



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

California Endangered Species Act
Incidental Take Permit No. 2081-2025-028-04

**FORT ORD REGIONAL TRAIL AND GREENWAY,
CALIFORNIA AVENUE SEGMENT PROJECT**

I. Authority:

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

Permittee:	Transportation Agency for Monterey County
Principal Officer:	Janneke Strause, Senior Transportation Planner
Contact Person:	Janneke Strause, (831) 775-4410
Mailing Address:	55-B Plaza Circle Salinas, California 93901

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, 2034**.

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.

III. Project Location:

The Fort Ord Regional Trail and Greenway (FORTAG), California Avenue Segment Project (Project) is located in the City of Marina (Figure 1). The Project is a part of the larger California State University, Monterey Bay (CSUMB) Loop North Segment of FORTAG, which is a 28-mile multi-use trail network that, once complete, will generally encircle the cities of Seaside, Del Rey Oaks, Monterey, and CSUMB (Figure 2). The Project will occur along California Avenue and is generally bounded by California Road, Imjin Parkway, Imjin Road,

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.

9th Street, and 8th Street (Figure 3). The Project crosses Assessor Parcel Numbers (APN) 031-201-005-000, 031-251-014-000, 031-101-055-000, and 031-201-013-000. The Project between California Avenue and Imjin Road is open/undeveloped and contains existing equestrian and pedestrian trails. All other areas of the Project are located within existing development or disturbed areas. The Project's proposed 4.6-acre mitigation area is located immediately adjacent to the Project, west of Imjin Road, and within APN 031-101-055-000 (Figure 8).

IV. Project Description:

The Project will construct a 1.4-mile, 16-foot-wide bicycle and pedestrian path. The bicycle/pedestrian path will be 12 feet wide asphalt or concrete with 2-foot-wide aggregate base or gravel shoulders on both sides. Project construction will include clearing and grubbing vegetation; scarifying existing ground surfaces; grading; placing aggregate base, asphalt, and concrete; constructing stormwater infiltration basins; installing fences, signs, lighting, trail amenities, traffic control and safety features; salvaging top soil; landscaping; hydroseeding; and restoration of areas that will be temporarily impacted by the Project. The Project area encompasses 7.4 acres consisting of 3.0 acres that will be permanently impacted and 4.4 acres that will be temporarily impacted (Figure 4).

Bicycle/Pedestrian Path

Starting just north of Patton Parkway, the Project will replace existing sidewalks along the west side of California Avenue. South of Patton Parkway, the bicycle/pedestrian path will be constructed along the northwest side of California Avenue. At the intersection of Imjin Parkway and California Avenue, the bicycle/pedestrian path will cross to the east side of California Drive and continue south adjacent to California Drive. North of the intersection of California Avenue and 8th Street, the bicycle/pedestrian path will turn east, across an undeveloped parcel towards Imjin Road, where the bicycle/pedestrian path will cross Imjin Road at street level to another undeveloped parcel to the east of Imjin Road. The bicycle/pedestrian path will be composed of a 3-inch layer of asphalt concrete over a 4-inch aggregate base. The Project will require approximately 90,000 square feet (2,000 tons) of asphalt and 20,000 square feet (400 cubic yards) of concrete. The maximum excavation depth is approximately 6 feet and the maximum fill depth is approximately 9 feet. The bicycle/pedestrian path will have a maximum longitudinal slope of 5 percent and a maximum cross slope of 2 percent. Prior to construction, the top 6 inches of native soil in high quality habitat areas will be salvaged and stockpiled, and will be used for restoration of areas temporarily impacted by the Project (see 'Hydroseeding and Restoration of Temporary Impacts', below).

Drainage Features

The Project will install one stormwater infiltration basin that will be located within existing development along the south side of California Avenue in front of the Equestrian Center south of DX Drive. Activities will include removal of existing curb and gutter or asphalt, recompacting subgrade, and installing form boards for the concrete pour. Drainage will occur via sheet flow across the completed bicycle/pedestrian path surface to adjacent pervious

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areas. Where this is infeasible, swales will be constructed parallel to the bicycle/pedestrian path, but they will not be engineered stormwater features. Swales will be rough graded and fine grading will occur once the bicycle/pedestrian path or hardscape is complete.

Utilities

The Project will not require gas, telecommunication, or sanitary sewer connections, and will avoid modifying or relocating above-ground utilities where feasible. Minor lowering of one electrical transmission line and one gas line may be needed within the footprint of the bicycle/pedestrian path. Two existing fire hydrants will be relocated within existing development closer to the road shoulder at the south side of California Avenue in front of the Equestrian Center north of 9th Street and south of DX Drive and in this area the waterline will be capped with concrete underneath the path footprint. The Project will relocate one existing recycled water blowoff to the bikeway/pedestrian path shoulder near California Avenue and 9th Street. The Project will require potable water connections for one hydration station (see 'Bicycle/Pedestrian Path Amenities', below), which will be a 1-inch domestic line installed at a depth of 36 inches and routed under the bicycle/pedestrian path. In addition, irrigation lines will be installed to service three permanent ornamental landscaped areas (see 'Landscaping', below).

Fencing and Retaining Walls

The Project will install approximately 9,350 linear feet of temporary Environmentally Sensitive Area fencing during Project construction. Permanent fencing will be installed where necessary to protect habitats with sensitive species, to provide a guardrail for safety, and to re-establish access control at private property. The Project will install 240 linear feet of retaining wall under 3 feet tall, 150 linear feet of equestrian fence, approximately 2,460 linear feet of chain-link fence, and 190 linear feet of 3-rail metal guardrail (Figure 4). Sixty (60) square yards of rock slope protection (RSP) will be relocated. Trimming of vegetation within a maximum 4-foot-wide temporary disturbance footprint (2 feet on either side of the chain link fencing) will be required to install approximately 2,460 linear feet of chain link fencing. Vegetation trimming will include removing surface growth using hand tools such as loppers, machetes, and shovels for light brush, and power equipment such as string trimmers, brush cutters, or chainsaws for heavier vegetation. Small shrubs and roots will be grubbed out with shovels or mattocks. Cleared material will be piled, chipped, or hauled off as required, and the ground along the fence line will be typically smoothed and lightly compacted to provide a stable working surface for layout and post installation, with attention to minimizing erosion and wind-blown sand after clearing. The chain link fence will be constructed by first laying out the fence line with measuring tools, stakes, and string, then excavating post holes using manual diggers or power augers. Sand spoils will be hauled off. Concrete will be poured in the holes, which will likely be brought on site via a small self-propelled concrete buggy that will stay within the temporary disturbance footprint or via concrete sacks (Sakrete). Footings will measure 10 inches in diameter. Fence posts will be set in the wet concrete and allowed to cure. After posts are installed, a continuous top rail will be attached, the chain link fabric will be unrolled and stretched using a pull bar and come along, and then secured to posts and rails with tension bands and ties. Final stabilization will include a bottom tension wire or

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similar restraint to limit movement in sand, with basic hand tools such as levels, wrenches, pliers, and bolt cutters used throughout to ensure alignment, proper tension, and a clean finish. The trimming of vegetation and installation of chain link fence is estimated to take place over a three-week period.

Permanent Signage and Lighting

The Project will install wayfinding and interpretive signage throughout the bikeway/pedestrian path at junction points, trailheads, viewpoints, and intersections. Signage will be provided at key locations, including near trash receptacles, reminding bikeway/pedestrian path users to pick up after their pets and stay on designated trails to avoid sensitive vegetation communities. The Project will install permanent lighting fixtures adjacent to California Avenue to improve the safety of pedestrians and cyclists (Figure 4). There will be minimal or no permanent lighting fixtures in open space areas.

Bicycle/Pedestrian Path Amenities

The Project will include amenities such as rest areas, viewpoint, benches, trash receptacles, bicycle racks, and hydration stations. Amenity areas will be located adjacent to the bicycle/pedestrian path access points and key viewpoints. Most amenity areas will be constructed with a stabilized decomposed granite surface, with the exception of one amenity plaza to be set on top of concrete near the intersection of Patton Parkway. The Patton Parkway amenity plaza will provide accessible seating, bicycle racks, a hydration station, and waste and recycling receptacles.

Landscaping

Three permanent ornamental landscaped areas will be installed along California Avenue at Patton Parkway, 9th Street, and 8th Street, and will include water efficient native plant species such as common yarrow (*Achillea millefolium*), California sagebrush (*Artemisia californica*), Anchor Bay Point Reyes ceanothus (*Ceanothus gloriosus*), and coast buckwheat (*Eriogonum latifolium*). Irrigation lines will be installed and used only in these three landscaped areas.

Hydroseeding and Restoration of Temporary Impacts

Upon completion of the Project and as soon as possible, areas temporarily impacted by the Project will be revegetated. Salvaged top soil will be spread across the areas temporarily impacted. Then, the temporarily impacted areas will be hydroseeded to restore native habitat and to adhere to Storm Water Pollution Prevention Plan (SWPPP) requirements. No irrigation lines will be installed at temporarily impacted areas that will be restored.

Staging Areas and Haul Routes

Project staging area will be located on existing pavement and disturbed areas on the CSUMB campus (Figure 5). In addition, roadway shoulders will be used for construction staging where parking lots or paved areas are not available adjacent to the work site. Staging areas will include stockpiling areas, equipment refueling areas, equipment cleaning areas, concrete washouts, and construction access points to 8th Street. Haul routes will include California Avenue (north and south) to Imjin Parkway (west).

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Equipment

The Project will use large construction equipment including trail dozers, skid steers, narrow track loaders, rollers, augers, and vibrating plate compactors. Specialized narrow-width equipment will be used in sensitive areas to minimize the construction footprint and Project impacts.

Construction Schedule

The Project is anticipated to take 250 days over two construction seasons. Construction will be restricted to daylight hours between 7am and 7pm, Monday through Saturday, and between the hours of 10am and 7pm on Sunday and holidays. During daylight saving time, the Project will use headlights and overhead lights to complete construction activities. Construction will occur in multiple phases so only portions of the Project are worked on at one time.

After Project construction is complete, the 1.4-mile bicycle/pedestrian path will be open to the public 24 hours daily, and will be owned, maintained, and operated by the City of Marina in a maintenance agreement between TAMC and the City of Marina. The bicycle/pedestrian path will only be for bicyclists and pedestrians; motor vehicle use will be prohibited. Maintenance activities will include, but not limited to, maintaining the bikeway/pedestrian path; sweeping sand off the bikeway/pedestrian path with a sweeping vehicle; removing trash and debris; repairing fencing; removing/re-painting of graffiti; maintaining landscaped areas; maintaining the stormwater infiltration basin; and conducting visual inspections of the condition of bikeway/pedestrian path amenities. This Project does not include maintenance of the Project after Project construction is completed by the Permittee. This ITP does not permit take or impacts to Monterey gilia and habitat that may occur incidental to maintaining the 1.4-mile bicycle/pedestrian path and amenities.

Habitat Restoration/Enhancement of 4.6 acres of Habitat Management (HM) lands

Permittee will restore and enhance 4.6 acres of HM lands located immediately adjacent to the Project (Figure 8). Habitat restoration/enhancement activities will primarily consist of non-native, invasive plant removal in maritime chaparral. The 4.6-acre HM lands will be permanently protected and managed in perpetuity.

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
Monterey gilia (<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>)	Threatened ⁴

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

³Under 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 § 670.2, subd. (b)(12)(A).

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 ground disturbance and earthwork including scarifying, scraping, excavating, grading, digging, trenching, demolition, backfilling, compacting, drilling, and placing aggregate base, asphalt, and concrete; clearing, grubbing, cutting, and removing vegetation; top soil salvage; stockpiling and placing soils and materials; operating, staging, and laying down equipment and vehicles; construction worker access and foot traffic; constructing and relocating utilities, drainage features, curbs, and gutters; removal of existing man-made features such as signs, abandoned fencing, guardrails, and bollards; dust control; erosion control; landscaping; installation of irrigation; hydroseeding; installing and removing fencing and signage; and habitat restoration including habitat restoration/enhancement in the HM lands required by this ITP (Covered Activities). Maintenance of the 1.4-mile bikeway/pedestrian path including amenity areas after Project construction is complete is outside the scope of the Covered Activities under this ITP thus maintenance is not included in this take authorization.

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a result of Covered Activities such as burying, covering, trampling, or crushing the Covered Species as a result of ground disturbance and earth work; placement of aggregate base, asphalt, and concrete; placement of erosion control measures; salvage and placement of topsoil; operation of equipment and vehicles, Project worker ingress and egress, and erosion of substrates supporting individuals of the Covered Species, resulting in loss of Covered Species, suppressing the germination of Covered Species rendering Covered Species seeds inviable, and preventing Covered Species propagules from completing or transitioning to the next phase of its lifecycle. The areas where authorized take of the Covered Species is expected to occur include the 7.4-acre Project site and staging areas (collectively, the Project Area).

Table 1. Project impacts on suitable habitat for the Covered Species (acres).

Vegetation Community	Permanent Impact	Temporary Impact
Sandmat manzanita chaparral	0.3	0.51
Open sand	0.08	0.05
Brittle leaf and woolly leaf manzanita chaparral	0.57	1.36
Chamise chaparral	0.09	0.11
Coast live oak woodland	0.45	0.90
Monterey cypress/Monterey pine woodland	0.17	0.34
Ice plant mats	0.18	0.35
Total	1.85[^]	3.62

[^]Total includes 0.01 acre (622 square feet) resulting from the installation of concrete footings associated with the chain link fencing.

