 2021, during which Mixed-Use Development Area Phase III activities are limited to the period from May 1 to October 15 (2021 Dry Season)***. The following Phase 1 activities within the Mixed-Use Development Area shall be limited to the period from April 15 to October 15: 1) installation of the temporary barrier fencing (see Condition of Approval 8.4), 2) ground disturbing activities that are outside of the watersheds for on-site Covered Species breeding ponds 3, 4, 5, and 6, and 3) up to 10 potholes for geotechnical soils testing (Figure 3). Best Management Practices shall be employed to ensure no sediment from temporary barrier fencing installation and potholing activities impact the aforementioned breeding ponds.

~~If more time is needed to complete ground disturbing activities, the work period may be modified in writing on a week-by-week basis by a CDFW representative. Requests for a work period extension shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; 4) provide photographs of both the current work completed and the proposed site for continued work; and 5) include an assessment of additional biological impacts as a result of the work extension. An extension of the period may require an Amendment if additional impacts to Covered Species will occur.~~

The corresponding MMRP shall be amended to read the same as the above.

All terms and conditions of the ITP and MMRP that are not expressly amended herein remain in effect and must be implemented and adhered to by the Permittee.

## FINDINGS

*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)).*

Discussion: This Amendment makes two specific changes to the ITP as originally issued. These changes revise the Dry Season for the year 2021, allowing work to begin on May 1 instead of June 15, and remove the ability to extend the Dry Season ending date on a week-by-week basis. The resulting impacts to the Covered Species, however, including the number of acres of habitat that will be lost as a result of the Project, will remain the same.

CDFW has determined that changes to conditions of approval will not increase the amount of take or the severity of other impacts of the taking on the Covered Species. Given the circumstances of this Project, CDFW believes that the changes to the Project or Conditions of the ITP described in this Amendment, including a Dry Season start date of May 1 limited to 2021, will not increase impacts to the Covered Species.

*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).*

Discussion: CDFW determined in May 2018 that the Project, as approved, met the standards for issuance of an ITP under CESA. This determination included findings that, among other things, the impacts of the taking would be minimized and fully mitigated and that the Project would not jeopardize the continued existence of the Covered Species. Those findings are unchanged with respect to this Amendment because the Project and ITP as amended: (1) will have no effect on the total amount or severity of Project impacts on the Covered Species, as discussed above, and (2) does not substantively alter the measures that will be undertaken to minimize and mitigate previously authorized impacts on the Covered Species. Permittee’s continued adherence to and implementation of the avoidance and minimization measures set forth in the ITP’s Conditions of Approval and MMRP will minimize and fully mitigate impacts of the taking on the Covered Species.

*None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, exist as a result of this Amendment.*

Discussion: CDFW issued the ITP in May 2018 as a responsible agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.)

After, among other things, considering the environmental impact report adopted by City of Fairfield as the lead agency for the Project. As explained in the findings below, CDFW finds for purposes of CESA that this Amendment is a minor change to the original ITP. CDFW finds for the same reasons under CEQA that approval of the Amendment will not result in and does not have the potential to create any new significant or substantially more severe environmental effects than previously analyzed and disclosed by City of Fairfield during its lead agency review of the Project, particularly with respect to the impacts authorized by CDFW pursuant to the ITP as amended. As a result, CDFW finds that no additional subsequent or supplemental environmental review is required by CEQA as part of CDFW's approval of this Amendment.

*CDFW finds that this Amendment is a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).*

Discussion: This Amendment revises the Dry Season for the year 2021 based on low winter precipitation and Project Area conditions, thereby allowing work to begin on May 1, 2021 rather than June 15, 2021; in addition, this Amendment removes the ability to extend the Dry Season ending date on a week-by-week basis. These changes to the ITP will not: (1) increase the level of take or other Project impacts on Covered Species previously analyzed and authorized by the ITP, (2) affect Permittee's substantive mitigation obligations under the ITP, (3) require further environmental review under CEQA, or (4) increase temporal impacts on the Covered Species. Therefore, this Amendment will not significantly modify the scope or nature of the permitted Project or activity, or the minimization, mitigation, or monitoring measures in the ITP. CDFW has determined that the change to the ITP constitutes a Minor Amendment as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

The authorization provided by this Amendment is not valid until Permittee signs and dates the acknowledgement below, and returns one of the duplicate originals of this Amendment by registered first class mail to CDFW at:

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

Alternatively, the Permittee shall email the digitally signed Amendment to [CESA@wildlife.ca.gov](mailto:CESA@wildlife.ca.gov). Digital signatures shall comply with Government Code section 16.5.

