



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

California Endangered Species Act
Incidental Take Permit No. 2081-2024-067-04

TURNOUT ON THE FRIANT KERN CANAL AT BIG DRY CREEK

I. Authority:

This California Endangered Species Act (CESA) incidental take permit (ITP) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 2081, subdivisions (b) and (c), and California Code of Regulations, Title 14, section 783.0 et seq. CESA prohibits the take¹ of any species of wildlife designated by the California Fish and Game Commission as an endangered, threatened, or candidate species.² However, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c) and California Code of Regulations, title 14, section 786.9, subdivision (b). (See Cal. Code Regs., tit. 14, § 783.4.)

Permittee:	Fresno Irrigation District
Principal Officer:	Adam Claes
Contact Person:	Amy Giacomini, (559) 449-2700
Mailing Address:	29070 South Maple Avenue Fresno, California 93725

II. Effective Date and Expiration Date of this ITP:

This ITP is effective as of the date signed by CDFW below. Unless renewed by CDFW, this ITP and its authorization to take the Covered Species shall expire on **December 31, 2027**.

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 Final Mitigation Report of this ITP.

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

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

III. Project Location:

The Turnout on Friant Kern Canal at Big Dry Creek (Project) is located where the Friant Kern Canal intersects with Big Dry Creek within the County of Fresno (Figure 1). The Project is located approximately 1.6 miles east of the City of Clovis; within the southwest portion of Section 20, Township 12 South, Range 22 East Mount Diablo Baseline and Meridian, of the Round Mountain U.S. Geological Survey 7.5 quadrangle; at approximately Latitude 36.869660, Longitude -119.596751.

IV. Project Description:

The Project includes installation and operation of a turnout structure and pipeline at mile post 14.6 on the west bank of the Friant Kern Canal in Fresno County. Only activities related to the construction of the turnout and associated infrastructure are covered by this ITP, which includes equipment mobilization, vegetation clearing and grubbing (removal of roots); excavation, grading, drilling, trenching and compacting; removing existing concrete; installing and pouring of concrete; installing pipeline and rip-rap; installing utility infrastructure; backfilling and site restoration. Project activities are expected to take 10 months.

Initial Clearing and Grubbing

Initial clearing and grubbing activities include the removal of vegetation, debris, or obstructions to allow for construction access within the staging area and across the work area. Approximately 2.61 acres of upland grassland habitat will be temporarily impacted across the work area. No trees are to be removed as part of Project activities.

Turnout Construction

Construction of the turnout will begin with saw cutting the existing concrete panel liners of the Friant Kern Canal at the location of the proposed turnout. Excavators working from the embankment will lift and transport the concrete liner pieces and dispose of them in an approved disposal area. After removal of the concrete liner, the bank of the canal will be over excavated up to 2-feet below the proposed structure floor. Excavated soil from the embankment will be stockpiled in the designated staging area. Contractors will excavate the area with side slopes measuring 1.5:1 or use vertical shoring to prevent erosion. The excavated area will then be compacted to prepare for pouring of concrete.

Concrete forms and reinforcing steel will then be set in the excavated area. A concrete mixer truck will pour concrete from the top of the bank of the turnout into the forms. The floor will be the first section to be poured. The walls will then be poured into their forms in one or two segments. After the walls have cured the forms and steel reinforcement for the top platform will be placed and concrete poured into them. After the concrete has been poured for the turnout a steel trash rack will be constructed at the turnout. The stop log, gate valve, and other appurtenances will then be installed to finish constructing the turnout. Previously excavated material will be used to back fill around the opening of the turnout structure and walls in order to rebuild the embankment.

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TURNOUT ON THE FRIANT KERN CANAL AT BIG DRY CREEK

Overhead and Underground Utilities

Two 2-foot diameter utility poles will be installed at coordinates Latitude 36.868611, Longitude -119.596111 and Latitude 36.868877, Longitude -119.596133. A driller will access the site using existing dirt roads and some grassland. The driller will then excavate two 8-foot deep holes for the utility poles and a trencher will dig a trench that is 2-feet deep, 2.5-feet wide and 125-foot long. Excavated material will be used to back fill excavations for the utility poles and trench.

Conveyance Pipeline

Excavators will dig a trench of 10-feet wide and 260-foot long that will extend west from the turnout structure and then bend northwest to connect to a newly constructed water discharge structure. The trench will conform to a 1.5:1 slope. A 260-foot long 72-inch diameter pipe will be placed in the trench 20 feet below grade within the canal embankment and 15 feet below grade for the remaining length. After the pipe has been installed in the trench the previously excavated dirt will be used to back fill the trench and spread within unvegetated ruderal areas within the project site.

Big Dry Creek Discharge Structure

Excavators will remove 945 cubic yards (cy) of soil from the proposed discharge structure location. The excavated material will be stored within the designated staging area. The excavated area will then be compacted to form a stable foundation. Concrete forms will be placed and concrete will be poured into them to form the floor, walls and roof of the structure. The water conveyance pipeline will then be hooked up to the discharge structure.

Rip-Rap Lined Open Channel

Excavators will excavate 876 cy of soil from within the proposed channel location to prepare for rip-rap installation. The channels sides will be sloped to be 20 feet wide at the top of the channel and approximately 36 feet at the bottom of the channel. The channel depth will range from 3 to 10 feet deep. The bottom and sides of the channel would then be compacted and shaped to the designs specifications. Approximately 270 cy of class III rip-rap will be used to line the open channel forming a 12 to 18-inch layer of rip-rap liner.

Site Restoration

After construction of the new discharge structure and turnout all disturbed areas will be stabilized and returned to preconstruction conditions and all construction materials and equipment will be removed from the staging and work areas. Areas disturbed by the installation of the conveyance pipeline will be reseeded with a CDFW-approved seed mixture.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. California tiger salamander (<i>Ambystoma californiense</i> , CTS)	Threatened ⁴

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

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include ingress and egress of the Project Area; moving, temporarily storing, and removing stockpiling soils and materials; staging and laying down equipment; clearing, grubbing, removing vegetation; ground disturbance and earthwork including excavating, trenching, demolition, backfilling excavated areas, compacting soils, trenching, pouring concrete, installing pipeline, placing rocks; underground powerline installation; overhead and underground powerline installation; operating heavy equipment; vehicle traffic; staging and laying down equipment; and on-site restoration activities, installing and removing temporary construction and wildlife exclusion fencing; excavating small mammal burrows and crevices; and Covered Species salvage and relocation efforts required by this ITP (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 vehicle, equipment, and tool strikes (direct contact with sharp objects and/or blunt-force trauma); burrow collapse associated with ground disturbance, vegetation removal and clearance, stockpiling soils and materials, staging and laying down equipment, and operating heavy equipment in Covered Species upland habitat, resulting in crushing, suffocating, burying, or entombing individuals of the Covered Species in occupied burrows or crevices; striking or crushing of individuals of the Covered Species during stockpiling of soils and materials, staging and laying down equipment, and operating vehicles and heavy equipment; entrapment and desiccation of the Covered Species within trenches, holes, open pipes, and uncovered excavations; and entanglement with construction and exclusion fencing. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of corralling, catching, or capturing of individuals in confined areas or within exclusion fencing; when individuals of the Covered Species are pursued, collected, and relocated out of harm’s way as required by this ITP; and crushing, suffocating, burying, or entombing individuals of the Covered Species in occupied burrows or crevices during on-site restoration activities. The areas where authorized take of the Covered Species is expected to occur includes the 7.59-acre Project site (collectively, the Project Area).

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

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

The Project is expected to cause the permanent loss of **0.13 acres** of annual grassland upland habitat for the Covered Species (Figure 2). In addition, the Project is expected to cause **2.61 acres** of temporary impacts of annual grassland upland habitat for the Covered Species. Temporary habitat loss is expected to last up to **1 year**. The upland grassland habitat supports small mammal burrows that individuals of the Covered Species could use for underground refugia, shelter, foraging, and protection. The Project is not expected to impact Covered Species aquatic breeding habitat.

