



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

California Endangered Species Act
Incidental Take Permit No. 2081-2021-039-04

7Z DEVELOPMENT 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:	Chevron U.S.A., Inc.
Principal Officer:	Michelle Burkett, Project Manager (661) 654-7740 mburkett@chevron.com
Contact Person:	Kacy Twist, (661) 654-7129 KacyTwist@chevron.com
Mailing Address:	1546 China Grade Loop Bakersfield, California 93308

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 **June 30, 2031**.

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 the Final Mitigation Report Condition of Approval of this ITP.

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

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

III. Project Location:

The 7Z Development Project (Project) is located in the southern San Joaquin Valley approximately 2.1 miles northwest of the town of McKittrick in Kern County, California (Figure 1). The Project is specifically located within the Reward United States Geological Survey 7.5-minute topographic quadrangle map in Township 30 South, Range 22 East, and Sections 7 and 18, Mount Diablo Base and Meridian. The Project is entirely within the California Geologic Energy Management Division administrative boundary of the McKittrick Oil Field and encompasses Assessor's Parcel Numbers 157-040-20-00-3, 157-040-07-00-6, 157-040-06-00-3, 157-040-02-00-1, 157-090-24-00-0, and 157-040-21-00-6. Project-related activities will occur at six separate locations (i.e., Work Areas). Approximate locations of each Work Area are: **Work Area 1** is at 35.329120° latitude and -119.658320° longitude, **Work Area 2** is at 35.329435° latitude and -119.652719° longitude, **Work Area 3** is at 35.328129° latitude and -119.649606° longitude, **Work Area 4** is at 35.326979° latitude and -119.647590° longitude, **Work Area 5** is at 35.325725° latitude and -119.645945° longitude, and **Work Area 6** is at 35.325310° latitude and -119.653415° longitude (Figure 2).

IV. Project Description:

The Project will construct six large, graded pads (i.e., Work Areas) ranging in size from approximately 3.2 acres to approximately 23.1 acres. These pads will support future oil production wells, injection wells, observation wells, and associated facilities and infrastructure, but those activities are not covered by this ITP. Pad construction will be completed in several steps, starting with track-out control, vegetation removal, site preparation, grading, and compaction.

Site Access

Access to the Work Areas will be via Reward Road and Franco Western Road, both paved county roads (Figure 2). From Franco Western Road, the Work Areas are reached by four existing unpaved private access routes and one interior access route:

- Access Route 1: Used to access Work Areas 4 and 5; located immediately north of and adjacent to Franco Western Road and approximately 0.75 mile from Reward Road.
- Access Route 2: Approximately 805 feet in length; used to access Work Area 6 south of Franco Western Road and approximately one mile from Reward Road.
- Access Route 3: Approximately 1,470 feet in length; used to access Work Area 2 immediately northeast of Franco Western Road and Work Area 3 from the northwest of Franco Western Road and approximately 1.25 miles northwest from Reward Road.
- Access Route 4: Approximately 830 feet in length; used to access Work Area 1 west of Franco Western Road and approximately 1.25 miles from Reward Road.
- Access Route 5: Interior existing dirt oilfield road within high-density production areas used to travel between Work Areas 1 and 6.

Track-out Control Areas

Prior to vegetation removal and site preparation, track-out control areas to trap and prevent soil from leaving the site will be installed at the four Project access route entry points off Franco Western Road. Track-out controls are required by the Project's Stormwater Pollution Prevention Plan (SWPPP). Installation will occur in existing disturbed dirt oilfield roads, measure 15 feet wide and 50 feet long, and consist of metal track-out control mat installation covered with one-inch rock to a depth of six inches.

During Project activities, the track-out control areas will be maintained by spraying with water, "fluffing" the rock to maintain uniform coverage at the surface and adding additional rock when needed for required SWPPP coverage. Upon completion of the Project, the metal track-out control mat will be removed, but the gravel will be left in place.

Vegetation Removal

Prior to grading, vegetation occurring within each Work Area will be removed. Initial vegetation removal will consist of a combination of one or more of the following methods: weed whacking, shrub clipping and trimming, mechanical shrub removal, initial grubbing, and digging. All removed vegetation will be placed in bins and hauled off site for disposal. Bins will be temporarily placed in disturbed areas adjacent to the areas of active vegetation removal.

Site Preparation

Site preparation includes final grubbing, final vegetation removal, leveling, and hydro- and/or mechanical excavation to expose buried concrete, pipe sections, and other miscellaneous items discovered during vegetation removal and grubbing that must be removed from the pad construction area. If an item such as a pipe section is discovered during vegetation removal and grubbing, it will be carefully excavated and removed if found within one foot of surface. If found below one foot of surface, it will be cut, a concrete plug inserted into any open ends, and abandon in place. Site preparation will be conducted to avoid leaving open-ended pipes during pad creation in the Work Area.

Grading and Compaction

Final Project activities include minimal cut and fill to create level surfaces using onsite soil, recontouring, grading, and compaction. If needed, the installation of aggregate road base or similar materials for soil stability will occur. The approximate total area of disturbance to create the well pad within each Work Area is as follows: **Work Area 1** is 11.4 acres; **Work Area 2** is 3.2 acres; **Work Area 3** is 23.1 acres; **Work Area 4** is 15.3 acres; **Work Area 5** is 4.8 acres; and **Work Area 6** is 12.8 acres.

Existing Facilities

Within the Project Area, existing facilities (e.g., active and abandoned wells) and infrastructure (e.g., overhead electrical powerlines, pipelines, and pipelines corridors) owned and operated by the Permittee will still require access for monitoring, maintenance, and routine activities throughout Project implementation, but these activities are not included as part of this Project. Additionally, facilities and infrastructure (e.g., rights-of-way, pipelines, and

electrical lines) owned and operated by third parties (i.e., not the Permittee) within the Project Area may require access for maintenance and repairs, and those activities are not part of this Project.

Equipment and vehicles used during Project activities may include, but are not limited to, various earthmoving equipment such as backhoes, front-end loaders, bulldozers, graders, scrapers, excavators, compaction equipment, dump trucks, and water trucks, cranes and/or crane trucks, forklifts, hydro-excavation trucks, welding trucks, scrap metal and other types of storage bins, cutting torches and other types of cutting equipment, weed whackers, hand vegetation cutting equipment, shovels, hoes, and other hand tools, pick-up trucks, and other worker vehicles.

The Project will occur within a total area of approximately 83 acres, of which approximately 46.4 acres are allscale scrub patches, non-compacted, vegetated areas of current well pads and road margins, and areas containing small mammal burrows, and approximately 36.6 acres are previously disturbed and hard, highly compacted soil areas and existing access roads (Figure 3). Only approximately 70.6 acres will be graded during Project implementation. Project activities are anticipated to take approximately 100 cumulative workdays over the course of six months and may occur simultaneously at multiple Work Areas. Project activities may be interrupted by unforeseen circumstances such as weather, regulatory requirements, and/or equipment availability. All vegetation removal and grubbing activities will be initiated at one end of the pad and work towards the other end. All construction activities will be limited to daylight hours.

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

This ITP covers the following species:

<u>Name</u>	<u>CESA Status</u> ³
1. San Joaquin antelope squirrel (<i>Ammospermophilus nelsoni</i> ; SJAS)	Threatened ⁴
2. Temblor legless lizard (<i>Anniella alexanderae</i> ; TLL)	Candidate ⁵

These species and only these species are the “Covered Species” for the purposes of this ITP.

VI. Impacts of the Taking on Covered Species:

Project activities and their resulting impacts are expected to result in the incidental take of individuals of the Covered Species. The activities described above expected to result in incidental take of individuals of the Covered Species include: removing vegetation; clearing; grubbing; excavating; installing and removing metal track-out control mats; depositing rock;

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

⁴ See Cal. Code Regs. tit. 14 § 670.5, subd. (b)(6)(B).

⁵ The species status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species.

leveling; welding; using cutting torches; inserting concrete caps; backfilling excavations; cut and fill; recontouring soil, grading, compacting soil. If needed, the installation of aggregate road base; heavy equipment operation; materials and equipment laydown and storage; transporting construction materials and other Project-related traffic; site recontouring; other activities described in the Project Description section of this ITP; and any salvage and relocation of Covered Species (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality ("kill") may occur as a result of Covered Activities such as crushing or suffocation of underground individuals during vegetation removal, grubbing, excavation, cut and fill, leveling, grading, recontouring, and compacting soil; entombment of individuals from deposition of soil over occupied burrows; entrapment and burial within uncovered excavations; crushing by equipment; corralling/capturing Covered Species into a confined area with no escape; vehicle/equipment strikes from Project-related traffic; and noise and ground vibration that could cause individuals to leave burrows or soil at inappropriate times increasing stress, overheating, and exposure to predation. Incidental take of individuals of the Covered Species in the form of pursue, catch, capture may also occur from the Covered Activities through entrapment in excavations, uncovering Covered Species through the excavation, by corralling Covered Species into a confined area when fencing is constructed around the Project Area, when individuals of the Covered Species are relocated out of harm's way, and with implementation of other take minimization measures as required by this ITP. The areas where authorized take of the Covered Species is expected to occur include the six well pad Work Areas and the access roads used to ingress and egress the Work Areas (collectively, the Project Area).

The Project is expected to cause the permanent loss of 46.4 acres that provides foraging, dispersal, breeding, and refugia habitat for the Covered Species. Covered Species may disperse across the approximately 36.6-acre heavily compacted soil areas and access roads, which may be disrupted while Project activities are occurring, but these areas do not provide other habitat values for the Covered Species. Authorized take of the Covered Species is expected to occur throughout the entire Project Area. Impacts of the authorized taking also include adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations during ground disturbance, equipment operation, and traffic; stress resulting from capture and relocation; increased exposure or stress from disorientation; loss or decline of habitat resulting from introduction or spread of invasive species and soil compaction; long-term effects due to displacement from preferred habitat, loss of foraging habitat/food supply through changes in plant and prey abundance (starvation); changes in drainage patterns that favor different vegetative growth; loss of soil moisture; increased soil compaction; exposure to increased pollution, contaminants, and hazardous materials (herbicides, pesticides, vehicle and equipment fuels and fluids); exposure to pathogens through introduction of contaminated water; exposure to fugitive dust; visual disturbance; displacement into less preferred habitat; loss of foraging habitat; increased competition for food and space; loss of burrows and/or microhabitats used for shelter, reproduction, and escape cover; long-term effects due to barriers and increased travel distance to foraging, breeding, and overwintering habitat

Incidental Take Permit
No. 2081-2021-039-04
CHEVRON U.S.A., INC.
7Z DEVELOPMENT PROJECT

(decreased reproductive output, energetic expenses, exposure to predation and elements); increased human activity which could result in a reduction in forage abundance and/or availability; and increased vulnerability to disease and predation.

Long-term effects from noise and vibration could cause physiological and/or behavioral disruptions that may interfere with breeding attempts, inability to find a mate, and a loss of fitness in dependent young resulting from interruptions to feeding schedules; impaired or interrupted foraging and breeding behavior; traveling farther from young to forage requiring more energy for parents to acquire food for their dependent young. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are at carrying capacity or are unsuitable for colonization.

VII. Incidental Take Authorization of Covered Species:

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

VIII. Conditions of Approval:

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. 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.
- 3. California Environmental Quality Act (CEQA) Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Revisions to Title 19 – Kern County Zoning Ordinance Code – 2025(A), Focused on Oil and Gas Local Permitting Final Environmental Impact Report (2015) (EIR), Supplemental Recirculated EIR (2020/2021), and Second Supplemental Recirculated EIR (2025) (SCH No.: 2013081079), as applicable, certified by Kern County on 9 November 2015, 9 March 2021, and 26 June 2025, respectively, as lead agency for the Project pursuant to CEQA (Pub. Resources Code, § 21000 et seq.)