The Project is expected to cause the permanent loss of **1.85 acres** of habitat for the Covered Species and temporary loss of **3.62 acres** of habitat for the Covered Species for a total of 5.47 acres (Table 1). The Project Area overlaps with Covered Species Occurrence #31 documented in the California Natural Diversity Database (CNDDDB) which is an extant Covered Species population (Figure 6). Occurrence #31 includes nine polygons representing locations of individuals of the Covered Species observed generally at California Avenue, Imjin Parkway, between 8th Street and 9th Street, and east of Imjin Road. Occurrence #31 was documented in the early 1990s as part of a flora and fauna baseline study of the former Fort Ord Army Base. Hereafter, individuals of the Covered Species observed, means observation of the Covered Species visible above-ground in its vegetative and/or flowering states. In 1993, 698 individuals of the Covered Species were observed in Occurrence #31. In 2009, approximately 30 individuals of the Covered Species were observed in a small portion of Occurrence #31. Project-specific Covered Species surveys conducted in spring 2024 observed 608 individuals of the Covered Species, and in spring 2025, observed 100 individuals of the Covered Species near the intersection of Imjin Parkway and Imjin Road. Individuals of the Covered Species observed during Project-specific surveys are within the geographic range of Occurrence #31. Although the Project was designed to avoid areas where individuals of the Covered Species have been observed, the Project will impact suitable habitat for the Covered Species that may support the Covered Species seed bank.

The Covered Species is known from coastal dune systems of dune scrub and coastal sage scrub, and open sand in maritime chaparral along the southern portion of Monterey Bay and inland throughout areas occupied by the former Fort Ord Army Base. In the Project Area, there are seven vegetation communities/habitat types that could support individuals of the Covered Species: sandmat manzanita chaparral (*Arctostaphylos pumila*), open sand, brittle leaf-woolly leaf manzanita chaparral (*Arctostaphylos crustacea-Arctostaphylos tomentosa* ssp. *tomentosa*), chamise chaparral (*Adenostoma fasciculatum*), coast live oak woodland (*Quercus agrifolia*), Monterey cypress/Monterey pine woodland (*Hesperocyparis macrocarpa/Pinus radiata*), and ice plant mats (*Carpobrotus* genus) (Figure 7). Sandmat manzanita chaparral could support areas of open sand suitable for the Covered Species. Brittle leaf-woolly leaf manzanita chaparral, chamise chaparral, coast live oak woodland, Monterey cypress/pine woodland, and ice plant mats are relatively too densely vegetated due to closed shrub and/or tree canopy, however, may contain open sand suitable for the Covered Species. Although individuals of the Covered Species have not been observed within the Project Area in its vegetative and/or flowering states, the Covered Species could persist in the form of seeds below-ground where there is suitable habitat within the Project Area. The Covered Species is present year-round as dormant seeds in the seed bank. Living seeds of the Covered Species are known to remain ungerminated in the soil in some years due to weather conditions (USFWS 2020, Fox et al. 2005). Adverse conditions from yearly weather patterns, for example periods of drought, may cause Covered Species presence and abundance in its vegetative and flowering states to be highly variable and not evident and identifiable every year. Where the individuals of the Covered Species have previously been observed and documented in its vegetative and flowering states, all areas around the occurrence where there is suitable habitat likely contain the Covered Species.

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Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, habitat degradation and fragmentation, edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include causing soil erosion and degradation of soil quality in suitable habitat adjacent to the bicycle/pedestrian path once complete due to runoff and pollutants from impervious surfaces; introduction, spread, and persistence of non-native, invasive plants such as annual grasses that compete with the Covered Species for space and resources as a result of Project-construction related soil disturbance, lack of perpetual management of areas disturbed by the Project (i.e., areas of temporary impact), changes to habitat conditions that favor non-native plants (e.g., moist soils adjacent to the bicycle/pedestrian path, continuous soil disturbance resulting from edge effects), and bicycle/pedestrian path users as vectors for spreading non-native plants; and long-term effects on the Covered Species and suitable habitat adjacent to the bicycle/pedestrian path due to trampling, increasing public use in areas supporting the Covered Species and habitat, shifting public use patterns to areas supporting individuals of the Covered Species and habitat not currently subject to the effects of trampling by equestrians, pedestrians, and bicyclists, facilitating the creation of social trails that can lead to trampling of the Covered Species and habitat, introduction of pathogens that can result in mortality of vegetation, trash/litter deposited by bicycle/pedestrian path users intentionally deposited in Covered Species habitat or carried by winds into adjacent Covered Species habitat, off-leash dogs and pet waste, illegal dumping, excessive debris, illegal camping, vandalism, habitat fragmentation caused by permanent development that bisects Covered Species habitat, disruption of processes that are critical for Covered Species survival and reproduction (e.g., seed germination, growth, reproduction, and dispersal), reduced connectivity between different Covered Species populations, and habitat degradation through spread of non-native, invasive plants, and modifying habitat conditions that favor successional species that compete with the Covered Species for resources, colonize open sand, inhibit the natural processes that create open spaces where the Covered Species grows, blocks wind driven seed dispersal, and overall degrades habitat suitability for the Covered Species.

The Project's permanent impacts on the Covered Species and habitat, indirect effects on the Covered Species and habitat, long-term effects on the Covered Species and habitat, and cumulative effects due to habitat loss and degradation necessitates permanent protection and perpetual management of compensatory habitat to provide for the conservation of the Covered Species. The restoration of areas temporarily impacted by the Project will minimize impacts on the Covered Species and habitat, however, the areas temporarily impacted will not be permanently protected nor managed in perpetuity.

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

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activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

VIII. Conditions of Approval:

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

1. **Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2019060053) certified by the Transportation Agency for Monterey County (TAMC) on March 25, 2020, as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), and the Addendum to the Environmental Impact Report approved by TAMC on December 3, 2025.
3. **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.
4. **General Provisions:**
 - 4.1. 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.
 - 4.2. Designated Biologist(s)/Designated Monitor(s). 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 the Covered Species’ biology and natural history, collecting and handling of the Covered Species (if necessary), 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 the 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.

- 4.3.** Designated Biologist and/or Designated Monitor Authority. To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with this ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 4.4.** Education Program. Permittee shall provide an education program for all persons employed or otherwise working in the Project Area before they can perform any work. The education program shall be provided to any new workers before they are authorized to perform work in the Project Area. The education program shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The education program shall consist of a presentation from the Designated Biologist that includes: (1) a discussion of the biology and life history 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 education program, employees/workers shall sign a form stating they attended the education program and understand all protection measures.

- 4.5.** Construction Monitoring Documentation. The Designated Biologist(s) and Designated 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.
- 4.6.** 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. Permittee shall remove all trash from the Project Area at the end of Covered Activities.
- 4.7.** 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. Dust palliatives shall not be used in the Project Area without prior review of the chemical composition and written approval for use by CDFW.
- 4.8.** Erosion Control. Permittee shall prohibit use of erosion control materials such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. This includes photodegradable or biodegradable synthetic netting. 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. Permittee is prohibited from using chemical soil stabilizers, soil amendments, fertilizers, or supplements to establish soil stabilization.
- 4.9.** Delineation of Work Area Boundaries. A Work Area is defined as an area where Covered Activities will occur in the Project Area including access points, access/haul routes, and staging/storage areas. Before starting Covered Activities in a Work Area, Permittee shall clearly delineate the boundaries of the Work Area where Covered Activities are planned to occur in the immediate future with high-visibility fencing and signs. Permittee shall restrict all Covered Activities to areas within the fenced Work Area boundary. Permittee shall maintain materials used to delineate the Work Area in effective condition for the duration of Covered Activities and ensure that materials are supported sufficiently to maintain its

effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate the Work Area within 24 hours of discovery that repairs are necessary. Permittee shall remove all materials used to delineate the Work Area upon completion of Covered Activities in the Work Area or removed if approved in advance and in writing by CDFW. Permittee shall delineate the boundaries of the Work Area associated with installation of the chain link fencing in accordance with Condition of Approval Chain Link Fencing Installation, below.

- 4.10. Delineation of Habitat.** Before starting Covered Activities in a Work Area, Permittee shall clearly delineate the Covered Species and habitat adjacent to the Project Area with high-visibility posted signs, stakes, flags, and/or rope or cord, and place fencing as necessary to prohibit Covered Activities from occurring where the Covered Species occurs. Permittee shall maintain materials used to delineate habitat in effective condition for the duration of Covered Activities in the Work Area and ensure that materials are supported sufficiently to maintain its effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate habitat within 24 hours of discovery that repairs are necessary. Permittee shall remove all materials used to delineate habitat upon completion of Covered Activities in the Work Area or removed if approved in advance and in writing by CDFW.
- 4.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description, and shall not cross Covered Species' habitat and HM lands outside of or enroute to the Project Area. Project-related personnel shall **not** cross Covered Species' habitat in between the Work Area associated with the chain link fencing and the Work Area associated with construction of the bikeway/pedestrian path to go between Work Areas. Project-related personnel shall follow the 4-foot-wide temporary disturbance footprint along the length of the chain link fencing to be installed for ingress and egress. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. 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, if among other reasons, if additional take of Covered Species or Covered Species habitat impacts will occur as a result of the Project modification.
- 4.12. Staging Areas.** Permittee shall confine all Project-related parking (machinery, equipment, vehicles), storage areas, laydown sites, equipment fueling and maintenance, concrete washouts, and any other surface-disturbing activities to the staging area identified in the Project Description or using, to the extent possible, paved areas or roadway shoulders adjacent to the Project Area. Permittee shall move and store machinery, equipment, vehicles outside of the Project Area and into designated staging areas at the end of each work day and during periods of inactivity. Additionally, Permittee shall not use or cross Covered Species' habitat

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outside of the marked Project Area unless provided for in accordance with Condition of Approval Project Access.

- 4.13. Refueling and Alternative Fuels.** Permittee shall refuel equipment and machinery in designated Staging Areas. Permittee shall use alternative fuels (e.g., compressed natural gas, propane, electricity, biofuel) to operate Project construction equipment when feasible.
- 4.14. Hazardous Waste.** Permittee shall properly maintain all machinery to prevent spills and leaks. 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 not store or handle hazardous materials in the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.
- 4.15. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 4.16. Fire Prevention.** Permittee shall implement fire prevention measures during Covered Activities, including, but not limited to: (1) equipping all motorized vehicles with spark arrestors when working in designated State Responsibility Areas; (2) ensuring water-filled backpack pumps, shovels, shields, and fire-resistant mats and/or windscreens are available on site during grinding and welding operations; (3) prohibiting welding operations during “red flag” conditions as determined by the California Department of Forestry and Fire Protection; (4) equipping all fuel trucks with an appropriate fire extinguisher; and (5) ensuring that flammable materials are cleared from parking and staging areas.
- 4.17. Nighttime Lighting.** Permittee shall avoid nonessential nighttime lighting (30 minutes before sunset and 30 minutes after sunrise) and limit the use of artificial nighttime lighting while conducting Covered Activities. Permittee shall ensure that all nighttime lighting (e.g., headlights and overhead lights) are cast downward and directed away from surrounding habitat and open space, reduced in intensity to the greatest extent possible, and does not result in lighting trespass, including glare, into surrounding habitat and open space or upward into the night sky.
- 4.18. 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.

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5. Notification and Reporting Provisions:

- 5.1. Notification Before Commencement. The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities associated with each Project phase/Work Area and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.
- 5.2. 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.
- 5.3. Geographic Information Systems Data Files. Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for both permanent and temporary impacts authorized under this ITP. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.
- 5.4. Compliance Monitoring and Inspections. The Designated Biologist shall be on site **daily** to conduct compliance monitoring during delineation of Work Area Boundaries, Avoidance Buffers, and Covered Species habitat; Top Soil Salvage; and initial ground disturbing and vegetation/tree removal activities. In addition, the Designated Biologist shall be on site **daily** to monitor initial ground disturbing and vegetation/tree removal activities, laying out the fence line, and post hole excavation associated with installation of the chain link fencing. If Covered Activities occur in more than one Work Area simultaneously, the Designated Biologist(s) shall be present on site at all Work Areas to conduct compliance monitoring. The Designated Biologist shall conduct compliance monitoring and inspections to:
- (1) minimize incidental take of the Covered Species;
 - (2) prevent unlawful take of species;
 - (3) check for compliance with all measures of this ITP;
 - (4) check all exclusion zones; and
 - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist shall prepare written records summarizing oversight activities, observations of Covered Species and

their sign, survey results, and monitoring/inspection activities required by this ITP. After the Work Area Boundaries, Avoidance Buffers, and Covered Species habitat have been delineated, Top Soil Salvage, and after initial ground disturbing and vegetation/tree removal activities are complete in the Work Area, the Designated Biologist(s) shall conduct compliance inspections a minimum of **once a week** including during periods of inactivity. If the period of inactivity occurs for more than 30 days, the Designated Biologist shall conduct compliance inspections a minimum of **once a month** during the period of inactivity. The Designated Biologist shall be on site **daily** to conduct compliance monitoring during return/application of salvaged top soil and restoration of temporary impacts in accordance with the Condition of Approval Habitat Restoration Plan for Temporary Impact Areas. Eventually, CDFW may approve in writing periodic inspections once Covered Activities associated with the restoration of temporary impacts are ongoing and more routine in nature. To reduce compliance monitoring, Permittee shall submit a written request to CDFW, including any additional information CDFW requests to demonstrate that Covered Activities associated with the restoration of temporary impacts are on-going and more routine in nature. In addition to compliance monitoring and inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other monitoring and 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.

- 5.5. Monthly Compliance Report.** Permittee shall provide CDFW with Monthly Compliance Reports (MCR) no more than 10 days after the end of each month. The Designated Representative or Designated Biologist shall compile the observation and inspection records required by Condition of Approval Compliance Monitoring and Inspections into an MCR and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall also include: (1) Covered Activities which occurred during the month; (2) an accounting of the number of acres subject to both temporary and permanent disturbance by the Project both for the month if applicable and the total since ITP issuance; (3) the number of acres of impacts anticipated to occur during the next month if applicable; and (4) a summary of all compliance monitoring conducted during the month. MCRs shall be submitted to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov with a copy to CDFW's Regional Representative Ruby Kwan (RubyKwan@wildlife.ca.gov) and Headquarters CESA Program (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.