Impacts of the authorized taking also include adverse impacts to the Covered Species related to reduced conditions for Covered Species movement/dispersal, physiological and/or behavioral disruptions, temporal habitat losses, increased habitat fragmentation and edge effects, and the Project’s incremental contribution to cumulative impacts (indirect impacts). These impacts include altering the conditions of and disruptions to Covered Species dispersal as a result of permanent loss of **0.17 acres** of stream channel that Covered Species could use for dispersal when Big Dry Creek is dry or in low flow condition, and temporary loss of **4.42 acres** of potential dispersal habitat [Big Dry Creek (0.83 acres), Friant-Kern Canal (0.061 acres), disturbed land (3.53 acres; unpaved roads, compacted and unvegetated roadsides)(Figure 2.)]. Impacts to this potential dispersal habitat could result in restricted Covered Species movement and could subject individuals of the Covered Species to disperse via longer movement routes resulting in decreased reproductive output, increased energetic expense, and associated increased risk of vehicle strikes, predation, or desiccation.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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. **California Environmental Quality Act Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological

Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2024061125) adopted by the Fresno Irrigation District on August 8, 2024, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

3. **Lake and Streambed Alteration 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 (Notification No. EPIMS-FRE-55366-R4 for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.
4. **Endangered Species Act Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Formal Consultation for the Fresno Irrigation District Turnout on the Friant-Kern Canal at Big Dry Creek Project, Fresno County, California (SPK-2024-00301) and any federal take authorization issued for the Project pursuant to the Federal Endangered Species Act. For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
5. **ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
6. **General Provisions:**
 - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 6.2. Designated Biologist(s) and Biological Monitor(s). Before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information at least 30 days before starting Covered Activities. The Designated Monitor(s) may assist the Designated Biologist(s) in compliance monitoring under the direct supervision of the Designated Biologist(s) and as specified in the Compliance Monitoring Condition of Approval. Permittee shall ensure that the Designated Biologist(s) are knowledgeable and experienced in the biology, natural history, excavating small mammal burrows, collecting and handling of the Covered Species, and enforcing no-disturbance buffers, and monitoring construction activities. Permittee shall ensure that the Designated

Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.

- 6.3. Designated Biologist and Designate Monitor Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The Permittee shall be provided the same to any new workers before they are authorized to perform work in the Project Area. 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. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology, life history, and general behavior of the Covered Species; (2) information about the distribution and habitat needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, and penalties for violations; and (5) Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.

- 6.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 6.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Permittee shall remove all trash from the Project Area at the end of Covered Activities.
- 6.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s) and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not use dust palliatives in the Project Area without prior review of the chemical composition and written approval for use by CDFW.
- 6.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. This includes photodegradable or biodegradable synthetic netting, or other plastic erosion control materials. Permittee shall deploy erosion control fabric/mats, blankets, and/or fiber rolls consisting of only natural fibers such as jute, coconut, twine, or other similar fibers.
- 6.9. 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.
- 6.10. Delineation of Habitat.** Before starting Covered Activities, Permittee shall clearly delineate Covered Species habitat within and adjacent to 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 beyond the limits of the marked Project Area.
- 6.11. Project Access.** Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to

established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, stockpile 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 Project Access of this ITP.
- 6.13. Hazardous Waste.** Permittee shall properly maintain all machinery to prevent spills and leaks of fuels, lubricants, or other fluids. 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.
- 6.14. 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.
- 6.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.

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 if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a

written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.

7.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to:

- (1) minimize incidental take of the Covered Species;
- (2) prevent unlawful take of species;
- (3) check for compliance with all measures of this ITP;
- (4) check all exclusion zones; and
- (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. After initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) are completed a Designated Biologist(s) shall be on-site a minimum of once a week to conduct compliance inspections. In addition to the compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by this ITP are conducted at the frequencies (i.e., interval, time(s) of day, following weather events) required by other specific Conditions of Approval.

7.4. Monthly Compliance Report. The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program by the 7th calendar day following the reporting month. At the time of this ITP's approval, the CDFW Regional Representative is Jackson Powell (Jackson.Powell@wildlife.ca.gov), the Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 7.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval Monthly Compliance Reports; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Headquarters CESA Program, and Regional Representative.
- 7.6. CNDDDB Observations.** The Designated Biologist(s) 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(s) shall include copies of the submitted forms with the next Monthly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) 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; (8) GIS data files depicting the total extent of permanent and temporary disturbance associated with the Project; and (9) any other pertinent information.
- 7.8. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by

email to the CDFW's Regional Office (R4CESA@wildlife.ca.gov) and CDFW Representative (Jackson.Powell@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, name of the CDFW-approved facility where the animal was taken, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.

8. Take Minimization Measures: The following requirements are intended to ensure the minimization of incidental take of 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. Covered Species Mortality Reduction and Relocation Plan. Permittee shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, the following details: (1) discussion and map of locations within the Project Area which represents potential upland habitat and aquatic breeding habitat (if applicable); (2) discussion and map of locations within the Project Area within a) 630 meters and b) 2,092 meters of known or potential aquatic breeding habitat (if applicable); (3) detailed survey, excavation, capture, handling, and relocation methods; (4) cover board check frequencies or removal based on seasonality and environmental conditions to ensure any cover boards that remain in use during the dry season (or dry periods) don't lead to risk of desiccation of the Covered Species; (5) identification of where salvaged individuals will be relocated and a discussion of the biological suitability of relocation site(s); and (6) identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken; and (7) detailed methods to ensure covers placed over holes, sumps, trenches, and other excavations form a complete seal around any pipes or other components and are secured to prevent gaps such that Covered Species are unable to squeeze under the cover in accordance with Condition of Approval Covers and Ramps. Covered Activities may not proceed until a Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW.

8.2. Covered Species Exclusion Fencing Plan. Permittee shall prepare a Covered Species Exclusion Fencing Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The Covered Species Exclusion Fencing Plan shall include, but not be limited to, the following details: (1) area(s) to be fenced (including maps); (2) fence materials; (3) fence design (e.g., height), layout (including maps), and installation methods; (4) cover boards to provide refuge areas for the Covered Species (include number of cover

boards/spacing, material of cover boards, size of individual cover boards, cover board check frequencies based on seasonality, and locations); (5) specification of the maximum continuous linear length of fencing to be installed at any given time; and (6) inspection, maintenance, repair, and replacement methods and intervals. Permittee shall have a CDFW-approved Covered Species Exclusion Fencing Plan before implementing Conditions of Approval Covered Species Pre-Activity Clearance Surveys and Reporting, Flagging and Avoidance of Burrows and Crevices, Covered Species Burrow and Crevice Excavation, and Covered Species Exclusion Fence Installation, below.

- 8.3.** Covered Species Pre-Activity Clearance Surveys and Reporting. The Designated Biologist(s) shall survey the Project Area for Covered Species no more than 14 days prior to conducting Covered Activities. Surveys shall provide 100 percent visual coverage (including burrows and crevices) within the Project Area and a 50-foot buffer zone around the Project Area if access allows. If Covered Species are found, the Designated Biologist(s) shall relocate Covered Species from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling Covered Species individuals unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Permittee shall provide the pre-activity clearance survey results to CDFW in a written report before starting Covered Activities.
- 8.4.** Flagging and Avoidance of Burrows and Crevices. During implementation of Condition of Approval Covered Species Pre-Activity Clearance Surveys and Reporting, the Designated Biologist(s) shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer zone around the Project Area if access allows. Burrows or crevices do not need to be flagged if they are located in areas outside of the Permittee's access and/or control. An avoidance buffer of 50 feet or greater around flagged burrows/crevices shall be maintained regardless of whether the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 630 meters (0.4 miles) of known or potential Covered Species aquatic breeding habitat and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with Condition of Approval Covered Species Burrow and Crevice Excavation.
- 8.5.** Covered Species Burrow and Crevice Excavation. Before starting Covered Activities, animal burrows and crevices flagged during implementation of Condition of Approval Covered Species Pre-Activity Clearance Surveys and Reporting shall be fully excavated if those burrows and crevices are within 630 meters (0.4 miles) of known or potential Covered Species aquatic breeding habitat and cannot be fully avoided by at least 50 feet. Excavation shall occur **no more than 14 days** after the completion of the Covered Species Pre-Activity Clearance Surveys and Reporting and flagging of burrows/crevices per Condition of Approval Flagging

and Avoidance of Burrows and Crevices. Flagged burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s). The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Burrows and crevices identified outside of the Project Area shall be excavated if those burrows and crevices lie within 50 feet of Project ground- and/or vegetation-disturbing activities. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within the Project Area's 50-foot buffer zone except when the burrow/crevice is in an area outside of the Permittee's access and/or control.