Incidental Take Permit
No. 2081-2021-039-04
CHEVRON U.S.A., INC.
7Z DEVELOPMENT PROJECT

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) and Designated Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. Permittee shall review qualifications before submission and ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in Covered Species' biology and natural history. Permittee shall also ensure the Designated Biologist's experience with trapping, handling, and excavating burrows to minimize mortality of SJAS, surveying and handling TLL or similar species, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species.

CDFW may approve Designated Biologist(s) for one or both Covered Species in this ITP. For example, CDFW may approve a Designated Biologist to implement all Conditions of Approval for SJAS only, approve a Designated Biologist to implement all Conditions of Approval for TLL only, or approve a Designated Biologist to implement all Conditions of Approval for both Covered Species in this ITP. CDFW may approve Designated Monitor(s) not meeting the qualifications of a Designated Biologist to assist in compliance monitoring and/or implementation of Conditions of Approval as specified by CDFW. Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW.

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

- 4.3. Designated Biologist(s)/Designated Monitor(s) Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist(s)/Designated

Monitor(s) shall be given the authority to 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 entire Project Site and otherwise facilitate the Designated Biologist(s)/Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s)/Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s)/Designated Monitor(s) shall notify the CDFW Representative (detailed in the Notices section below) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.

- 4.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities and ground disturbance, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this ITP. The Designated Biologist shall be available to answer attendees' questions during and after the presentation concludes. 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 and translation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. Permittee shall provide CDFW with a copy of all education program materials before starting Covered Activities and shall provide copies of the signed acknowledgment forms as described in Condition of Approval Monthly Compliance Reports.
- 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 Project, 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 per week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 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. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 4.8. Erosion Control Materials.** Permittee shall prohibit the use of any plastic-based erosion control materials or materials that can be harmful to Covered Species and other wildlife species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 4.9. Dogs.** Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.
- 4.10. 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 or pipe cutting 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 storage areas. Personnel shall be trained regarding fire hazards for wildlife as part of the Education Program described above.
- 4.11. Delineation of Work Area Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of each Work Area where the ground- or vegetation-disturbing Covered Activities will occur with fencing, stakes, flags and/or signage. Permittee shall restrict all Covered Activities to within the fenced, staked, flagged, and/or signed Work Areas. Permittee shall maintain all fencing, stakes, flags and/or signage until the completion of Covered Activities within the Work Area and remove, and properly dispose of, all delineation materials immediately upon completion within the Work Area.
- 4.12. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, rope or cord, and/or fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope or cord, and/or fencing until the completion of Covered Activities in the Work Area and remove,

and properly dispose of, all habitat delineation materials immediately upon completion in the Work Area.

- 4.13. Project Access.** Project-related personnel shall access Work Areas using existing roads or routes identified in the Project Description section of this ITP. Project-related personnel shall not cross Covered Species' habitat outside of the Project Area or en route to a Work Area. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads.

If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 4.14. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to previously disturbed areas within the Project Area to the greatest extent possible, except as described in the Project Description section of this ITP. Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval Project Access.

- 4.15. Hazardous Waste.** Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.

- 4.16. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project 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.

- 4.17. 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, fencing, flagging, stakes, buckets, metal or plastic containers, and boxes.

- 4.18. Pesticide Prohibition.** Permittees shall not use and shall prohibit the use of pesticides including but not limited to rodenticides, herbicides, and insecticides within the Project Area without prior written approval from CDFW. This also prohibits the use of any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) and any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.

5. Monitoring, Notification and Reporting Provisions:

- 5.1. Notification Before Commencement. The Designated Representative shall notify CDFW of the start of Covered Activities and shall document compliance with all pre-Project Conditions of Approval.
- 5.2. Notification of Non-compliance. The Designated Representative or Designated Biologist shall notify CDFW via e-mail to the CDFW Regional Representative and R4CESA@wildlife.ca.gov immediately, or no later than 24 hours after the discovery, 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 or Designated Biologist shall submit a written report to the CDFW Regional Representative and R4CESA@wildlife.ca.gov within 48 hours of the initial notification describing all non-compliance with this ITP in detail and suggesting measures to remedy the situation.
- 5.3. Geographic Information Systems Data Files. Within 30 days of the issuance of this ITP, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for the temporary and/or permanent habitat impact areas authorized under this ITP for each Covered Species. If more than one Covered Species occurs within the same area, the Permittee shall provide a separate set of GIS data files for each species. If habitat for a Covered Species will be both temporarily and permanently impacted, the Permittee shall also provide a separate set of GIS data files for each impact type for each species. The Permittee shall also provide any additional requested 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. The Designated Biologist shall be onsite daily for the duration of the day to monitor compliance when Covered Activities occur. If Covered Activities occur simultaneously in more than one Work Area, a Designated Biologist shall be present onsite at all Work Areas to conduct compliance inspections. The Designated Biologist shall conduct compliance inspections to:
 - (1) minimize incidental take of the Covered Species;
 - (2) prevent unlawful take of species;
 - (3) check for compliance with all measures of this ITP;
 - (4) check all exclusion zones; and
 - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

During periods of inactivity or after vegetation clearing and grading have been completed, compliance inspections by the Designated Biologist may be reduced to

a minimum of one day per week. Permittee shall immediately resume daily compliance inspections if the Designated Biologist or CDFW finds the Permittee is out of compliance with any Conditions of Approval of this ITP, upon written notification from CDFW, and/or if any individuals of the Covered Species, including burrows, are suspected or confirmed in the Project Area.

In addition to daily compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by this ITP are conducted at the frequencies (i.e., interval, time(s) of day, following specified weather events) required by other specific Conditions of Approval. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by this ITP.

- 5.5. Record of Covered Species Relocated.** The Designated Biologist shall maintain a record of all Covered Species handled and observed. This information shall include for each animal: (1) the location (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation; (2) location and time of release; (3) sex, if able to determine; (4) approximate age (adult/juvenile) and reproductive condition; (5) weight for SJAS and length for TLL; (6) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, tail loss, ectoparasites, injuries, etc.; and (7) ambient temperature when captured and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report described below. The Relocation Summary required by Condition of Approval Final Mitigation Report shall include cumulative results, analysis of data collected, and conclusions.
- 5.6. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval Compliance Monitoring and Record of Covered Species Relocated into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure and education program signed acknowledgement forms. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program by the 15th day of the following month after Covered Activities have commenced and

every month thereafter. At the time of this ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

- 5.7. 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. ASRs shall be submitted to CDFW following the directions provided in Condition of Approval Monthly Compliance Report above. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval Monthly Compliance Report; (2) a general description of the status of the Project and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (7) GIS data files documenting the total acres of the temporary and permanent impacts to Covered Species habitat for each Covered Species; and (8) information about other Project impacts on the Covered Species.
- 5.8. CNDDDB Observations.** The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 15 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.
- 5.9. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures in this ITP, Permittee shall provide CDFW with a Final Mitigation Report via e-mail as described for the Monthly Compliance Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take

and mitigate the impacts of future projects on the Covered Species and (8) any other pertinent information.

5.10. Notification of Take or Injury. Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 12 hours of discovery via e-mail to the CDFW Regional Representative and R4CESA@wildlife.ca.gov. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, summary of next steps that will be taken, and the ITP Number. Permittee shall email the CDFW Regional Representative and R4CESA@wildlife.ca.gov a written report within 48 hours of the initial notification. The report shall include the date and time of the finding or incident, location of the animal or carcass, photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.

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

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

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. Designated Biologist On Site. The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.

6.2. Work Hours and Nightwork. Permittee shall confine all surface- or vegetation-disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours such as emergency

response and security checks be conducted with extra caution to minimize impacts to Covered Species and other nocturnal wildlife species. Permittee shall request written authorization from CDFW (email will suffice) if any additional nightwork shall occur.

- 6.3. Lighting.** Permittee shall not install permanent lighting at the Project Area. Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting between sunset and sunrise unless authorized in writing from CDFW (email will suffice). If authorized, Permittee shall ensure that all temporary, fixed, exterior lighting used within the Project Area is turned on only when people are present and shall not cast light on Covered Species habitat beyond the footprint of the Project Area.
- 6.4. Delineation of Ingress and Egress Routes.** Permittee shall flag or otherwise clearly mark all access routes from the paved roads. Vehicle and equipment operation shall be limited to these designated, marked ingress and egress routes.
- 6.5. Equipment Fueling and Maintenance.** Permittee shall ensure that all equipment fueling and maintenance occur at least 50 feet from Covered Species burrows and shrubs, unless fueling and maintenance occurs within the Work Areas where vegetation has been removed per Condition of Approval Vegetation Removal and burrows have been excavated per Conditions of Approval SJAS Burrow Excavation below, or approved in advance in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment be present at all fueling locations. Permittee shall request written authorization from CDFW (email will suffice) if any additional fueling and maintenance locations are necessary outside of the Work Area.
- 6.6. Vehicle Parking.** Permittee shall not allow vehicles to park on top of Covered Species burrows. Permittee shall restrict parking to within designated staging and parking areas for which vegetation has been removed per Condition of Approval Vegetation Removal and burrows have been excavated per Conditions of Approval SJAS Burrow Excavation below. Vehicles and equipment parked overnight shall be located at least 50 feet from all Covered Species burrows and shrubs unless parking occurs within the Work Areas where vegetation has been removed per Condition of Approval Vegetation Removal and burrows have been excavated per Conditions of Approval SJAS Burrow Excavation, or approved in advance in writing by CDFW.
- 6.7. Vehicle and Equipment Inspection.** Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall immediately notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the

CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.

- 6.8. Stockpiling Materials.** Permittee shall stockpile and store all materials and equipment in a manner that discourages Covered Species' use. Permittee shall not place bundled or loose materials directly on the ground in all locations. Permittee shall elevate materials to discourage use by Covered Species.
- 6.9. Soil Stockpiles.** Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.
- 6.10. Materials Inspection.** Workers shall thoroughly inspect under and inside all construction materials that are stored in the Work Area for one or more overnight periods for the Covered Species before the structure is subsequently moved, utilized, enclosed, or buried. If during inspection, a Covered Species is discovered inside or under materials, workers shall immediately notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving or utilizing the structure in any way. Alternatively, the Designated Biologist may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.
- 6.11. Pipes and other Structures Entrapment Prevention.** Permittee shall ensure that all pipes, hoses, conduits, culverts, or similar materials stockpiled or installed in the Work Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduits, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, utilized, enclosed, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved or utilized in any way until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.
- 6.12. Excavation Inspection.** The Designated Biologist and/or Designated Monitor shall inspect all open trenches, holes, sumps, and other excavations within each Work Area at the beginning and end of each day when Covered Activities occur for any Covered Species that may be trapped. Project workers shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are backfilled. If any Project worker discovers that Covered Species have become trapped, the Project worker shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered

Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.

- 6.13. Covers and Ramps.** Permittee shall ensure that all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or have installed an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope.

To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps.

The Designated Biologist(s) and/or Designated Monitor shall inspect the integrity of covers and escape ramps of trenches, holes, sumps, and other excavations once each workday (including weekends and any other non-workdays unless temporary exclusion fencing completely surrounds the Work Area) to ensure that covers and ramps are in good condition, secured, and with no gaps. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.

- 6.14. Covered Species Observations.** All workers shall immediately inform the Designated Biologist if a Covered Species is seen within or near a Work Area during implementation of any Covered Activity. The Designated Biologist shall stop all work in the vicinity of the Covered Species, which could harm the animal, until the Covered Species is allowed to move unimpeded from the Work Area of its own accord. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.
- 6.15. Delineation of Environmentally Sensitive Areas.** Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Work Area. Environmentally Sensitive Areas shall be marked with brightly-colored

markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers as defined in Conditions of Approval SJAS Burrow Avoidance and TLL Habitat Avoidance. Permittee shall maintain Environmentally Sensitive Area markers in good repair for the duration of the Covered Activities in the Work Area. All markers shall be removed and properly disposed of immediately upon completion of Covered Activities in the Work Area. No Covered Activities are allowed within Environmentally Sensitive Areas except as described below in Conditions of Approval Temporary Exclusion Fencing, Temporary Exclusion Fencing Installation, SJAS Pre-Activity Surveys and Burrow Map Reporting, and TLL Habitat Assessment Map.

