



California Department of Fish and Wildlife
Inland Deserts Region
3602 INLAND EMPIRE BLVD., SUITE C-220
ONTARIO, CA 91764

California Endangered Species Act
Incidental Take Permit No. 2081(b)-2026-009-06

BARSTOW INTERNATIONAL GATEWAY 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:	BNSF Railway Company
Principal Officer:	David Rankin, Senior General Attorney
Contact Person:	David Rankin, (817) 352-2383
Mailing Address:	2500 Lou Menk Drive, AOB-3 Fort Worth, TX 76131

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 **July 8, 2036**.

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 Permittee's Final Mitigation Report required by Condition of Approval 7.7 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 Barstow International Gateway Project (Project) is primarily located within the City of Barstow and in unincorporated San Bernardino County (See Figure 1). The Project is located two and a half miles southwest of State Highway 58 and three and a half miles northwest of Interstate 15 and is approximately centered at latitude 34.853903° N and longitude -117.159799° W (Project Area). The Project Area is bounded by the Mojave River to the north, Main Street (also referred to as National Trails Highway or Route 66) to the south, Lenwood Road to the east, and Hinkley Road to the west.

IV. Project Description:

Project Overview

The Project's primary function is to create an integrated rail facility to allow direct transfer of freight containers from ships at the Ports of Los Angeles and Long Beach to trains for transport through the Alameda Corridor onto the BNSF mainline and to the Project Area. Once at the Project Area, freight will be transloaded from international containers to domestic containers for subsequent nationwide distribution. The Project includes the development of approximately 4,400 acres of previously developed, undeveloped, vacant, and agricultural land. The Project will relocate existing facilities, construct new facilities, expand existing facilities, and includes operations and maintenance as follows (see Figure 2):

Rail Yard

The Project will construct a rail yard consisting of an intermodal facility, a block swap yard, and an ancillary rail area as follows:

Mainline Rail Improvements

The Project includes mainline rail improvements and will retain the existing two rail mainlines (north mainlines) within their current alignments, except at bridge crossings which will be upgraded. The Project also will also construct two new rail mainlines (south mainlines), which will traverse the proposed rail yard in an east-west orientation, extending from Lenwood Road on the east to Hinkley Road on the west. The Project will also upgrade various bridge crossings including replacement of the crossing at Lenwood Channel to accommodate the proposed Lenwood Channel widening; removal of existing culverts to accommodate proposed culverts for the overall rail yard; and replacement of two structures to meet BNSF standards regarding the 50- and 100- year flood conditions.

Intermodal Facility

The intermodal facility is composed of various components including railroad tracks, cargo handling equipment, and automated gate system, circulation roadways, yard equipment parking, container parking, stormwater detention ponds, electric vehicle charging stations, and buildings and ancillary rail facilities. A 5,000-square-foot fuel canopy will be constructed in the electric hostler maintenance area to accommodate fueling of hybrid equipment, including rubber-tired gantry cranes, air

compressors, welders, railcar wheel change machines, and heavy-duty truck transport refrigeration units. The fuel canopy will be served by a 10,000-gallon unleaded-fuel aboveground storage tank and a 20,000-gallon diesel-fuel aboveground storage tank, both controlled by an electronic fuel-control system. Additional facilities that will be constructed within the intermodal yard include a combination of approximately 150,000 square feet of support buildings and structures for office, administration, and maintenance.

Block Swap Yard

A 410-acre block swap yard will be constructed. Blocks of containers will only be moved to different tracks using Tier 4 switcher locomotives to combine blocks destined for similar destinations. The block swap yard is composed of parallel tracks that will support the switching and assembly of trains.

Ancillary Rail Area

An ancillary rail area of approximately 400-acres will be constructed. This area will be graded and covered with aggregate and will be used for numerous purposes including a container yard, truck chassis storage, and storage of maintenance equipment. The container yard will support the storage of empty containers awaiting loading while chassis storage will be used to provide parking for empty chassis awaiting use for loading, unloading, or draying of containers. This area will also be used for storage of spare parts and equipment for track maintenance, including rail, ties, turnouts, and other track material.

Transload Warehouse Center

The transload warehouse center will be designed to process the contents of containers from cross-dock intermodal operations, with a small percentage dedicated to processing the contents of containers that have a portion destined for the Inland Empire. The transload warehouse center will process almost all the containers within an on-site "closed loop" operation between the intermodal facility and the transload warehouse center.

The transload warehouse center will be fully built during construction, but operations of the transload warehouse center will not initially require all available warehouse capacity. The transload warehouse center will total 9.0 million square feet of transload warehouses, composed of multiple buildings of various configurations and sizes, depending on tenant needs.

Each transload warehouse will include container parking/storage areas, employee parking, stormwater/hydrology improvements, and landscaping. Transload facilities will include dock doors on opposite sides of the buildings. International containers arriving at the intermodal facility via rail will be loaded onto electric hostlers for movement within an on-site "closed loop" private road to one of the transload warehouses. Approximately 275 acres of the transload warehouse center will be designated for staging/overflow parking of containers accessing the transload warehouse center. These areas will be for truck containers only.

On-Site Utility Improvements

To accommodate the rail yard and transload warehouse center, relocations of existing facilities and construction of new and expanded facilities will be required, including water, telecommunications, electric power, natural gas, and wastewater as follows:

Water

Up to eight new private on-site groundwater wells will be constructed within the transload warehouse center to provide non-potable water to the Project Area for development of the Project. The wells will be abandoned once non-potable water is not needed. Temporary aboveground connections from Golden State Water Company mains within Main Street to the Project Area will be constructed to supply construction workers with potable water.

The project will also relocate an existing Mojave Water Agency water line to the north to avoid conflict with rail yard and transload warehouse improvements. The transload warehouse center will connect to an existing water main in Jasper Road on the east side of the Project Area. Water for the transload warehouse center will be conveyed onsite through 12-inch water mains within the public and private roadways. The rail yard will connect to an existing water main on the east side of the Project Area near Lenwood Road on the south side of Main Street. Water for the rail yard will be conveyed onsite through private water mains within access roads and the intermodal facility. A new public 12-inch looped water main will be constructed from the existing connection in Main Street, extending west to the edge of the rail yard, north to Hinkley Road, and then continue east on Hinkley Road to the existing connection point near Lenwood Road. A second connection from the looped water main will be provided at the northeast corner of at Lenwood Road. The on-site public water mains total approximately 10 miles in length.

Wastewater

Wastewater will be generated from the transload warehouse center, rail yard employees, and the rail yard wash bays and track pans. The transload warehouse center will discharge wastewater to the proposed new sewer main within Jasper Road. A new 15-inch wastewater line will be installed within the Hinkley Road extension from the west end of the transload warehouse center to the northeast end of the transload warehouse center. Within the transload warehouse center, 12-inch lines will extend north to serve the transload warehouses. Rail yard wastewater will be collected and treated with an oil water separator before it is discharged to the wastewater system. Within the rail yard a 15-inch wastewater line will be installed at the southern portion of the rail yard, conveying wastewater to the east and connecting to the existing sanitary sewer main in Main Street near Country Club Drive.

Electric Power

The Project's electrical demand will be supplied through the existing Southern California Edison (SCE) Tortilla Substation and supplemented with on-site electrical generation including an approximate

140-acre 21 MWh solar power generation facility. The Project will also install rooftop solar generation on industrial warehouses.

The Project will construct the following electric power facilities: three substations (east end, west end, and solar farm); additional 33kilovolt (kV)distribution lines connecting via underground duct banks in a loop around the west end of the intermodal facility for a total of 23 miles of duct banks within the Project Area; an approximate 140-acre solar farm at the southwest corner of Main Street at Country Club Drive, which will include a battery electric storage system and a substation to route power to the Project; and emergency diesel generators at various location across the rail yard and transload warehouse center to provide backup power in the event of Tortilla Substation service interruptions. Rail yard generators will only be used if a power outage occurs at nightttime and will include up to 10 generators at the far western extent while the transload warehouse center will include up to 29 generators dispersed throughout. The solar farms will require maintenance consisting of cleaning, inspecting, and replacing solar panels, equipment, and other system components.

Natural Gas

Two 42-inch natural gas transmission lines operated by Kinder-Morgan traverse the Project Area generally adjacent to Lenwood Channel. These lines will be protected in place using proposed casing pipes for work within Lenwood Channel associated with widening or deepening. The Project does not include installation of any new natural gas infrastructure.

Telecommunications

Telecommunication lines within the Project Area may need to be relocated adjacent to or within existing and proposed right of way or will be abandoned. Additionally, approximately 12 communication towers will be installed with heights generally between 100 and 120 feet though two communication towers will be 160 feet tall. Various existing telecommunication lines owned by Frontier Communications will be removed from within the Project Area and new communication lines will be installed beginning at the Jasper Road and Lenwood Road intersection running down to the western extent of the Project Area then looping back east toward Lenwood Road.

Stormwater

The Project will construct various basins throughout the Project Area and drainage outlets to the Mojave River that will be designed for 100-year flood events. The Project will build detention ponds of various sizes throughout the Project Area totaling approximately 165 acre-feet of storage volume.

Lenwood Channel will be widened by approximately 60 to 100 feet throughout the Project Area for a length of 1.1 miles to improve flooding compared to existing conditions. The Lenwood Channel requires to be spanned at three locations for additional track east leads, mains, and sidings, and as well as three roadway crossings at Main Street, Hinkley Road, and the internal dray road between the intermodal and transload warehouse facilities.

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A dry wash channel is located from Main Street to the Mojave River at Mile Post (MP) 10.9 and includes a sharp western bend, which will be realigned to accommodate track mains, sidings, and support tracks. This channel will also be improved with a combination of bridges and box culverts.

The existing Hinkley Road Bridge at MP 10.5 is at a narrowed section of the Mojave River and crosses via a concrete pier structure. To maintain a roadway connection to Hinkley Road from the transload warehouse center, the Project will replace the existing bridge with a longer structure to better match the channel width of the Mojave River. The channel beneath and immediately adjacent to the existing bridge will be widened to match the natural channel width more closely. Portions of Hinkley Road immediately east and west of the bridge will be raised to reduce exposure to flood events. The existing at-grade railroad mainline will be abandoned and vehicles will instead utilize the proposed Hinkley Road extension through the transload warehouse center.

Solid Waste

The Project will result in solid waste generation from construction and rail yard and transload warehouse operations, including demolition debris, broken or excess materials, packaging, and other construction waste. Solid waste will be collected onsite via trash bins and disposed of off-site at a local landfill.

Circulation Improvements

The Project will include various circulation improvements, including realignment of Hinkley Road and improvements to Main Street.

The Project will vacate Hinkley Road between the south side of the Mojave River bridge crossing and Main Street, closing the existing at-grade rail crossing. Hinkley Road will be realigned beginning at the south side of the rebuilt Mojave River bridge crossing to connect, via a new public road and through the transload warehouse center, to the Jasper Road and Lenwood Road intersection. A westbound turn pocket and eastbound left turn lane will be added to Main Street. A parking lot will be constructed to allow rail yard employees to enter an employee parking lot near the rail yard administration buildings. Heavy-duty trucks dropping off or picking up containers at the intermodal facility will enter through a gate system and into the intermodal facility.

Rail Improvements

The Project includes off-site rail improvements within the BNSF right-of-way, including construction of two miles of lead track to the east and seven miles to the west, allowing trains to enter and exit the railyard.

Other Improvements

The Project will include other ancillary and related stormwater drainage, utility, and circulation/roadway improvements and modifications as follows:

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Water

An existing MWA 48-inch recharge line will be relocated to run along the north side of the transload warehouse center until the west end of the Project Area before extending along the north side of the mainline for approximately 8.3 miles.

Wastewater

An existing approximately 27-inch sanitary sewer line will be relocated to Philips Street south to within Main Street or within the rail right-of-way. Additionally, the transload warehouse center will connect to City of Barstow sewer through a new 27-inch sewer line within Jasper Road extending north of Paris Avenue.

Electric Power

A 33 kV distribution line with three underground duct banks and electrical conductors will be installed to connect the Project to the Tortilla Substation. The 33 kV distribution line will extend a total of approximately 10.6 miles: approximately 7.1 miles underground from the Tortilla Substation to the eastern extent of the intermodal facilities at Country Club drive and then continue overhead approximately 3.5 miles from Country Club Drive to approximately Hinkley Road. For the underground segment, the 33 kV circuits will be in underground utility lines.

Natural Gas

Various existing natural gas lines will be relocated.

Telecommunications

Various minor existing telecommunications lines will be relocated toward the eastern end of the lead track improvements. Existing telecommunications lines passing through the intermodal facility and block swap yard will be relocated to the north side of the Main Street right-of-way.

Stormwater Drainage

The widening of Lenwood Channel south of Main Street will be widened approximately 60 to 100 feet to improve flooding compared to existing conditions. At the Main Street crossing at Lenwood Channel, the Project will replace 0.8 mile of existing Main Street low water crossing of Lenwood Channel with a bridge and raise and widen the road through this stretch west to the new intermodal facility entrance.

Wildlife Movement

To Project will install an underground wildlife crossing structure under Main Street west of the existing Hinkley Road as well as an under-rail wildlife crossing near MP 12.5.

Circulation and Roadway

A maintenance road will be constructed alongside the mainline to provide maintenance and emergency responder access to the tracks. Jiggs Road will also be realigned generally east of Indian Trail to Hinkley Road. All circulation improvements will be permanent, except for a temporary Main Street bypass. The temporary bypass will be constructed to maintain access along Main Street during the construction of the Lenwood Channel Bridge. Once the Lenwood Channel Bridge reconstruction is complete, the bypass will be removed and the site restored to its original condition.