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- 5.6. 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 MCRs for the prior calendar year; (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 MMRP table with notes showing the current implementation status of each mitigation measure; (4) a summary of restoration activities in areas temporarily impacted by the Project and total acreage restored; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) 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 (8) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program.
- 5.7. CNDDDB Observations.** If any individuals of the Covered Species are observed in the Project Area during Covered Activities, the Designated Biologist shall submit all observations of the Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next MCR or ASR, whichever is submitted first relative to the observation.
- 5.8. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all MCRs and all ASRs; (2) a copy of the MMRP table with notes showing when each of the mitigation measures was implemented; (3) a summary of restoration activities in areas temporarily impacted by the Project and total acreage restored; (4) all available information about Project-related incidental take of the Covered Species; (5) information about other Project impacts on the Covered Species; (6) beginning and ending dates of Covered Activities; (7) 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; (8) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (9) any other pertinent information.
- 5.9. Notification of Take or Damage.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or damaged by a Project-related activity, or if a Covered Species is otherwise found damaged in the vicinity of the Project Area. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (559) 243-4005 and by email

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to the CDFW's Regional Office (R4CESA@wildlife.ca.gov) and CDFW's Regional Representative (Ruby.Kwan@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location and number of Covered Species taken or damaged 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 Covered Species, explanation as to cause of take or damage, provide a photograph if possible, and any other pertinent information.

6. 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:

6.1. Habitat Restoration Plan for Temporary Impact Areas. Before starting Covered Activities, Permittee in consultation with the Designated Biologist shall submit a Habitat Restoration Plan for Temporary Impact Areas to CDFW for review and approval. The Habitat Restoration Plan for Temporary Impact Areas shall provide specifications for activities to restore suitable habitat for the Covered Species in the Project Area including, but not limited to, the following: (1) map(s) showing areas to be restored; (2) goals, measurable objectives, and success criteria (e.g., native plant cover, open sand cover, species composition) and information on appropriate reference site(s); (3) top soil salvage (and sand spoils, if appropriate) methods including (a) location(s) where soil will be salvaged, (b) current (i.e., pre-Project) native plant species composition where top soil will be salvaged, (c) location(s) where salvaged top soil will be stored, (d) methods for covering and maintaining salvaged top soil, (e) a plan for regular monitoring of salvaged top soil for individuals of the Covered Species, and (f) location(s) where salvaged top soil will be used for restoration; (4) methods for hydroseeding and installation of container plants; (5) species list for the seed mix and container plants; (6) seed/plant sources and measures to ensure seeds/plants are disease and pest free; (7) timing and frequency for application of salvaged top soil, hydroseeding, and planting; (8) measures to avoid impacts to the Covered Species and habitat outside of the Project Area during restoration activities; (9) a minimum 5-year monitoring and maintenance plan including invasive, non-native species control; (10) monitoring methods to determine whether restoration goals, objectives, and success criteria are being met; (11) remedial measures and adaptive management; and (12) plan for regular reporting of restoration activities to CDFW and notifying CDFW of completion of restoration activities. Once the Habitat Restoration Plan for Temporary Impact Areas is approved, it shall be used for the duration of this ITP. Any proposed changes shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Habitat Restoration Plan for Temporary Impact Areas modifications.

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- 6.2. Weed Management Plan.** Before starting Covered Activities, Permittee shall submit a Weed Management Plan to CDFW for review and approval. The Weed Management Plan shall provide specifications for activities to control non-native, invasive plants in the Project Area including, but not limited to, the following: (1) list of target non-native, invasive species; (2) methods and frequency for early detection and control of each target species using primarily hand removal methods; (3) disposal method(s) to avoid introducing or spreading non-native, invasive species within or adjacent to the Project Area; and (4) Best Management Practices (BMPs) before and during Covered Activities to avoid and minimize spread of non-native, invasive plants. Once the Weed Management Plan is approved by CDFW, it shall be used for the duration of this ITP. Any proposed changes shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Weed Management Plan modifications.
- 6.3. Covered Species Avoidance Buffer.** Before starting Covered Activities in the Work Area, Permittee shall clearly delineate a minimum 50-foot avoidance buffer around Covered Species in the Project Area. Permittee shall completely encircle Covered Species and habitat. Permittee may use the fencing that delineates the Work Area in part to encircle Covered Species and habitat where a complete 50-foot avoidance buffer is not feasible. Permittee shall strictly prohibit Covered Activities within the avoidance buffer. Permittee shall install signs to inform Project workers about the avoidance buffer, Covered Species, and to prohibit entry into the avoidance buffer. Permittee shall maintain materials used to delineate the avoidance buffer in effective condition for the duration of Covered Activities in the Work Area and ensure that materials are supported sufficiently to maintain its effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate the avoidance buffer within 24 hours of discovery that repairs are necessary. Permittee shall remove avoidance buffers upon completion of Covered Activities in the Work Area.
- 6.4. California Avenue Segment Permanent Fencing Plan.** Within **90 days** of starting Covered Activities, Permittee shall submit a California Avenue Segment Permanent Fencing Plan to CDFW for review and approval. The California Avenue Segment Permanent Fencing Plan shall apply at a minimum to portions of the bikeway/pedestrian path bounded by California Drive, 9th Street, 8th Street, and Imjin Road and a portion of the bikeway/pedestrian path located along California Avenue (west) between Marina Heights Drive and Imjin Parkway and adjacent to individuals of the Covered Species. The California Avenue Segment Permanent Fencing Plan shall include, but not be limited to, the following: (1) alignment/location of permanent fencing, signage, and access gate(s) (if applicable); (2) total linear feet of fencing; (3) design, materials, spacing, and specifications; and (4) installation methods. Permittee shall obtain CDFW's approval of the California Avenue Segment Permanent Fencing Plan before

installing permanent fencing, signage, and access gate(s)/point(s) pursuant to Condition of Approval Install Permanent Fencing below.

- 6.5.** Top Soil Salvage. After delineating the Work Area and Covered Species Habitat in accordance with Conditions of Approval Delineation of Work Area Boundaries, Delineation of Habitat, and Covered Species Avoidance Buffer but before starting Covered Activities in the Work Area, Permittee shall salvage topsoil to preserve any seedbank of the Covered Species in accordance with the CDFW-approved Habitat Restoration Plan for Temporary Impact Areas.
- 6.6.** Weed Prevention and Control. Before starting Covered Activities in the Work Area, Permittee shall decontaminate all equipment, machinery, tools, and vehicles in designated Staging Areas to prevent and minimize the spread of non-native, invasive plant seeds and materials in accordance with the CDFW-approved Weed Management Plan. Permittee shall ensure that all equipment, machinery, tools, and vehicles are free of mud, soil, organic material, and debris. Permittee shall prevent and control the spread of non-native, invasive plants during Covered Activities in accordance with the CDFW-approved Weed Management Plan.
- 6.7.** Vegetation Removal and Disposal of Organic Material. Permittee shall properly dispose of organic material, sand spoils, and debris off site. Permittee shall require any chipped material be chipped directly into a containment vessel (e.g., chip truck) and hauled off site. Permittee shall not broadcast vegetation that will be cleared, grubbed, cut, limbed, felled, or otherwise removed; use chipped material, leaves, or needles as mulch or ground cover; or place vegetation and sand spoils on top native soils and suitable habitat for the Covered Species anywhere within or adjacent to the Project Area. Permittee shall fall trees away from Covered Species individuals and away from areas outside of the Project Area. Permittee shall fall trees away from Covered Species habitat within the Project Area to the maximum extent feasible. Permittee may use sand spoils to restore areas of temporary impacts only with approval in advance in writing from CDFW.
- 6.8.** Narrow-Width Equipment. Permittee shall use specialized narrow-width equipment to the maximum extent feasible when conducting Covered Activities in the portion of the Project bounded by California Drive, 9th Street, 8th Street, and Imjin Road.
- 6.9.** Chain Link Fencing Installation. Permittee and Designated Biologist shall ensure that Covered Activities stay completely within the 4-foot-wide temporary disturbance footprint along the length of the chain link fencing to be installed. Before starting Covered Activities, the Designated Biologist shall place high-visibility stakes and/or flagging (e.g., pin flags, flagging tape tied to wooden stakes) at evenly spaced intervals to delineate the Work Area associated with chain link fencing installation. Permittee shall completely encircle the Work Area. Permittee may use the fencing that delineates the immediately adjacent Work Area in part to encircle the chain link fencing Work Area. The Designated Biologist shall monitor

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installation of the chain link fencing in accordance with Condition of Approval Compliance Monitoring and Inspection. Permittee shall remove all materials used to delineate the Work Area upon completion of Covered Activities in the Work Area.

- 6.10. High Wind.** Permittee shall not conduct ground-disturbing and hydroseeding activities during periods of high wind over 15 miles per hour measured from at least 3 feet above ground. This condition applies to Covered Activities occurring in the Project Area bounded by California Drive, 9th Street, 8th Street, and Imjin Road. If an unexpected circumstance is encountered where ground-disturbing and/or hydroseeding activities must occur during periods of high wind, Permittee shall notify and consult with CDFW and obtain CDFW's written approval prior to implementing ground-disturbing and/or hydroseeding activities.
- 6.11. Soil and Material Stockpiles.** Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and material will not pass into "Waters of the State." Permittee shall protect stockpiles appropriately to prevent soil erosion during all weather conditions. Permittee shall stockpile salvaged top soil in accordance with the CDFW-approved Habitat Restoration Plan for Temporary Impact Areas. The Designated Biologist shall inspect the salvaged topsoil for any individuals of the Covered Species at frequencies in accordance with the CDFW-approved Habitat Restoration Plan for Temporary Impact Areas.
- 6.12. Herbicides.** Permittee shall not use herbicides in the Project Area unless approved by CDFW as part of CDFW's approval of the Habitat Restoration Plan for Temporary Impact Areas and Weed Management Plan.
- 6.13. Restore Areas Temporarily Impacted.** Permittee shall restore areas temporarily impacted by the Project to suitable habitat for the Covered Species in accordance with the CDFW-approved Habitat Restoration Plan for Temporary Impact Areas. Permittee shall ensure that seeds and container plants used for restoration consist of appropriate native species to restore suitable habitat for the Covered Species. Permittee is prohibited from using ornamental plant species/varieties to restore temporarily impacted areas.
- 6.14. Install Permanent Fencing.** Permittee shall install permanent fencing and signage to prevent trespass, off-trail use, and formation of social trails in areas adjacent to the bikeway/pedestrian path supporting the Covered Species and suitable Covered Species habitat in accordance with the CDFW-approved California Avenue Segment Permanent Fencing Plan.
- 6.15. Boundary Survey.** Permittee shall complete a boundary survey of the Project bounded by California Drive, 9th Street, 8th Street, and Imjin Road after Project construction is completed. Permittee shall consult with CDFW prior to conducting the boundary survey to identify which feature(s) and in which area(s) should be included in the survey (i.e., bike/pedestrian path, fencing, viewpoint, etc.).

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Permittee shall submit to CDFW the boundary survey in a format acceptable to and as specified by CDFW to be included in the Habitat Management (HM) lands final management plan pursuant to Condition of Approval Start-up Activities below.

6.16. Restricted Access to Habitat Management Lands. Before starting Covered Activities, Permittee shall fence the proposed 4.6-acre HM lands pursuant to Condition of Approval Start-up Activities below to prevent trespassing. Permittee shall consult with CDFW on the alignment/location of fencing, signage, and access gate(s) (if applicable); design, materials, spacing, and specifications; and installation methods. Permittee shall obtain CDFW’s approval of fencing before installing fencing, signage, and access gate(s) **and** before starting Covered Activities.

7. Habitat Management Land Acquisition and Restoration: CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result 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 both the permanent protection and perpetual management of **4.6 acres** of HM lands within APN 031-101-055 pursuant to Condition of Approval Habitat Management Lands Acquisition and Protection below and the calculation and deposit of the management funds pursuant to Condition of Approval Endowment Fund below **before starting Covered Activities**. In addition, Permittee shall restore and enhance habitat for the Covered Species within the 4.6 acres of HM lands pursuant to Condition of Approval Habitat Restoration and Enhancement below.

The Permittee is proposing to provide for both the permanent protection and perpetual management of 4.6 acres of HM lands within the approximately 26-acre parcel 031-101-055 (‘Property’) owned by the City of Marina (City). The City is proposing to permanently protect the balance of the Property as part of the City’s strategy to mitigate for impacts to Monterey gilia incidental to build-out of the City. The Project is located within the City, is adjacent to future City-wide development projects, and will impact the same species (Monterey gilia) and habitat types. To maximize the conservation values for Monterey gilia, the Permittee and City seek to manage the HM lands for Monterey gilia associated with the Project and a future City-wide ITP in an integrated and consistent manner by merging the management plans and endowments for these two separate permit obligations. CDFW agrees that HM lands for Monterey gilia within the City should be managed in an integrated and coordinated manner if possible. The Permittee and City shall adopt a comprehensive management plan for HM lands for Monterey gilia and CDFW agrees the endowments which will fund the perpetual management of HM lands

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for Monterey gilia be merged for all purposes, including management, investment, expenditures, and reporting. CDFW will construe HM lands for Monterey gilia to be a single property; for that reason, Government Code sections 65965(a) and 65966(b)(1) will not preclude the merger of endowments.

All of the conditions of this ITP and future City-wide ITP that apply to the HM lands, including those set forth in the MMRP, shall be binding upon both the Permittee and City. Notwithstanding California Civil Code section 1431 or any other provision of law, the Permittee and City are jointly and severally liable for providing and maintaining security in accordance with HM land requirements of this ITP and future City-wide ITP and for performance of all other HM lands terms, conditions, and obligations of this ITP and future City-wide ITP, including, but not limited to, those set forth in the attached MMRP. Any failure by the Permittee or City, to comply with any term, condition, or obligation applicable to the HM lands requirement of this ITP and future City-wide ITP shall be deemed a failure to comply by both the Permittee and City.