Minor Amendment No. 1  
Incidental Take Permit 2081-2016-020-03  
ONE LAKE HOLDING, LLC  
CANON STATION PROJECT



## Attachment 5

Amended Incidental Take Permit No. 2081-2016-020-03  
(Amendment No. 2)

1. The California Department of Fish and Wildlife Department information section has been amended as follows:

California Department of Fish and Wildlife  
Bay Delta Region

~~7329 SILVERADO TRAIL  
NAPA, CA 94558~~  
2825 CORDELIA ROAD, SUITE 100  
FAIRFIELD, CA 94534

California Endangered Species Act  
Incidental Take Permit No. 2081-2016-020-03  
(Amendment No. 2)

2. The Contact Person section has been amended as follows:

Permittee: One Lake Holding, LLC

Principal Officer: Dan Aguilar, Managing Partner

Contact Person: Michelle Tovar, (916) 987-3362  
Steve Forman, (510) 236-6810  
Steve.Foreman@lsa.net

Mailing Address: 2121 NorthCalifornia Street, Suite 1010157 Park Place  
Walnut Creek, CA 94596Point Richmond, CA 94801

3. The ITP Background section has been inserted preceding the Effective Date and Expiration section as follows:

### Amended ITP<sup>3</sup> Background:

On May 21, 2018, the California Department of Fish and Wildlife (CDFW) issued Incidental Take Permit No. 2081-2016-020-03 (ITP) to One Lake Holding, LLC (Permittee), authorizing take of California tiger salamander (CTS, *Ambystoma californiense*) (Covered Species) associated with and incidental to the Canon Station Project in Solano County, California (Project). The Project as described in the ITP as originally issued by CDFW includes: 1) the development of 605.80 acres of undeveloped land into a mixed use residential and commercial development, including new housing, roads, parks, utility infrastructure, and storm water systems, over an approximately 10-year period; and 2) the enhancement of 648.06 acres of mitigation land including 92.40 acres of ground disturbance for creating,

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

enhancing, and restoring Covered Species breeding and upland habitat, and other wetland habitat. In issuing the ITP, CDFW found, among other things, that Permittee's compliance with the Conditions of Approval of the ITP would fully mitigate Project impacts of the taking on the Covered Species and that issuance of the ITP would not jeopardize the continued existence of the Covered Species.

#### Minor Amendment No. 1

As of April 28, 2021, CDFW received from the Permittee the first Amendment request which included: 1) a request that Project activities be allowed to begin in late April or May 2021 and, 2) subsequent information specifying that the requested activities would be limited to the Mixed-Use Development Area Phase III, as revised. The Permittee identified that wetlands including CTS breeding habitat within the Project area were previously removed or currently dry.

On May 11, 2021, CDFW amended this ITP including the revised provisions in Minor Amendment No. 1. This Minor Amendment No. 1 first changed the Dry Season beginning date for the year 2021 from June 15 to May 1 and second removed the ability to extend the Dry Season ending date on a week-by-week basis.

CDFW found that Amendment No. 1 was a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Issuance of Amendment No. 1 did not increase the amount of take of the Covered Species compared to the Project as originally approved, nor did 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 Amendment No. 1 did 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).