- 8.6.** Covered Species Exclusion Fence Installation. After surveying, flagging, and excavating animal burrows in accordance with Conditions of Approval Covered Species Pre-Activity Clearance Surveys and Reporting, Flagging and Avoidance of Burrows and Crevices, and Covered Species Burrow and Crevice Excavation, and after CDFW has approved the Covered Species Exclusion Fencing Plan but before starting Covered Activities, Permittee shall install Covered Species exclusion fencing to prevent Covered Species from migrating into the cleared Project Area. The Covered Species exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin **no later than 48 hours after** burrow/crevice excavations and Covered Species relocation activities are complete. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Permittee shall avoid covering animal burrows and crevices during fence installation in accordance with Condition of Approval Flagging and Avoidance of Burrows and Crevices and not cover any burrows/crevices with any fencing material. When animal burrows and crevices that are within 630 meters of known or potential Covered Species aquatic breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval Covered Species Burrow and Crevice Excavation prior to commencing fence installation.
- 8.7.** Vegetation Removal. A Designated Biologist(s) shall be on-site daily during initial vegetation removal, clearing, and grubbing activities. Vegetation shall be removed incrementally, by hand/using hand tools (e.g., loppers, clippers, pruners) to the maximum extent feasible from top to bottom, and power tool blades shall be set no lower than 4 inches to allow the Designated Biologist 100 percent visual coverage to inspect the area under vegetation for any individuals of the Covered Species and animal burrows/crevices. If the Covered Species or animal burrows/crevices are found, the Designated Biologist and Project workers shall immediately cease

all Covered Activities in the vicinity. If the Covered Species is found, the Designated Biologists shall relocate Covered Species from the Project Area in accordance with the CDFW-approved Mortality Reduction and Relocation Plan. If any animal burrows/crevices are found, the Designated Biologist shall implement burrow/crevice avoidance per Condition of Approval Flagging and Avoidance of Burrows and Crevices or excavate the burrow/crevice per Condition of Approval Burrow and Crevice Excavation. The individual of the Covered Species must be moved out of harm's way or the burrow/crevice must be avoided or excavated prior to recommencing activities under the direction of the Designated Biologist.

- 8.8. Covered Species Exclusion Fence Inspection.** The Designated Biologist(s) shall check the Covered Species exclusion fence and refuge areas (e.g. cover boards) daily during initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) at the beginning of each workday. After initial ground disturbance and during periods of inactivity, the Designated Biologist(s) shall check the Covered Species exclusion fence a minimum of once a week during the wet season, daily following rain events, and frequencies in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan for refuge checks during the dry season. If Covered Species are found within the interior fence or refuge areas, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.9. Covered Species Exclusion Fence Repair and Removal.** Permittee shall maintain and repair the Covered Species exclusion fence. Repairs shall be made within 48 hours of any discovery that repairs are necessary. Permittee shall ensure that the Covered Species exclusion fence remains in place and supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain. Permittee shall remove all Covered Species exclusion fencing immediately upon completion of Covered Activities.
- 8.10. Rain Forecast.** The Permittee and Designated Biologist(s) shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Where initial ground disturbance has already occurred, Permittee may continue Covered Activities during rainfall only if the Project Area has been previously disturbed and the Project Area (or areas approved by CDFW per a Covered Species Exclusion Fencing Plan) is surrounded by Covered Species exclusion fencing that is in good repair and being properly maintained (see Condition of Approval Covered Species Exclusion Fence Installation).

- 8.11. Soil Stockpiles and Borrow Area Material.** Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and quarried material will not pass into Covered Species aquatic breeding habitat, or into any other “Waters of the State”. Permittee shall protect stockpiles appropriately to prevent soil erosion. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species’ use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of the Project Area and staging/stockpile areas (see Condition of Approval Staging Areas).
- 8.12. Open Excavations.** The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations daily and at the beginning of each day during initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) for any Covered Species that may be trapped. The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are temporarily or permanently backfilled. If any Project workers discovers that Covered Species have become trapped at any point, Project workers shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move to a safe location, unimpeded, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm’s way outside of the Project Area and in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.13. Covers and Ramps.** Permittee shall ensure that all open holes, sumps, trenches, and other excavations are covered or escape ramps are provided to prevent inadvertent entrapment of Covered Species. At the end of each working day, Project workers shall cover all open holes, sumps, trenches, and other excavations of any depth that have sidewalls greater than 1:1 (45 degree) slope with barrier material (e.g., plywood). Permittee shall ensure the outer two feet of the cover shall conform to solid ground so that gaps do not occur between the cover and the ground. Permittee shall ensure covers form a complete seal around any pipes or other components and secured to prevent gaps such that Covered Species are unable squeeze under the cover. If any open holes, sumps, trenches, and other excavations cannot be covered, Permittee, in consultation with Designated Biologist(s) shall provide at least one escape ramp constructed of earthen fill or a non-slip wooden plank with a less than 1:1 (45 degree) slope for each open hole, sump, trench, or other excavation. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment in open holes, sumps, trenches, and other excavations are warranted, Permittee shall request and obtain CDFW’s written approval prior to implementing the alternative. The Designated Biologist(s) shall inspect the integrity of covers

and escape ramps to ensure that covers and ramps are in good condition, secured, and with no gaps.

- 8.14. Vehicle and Equipment Inspection.** Project workers shall inspect under vehicles and equipment for Covered Species before the start of each workday and before vehicles and equipment are moved for any Covered Species that may be utilizing the equipment as temporary shelter. If any Project worker discovers a Covered Species, the Project worker shall notify the Designated Biologist(s). Project workers and the Designated Biologist(s) shall allow the Covered Species to move to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.15. Pipes and Other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by the Covered Species. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Project worker shall immediately cease all Covered Activities in the vicinity which could injure or kill the Covered Species and notify the Designated Biologist(s). Covered Species shall be allowed to escape unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.16. Covered Species Observations.** During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.
- 8.17. Record of Covered Species Handling and Relocation.** The Designated Biologist(s) shall maintain a record of all Covered Species handled and relocated. For each Covered Species handled and relocated, the Designated Biologist(s) shall report the following information: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) of capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all

visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled, released, and or observed. Covered Species handling and relocation records shall be included in the required Monthly Compliance Reports and ASRs. In addition, the Designated Biologist(s) shall submit this information to CDFW's CNDDDB required by Condition of Approval CNDDDB Observations.

- 8.18. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist(s) shall immediately take it to the CDFW-approved wildlife rehabilitation or veterinary facility per the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) or Designated Representative shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report required by Condition of Approval Notification of Take or Injury.
- 8.19. Fieldwork Code of Practice.** The Designated Biologist(s) and Designated Monitor(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force at all times (see Attachment 3) to ensure that disease is not conveyed outside of the Project Area. The Designated Biologist(s) and Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) and Designated Monitor(s) shall take care so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- 8.20. Work Timing.** Permittee shall restrict all Project activities to daylight hours defined as that daytime period between sunrise and sunset except to conduct any emergency work where potential for harm to persons, property, or the environment exists and requires expedited action to remedy the situation to avoid such risks. Permittee shall notify CDFW and the Designated Biologist of emergency activities as soon as possible and in accordance with the CDFW-approved Mortality Reduction and Relocation Plan. The first day that it is safe to enter the emergency work area, the Designated Biologist shall conduct compliance inspections in accordance with Condition of Approval Compliance Monitoring.
- 8.21. Disposal of Organic Material.** Permittee shall properly dispose of organic material and debris off site. Permittee shall not broadcast vegetation that will be removed, use organic material as mulch or ground cover, or otherwise placed on top Covered Species habitat anywhere within or adjacent to the Project Area. All non-native plants that are removed shall be bagged and disposed off site.
- 8.22. Restoration of Temporary Impacts.** Permittee shall submit a final seed mix to CDFW for review and approval prior to hydroseeding within the Project Area.

Permittee shall restore all areas temporarily impacted within the Project Area to approximate original grade and revegetate all areas temporarily impacted with the CDFW-approved Final Seed Mix to approximate pre-Project conditions.

8.23. Pesticide Use Prohibited. Permittee shall not use pesticides including but not limited to herbicides, rodenticides, and insecticides within the Project Area for the term of this ITP. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before any pesticide use.

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

To meet this requirement, the Permittee shall provide for the permanent protection and perpetual management of compensatory habitat. Permittee shall purchase **2.37 acres** of Covered Species upland credits at a CDFW-approved conservation bank pursuant to Conditions of Approval Covered Species Credits and Bill of Sale and Payment Receipt or Credit Transfer Agreement, below, before starting Covered Activities.

Permittee must provide 2.37 acres of compensatory habitat in the form of Covered Species upland credits before starting Covered Activities or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval Security for all uncompleted obligations.

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

9.1.1. Land acquisition, start-up, interim, and long-term management costs and funding for 2.37 acres of HM lands, estimated at \$75,000/acre: **\$177,750.**

9.1.2. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor’s work: **\$5,000.**

- 9.2. Covered Species Credits. Permittee shall purchase 2.37 acres of Covered Species upland credits from a CDFW-approved 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 Security. Prior to purchase of Covered Species upland credits, Permittee shall obtain CDFW approval to ensure the conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.
- 9.3. Bill of Sale and Payment Receipt or Credit Transfer Agreement. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt or an executed Credit Transfer Agreement for 2.37 Covered Species upland habitat credits from a CDFW-approved conservation bank prior to initiating Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval Security for all uncompleted obligations.
- 9.4. Reimburse CDFW. Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of this ITP, including, but not limited to transaction fees, account set-up fees, administrative fees, title and documentation review and related title transactions, costs incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW.