CDFW has conceptually agreed to the appropriateness of the proposed 4.6 acres of HM lands for the Project provided that it supports individuals of the Covered Species and is located in proximity to land that is already permanently protected and perpetually managed for the Covered Species (Figure 8). During a site visit with the Permittee on June 2, 2025, CDFW observed the Covered Species within the proposed 4.6-acre HM lands in the form of individuals of the Covered Species that previously completed its lifecycle. Habitat restoration and enhancement through demonstrable reductions or control of non-native, invasive plants such as ice plant, eucalyptus, Monterey pine, and Monterey cypress will result in ecological lift for the Covered Species within the proposed 4.6-acre HM lands by removing species that outcompete with the Covered Species for space and resources, colonize and inhibit natural processes that create open sand where the Covered Species grows, blocks wind driven seed dispersal, and degrade habitat quality and suitability for the Covered Species. The permanent protection, perpetual management, and restoration/enhancement of habitat for the Covered Species within the proposed 4.6-acre HM lands is consistent with the recovery criteria for the Covered Species within Occurrence #31 (aka 'Imjin Road' site) per the U.S. Fish and Wildlife Service 5-Year Review of the Covered Species (September 2020). The proposed 4.6-acre HM lands compensate for the permanent loss of habitat for the Covered Species as a result of the Project. The Permittee must also mitigate for the Project's effects on the Covered Species and habitat within the remainder of the Property (see '*Impacts of the Propose Taking on the Covered Species*' above). Compared to current (i.e., pre-Project) conditions, the Project will develop new multipurpose uses within the Property, resulting in potential effects including but not limited to trash/litter, erosion, illegal dumping, illegal camping, and vandalism that could impact the Covered Species and habitat for the lifetime of the Project. Where these effects may occur adjacent to the proposed 4.6-acre HM lands, it could impair or interfere with its protection and preservation. Ultimately, the entire Property will be permanently conserved as part of the City's mitigation strategy as discussed above, however, it is unknown when the remainder of the Property will be

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permanently protected and managed, leaving the 4.6-acre HM lands susceptible to these effects if/when they occur and are unmanaged elsewhere within the Property. Therefore, CDFW has determined that a conservation easement must be recorded in order for CDFW to conceptually agree to the proposed 4.6-acre HM lands, for the ecological defensibility of the proposed 4.6-acre HM lands, and for the Permittee to fully mitigate the Project's impacts on the Covered Species.

Before starting Covered Activities, Permittee must complete the following:

(1) Provide permanent protection and funding as follows:

- i. Permittee shall complete Conditions of Approval Fee Title, Conservation Easement, HM Lands Approval, HM Lands Documentation, and Land Manager, below, for the entire Property **and**,
- ii. Permittee shall complete Conditions of Approval Start-up Activities, Interim Management (Initial and Capital), and Endowment Fund, below, for 4.6 acres of HM lands **and** Permittee shall endow funds to pay for the interim and/or long-term costs to administer the conservation easement over the remainder of the Property that may impair or interfere with the conservation of the 4.6-acre HM lands, Covered Species, and Covered Species habitat within the Property.

AND

(2) Provide Security per Condition of Approval Security below for uncompleted obligations before Covered Activities begin and in the event that Permittee fails to complete Conditions of Approval Install Permanent Fencing, Boundary Survey, and Habitat Restoration and Enhancement below to ensure that Project-related impacts of the taking on the Covered Species are minimized and fully mitigated.

Permittee must complete protection and funding and provide Security as required above before starting Covered Activities. Permittee does not need to begin, be in the process of, or have completed initial habitat restoration/enhancement pursuant to Conditions of Approval Start-up Activities and Habitat Restoration and Enhancement before starting Covered Activities. In other words, Covered Activities may begin before initial habitat restoration/enhancement activities begin in the 4.6 acres of HM lands. However, even if Security is provided before starting Covered Activities, Permittee must complete Condition of Approval Monterey Gilia Mitigation and Monitoring Plan within **30 days** of starting Covered Activities **and** before starting initial habitat restoration or enhancement.

7.1. Cost Estimates. For the purposes of determining the Security amount for uncompleted obligations before Covered Activities begin, CDFW has estimated the cost sufficient for CDFW or its contractors and to restore/enhance 4.6 acres of

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habitat for the Covered Species, install permanent fencing, and conduct a boundary survey:

- 7.1.1. Restoration and enhancement costs included but are not limited to cost of removing non-native, invasive plants and trees, disposal, mapping, monitoring, report writing, and mileage estimated at **\$175,000** for the 4.6 acres of HM lands.
- 7.1.2. Install permanent fencing, estimated at **\$64,000** for 5,100 linear feet including cost estimates for signage.
- 7.1.3. Conduct a boundary survey of the Project including but not limited to the bike/pedestrian path, viewpoint, fencing, and landscape area(s) located within the Property estimated at **\$10,000**.
- 7.1.4. All costs associated with CDFW engaging an outside contractor to install fencing and complete the restoration/enhancement of habitat for the Covered Species. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work, estimated at **\$25,000**.

7.2. Habitat Management Lands Acquisition and Protection. To provide for the acquisition, permanent protection, and perpetual management of 4.6 acres of HM lands and/or the Property as described in accordance with Condition of Approval Habitat Management Land Acquisition and Restoration above, the Permittee shall complete the following:

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

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approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.

- 7.2.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species.
- 7.2.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.
- 7.2.5. Land Manager. Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.

Permittee shall restore/enhance habitat for the Covered Species and meet success criteria in accordance with the CDFW-approved Monterey Gilia Mitigation and Monitoring Plan before the interim/long-term land manager assumes responsibility of the HM lands. CDFW shall determine whether the Permittee has met success criteria in accordance with the CDFW-approved Monterey Gilia Mitigation and Monitoring Plan.

- 7.2.6. Start-up Activities. Permittee shall implement start-up activities, including the initial site protection, restoration, and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>);

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(2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if required by CDFW; (4) establishing initial fencing and signage; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement pursuant to Condition of Approval Habitat Restoration and Enhancement.

7.2.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following Start-up Activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, species monitoring, site monitoring, vegetation and invasive species management.

Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

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

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

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

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

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

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

7.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in

calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.

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

7.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.

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

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

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

7.4.4. Management of the Endowment. The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with this ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.

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

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

- 7.5. 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.
- 7.6. Habitat Restoration and Enhancement.** Permittee shall restore/enhance habitat for the Covered Species within the 4.6-acre HM lands to achieve ecological lift for the Covered Species by removing non-native, invasive plants such as ice plant, eucalyptus, Monterey pine, and Monterey cypress that outcompete with the Covered Species for space and resources, colonize open sand, inhibit natural processes that create open sand where the Covered Species grows, blocks wind driven seed dispersal, and degrade habitat quality and suitability for the Covered Species.
- 7.6.1. Monterey Gilia Mitigation and Monitoring Plan.** Within **30 days** of starting Covered Activities **and** before starting initial habitat restoration/enhancement in HM lands, the Permittee in consultation with the Designated Biologist shall submit a Monterey Gilia Mitigation and Monitoring Plan (MGMMP) to CDFW for review and approval. The MGMMP shall provide specifications for activities to restore/enhance habitat for the Covered Species in HM lands including, but not limited to, the following: (1) map(s) of area(s) to be restored/enhanced; (2) goals, measurable objectives, and success criteria; (3) description of the existing physical and biological conditions of the restoration/enhancement area(s); (4) list of (a) non-native, invasive plant species present and (b) target species; (5) removal/reduction of successional species and/or leaf litter (if necessary); (6) methods to control each non-native, invasive plant and native successional species (if necessary) using primarily hand removal methods (herbicide only if approved by CDFW); (7) disposal method(s) to avoid introducing or spreading non-native, invasive species; (8) measures to avoid and minimize impacts to the Covered Species during restoration/enhancement activities; (9) maintenance plan; (10) monitoring methods to determine whether goals, objectives, and success criteria are being met; (11) remedial measures and adaptive management; and (12) plan for regular reporting of restoration/enhancement activities to

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CDFW and notifying CDFW of the completion restoration/enhancement activities.

8. Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete activities that have not been completed before Covered Activities begin. Permittee shall provide Security as follows:

- 8.1. Security Amount.** The Security shall be in the amount of **\$274,000** specific to the obligations that have not been completed before starting Covered Activities. 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 restore/enhance habitat for the Covered Species, install permanent fencing to protect Covered Species and habitat, and to conduct a boundary survey of the Project in the event that Permittee fails to complete Conditions of Approval Install Permanent Fencing, Boundary Survey, and Habitat Restoration and Enhancement.
- 8.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.
- 8.3. 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.
- 8.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 8.5. Security Transmittal.** Permittee shall transmit security to CDFW by way of an approved instrument such as an irrevocable letter of credit, escrow agreement, or other.
- 8.6. 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 complete any of the following Conditions of Approval: Install Permanent Fencing, Boundary Survey, and Habitat Restoration and Enhancement.
- 8.7. 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:
 - Installation of permanent fencing in accordance with Condition of Approval Install Permanent Fencing.

- Receipt of a final survey of the Project within the Property in accordance with Condition of Approval Boundary Survey.
- Written documentation (e.g., a final report) that the Permittee has met performance standards specified in the CDFW-approved Monterey Gilia Mitigation and Monitoring Plan.

Even if Security is provided, the Permittee must complete the required acquisition, protection, and transfer of **4.6 acres** of HM lands and record any required conservation easements on the Property in accordance with Condition of Approval Habitat Management Land Acquisition and Restoration before starting Covered Activities, and complete Condition of Approval Monterey Gilia Mitigation and Monitoring Plan within 30 days of starting Covered Activities **and** before starting initial habitat restoration or enhancement within the 4.6-acre HM lands. 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.

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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 2081-2025-028-04 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:

Ruby Kwan
California Department of Fish and Wildlife
20 Lower Ragsdale Drive, Suite 100
Monterey, California 93940
(805) 748-3624
Ruby.Kwan@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, Transportation Agency of Monterey County (TAMC) (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the

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Project is set forth in the Fort Ord Regional Trail and Greenway Project EIR (SCH No.: 2019060053) dated November 2019 that the TAMC certified for the Fort Ord Regional Trail and Greenway Project on March 25, 2020, and Addendum to the EIR approved by TAMC on December 3, 2025. CDFW acting as responsible agency (CEQA Guidelines, § 15381) prepared and approved an Addendum to the EIR on April 27, 2026. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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, Fort Ord Regional Trail and Greenway Project EIR, Addenda to the EIR, site visits and consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA:

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) restoration/enhancement of habitat for the Covered Species that will be permanently protected; (3) establishment of avoidance zones; (4) worker education; and (5) 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 restoration/enhancement, protection, and management in perpetuity of **4.6 acres** of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality

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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	Regional Location Map
FIGURE 2	FORTAG Segments
FIGURE 3	California Avenue Segment
FIGURE 4	Project Features and Impacts
FIGURE 5	Staging Area
FIGURE 6	Covered Species Occurrences in the CNDDB
FIGURE 7	Vegetation Communities
FIGURE 8	Proposed Mitigation Area
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form for CESA Security

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XVI. References

Fox, L.R., Steele, H.N., Holl, K.D., Fusari, M.H. 2005. Contrasting demographics and persistence of rare annual plants in highly variable environments. *Plant Ecology*, 183: 157-170.

[USFWS] United States Fish and Wildlife Service. 2020. Monterey gilia (*Gilia tenuiflora* spp. *arenaria*) 5-Year Review: Summary and Evaluation. Ventura, California, USA.

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 4/28/2026


DocuSigned by:

FA83F09FE08945A...
Julie A. Vance, Regional Manager
Central Region

Figure 1 Regional Location Map



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23-14441 Bio
Fig 1 Project Overview