- 6.16. Temporary Exclusion Fencing.** At the discretion of the Designated Biologist, prior to conducting Covered Activities within a particular Work Area, Permittee may install temporary exclusion fencing around the perimeter of the Work Area. If the Designated Biologist determines temporary exclusion fencing will be installed, Permittee shall submit an Exclusion Fencing Plan for review and approval in writing by CDFW which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations. If the Designated Biologist determines temporary exclusion fencing will not be installed around a particular Work Area, the Permittee shall ensure that an increased number of Designated Biologists and Designated Monitors are present to have 100 percent visual coverage of the entire Work Area throughout the duration of Covered Activities occurring in the Work Area.
- 6.17. Temporary Exclusion Fencing Installation.** If installed, the Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances and loose soils are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area. The Designated Biologist shall inspect the Temporary Exclusion Fencing daily when Covered Activities are occurring within the Work Areas and at least once weekly during periods of inactivity. The Designated Biologist or Permittee shall maintain and immediately repair the fence when necessary. All fencing and associated materials shall be removed immediately upon completion of Covered Activities within the Work Area.
- 6.18. Covered Species Injury.** If any life stage of any of the Covered Species is injured or found dead within the vicinity of the Project Area, Permittees shall notify CDFW of the injury or mortality to the Covered Species immediately by email as described in the Condition of Approval Notification of Take or Injury. The Designated Biologist shall follow the approved SJAS Mortality Reduction and Relocation Plan and TLL

Mortality Reduction and Relocation Plan (Conditions of Approval below) to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any costs associated with the care, treatment, recovery, hacking, and release of such injured Covered Species.

SJAS-Specific Take Minimization Measures

- 6.19. SJAS Mortality Reduction and Relocation Plan.** Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 30 days prior to beginning Covered Activities. Trapping, burrow excavation, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include but not be limited to: 1) timing, including details to comply with Conditions of Approval SJAS Relocation Timing Constraints and SJAS Relocation Weather Constraints; 2) detailed description of trapping methodology including trap type, method of shading traps, number of traps, layout, handling captured individuals, transport details, etc.; 3) proposed release site(s) with maps depicting release areas, distance from Project Area, and detailed habitat description; 4) detailed release methods (i.e., soft release, hard release, or another method) and artificial burrow design/installation methods; 5) detailed burrow excavation methods; and 6) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS.

Only a Designated Biologist is authorized to capture, handle, and relocate SJAS unless a Designated Monitor is specifically approved for handling in advance in writing. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed revisions. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.

- 6.20. SJAS Pre-Construction Surveys and Reporting.** No more than 14 calendar days prior to beginning Covered Activities, the Designated Biologist shall conduct pre-construction surveys in each Work Area and 50 feet beyond the limits of the Work Area to identify, flag, and map all SJAS burrows. Permittee shall provide the results in a written report and SJAS Burrow Map to CDFW's Regional Representative within five calendar days after survey completion. The report shall include but not be limited to the methodology, date and time of survey, a discussion and map of the locations of each SJAS burrow, distances of burrows to Work Areas, and the dates when SJAS trapping and relocation will occur as described in Condition of Approval SJAS Relocation.

- 6.21. SJAS Burrow Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within or adjacent to the Work Area that will be impacted by vegetation- or ground-disturbing Covered Activities. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with the approved SJAS Mortality Reduction and Relocation Plan and Conditions of Approval SJAS Relocation, SJAS Relocation Weather Constraints, and SJAS Burrow Excavation.

The Designated Biologist or Designated Representative may request a buffer reduction via email to the CDFW Regional Representative to allow for retaining burrows that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to SJAS post construction. Buffer reduction requests shall be approved by CDFW in writing prior to implementation of any buffer reduction activities.

- 6.22. SJAS Relocation.** The Designated Biologist shall conduct diurnal live-trapping at SJAS burrows detected within each Work Area that cannot be avoided per Condition of Approval SJAS Burrow Avoidance for at least four (4) consecutive days prior to commencing ground-disturbing Covered Activities. The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the approved SJAS Mortality Reduction and Relocation Plan.

- 6.23. SJAS Relocation Timing Constraints.** The Designated Biologist shall relocate SJAS only after young of the year SJAS are observed above ground on site or at a suitable reference site and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). Approval to conduct relocation outside of the main activity period will require the seven-day forecast predicted by the National Weather Service, that can be independently verified by both CDFW and the Permittee, to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a forecast of 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW-approved reference site.

Traps shall only be open during the time of day when on-site temperatures are within the 68 to 86 degrees Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four (4) hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother.

If trapping and relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping. The Permittee may submit an alternative relocation method for written approval by CDFW as a part of the SJAS Mortality Reduction and Relocation Plan for Covered Activities occurring outside the referenced activity period for SJAS (April 1 through September 30).

- 6.24. SJAS Relocation Weather Constraints.** The Designated Biologist shall halt all capture of SJAS during rain events and during the prediction of inclement weather, such as the National Weather Service forecast of 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist shall halt all capture of SJAS and immediately close traps if the air temperature drops below 68 or exceeds 86 degrees Fahrenheit during the capture period. The Designated Biologist shall immediately cease capture activity and close traps if captured animals are found to be lethargic, showing signs of an increase or decrease in body temperature, or showing any signs of distress.
- 6.25. SJAS Burrow Excavation.** Immediately following completion of SJAS trapping and relocation activities conducted as required by Condition of Approval SJAS Relocation and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or individuals under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW-approved release site identified in the approved SJAS Mortality Reduction and Relocation Plan by the Designated Biologist. Any dormant, lactating/nursing female, or dependent juvenile SJAS encountered shall be collected along with salvageable burrow contents by the Designated Biologist and relocated (with salvaged burrow contents) to an artificial burrow installed at the CDFW-approved release site.

TLL-Specific Take Minimization Measures

- 6.26. TLL Mortality Reduction and Relocation Plan.** Permittee shall submit to CDFW with a TLL Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 days prior to the commencement of Covered Activities. The TLL Mortality Reduction and Relocation Plan shall include but not be limited to: 1) capture methods including but not limited

to coverboard materials, dimensions, spacing, placement locations, placement timing, methods to wet area and coverboards if applicable, methods to ensure secure/flush placement, coverboard check methods, timing, and intervals, raking depths, tools to be used, and tool modifications to prevent injury; 2) collection and relocation methods including but not limited to hand collection methods, container dimensions, container ventilation, amount of native soil in container, temperatures for transport, maximum amount of time in container, data to be collected, photo documentation methods, and a coordination plan to allow CDFW to obtain genetic material from TLL individuals prior to release. TLL individuals discovered singly shall be transported singly, and TLL found with other TLL individuals may be transported together in the same container and released together; 3) proposed release site(s) with maps depicting release areas, distance from Project Area, and detailed habitat description including soils, shrubs or vegetation, and distance to streams; 4) detailed release methods with soil prep techniques, time of day, temperature and weather conditions, release site photo documentation, and coordinates of exact location(s); 5) excavated vegetation inspection of roots and TLL capture methods; and 6) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured TLL.

Only a Designated Biologist is authorized to capture, handle, and relocate TLL unless a Designated Monitor is specifically approved for handling in advance in writing. Once the TLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the TLL Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.

- 6.27. TLL Habitat Assessment Map.** Permittee shall provide CDFW with a TLL Habitat Assessment Map prepared by the Designated Biologist(s), for review and written concurrence for areas in which TLL-specific take minimization measures will apply. The Designated Biologist shall map all areas of potentially occupied habitat for TLL within each Work Area. These areas shall be subject to Conditions of Approval TLL Habitat Avoidance and Vegetation Removal as applicable.
- 6.28. TLL Habitat Avoidance.** The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around suitable habitat for TLL to be impacted by vegetation- or ground-disturbing Covered Activities. The Designated Biologist or Designated Representative may request a buffer reduction via email to the CDFW Regional Representative to allow for retaining habitat and/or shrubs that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to TLL post construction. Buffer reduction requests shall be approved by CDFW in writing prior to implementation of any buffer reduction activities. If a 50-foot or approved reduced no-disturbance buffer cannot be established, relocation shall occur in accordance with Condition of

Approval TLL Relocation and the approved TLL Mortality Reduction and Relocation Plan.

- 6.29. TLL Relocation.** TLL relocation shall be conducted in areas of suitable habitat as identified and concurred with per Condition of Approval TLL Habitat Assessment Map. These areas shall have coverboards placed and checked as described in the approved TLL Mortality Reduction and Relocation Plan beginning a minimum of 30 days prior to vegetation- or ground-disturbing activities within each Work Area unless the habitat area is avoided per Condition of Approval TLL Habitat Avoidance. Coverboard checks and TLL relocation shall continue until negative detections for a 2-week interval occur or until otherwise approved in writing by CDFW.
- 6.30. Vegetation Removal.** Based on results of the TLL Habitat Assessment Map and after TLL capture has concluded, the Designated Biologist shall oversee the careful removal of vegetation by hand or mechanical excavation in habitat areas to maintain the root zone/root wads for inspection of TLL(s) potentially occupying the soils among the root zone/root wads. The Designated Biologist shall capture encountered TLL for relocation in accordance with the approved TLL Mortality Reduction and Relocation Plan.

Alternatively, for areas of vegetation within a Work Area that can be avoided by 50 feet from ground-disturbing Covered Activities (e.g., clearing, grading, excavating or trenching, cut and fill, etc.), Permittee shall demarcate a 50-foot Environmentally Sensitive Area avoidance zone and cut or clip such shrubs at the base to maintain the potentially-occupied root zone.

7. Habitat Management Land Acquisition:

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

To meet this requirement, the Permittee shall either purchase 140 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval Covered Species Credits below OR shall provide for both the permanent protection and management of 140 acres of Habitat Management (HM) lands 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. Purchase of Covered Species credits OR permanent

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

- 7.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:
 - 7.1.1. Land acquisition costs for HM lands identified in Habitat Management Lands Acquisition and Protection below, estimated at \$6,000.00/acre for 140 acres: **\$840,000.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
 - 7.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Conditions of Approval Fee Title and Conservation Easement below: **\$315,250.00**;
 - 7.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Start-up Activities below, estimated at **\$148,937.09**;
 - 7.1.4. Interim management funding as described in Interim Management (Initial and Capital) below, estimated at **\$140,833.44**;
 - 7.1.5. Long-term management funding as described in Endowment Fund below, estimated at \$6,471.17/acre for 140 acres: **\$905,963.89**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management;
 - 7.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Reimburse CDFW, estimated at **\$15,000.00**;
 - 7.1.7. All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work **\$65,700.00**.

- 7.2. Covered Species Credits.** If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 140 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank if one becomes available for both Covered Species prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval Security below. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of this ITP if Security is provided.
- 7.3. Habitat Management Lands Acquisition and Protection.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall:
- 7.3.1. Fee Title.** Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, 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.
- 7.3.2. Conservation Easement.** If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement;
- 7.3.3. HM Lands Approval.** Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three

months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;

- 7.3.4.** 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;
- 7.3.5.** 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;
- 7.3.6.** Start-up Activities. Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736>) (2) conducting a baseline biological assessment and land survey report within six months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) installing initial fencing and gates; (5) installing signage; (6) conducting litter removal; and (7) conducting initial habitat restoration or enhancement activities, if applicable;
- 7.3.7.** Interim Management (Initial and Capital). Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final 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 a baseline survey and report, fence repair, continuing trash removal, site and Covered Species monitoring, and 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.

- 7.4. Endowment Fund.** If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by 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.

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 30 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 30-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) 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.