10. 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 Habitat Management Lands Acquisition 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 **\$182,750** or in the amount identified in Condition of Approval Cost Estimates specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval Cost Estimates above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 4) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 10.3. Security Timeline. The Security shall be provided in draft form to CDFW's Regional Representative for review and approval prior to execution. Permittee shall execute the CDFW-approved Security 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:

Credit Purchase

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

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

IX. Amendment:

This ITP may be amended as provided by California Code of Regulations, Title 14, section 783.6, subdivision (c), and other applicable 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.

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2024-067-04) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Julie A. Vance, Regional Manager
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005
R4CESA@wildlife.ca.gov

and a copy to:

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

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

Jackson Powell
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
(559) 899-9758
Jackson.powell@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Fresno Irrigation District. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Turnout on the Friant Kern Canal at Big Dry Creek Mitigated Negative Declaration and Initial Study, (SCH No.: 2024061125) dated June 2024 that the Fresno Irrigation District adopted for the Turnout on the Friant Kern Canal at Big Dry Creek on August 8, 2024. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

XIV. Findings Pursuant to CESA:

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

CDFW finds based on substantial evidence in the ITP application, Turnout on the Friant Kern Canal at Big Dry Creek Project, the results of site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection of 2.37 acres; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in

Incidental Take Permit
No. 2081-2024-067-04

FRESNO IRRIGATION DISTRICT

TURNOUT ON THE FRIANT KERN CANAL AT BIG DRY CREEK

perpetuity of 2.37 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.

XV. Attachments:

FIGURE 1	Project Location Map
FIGURE 2	Project Impacts Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force
ATTACHMENT 4	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 4/22/2026

DocuSigned by:

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**Julie A. Vance, Regional Manager
Central Region**

Incidental Take Permit
No. 2081-2024-067-04
**FRESNO IRRIGATION DISTRICT
TURNOUT ON THE FRIANT KERN CANAL AT BIG DRY CREEK**

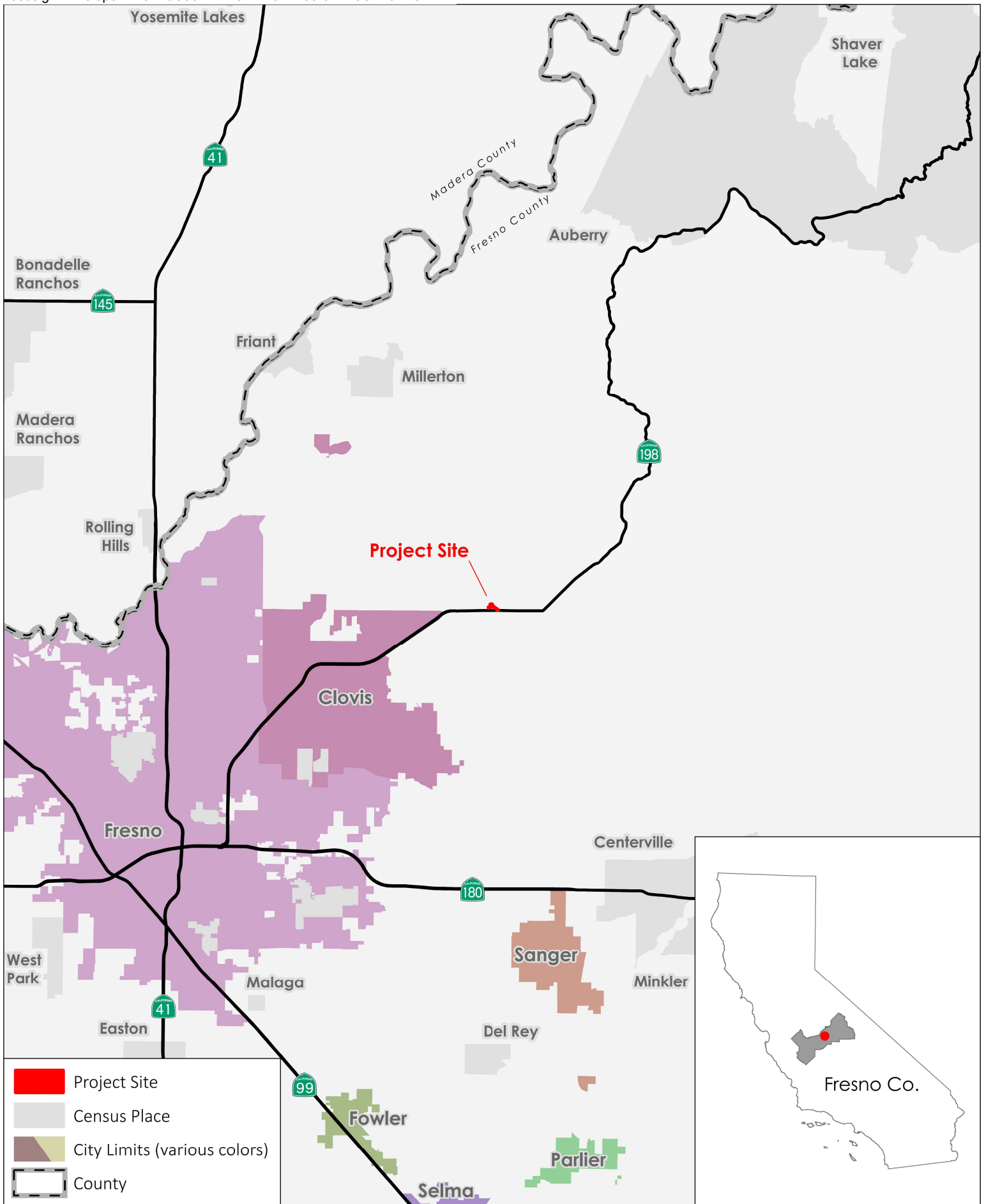
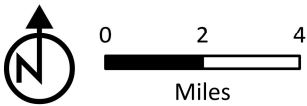


Figure 1. Project Location Map

County of Fresno - Friant-Kern Canal at Big Dry Creek

PROVOST & PRITCHARD

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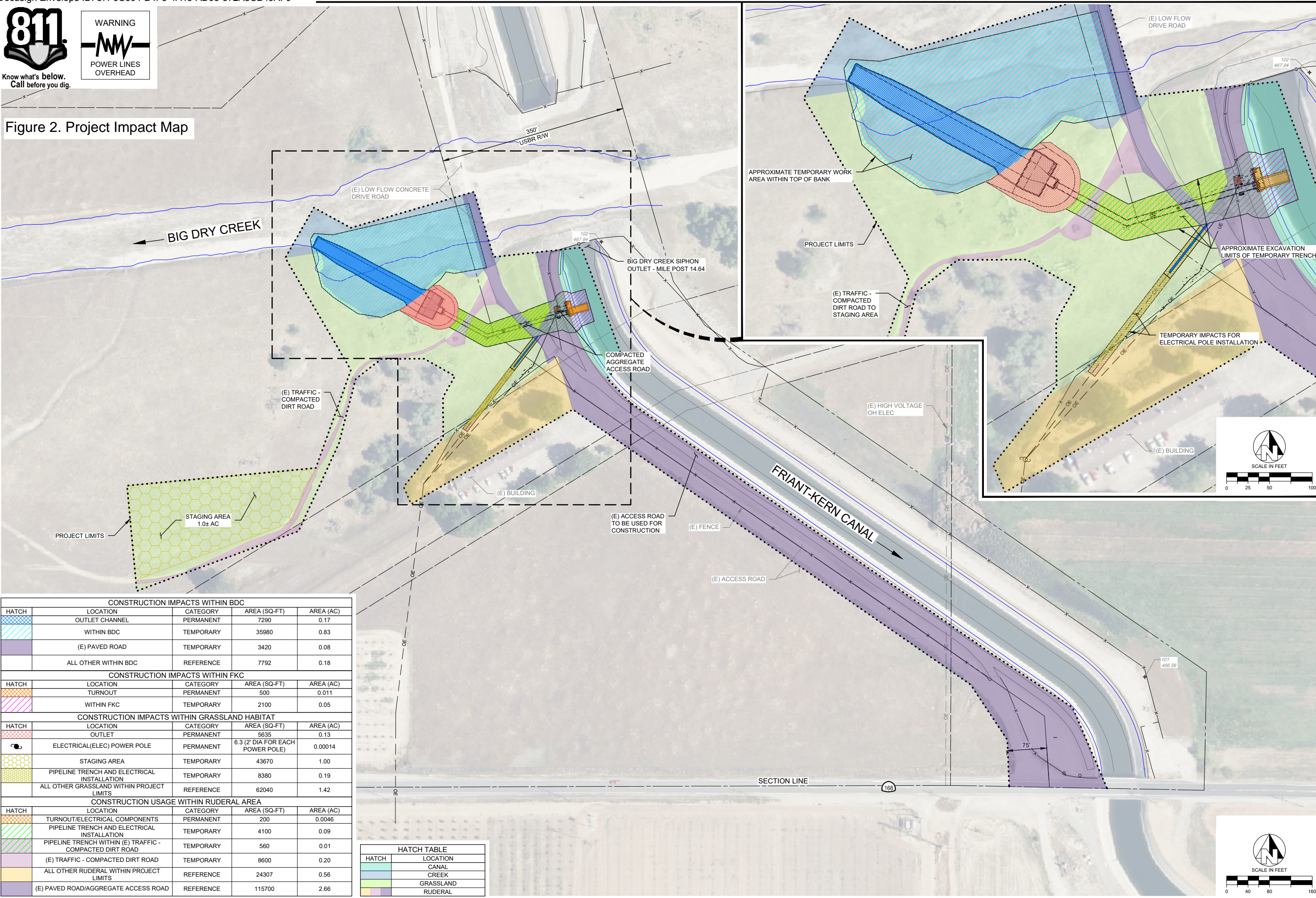




WARNING
POWER LINES
OVERHEAD

Know what's below.
Call before you dig.