Mojave River Buffer

The Project will create an approximate 680-acre buffer around the Mojave River along the northern boundary of the Project Area. No Project activities will occur within this buffer.

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. Agassiz’s desert tortoise (<i>Gopherus agassizii</i>)	Endangered ⁴
2. Western burrowing owl (<i>Athene cunicularia</i> ssp. <i>hypugaea</i>)	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 vegetation clearing; grading and compaction; excavation; well drilling; installation of fencing or barriers; installation and construction of temporary and permanent facilities and structures; general operation of vehicles and heavy equipment; noise, vibration, and dust generating activities; and capture and translocation activities (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 collision with, or crushing by, vehicles or heavy equipment crushing or burying individuals or eggs; destruction of burrows and refugia; and increased predation. Incidental take of individuals of the Covered Species may also occur from the Covered Activities in the form of pursue, catch, capture, or attempting to do so from entrapment in holes, trenches, or stockpiles, excavation of burrows, and capture and translocation. More specifically, translocation of Covered Species to the translocation site may disrupt the behavior and social structure of individuals. Translocated adult Covered Species may continue to disperse and never establish a territory, resulting in no reproductive effort and the loss of offspring that are necessary to maintain population

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. (a)(4)(E).

⁵ This 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.

viability. The areas where authorized take of the Covered Species is expected to occur include the entire Project Area, except where an approximate 680-acre buffer around the Mojave River along the northern boundary of the Project Area will be created (collectively, the Project Area) (see Figure 3).

The Project is expected to cause the permanent loss of 3,968.20 acres of habitat for Agassiz's desert tortoise (hereafter referred to as desert tortoise) and 3,947.68 acres of habitat for Western burrowing owl. 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, vibrations, lighting, dust, and increased human presence, capture and relocation, and long-term effects due to increased pollution, displacement from preferred habitat, increased competition for food and space, and increased vulnerability to predation.

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 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 and train/rail car ingress and egress, staging and parking, and noise, dust, lighting, 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. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Environmental Impact Report (SCH No.: 2024020501) certified by the City of Barstow on June 3, 2026 as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).
- 3. LSA Agreement Compliance:** Permittee shall implement and adhere to the mitigation measures and conditions related to the Covered Species in the Lake and Streambed Alteration Agreement

(LSAA) (Notification No. EPIMS-SBR-63221-06) for the Project when executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

- 4. ESA Compliance:** Permittee shall implement and adhere to the terms and conditions related to the Covered Species in the Formal Section 7 Consultation for the Barstow International Gateway Project, San Bernardino County, California (2026-0026054-S7-F-SB) for the Project pursuant to the Federal Endangered Species Act (ESA). For purposes of this ITP, where the terms and conditions for the Covered Species in the federal authorization are less protective of the Covered Species or otherwise conflict with this ITP, the conditions of approval set forth in this ITP shall control.
- 5. ITP Time Frame Compliance:** Permittee shall fully implement and adhere to the conditions of this ITP within the time frames set forth below and as set forth in the Mitigation Monitoring and Reporting Program (MMRP), which is included as Attachment 1 to this ITP.
- 6. General Provisions:**
 - 6.1. Designated Representative. Before starting Covered Activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with this ITP. Permittee shall notify CDFW in writing before starting Covered Activities of the Designated Representative's name, business address, and contact information, and shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of this ITP.
 - 6.2. Authorized/Designated Biologist(s) and Biological Monitor(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Authorized/Designated Biologist(s) and Biological Monitor(s) using the Authorized Biologist Resume Form for desert tortoise (Attachment 2) and the Designated Biologist Resume Form for Western burrowing owl (Attachment 3) or another format containing the same information at least 14 calendar days before starting Covered Activities. The Authorized Biologist(s) and Designated Biologist(s) may be the same entity if approved by CDFW through this Condition of Approval. Permittee shall ensure that the Authorized/Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Authorized/Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Authorized/Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Authorized/Designated Biologist(s) or Biological Monitor(s) must be changed.

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- 6.3. Authorized/Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this ITP, the Authorized/Designated Biologist(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Authorized/Designated Biologist(s) in the performance of his/her duties. If the Authorized/Designated Biologist(s) is unable to comply with the ITP, then the Authorized/Designated Biologist(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Authorized/Designated Biologist(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.
- 6.4. Veterinarian(s). Permittee shall identify a veterinarian(s) for the Covered Species. Permittee shall obtain written confirmation from the veterinarian(s) that they will accept injured Covered Species for treatment. Written confirmation shall also contain the veterinarian's contact information and facility location. Permittee shall provide a copy to CDFW before starting Covered Activities. The contact information and location of the facility shall be available on site for the Authorized/Designated Biologist(s) during Covered Activities.
- 6.5. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Authorized/Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.
- 6.6. Construction Monitoring Documentation. The Authorized/Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a

copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.

- 6.7. Trash Abatement. Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 6.8. Dust Control. Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized/Designated Biologist(s). Permittee will create retention ponds but shall otherwise keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 6.9. Erosion Control Materials. Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.
- 6.10. Delineation of Property Boundaries. Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags to minimize the disturbance of Covered Species' habitat adjacent to the Project Area. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and/or flags until the completion of Covered Activities in that area.
- 6.11. Delineation of Habitat. Permittee shall clearly delineate habitat of the Covered Species not being impacted with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 6.12. Project Access. Project-related personnel shall access the Project Area using existing or created routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, newly created routes, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 25 miles per hour to avoid Covered Species on or traversing the roads within the Project Area containing desert tortoise exclusionary fencing. Within the Project Area outside of desert tortoise exclusionary fencing, Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads within the Project Area. 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 Permittee carries out such an activity. CDFW may require an amendment to

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this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.

- 6.13. Staging Areas. Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area.
- 6.14. Hazardous Waste. Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.
- 6.15. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 6.16. Refuse Removal. Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.
- 6.17. Firearms and Dogs. Permittee shall prohibit Project personnel and any other individuals associated with the Project from bringing any firearms or dogs on the Project Area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials or service dogs under Title II and Title III of the American with Disabilities Act.

7. Monitoring, Notification and Reporting Provisions:

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

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7.3. Compliance Monitoring. The Authorized/Designated Biologist(s) shall be on-site daily until all Covered Species surveys, translocations, installation of exclusionary fencing, clearing, grubbing, and grading occurs. The Biological Monitor(s) may assist the Authorized/Designated Biologist(s) with daily on-site compliance monitoring. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall then only be present monthly to conduct compliance inspections, including during periods of inactivity until Covered Activities are completed. The Designated Biologist(s) shall conduct compliance inspections to:

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

The Designated Representative or Authorized/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 for days on site.

7.4. Quarterly Compliance Report. The Designated Representative or Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Scott Jakubowski (Scott.Jakubowski@wildlife.ca.gov) and the Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

7.5. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year, beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports identified in Condition of Approval 7.4 for that year; (2) a general description of the status of the Project Area and

Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in the MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.

- 7.6. CNDDDB Observations. The Authorized/Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDDB) within 60 calendar days of the observation, and the Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.
- 7.7. Final Mitigation Report. No later than 60 calendar days after completion of all mitigation measures in the MMRP, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Representative and Authorized/Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) 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; (6) beginning and ending dates of Covered Activities; (7) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (8) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (9) any other pertinent information.
- 7.8. Notification of Take or Injury. Permittee shall immediately notify the Authorized/Designated Biologist(s) if a Covered Species is taken, injured, or if nestlings or eggs are found abandoned as a result of a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project Area. The Authorized/Designated Biologist(s) or Designated Representative shall initially notify CDFW immediately (within 24 hours) by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, and the ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the common and scientific name, the date and time of the finding or incident, observer name and contact information, georeferenced location of the animal or carcass (County and GPS location and datum), sex (if known), life stage/age class (if known), a photograph, explanation as to cause of take or

injury, and any other pertinent information. Injured individual(s) shall be taken to a CDFW approved veterinarian (see Condition of Approval 6.4), the Authorized/Designated Biologist(s) or Designated Representative shall provide the name and address of the facility and the name and contact information of the attending veterinarian. The Designated Biologist(s) or Designated Representative shall provide CDFW weekly updates on the status of the rehabilitation facility's treatment of the individual(s).

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

Multi-Species Protection Measures

- 8.1. Invasive Plant Management Plan. Permittee shall develop an Invasive Plant Management Plan (Plan) focused on controlling or eradicating existing invasive plants within the Project Area and preventing the introduction of new nonnative and invasive plants into the Project Area. The Plan shall include a list of plant species targeted for control or eradication, a description of the methods that will be used for control or eradication, a list of Best Management Practices to prevent the introduction and spread of invasive plant species into and out of the Project Area, monitoring requirements, success criteria, and a rapid response plan in the event that a new plant species invades the Project Area. A list of common invasive plant species including guidelines for preventing the establishment of invasive plants can be found on the California Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website. The Plan shall be implemented during Covered Activities and monitored for the time specified in the Plan. The Plan shall be submitted to CDFW for review and approval no later than 30 calendar days prior to the commencement of Covered Activities.
- 8.2. Herbicides. Permittee shall only use herbicides containing a harmless dye and that are registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application shall occur when winds are greater than five miles per hour.
- 8.3. Rodenticides and Insecticides. Permittee shall not use rodenticides and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW.

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- 8.4. Erosion Control. To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall use erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic “photodegradable” erosion control materials.
- 8.5. Artificial Nighttime Lighting. Throughout construction and operations and maintenance of the Project, Permittee shall eliminate all nonessential lighting throughout the Project Area and limit the use of artificial light at night between the hours of dusk and dawn when many wildlife and Covered Species are most active. Where feasible, Permittee shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass, including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Permittee shall ensure use of lighting with a correlated color temperature of 3,000 Kelvins or less where feasible.
- 8.6. Vehicle Inspection. Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Authorized/Designated Biologist(s) or Biological Monitor(s) and wait for the Covered Species to move unimpeded to a safe location, or the Authorized/Designated Biologist(s) shall translocate the Covered Species as described in Conditions of Approval 8.17 and 8.22 before moving vehicles and equipment.
- 8.7. Covered Species Entrapment Inspections. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect any pipes, culverts, or similar structures with a diameter greater than 8 centimeters (3 inches) for Covered Species individuals and eggs before the material is moved, buried, or capped. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches that may act as pitfalls traps within Covered Species habitat at least once daily and again immediately prior to backfilling. These inspections shall continue until all Covered Species surveys, translocation, installation of exclusion fencing, and clearing, grubbing, and grading have been completed. At the end of each workday, Permittee shall cover or place an escape ramp at each end of open trenches to allow any trapped wildlife to exit overnight. Ramps may be constructed of dirt, wood planking, or other suitable material, and shall be installed at an angle no greater than 30 degrees. If any worker discovers a Covered Species individual that has become trapped, they shall immediately halt Covered Activities and notify the Authorized/Designated Biologist(s) and/or Biological Monitor(s). Project workers and the Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall allow the animal to escape unimpeded whenever possible. If needed, an Authorized/Designated Biologist(s) approved under

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Condition of Approval 6.2 of this ITP shall translocate the individual out of harm's way before Covered Activities may resume per Conditions of Approval 8.17 and/or 8.22.

- 8.8. Covered Species Observations. If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized/Designated Biologist(s) and/or Biological Monitor(s). Covered Activities shall not resume until the Authorized/Designated Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area OR the Authorized/Designated Biologist(s) approved under Condition of Approval 6.2 of this ITP relocates the Covered Species as described in this ITP and the Desert Tortoise Translocation Plan in Condition of Approval 8.17 or the Western Burrowing Owl Mortality Reduction Plan in Condition of Approval 8.22. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur immediately (within 24 hours). Notification and the written report shall include the date, location, circumstances of the observation, the name of the Authorized/Designated Biologist(s) that relocated the individual, pictures, and map and shapefiles with the location (including GPS coordinates) where the individual was relocated to.
- 8.9. Covered Species Handling Records. The Authorized/Designated Biologist(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps with GPS datum) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; and (h) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the reports following Condition of Approval 7.4, 7.5, and 7.7.

Desert Tortoise Protection Measures

- 8.10. Raven Management Plan. Permittee shall prepare a Raven Management Plan to minimize the potential to attract common ravens to the Project Area. The Raven Management Plan shall be submitted to CDFW for review and approval no later than 30 calendar days prior to the commencement of Covered Activities. In addition, Permittee shall provide funds to the Desert Managers Group (DMG) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of Project disturbance. Based on this calculation, Permittee shall provide a one-time payment at

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\$105.00/acre for 3,968.20 acres for a total of **\$416,661.00** to the DMG account established with NFWF's Raven Management Plan Fund. Within 90 calendar days following the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (see Attachment 4) and proof of paying this fee shall be provided to CDFW within one business day after the funds have been provided to NFWF.