8. Security: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval Habitat Management Land Acquisition that has 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 **\$2,431,684.42**. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval Cost Estimates above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.
- 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 and at least 45 days prior to the start of Covered Activities. Permittee shall execute the CDFW-approved Security and the original shall be received prior to Covered Activities commencement.
- 8.4. Security Holder.** The Security shall be held 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 escrow agreement, irrevocable letter of credit, 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 comply with the Conditions of Approval of this ITP.
- 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:

Credit Purchase

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

OR

Habitat Management Land Acquisition

- Written documentation of the acquisition of the HM lands;
- Copies of all executed and recorded conservation easements;

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

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

IX. Amendment:

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

X. Stop-Work Order:

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

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

XI. Compliance with Other Laws:

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

XII. Notices:

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2021-039-04) 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:

Sarah Bahm
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710
Telephone (559) 580-3195
Sarah.Bahm@wildlife.ca.gov

XIII. Compliance with the CEQA:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, Kern County. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Revisions to Title 19 – Kern County Zoning Ordinance Code – 2025(A), Focused on Oil and Gas Local Permitting Final Environmental Impact Report (2015) (EIR), Supplemental Recirculated EIR (2020/2021), and Second Supplemental Recirculated EIR (2025) (SCH No.: 2013081079) certified by Kern County on 9 November 2015, 9 March 2021, and 26 June 2025, respectively. At the time the lead agency certified the EIRs listed above and approved the

Incidental Take Permit
No. 2081-2021-039-04
CHEVRON U.S.A., INC.
7Z DEVELOPMENT PROJECT

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 EIRs for the Project and the environmental effects related to issuance of this ITP (CEQA Guidelines, § 15096, subd. (f)). CDFW finds that issuance of this ITP will not result in any previously undisclosed potentially significant effects on the environment or a substantial increase in the severity of any potentially significant environmental effects previously disclosed by the lead agency. Furthermore, to the extent the potential for such effects exists, CDFW finds adherence to and implementation of the Conditions of Project Approval adopted by the lead agency, and that adherence to and implementation of the Conditions of Approval imposed by CDFW through the issuance of this ITP, will avoid or reduce to below a level of significance any such potential effects. CDFW consequently finds that issuance of this ITP will not result in any significant, adverse impacts on the environment.

XIV. Findings Pursuant to CESA:

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

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

- (1) Take of Covered Species as defined in this ITP will be incidental to the otherwise lawful activities covered under this ITP;
- (2) Impacts of the taking on Covered Species will be minimized and fully mitigated through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) permanent habitat protection; (2) establishment of avoidance zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 140 acres of compensatory habitat that is contiguous with other protected Covered Species habitat and/or is of higher quality than the habitat being destroyed by the Project, along with the minimization, monitoring, reporting, and funding requirements of this ITP minimizes and fully mitigates the impacts of the taking caused by the Project;
- (3) The take avoidance and mitigation measures required pursuant to the conditions of this ITP and its attachments are roughly proportional in extent to the impacts of the taking authorized by this ITP;

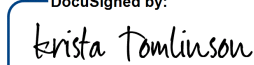
- (4) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (5) All required measures are capable of successful implementation;
- (6) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (7) Permittee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

XV. Attachments:

FIGURE 1	Project Vicinity Map
FIGURE 2	Map of Work Areas and Access Routes
FIGURE 3	Covered Species Habitat Map
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Biologist Resume Form
ATTACHMENT 3	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

ON 7/9/2026

DocuSigned by:

 12950B95267A4F5...
 for Julie A. Vance, Regional Manager
 CENTRAL REGION

Incidental Take Permit
 No. 2081-2021-039-04
 CHEVRON U.S.A., INC.
 7Z DEVELOPMENT PROJECT

Figure 1. Project Vicinity Map

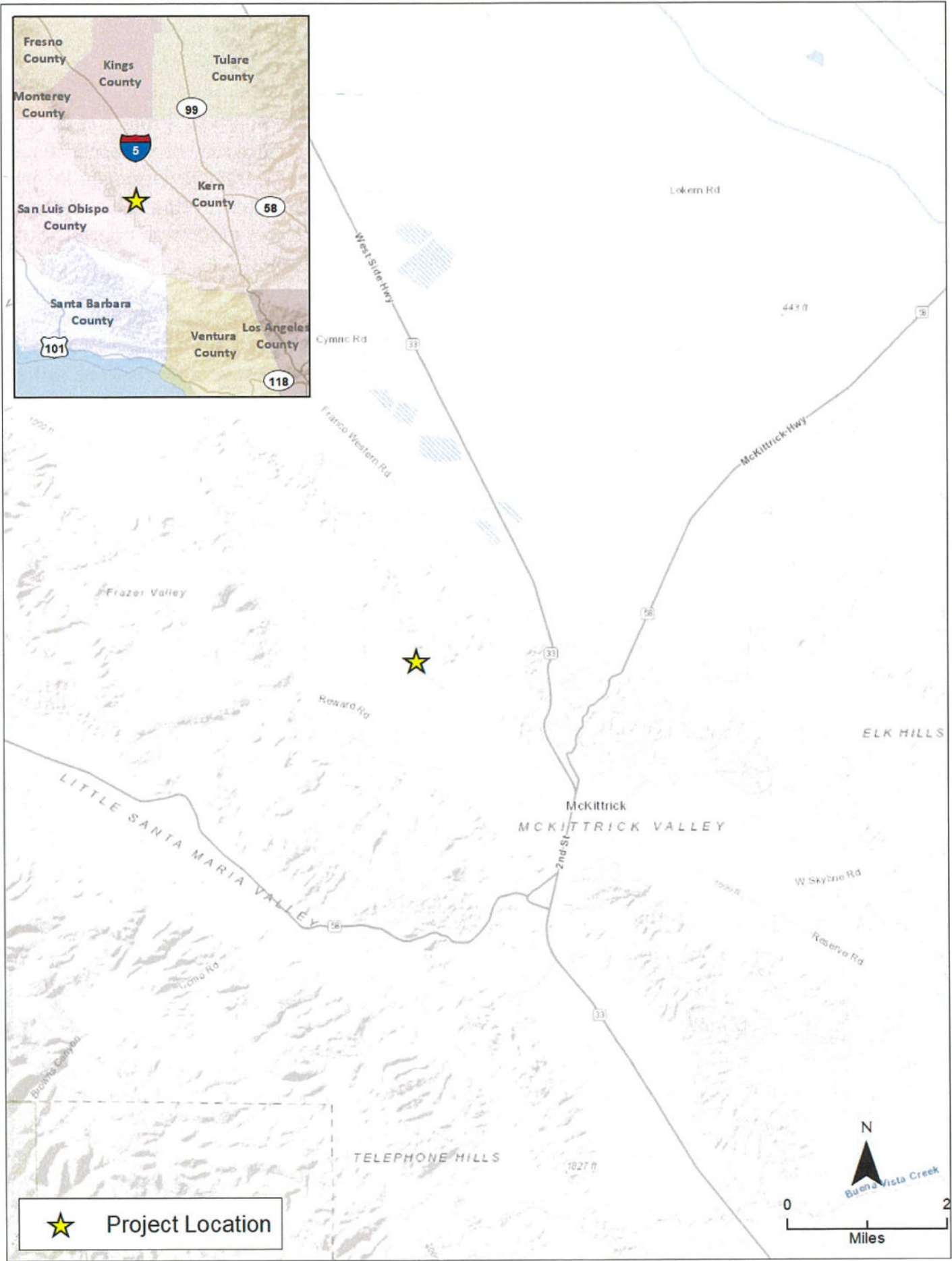


Figure 2. Map of Work Areas and Access Routes

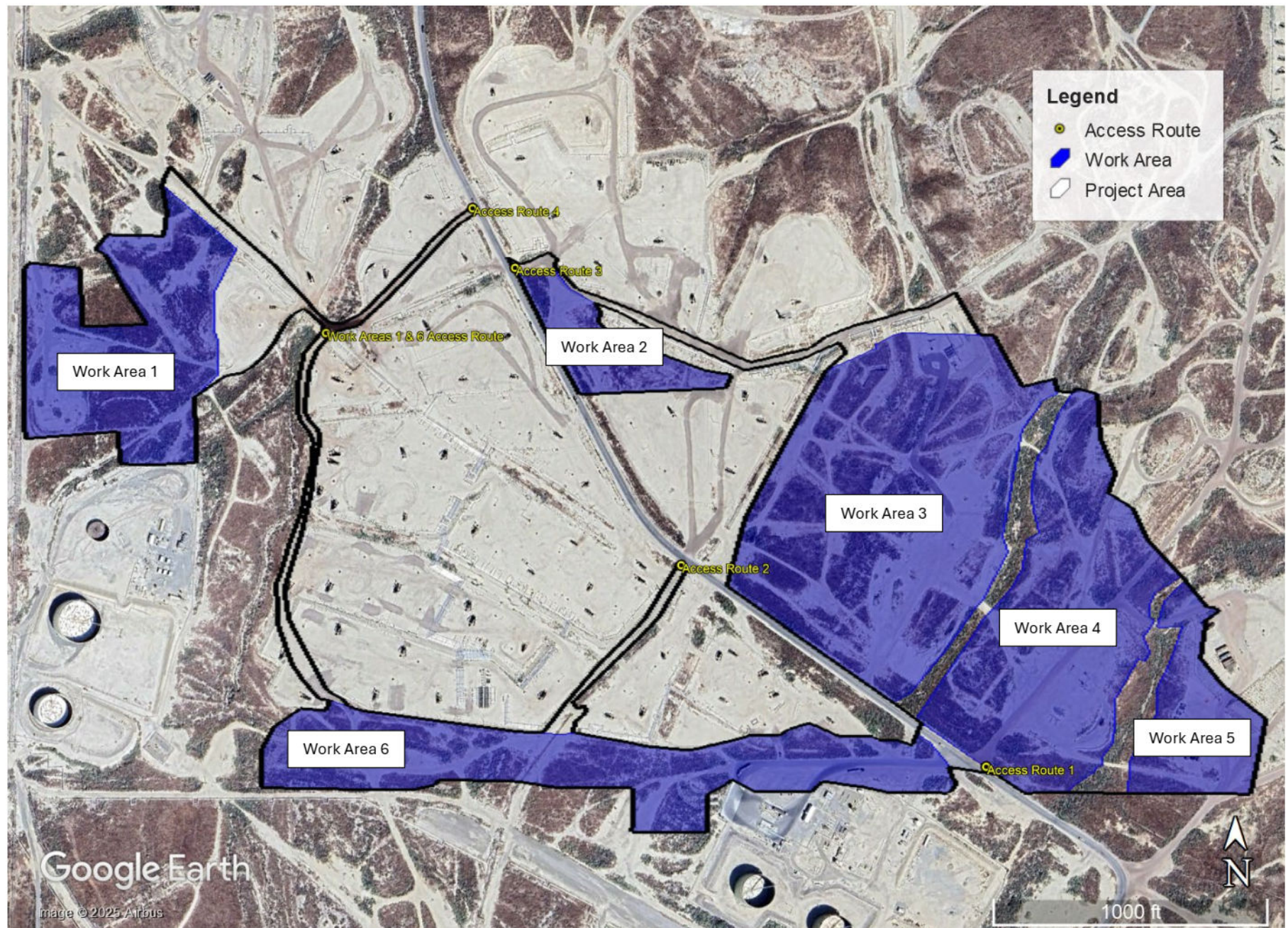
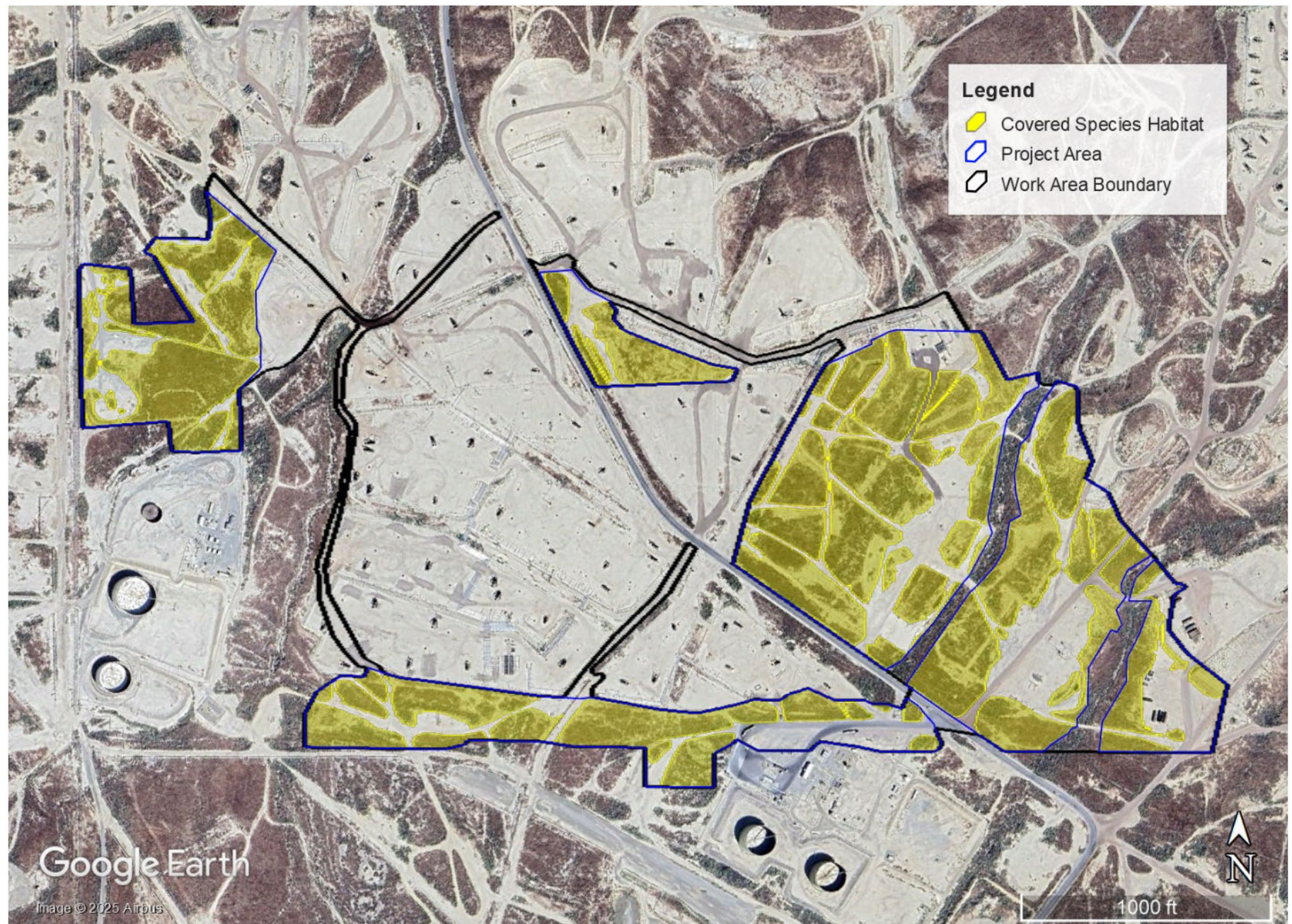