Figure 2. Project Impact Map

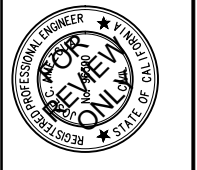


CONSTRUCTION IMPACTS WITHIN BDC				
HATCH	LOCATION	CATEGORY	AREA (SQ-FT)	AREA (AC)
[Blue Hatched]	OUTLET CHANNEL	PERMANENT	7290	0.17
[Blue Hatched]	WITHIN BDC	TEMPORARY	35980	0.83
[Purple Hatched]	(E) PAVED ROAD	TEMPORARY	3420	0.08
[Purple Hatched]	ALL OTHER WITHIN BDC	REFERENCE	7792	0.18
CONSTRUCTION IMPACTS WITHIN FKC				
HATCH	LOCATION	CATEGORY	AREA (SQ-FT)	AREA (AC)
[Green Hatched]	TURNOUT	PERMANENT	500	0.011
[Green Hatched]	WITHIN FKC	TEMPORARY	2100	0.05
CONSTRUCTION IMPACTS WITHIN GRASSLAND HABITAT				
HATCH	LOCATION	CATEGORY	AREA (SQ-FT)	AREA (AC)
[Green Hatched]	OUTLET	PERMANENT	5635	0.13
[Green Hatched]	ELECTRICAL(ELEC) POWER POLE	PERMANENT	6.3 (2' DIA FOR EACH POWER POLE)	0.00014
[Yellow Hatched]	STAGING AREA	TEMPORARY	43670	1.00
[Yellow Hatched]	PIPELINE TRENCH AND ELECTRICAL INSTALLATION	TEMPORARY	8380	0.19
[Yellow Hatched]	ALL OTHER GRASSLAND WITHIN PROJECT LIMITS	REFERENCE	62040	1.42
CONSTRUCTION USAGE WITHIN RUDERAL AREA				
HATCH	LOCATION	CATEGORY	AREA (SQ-FT)	AREA (AC)
[Purple Hatched]	TURNOUT/ELECTRICAL COMPONENTS	PERMANENT	200	0.0046
[Purple Hatched]	PIPELINE TRENCH AND ELECTRICAL INSTALLATION	TEMPORARY	4100	0.09
[Purple Hatched]	PIPELINE TRENCH WITHIN (E) TRAFFIC - COMPACTED DIRT ROAD	TEMPORARY	560	0.01
[Purple Hatched]	(E) TRAFFIC - COMPACTED DIRT ROAD	TEMPORARY	8600	0.20
[Purple Hatched]	ALL OTHER RUDERAL WITHIN PROJECT LIMITS	REFERENCE	24307	0.56
[Purple Hatched]	(E) PAVED ROAD/AGGREGATE ACCESS ROAD	REFERENCE	115700	2.66

HATCH TABLE	
HATCH	LOCATION
[Blue Hatched]	CANAL
[Green Hatched]	CREEK
[Yellow Hatched]	GRASSLAND
[Purple Hatched]	RUDERAL

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90% DESIGN
NOT FOR CONSTRUCTION
2-6-2026



FRIANT KERN CANAL AT BIG DRY CREEK
COUNTY OF FRESNO
FRESNO COUNTY
ITP
OVERVIEW OF PROJECT SITE

PROVOST & PRITCHARD
1800 10th STREET, SUITE 200
BAKERSFIELD, CALIFORNIA 93301
PHONE (805) 616-5900
FAX (805) 616-5900
www.provostandpritchard.com

DESIGN ENGINEER:
JOSE C. AMEZCUA
LICENSE NO:
96390
DRAFTED BY:
SG/GM
CHECKED BY:
DATE: 2-6-2026
JOB NO: 1397-23012
PROJECT NO: 2260
PHASE:
ORIGINAL SCALE SHOWN IS ONE
INCH. ADJUST SCALE FOR
REDUCED OR ENLARGED PLANS.
SHEET 1 OF 2

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2024-067-00

PERMITTEE: Fresno Irrigation District

PROJECT: Turnout on the Friant Kern Canal at Big Dry Creek

PURPOSE OF THIS MMRP

The purpose of this MMRP is to ensure that the impact minimization and mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Project are properly implemented, and thereby to ensure compliance with section 2081(b) of the Fish and Game Code and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by CDFW is attached. This table is a tool for use in monitoring and reporting on implementation of mitigation measures, but the descriptions in the table do not supersede the mitigation measures set forth in the California Incidental Take Permit (ITP) and in attachments to this 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 this 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 this ITP. The Source column identifies this ITP condition that sets forth the mitigation measure. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure. The Status/Date/Initials column shall be completed by the Permittee during preparation of each Status Report and the Final Mitigation Report, and must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining the status.