- 8.11. Desert Tortoise Exclusionary Fencing. Prior to commencing ground disturbing activities, Permittee shall install temporary desert tortoise exclusionary fencing to encompass the outer perimeter of the Project Area, except within the 33 kV line to the SCE Tortilla Substation, lead tracks extensions, and the Ancillary Rail Area and Transload Warehouse Center (see Figure 4). Any gates shall be installed with desert tortoise exclusion fencing affixed along the bottom portion of the gate structure. The desert tortoise exclusionary fencing shall be constructed according to the USFWS Desert Tortoise (Mojave Population) Field Manual⁶ (hereinafter referred to as USFWS Field Manual). The Authorized/Designated Biologist(s) shall oversee the installation of the exclusionary fencing. Any deviations from the fencing specifications shall be provided to CDFW at least two weeks prior to start of Covered Activities and shall be reviewed and approved by CDFW in writing.
- 8.12. Desert Tortoise Exclusionary Fencing Shade Structures and Escape Channels. The desert tortoise exclusionary fencing shall have desert tortoise escape channels installed as depicted in Figure 4. The desert tortoise exclusionary fencing shall include the installation of shade structures along the outer fence perimeter placed at regular intervals at a minimum 1,000 feet apart to provide shelter to desert tortoises. Any deviations from the fencing specifications shall be provided to CDFW at least two weeks prior to start of Covered Activities and shall be reviewed and approved by CDFW in writing.
- 8.13. Desert Tortoise Exclusionary Fence Maintenance. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect the desert tortoise exclusionary fencing monthly and within 24 hours following major rainfall events to ensure desert tortoise is prohibited from entering the Project Area. If the exclusionary fence is compromised, repairs shall be completed immediately (within 24 hours), and the Authorized/Designated Biologist(s) shall verify that desert tortoise has not entered the Project Area. If desert tortoise is confirmed to have entered the Project Area, the Desert Tortoise Translocation Plan in Condition of Approval 8.17 shall be implemented.
- 8.14. Surveys Before Desert Tortoise Exclusionary Fence Installation. Prior to installation of the desert tortoise exclusionary fence, surveys for Western burrowing owl and desert tortoise shall be completed along the fence line and within an appropriate buffer determined by the Authorized/Designated Biologist(s) to ensure no burrows are occupied by either desert

⁶ U.S. Fish and Wildlife Service (USFWS). (2009). Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

tortoise or Western burrowing owl. Surveys shall occur during the desert tortoise active season (generally April to May and September to October). If desert tortoise or Western burrowing owl is present, Permittee shall relocate individuals found along the fence line per the CDFW approved translocation plans in Condition of Approval 8.17 and Condition of Approval 8.22, respectively. Individuals found within the buffer shall be flagged for avoidance as per the CDFW approved translocation plans in Condition of Approval 8.17 and/or Condition of Approval 8.22. If the exclusionary fence is installed during desert tortoise inactive season a fencing plan shall be submitted to CDFW for review and approval at least 30 calendar days prior to commencing installation of the desert tortoise exclusionary fence. The fencing plan shall include gaps in the fence to allow desert tortoise to enter and exit the Project Area. Gaps shall be closed during the subsequent desert tortoise active season and following gap closure, surveys shall be performed according to Condition of Approval 8.15 and 8.23.

- 8.15. Clearance Surveys After Desert Tortoise Exclusionary Fence Installation. Within the desert tortoise exclusionary fence, prior to start of the remaining Covered Activities, the Authorized Biologist(s) shall conduct pre-construction clearance surveys for desert tortoise during the active season (generally April to May and September to October) using the methods described in the most recent USFWS Field Manual. The Biological Monitor(s) may assist the Authorized Biologist(s) in conducting pre-construction surveys. In addition to the guidance provided in the USFWS Field Manual, CDFW provides the following requirement(s):

8.15.1. Pre-construction clearance surveys shall be completed within the fenced areas containing desert tortoise exclusionary fencing using perpendicular survey routes. Pre-construction clearance surveys cannot be combined with other surveys conducted for other species while using the same personnel. Covered Activities cannot start until at least one negative result from consecutive (proceeding) survey using perpendicular survey routes for desert tortoise is documented. A negative result means no new live desert tortoise is detected.

8.15.2. These surveys shall cover 100 percent of the area within desert tortoise exclusionary fencing. The Authorized Biologist(s) and/or Biological Monitor(s) shall provide the results of the survey (including the number of live individuals and the acreage cleared during clearance surveys) to CDFW within 30 calendar days of completing the surveys.

- 8.16. Clearance Surveys Outside of Desert Tortoise Exclusionary Fence. Prior to surface-disturbing Covered Activities in the linear and portions of the Project that are unfenced (e.g., lead track extensions, transmission line, ancillary rail yard, transload warehouse center), the Authorized Biologist(s) assisted by biological monitor(s), shall conduct a pre-construction survey to locate all desert tortoises in all areas to be disturbed using techniques that

provide 100 percent coverage of the area⁷ (Service 2020). During the active seasons (generally April through May and September through October), pre-construction surveys shall be conducted either the day prior to, or the day of, any surface-disturbing Covered Activities. During the inactive seasons (generally June through August and November through February), pre-construction surveys shall be conducted within 7 days prior to any surface-disturbing Covered Activities. Desert tortoises located in the path of Project activities shall be allowed to move out of the way on their own accord or moved by an Authorized Biologist(s) or Biological Monitor(s) out of harm's way no more than 984 feet (300 meters) from the point of encounter or translocated to the Recipient Site at the discretion of the Authorized Biologist(s) per the Desert Tortoise Translocation Plan as defined in Condition of Approval 8.17 if there is limited suitable habitat within the Project vicinity. If active desert tortoise burrows are identified in the impact footprint during the desert tortoise clearance survey(s), a minimum 100-foot non-disturbance buffer shall be established around the active desert tortoise burrow. Desert tortoises in burrows will not be moved during the inactive seasons without written approval from CDFW.

8.17. Desert Tortoise Translocation Plan (DTTP). Permittee shall submit to CDFW for review and approval a DTTP prepared by the Authorized Biologist(s) or other qualified Biologist(s) approved by CDFW in writing, at least 30 calendar days prior to start of Covered Activities. Covered Activities are not authorized to start until the DTTP is approved in writing by CDFW. The DTTP shall follow the most current guidelines provided by USFWS and CDFW regarding desert tortoise translocation. Where guidance differs between USFWS and CDFW, Permittee shall coordinate with CDFW, and written direction provided by CDFW shall control. The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTTP along with the most recent USFWS translocation guidelines:

- Translocated tortoises are defined as tortoises that are removed from the Project Area, are disease tested, and have a radio transmitter attached.
- The Authorized Biologist(s) shall determine when the creation of artificial burrows is needed.
- Ambient air temperature guidelines shall be followed as specified in Condition of Approval 8.18 of this ITP.
- Tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held, transmitted, or blood drawn for disease testing as

⁷ 2020 Translocation of Mojave Desert Tortoises from Project Sites: Plan Development Guidance USFWS JUNE 2020
[Revised USFWS Desert Tortoise Translocation Guidance | FWS.gov](#)

long as the temperature requirements of Condition of Approval 8.18 of this ITP below are met.

- All tortoises >100 mm MCL translocated from the Project Area shall be transmitted and monitored for 5 years post translocation or as otherwise approved by CDFW in writing.
- All tortoise >100 mm MCL found during pre-construction clearance surveys, which are to be translocated from the Project Area, shall be tested for disease as follows during the active season, unless approved in writing by CDFW. Blood draw samples for *Mycoplasma agassizii* and *Mycoplasma testudineum* shall determine if a tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection shall be used to determine the health of a tortoise. Blood draw samples shall be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville, Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (*Mycoplasma agassizii* and *Mycoplasma testudineum*). To determine results of blood testing, the most current guidelines provided by the University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Pathology shall be used. The University of Florida Mycoplasma Laboratory Department of Infectious Diseases & Pathology 2013 criteria for classifying *Mycoplasma agassizii* and *Mycoplasma testudineum* is: (1) a titer <32 is negative, (2) a titer > 64 is positive, and (3) a titer of 32 is suspect (retesting in 6 weeks) or most current guidelines. All sample forms shall come from the University of Florida's guidance.
- If a tortoise > 100 mm MCL tests positive for disease, Permittee must contact CDFW immediately and tortoise shall be tested twice for disease during the active season (once in the spring after May 15 to May 31 and once in the fall). All actions regarding the handling, transport, and quarantine of infected tortoise must be approved in writing by CDFW on a case-by-case basis. Following consultation with disease investigation laboratory, testing, and treatment, Permittee can translocate a disease positive tortoise with no outward sign of disease to a recipient site that has other disease positive individuals with prior written approval from CDFW. A recipient site that accepts disease positive tortoise shall be approved by CDFW in the DTTP prior to translocation.
- If a tortoise >100 mm MCL tests negative for disease, it can be translocated in accordance with the approved DTTP, with written approval from CDFW.

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- The DTTP shall include a requirement that all translocated tortoises regardless of size shall be included in the translocation numbers and all reports.
- The DTTP shall propose at least two potential recipient sites, where one recipient site shall be the preferred site and the other a backup site. The recipient sites shall be approved by CDFW and shall have the vegetative structure to support all life stages of desert tortoises.
- In addition to the USFWS Field Manual guidelines, the DTTP shall also include: (1) identifying the known threats or potential causes of population decline for desert tortoise, (2) how potential threats have been or would be addressed for translocated individuals, (3) complete physical examination and health assessments for translocated individuals, (4) approximate age and sex of translocated individuals, and (5) vegetation classification and quality of habitat of the recipient sites. The DTTP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project Area including burrow aspects, and recovery needs such as habitat restoration and/or predator control.
- Creation of artificial burrows, as well as translocation of tortoises and eggs shall only occur on land(s), where written authorization has been obtained from the landowner (including CDFW-owned land(s)) prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTTP and the DTTP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or translocation of tortoise or eggs is proposed to take place on private lands, then in addition to the written approval required above, some form of protection for the land such as a conservation easement shall be in place prior to translocation occurring.
- “Trifectant” and “Rescue Ready to Use One Step Disinfectant Cleaner” shall be the only products authorized to be used as a disinfectant for equipment and materials used during the translocation process. These products are not authorized to be applied using a spray bottle or other spray methods. The Cleaning and Disinfection Protocol in the DTTP shall include the following:
 - Remove all grossly visible debris.
 - Wash the area/item with water and mild detergent.
 - Thoroughly rinse the cleared area to remove any detergent residue.
 - Allow the area to dry completely.
 - Apply disinfectant mixture.
 - Allow the full disinfectant product recommended contact time.
 - Thoroughly rinse away any residual disinfectant and allow the area/item to air dry.

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- 8.18. Ambient Air Temperature for Desert Tortoise. During all handling procedures, desert tortoise shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoise shall be kept shaded at all times until it is safe to release them. For the purposes of this permit, ambient air temperature shall be measured in the shade, protected from wind, at a height of five centimeters above the ground surface. For all Covered Activities, no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)). No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, desert tortoise shall be kept shaded in an environment that does not exceed 95° F (35° C) and not released until ambient air temperature declines to below 95°F (35°C). During relocation, the Authorized Biologist(s) may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.
- 8.19. Desert Tortoise Species Rehydration. If a desert tortoise voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the animal(s). The Authorized Biologist(s) shall rehydrate the desert tortoise immediately at the location where the animal(s) was or were captured, or the location where the animal(s) is or will be released. The Authorized Biologist(s) shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The Authorized Biologist(s) shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected and shaded area during rehydration.
- 8.20. Desert Tortoise Burrow Excavation. Only Authorized Biologist(s) and Biological Monitor(s) under Condition of Approval 6.2 are authorized to conduct burrow excavation. The Biological Monitor(s) may only excavate burrows by hand under the direct supervision of the Authorized Biologist(s). Excavation of burrows shall follow the methods described in the USFWS Field Manual.
- 8.21. Desert Tortoise Wildlife Crossing and Culvert Installation. Permittee shall install the following wildlife crossings and culverts in the Project Area to facilitate the safe movement of desert tortoise:
- Permittee shall install one wildlife crossing through installation of an 84-inch culvert underneath the rail line at Main Street Milepost 12.5 and four smaller water conveyance culverts, one of 48 inches and three of 36 inches, shall be placed in the

main BNSF rail line right-of-way (see Attachment 5). Any deviations from these specifications shall be approved by CDFW in writing.

- A second wildlife crossing shall be installed under Main Street at Milepost 12.5 and at a minimum shall be a 5-foot by 5-foot box culvert (see Attachment 5).
- Permittee shall perform maintenance of the wildlife crossings and culverts at least once quarterly and at least once during each desert tortoise active season (Spring and Fall) to ensure that these features serve for wildlife movement. Any deviations from these specifications shall be approved by CDFW in writing.

Western Burrowing Owl Protection Measures

For the purposes of the Conditions of Approvals below, Western burrowing owl and their burrows are defined as:

Potential Burrow: Any subterranean hole eight centimeters or larger for which no evidence is present to conclude that the burrow is being used or has been used by a Western burrowing owl.

Known Burrow: A known Western burrowing owl burrow is a burrow that shows evidence of current or past use within the last three years or is known based on Project observations to have been used in the past, which includes natural and “atypical” burrows (e.g., a pipe, culvert, buckled concrete, etc.).

Nesting Burrow: A nesting Western burrowing owl burrow is a known burrow with indications of the presence of eggs, chicks, dependent young, and/or evidence of adult courtship behavior, brooding or egg incubation.