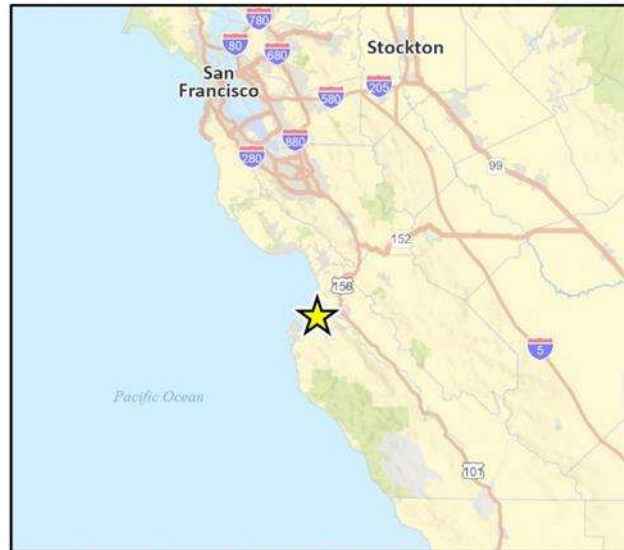


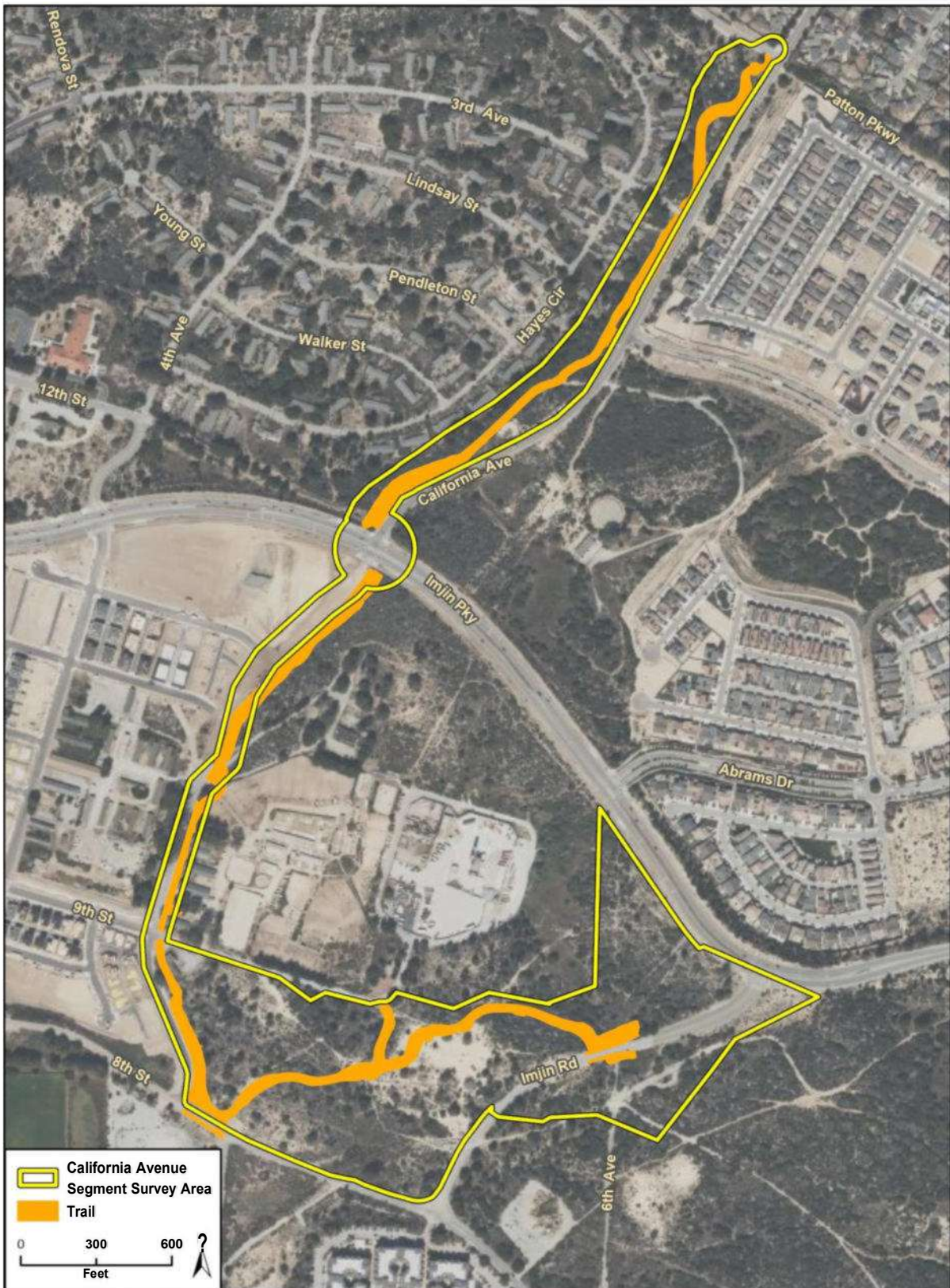
Figure 2 FORTAG Segments



Imagery provided by ESRI and its licensors © 2019.
Additional data provided by Alta Planning + Design, 2019.

Fig. 2-7 Trail Segments

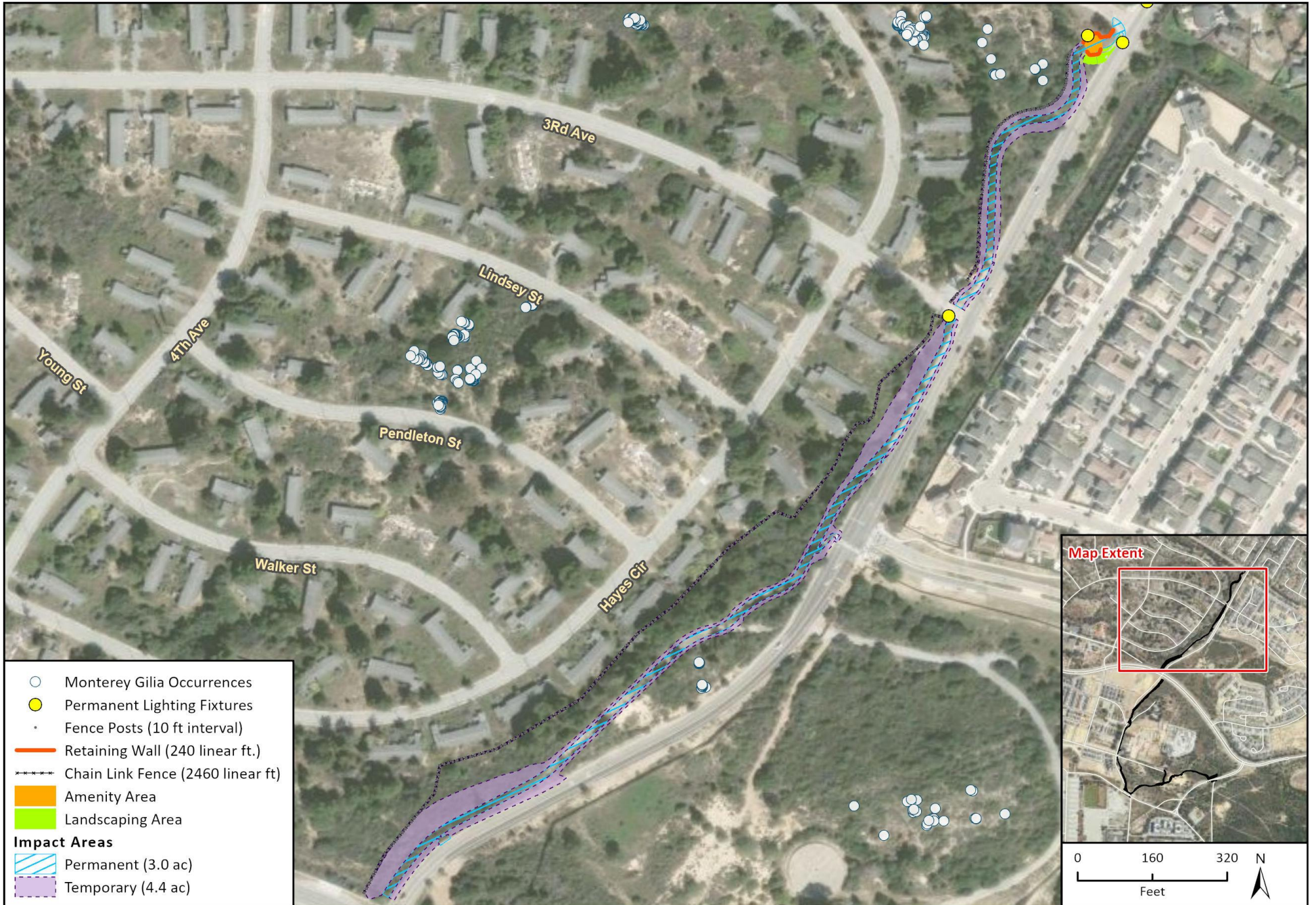
Figure 3 California Avenue Segment



Imagery provided by Microsoft Bing and its licensors © 2025.

03-14441-010
Fig X Project Area

Figure 4a Monterey Gilia Locations and Project Impacts



Imagery provided by Esri and its licensors © 2026.
 Monterey gilia source data provided by Rincon Consultants, Inc. 2019 and 2024, and GHD, 2025.

Figure 4b Monterey Gilia Locations and Project Impacts