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<p>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>	<p>ITP Condition of Approval- Designated Representative</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project Notify CDFW if/when a substitute Designated Representative is selected or identified</p>	<p>Permittee</p>	
2	<p>At least 30 days before starting Covered Activities, Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of proposed Designated Biologist(s) and/or Designated Monitor(s) using the Biologist Resume Form (Attachment 2) or another format containing the same information. Permittee shall review qualifications before submission and ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in Covered Species' biology and natural history, collecting and handling of the Covered Species, excavating burrows and crevices to minimize mortality of Covered Species, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Monitor(s) not meeting the qualifications of a Designated Biologist to assist in compliance monitoring and/or implementation of Conditions of Approval as specified by CDFW. Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW. Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if Designated Biologist(s) or Designated Monitor(s) must be changed.</p>	<p>ITP Condition of Approval – Designated Biologist(s) and/or Designated Monitor(s)</p>	<p>At least 30 days before starting Covered Activities Entire Project Obtain approval in advance, in writing, if Designated Biologist(s) or Designated Monitor(s) must be changed</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	<p>Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work within the Project Area. The Permittee shall be provided the same to any new workers before they are authorized to perform work in the Project Area. 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. The program shall consist of a presentation from the Designated Biologist(s) that includes: (1) a discussion of the biology, life history, and general behavior of the Covered Species; (2) information about the distribution and habitat needs of the Covered Species; (3) sensitivity of the Covered Species to human activities; (4) its status pursuant to CESA including legal protection, definition of 'take', recovery efforts, and penalties for violations; and (5) Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures.</p>	<p>ITP Condition of Approval – Education Program</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire Project</p>	<p>Permittee</p>	
4	<p>Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs. Permittee shall remove all trash from the Project Area at the end of Covered Activities.</p>	<p>ITP Condition of Approval – Trash Abatement</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire Project</p>	<p>Permittee</p>	
5	<p>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>	<p>ITP Condition of Approval – Delineation of Work Area Boundaries</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee</p>	
6	<p>Before starting Covered Activities, Permittee shall clearly delineate Covered Species habitat within and adjacent to 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 beyond the limits of the marked Project Area.</p>	<p>ITP Condition of Approval – Delineation of Habitat</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire Project</p>	<p>Permittee</p>	
7	<p>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.</p>	<p>ITP Condition of Approval – Notification Before Commencement</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Designated Representative</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
8	<p>Permittee shall prepare a Covered Species Exclusion Fencing Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The Covered Species Exclusion Fencing Plan shall include, but not be limited to, the following details: (1) area(s) to be fenced (including maps); (2) fence materials; (3) fence design (e.g., height), layout (including maps), and installation methods; (4) cover boards to provide refuge areas for the Covered Species (include number of cover boards/spacing, material of cover boards, size of individual cover boards, cover board check frequencies based on seasonality, and locations); (5) specification of the maximum continuous linear length of fencing to be installed at any given time; and (6) inspection, maintenance, repair, and replacement methods and intervals. Permittee shall have a CDFW-approved Covered Species Exclusion Fencing Plan before implementing Conditions of Approval Covered Species Pre Activity Clearance Surveys and Reporting, Flagging and Avoidance of Burrows and Crevices, Covered Species Burrow and Crevice Excavation, and Covered Species Exclusion Fence Installation, below.</p>	<p>ITP Condition of Approval - Covered Species Exclusion Fencing Plan</p>	<p>Minimum 30 days before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
9	<p>Permittee shall prepare a Covered Species Mortality Reduction and Relocation Plan and submit it to CDFW for review and written approval a minimum of 30 days before starting Covered Activities. The Covered Species Mortality Reduction and Relocation Plan shall include, but not be limited to, the following details: (1) discussion and map of locations within the Project Area which represents potential upland habitat and aquatic breeding habitat (if applicable); (2) discussion and map of locations within the Project Area within a) 630 meters and b) 2,092 meters of known or potential aquatic breeding habitat (if applicable); (3) detailed survey, excavation, capture, handling, and relocation methods; (4) cover board check frequencies or removal based on seasonality and environmental conditions to ensure any cover boards that remain in use during the dry season (or dry periods) don't lead to risk of desiccation of the Covered Species; (5) identification of where salvaged individuals will be relocated and a discussion of the biological suitability of relocation site(s); and (6) identification of a wildlife rehabilitation center or veterinary facility where injured individuals of the Covered Species will be taken; and (7) detailed methods to ensure covers placed over holes, sumps, trenches, and other excavations form a complete seal around any pipes or other components and are secured to prevent gaps such that Covered Species are unable to squeeze under the cover in accordance with Condition of Approval Covers and Ramps. Covered Activities may not proceed until a Covered Species Mortality Reduction and Relocation Plan is approved in writing by CDFW.</p>	<p>ITP Condition of Approval - Covered Species Mortality Reduction and Relocation Plan</p>	<p>Minimum 30 days before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
10	<p>The Designated Biologist(s) shall survey the Project Area for Covered Species no more than 14 days prior to conducting Covered Activities. Surveys shall provide 100 percent visual coverage (including burrows and crevices) within the Project Area and a 50 foot buffer zone around the Project Area if access allows. If Covered Species are found, the Designated Biologist(s) shall relocate Covered Species from the Project Area in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling Covered Species individuals unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Permittee shall provide the pre-activity clearance survey results to CDFW in a written report before starting Covered Activities.</p>	<p>ITP Condition of Approval - Covered Species Pre-Activity Clearance Surveys and Reporting</p>	<p>No more than 30 days prior to conducting Covered Activities</p> <p>Provide the pre-activity clearance survey results to CDFW in a written report before starting Covered Activities</p>	<p>Permittee/ Designated Biologist</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<p>During implementation of Condition of Approval Covered Species Pre-Activity Clearance Surveys and Reporting, the Designated Biologist(s) shall flag all animal burrows and crevices suitable for Covered Species occupancy within the Project Area and a 50-foot buffer zone around the Project Area if access allows. Burrows or crevices do not need to be flagged if they are located in areas outside of the Permittee's access and/or control. An avoidance buffer of 50 feet or greater around flagged burrows/crevices shall be maintained regardless of whether the burrow/crevice is in the Project Area or solely within the Project Area's 50-foot buffer zone. Flagged burrows/crevices which occur within 630 meters (0.4 miles) of known or potential Covered Species aquatic breeding habitat and which cannot be avoided by at least 50 feet shall be fully excavated in accordance with Condition of Approval Covered Species Burrow and Crevice Excavation.</p>	<p>ITP Condition of Approval - <u>Flagging and Avoidance of Burrows and Crevices</u></p>	<p>No more than 30 days prior to conducting Covered Activities</p> <p>During Covered Species Pre-Activity Clearance Surveys</p>	<p>Permittee/ Designated Biologist</p>	
12	<p>Before starting Covered Activities, animal burrows and crevices flagged during implementation of Condition of Approval Covered Species Pre-Activity Clearance Surveys and Reporting shall be fully excavated if those burrows and crevices are within 630 meters (0.4 miles) of known or potential Covered Species aquatic breeding habitat and cannot be fully avoided by at least 50 feet. Excavation shall occur no more than 14 days after the completion of the Covered Species Pre-Activity Clearance Surveys and Reporting and flagging of burrows/crevices per Condition of Approval Flagging and Avoidance of Burrows and Crevices. Flagged burrows/crevices may be excavated by hand or in a manner otherwise approved by CDFW in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan. Burrow/crevice excavation shall occur under the direct supervision of the Designated Biologist(s). The Designated Biologist(s) shall relocate any live Covered Species discovered during burrow/crevice excavation in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan. Designated Monitor(s) are prohibited from capturing and handling Covered Species unless specifically approved in writing by CDFW and under the direct supervision of the Designated Biologist(s). Burrows and crevices identified outside of the Project Area shall be excavated if those burrows and crevices lie within 50 feet of Project ground- and/or vegetation disturbing activities. This excavation requirement applies regardless of whether the burrow/crevice is located within the Project Area or within the Project Area's 50-foot buffer zone except when the burrow/crevice is in an area outside of the Permittee's access and/or control.</p>	<p>ITP Condition of Approval - Covered Species Burrow and Crevice Excavation</p>	<p>No more than 30 days prior to conducting Covered Activities</p> <p>Excavation shall occur no more than 14 days after the completion of the Covered Species Pre-Activity Clearance Surveys and flagging of burrows/crevices</p>	<p>Permittee/ Designated Biologist</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
13	<p>After surveying, flagging, and excavating animal burrows in accordance with Conditions of Approval Covered Species Pre-Activity Clearance Surveys and Reporting, Flagging and Avoidance of Burrows and Crevices, and Covered Species Burrow and Crevice Excavation, and after CDFW has approved the Covered Species Exclusion Fencing Plan but before starting Covered Activities, Permittee shall install Covered Species exclusion fencing to prevent Covered Species from migrating into the cleared Project Area. The Covered Species exclusion fence shall be installed under the direct supervision of the Designated Biologist(s) and begin no later than 48 hours after burrow/crevice excavations and Covered Species relocation activities are complete. The Designated Biologist(s) shall accompany the exclusion fence construction crew to ensure that Covered Species are not killed or injured during fence installation. The Permittee shall avoid covering animal burrows and crevices during fence installation in accordance with Condition of Approval Flagging and Avoidance of Burrows and Crevices and not cover any burrows/crevices with any fencing material. When animal burrows and crevices that are within 630 meters of known or potential Covered Species aquatic breeding habitat cannot be avoided by a 50-foot no-disturbance buffer from the fence line, they shall be excavated as described in Condition of Approval Covered Species Burrow and Crevice Excavation prior to commencing fence installation.</p>	<p>ITP Condition of Approval - Covered Species Exclusion Fence Installation</p>	<p>Before commencing ground- or vegetation-disturbing activities</p> <p>No later than 48 hours after burrow/crevice excavations and Covered Species relocation activities are complete</p>	<p>Permittee/ Designated Biologist</p>	
14	<p>Permittee shall purchase 2.37 acres of Covered Species upland credits from a CDFW-approved 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 Security. Prior to purchase of Covered Species upland credits, Permittee shall obtain CDFW approval to ensure the conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.</p>	<p>ITP Condition of Approval – Covered Species Credits</p>	<p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)</p>	<p>Permittee</p>	
15	<p>Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt or an executed Credit Transfer Agreement for 2.37 Covered Species upland habitat credits from a CDFW-approved conservation bank prior to initiating Covered Activities, or within 18 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval Security for all uncompleted obligations.</p>	<p>ITP Condition of Approval - Bill of Sale and Payment Receipt or Credit Transfer Agreement</p>	<p>Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)</p>	<p>Permittee</p>	
16	<p>The Security shall be in the amount of \$182,750 or in the amount identified in Condition of Approval Cost Estimates specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval Cost Estimates above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.</p>	<p>ITP Condition of Approval – Security Amount</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
DURING GROUND DISTURBANCE AND VEGETATION REMOVAL ACTIVITIES					
17	To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s) and Designated Monitor(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist(s) and/or Designated Monitor(s) in the performance of their duties. If the Designated Biologist(s) and/or Designated Monitor(s) are unable to comply with this ITP, then the Designated Biologist(s) and/or Designated Monitor(s) shall notify the CDFW Regional Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition of Approval – Designated Biologist and/or Designated Monitor Authority	Entire Project	Permittee	
18	The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.	ITP Condition of Approval – Construction Monitoring Documentation	Entire Project	Permittee/ Designated Biologist	
19	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist(s) and Designated Monitor(s). Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles. Permittee shall not use dust palliatives in the Project Area without prior review of the chemical composition and written approval for use by CDFW.	ITP Condition of Approval – Dust Control	Entire Project	Permittee	
20	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. This includes photodegradable or biodegradable synthetic netting, or other plastic erosion control materials. Permittee shall deploy erosion control fabric/mats, blankets, and/or fiber rolls consisting of only natural fibers such as jute, coconut, twine, or other similar fibers.	ITP Condition of Approval – Erosion Control Materials	Entire Project	Permittee	
21	Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat outside of or enroute to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition of Approval – Project Access	Entire Project	Permittee/ Designated Representative	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	Permittee shall confine all Project-related parking, storage areas, stockpile 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 Project Access of this ITP.	ITP Condition of Approval – Staging Areas	Entire Project	Permittee	
23	Permittee shall properly maintain all machinery to prevent spills and leaks of fuels, lubricants, or other fluids. 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 of Approval – Hazardous Waste	Entire Project	Permittee	
24	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 of Approval – CDFW Access	Entire Project	Permittee	
25	The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or this MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition of Approval – Notification of Non-compliance	Entire Project	Permittee/ Designated Representative/ Designated Biologist	