8.22. Western Burrowing Owl Mortality Reduction Plan (MRP). Permittee shall submit a Western Burrowing Owl MRP prepared by the Designated Biologist(s) or other qualified Biologist(s) approved by CDFW in writing, to CDFW at least 30 calendar days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, burrow collapsing, artificial burrow construction, and other relocation activities shall not proceed until the Western Burrowing Owl MRP has been approved in writing by CDFW. The MRP shall include, but not be limited to: detailed description of survey methodology, including the time and date of survey(s), survey area with buffer, and statuses of previously identified suitable burrows; detailed burrow exclusion and excavation methods; methods for monitoring Western burrowing owl pre- and post-exclusion; proposed avoidance buffers based on Covered Activities and disturbance level; proposed Covered Activities that may occur within a buffer reduction request; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured Western burrowing owl or care for at-risk Western burrowing owl, Western burrowing owl eggs, and/or Western burrowing owl chicks per Condition of

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Approval 6.4; and procedure for collection and storage of Western burrowing owl carcasses. The plan should also include a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; and timing of artificial burrow installation/construction. Only CDFW-approved Designated Biologist(s) shall handle, and transport injured Western burrowing owl for treatment or impacted Western burrowing owl eggs for salvage.

Once the Western Burrowing Owl MRP is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated to reflect best available science in which case CDFW will contact the Permittee to discuss the updates needed. Any proposed changes to the approved Western Burrowing Owl MRP shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.

8.23. Western Burrowing Owl Pre-Construction Surveys and Reporting. The Designated Biologist(s) shall conduct pre-construction surveys in the entire Project Area to identify, flag, and map all potential, known, and/or nesting Western burrowing owl burrows (as defined above) within 30 calendar days prior to beginning Covered Activities. The Biological Monitor(s) may assist the Designated Biologist(s) with conducting pre-construction surveys. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved in advance and in writing by CDFW. Surveys shall be conducted as detailed within Appendix D of the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012) and shall follow the guidelines for either breeding or non-breeding surveys based on the season closest to commencement of Covered Activities. If the Designated Biologist(s) identifies any potential, known, or nesting Western burrowing owl burrow(s), the burrow(s) shall be monitored following Conditions of Approval 8.25, 8.26, and 8.27. If the Designated Biologist(s) identifies any known or nesting Western burrowing owl burrows, no-disturbance buffer zones shall be established per Condition of Approval 8.25 and the approved Western Burrowing Owl MRP. Permittee shall provide the pre-construction survey results with a Burrow Complex Map (Condition of Approval 8.24) in a written report to CDFW's Regional Representative at least five (5) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting).

8.24. Western Burrowing Owl Burrow Complex Map. The Designated Biologist(s) shall provide a KMZ map to CDFW of all burrows found during the pre-construction surveys performed per Condition of Approval 8.23. The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all Western burrowing owl sign and sightings and labeled if sightings were known burrows, nesting burrows, potential burrows, occupied burrows,

satellite burrows, and/or areas of concentrated burrows. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend. If a lapse in Project-related work of 14 calendar days or longer occurs, Permittee shall contact the CDFW Regional Representative by email (Scott.Jakubowski@wildlife.ca.gov) and may be required to provide an updated Burrow Complex Map before work may be reinitiated.

8.25. Western Burrowing Owl Burrow Avoidance. For any potential Western burrowing owl burrows that remain onsite additional monitoring shall be conducted by the Designated Biologist(s) and/or Biological Monitor(s) to determine their status as either inactive or active/known burrows. Permittee shall establish no-disturbance buffer zones as described in the Western Burrowing Owl MRP around confirmed active/known (including roosting and satellite burrows) and nesting Western burrowing owl burrows according to the following guidelines:

8.25.1. If an active known Western burrowing owl burrow is discovered, Permittee shall establish a minimum no-disturbance buffer. A no-disturbance buffer as described in the Western Burrowing Owl MRP shall be established around active known burrows.

8.25.2. If a nesting Western burrowing owl burrow is discovered within or immediately adjacent to the Project Area, Permittee shall follow procedures outlined in the Western Burrowing Owl MRP.

8.25.3. If Western burrowing owl burrows cannot be avoided as described above, Permittee shall implement Conditions of Approval 8.22, 8.27, and 8.28, as appropriate. Western burrowing owl active known or nest burrows that cannot be avoided shall be replaced per Condition of Approval 8.26.

If Western burrowing owl individuals are visibly stressed by the Covered Activities or by workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers shall be determined by the Designated Biologist(s) based on their behavioral observations of the affected Western burrowing owl. The Designated Biologist(s) shall report to CDFW any buffers that were increased due to behavioral observations for evaluation and determination of buffer effectiveness. Permittee shall change the method of marking for the no disturbance buffer if corvids, raptors, or other predators are observed perching on marking materials. Permittee shall limit the materials necessary to mark the no-disturbance buffer to that which is necessary for identification of the site. Permittee shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project.

The buffers prescribed above shall not be reduced or otherwise modified below the minimum distance as described in the Western Burrowing Owl MRP, unless approved by CDFW in writing.

- 8.26. Western Burrowing Owl Burrow Replacement. Permittee shall replace each active known and/or nest Western burrowing owl burrow (as defined above) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by Western burrowing owl for protection, reproduction, nesting, and escape from predators. Permittee shall submit to CDFW for review and approval the proposed location where burrow replacements will be constructed. Permittee shall obtain all necessary landowner approvals and authorizations prior to the construction of artificial burrows.
- 8.27. Western Burrowing Owl Burrow Exclusion and Excavation. The Designated Biologist(s) or the Biological Monitor(s) under direct supervision of the Designated Biologist(s), shall excavate known or potential Western burrowing owl burrows that exhibit signs of current or past Western burrowing owl use or characteristics suggestive of a burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval 8.25 within the Project Area. Exclusion shall occur outside the breeding season unless otherwise approved by CDFW in advance in writing. Burrows to be destroyed shall be fully excavated, filled with dirt or soil, and compacted to ensure that Western burrowing owl cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area. An established no-disturbance buffer around a burrow may be removed once the burrow is collapsed and Western burrowing owl(s) is/are no longer using the burrow.
 - 8.27.1. Potential Western burrowing owl burrows (any subterranean hole eight centimeters or larger for which no evidence is present to conclude that the burrow is being used or has been used by a Western burrowing owl) without any signs of Western burrowing owl or characteristics suggesting it is a Western burrowing owl burrow may be excavated immediately without prior camera monitoring by the Designated Biologist(s) or the Biological Monitor(s) under direct supervision of the Designated Biologist(s).
 - 8.27.2. Excavation of known Western burrowing owl burrows shall only occur after the Designated Biologist(s) has determined that Western burrowing owl is not currently present after four consecutive 24-hour periods of monitoring with infrared cameras or through other methods approved by CDFW. Burrows shall be carefully hand excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is certain no individuals of Western burrowing owl are inside. If during the excavation process, evidence of current use by Western burrowing owl is discovered, then burrow excavation shall

cease immediately, and camera monitoring as described above shall be conducted/resumed.

8.27.3. Western burrowing owl burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged, are foraging independently, and are no longer dependent on the nest, and then only after written concurrence from CDFW.

8.28. Western Burrowing Owl Burrow Blockage. If an unoccupied Western burrowing owl burrow can be avoided by construction and does not need to be collapsed but is within a distance of construction to cause significant stress to Western burrowing owl, the Designated Biologist(s) shall block rather than destroy the burrow. The Biological Monitor(s) may assist the Designated Biologist(s) with blocking of burrows. The blocked burrow shall be unblocked and made available for use after construction is complete. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist(s) or Biological Monitor(s) at least once a weekly to ensure that the exclusionary material is still intact. If Western burrowing owl gains access to the burrow, the Designated Biologist(s), Biological Monitor(s), or Designated Representative shall contact CDFW immediately (within 24 hours) and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.

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

To meet this requirement, the Permittee shall either purchase, 7,482.11 acres of Covered Species Agassiz's desert tortoise credits and 8,343.48 acres of Covered Species Western burrowing owl credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below, OR (2) shall provide for both the permanent protection and management of 7,482.11 acres of Covered Species Agassiz's desert tortoise and 8,343.48 acres of Covered Species Western burrowing owl Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below for all Covered Species, OR (3) shall provide a combination of options (1) AND (2), with prior written approval from CDFW. Purchase of Covered Species credits AND/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 10 below for all uncompleted obligations.

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Compensatory mitigation for Agassiz's desert tortoise and Western burrowing owl may co-occur on the same acres where dual Covered Species credits are available for purchase or HM lands contain habitat for both species.

- 9.1. Cost Estimates. For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:
 - 9.1.1. Land acquisition costs for HM lands identified in Condition of Approval 9.3 below, estimated at \$7,400.00/acre for 8,343.48 acres: **\$61,741,752.00**. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;
 - 9.1.2. All other costs necessary to review and acquire the land in fee title and record a conservation easement as described in Condition of Approval 9.3.1 and 9.3.2 below: **\$3,348,000.00**;
 - 9.1.3. Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.6 below, estimated at **\$30,870,876.00**;
 - 9.1.4. Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at **\$8,343,480.00**;
 - 9.1.5. Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$3,000.00/acre for 8,343.48 acres: **\$25,030,440.00**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.
 - 9.1.6. Related transaction fees including but not limited to account set-up fees, administrative fees, title and documentation review and related title transactions, expenses incurred from other state agency reviews, and overhead related to transfer of HM lands to CDFW as described in Condition of Approval 9.5, estimated at **\$250,000.00**.
 - 9.1.7. All costs associated with CDFW engaging an outside contractor or CDFW employee to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. 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 **\$75,000.00**.
- 9.2. Covered Species Credits. If Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 7,482.11 acres of desert

tortoise credits and 8,343.48 acres of Western burrowing owl credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchasing 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.

9.3. 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:

- 9.3.1. 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.
- 9.3.2. 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. 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.
- 9.3.3. HM Lands Approval. Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project’s impacts on Covered Species;

- 9.3.4. HM Lands Documentation. Provide a recent preliminary title report, Phase I Environmental Site Assessment, and other necessary documents (please contact CDFW for document list). All documents conveying the HM lands and all conditions of title are subject to the approval of CDFW, and if applicable, the Wildlife Conservation Board and the Department of General Services;
- 9.3.5. 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.
- 9.3.6. 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 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; and (6) installing signage.
- 9.3.7. Interim Management (Initial and Capital). Provide for the interim management of the HM lands. 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, closing of off-highway vehicle (OHV) lanes, and maintenance of signage.

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

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in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.

- 9.4. Endowment Fund. If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 9.3. 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.

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

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

Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements of Fish and Game Code section 2081(b)(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).

- 9.4.2. Calculate the Endowment Funds Deposit. After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare 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. Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.
 - 9.4.2.1. Capitalization Rate and Fees. Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.
 - 9.4.2.2. 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:
 - 9.4.2.2.1. 10 Percent Contingency. A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.
 - 9.4.2.2.2. Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding.
 - 9.4.2.2.3. Non-annualized Expenses. For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW.
- 9.4.3. Transfer Long-term Endowment Funds. Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.

- 9.4.4. 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.

- 9.5. 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.

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

- 10.1. Security Amount. The Security shall be in the amount of **\$129,659,548.00** or in the amount identified in Condition of Approval 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

- 10.2. Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 6) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

- 10.3. Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first.
- 10.4. Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.
- 10.5. Security Transmittal. Permittee shall transmit the Security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.
- 10.6. Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP.
- 10.7. Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by:

Credit Purchase

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

AND/OR

Habitat Management Land Acquisition (HMLA)

- 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, 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,

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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 Authorized/Designated Biologist(s) 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 laws.

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(b)-2026-009-06) in a cover letter and on any other associated documents.

Original cover with attachment(s) to:

Heidi Calvert, Regional Manager
California Department of Fish and Wildlife
Inland Deserts Region

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3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
Telephone (909) 484-0167
R6CESA@wildlife.ca.gov

and a copy to:

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

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

Scott Jakubowski, Senior Environmental Scientist (Specialist)
3602 Inland Empire Blvd., Suite C-220
Ontario, CA, 91764
Telephone (909) 354-0919
Scott.Jakubowski@wildlife.ca.gov

XIII. Compliance with the California Environmental Quality Act:

CDFW's issuance of this ITP is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this ITP because of prior environmental review of the Project by the lead agency, the City of Barstow. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the City of Barstow General Plan and Barstow International Gateway Project Draft Environmental Impact Report (EIR), (SCH No.: 2024020501) dated May 2026, that the City of Barstow certified for the Barstow International Gateway Project on June 3, 2026. At the time the lead agency certified the EIR and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

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No. 2081(b)-2026-009-06
BNSF RAILWAY CORPORATION
BARSTOW INTERNATIONAL GATEWAY PROJECT

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 City of Barstow General Plan and Barstow International Gateway Project Draft EIR, 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) Quarterly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the protection and management in perpetuity of 8,343.48 acres of compensatory habitat for Western burrowing owl and 7,482.11 acres of compensatory habitat for Agassiz's desert tortoise 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

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No. 2081(b)-2026-009-06
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BARSTOW INTERNATIONAL GATEWAY PROJECT

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	Map of Project Area
FIGURE 2	Project Area Site Plan
FIGURE 3	Project Impact Area Map
FIGURE 4	Desert Tortoise Exclusionary Fencing Plans
ATTACHMENT 1	Mitigation Monitoring and Reporting Program
ATTACHMENT 2	Authorized Biologist Resume Form for Desert Tortoise
ATTACHMENT 3	Designated Biologist Resume Form for Western Burrowing Owl
ATTACHMENT 4	Raven Deposit Form for NFWF Desert Managers Group
ATTACHMENT 5	Wildlife Crossings and Culvert Plans
ATTACHMENT 6	Letter of Credit Form

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON 7/15/2026

DocuSigned by:

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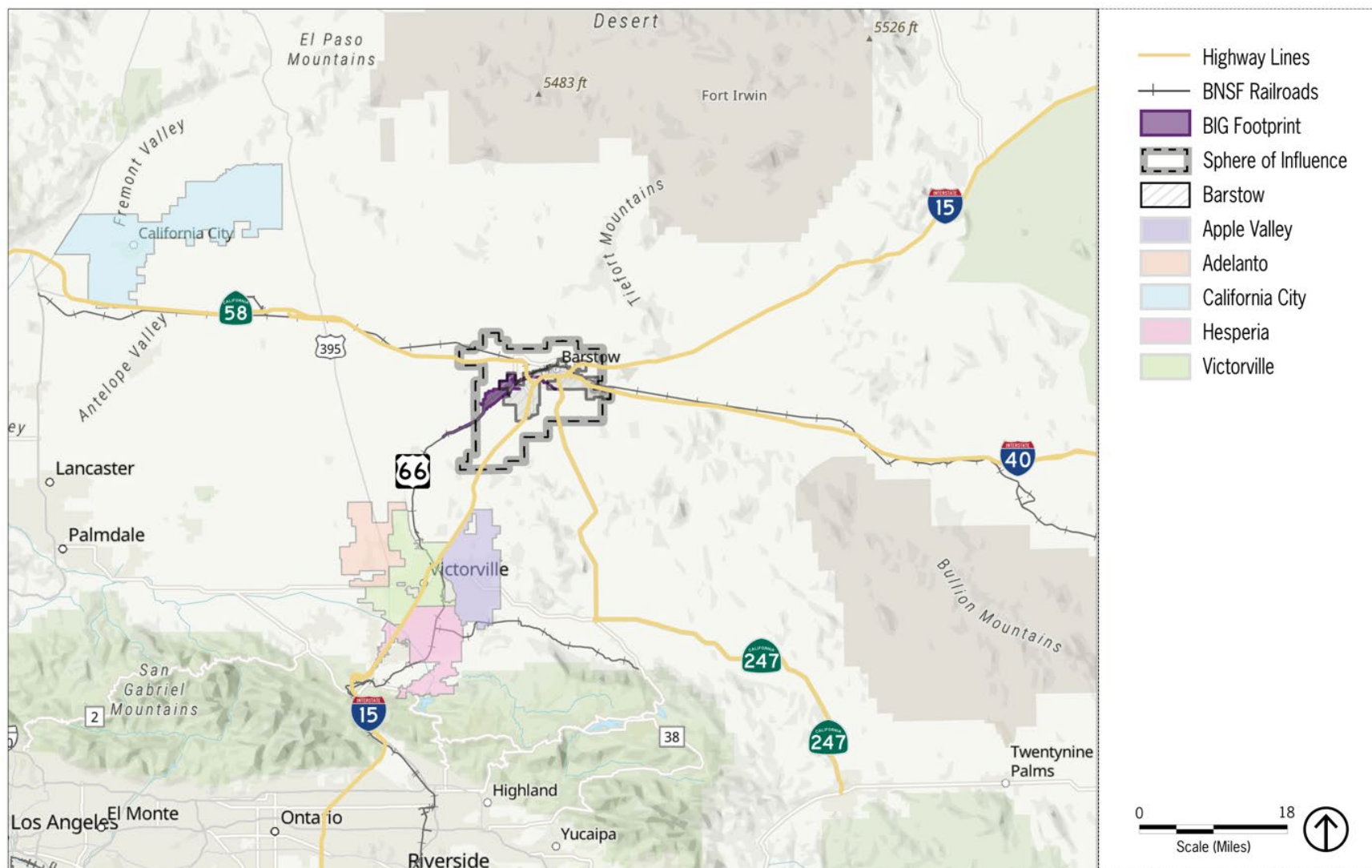
Heidi Calvert, Regional Manager
 Inland Deserts Region

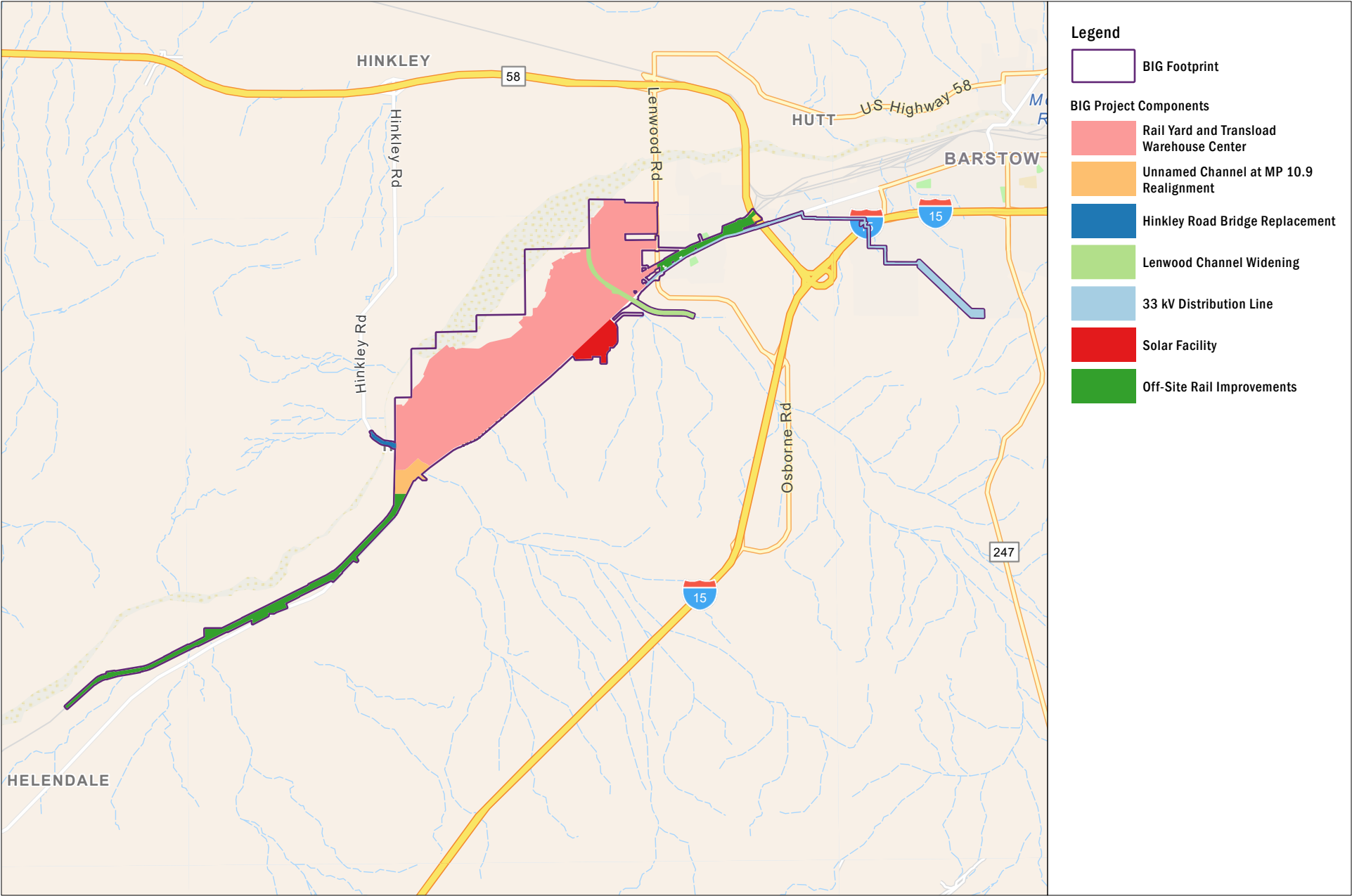
Incidental Take Permit
 No. 2081(b)-2026-009-06
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BARSTOW INTERNATIONAL GATEWAY PROJECT

Appendix 5.4 BIG-1
Biological Resources Technical Report

November 2025

Figure 1: Regional Vicinity Map





Source: ESRI Basemap, 2025.