Imagery provided by Esri and its licensors © 2026.

Monterey gilia source data provided by Rincon Consultants, Inc. 2019 and 2024, and GHD, 2025.

Figure 4c Monterey Gilia Locations and Project Impacts



Imagery provided by Esri and its licensors © 2026.

Monterey gilia source data provided by Rincon Consultants, Inc. 2019 and 2024, and GHD, 2025.

23-14441 Bio
Fig X Impacts and GHD Data

FORTAG California Avenue Segment - Construction Staging Area

Figure 5



Figure 6 Monterey Gilia Occurrences in the CNDDB

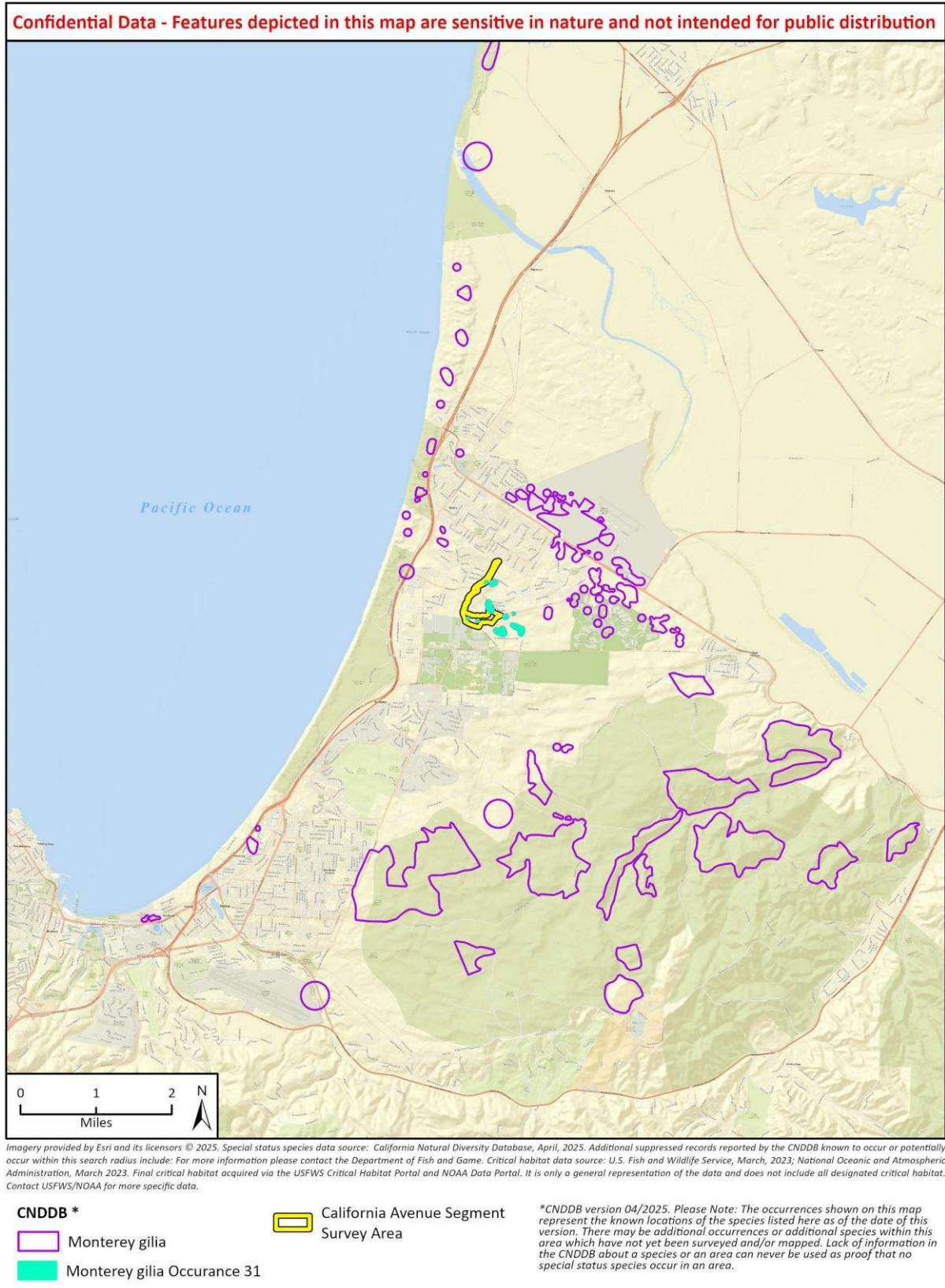
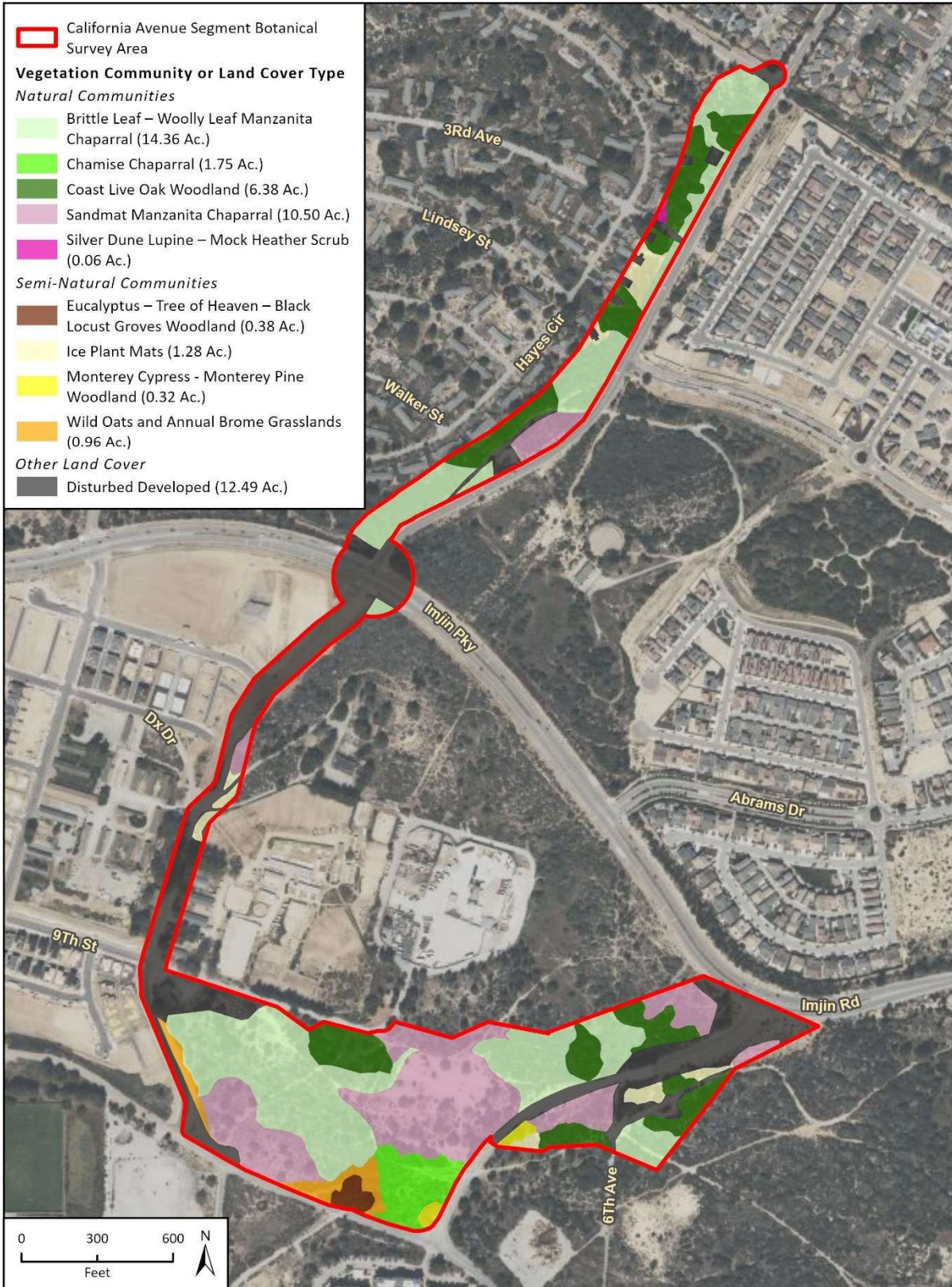
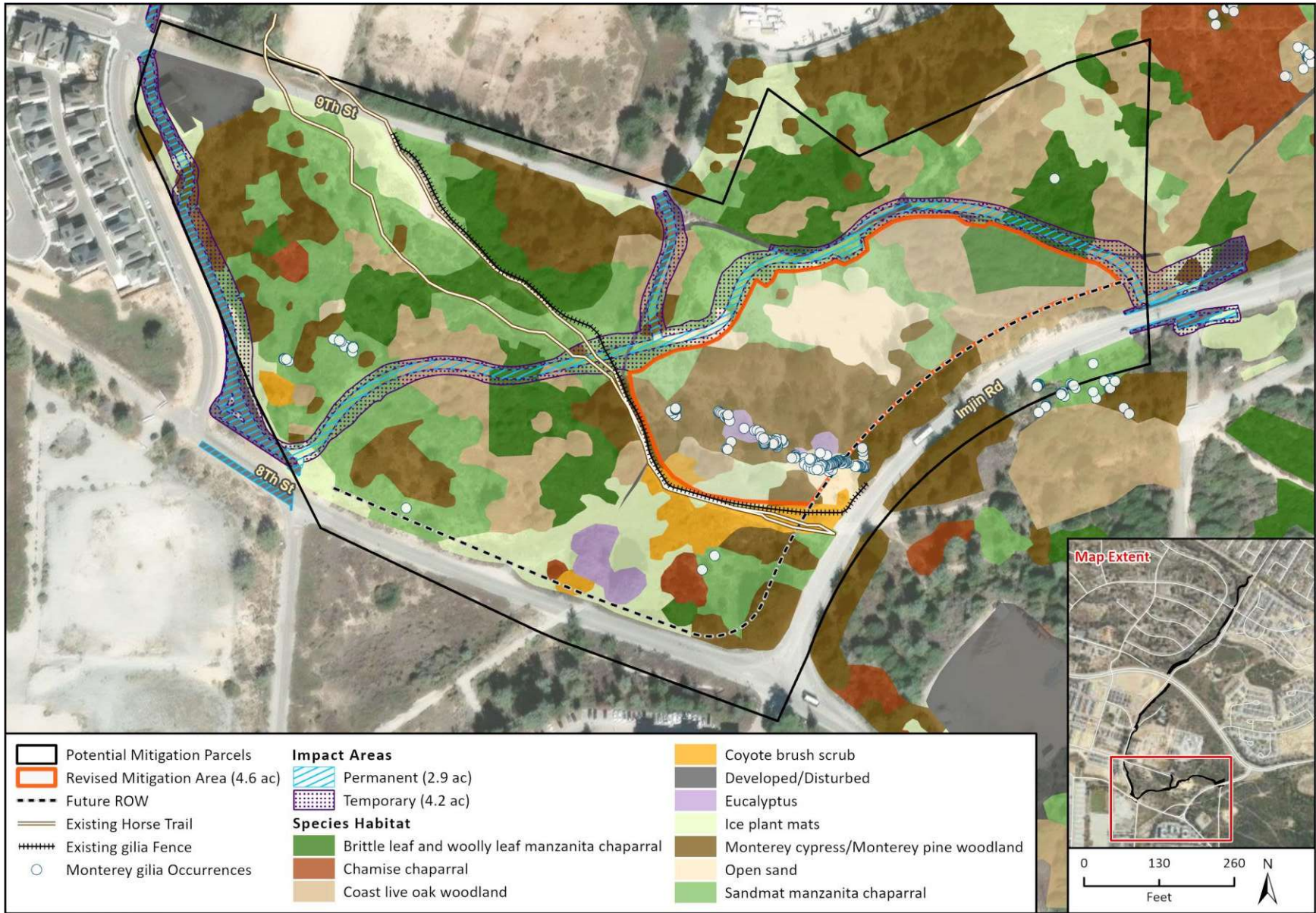