Figure 3. Covered Species Habitat Map



Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081-2021-039-04

PERMITTEE: Chevron U.S.A., Inc.

PROJECT: 7Z Development Project

PURPOSE OF THE MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	<u>Designated Representative</u> . Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the ITP.	ITP Condition # 4.1	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
2	<u>Designated Biologist(s) and Designated Monitor(s)</u> . Permittee shall submit to CDFW in writing the name, qualifications, business address, contact information, and references with contact information of Designated Biologist(s) and Designated Monitor(s) using the Biologist Resume Example (Attachment 2) or another format containing the same information. Permittee shall review qualifications before submission and ensure that the Designated Biologist(s) and Designated Monitor(s) are knowledgeable and experienced in Covered Species' biology and natural history. Permittee shall also ensure the Designated Biologist's experience with trapping, handling, and excavating burrows to minimize mortality of SJAS, surveying and handling TLL or similar species, and monitoring construction activities following the Conditions of Approval of an ITP for the Covered Species. CDFW may approve Designated Biologist(s) for one or both Covered Species in the ITP. For example, CDFW may approve a Designated Biologist to implement all Conditions of Approval for SJAS only, approve a Designated Biologist to implement all Conditions of Approval for TLL only, or approve a Designated Biologist to implement all Conditions of Approval for both Covered Species in the ITP. CDFW may approve Designated Monitor(s) not meeting the qualifications of a Designated Biologist to assist in compliance monitoring and/or implementation of Conditions of Approval as specified by CDFW. Designated Monitor responsibilities shall be restricted to specific Conditions of Approval, specified by the Permittee or Designated Representative at the time their qualifications are submitted for review. Designated Monitor(s) and their specific activities shall be approved in advance and in writing by CDFW. Designated Biologist(s) and Designated Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Designated Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Designated Monitor(s) must be changed.	ITP Condition # 4.2	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
3	<u>Education Program</u> . Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before they can perform any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities and ground disturbance, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in the ITP. The Designated Biologist shall be available to answer attendees' questions during and after the presentation concludes. 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 and translation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program, employees shall sign a form stating they attended the program and understand all protection measures. Permittee shall provide CDFW with a copy of all education program materials before starting Covered Activities and shall provide copies of the signed acknowledgment forms as described in Condition of Approval <u>Monthly Compliance Reports</u> .	ITP Condition # 4.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
4	<u>Trash Abatement</u> . Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once per week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 4.6	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
5	<u>Dust Control</u> . Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.	ITP Condition # 4.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	<u>Delineation of Project Area Boundaries</u> . Before starting Covered Activities, Permittee shall clearly delineate the boundaries of each Work Area where the ground- or vegetation-disturbing Covered Activities will occur with fencing, stakes, flags and/or signage. Permittee shall restrict all Covered Activities to within the fenced, staked, flagged, and/or signed Work Areas. Permittee shall maintain all fencing, stakes, flags and/or signage until the completion of Covered Activities within the Work Area and remove, and properly dispose of, all delineation materials immediately upon completion within the Work Area.	ITP Condition # 4.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
7	<u>Delineation of Habitat</u> . Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, rope or cord, and/or fencing as necessary to minimize the disturbance of Covered Species' habitat. Permittee shall maintain all signs, stakes, flags, rope or cord, and/or fencing until the completion of Covered Activities in the Work Area and remove, and properly dispose of, all habitat delineation materials immediately upon completion in the Work Area.	ITP Condition # 4.12	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	<u>Notification Before Commencement</u> . The Designated Representative shall notify CDFW of the start of Covered Activities and shall document compliance with all pre-Project Conditions of Approval.	ITP Condition # 5.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
9	<u>Geographic Information Systems Data Files</u> . Within 30 days of the issuance of the ITP, the Permittee shall provide CDFW with Geographic Information Systems (GIS) data files for the temporary and/or permanent habitat impact areas authorized under the ITP for each Covered Species. If more than one Covered Species occurs within the same area, the Permittee shall provide a separate set of GIS data files for each species. If habitat for a Covered Species will be both temporarily and permanently impacted, the Permittee shall also provide a separate set of GIS data files for each impact type for each species. The Permittee shall also provide any additional requested 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 # 5.3	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
10	<u>Record of Covered Species Relocated</u> . The Designated Biologist shall maintain a record of all Covered Species handled and observed. This information shall include for each animal: (1) the location (Global Positioning System (GPS) coordinates and maps) and time of capture and/or observation; (2) location and time of release; (3) sex, if able to determine; (4) approximate age (adult/juvenile) and reproductive condition; (5) weight for SJAS and length for TLL; (6) general condition and health, noting all visible conditions including gait and behavior, diarrhea, emaciation, salivation, hair loss, tail loss, ectoparasites, injuries, etc.; and (7) ambient temperature when captured and released. The Designated Biologist shall prepare a Relocation Summary and include it in the Monthly Compliance Report. The Relocation Summary required by Condition of Approval <u>Final Mitigation Report</u> shall include cumulative results, analysis of data collected, and conclusions.	ITP Condition # 5.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	<u>Delineation of Ingress and Egress Routes</u> . Permittee shall flag or otherwise clearly mark all access routes in the field from the paved road. Vehicle and equipment operation shall be limited to these designated, marked ingress and egress routes.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
12	<u>Delineation of Environmentally Sensitive Areas</u> . Permittee shall clearly delineate Environmentally Sensitive Areas before Covered Activities commence in the Work Area. Environmentally Sensitive Areas shall be marked with brightly colored markers visible to workers with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species. Environmentally Sensitive Areas are defined as all areas that warrant special protection and no-disturbance exclusion buffers as defined in Conditions of Approval <u>SJAS Burrow Avoidance</u> and <u>TLL Habitat Avoidance</u> . Permittee shall maintain Environmentally Sensitive Area markers in good repair for the duration of the Covered Activities in the Work Area. All markers shall be removed and properly disposed of immediately upon completion of Covered Activities in the Work Area. No Covered Activities are allowed within Environmentally Sensitive Areas except as described in Conditions of Approval <u>Temporary Exclusion Fencing</u> , <u>Temporary Exclusion Fencing Installation</u> , <u>SJAS Pre-Activity Surveys and Burrow Map Reporting</u> , and <u>TLL Habitat Assessment Map</u> .	ITP Condition # 6.15	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
13	<u>Temporary Exclusion Fencing</u> . At the discretion of the Designated Biologist, prior to conducting Covered Activities within a particular Work Area, Permittee may install temporary exclusion fencing around the perimeter of the Work Area. If the Designated Biologist determines temporary exclusion fencing will be installed, Permittee shall submit an Exclusion Fencing Plan for review and approval in writing by CDFW which shall include, but not be limited to, the fencing material, design, installation methods, access gates, and a map of installation locations. If the Designated Biologist determines temporary exclusion fencing will not be installed around a particular Work Area, the Permittee shall ensure that an increased number of Designated Biologists and Designated Monitors are present to have 100 percent visual coverage of the entire Work Area throughout the duration of Covered Activities occurring in the Work Area.	ITP Condition # 6.16	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
14	<u>Temporary Exclusion Fencing Installation</u> . If installed, the Designated Biologist shall accompany the exclusion fence installation crew to ensure that Covered Species are not killed or injured during fence installation. The Designated Biologist shall ensure all small mammal burrow entrances and loose soils are avoided (i.e., not covered) by fencing material during fence installation. The Designated Biologist shall ensure the Temporary Exclusion Fencing is sufficiently supported to maintain its integrity under all conditions such as wind and heavy rain for the duration of the Covered Activities in the Work Area. The Designated Biologist shall inspect the Temporary Exclusion Fencing daily when Covered Activities are occurring within the Work Areas and at least once weekly during periods of inactivity. The Designated Biologist or Permittee shall maintain and immediately repair the fence when necessary. All fencing and associated materials shall be removed immediately upon completion of Covered Activities within the Work Area.	ITP Condition # 6.17	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
15	<u>SJAS Mortality Reduction and Relocation Plan</u>. Permittee shall submit a SJAS Mortality Reduction and Relocation Plan to CDFW at least 30 days prior to beginning Covered Activities. Trapping, burrow excavation, and other relocation activities shall not proceed until this plan has been approved in writing by CDFW's Regional Representative. The SJAS Mortality Reduction and Relocation Plan shall include but not be limited to: 1) timing, including details to comply with Conditions of Approval <u>SJAS Relocation Timing Constraints</u> and <u>SJAS Relocation Weather Constraints</u>; 2) detailed description of trapping methodology including trap type, method of shading traps, number of traps, layout, handling captured individuals, transport details, etc.; 3) proposed release site(s) with maps depicting release areas, distance from Project Area, and detailed habitat description; 4) detailed release methods (i.e., soft release, hard release, or another method) and artificial burrow design/installation methods; 5) detailed burrow excavation methods; and 6) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured SJAS. Only a Designated Biologist is authorized to capture, handle, and relocate SJAS unless a Designated Monitor is specifically approved for handling in advance in writing. Once the SJAS Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for all SJAS mortality reduction activities for the duration of the ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed revisions. Any proposed changes to the CDFW-approved SJAS Mortality Reduction and Relocation Plan shall be submitted in writing to CDFW and approved by CDFW in writing prior to implementation of any proposed SJAS Mortality Reduction and Relocation Plan modifications.	ITP Condition # 6.19	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
16	<u>SJAS Pre-Construction Surveys and Reporting</u>. No more than 14 calendar days prior to beginning Covered Activities, the Designated Biologist shall conduct pre construction surveys in each Work Area and 50 feet beyond the limits of the Work Area to identify, flag, and map all SJAS burrows. Permittee shall provide the results in a written report and SJAS Burrow Map to CDFW's Regional Representative within five calendar days after survey completion. The report shall include but not be limited to the methodology, date and time of survey, a discussion and map of the locations of each SJAS burrow, distances of burrows to Work Areas, and the dates when SJAS trapping and relocation will occur as described in Condition of Approval <u>SJAS Relocation</u>.	ITP Condition # 6.20	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
17	<u>SJAS Burrow Avoidance</u>. The Designated Biologist shall establish a no-disturbance buffer of 50 feet or greater around suspected or known to be occupied SJAS burrows within or adjacent to the Work Area that will be impacted by vegetation- or ground-disturbing Covered Activities. If the 50-foot no-disturbance buffer cannot be established, live trapping, relocation, and burrow excavation shall occur in accordance with the approved <u>SJAS Mortality Reduction and Relocation Plan</u> and Conditions of Approval <u>SJAS Relocation</u>, <u>SJAS Relocation Weather Constraints</u>, and <u>SJAS Burrow Excavation</u>. The Designated Biologist or Designated Representative may request a buffer reduction via email to the CDFW Regional Representative to allow for retaining burrows that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to SJAS post construction. Buffer reduction requests shall be approved by CDFW in writing prior to implementation of any buffer reduction activities.	ITP Condition # 6.21	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
18	<u>SJAS Relocation</u>. The Designated Biologist shall conduct diurnal live-trapping at SJAS burrows detected within each Work Area that cannot be avoided per Condition of Approval <u>SJAS Burrow Avoidance</u> for at least four (4) consecutive days prior to commencing ground-disturbing Covered Activities. The Designated Biologist shall relocate any captured SJAS to the CDFW-approved release site identified in the approved <u>SJAS Mortality Reduction and Relocation Plan</u>.	ITP Condition # 6.22	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	<u>SJAS Relocation Timing Constraints.</u> The Designated Biologist shall relocate SJAS only after young of the year SJAS are observed above ground on site or at a suitable reference site and during the main activity period for the species (April 1 to September 30) unless otherwise approved in advance and in writing by CDFW (email will suffice). Approval to conduct relocation outside of the main activity period will require the seven-day forecast predicted by the National Weather Service, that can be independently verified by both CDFW and the Permittee, to have daytime high temperatures (sunrise to sunset) between 68 and 86 degrees Fahrenheit with no prediction of inclement weather (e.g., a forecast of 30 percent or greater chance of precipitation) and evidence of young of the year SJAS (if prior to April 1) and/or adults (if after September 30) observed above ground at a CDFW approved reference site. Traps shall only be open during the time of day when on site temperatures are within the 68 to 86 degrees Fahrenheit criterion and only when temperatures are predicted by the National Weather Service to remain within that range for more than four (4) hours. Any captured lactating/nursing female or dependent juvenile SJAS shall be released immediately at the trap location and trapping shall cease until young of the year SJAS are observed above ground and no longer dependent on their mother. If trapping and relocation occurs prior to April 1 and/or after September 30, the Designated Biologist(s) shall submit daily trapping forms to CDFW for review and concurrence to continue with live trapping. Daily trapping forms shall include, but not be limited to, on-site temperatures and time when traps are opened, when traps are checked, and when animals are relocated; weather conditions (e.g., wind and cloud cover); and the number of traps used. After review of the final daily trapping form and concurrence with trapping results, CDFW will approve burrow excavation in advance and in writing (email will suffice) following the final day of trapping. The Permittee may submit an alternative relocation method for written approval by CDFW as a part of the <u>SJAS Mortality Reduction and Relocation Plan</u> for Covered Activities occurring outside the referenced activity period for SJAS (April 1 through September 30).	ITP Condition # 6.23	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist	
20	<u>SJAS Relocation Weather Constraints.</u> The Designated Biologist shall halt all capture of SJAS during rain events and during the prediction of inclement weather, such as the National Weather Service forecast of 30 percent or greater chance of rain that can be independently verified by both CDFW and the Permittee. Additionally, the Designated Biologist shall halt all capture of SJAS and immediately close traps if the air temperature drops below 68 or exceeds 86 degrees Fahrenheit during the capture period. The Designated Biologist shall immediately cease capture activity and close traps if captured animals are found to be lethargic, showing signs of an increase or decrease in body temperature, or showing any signs of distress.	ITP Condition # 6.24	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
21	<u>SJAS Burrow Excavation.</u> Immediately following completion of SJAS trapping and relocation activities conducted as required by Condition of Approval <u>SJAS Relocation</u> and prior to commencing Covered Activities within the Work Area, the Designated Biologist, or individuals under the direct supervision of the Designated Biologist, shall fully excavate by hand any potential SJAS burrows present within the portion of the Project Area to be disturbed by Covered Activities. Any SJAS encountered during burrow excavation shall be allowed to escape out of harm's way to the adjacent natural habitat or relocated to the CDFW approved release site identified in the approved <u>SJAS Mortality Reduction and Relocation Plan</u> by the Designated Biologist. Any dormant, lactating/nursing female, or dependent juvenile SJAS encountered shall be collected along with salvageable burrow contents by the Designated Biologist and relocated (with salvaged burrow contents) to an artificial burrow installed at the CDFW-approved release site.	ITP Condition # 6.25	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