Project Components

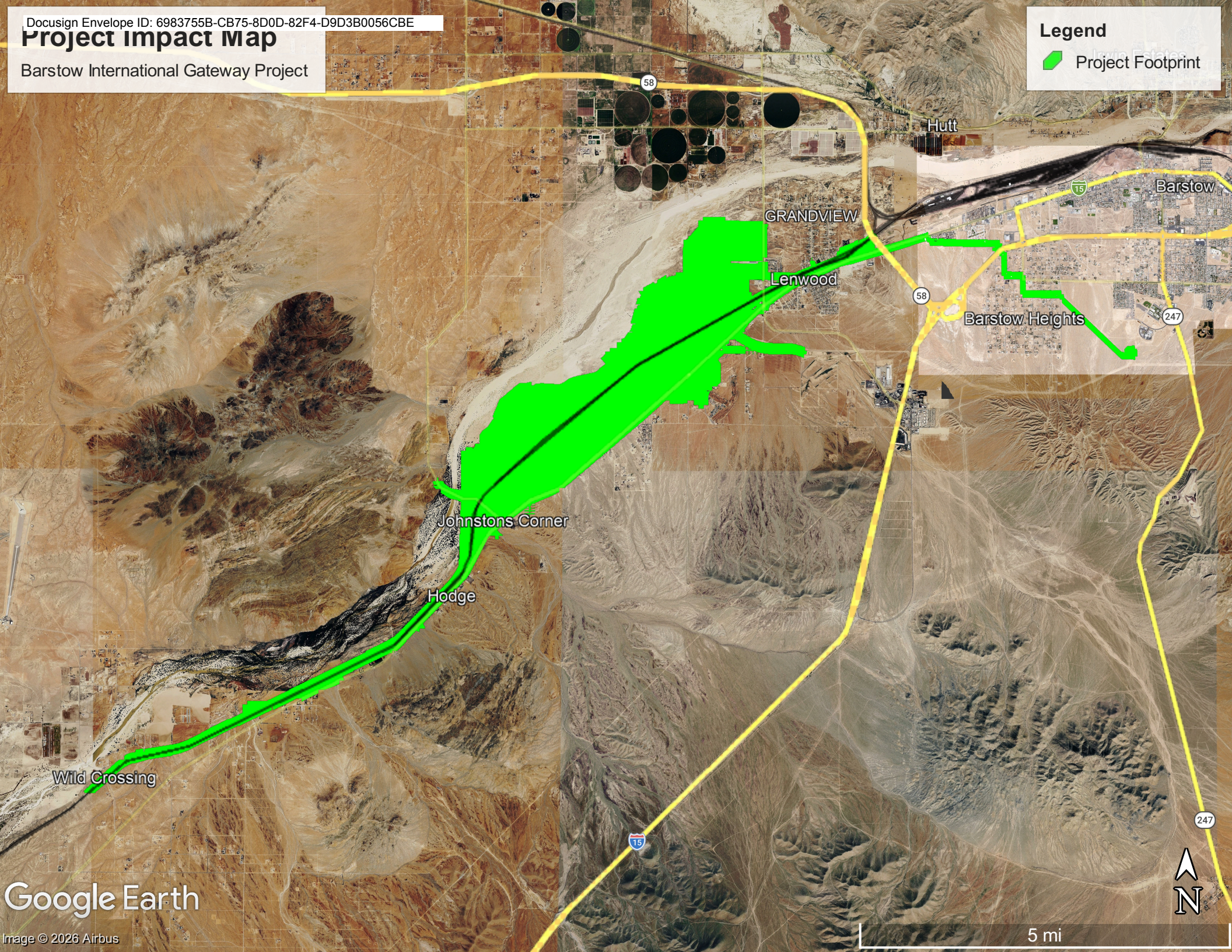
Barstow International Gateway Project

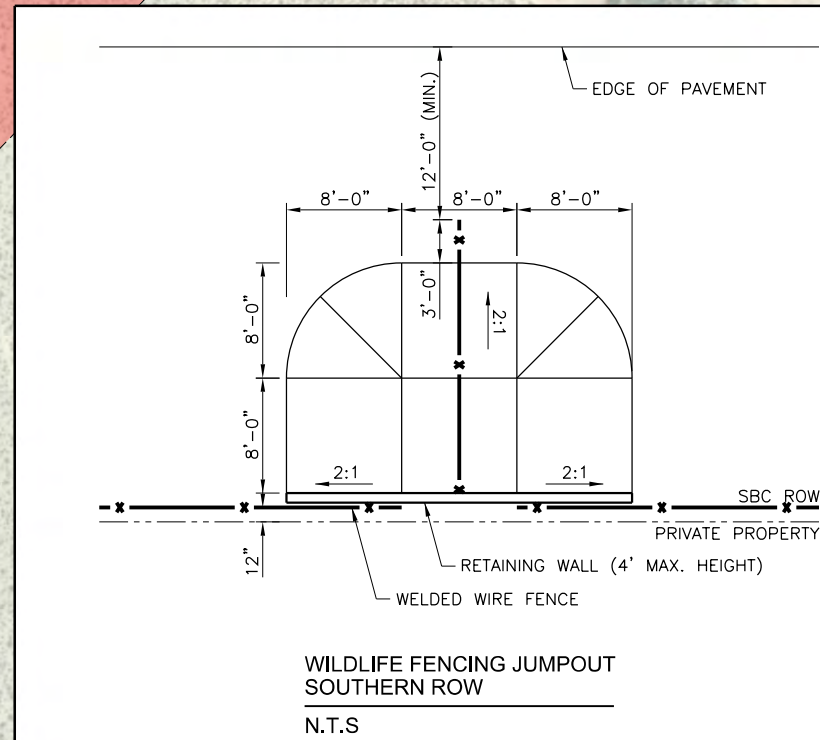
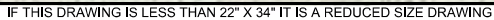
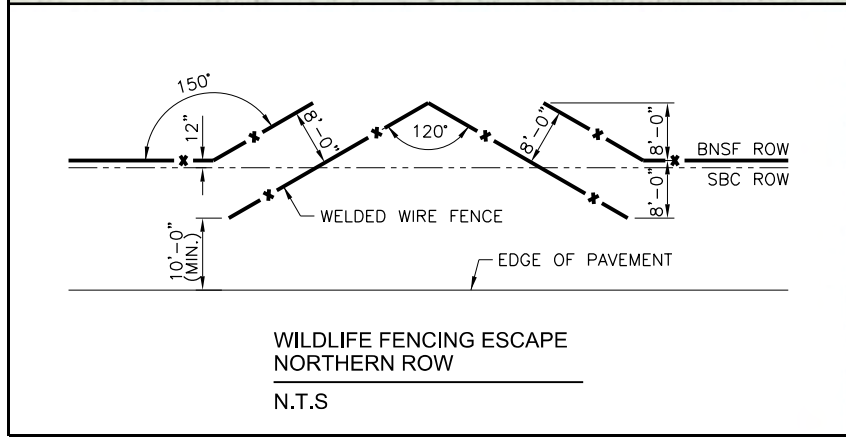
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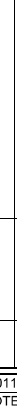
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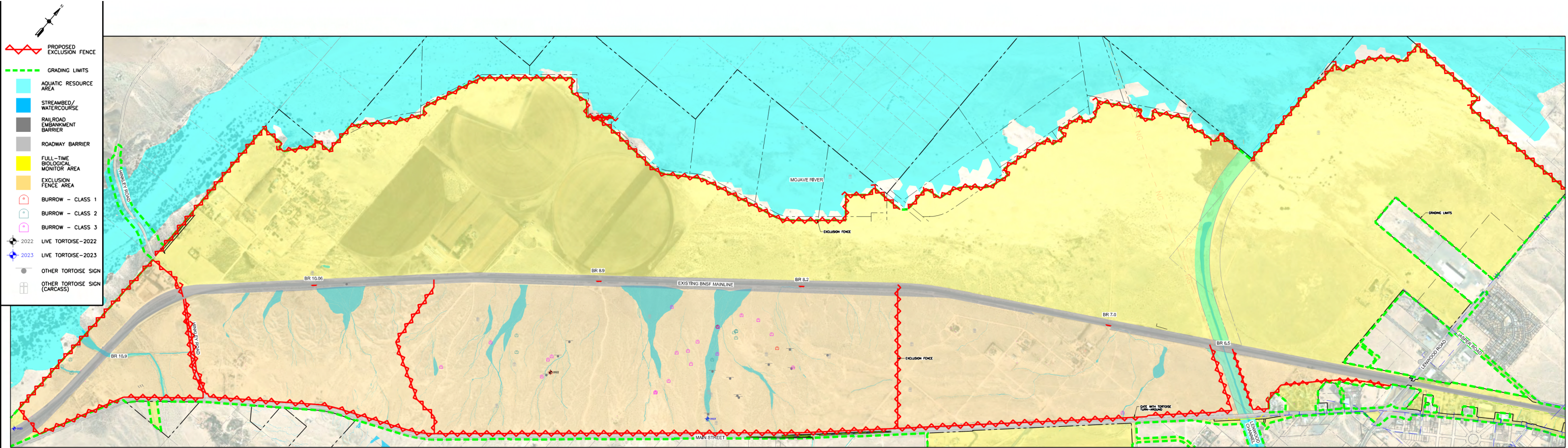
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 Project Footprint

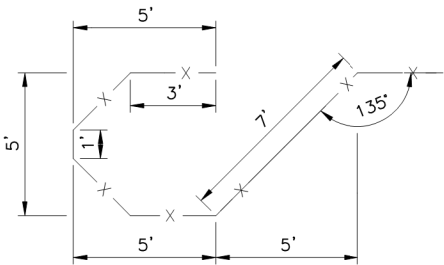




		1475 WOODFIELD ROAD SUITE 600 SCHAUMBURG, IL 60173 PHONE: 847-605-9600 FAX: 847-463-0565	
PRELIMINARY NOT FOR CONSTRUCTION			
CONSULTANTS:			
BARSTOW INTERNATIONAL GATEWAY CONCEPTUAL SITE PLAN BARSTOW, CALIFORNIA CAJON SUBDIVISION LS 7600 			
REVISIONS:			
2	04-21-2026	ADDED ESCAPE AND JUMPPOINTS	
1	03-31-2026	REVISED FENCE TYPE AND LOCATION	
MARK	DATE	DESCRIPTION	
PROJ NO: P401170106			
SCALE: AS NOTED			
DATE: 03-16-2026			
DESIGNED BY: BSM			
DRAWN BY: BSM			
CHECKED BY: JRH			
SHEET TITLE:			
BARSTOW INTERNATIONAL GATEWAY MAIN STREET BR 12.5A WILDLIFE FENCE			
SHEET NO. EX-217A			
SHEET		1 OF 1	



TORTOISE TURN-AROUND

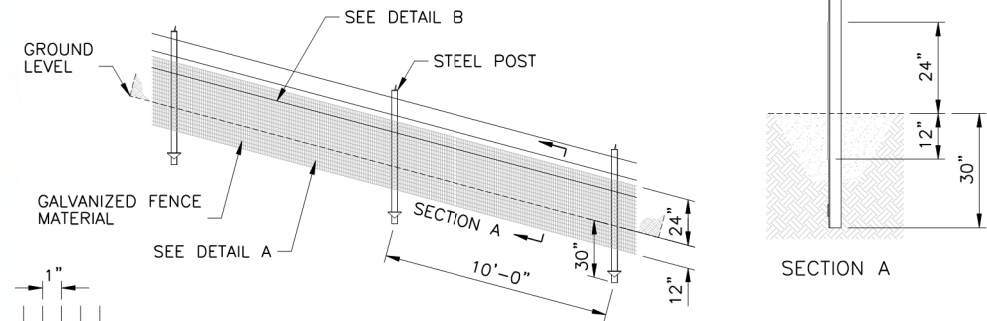


1. TORTOISE EXCLUSION FENCE SHOULD BE MOUNTED TO THE BOTTOM OF THE GATE, ADJACENT TO THE TURN-AROUND, SO AS TO DECREASE THE GAP BETWEEN THE GATE AND THE GROUND TO NO MORE THAN 1 INCH.
2. ADDITIONAL ENTRY AND EXIT LOCATIONS TO BE IDENTIFIED AT THE TIME OF CONSTRUCTION.



TYPICAL RAILROAD EMBANKMENT BARRIER

DESERT TORTOISE EXCLUSION FENCE (2005)



RECOMMENDED DESIGN FOR DESERT TORTOISE EXCLUSION FENCE
GENERAL NOTES:

1. ENSURE THAT FENCE POSTS AND MATERIALS CONFORM TO THE STANDARDS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE.
2. ENSURE THAT THE HEIGHT ABOVE THE GROUND LEVEL IS NO LESS THAN 18 INCHES AND NO HIGHER THAN 24 INCHES.
3. ENSURE THAT THE DEPTH OF FENCE MATERIAL BELOW GROUND LEVEL IS ABOUT 12 INCHES BUT NO LESS THAN 6 INCHES. (SEE SECTION A ABOVE)
4. INSTALL ADDITIONAL STEEL POSTS WHEN SPAN BETWEEN EXISTING FENCE POSTS EXCEED 10 FEET.
5. ATTACHED FENCE MATERIAL TO EXISTING FENCES OR WIRE USING HOG RINGS AT 12" INTERVALS.
6. FASTEN FENCE MATERIAL TO POSTS WITH 3 TIE WIRES WITH A WIRE NEAR THE TOP, BOTTOM, AND CENTER OF THE FENCE MATERIAL.
7. BACKFILL TRENCHES WITH EXCAVATED MATERIAL AND COMPACT THE MATERIAL.
8. ATTACH FENCE MATERIAL TO ALL GATES. ENSURE THAT CLEARANCE AT BASE OF GATE ACHIEVES ZERO GROUND CLEARANCE.
9. SUBSTITUTE SMOOTH WIRE FOR BARBED WIRE IF ADDITIONAL SUPPORT WIRES ARE NECESSARY.
10. THE NUMBER AND PLACEMENT OF SUPPORT WIRES MAY BE MODIFIED TO ALLOW SHEEP AND DEER TO PASS SAFELY.
11. EROSION AT THE EDGE OF THE FENCE MATERIAL WHERE THE FENCE CROSSES WASHES MAY OCCUR AND REQUIRES APPROPRIATE AND TIMELY MONITORING AND REPAIR.
12. TIE THE FENCE INTO EXISTING CULVERTS AND CATTLEGUARDS WHEN DETERMINED NECESSARY TO ALLOW DESERT TORTOISE PASSAGE UNDERNEATH ROADWAYS.

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NOT FOR CONSTRUCTION

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DESIGNED BY

DRAWN BY

CHECKED BY

APPROVED BY

DATE

03/27/2026

BNSF
RAILWAY

GFT

2400 Pershing Road
Suite 400
Kansas City, MO 64108
PHONE: (816) 329-8600
FAX: (816) 329-8602



BNSF RAILWAY
BARSTOW INTERNATIONAL GATEWAY
DESERT TORTOISE EXCLUSION FENCE-TEMPORARY
MP 3.4 TO MP 17.5

CONTRACT NO.

401210017

DRAWING NO.

CS-531

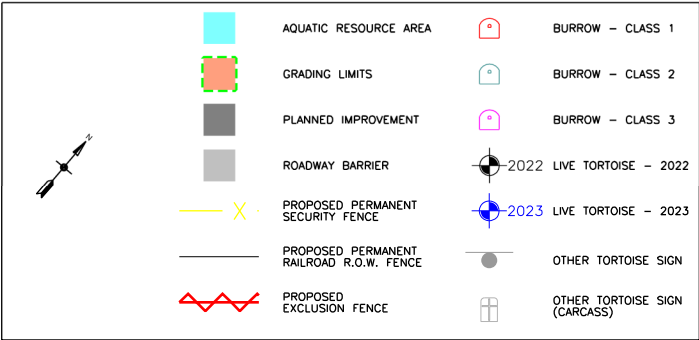
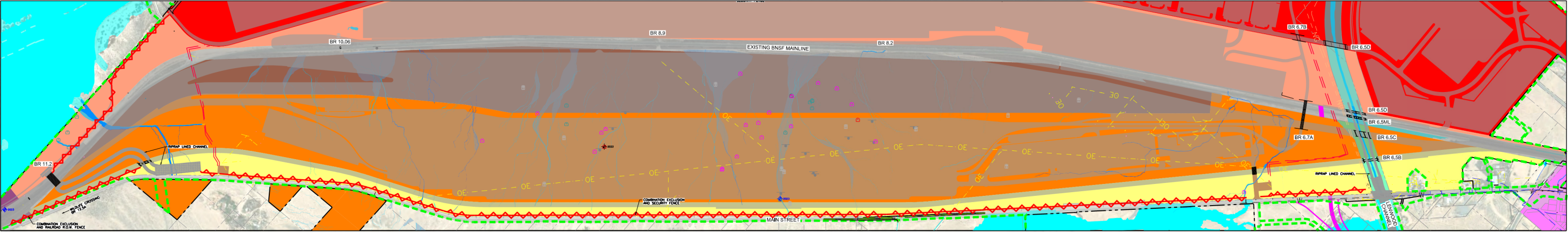
REVISION

SHEET NO.

826 OF 1310

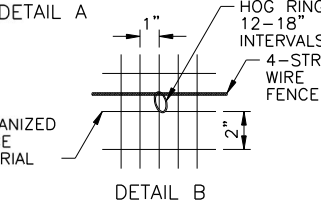
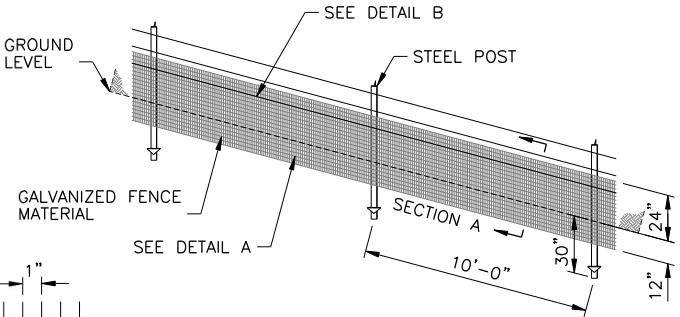
SCALE

AS SHOWN



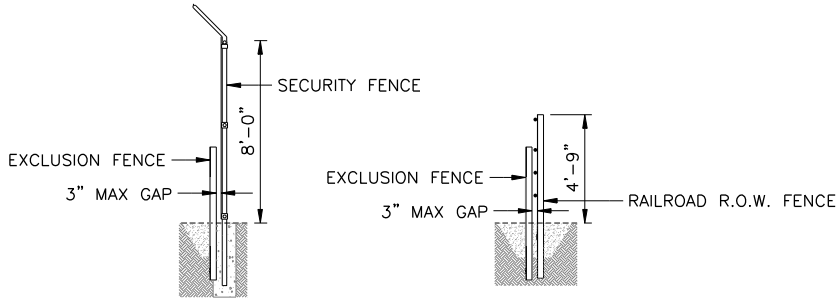
TYPICAL RAILROAD EMBANKMENT BARRIER

DESERT TORTOISE EXCLUSION FENCE (2005)



RECOMMENDED DESIGN FOR DESERT TORTOISE EXCLUSION FENCE

- GENERAL NOTES:
1. ENSURE THAT FENCE POSTS AND MATERIALS CONFORM TO THE STANDARDS APPROVED BY THE U.S. FISH AND WILDLIFE SERVICE.
 2. ENSURE THAT THE HEIGHT ABOVE THE GROUND LEVEL IS NO LESS THAN 18 INCHES AND NO HIGHER THAN 24 INCHES.
 3. ENSURE THAT THE DEPTH OF FENCE MATERIAL BELOW GROUND LEVEL IS ABOUT 12 INCHES BUT NO LESS THAN 6 INCHES. (SEE SECTION A ABOVE)
 4. INSTALL ADDITIONAL STEEL POSTS WHEN SPAN BETWEEN EXISTING FENCE POSTS EXCEED 10 FEET.
 5. ATTACHED FENCE MATERIAL TO EXISTING FENCE OR WIRE USING HOG RINGS AT 12" INTERVALS.
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 12. TIE THE FENCE INTO EXISTING CULVERTS AND CATTLEGUARDS WHEN DETERMINED NECESSARY TO ALLOW DESERT TORTOISE PASSAGE UNDERNEATH ROADWAYS.