Figure 7 Vegetation Communities



Imagery provided by Microsoft Bing and its licensors © 2024.

Figure 8 Proposed Mitigation Area



Imagery provided by Esri and its licensors © 2025.

Monterey gilia source data provided by Rincon Consultants, Inc. 2019 and 2024 and Species Habitat provided by Fred Watson 2024.

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2025-028-04

PERMITTEE: Transportation Agency for Monterey County

**PROJECT: Fort Ord Regional Trail and Greenway, California
Avenue Segment Project**

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

BEFORE DISTURBING SOIL OR VEGETATION					
	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
1	Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition of Approval - <u>Designated Representative</u>	Before commencing ground- or vegetation-disturbing activities Entire Project Notify CDFW if/when a substitute Designated Representative is selected or identified	Permittee	
2	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 the Covered Species' biology and natural history, collecting and handling of the Covered Species (if necessary), 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 the 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.	ITP Condition of Approval - <u>Designated Biologist(s)/ Designated Monitor(s)</u>	At least 30 days before commencing ground- or vegetation-disturbing activities Entire Project Notify CDFW if/when Designated Biologist(s) or Designated Monitor(s) must be changed	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
3	Permittee shall provide an education program for all persons employed or otherwise working in the Project Area before they can perform any work. The education program shall be provided to any new workers before they are authorized to perform work in the Project Area. The education program shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The education program shall consist of a presentation from the Designated Biologist that includes: (1) a discussion of the biology and life history 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 the 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 education program, employees/workers shall sign a form stating they attended the education program and understand all protection measures.	ITP Condition of Approval - <u>Education Program</u>	Before workers/new workers can perform any work within the Project Site Entire Project Repeat training at least once annually	Permittee/ Designated Biologist	
4	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week. Permittee shall remove all trash from the Project Area at the end of Covered Activities.	ITP Condition of Approval - <u>Trash Abatement</u>	Before commencing ground- or vegetation-disturbing activities Entire Project Remove trash at daily intervals or at least once a week	Permittee	
5	A Work Area is defined as an area where Covered Activities will occur in the Project Area including access points, access/haul routes, and staging/storage areas. Before starting Covered Activities in a Work Area, Permittee shall clearly delineate the boundaries of the Work Area where Covered Activities are planned to occur in the immediate future with high-visibility fencing and signs. Permittee shall restrict all Covered Activities to areas within the fenced Work Area boundary. Permittee shall maintain materials used to delineate the Work Area in effective condition for the duration of Covered Activities and ensure that materials are supported sufficiently to maintain its effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate the Work Area within 24 hours of discovery that repairs are necessary. Permittee shall remove all materials used to delineate the Work Area upon completion of Covered Activities in the Work Area or removed if approved in advance and in writing by CDFW. Permittee shall delineate the boundaries of the Work Area associated with installation of the chain link fencing in accordance with Condition of Approval <u>Chain Link Fencing Installation</u> , below.	ITP Condition of Approval - <u>Delineation of Work Area Boundaries</u>	Before commencing ground- or vegetation-disturbing activities in a Work Area Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
6	Before starting Covered Activities in a Work Area, Permittee shall clearly delineate the Covered Species and habitat adjacent to the Project Area with high-visibility posted signs, stakes, flags, and/or rope or cord, and place fencing as necessary to prohibit Covered Activities from occurring where the Covered Species occurs. Permittee shall maintain materials used to delineate habitat in effective condition for the duration of Covered Activities in the Work Area and ensure that materials are supported sufficiently to maintain its effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate habitat within 24 hours of discovery that repairs are necessary. Permittee shall remove all materials used to delineate habitat upon completion of Covered Activities in the Work Area or removed if approved in advance and in writing by CDFW.	ITP Condition of Approval - <u>Delineation of Habitat</u>	Before commencing ground- or vegetation-disturbing activities in a Work Area Entire Project	Permittee	
7	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities associated with each Project phase/Work Area and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition of Approval - <u>Notification Before Commencement</u>	14 days before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Representative	
8	Before starting Covered Activities, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for both permanent and temporary impacts authorized under the ITP. The Permittee shall provide any additional GIS data files for the Project or related Covered Species features within 30 days of CDFW's request. All GIS data files shall be provided in a format acceptable to CDFW.	ITP Condition of Approval - <u>Geographic Information Systems Data Files</u>	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	Before starting Covered Activities, Permittee in consultation with the Designated Biologist shall submit a Habitat Restoration Plan for Temporary Impact Areas to CDFW for review and approval. The Habitat Restoration Plan for Temporary Impact Areas shall provide specifications for activities to restore suitable habitat for the Covered Species in the Project Area including, but not limited to, the following: (1) map(s) showing areas to be restored; (2) goals, measurable objectives, and success criteria (e.g., native plant cover, open sand cover, species composition) and information on appropriate reference site(s); (3) top soil salvage (and sand spoils, if appropriate) methods including (a) location(s) where soil will be salvaged, (b) current (i.e., pre-Project) native plant species composition where top soil will be salvaged, (c) location(s) where salvaged top soil will be stored, (d) methods for covering and maintaining salvaged top soil, (e) a plan for regular monitoring of salvaged top soil for individuals of the Covered Species, and (f) location(s) where salvaged top soil will be used for restoration; (4) methods for hydroseeding and installation of container plants; (5) species list for the seed mix and container plants; (6) seed/plant sources and measures to ensure seeds/plants are disease and pest free; (7) timing and frequency for application of salvaged top soil, hydroseeding, and planting; (8) measures to avoid impacts to the Covered Species and habitat outside of the Project Area during restoration activities; (9) a minimum 5-year monitoring and maintenance plan including invasive, non-native species control; (10) monitoring methods to determine whether restoration goals, objectives, and success criteria are being met; (11) remedial measures and adaptive management; and (12) Once the Habitat Restoration Plan for Temporary Impact Areas is approved, it shall be used for the duration of the ITP. Any proposed changes shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Habitat Restoration Plan for Temporary Impact Areas modifications.	ITP Condition of Approval - <u>Habitat Restoration Plan for Temporary Impact Areas</u>	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
10	Before starting Covered Activities, Permittee shall submit a Weed Management Plan to CDFW for review and approval. The Weed Management Plan shall provide specifications for activities to control non-native, invasive plants in the Project Area including, but not limited to, the following: (1) list of target non-native, invasive species; (2) methods and frequency for early detection and control of each target species using primarily hand removal methods; (3) disposal method(s) to avoid introducing or spreading non-native, invasive species within or adjacent to the Project Area; and (4) Best Management Practices (BMPs) before and during Covered Activities to avoid and minimize spread of non-native, invasive plants. Once the Weed Management Plan is approved by CDFW, it shall be used for the duration of the ITP. Any proposed changes shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed Weed Management Plan modifications.	ITP Condition of Approval - <u>Weed Management Plan</u>	Before commencing ground- or vegetation-disturbing activities	Permittee	
11	Before starting Covered Activities in the Work Area, Permittee shall clearly delineate a minimum 50-foot avoidance buffer around Covered Species in the Project Area. Permittee shall completely encircle Covered Species and habitat. Permittee may use the fencing that delineates the Work Area in part to encircle Covered Species and habitat where a complete 50-foot avoidance buffer is not feasible. Permittee shall strictly prohibit Covered Activities within the avoidance buffer. Permittee shall install signs to inform Project workers about the avoidance buffer, Covered Species, and to prohibit entry into the avoidance buffer. Permittee shall maintain materials used to delineate the avoidance buffer in effective condition for the duration of Covered Activities in the Work Area and ensure that materials are supported sufficiently to maintain its effectiveness under all conditions such as wind and heavy rain. Permittee shall repair materials used to delineate the avoidance buffer within 24 hours of discovery that repairs are necessary. Permittee shall remove avoidance buffers upon completion of Covered Activities in the Work Area.	ITP Condition of Approval - <u>Covered Species Avoidance Buffer</u>	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	After delineating the Work Area and Covered Species Habitat in accordance with Conditions of Approval <u>Delineation of Work Area Boundaries, Delineation of Habitat, and Covered Species Avoidance Buffer</u> , Permittee shall salvage the topsoil to preserve any seedbank of the Covered Species in accordance with the CDFW-approved <u>Habitat Restoration Plan for Temporary Impact Areas</u> . Permittee shall fence and/or flag and install signage to identify and inform Project workers of the salvaged top soil stockpile. The Designated Biologist shall inspect the salvaged topsoil for any individuals of the Covered Species at frequencies in accordance with the <u>Habitat Restoration Plan for Temporary Impact Areas</u> .	ITP Condition of Approval - <u>Top Soil Salvage</u>	Before commencing ground- or vegetation-disturbing activities Entire Project	Permittee	
13	Before starting Covered Activities in the Work Area, Permittee shall decontaminate all equipment, machinery, tools, and vehicles in designated <u>Staging Areas</u> to prevent and minimize the spread of non-native, invasive plant seeds and materials in accordance with the CDFW-approved <u>Weed Management Plan</u> . Permittee shall ensure that all equipment, machinery, tools, and vehicles are free of mud, soil, organic material, and debris. Permittee shall prevent and control the spread of non-native, invasive plants during Covered Activities in accordance with the CDFW-approved <u>Weed Management Plan</u> .	ITP Condition of Approval - <u>Weed Prevention and Control</u>	Before commencing ground- or vegetation-disturbing activities	Permittee	
14	Before starting Covered Activities, Permittee shall fence the proposed 4.6-acre HM lands pursuant to Condition of Approval <u>Start-up Activities</u> below to prevent trespassing. Permittee shall consult with CDFW on the alignment/location of fencing, signage, and access gate(s) (if applicable); design, materials, spacing, and specifications; and installation methods. Permittee shall obtain CDFW's approval of fencing before installing fencing, signage, and access gate(s) and before starting Covered Activities.	ITP Condition of Approval - <u>Restricted Access to Habitat Management Lands</u>	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<p>Before starting Covered Activities, Permittee must complete the following:</p> <p>(1) Provide permanent protection and funding as follows:</p> <ul style="list-style-type: none"> i. Permittee shall complete Conditions of Approval <u>Fee Title</u>, <u>Conservation Easement</u>, <u>HM Lands Approval</u>, <u>HM Lands Documentation</u>, and <u>Land Manager</u>, below, for the entire Property and, ii. Permittee shall complete Conditions of Approval <u>Start-up Activities</u>, <u>Interim Management (Initial and Capital)</u>, and <u>Endowment Fund</u>, below, for 4.6 acres of HM lands and Permittee shall endow funds to pay for the interim and/or long-term costs to administer the conservation easement over the remainder of the Property that may impair or interfere with the conservation of the 4.6-acre HM lands, Covered Species, and Covered Species habitat within the Property. <p>AND</p> <p>(2) Provide Security per Condition of Approval <u>Security</u> below for uncompleted obligations before Covered Activities begin and in the event that Permittee fails to complete Conditions of Approval <u>Install Permanent Fencing</u>, <u>Boundary Survey</u>, and <u>Habitat Restoration and Enhancement</u> below to ensure that Project-related impacts of the taking on the Covered Species are minimized and fully mitigated.</p> <p>Permittee must complete protection and funding for perpetual management of 4.6 acres of HM lands and provide Security as required above before starting Covered Activities. Permittee does not need to begin, be in the process of, or have completed initial habitat restoration/enhancement pursuant to Conditions of Approval <u>Start-up Activities</u> and <u>Habitat Restoration and Enhancement</u> before starting Covered Activities. In other words, Covered Activities may begin before initial habitat restoration/enhancement activities begin in the 4.6 acres of HM lands. However, even if Security is provided before starting Covered Activities, Permittee must complete Condition of Approval <u>Monterey Gilia Mitigation and Monitoring Plan</u> within 30 days of starting Covered Activities and before starting initial habitat restoration or enhancement.</p>	ITP Condition of Approval - <u>Habitat Management Land Acquisition and Restoration</u>	Before starting Covered Activities	Permittee	
16	Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.	ITP Condition of Approval - <u>Habitat Acquisition and Protection; Fee Title</u>	Before starting Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	<p>If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Conservation Easement</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
18	<p>Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; HM Lands Approval</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
19	<p>Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; HM Lands Documentation</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
20	<p>Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify both the interim and long-term land managers. Permittee shall notify CDFW of any subsequent changes in the land manager within 30 days of the change. If CDFW will hold fee title to the mitigation land, CDFW will also act as both the interim and long-term land manager unless otherwise specified. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.</p> <p>Permittee shall restore/enhance habitat for the Covered Species and meet success criteria in accordance with the CDFW-approved <u>Monterey Gilia Mitigation and Monitoring Plan</u> before the interim/long-term land manager assumes responsibility of the HM lands. CDFW shall determine whether the Permittee has met success criteria in accordance with the CDFW-approved <u>Monterey Gilia Mitigation and Monitoring Plan</u>.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Land Manager</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	<p>Permittee shall implement start-up activities, including the initial site protection, restoration, and enhancement of 4.6-acre HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if required by CDFW; (4) establishing initial fencing and signage; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement pursuant to Condition of Approval <u>Habitat Restoration and Enhancement</u>.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Start-up Activities</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
22	<p>Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following <u>Start-up Activities</u>. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, species monitoring, site monitoring, vegetation and invasive species management.</p> <p>Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Interim Management (Initial and Capital)</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
23	<p>The Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the ITP, the conservation easement, and the management plan required by Condition of Approval <u>Start-up Activities</u>. Endowment as used in the ITP shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p>After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the ITP, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Endowment Fund</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
24	<p>The Endowment shall be held by the Endowment Manager, which shall be either CDFW or The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended.</p> <p>Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e).</p> <p>Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(3) and, if so, shall provide Permittee with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Identify an Endowment Manager</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
25	<p>After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Calculate the Endowment Funds Deposit</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
26	<p>Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p>	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Capitalization Rate and Fees</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	
27	<p>Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:</p> <ul style="list-style-type: none"> • <u>10 Percent Contingency</u>. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events. • <u>Three Years Delayed Spending</u>. The endowment shall be established assuming spending will not occur for the first three years after full funding. • <u>Non-annualized Expenses</u>. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW. 	<p>ITP Condition of Approval - <u>Habitat Acquisition and Protection; Endowment Buffers/ Assumptions</u></p>	<p>Before starting Covered Activities</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Condition of Approval - <u>Habitat Acquisition and Protection: Transfer Long-term Endowment Funds</u>	Before starting Covered Activities	Permittee	
29	<p>The approved Endowment Manager may pool the Endowment with other endowments for the operation, management, and protection of HM lands for local populations of the Covered Species but shall maintain separate accounting for each Endowment. The Endowment Manager shall, at all times, hold and manage the Endowment in compliance with the ITP, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended.</p> <p><u>Notwithstanding Probate Code sections 18501-18510, the Endowment Manager shall not make any disbursement from the Endowment that will result in expenditure of any portion of the principal of the endowment without the prior written approval of CDFW in its sole discretion. Permittee shall ensure that this requirement is included in any agreement of any kind governing the holding, investment, management, and/or disbursement of the Endowment funds.</u></p> <p>Notwithstanding Probate Code sections 18501-18510, if CDFW determines in its sole discretion that an expenditure needs to be made from the Endowment to preserve the conservation values of the HM lands, the Endowment Manager shall process that expenditure in accordance with directions from CDFW. The Endowment Manager shall not be liable for any shortfall in the Endowment resulting from CDFW's decision to make such an expenditure.</p>	ITP Condition of Approval - <u>Habitat Acquisition and Protection: Management of the Endowment</u>	Before starting Covered Activities	Permittee	
30	Permittee shall reimburse CDFW for all reasonable costs incurred by CDFW related to issuance and monitoring of the 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.	ITP Condition of Approval - <u>Reimburse CDFW</u>		Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<p>The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete activities that have not been completed before Covered Activities begin. Permittee shall provide Security as follows:</p> <ul style="list-style-type: none"> • <u>Security Amount</u>. The Security shall be in the amount of \$274,000 specific to the obligations that have not been completed before starting Covered Activities. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval <u>Cost Estimates</u> above, sufficient for CDFW or its contractors to restore/enhance habitat for the Covered Species, install permanent fencing to protect Covered Species and habitat, and to conduct a boundary survey of the Project in the event that Permittee fails to complete Conditions of Approval <u>Install Permanent Fencing</u>, <u>Boundary Survey</u>, and <u>Habitat Restoration and Enhancement</u>. • <u>Security Form</u>. The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. • <u>Security Timeline</u>. 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. • <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • <u>Security Transmittal</u>. Permittee shall transmit Security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. • <u>Security Drawing</u>. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to complete any of the following Conditions of Approval: <u>Install Permanent Fencing</u>, <u>Boundary Survey</u>, and <u>Habitat Restoration and Enhancement</u>. <p>Even if Security is provided, the Permittee must complete the required acquisition, protection, and transfer of 4.6 acres of HM lands and record any required conservation easements on the Property in accordance with Condition of Approval <u>Habitat Management Land Acquisition and Restoration</u> before starting Covered Activities, and complete Condition of Approval <u>Monterey Gilia Mitigation and Monitoring Plan</u> within 30 days of starting Covered Activities and before starting initial habitat restoration or enhancement within the 4.6-acre HM lands. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.</p>	ITP Condition of Approval - <u>Security</u>	Before starting Covered Activities	Permittee	