#### Minor Amendment No. 2

As of April 11, 2025, CDFW received from the Permittee the second Amendment request which included a request to: 1) modify the Project Description to add and refine Project activities in eight locations within and adjacent to the currently permitted Project Area, add geotechnical studies and associated access routes and work areas along the future New Canon Road and New McCrory Road, and 2) revise Condition of Approval 8.1 to allow the above geotechnical studies to be conducted prior to June 15 (Dry Season start date). On August 22, 2025, the Permittee notified CDFW that the requested geotechnical studies and associated access routes and work areas along the future New Canon Road and New McCrory Road were completed prior to issuance of the requested amendment to cover those activities. On August 28, 2025, CDFW notified Permittee via email that the geotechnical

Incidental Take Permit  
No. 2081-2016-020-03  
([Amendment No. 2](#))  
**CANON STATION, LLC**  
**CANON STATION PROJECT**

studies work was conducted out of compliance with the ITP and requested detailed information describing the impacts to Covered Species habitat that occurred and the ITP conditions of approval that were implemented during the unauthorized impacts, and Permittee provided this information. CDFW has determined that Minor Amendment No. 2 will cover the unauthorized impacts that occurred during the geotechnical studies work. As the Permittee only requested the inclusion of additional areas with a reduction in total impacts to Covered Species habitat, this amendment request will not result in additional take of the Covered Species.

CDFW finds that Amendment No. 2 was a Minor Amendment, as defined in California Code of Regulations, title 14, section 783.6, subdivision (c)(4).

Issuance of Amendment No. 2 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 Amendment No. 2 will 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).

#### **4. The Effective Date and Expiration Date section has been amended as follows:**

##### **Effective Date and Expiration Date of this Amended ITP:**

~~This~~The original ITP ~~shall be~~was executed in duplicate original form and ~~shall become~~became effective ~~on~~when a duplicate original ~~is~~was acknowledged by signature of the Permittee on the last page of ~~this~~the original ITP and returned to CDFW's Habitat Conservation Planning Branch at the address listed in the Notices section of this ITP. The original ITP's effective date was May 21, 2018. This remains the effective date for the original take authorization. This Amended ITP shall be executed as of the date signed by CDFW below. Unless renewed by CDFW, this Amended ITP's authorization to take the Covered Species shall expire on **December 31, 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 7.10 of this ITP.

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

##### **Project Description:**

The Project includes the development of a mixed use residential and commercial development and enhancement of mitigation land affecting 605.80 acres of undeveloped land (Project Area) (Figure 2).

Incidental Take Permit  
No. 2081-2016-020-03  
(Amendment No. 2)  
CANON STATION, LLC  
CANON STATION PROJECT

## Mixed Use Development Area

The Project includes the development of 513.40 acres of undeveloped land into a transit-oriented, mixed use residential and commercial development including parks, open space, bicycle and pedestrian trails, utility relocations and improvements, detention basins, water supply facilities, wastewater treatment and storm water drainage, road improvements, and new roads pursuant to the City of Fairfield Train Station Specific Plan.

Permittee will phase the mixed use development over an approximately 10-year period and four phases. Phase I will permanently impact 196.97 acres and will temporarily impact 71.02 acres (total Phase I impacts will be 267.99 acres) (175.59 acres will be impacted by the Mixed Use Development and, as described below, 92.40 acres will be impacted by Mitigation Land Enhancement), Phase II will permanently impact 4.77 acres, Phase III will permanently impact 54.79 acres, and Phase IV will permanently impact 234.14 and will temporarily impact 44.11 acres (total Phase IV impacts will be 278.25 acres).

Amendment No. 2 includes additional and refined Project activities in eight locations, and geotechnical studies with associated access routes and work areas as adjacent to and overlapping the future construction of New Canon Road and New McCrory Road (road construction), totaling nine locations (Figures 4-13). The geotechnical studies occurred in year 2025, an earlier year than the future road construction impacts described above. The nine work locations will result in a total net decrease of 0.70 acres of permanent impacts and 2.35 acres of temporary impacts as outlined below:

- PA5 Grading – West: decrease of 3.08 acres of temporary impacts
- PA5 Grading – East and Detention Basin: increase of 2.39 acres of permanent impacts and 2.85 acres of temporary impacts
- Storm Drain Outfall: increase of 0.02 acres of permanent impacts and 0.02 acres of temporary impacts
- DWR Culvert: Increase of 0.18 acres of permanent impacts
- PG&E Turnout: increase of 0.12 acres of permanent impacts
- New Canon Road (PA6 Road Construction): increase of 7.98 acres of permanent impacts and decrease of 5.52 acres of temporary impacts
- Utility Corridor: increase of 0.49 acres of temporary impacts
- Great Park: decrease of 11.39 acres of permanent impacts
- Geotechnical Study: increase of 2.89 acres of temporary impacts

Mitigation Land Enhancement Area

The Project includes the enhancement of 648.06 acres of mitigation land including 92.40 acres of ground disturbance for creating, enhancing, and restoring Covered Species breeding and upland habitat, and other wetland habitat. Project activities include berm construction; pond and wetland fencing installation; water trough, pipeline, and water storage tank installation with associated conveyance systems; firebreak construction and maintenance; surveying and monitoring grassland and wetland habitat; and temporary overland access routes. Mitigation land enhancement involving ground disturbing activities will occur in Phase I of the Project.

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

**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: Preparing the construction work areas; mowing; disking; grading and contouring; excavating; trenching; filling in ponds; stockpiling of soil and materials; spoils disposal; constructing temporary access routes; preparing staging areas; operating heavy equipment; removing trees and vegetation; constructing roads and structures; vehicular movement; installing and maintaining Covered Species barrier fencing; installing barrier/drift fencing and trapping arrays, capturing, handling, and relocating the Covered Species; installing pond and wetland fencing; applying herbicides; revegetation; surveying for Covered Species; surveying for plant and wildlife species; livestock grazing; and hydrologic assessments (Collectively the Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as crushing of individuals during construction; cut and fill grading; road construction and widening; vehicular access; installing vegetation; fencing and filling of ponds; collapsing of burrows; and entrapment in excavated pits, trenches, or within construction materials. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempt to do so of the Covered Species from surveying and relocating operations.

The Project is expected to cause the permanent loss of 490.67 acres of habitat for the Covered Species, and temporary loss of 115.13 acres of habitat for the Covered Species. [Temporary loss of habitat will occur in overlapping locations in different years from the geotechnical studies work shown on Figure 13 and the road construction work shown on Figure 10. The geotechnical studies occurred in year 2025, an earlier year than the future road construction.](#) Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge

effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include stress resulting from noise and vibrations from tunneling and capture and relocation, and long-term effects due to increased air and water pollution, displacement of previously productive habitat, increased competition for food and space, and increased vulnerability to predation.

**7. Condition of Approval 5 has been amended as follows:**

**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 [Amended](#) Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.

**8. Condition of Approval 7.5 has been amended as follows:**

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. Injured Covered Species shall be evaluated and treated pursuant to Condition of Approval 8.8. The Designated Biologist or Designated Representative shall immediately provide initial notification to CDFW by calling the CDFW Representative at (707) [944-5500428-2002](tel:944-5500428-2002) and emailing [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov). 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 24 hours of the discovery. The report shall include the date and time of the finding or incident, GPS location of the Covered Species, photographs of the location and the Covered Species, explanation as to cause of take or injury, and any other pertinent information.

~~7.5.1 If the Covered Species is found recently deceased, a 0.5-inch portion of the tail tip shall be removed and placed in a labeled tissue tube with 95 percent ethanol. The remaining carcass shall be immediately bagged, labeled, and preserved in a freezer. The label shall include time and date, GPS location, circumstances surrounding death (if known), and ITP tracking number. Tail specimens shall be delivered to CDFW Bay Delta Region, Attention: Marcia Grefsrud, 7329 Silverado Trail, Napa, CA 94558. The remaining carcasses shall be delivered to the CDFW Wildlife Investigations Lab, Attention: Deana Clifford, 1701 Nimbus Road Suite D, Rancho Cordova, CA 95670 within two calendar days of the discovery.~~

**9. Condition of Approval 7.6 has been amended as follows:**

Notification of Non-Native Salamanders or Hybrids. The Designated Biologist shall immediately notify CDFW if a suspected barred tiger salamander (*Ambystoma tigrinum mavortium*) or California tiger salamander non-native salamander hybrid is found within

the Project Area within 24 hours by calling the Regional Office at (707) ~~944-5500428-2002~~. CDFW and Permittee shall consult to determine measures to address non-native or hybrid populations.