22	<u>TLL Mortality Reduction and Relocation Plan</u>. Permittee shall submit to CDFW with a TLL Mortality Reduction and Relocation Plan, prepared by the Designated Biologist(s), for CDFW review and written approval at least 30 days prior to the commencement of Covered Activities. The TLL Mortality Reduction and Relocation Plan shall include but not be limited to: 1) capture methods including but not limited to coverboard materials, dimensions, spacing, placement locations, placement timing, methods to wet area and coverboards if applicable, methods to ensure secure/flush placement, coverboard check methods, timing, and intervals, raking depths, tools to be used, and tool modifications to prevent injury; 2) collection and relocation methods including but not limited to hand collection methods, container dimensions, container ventilation, amount of native soil in container, temperatures for transport, maximum amount of time in container, data to be collected, photo documentation methods, and a coordination plan to allow CDFW to obtain genetic material from TLL individuals prior to release. TLL individuals discovered singly shall be transported singly, and TLL found with other TLL individuals may be transported together in the same container and released together; 3) proposed release site(s) with maps depicting release areas, distance from Project Area, and detailed habitat description including soils, shrubs or vegetation, and distance to streams; 4) detailed release methods with soil prep techniques, time of day, temperature and weather conditions, release site photo documentation, and coordinates of exact location(s); 5) excavated vegetation inspection of roots and TLL capture methods; and 6) identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured TLL. Only a Designated Biologist is authorized to capture, handle, and relocate TLL unless a Designated Monitor is specifically approved for handling in advance in writing. Once the TLL Mortality Reduction and Relocation Plan is approved in writing by CDFW, it shall be used for the duration of the ITP unless updated by CDFW to reflect best available science in which case CDFW will contact the Permittee to discuss needed updates. Any proposed changes to the TLL Mortality Reduction and Relocation Plan shall be submitted, in writing, to CDFW and approved in writing prior to implementation of any proposed modifications.	ITP Condition # 6.26	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee / Designated Biologist	
23	<u>TLL Habitat Assessment Map</u>. Permittee shall provide CDFW with a TLL Habitat Assessment Map prepared by the Designated Biologist(s), for review and written concurrence for areas in which TLL-specific take minimization measures will apply. The Designated Biologist shall map all areas of potentially occupied habitat for TLL within each Work Area. These areas shall be subject to Conditions of Approval <u>TLL Habitat Avoidance</u> and <u>Vegetation Removal</u> as applicable.	ITP Condition # 6.27	Before commencing ground- or vegetation-disturbing activities	Permittee / Designated Biologist	
24	<u>TLL Habitat Avoidance</u>. The Designated Biologist shall establish a no-disturbance buffer of 50 feet (or greater) around suitable habitat for TLL to be impacted by vegetation- or ground-disturbing Covered Activities. The Designated Biologist or Designated Representative may request a buffer reduction via email to the CDFW Regional Representative to allow for retaining habitat and/or shrubs that could otherwise be reasonably avoided and un-damaged by vegetation- or ground-disturbing activities and potentially available to TLL post construction. Buffer reduction requests shall be approved by CDFW in writing prior to implementation of any buffer reduction activities. If a 50-foot or approved reduced no-disturbance buffer cannot be established, relocation shall occur in accordance with Condition of Approval <u>TLL Relocation</u> and the approved <u>TLL Mortality Reduction and Relocation Plan</u>.	ITP Condition # 6.28	Before commencing ground- or vegetation-disturbing activities	Designated Biologist / Permittee	
25	<u>TLL Relocation</u>. TLL relocation shall be conducted in areas of suitable habitat as identified and concurred with per Condition of Approval <u>TLL Habitat Assessment Map</u>. These areas shall have coverboards placed and checked as described in the approved <u>TLL Mortality Reduction and Relocation Plan</u> beginning a minimum of 30 days prior to vegetation- or ground-disturbing activities within each Work Area unless the habitat area is avoided per Condition of Approval <u>TLL Habitat Avoidance</u>. Coverboard checks and TLL relocation shall continue until negative detections for a 2-week interval occur or until otherwise approved in writing by CDFW.	ITP Condition # 6.29	Before commencing ground- or vegetation-disturbing activities / Entire Project	Designated Biologist / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
26	<u>Vegetation Removal.</u> Based on results of the <u>TLL Habitat Assessment Map</u> and after TLL capture has concluded, the Designated Biologist shall oversee the careful removal of vegetation by hand or mechanical excavation in habitat areas to maintain the root zone/root wads for inspection of TLL(s) potentially occupying the soils among the root zone/root wads. The Designated Biologist shall capture encountered TLL for relocation in accordance with the approved <u>TLL Mortality Reduction and Relocation Plan</u>. Alternatively, for areas of vegetation within a Work Area that can be avoided by 50 feet from ground-disturbing Covered Activities (e.g., clearing, grading, excavating or trenching, cut and fill, etc.), Permittee shall demarcate a 50-foot Environmentally Sensitive Area avoidance zone and cut or clip such shrubs at the base to maintain the potentially-occupied root zone.	ITP Condition # 6.30	Before commencing ground- or vegetation-disturbing activities	Designated Biologist	
27	<u>Habitat Management Land Acquisition.</u> Based on previous observations of the Covered Species and Covered Species habitat features currently documented within the Project Area and vicinity, CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result with implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the Covered Species and habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation. To meet this requirement, the Permittee shall either purchase 140 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval <u>Covered Species Credits</u> OR shall provide for both the permanent protection and management of 140 acres of Habitat Management (HM) lands pursuant to Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u> and the calculation and deposit of the management funds pursuant to Condition of Approval <u>Endowment Fund</u>. Purchase of Covered Species credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting Covered Activities, or within 18 months of the effective date of the ITP if Security is provided pursuant to Condition of Approval <u>Security</u> for all uncompleted obligations.	ITP Condition # 7	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
28	<u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows: - Land acquisition costs for HM lands identified in Condition of Approval <u>Habitat Management Lands Acquisition and Protection</u>, estimated at \$6000.00/acre for 140 acres: \$840,000.00. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements; - All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval <u>Fee Title and Conservation Easement</u>: \$315,250.00; - Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval <u>Start-up Activities</u>, estimated at \$148,937.09; - Interim management period funding as described in Condition of Approval <u>Interim Management (Initial and Capital)</u>, estimated at \$140,833.44; - Long-term management funding as described in Condition of Approval <u>Endowment Fund</u>, estimated at \$6,471.17/acre for 140 acres: \$905,963.89. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management; - Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval <u>Reimburse CDFW</u>, estimated at \$15,000.00; and - CDFW engaging an external contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor's work \$65,700.00.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
29	<u>Covered Species Credits.</u> If the Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 140 acres of Covered Species credits from a CDFW-approved mitigation or conservation bank if one becomes available for both Covered Species prior to initiating Covered Activities, or no later than 18 months from the issuance of the ITP if Security is provided pursuant to Condition of Approval <u>Security</u>. Prior to purchase of Covered Species credits, Permittee shall obtain CDFW approval to ensure the mitigation or conservation bank is appropriate to compensate for the impacts of the Project. Permittee shall submit to CDFW a copy of the Bill of Sale(s) and Payment Receipt prior to initiating Covered Activities or within 18 months from issuance of the ITP if Security is provided.	ITP Condition # 7.2	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
30	<u>Habitat Management Lands Acquisition and Protection.</u> If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall: <u>Fee Title.</u> 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 ACSD, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.	ITP Condition # 7.3.1	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
31	<u>Conservation Easement</u> . If CDFW does not hold fee title to the HM lands, CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the "doctrine of merger" could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.	ITP Condition # 7.3.2	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
32	<u>HM Lands Approval</u> . Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species.	ITP Condition # 7.3.3	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
33	<u>HM Lands Documentation</u> . Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services.	ITP Condition # 7.3.4	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
34	<u>Land Manager</u> . Designate both an interim and long-term land manager approved by CDFW. The interim and long-term land managers may, but need not, be the same. The interim and/or long-term land managers may be the landowner or another party. Documents related to land management shall identify 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.	ITP Condition # 7.3.5	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
35	<u>Start-up Activities</u> . Provide for the implementation of start-up activities, including the initial site protection and enhancement of HM lands, once the HM lands have been approved by CDFW. Start-up activities include, at a minimum: (1) preparing a final management plan for CDFW approval (see optional management plan template at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227736); (2) conducting a baseline biological assessment and land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data if applicable; (4) establishing initial fencing; (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;	ITP Condition # 7.3.6	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	<u>Interim Management (Initial and Capital)</u>. Provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final 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, site monitoring, vegetation and invasive species management, and Covered Species monitoring. 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.	ITP Condition # 7.3.7	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
37	<u>Endowment Fund</u>. If the Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then the Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in 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 Start-up Activities. 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. 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.	ITP Condition # 7.4	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
38	<u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or 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).	ITP Condition # 7.4.1	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
39	<u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Condition # 7.4.2	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
40	<u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.	ITP Condition # 7.4.2.1	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
41	<u>Endowment Buffers/Assumptions.</u> 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: • <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.	ITP Condition # 7.4.2.2	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
42	<u>Transfer Long-term Endowment Funds</u> . Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified.	ITP Condition # 7.4.3	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
43	<u>Management of the Endowment</u>. 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. 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.	ITP Condition # 7.4.4	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
44	<u>Reimburse CDFW</u> . 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 #7.5	Before commencing ground- or vegetation-disturbing activities or within 18 months of ITP effective date if Security is provided	Permittee	
45	<u>Security</u>: The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval <u>Habitat Management Land Acquisition</u> that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: • <u>Security Amount</u>. The Security shall be in the amount of \$2,431,684.42 determined by CDFW based on the cost estimates identified in Condition of Approval <u>Cost Estimates</u>, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. • <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 and at least 45 days prior to the start of Covered Activities. Permittee shall execute the CDFW-approved Security and the original shall be received prior to Covered Activities commencement. • <u>Security Holder</u>. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.	ITP Condition # 8	At least 30 calendar days before Covered Activities begin or within 30 days after the effective date of the ITP, whichever occurs first.	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	<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 comply with the Conditions of Approval of the ITP. <u>Security Release</u>. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: <u>Credit Purchase</u> - Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and - Timely submission of all required reports. OR <u>Habitat Management Land Acquisition</u> - Written documentation of the acquisition of the HM lands; - Copies of all executed and recorded conservation easements; - Written confirmation from the approved Endowment Manager of its receipt of the full Endowment; and - Timely submission of all required reports. Even if Security is provided, the Permittee must complete the required acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the ITP. CDFW may require the Permittee to provide additional HM lands and/or additional funding to ensure the impacts of the taking are minimized and fully mitigated, as required by law, if the Permittee does not complete these requirements within the specified timeframe.				
DURING CONSTRUCTION					
46	<u>Designated Biologist(s)/Designated Monitor(s) Authority</u>. To ensure compliance with the Conditions of Approval of the ITP, the Designated Biologist(s)/Designated Monitor(s) shall be given the authority to 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 entire Project Site and otherwise facilitate the Designated Biologist(s)/Designated Monitor(s) in the performance of his/her duties. If the Designated Biologist(s)/Designated Monitor(s) are unable to comply with the ITP, then the Designated Biologist(s)/Designated Monitor(s) shall notify the CDFW Representative (detailed in the <u>Notices</u> section) immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist(s)/Designated Monitor(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of the ITP.	ITP Condition # 4.3	Entire Project	Designated Biologist / Designated Monitor / Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
47	<u>Construction Monitoring Documentation.</u> The Designated Biologist(s) and Designated Monitor(s) shall maintain construction-monitoring documentation on site in either hard copy or digital format throughout the Project, 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 # 4.5	Entire Project	Designated Biologist / Designated Monitor	
48	<u>Erosion Control Materials.</u> Permittee shall prohibit the use of any plastic-based erosion control materials or materials that can be harmful to Covered Species and other wildlife species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 4.8	Entire Project	Permittee	
49	<u>Dogs.</u> Permittee shall prohibit domestic dogs from the Project Area and site access routes during Covered Activities, except those in the possession of authorized security personnel or local, State, or federal law enforcement officials.	ITP Condition # 4.9	Entire Project	Permittee	
50	<u>Fire Prevention.</u> 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 or pipe cutting 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 storage areas. Personnel shall be trained regarding fire hazards for wildlife as part of the <u>Education Program.</u>	ITP Condition # 4.10	Entire Project	Permittee	
51	<u>Project Access.</u> Project-related personnel shall access Work Areas using existing roads or routes identified in the Project Description section of the ITP. Project-related personnel shall not cross Covered Species' habitat outside of the Project Area or en route to a Work Area. Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to the ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 4.13	Entire Project	Permittee	
52	<u>Staging Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to previously disturbed areas within the Project Area to the greatest extent possible, except as described in the Project Description section of the ITP. Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval <u>Project Access.</u>	ITP Condition # 4.14	Entire Project	Permittee	
53	<u>Hazardous Waste.</u> Permittee shall immediately stop and, pursuant to pertinent State and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 4.15	Entire Project	Permittee	
54	<u>CDFW Access.</u> Permittee shall provide CDFW staff with reasonable access to the Project 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 # 4.16	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