DURING CONSTRUCTION					
	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist shall immediately stop any activity that does not comply with the 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 Area and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition of Approval - <u>Designated Biologist and/or Designated Monitor Authority</u>	Entire Project	Permittee/	
33	The Designated Biologist(s) and Designated 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 the 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 - <u>Construction Monitoring Documentation</u>	Entire Project	Permittee/ Designated Biologist	
34	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. Dust palliatives shall not be used in the Project Area without prior review of the chemical composition and written approval for use by CDFW.	ITP Condition of Approval - <u>Dust Control</u>	Entire Project	Permittee	
35	Permittee shall prohibit use of erosion control materials such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat. This includes photodegradable or biodegradable synthetic netting. 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. Permittee is prohibited from using chemical soil stabilizers, soil amendments, fertilizers, or supplements to establish soil stabilization.	ITP Condition of Approval - <u>Erosion Control</u>	Entire Project	Permittee	
36	Project-related personnel shall access the Project Area using existing routes and shall not cross Covered Species' habitat and HM lands outside of or enroute to the Project Area. Project-related personnel shall not cross Covered Species' habitat in between the Work Area associated with the chain link fencing and the Work Area associated with construction of the bikeway/pedestrian path to go between Work Areas. Project-related personnel shall follow the 4-foot-wide temporary disturbance footprint along the length of the chain link fencing to be installed for ingress and egress. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. 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 the ITP, if among other reasons, if additional take of Covered Species or Covered Species habitat impacts will occur as a result of the Project modification.	ITP Condition of Approval - <u>Project Access</u>	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
37	Permittee shall confine all Project-related parking (machinery, equipment, vehicles), storage areas, laydown sites, equipment fueling and maintenance, concrete washouts, and any other surface-disturbing activities to the staging area identified in the Project Description or using, to the extent possible, paved areas or roadway shoulders adjacent to the Project Area. Permittee shall move and store machinery, equipment, vehicles outside of the Project Area and into designated staging areas at the end of each work day and during periods of inactivity. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for in accordance with Condition of Approval <u>Project Access</u> .	ITP Condition of Approval - <u>Staging Areas</u>	Entire Project	Permittee	
38	Permittee shall refuel equipment and machinery in designated <u>Staging Areas</u> . Permittee shall use alternative fuels (e.g., compressed natural gas, propane, electricity, biofuel) to operate Project construction equipment when feasible.	ITP Condition of Approval - <u>Refueling and Alternative Fuels</u>	Entire Project	Permittee	
39	Permittee shall properly maintain all machinery to prevent spills and leaks. 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 not store or handle hazardous materials in the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off site.	ITP Condition of Approval - <u>Hazardous Waste</u>	Entire Project	Permittee	
40	Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in the ITP.	ITP Condition of Approval - <u>CDFW Access</u>	Entire Project	Permittee	
41	Permittee shall implement fire prevention measures during Covered Activities, including, but not limited to: (1) equipping all motorized vehicles with spark arrestors when working in designated State Responsibility Areas; (2) ensuring water-filled backpack pumps, shovels, shields, and fire-resistant mats and/or windscreens are available on site during grinding and welding operations; (3) prohibiting welding operations during "red flag" conditions as determined by the California Department of Forestry and Fire Protection; (4) equipping all fuel trucks with an appropriate fire extinguisher; and (5) ensuring that flammable materials are cleared from parking and staging areas.	ITP Condition of Approval - <u>Fire Prevention</u>	Entire Project	Permittee	
42	Permittee shall avoid nonessential nighttime lighting (30 minutes before sunset and 30 minutes after sunrise) and limit the use of artificial nighttime lighting while conducting Covered Activities. Permittee shall ensure that all nighttime lighting (e.g., headlights and overhead lights) are cast downward and directed away from surrounding habitat and open space, reduced in intensity to the greatest extent possible, and does not result in lighting trespass, including glare, into surrounding habitat and open space or upward into the night sky.	ITP Condition of Approval - <u>Nighttime Lighting</u>	Entire Project	Permittee	
43	The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of the ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in the 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 the ITP and suggested measures to remedy the situation.	ITP Condition of Approval - <u>Notification of Non-compliance</u>	Entire Project Notify CDFW immediately; follow up within 24 hrs with a written report to CDFW	Permittee/ Designated Representative/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
44	<p>The Designated Biologist shall be on site daily to conduct compliance monitoring during delineation of Work Area Boundaries, Avoidance Buffers, and Covered Species habitat; Top Soil Salvage; and initial ground disturbing and vegetation/tree removal activities. In addition, the Designated Biologist shall be on site daily to monitor initial ground disturbing and vegetation/tree removal activities, laying out the fence line, and post hole excavation associated with installation of the chain link fencing. If Covered Activities occur in more than one Work Area simultaneously, the Designated Biologist(s) shall be present on site at all Work Areas to conduct compliance monitoring. The Designated Biologist shall conduct compliance monitoring and 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 the 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 shall prepare written records summarizing oversight activities, observations of Covered Species and their sign, survey results, and monitoring/inspection activities required by the ITP. After the Work Area Boundaries, Avoidance Buffers, and Covered Species habitat have been delineated, Top Soil Salvage, and after initial ground disturbing and vegetation/tree removal activities are complete in the Work Area, the Designated Biologist(s) shall conduct compliance inspections a minimum of once a week including during periods of inactivity. If the period of inactivity occurs for more than 30 days, the Designated Biologist shall conduct compliance inspections a minimum of once a month during the period of inactivity. The Designated Biologist shall be on site daily to conduct compliance monitoring during return/application of salvaged top soil and restoration of temporary impacts in accordance with the Condition of Approval <u>Habitat Restoration Plan for Temporary Impact Areas</u>. Eventually, CDFW may approve in writing periodic inspections once Covered Activities associated with the restoration of temporary impacts are ongoing and more routine in nature. To reduce compliance monitoring, Permittee shall submit a written request to CDFW, including any additional information CDFW requests to demonstrate that Covered Activities associated with the restoration of temporary impacts are on-going and more routine in nature. In addition to compliance monitoring and inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other monitoring and inspections required by the 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 - <u>Compliance Monitoring and Inspections</u>	<p>On-site daily for delineation of Work Area Boundaries, Avoidance Buffers, and Covered Species habitat, Top Soil Salvage, chain link fencing installation, and initial ground disturbing and vegetation/tree removal activities</p> <p>A minimum of once a week after initial ground disturbing and vegetation/tree removal activities are complete and during periods of inactivity</p> <p>Once a month if the period of inactivity will occur for more than 30 days</p> <p>Daily during restoration of temporary impacts</p> <p>Entire Project</p>	Permittee/ Designated Representative/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
45	Permittee shall provide CDFW with Monthly Compliance Reports (MCR) no more than 10 days after the end of each month. The Designated Representative or Designated Biologist shall compile the observation and inspection records required by Condition of Approval <u>Compliance Monitoring and Inspections</u> into a MCR and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. MCRs shall also include: (1) Covered Activities which occurred during the month; (2) an accounting of the number of acres subject to both temporary and permanent disturbance by the Project both for the month if applicable and the total since ITP issuance; (3) the number of acres of impacts anticipated to occur during the next month if applicable; and (4) a summary of all compliance monitoring conducted during the month. MCRs shall be submitted to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program. At the time of the ITP's approval, the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov with a copy to CDFW's Regional Representative Ruby Kwan (Ruby.Kwan@wildlife.ca.gov) and Headquarters CESA Program (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 - <u>Monthly Compliance Report</u>	No more than 10 days after the end of each month Entire Project	Permittee/ Designated Representative/ Designated Biologist	
46	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all MCRs for the prior calendar year; (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 MMRP table with notes showing the current implementation status of each mitigation measure; (4) a summary of restoration activities in areas temporarily impacted by the Project and total acreage restored; (5) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing, and mitigating Project impacts; (6) all available information about Project-related incidental take of the Covered Species; (7) 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 (8) information about other Project impacts on the Covered Species. Permittee shall submit ASRs to CDFW's Regional Office, Regional Representative, and Headquarters CESA Program.	ITP Condition of Approval - <u>Annual Status Report</u>	No later than January 31 of each year Entire Project	Permittee	
47	If any individuals of the Covered Species are observed in the Project Area during Covered Activities, the Designated Biologist shall submit all observations of the Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation and the Designated Biologist shall include copies of the submitted forms with the next <u>MCR</u> or <u>ASR</u> , whichever is submitted first relative to the observation.	ITP Condition of Approval - <u>CNDDDB Observations</u>	Within 60 calendar days of the observation Entire Project	Permittee/ Designated Biologist	
48	Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or damaged by a Project-related activity, or if a Covered Species is otherwise found damaged in the vicinity of the Project Area. The Designated Biologist 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's Regional Representative (Ruby.Kwan@wildlife.ca.gov). The initial notification to CDFW shall include information regarding the location and number of Covered Species taken or damaged 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 Covered Species, explanation as to cause of take or damage, provide a photograph if possible, and any other pertinent information.	ITP Condition of Approval - <u>Notification of Take or Damage</u>	Entire Project	Permittee/ Designated Representative/ Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
49	Within 90 days of starting Covered Activities, Permittee shall submit a California Avenue Segment Permanent Fencing Plan to CDFW for review and approval. The California Avenue Segment Permanent Fencing Plan shall apply at a minimum to portions of the bikeway/pedestrian path bounded by California Drive, 9 th Street, 8 th Street, and Imjin Road and a portion of the bikeway/pedestrian path located along California Avenue (west) between Marina Heights Drive and Imjin Parkway and adjacent to individuals of the Covered Species. The California Avenue Segment Permanent Fencing Plan shall include, but not be limited to, the following: (1) alignment/location of permanent fencing, signage, and access gate(s) (if applicable); (2) total linear feet of fencing; (3) design, materials, spacing, and specifications; and (4) installation methods. Permittee shall obtain CDFW's approval of the California Avenue Segment Permanent Fencing Plan before installing permanent fencing, signage, and access gate(s)/point(s) pursuant to Condition of Approval <u>Install Permanent Fencing</u> below.	ITP Condition of Approval - <u>California Avenue Segment Permanent Fencing Plan</u>	Within 90 days of starting Covered Activities	Permittee	
50	Permittee shall properly dispose of organic material, sand spoils, and debris off site. Permittee shall require any chipped material be chipped directly into a containment vessel (e.g., chip truck) and hauled off site. Permittee shall not broadcast vegetation that will be cleared, grubbed, cut, limbed, felled, or otherwise removed; use chipped material, leaves, or needles as mulch or ground cover; or place vegetation and sand spoils on top native soils and suitable habitat for the Covered Species anywhere within or adjacent to the Project Area. Permittee shall fall trees away from Covered Species individuals and away from areas outside of the Project Area. Permittee shall fall trees away from Covered Species habitat within the Project Area to the maximum extent feasible. Permittee may use sand spoils to restore areas of temporary impacts only with approval in advance in writing from CDFW.	ITP Condition of Approval - <u>Vegetation Removal and Disposal of Organic Material</u>	Entire Project	Permittee	
51	Permittee shall use specialized narrow-width equipment to the maximum extent feasible when conducting Covered Activities in the portion of the Project bounded by California Drive, 9 th Street, 8 th Street, and Imjin Road.	ITP Condition of Approval - <u>Narrow-Width Equipment</u>	Entire Project	Permittee	
52	Permittee and Designated Biologist shall ensure that Covered Activities stay completely within the 4-foot-wide temporary disturbance footprint along the length of the chain link fencing to be installed. Before starting Covered Activities, the Designated Biologist shall place high-visibility stakes and/or flagging (e.g., pin flags, flagging tape tied to wooden stakes) at evenly spaced intervals to delineate the Work Area associated with chain link fencing installation. Permittee shall completely encircle the Work Area. Permittee may use the fencing that delineates the immediately adjacent Work Area in part to encircle the chain link fencing Work Area. The Designated Biologist shall monitor installation of the chain link fencing in accordance with Condition of Approval <u>Compliance Monitoring and Inspection</u> . Permittee shall remove all materials used to delineate the Work Area upon completion of Covered Activities in the Work Area.	ITP Condition of Approval - <u>Chain Link Fencing Installation</u>	Entire Project	Permittee	
53	Permittee shall not conduct ground-disturbing and hydroseeding activities during periods of high wind over 15 miles per hour measured from at least 3 feet above ground. This condition applies to Covered Activities occurring in the Project Area bounded by California Drive, 9 th Street, 8 th Street, and Imjin Road. If an unexpected circumstance is encountered where ground-disturbing and/or hydroseeding activities must occur during periods of high wind, Permittee shall notify and consult with CDFW, and obtain CDFW's written approval prior to implementing ground-disturbing and/or hydroseeding activities.	ITP Condition of Approval - <u>High Wind</u>	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
54	Permittee shall ensure that soil stockpiles and materials are placed where soil, rocks, and material will not pass into "Waters of the State." Permittee shall protect stockpiles appropriately to prevent soil erosion during all weather conditions. Permittee shall stockpile salvaged top soil in accordance with the CDFW-approved <u>Habitat Restoration Plan for Temporary Impact Areas</u> . The Designated Biologist shall inspect the salvaged topsoil for any individuals of the Covered Species at frequencies in accordance with the CDFW-approved <u>Habitat Restoration Plan for Temporary Impact Areas</u> .	ITP Condition of Approval - <u>Soil and Material Stockpiles</u>	Entire Project	Permittee	
55	Permittee shall not use herbicides in the Project Area unless approved by CDFW as part of CDFW's approval of the <u>Habitat Restoration Plan for Temporary Impact Areas</u> and <u>Weed Management Plan</u> .	ITP Condition of Approval - <u>Herbicides</u>	Entire Project	Permittee	
56	Permittee shall restore areas temporarily impacted by the Project to suitable habitat for the Covered Species in accordance with the CDFW-approved <u>Habitat Restoration Plan for Temporary Impact Areas</u> . Permittee shall ensure that seeds and container plants used for restoration consist of appropriate native species to restore suitable habitat for the Covered Species. Permittee is prohibited from using ornamental plant species/varieties to restore temporarily impacted areas.	ITP Condition of Approval - <u>Restore Areas Temporarily Impacted</u>	Entire Project	Permittee	
57	Permittee shall install permanent fencing and signage to prevent trespass, off-trail use, and formation of social trails in areas adjacent to the bikeway/pedestrian path supporting the Covered Species and suitable Covered Species habitat in accordance with the CDFW-approved <u>California Avenue Segment Permanent Fencing Plan</u> .	ITP Condition of Approval - <u>Install Permanent Fencing</u>	Entire Project	Permittee	
58	Permittee shall complete a boundary survey of the Project bounded by California Drive, 9 th Street, 8 th Street, and Imjin Road after Project construction is completed. Permittee shall consult with CDFW prior to conducting the boundary survey to identify which feature(s) and in which area(s) should be included in the survey (i.e., bike/pedestrian path, fencing, viewpoint, etc.). Permittee shall submit to CDFW the boundary survey in a format acceptable to and as specified by CDFW to be included in the Habitat Management (HM) lands final management plan pursuant to Condition of Approval <u>Start-up Activities</u> .	ITP Condition of Approval - <u>Boundary Survey</u>	After Project construction is complete	Permittee	
59	Permittee shall restore/enhance habitat for the Covered Species within the 4.6-acre HM lands to achieve ecological lift for the Covered Species by removing non-native, invasive plants such as ice plant, eucalyptus, Monterey pine, and Monterey cypress that outcompete with the Covered Species for space and resources, colonize open sand, inhibit natural processes that create open sand where the Covered Species grows, blocks wind driven seed dispersal, and degrade habitat quality and suitability for the Covered Species.	ITP Condition of Approval - <u>Habitat Restoration and Enhancement</u>	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
60	<p>Within 30 days of starting Covered Activities and before starting initial habitat restoration/enhancement in HM lands, the Permittee in consultation with the Designated Biologist shall submit a Monterey Gilia Mitigation and Monitoring Plan (MGMMP) to CDFW for review and approval. The MGMMP shall provide specifications for activities to restore/enhance habitat for the Covered Species in HM lands including, but not limited to, the following: (1) map(s) of area(s) to be restored/enhanced; (2) goals, measurable objectives, and success criteria; (3) description of the existing physical and biological conditions of the restoration/enhancement area(s); (4) list of (a) non-native, invasive plant species present and (b) target species; (5) removal/reduction of successional species and/or leaf litter (if necessary); (6) methods to control each non-native, invasive plant and native successional species (if necessary) using primarily hand removal methods (herbicide only if approved by CDFW); (7) disposal method(s) to avoid introducing or spreading non-native, invasive species; (8) measures to avoid and minimize impacts to the Covered Species during restoration/enhancement activities; (9) maintenance plan; (10) monitoring methods to determine whether goals, objectives, and success criteria are being met; (11) remedial measures and adaptive management; and (12) plan for regular reporting of restoration/enhancement activities to CDFW and notifying CDFW of the completion restoration/enhancement activities.</p>	<p>ITP Condition of Approval - <u>Monterey Gilia Mitigation and Monitoring Plan</u></p>	<p>Within 30 days of starting Covered Activities and before starting initial habitat restoration/enhancement in HM lands</p>	<p>Permittee/ Designated Biologist</p>	
POST-CONSTRUCTION					
	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	<p>Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.</p>	<p>ITP Condition of Approval - <u>Refuse Removal</u></p>	<p>Upon completion of Covered Activities</p>	<p>Permittee</p>	
62	<p>No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all <u>MCRs</u> and all <u>ASRs</u>; (2) a copy of the MMRP table with notes showing when each of the mitigation measures was implemented; (3) a summary of restoration activities in areas temporarily impacted by the Project and total acreage restored; (4) all available information about Project-related incidental take of the Covered Species; (5) information about other Project impacts on the Covered Species; (6) beginning and ending dates of Covered Activities; (7) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (8) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (9) any other pertinent information.</p>	<p>ITP Condition of Approval - <u>Final Mitigation Report</u></p>	<p>No later than 45 days after completion of all mitigation measures</p>	<p>Permittee</p>	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
63	<p>The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:</p> <ul style="list-style-type: none"> • Installation of permanent fencing in accordance with Condition of Approval <u>Install Permanent Fencing</u>. • Receipt of a final survey of the Project within the Property in accordance with Condition of Approval <u>Boundary Survey</u>. • Written documentation (e.g., a final report) that the Permittee has met performance standards specified in the CDFW-approved <u>Monterey Gilia Mitigation and Monitoring Plan</u>. 	ITP Condition of Approval - <u>Security; Security Release</u>	After CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied	Permittee/ CDFW	
64	CDFW accepts the <u>Final Mitigation Report</u> as complete.		Upon completion of Covered Activities	CDFW	

Biologist/Botanist Resume Submittal Cover Sheet

Project Name: _____

ITP Number: _____

****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: Monterey gilia)

Project Name #1 (list the information below for all projects (separately) where biologist worked with the Covered Species; please only include projects on the resume that demonstrate experience with the Covered Species (or similar species) in the Incidental Take Permit)

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:

Estimated # of Individuals Observed:

Life stage(s) observed:

Positive identification (Y or N, if N, why?):

Project Name #2

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:

Estimated # of Individuals Observed:

Life stage(s) observed:

Positive identification (Y or N, if N, why?):

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: habitat restoration, etc.)

[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"]