26	<p>The Designated Biologist(s) shall be on-site daily when Covered Activities occur. The Designated Biologist(s) shall conduct compliance inspections to:</p> <ol style="list-style-type: none"> (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. <p>The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP. After initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) are completed a Designated Biologist(s) shall be on-site a minimum of once a week to conduct compliance inspections. In addition to the compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by this ITP are conducted at the frequencies (i.e., interval, time(s) of day, following weather events) required by other specific Conditions of Approval.</p>	ITP Condition of Approval – Compliance monitoring	Entire Project On-site Daily A minimum of once a month after initial ground disturbance, vegetation removal, clearing.	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in the Condition of Approval Compliance Monitoring into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program by the 7th calendar day following the reporting month. At the time of this ITP's approval, the CDFW Regional Representative is Jackson Powell (Jackson.Powell@wildlife.ca.gov), the Regional Office email is R4CESA@wildlife.ca.gov and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition of Approval – Monthly Compliance Report	Entire Project No more than 7 days after the end of each month	Permittee	
28	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 Monthly Compliance Reports; (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 this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Headquarters CESA Program, and Regional Representative.	ITP Condition of Approval – Annual Status Report	Entire Project No later than January 31 of every year	Permittee	
29	The Designated Biologist(s) 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(s) 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 of Approval – CNDDDB Observations	Entire Project Within 60 calendar days	Permittee	
30	Permittee shall immediately notify the Designated Biologist(s) if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist(s) or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email to the CDFW's Regional Office (R4CESA@wildlife.ca.gov) and CDFW Representative (Jackson.Powell@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, name of the CDFW approved facility where the animal was taken, and this ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition of Approval – Notification of Take or Injury	Entire Project	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	A Designated Biologist(s) shall be on-site daily during initial vegetation removal, clearing, and grubbing activities. Vegetation shall be removed incrementally, by hand/using hand tools (e.g., loppers, clippers, pruners) to the maximum extent feasible from top to bottom, and power tool blades shall be set no lower than 4 inches to allow the Designated Biologist 100 percent visual coverage to inspect the area under vegetation for any individuals of the Covered Species and animal burrows/crevices. If the Covered Species or animal burrows/crevices are found, the Designated Biologist and Project workers shall immediately cease all Covered Activities in the vicinity. If the Covered Species is found, the Designated Biologists shall relocate Covered Species from the Project Area in accordance with the CDFW-approved Mortality Reduction and Relocation Plan. If any animal burrows/crevices are found, the Designated Biologist shall implement burrow/crevice avoidance per Condition of Approval Flagging and Avoidance of Burrows and Crevices or excavate the burrow/crevice per Condition of Approval Burrow and Crevice Excavation. The individual of the Covered Species must be moved out of harm's way or the burrow/crevice must be avoided or excavated prior to recommencing activities under the direction of the Designated Biologist.	ITP Condition of Approval – Vegetation Removal	Entire Project	Permittee/ Designated Biologist	
32	The Designated Biologist(s) shall check the Covered Species exclusion fence and refuge areas (e.g. cover boards) daily during initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) at the beginning of each workday. After initial ground disturbance and during periods of inactivity, the Designated Biologist(s) shall check the Covered Species exclusion fence a minimum of once a week during the wet season, daily following rain events, and frequencies in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan for refuge checks during the dry season. If Covered Species are found within the interior fence or refuge areas, the Designated Biologist(s) shall relocate them in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition of Approval – Covered Species Exclusion Fence Inspection	Entire Project Daily A minimum of once a month after initial ground disturbance, vegetation removal, clearing, and grubbing.	Permittee/ Designated Biologist	
33	Permittee shall maintain and repair the CTS exclusion fence. Repairs shall be made within 48 hours of any discovery that repairs are necessary. Permittee shall ensure that the Covered Species exclusion fence remains in place and supported sufficiently to maintain its integrity under all conditions such as wind and heavy rain. Permittee shall remove all Covered Species exclusion fencing immediately upon completion of Covered Activities.	ITP Condition of Approval - Covered Species Exclusion Fence Repair and Removal	Entire Project	Permittee	
34	The Permittee and Designated Biologist(s) shall monitor the National Weather Service 72-hour forecast for the Project Area. Permittee shall cease all Covered Activities in the Project Area where initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) has yet to occur during rainfall and/or when a 50 percent or greater chance of rainfall is predicted within 72 hours. Permittee may continue Covered Activities 24 hours after rainfall ceases and there is a zero percent chance of rainfall in the 72-hour forecast. Where initial ground disturbance has already occurred, Permittee may continue Covered Activities during rainfall only if the Project Area has been previously disturbed and the Project Area (or areas approved by CDFW per a Covered Species Exclusion Fencing Plan) is surrounded by Covered Species exclusion fencing that is in good repair and being properly maintained (see Condition of Approval Covered Species Exclusion Fence Installation).	ITP Condition of Approval - Rain Forecast	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
35	Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and quarried material will not pass into Covered Species aquatic breeding habitat, or into any other "Waters of the State". Permittee shall protect stockpiles appropriately to prevent soil erosion. Permittee shall stockpile all materials and equipment in a manner that discourages Covered Species' use. In all locations, bundled or loose materials shall not be placed directly on the ground. These materials shall be elevated to discourage use by Covered Species. Permittee shall not place materials outside of the Project Area and staging/stockpile areas (see Condition of Approval Staging Areas).	ITP Condition of Approval - Soil Stockpiles and Borrow Area Material	Entire Project	Permittee	
36	The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations daily and at the beginning of each day during initial ground disturbance (vegetation removal, clearing, grubbing, and excavation) for any Covered Species that may be trapped. The Designated Biologist(s) shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are temporarily or permanently backfilled. If any Project workers discovers that Covered Species have become trapped at any point, Project workers shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move to a safe location, unimpeded, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition of Approval - Open Excavations	Entire Project Daily until initial ground disturbance, vegetation removal, clearing, and grubbing, and after the temporary water diversion system has been completely installed Immediately before all open holes, sumps, trenches, and other excavations are backfilled	Permittee/ Designated Biologist	
37	Permittee shall ensure that all open holes, sumps, trenches, and other excavations are covered or escape ramps are provided to prevent inadvertent entrapment of Covered Species. At the end of each working day, Project workers shall cover all open holes, sumps, trenches, and other excavations of any depth that have sidewalls greater than 1:1 (45 degree) slope with barrier material (e.g., plywood). Permittee shall ensure the outer two feet of the cover shall conform to solid ground so that gaps do not occur between the cover and the ground. Permittee shall ensure covers form a complete seal around any pipes or other components and secured to prevent gaps such that Covered Species are unable squeeze under the cover. If any open holes, sumps, trenches, and other excavations cannot be covered, Permittee, in consultation with Designated Biologist(s) shall provide at least one escape ramp constructed of earthen fill or a non-slip wooden plank with a less than 1:1 (45 degree) slope for each open hole, sump, trench, or other excavation. If a situation is encountered that this measure does not anticipate and alternative methods of preventing entrapment in open holes, sumps, trenches, and other excavations are warranted, Permittee shall request and obtain CDFW's written approval prior to implementing the alternative. The Designated Biologist(s) shall inspect the integrity of covers and escape ramps to ensure that covers and ramps are in good condition, secured, and with no gaps.	ITP Condition of Approval - Covers and Ramps	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	Project workers shall inspect under vehicles and equipment for Covered Species before the start of each workday and before vehicles and equipment are moved for any Covered Species that may be utilizing the equipment as temporary shelter. If any Project worker discovers a Covered Species, the Project worker shall notify the Designated Biologist(s). Project workers and the Designated Biologist(s) shall allow the Covered Species to move to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move the Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition of Approval - Vehicle and Equipment Inspection	Entire Project	Permittee	
39	Permittee shall ensure that all pipes, hoses, conduit, culverts, or similar materials stockpiled or installed in the Project Area be capped or otherwise enclosed at the ends to prevent entry by the Covered Species. Project workers shall thoroughly inspect all construction pipe, culverts, or other similar structures with a diameter of one inch or greater that are stored for one or more overnight periods for Covered Species before the object is subsequently moved, buried, or capped. If during inspection, an individual of the Covered Species is discovered inside a pipe, culvert, or similar structure, the Project worker shall immediately cease all Covered Activities in the vicinity which could injure or kill the Covered Species and notify the Designated Biologist(s). Covered Species shall be allowed to escape unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move Covered Species out of harm's way outside of the Project Area and in accordance with the CDFW-approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition of Approval - Pipes and Other Structures Entrapment Prevention	Entire Project	Permittee	
40	During all Covered Activities within the Project Area, all Project workers shall inform the Designated Biologist(s) if a Covered Species is observed within or near the Project Area. All work in the vicinity of the observed Covered Species, which could injure or kill the animal, shall cease immediately until it moves from the Project Area of its own accord, or the Designated Biologist(s) relocates the Covered Species following the CDFW approved Covered Species Mortality Reduction and Relocation Plan.	ITP Condition of Approval - Covered Species Observations	Entire Project	Permittee/ Designated Biologist	
41	The Designated Biologist(s) shall maintain a record of all Covered Species handled and relocated. For each Covered Species handled and relocated, the Designated Biologist(s) shall report the following information: (1) date, time, and location (Global Positioning System (GPS) coordinates and maps) of capture and/or observation as well as release, if applicable; (2) the name of the party that identified the Covered Species; (3) circumstances of the incident; (4) the general condition and health, noting all visible conditions including gait and behavior, ectoparasites, injuries, etc.; (5) any diagnostic markings, sex, age (juvenile or adult); (6) actions undertaken; (7) habitat description; and (8) ambient temperature when handled, released, and or observed. Covered Species handling and relocation records shall be included in the required Monthly Compliance Reports and ASRs. In addition, the Designated Biologist(s) shall submit this information to CDFW's CNDDDB required by Condition of Approval CNDDDB Observations.	ITP Condition of Approval - Record of Covered Species Handling and Relocation	Entire Project	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	If a Covered Species is injured as a result of Project related activities, the Designated Biologist(s) shall immediately take it to the CDFW approved wildlife rehabilitation or veterinary facility per the CDFW approved Covered Species Mortality Reduction and Relocation Plan. Permittee shall bear any costs associated with the care or treatment of such injured Covered Species. The Designated Biologist(s) or Designated Representative shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report required by Condition of Approval Notification of Take or Injury.	ITP Condition of Approval - Covered Species Injury	Entire Project	Permittee/ Designated Biologist	
43	The Designated Biologist(s) and Designated Monitor(s) shall follow the Fieldwork Code of Practice developed by the Declining Amphibian Populations Task Force at all times (see Attachment 3) to ensure that disease is not conveyed outside of the Project Area. The Designated Biologist(s) and Designated Monitor(s) may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. The Designated Biologist(s) and Designated Monitor(s) shall take care so that all traces of the disinfectant are removed before entering the next aquatic habitat.	ITP Condition of Approval - Fieldwork Code of Practice	Entire Project	Permittee/ Designated Biologist	
44	Permittee shall restrict all Project activities to daylight hours defined as that daytime period between sunrise and sunset except to conduct any emergency work where potential for harm to persons, property, or the environment exists and requires expedited action to remedy the situation to avoid such risks. Permittee shall notify CDFW and the Designated Biologist of emergency activities as soon as possible and in accordance with the CDFW-approved Mortality Reduction and Relocation Plan. The first day that it is safe to enter the emergency work area, the Designated Biologist shall conduct compliance inspections in accordance with Condition of Approval Compliance Monitoring.	ITP Condition of Approval – Work Timing	Entire Project	Permittee	
45	Permittee shall properly dispose of organic material and debris off site. Permittee shall not broadcast vegetation that will be removed, use organic material as mulch or ground cover, or otherwise placed on top Covered Species habitat anywhere within or adjacent to the Project Area. All non native plants that are removed shall be bagged and disposed off site.	ITP Condition of Approval – Disposal of Organic Material	Entire Project	Permittee	
46	Permittee shall submit a final seed mix to CDFW for review and approval prior to hydroseeding within the Project Area. Permittee shall restore all areas temporarily impacted within the Project Area to approximate original grade and revegetate all areas temporarily impacted with the CDFW-approved Final Seed Mix to approximate pre-Project conditions.	ITP Condition of Approval - Restoration of Temporary Impacts	Submit a Seed Mix to CDFW for review and written approval prior to restoration/ hydroseeding	Permittee	
47	Permittee shall not use pesticides including but not limited to herbicides, rodenticides, and insecticides within the Project Area for the term of this ITP. If pesticides must be used, Permittee shall consult with CDFW and obtain written approval from CDFW before any pesticide use.	ITP Condition of Approval - Herbicide/ Pesticide Use Prohibited	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
POST-CONSTRUCTION					
48	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition of Approval - Refuse Removal	Upon completion of Covered Activities	Permittee	
49	No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist(s) 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 this 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; (8) GIS data files depicting the total extent of permanent and temporary disturbance associated with the Project; and (9) any other pertinent information.	ITP Condition of Approval - Final Mitigation Report	No later than 45 days after completion of all mitigation measures	Permittee	
50	CDFW accepts as complete the Permittee's <u>Final Mitigation Report</u> required by this ITP.		Upon completion of Covered Activities	CDFW	