55	<u>Pesticide Prohibition.</u> Permittees shall not use and shall prohibit the use of pesticides including but not limited to rodenticides, herbicides, and insecticides within the Project Area without prior written approval from CDFW. This also prohibits the use of any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) and any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) in the Project Area.	ITP Condition # 4.18	Entire Project	Permittee	
56	<u>Notification of Non-compliance.</u> The Designated Representative or Designated Biologist shall notify CDFW via e mail to the CDFW Regional Representative and R4CESA@wildlife.ca.gov immediately, or no later than 24 hours after the discovery, 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 this MMRP. The Designated Representative or Designated Biologist shall submit a written report to the CDFW Regional Representative and R4CESA@wildlife.ca.gov within 48 hours of the initial notification describing all non-compliance with the ITP in detail and suggesting measures to remedy the situation.	ITP Condition # 5.2	Entire Project	Permittee / Designated Biologist	
57	<u>Compliance Monitoring.</u> The Designated Biologist shall be onsite daily for the duration of the day to monitor compliance when Covered Activities occur. If Covered Activities occur simultaneously in more than one Work Area, a Designated Biologist shall be present onsite at all Work Areas to conduct compliance inspections. The Designated Biologist shall conduct compliance inspections to: • minimize incidental take of the Covered Species; • prevent unlawful take of species; • check for compliance with all measures of the ITP; • check all exclusion zones; and • ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area. During periods of inactivity or after vegetation clearing and grading have been completed, compliance inspections by the Designated Biologist may be reduced to a minimum of one day per week. Permittee shall immediately resume daily compliance inspections if the Designated Biologist or CDFW finds the Permittee is out of compliance with any Conditions of Approval of the ITP, upon written notification from CDFW, and/or if any individuals of the Covered Species, including burrows, are suspected or confirmed in the Project Area. In addition to daily compliance inspections required by this Condition of Approval, the Designated Representative and Designated Biologist(s) shall ensure that all other inspections required by the ITP are conducted at the frequencies (i.e., interval, time(s) of day, following specified weather events) required by other specific Conditions of Approval. The Designated Representative or Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections, observations of Covered Species and their sign, survey results, and monitoring activities required by the ITP.	ITP Condition # 5.4	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
58	<u>Monthly Compliance Report.</u> The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Conditions of Approval <u>Compliance Monitoring and Record of Covered Species Relocated</u> into a Monthly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure and education program signed acknowledgement forms. Monthly Compliance Reports shall also include an accounting of the number of acres that have been permanently disturbed by the Project, both for the prior month, and the total since ITP issuance, if applicable; the number of acres of habitat disturbance anticipated to occur in the Project Area during the coming month, if applicable; a summary of all pre-activity surveys and compliance monitoring conducted during the previous month; and the activities authorized under the Covered Activities which occurred during the previous month. Monthly Compliance Reports shall be submitted via e-mail to CDFW's Regional Representative, CDFW's Regional Office, and Headquarters CESA Program by the 15th day of the following month after Covered Activities have commenced and every month thereafter. At the time of the ITP's approval, the CDFW Regional Representative is Sarah Bahm (Sarah.Bahm@wildlife.ca.gov), the CDFW Regional Office e-mail is R4CESA@wildlife.ca.gov and Headquarters CESA Program e-mail is CESA@wildlife.ca.gov . CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 5.6	Entire Project	Permittee / Designated Biologist	
59	<u>Annual Status Report.</u> Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of the ITP and continuing until CDFW accepts the Final Mitigation Report. ASRs shall be submitted to CDFW following the directions provided in Condition of Approval <u>Monthly Compliance Report</u> . Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports for that year identified in Condition of Approval <u>Monthly Compliance Report</u> ; (2) a general description of the status of the Project and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; (7) GIS data files documenting the total acres of the temporary and permanent impacts to Covered Species habitat for each Covered Species; and (8) information about other Project impacts on the Covered Species.	ITP Condition # 5.7	Entire Project	Permittee	
60	<u>CNDDDB Observations.</u> The Designated Biologist shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 15 calendar days of the observation, and the Designated Biologist shall include copies of the submitted forms with the next Monthly Compliance Report.	ITP Condition # 5.8	Entire Project	Designated Biologist / Permittee	
61	<u>Notification of Take or Injury.</u> Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW within 12 hours of discovery via e mail to the CDFW Regional Representative and R4CESA@wildlife.ca.gov . The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, summary of next steps that will be taken, and the ITP Number. Permittee shall email the CDFW Regional Representative and R4CESA@wildlife.ca.gov a written report within 48 hours of the initial notification. The report shall include the date and time of the finding or incident, location of the animal or carcass, photographs, steps taken after discovery, explanation as to cause of take or injury, and any other pertinent information.	ITP Condition # 5.10	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
62	<u>TLL Salvage</u>. If a TLL is found deceased or dies during the Project, the Designated Biologist shall salvage, photograph, and place the carcass in a labeled, clean Ziplock bag or vial and store it in a freezer. The label shall include a unique identifier (collection number), species name, time and date of collection, collection location, GPS location (including datum and horizontal error in feet), circumstances surrounding death (if known), collector name and contact information (phone number or email), and ITP Number. The Designated Biologist shall deliver the carcass (on dry ice if possible) to the following address and notify CDFW's Regional Representative at the time of shipping: CDFW Wildlife Genetics Research Unit (Wildlife Health Lab) Attention: Michael Buchalski 1415 North Market Boulevard, Suite 9 Sacramento, California 95834	ITP Condition # 5.10.1	Entire Project	Designated Biologist	
63	<u>Designated Biologist On Site</u>. The Designated Biologist shall be on site for the duration of the day during all activities that may result in the take of Covered Species.	ITP Condition # 6.1	Entire Project	Designated Biologist / Permittee	
64	<u>Work Hours and Nightwork</u>. Permittee shall confine all surface- or vegetation disturbing activities to daylight hours (sunrise to sunset). Permittee shall ensure that all vehicle traffic necessary during nighttime hours such as emergency response and security checks be conducted with extra caution to minimize impacts to Covered Species and other nocturnal wildlife species. Permittee shall request written authorization from CDFW (email will suffice) if any additional nightwork shall occur.	ITP Condition # 6.2	Entire Project	Permittee	
65	<u>Lighting</u>. Permittee shall not install permanent lighting at the Project Area. Permittee shall not use temporary, fixed, exterior lighting, including motion-triggered security lighting between sunset and sunrise unless authorized in writing from CDFW (email will suffice). If authorized, Permittee shall ensure that all temporary, fixed, exterior lighting used within the Project Area is turned on only when people are present and shall not cast light on Covered Species habitat beyond the footprint of the Project Area.	ITP Condition # 6.3	Entire Project	Permittee	
66	<u>Equipment Fueling and Maintenance</u>. Permittee shall ensure that all equipment fueling and maintenance occur at least 50 feet from Covered Species burrows and shrubs, unless fueling and maintenance occurs within the Work Areas where vegetation has been removed per Condition of Approval <u>Vegetation Removal</u> and burrows have been excavated per Conditions of Approval <u>SJAS Burrow Excavation</u>, or approved in advance in writing by CDFW. Permittee shall ensure that sufficient spill containment and cleanup equipment be present at all fueling locations. Permittee shall request written authorization from CDFW (email will suffice) if any additional fueling and maintenance locations are necessary outside of the Work Area.	ITP Condition # 6.5	Entire Project	Permittee	
67	<u>Vehicle Parking</u>. Permittee shall not allow vehicles to park on top of Covered Species burrows. Permittee shall restrict parking to within designated staging and parking areas for which vegetation has been removed per Condition of Approval <u>Vegetation Removal</u> and burrows have been excavated per Conditions of Approval <u>SJAS Burrow Excavation</u>. Vehicles and equipment parked overnight shall be located at least 50 feet from all Covered Species burrows and shrubs unless parking occurs within the Work Areas where vegetation has been removed per Condition of Approval <u>Vegetation Removal</u> and burrows have been excavated per Conditions of Approval <u>SJAS Burrow Excavation</u>, or approved in advance in writing by CDFW.	ITP Condition # 6.6	Entire Project	Permittee	
68	<u>Vehicle and Equipment Inspection</u>. Workers shall inspect for Covered Species under vehicles and equipment every time before the vehicles and equipment are moved. If a Covered Species is present, the worker shall immediately notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.	ITP Condition # 6.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
69	<u>Stockpiling Materials.</u> Permittee shall stockpile and store all materials and equipment in a manner that discourages Covered Species' use. Permittee shall not place bundled or loose materials directly on the ground in all locations. Permittee shall elevate materials to discourage use by Covered Species.	ITP Condition # 6.8	Entire Project	Permittee	
70	<u>Soil Stockpiles.</u> Permittee shall ensure that soil stockpiles are placed where soil will not pass into any other "Waters of the State," in accordance with Fish and Game Code section 5650. Permittee shall protect stockpiles to prevent soil erosion.	ITP Condition # 6.9	Entire Project	Permittee	
71	<u>Materials Inspection.</u> Workers shall thoroughly inspect under and inside all construction materials that are stored in the Work Area for one or more overnight periods for the Covered Species before the structure is subsequently moved, utilized, enclosed, or buried. If during inspection, a Covered Species is discovered inside or under materials, workers shall immediately notify the Designated Biologist and wait for the Covered Species to move unimpeded to a safe location before moving or utilizing the structure in any way. Alternatively, the Designated Biologist may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.	ITP Condition # 6.10	Entire Project	Permittee / Designated Biologist	
72	<u>Pipes and other Structures Entrapment Prevention.</u> Permittee shall ensure that all pipes, hoses, conduits, culverts, or similar materials stockpiled or installed in the Work Area are capped or otherwise enclosed at the ends to prevent entry by Covered Species. Permittee shall not leave any permanent pipes, conduits, or similar materials or structures open where Covered Species may enter them and become trapped. The Designated Biologist and/or Designated Monitor shall thoroughly inspect all such materials for Covered Species before they are moved, utilized, enclosed, buried, or capped. If a Covered Species is discovered inside such material, that section of material shall not be moved or utilized in any way until the animal has escaped of its own accord. If a Covered Species inside such materials does not vacate of its own accord within a reasonable timeframe, CDFW shall be contacted and Permittee shall get written concurrence prior to proceeding with eviction of the Covered Species.	ITP Condition # 6.11	Entire Project	Permittee / Designated Biologist	
73	<u>Excavation Inspection.</u> The Designated Biologist and/or Designated Monitor shall inspect all open trenches, holes, sumps, and other excavations within each Work Area at the beginning and end of each day when Covered Activities occur for any Covered Species that may be trapped. Project workers shall inspect all open holes, sumps, trenches, and other excavations for Covered Species immediately before they are backfilled. If any Project worker discovers that Covered Species have become trapped, the Project worker shall immediately cease all Covered Activities in the vicinity which could cause further entrapment, or injure or kill the Covered Species, and notify the Designated Biologist(s). The Designated Biologist(s) and Project workers shall allow Covered Species to move unimpeded to a safe location, if possible, before Covered Activities are allowed to continue. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.	ITP Condition # 6.12	Entire Project	Permittee / Designated Biologist	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
74	<u>Covers and Ramps.</u> Permittee shall ensure that all open trenches, holes, sumps, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope are covered when workers or equipment are not actively working in the excavation, which includes cessation of work overnight, or have installed an escape ramp of earth or a non-slip material with a less than 1:1 (45 degree) slope. To prevent inadvertent entrapment of the Covered Species, the Designated Biologist and/or Designated Monitor shall oversee the covering of all trenches, holes, sumps, or other excavations with sidewalls greater than 1:1 (45 degree) slope of any depth with barrier material (such as hardware cloth) at the close of each working day such that animals are unable to dig or squeeze under the barrier and become entrapped. The outer two feet of excavation cover shall conform to solid ground so that gaps do not occur between the cover and the ground and secured with soil staples or similar means to prevent gaps. The Designated Biologist(s) and/or Designated Monitor shall inspect the integrity of covers and escape ramps of trenches, holes, sumps, and other excavations once each workday (including weekends and any other non-workdays unless temporary exclusion fencing completely surrounds the Work Area) to ensure that covers and ramps are in good condition, secured, and with no gaps. Designated Biologist and/or Designated Monitor shall also thoroughly inspect any trenches, holes, sumps, or other excavations that are covered long-term at the beginning of each working day to ensure inadvertent entrapment has not occurred and shall make any necessary repairs to the cover.	ITP Condition # 6.13	Entire Project	Permittee / Designated Biologist	
75	<u>Covered Species Observations.</u> All workers shall immediately inform the Designated Biologist if a Covered Species is seen within or near a Work Area during implementation of any Covered Activity. The Designated Biologist shall stop all work in the vicinity of the Covered Species, which could harm the animal, until the Covered Species is allowed to move unimpeded from the Work Area of its own accord. Alternatively, the Designated Biologist(s) may move SJAS and TLL out of harm's way outside of the Work Area and in accordance with the CDFW-approved SJAS Mortality Reduction and Relocation Plan or TLL Mortality Reduction and Relocation Plan, respectively.	ITP Condition # 6.14	Entire Project	Permittee / Designated Biologist	
76	<u>Covered Species Injury.</u> If any life stage of any of the Covered Species is injured or found dead within the vicinity of the Project Area, Permittees shall notify CDFW of the injury or mortality to the Covered Species immediately by email as described in the Condition of Approval <u>Notification of Take or Injury.</u> The Designated Biologist shall follow the approved SJAS Mortality Reduction and Relocation Plan and TLL Mortality Reduction and Relocation Plan to either immediately transport injured individuals to a CDFW-approved wildlife rehabilitation center or veterinary facility or follow approved collection and storage procedures for deceased animals. Permittees shall bear any costs associated with the care, treatment, recovery, hacking, and release of such injured Covered Species.	ITP Condition # 6.18	Entire Project	Permittee / Designated Biologist	
AFTER CONSTRUCTION					
77	<u>Refuse Removal.</u> Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, fencing, flagging, stakes, buckets, metal or plastic containers, and boxes.	ITP Condition # 4.17	After completion of Covered Activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
78	<u>Final Mitigation Report</u> . No later than 45 days after completion of all mitigation measures in the ITP, Permittee shall provide CDFW with a Final Mitigation Report via e-mail as described for the <u>Monthly Compliance Report</u> . The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of the ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species and (8) any other pertinent information.	ITP Condition # 5.9	Within 45 days of completing all mitigation measures	Permittee	
79	CDFW accepts the Final Mitigation Report as complete.	ITP Condition # 5.9	After submittal of Final Mitigation Measures	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		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
2		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
3		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
4		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
5		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
6		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
7		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
8		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
9		☐ Designated Biologist ☐ Designated Monitor ☐ Both		
10		☐ Designated Biologist ☐ Designated Monitor ☐ 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: San Joaquin Antelope Squirrel)