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DESIGNED BY
DRAWN BY
CHECKED BY
APPROVED BY
DATE
03/27/2026



2400 Pershing Road
Suite 400
Kansas City, MO 64108
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FAX: (816) 329-4602



BNSF RAILWAY
BARSTOW INTERNATIONAL GATEWAY
DESERT TORTOISE EXCLUSION FENCE-PERMANENT
MP 3.4 TO MP 17.5

CONTRACT NO.
401210017
DRAWING NO.
CS-532
REVISION
SHEET NO.
827 OF 1310
SCALE
AS SHOWN

Attachment 1

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

INCIDENTAL TAKE PERMIT NO. 2081(b)-2026-009-06

PERMITTEE: BNSF Railway Corporation

PROJECT: Barstow International Gateway Project

PURPOSE OF THIS MMRP

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

OBLIGATIONS OF PERMITTEE

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

VERIFICATION OF COMPLIANCE, EFFECTIVENESS

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

TABLE OF MITIGATION MEASURES

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

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
BEFORE DISTURBING SOIL OR VEGETATION					
1	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.	ITP Condition # 6.1	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
2	Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Authorized/Designated Biologist(s) and Biological Monitor(s) using the Authorized Biologist Resume Form for desert tortoise (Attachment 2) and the Designated Biologist Resume Form for Western burrowing owl (Attachment 3) or another format containing the same information at least 14 calendar days before starting Covered Activities. The Authorized Biologist(s) and Designated Biologist(s) may be the same entity if approved by CDFW through this Condition of Approval. Permittee shall ensure that the Authorized/Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology, natural history, and collecting and handling of the Covered Species. The Authorized/Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Authorized/Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Authorized/Designated Biologist(s) or Biological Monitor(s) must be changed.	ITP Condition # 6.2	Before commencing ground- or vegetation-disturbing activities	Permittee	
3	Permittee shall identify a veterinarian(s) for the Covered Species. Permittee shall obtain written confirmation from the veterinarian(s) that they will accept injured Covered Species for treatment. Written confirmation shall also contain the veterinarian's contact information and facility location. Permittee shall provide a copy to CDFW before starting Covered Activities. The contact information and location of the facility shall be available on site for the Authorized/Designated Biologist(s) during Covered Activities.	ITP Condition # 6.4	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
4	Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Authorized/Designated Biologist(s) that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall prepare and distribute wallet-sized cards or a fact sheet handout containing this information for workers to carry in the Project Area. Permittee shall provide interpretation for non-English speaking workers, 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. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area.	ITP Condition # 6.5	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
5	Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.	ITP Condition # 6.7	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
6	Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Authorized/Designated Biologist(s). Permittee will create retention ponds but shall otherwise keep the amount of water used to the minimum amount needed and shall not allow water to form puddles	ITP Condition # 6.8	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee	
7	Before starting Covered Activities along each part of the route in active construction, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags to minimize the disturbance of Covered Species' habitat adjacent to the Project Area. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and/or flags until the completion of Covered Activities in that area.	ITP Condition # 6.10	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
8	Permittee shall clearly delineate habitat of the Covered Species not being impacted with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.	ITP Condition # 6.11	Before commencing ground- or vegetation-disturbing activities / Entire Project	Permittee	
9	The Designated Representative shall notify CDFW 14 calendar days before starting Covered Activities and shall document compliance with all pre-Project Conditions of Approval before starting Covered Activities.	ITP Condition # 7.1	Before commencing ground- or vegetation-disturbing activities	Permittee	
10	Permittee shall prepare a Raven Management Plan to minimize the potential to attract common ravens to the Project Area. The Raven Management Plan shall be submitted to CDFW for review and approval no later than 30 calendar days prior to the commencement of Covered Activities. In addition, Permittee shall provide funds to the Desert Managers Group (DMG) account established with the National Fish and Wildlife Foundation (NFWF) to contribute to a region-wide raven control plan to help address raven predation on desert tortoise. This contribution shall be used to address raven predation on a regional basis and shall be calculated as a one-time payment of \$105 per acre of Project disturbance. Based on this calculation, Permittee shall provide a one-time payment at \$105.00/acre for 3,968.20 acres for a total of \$416,661.00 to the DMG account established with NFWF's Raven Management Plan Fund. Within 90 calendar days following the start of Covered Activities these funds shall be provided to NFWF using appropriate deposit document (see Attachment 4) and proof of paying this fee shall be provided to CDFW within one business day after the funds have been provided to NFWF.	ITP Condition # 8.10	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
11	The desert tortoise exclusionary fencing shall have desert tortoise escape channels installed as depicted in Figure 4. The desert tortoise exclusionary fencing shall include the installation of shade structures along the outer fence perimeter placed at regular intervals at a minimum 1,000 feet apart to provide shelter to desert tortoises. Any deviations from the fencing specifications shall be provided to CDFW at least two weeks prior to start of Covered Activities and shall be reviewed and approved by CDFW in writing.	ITP Condition # 8.11	Before commencing ground- or vegetation-disturbing activities	Permittee	
12	Prior to commencing ground disturbing activities, Permittee shall install temporary desert tortoise exclusionary fencing to encompass the outer perimeter of the Project Area, except within the 33 kV line to the SCE Tortilla Substation, lead tracks extensions, and the Ancillary Rail Area and Transload Warehouse Center (see Figure 4). Any gates shall be installed with desert tortoise exclusion fencing affixed along the bottom portion of the gate structure. The desert tortoise exclusionary fencing shall be constructed according to the USFWS Desert Tortoise (Mojave Population) Field Manual (hereinafter referred to as USFWS Field Manual). The Authorized/Designated Biologist(s) shall oversee the installation of the exclusionary fencing. Any deviations from the fencing specifications shall be provided to CDFW at least two weeks prior to start of Covered Activities and shall be reviewed and approved by CDFW in writing.	ITP Condition # 8.12	Before commencing ground- or vegetation-disturbing activities	Permittee	
13	Prior to installation of the desert tortoise exclusionary fence, surveys for Western burrowing owl and desert tortoise shall be completed along the fence line and within an appropriate buffer determined by the Authorized/Designated Biologist(s) to ensure no burrows are occupied by either desert tortoise or Western burrowing owl. Surveys shall occur during the desert tortoise active season (generally April to May and September to October). If desert tortoise or Western burrowing owl is present, Permittee shall relocate individuals found along the fence line per the CDFW approved translocation plans in Condition of Approval 8.17 and Condition of Approval 8.22, respectively. Individuals found within the buffer shall be flagged for avoidance as per the CDFW approved translocation plans in Condition of Approval 8.17 and/or Condition of Approval 8.22. If the exclusionary fence is installed during desert tortoise inactive season a fencing plan shall be submitted to CDFW for review and approval at least 30 calendar days prior to commencing installation of the desert tortoise exclusionary fence. The fencing plan shall include gaps in the fence to allow desert tortoise to enter and exit the Project Area. Gaps shall be closed during the subsequent desert tortoise active season and following gap closure, surveys shall be performed according to Condition of Approval 8.15 and 8.23.	ITP Condition # 8.14	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
14	Within the desert tortoise exclusionary fence, prior to start of the remaining Covered Activities, the Authorized Biologist(s) shall conduct pre-construction clearance surveys for desert tortoise during the active season (generally April to May and September to October) using the methods described in the most recent USFWS Field Manual. The Biological Monitor(s) may assist the Authorized Biologist(s) in conducting pre-construction surveys. In addition to the guidance provided in the USFWS Field Manual, CDFW provides the following requirement(s): • Pre-construction clearance surveys shall be completed within the fenced areas containing desert tortoise exclusionary fencing using perpendicular survey routes. Pre-construction clearance surveys cannot be combined with other surveys conducted for other species while using the same personnel. Covered Activities cannot start until at least one negative result from consecutive (proceeding) survey using perpendicular survey routes for desert tortoise is documented. A negative result means no new live desert tortoise is detected. • These surveys shall cover 100 percent of the area within desert tortoise exclusionary fencing. The Authorized Biologist(s) and/or Biological Monitor(s) shall provide the results of the survey (including the number of live individuals and the acreage cleared during clearance surveys) to CDFW within 30 calendar days of completing the surveys.	ITP Condition # 8.15	Before commencing ground- or vegetation-disturbing activities	Permittee	
15	Prior to surface-disturbing Covered Activities in the linear and portions of the Project that are unfenced (e.g., lead track extensions, transmission line, ancillary rail yard, transload warehouse center), the Authorized Biologist(s) assisted by biological monitor(s), shall conduct a pre-construction survey to locate all desert tortoises in all areas to be disturbed using techniques that provide 100 percent coverage of the area (Service 2020). During the active seasons (generally April through May and September through October), pre-construction surveys shall be conducted either the day prior to, or the day of, any surface-disturbing Covered Activities. During the inactive seasons (generally June through August and November through February), pre-construction surveys shall be conducted within 7 days prior to any surface-disturbing Covered Activities. Desert tortoises located in the path of Project activities shall be allowed to move out of the way on their own accord or moved by an Authorized Biologist(s) or Biological Monitor(s) out of harm's way no more than 984 feet (300 meters) from the point of encounter or translocated to the Recipient Site at the discretion of the Authorized Biologist(s) per the Desert Tortoise Translocation Plan as defined in Condition of Approval 8.17 if there is limited suitable habitat within the Project vicinity. If active desert tortoise burrows are identified in the impact footprint during the desert tortoise clearance survey(s), a minimum 100-foot non-disturbance buffer shall be established around the active desert tortoise burrow. Desert tortoises in burrows will not be moved during the inactive seasons without written approval from CDFW.	ITP Condition # 8.16	Before commencing ground- or vegetation-disturbing activities	Permittee	

16	Permittee shall submit to CDFW for review and approval a DTTP prepared by the Authorized Biologist(s) or other qualified Biologist(s) approved by CDFW in writing, at least 30 calendar days prior to start of Covered Activities. Covered Activities are not authorized to start until the DTTP is approved in writing by CDFW. The DTTP shall follow the most current guidelines provided by USFWS and CDFW regarding desert tortoise translocation. Where guidance differs between USFWS and CDFW, Permittee shall coordinate with CDFW, and written direction provided by CDFW shall control. The list of items below are the most common examples of the differences between CDFW and USFWS guidelines. These shall be included in the DTTP along with the most recent USFWS translocation guidelines: • Translocated tortoises are defined as tortoises that are removed from the Project Area, are disease tested, and have a radio transmitter attached. • The Authorized Biologist(s) shall determine when the creation of artificial burrows is needed. • Ambient air temperature guidelines shall be followed as specified in Condition of Approval 8.18 of this ITP. • Tortoises <100 millimeters (mm) midline carapace length (MCL) shall be released immediately without being held, transmitted, or blood drawn for disease testing as long as the temperature requirements of Condition of Approval 8.18 of this ITP below are met. • All tortoises >100 mm MCL translocated from the Project Area shall be transmitted and monitored for 5 years post translocation or as otherwise approved by CDFW in writing. • All tortoise >100 mm MCL found during pre-construction clearance surveys, which are to be translocated from the Project Area, shall be tested for disease as follows during the active season, unless approved in writing by CDFW. Blood draw samples for <i>Mycoplasma agassizii</i> and <i>Mycoplasma testudinatum</i> shall determine if a tortoise is negative or positive for disease. A combination of results from blood testing and visual inspection shall be used to determine the health of a tortoise. Blood draw samples shall be sent to: Dr. Mary Brown, University of Florida, Department of Infectious Diseases and Immunology, 2015 SW 16th Ave., Room V2-234, Gainesville, Florida 32608, or other facility approved by CDFW. CDFW uses enzyme-linked immune assay (ELISA) test results to determine if a tortoise is positive for disease. The ELISA tests will be used to test for exposure to herpes virus (<i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i>). To determine results of blood testing, the most current guidelines provided by the University of Florida Mycoplasma Laboratory Department of Infectious Diseases and Pathology shall be used. The University of Florida Mycoplasma Laboratory Department of Infectious Diseases & Pathology 2013 criteria for classifying <i>Mycoplasma agassizii</i> and <i>Mycoplasma testudineum</i> is: (1) a titer <32 is negative, (2) a titer > 64 is positive, and (3) a titer of 32 is suspect (retesting in 6 weeks) or most current guidelines. All sample forms shall come from the University of Florida's guidance. • If a tortoise > 100 mm MCL tests positive for disease, Permittee must contact CDFW immediately and tortoise shall be tested twice for disease during the active season (once in the spring after May 15 to May 31 and once in the fall). All actions regarding the handling, transport, and quarantine of infected tortoise must be approved in writing by CDFW on a case by case basis. Following consultation with disease investigation laboratory, testing, and treatment, Permittee can translocate a disease positive tortoise with no outward sign of disease to a recipient site that has other disease positive individuals with prior written approval from CDFW.	ITP Condition # 8.17	Before commencing ground- or vegetation-disturbing activities	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	A recipient site that accepts disease positive tortoise shall be approved by CDFW in the DTTP prior to translocation. - If a tortoise >100 mm MCL tests negative for disease, it can be translocated in accordance with the approved DTTP, with written approval from CDFW. - The DTTP shall include a requirement that all translocated tortoises regardless of size shall be included in the translocation numbers and all reports. - The DTTP shall propose at least two potential recipient sites, where one recipient site shall be the preferred site and the other a backup site. The recipient sites shall be approved by CDFW and shall have the vegetative structure to support all life stages of desert tortoises. - In addition to the USFWS Field Manual guidelines, the DTTP shall also include: (1) identifying the known threats or potential causes of population decline for desert tortoise, (2) how potential threats have been or would be addressed for translocated individuals, (3) complete physical examination and health assessments for translocated individuals, (4) approximate age and sex of translocated individuals, and (5) vegetation classification and quality of habitat of the recipient sites. The DTTP shall detail which characteristics are to be used to decide if a recipient site is similar enough to a Project Area including burrow aspects, and recovery needs such as habitat restoration and/or predator control. - Creation of artificial burrows, as well as translocation of tortoises and eggs shall only occur on land(s), where written authorization has been obtained from the landowner (including CDFW-owned land(s)) prior to the start of Covered Activities. The written permission from the landowner shall be included in the DTTP and the DTTP shall not be approved by CDFW until authorization is provided in writing. If creation of artificial burrows or translocation of tortoise or eggs is proposed to take place on private lands, then in addition to the written approval required above, some form of protection for the land such as a conservation easement shall be in place prior to translocation occurring. "Trifectant" and "Rescue Ready to Use One Step Disinfectant Cleaner" shall be the only products authorized to be used as a disinfectant for equipment and materials used during the translocation process. These products are not authorized to be applied using a spray bottle or other spray methods. The Cleaning and Disinfection Protocol in the DTTP shall include the following: - Remove all grossly visible debris. - Wash the area/item with water and mild detergent. - Thoroughly rinse the cleared area to remove any detergent residue. - Allow the area to dry completely. - Apply disinfectant mixture. - Allow the full disinfectant product recommended contact time. - Thoroughly rinse away any residual disinfectant and allow the area/item to air dry.				