**10. Condition of Approval 8.13 has been amended as follows:**

Temporary Impacts. To be considered a temporary impact, Permittee shall recontour and seed all temporary impact areas by October 31 of the year of the impact, except as described in Condition 8.13.1 below, and the impacted area soils must be suitable to support small mammal burrows. Heavily compacted soil is not considered suitable. Additionally, these areas shall be made available to fossorial mammals and shall not be surrounded by fencing that limits access. Impacted areas that do not meet these requirements will be considered permanent impacts, an Amendment will be required, and additional Habitat Management Lands pursuant to Condition of Approval 9 may be required.

8.13.1 The geotechnical studies temporary impact area shown on Figure 13, which occurred in year 2025, is not required to be recontoured and seeded, as grading and other significant earth moving activities and significant vegetation removal did not occur in this area.

**11. Condition of Approval 9.3 has been amended as follows:**

Habitat Acquisition and Protection. To provide for the acquisition and perpetual protection and management of the HM lands, the Permittee shall:

\* \* \*

9.3.2 HM Lands Documentation. Provide a recent preliminary title report, ~~initial hazardous materials survey report,~~ Phase I Environmental Site Assessment and other necessary documents (~~see Attachment 3A~~ please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;

9.3.3 HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, ~~a formal Proposed Lands for Acquisition Form (see Attachment 3B)~~ documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

\* \* \*

9.3.5 Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved in writing by CDFW. Start-up activities include, at a minimum: (1) preparing a development and restoration plan for CDFW written approval; (2) preparing an interim management plan for CDFW written approval; (3) preparing a Long-Term Management Plan for CDFW written approval (see <https://www.wildlife.ca.gov/Conservation/Planning/Bankinghttps://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>); (4) conducting a baseline biological assessment including Covered Species surveys and land survey report within four months of recording or transfer; (5) developing and transferring Geographic Information Systems (GIS) data if applicable; (6) establishing initial fencing; (7) conducting litter removal; (8) conducting initial habitat restoration or enhancement, if applicable; and (9) installing signage;

\* \* \*

**12. Condition of Approval 9.6 has been amended as follows:**

Habitat Restoration. Permittee shall restore on-site the 115.13 acres of Covered Species habitat that will be temporarily disturbed during construction to pre-project or better conditions and ensure that a Vegetation Restoration Plan is successfully implemented by the contractor, except as described below.

Within three months of the effective date of this ITP, the Permittee shall prepare and submit to CDFW for approval a Vegetation Restoration Plan to facilitate revegetation of the 115.13 acres. The Plan shall identify plant species damaged or removed during Project activities. For seeding and mulching exposed slopes, the seed blend shall include locally native grass species at a ratio appropriate to the site. The Plan shall include detailed specifications for restoring all temporarily disturbed areas, such as seed mixes and application methods. The seed mix shall be a naturalized combination of rangeland non-invasive grasses and forbs. The Plan shall also indicate the best time of year for seeding to occur, three years of monitoring, and success criteria. Plantings undertaken during the dry season shall include regular watering to ensure adequate growth if necessary. Permittee shall complete seeding as soon as possible, but no later than October 15 of the year of impact. At the discretion of CDFW, all exposed areas where seeding is unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

The geotechnical studies temporary impact area shown on Figure 13 is not subject to the Vegetation Restoration Plan requirement as grading and other significant earth moving activities and significant vegetation removal did not occur in this area during the geotechnical studies. Permittee shall: 1) install during the Dry Season ten 6-foot-long by

4-foot-wide by 3-foot-high wood piles for Covered Species refuge within the proposed HM lands and regularly spaced within 100 feet of the geotechnical studies temporary impact area, 2) submit to CDFW no later than September 1, 2026 a figure depicting woodpile locations and photographs documenting woodpile installation completion, and 3) obtain CDFW's written approval that this requirement has been met.