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

Location:

Project date completed: To and from date

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/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Observed:

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

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/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Observed:

Burrows Excavated:

Project Name #3: ...

Species Name #2: (Example: Temblor legless lizard)

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

Location:

Project date completed: To and from date

Incidental Take Permit (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:

No. of coverboards installed:

No. of coverboards checked:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Project Name #2:

Location:

Project date completed: To and from date

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:

No. of coverboards installed:

No. of coverboards checked:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Project Name #3: ...

Species Name #3: (Example: Other Similar Species only. Examples - other legless lizard species/ground squirrel species)

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

Location:

Project date completed: To and from date

Incidental Take Permit (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/Trapping Hours:

Estimated Monitoring Hours:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Burrows Observed:

Burrows Excavated:

Project Name #2:

Location:

Project date completed: To and from date

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:

No. of coverboards installed:

No. of coverboards checked:

Individuals Observed: # of adults and # of juveniles

Individuals Handled: # of adults and # of juveniles

Project Name #3: ...

Include any other relevant information to the Covered Species, implementation of Conditions of Approval in the ITP, or general construction monitoring

Attachment 3

[Financial institution letterhead]

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

Issue Date: **[date]**

Beneficiary:

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

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

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

Dear Sirs:

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

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

6. The Certificate shall be completed and signed by an Authorized Representative of CDFW as defined in paragraph 12 below. Presentation by CDFW of a completed Certificate may be made in person or by registered mail, return receipt requested, or by overnight courier.
7. Upon presentation of a duly executed Certificate as above provided, payment shall be made to CDFW, or to the account of CDFW, in immediately available funds, as CDFW shall specify.
8. If a demand for payment does not conform to the terms and conditions of this Credit, we shall give CDFW prompt notice that the demand for payment was not effected in accordance with the terms and conditions of this Credit, state the reasons therefore, and await further instruction.
9. Upon being notified that the demand for payment was not effected in conformity with the Credit, CDFW may correct any such non-conforming demand for payment under the terms and conditions stated herein.
10. All drawings under this Credit shall be paid with our funds. Each drawing honored by us hereunder shall reduce, *pro tanto*, the Principal Sum. By paying to CDFW an amount demanded in accordance herewith, we make no representations as to the correctness of the amount demanded.
11. This Credit will be cancelled 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"]