Biologist Resume Submittal Cover Sheet

Project Name: Turnout on the Friant Kern Canal at Big Dry Creek

ITP Number: 2081-2024-067-04

****Please submit each resume as a separate file. Use of this cover sheet will expedite CDFW review.**

****Please provide the names of up to ten individuals in the order you would like CDFW to review for approval.**

Number of resumes included in Transmittal: _____

	Name	Requested Role ¹	Covered Species	COA #(s) to implement (Monitor only) ²
1		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
2		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
3		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
4		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
5		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
6		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
7		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
8		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
9		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		
10		<input type="checkbox"/> Designated Biologist <input type="checkbox"/> Designated Monitor <input type="checkbox"/> Both		

Reviewed and submitted by: _____ **Date:** _____
Permittee or Designated Representative

¹ Requested roles correspond to the biological staffing requirements indicated in the Incidental Take Permit (ITP). Roles may include a "Designated Biologist" with the necessary experience to survey for special-status species or a "Designated Monitor" with the necessary experience to monitor construction activities for special-status species. More than one role may be requested for an individual.

² Please contact the Regional Representative specified in the ITP with any questions about the Condition of Approval numbers for Designated Monitors.

***** Please Note: While use of this form is not mandatory, CDFW strongly recommends completing this form as it will ensure the receipt of adequate information and expedite CDFW review of biologist's qualifications. By submitting your resume for review and approval, you are acknowledging that you have received a copy of the ITP, have read it, and understand the role of a Designated Biologist (DB) and Designated Monitor (DM) and the responsibilities of a DB or DM required by the ITP. *****

Name of Biologist & Contact Information

Education: (include year graduated)

Training/Workshops: (be prepared to provide copies of certificates upon request; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Certifications: (please provide any copies of a CDFW Scientific Collecting Permit, MOU, or USFWS 10(a)(1)(A)) permit; these should be related to the Covered Species (or similar species) in the Incidental Take Permit)

Species Name #1: (Example: California Tiger Salamander)

Project Name #1 (list the information below for all projects (separately) where biologist worked with this species; projects may be listed more than once under each separate species and please only include projects on the resume that demonstrate experience with the Covered Species (or similar species) in the ITP)

Location:

Project date completed: To and from date (month and year)

Incidental Take Permit (ITP) # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

Species Name #2: (Example: Similar or related species to CTS)

Project Name #1 (list the information below for all projects (separately) where the biologist worked with this species)

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #2

Location:

Project date completed: To and from date

Incidental Take Permit # (and Other Agency Permits):

Lead biologist Information: Name and contact information (phone number and email address)

Reference: Name and contact information, if different from above (phone number and email address)

Work description:

Estimated Survey Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows excavated:

Project Name #3 ...

Include any other relevant experience with the Covered Species (or related species) or implementation of Conditions of Approval in the ITP (for example: species relocation, etc.)

The Declining Amphibian Task Force Fieldwork Code of Practice

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

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

Attachment 4

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

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

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

15. This Credit may not be transferred.
16. This Credit is subject to the International Standby Practices 1998 ("ISP 98"). As to matters not covered by the ISP 98 and to the extent not inconsistent with the ISP 98, this credit shall be governed by and construed in accordance with the 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

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