**13. Condition of Approval 10.2 has been amended as follows:**

Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 43) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

**14. Condition of Approval 10.5 has been amended as follows:**

Security Transmittal. ~~If CDFW holds the Security,~~ Permittee shall transmit #security to CDFW ~~with a completed Mitigation Payment Transmittal Form (see Attachment 5) or~~ by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

**15. 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, CA 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 (2081-2016-020-03) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Gregg EricksonErin Chappell, Regional Manager  
California Department of Fish and Wildlife – Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558

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[Telephone \(707\) 944-5577](tel:(707)944-5577)/[Fax \(707\) 944-5563](tel:(707)944-5563)  
[2825 Cordelia Road, Suite 100](mailto:R3CESA@wildlife.ca.gov)  
[Fairfield, CA 94534](mailto:R3CESA@wildlife.ca.gov)  
[R3CESA@wildlife.ca.gov](mailto:R3CESA@wildlife.ca.gov)

and a copy to:

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

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

Melanie Day, [Senior Environmental Scientist \(Supervisory\)](mailto:Melanie.Day@wildlife.ca.gov)  
[California Department of Fish and Wildlife – Bay Delta Region](mailto:Melanie.Day@wildlife.ca.gov)  
[7329 Silverado Trail](mailto:Melanie.Day@wildlife.ca.gov)  
[Napa, CA 94558](mailto:Melanie.Day@wildlife.ca.gov)  
[Telephone \(707\) 944-5536](tel:(707)944-5536)/[Fax \(707\) 944-5563](tel:(707)944-5563)  
[2825 Cordelia Road, Suite 100](mailto:Melanie.Day@wildlife.ca.gov)  
[Fairfield, CA 94534](mailto:Melanie.Day@wildlife.ca.gov)  
[\(707\) 210-4415](tel:(707)210-4415)  
[Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov)

**16. The Compliance with CEQA section has been amended as follows:**

**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 lead agency, the City of Fairfield. (See generally Pub. Resources Code, §§ 21067, 21069). The lead agency's prior environmental review of the Project is set forth in the Fairfield Train Station Specific Plan EIR, (SCH No.: 2010042093) dated July 2011 that the City of Fairfield certified for the Canon Station Project on July 26, 2011. At the time the lead agency certified the EIR and approved the Project, it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

This ITP, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's EIR 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

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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.

[None of the factors that would trigger the need for subsequent or supplemental environmental analysis of the Project under Public Resources Code section 21166 or California Code of Regulations, title 14, sections 15162 and 15163, existed as a result of Amendment No. 1 or exist as a result of Amendment No. 2.](#)

**17. The Attachments section has been amended as follows:**

**Attachments:**

- FIGURE 1                      Project Location Map
- FIGURE 2                      Project Area Map
- FIGURE 3                      Ground Disturbing Activities Beginning April 15
- [FIGURES 4-13](#)                [Amended Project Area](#)
- ATTACHMENT 1                [Amended](#) Mitigation Monitoring and Reporting Program
- ATTACHMENT 2                Covered Species Handling
- ~~ATTACHMENT 3A, 3B~~        ~~Habitat Management Lands Checklist; Proposed Lands for Acquisition Form~~
- ATTACHMENT ~~4~~3              Letter of Credit Form
- ~~ATTACHMENT 4~~              [Minor Amendment No. 1](#)
- ATTACHMENT 5                ~~Mitigation Payment Transmittal Form~~ [Minor Amendment No. 2 with Track Changes](#)

**18. The Issued By section has been amended as follows:**

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDFE**

on \_\_\_\_\_.

\_\_\_\_\_  
Gregg Erickson ~~Erin Chappell~~, Regional  
Manager  
Bay Delta Region

**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: \_\_\_\_\_

**19. Attachment 1 Amended Mitigation Monitoring and Reporting Program has been amended to read the same as above.**

\_\_\_\_\_  
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