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
17	Permittee shall submit a Western Burrowing Owl MRP prepared by the Designated Biologist(s) or other qualified Biologist(s) approved by CDFW in writing, to CDFW at least 30 calendar days prior to beginning Covered Activities. Burrow exclusion, burrow excavation, burrow collapsing, artificial burrow construction, and other relocation activities shall not proceed until the Western Burrowing Owl MRP has been approved in writing by CDFW. The MRP shall include, but not be limited to: detailed description of survey methodology, including the time and date of survey(s), survey area with buffer, and statuses of previously identified suitable burrows; detailed burrow exclusion and excavation methods; methods for monitoring Western burrowing owl pre- and post-exclusion; proposed avoidance buffers based on Covered Activities and disturbance level; proposed Covered Activities that may occur within a buffer reduction request; identification of a wildlife rehabilitation center or veterinary facility capable of and willing to treat injured Western burrowing owl or care for at-risk Western burrowing owl, Western burrowing owl eggs, and/or Western burrowing owl chicks per Condition of Approval 6.4; and procedure for collection and storage of Western burrowing owl carcasses. The plan should also include a discussion and map of potential artificial burrow replacement locations; description of the replacement burrow design and dimensions (e.g., depth and width of burrow, width of burrow entrance, orientation of burrow entrance, number and placement of entrances to natal burrows); artificial burrow installation methods; and long-term artificial burrow protection and maintenance methods; and timing of artificial burrow installation/construction. Only CDFW-approved Designated Biologist(s) shall handle, and transport injured Western burrowing owl for treatment or impacted Western burrowing owl eggs for salvage. Once the Western Burrowing Owl MRP is approved in writing by CDFW, it shall be used for the duration of this ITP unless updated to reflect best available science in which case CDFW will contact the Permittee to discuss the updates needed. Any proposed changes to the approved Western Burrowing Owl MRP shall be submitted, in writing, to CDFW and approved in writing prior to the implementation of any proposed modifications.	ITP Condition # 8.21	Before commencing ground- or vegetation-disturbing activities	Permittee	
18	The Designated Biologist(s) shall conduct pre-construction surveys in the entire Project Area to identify, flag, and map all potential, known, and/or nesting Western burrowing owl burrows (as defined above) within 30 calendar days prior to beginning Covered Activities. The Biological Monitor(s) may assist the Designated Biologist(s) with conducting pre-construction surveys. Surveys shall include the Project Area and 500 feet (where feasible) beyond the limits of the Project Area, unless otherwise approved in advance and in writing by CDFW. Surveys shall be conducted as detailed within Appendix D of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) and shall follow the guidelines for either breeding or non-breeding surveys based on the season closest to commencement of Covered Activities. If the Designated Biologist(s) identifies any potential, known, or nesting Western burrowing owl burrow(s), the burrow(s) shall be monitored following Conditions of Approval 8.25, 8.26, and 8.27. If the Designated Biologist(s) identifies any known or nesting Western burrowing owl burrows, no-disturbance buffer zones shall be established per Condition of Approval 8.25 and the approved Western Burrowing Owl MRP. Permittee shall provide the pre-construction survey results with a Burrow Complex Map (Condition of Approval 8.24) in a written report to CDFW's Regional Representative at least five (5) calendar days prior to the beginning of Covered Activities. The report shall include, but not be limited to, methodology, survey date, and apparent status of each burrow (potential, known, or nesting).	ITP Condition # 8.22	Before commencing ground- or vegetation-disturbing activities	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
19	The Designated Biologist(s) shall provide a KMZ map to CDFW of all burrows found during the pre-construction surveys performed per Condition of Approval 8.23. The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all Western burrowing owl sign and sightings and labeled if sightings were known burrows, nesting burrows, potential burrows, occupied burrows, satellite burrows, and/or areas of concentrated burrows. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area and a title, north arrow, scale bar, and legend. If a lapse in Project-related work of 14 calendar days or longer occurs, Permittee shall contact the CDFW Regional Representative by email (Scott.Jakubowski@wildlife.ca.gov) and may be required to provide an updated Burrow Complex Map before work may be reinitiated.	ITP Condition # 8.23	Before commencing ground- or vegetation-disturbing activities	Permittee	
20	CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking on the Covered Species that will result from implementation of the Covered Activities. This determination is based on factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the protected acreage required to provide for adequate compensation. To meet this requirement, the Permittee shall either purchase, 7,482.11 acres of Covered Species Agassiz's desert tortoise credits and 8,343.48 acres of Covered Species Western burrowing owl credits from a CDFW-approved mitigation or conservation bank pursuant to Condition of Approval 9.2 below, OR (2) shall provide for both the permanent protection and management of 7,482.11 acres of Covered Species Agassiz's desert tortoise and 8,343.48 acres of Covered Species Western burrowing owl Habitat Management (HM) lands pursuant to Condition of Approval 9.3 below and the calculation and deposit of the management funds pursuant to Condition of Approval 9.4 below for all Covered Species, OR (3) shall provide a combination of options (1) AND (2), with prior written approval from CDFW. Purchase of Covered Species credits AND/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 10 below for all uncompleted obligations. Compensatory mitigation for Agassiz's desert tortoise and Western burrowing owl may co-occur on the same acres where dual Covered Species credits are available for purchase or HM lands contain habitat for both species.	ITP Condition # 9	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
21	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 9.3 below, estimated at \$7,400.00/acre for 8,343.48 acres: \$61,741,752.00. 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 9.3.1 and 9.3.2 below: \$3,348,000.00; • Start-up costs for HM lands, including initial site protection and enhancement costs as described in Condition of Approval 9.3.6 below, estimated at \$30,870,876.00; • Interim management period funding as described in Condition of Approval 9.3.7 below, estimated at \$8,343,480.00; • Long-term management funding as described in Condition of Approval 9.4 below, estimated at \$3,000.00/acre for 8,343.48 acres: \$25,030,440.00. 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 9.5, estimated at \$250,000.00. • All costs associated with CDFW engaging an outside contractor or CDFW employee to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands. 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 \$75,000.00.	ITP Condition #9.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
22	If Permittee elects to purchase Covered Species credits to complete compensatory mitigation obligations, then Permittee shall purchase 7,482.11 acres of desert tortoise credits and 8,343.48 acres of Western burrowing owl credits from a CDFW-approved mitigation or conservation bank prior to initiating Covered Activities, or no later than 18 months from the issuance of this ITP if Security is provided pursuant to Condition of Approval 10 below. Prior to purchasing 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.	ITP Condition #9.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
23	Transfer fee title of the HM lands to CDFW pursuant to terms approved in writing by CDFW. Alternatively, CDFW, in its sole discretion, may authorize a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended.	ITP Condition #9.3.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
24	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. 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 #9.3.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
25	Obtain CDFW written approval of the HM lands before acquisition and/or transfer of the land by submitting, at least three months before acquisition and/or transfer of the HM lands, documentation identifying the land to be purchased or property interest conveyed to an approved entity as mitigation for the Project's impacts on Covered Species;	ITP Condition #9.3.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
26	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 #9.3.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
27	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 #9.3.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
28	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; and (6) installing signage.	ITP Condition #9.3.6	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
29	Provide for the interim management of the HM lands. 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, closing of off-highway vehicle (OHV) lanes, and maintenance of signage.	ITP Condition #9.3.7	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
30	If Permittee elects to provide for the acquisition, permanent protection, and perpetual management of HM lands to complete compensatory mitigation obligations, then Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in this ITP, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with this ITP, the conservation easement, and the management plan required by Condition of Approval 9.3. 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.	ITP Condition #9.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
31	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 Conditions #9.4.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
32	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. Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.	ITP Conditions #9.4.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
33	Permittee shall obtain the capitalization rate from the selected Endowment Fund Manager for use in calculating the PAR and adjust for any additional administrative, periodic, or annual fees.	ITP Conditions #9.4.2.1	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
34	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: • 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. • Three Years Delayed Spending. The endowment shall be established assuming spending will not occur for the first three years after full funding. • 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.	ITP Conditions #9.4.2.2	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
35	Permittee shall transfer the long-term endowment funds to the Endowment Manager upon CDFW approval of the Endowment Deposit Amount identified above.	ITP Conditions #9.4.3	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
36	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.	ITP Conditions #9.4.4	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
37	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.	ITP Conditions #9.5	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	

38	Permittee may proceed with Covered Activities only after Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 9 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows: • Security Amount. The Security shall be in the amount of \$129,659,548.00 or in the amount identified in Condition of Approval 9.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Condition of Approval 9.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. • Security Form. The Security shall be in the form of an irrevocable letter of credit (see Attachment 6) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. • Security Timeline. The Security shall be provided to CDFW before Covered Activities begin or within 30 days after the effective date of this ITP, whichever occurs first. • Security Holder. The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW. • Security Transmittal. Permittee shall transmit the Security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other. • Security Drawing. The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of this ITP. • Security Release. The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: Credit Purchase • Copy of Bill of Sale(s) and Payment Receipt(s) or Credit Transfer Agreement for the purchase of Covered Species credits; and • Timely submission of all required reports. AND/OR Habitat Management Land Acquisition (HMLA) • 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.	ITP Condition # 10	Before commencing ground- or vegetation-disturbing activities (or within 18 months of issuance of this ITP if Security is provided)	Permittee	
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	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
	Even if Security is provided, 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.				
DURING CONSTRUCTION					
39	To ensure compliance with the Conditions of Approval of this ITP, the Authorized/Designated Biologist(s) shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Area and otherwise facilitate the Authorized/Designated Biologist(s) in the performance of his/her duties. If the Authorized/Designated Biologist(s) is unable to comply with this ITP, then the Authorized/Designated Biologist(s) shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Authorized/Designated Biologist(s) that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a Covered Species as a result of such agreement or contract may result in CDFW taking actions to prevent or remedy a violation of this ITP.	ITP Condition # 6.3	Entire Project	CDFW	
40	The Authorized/Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project Area upon request by CDFW.	ITP Condition # 6.6	Entire Project	Permittee	
41	Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species' habitat.	ITP Condition # 6.9	Entire Project	Permittee	
42	Project-related personnel shall access the Project Area using existing or created routes and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, newly created routes, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 25 miles per hour to avoid Covered Species on or traversing the roads within the Project Area containing desert tortoise exclusionary fencing. Within the Project Area outside of desert tortoise exclusionary fencing, Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour to avoid Covered Species on or traversing the roads within the Project Area. 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 Permittee carries out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.	ITP Condition # 6.12	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
43	Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the Project Area.	ITP Condition # 6.13	Entire Project	Permittee	
44	Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so. Permittee shall exclude the storage and handling of hazardous materials from the Project Area and shall properly contain and dispose of any unused or leftover hazardous products off-site.	ITP Condition # 6.14	Entire Project	Permittee	
45	Permittee shall provide CDFW staff with reasonable access to the Project Area and mitigation lands under Permittee control and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.	ITP Condition # 6.15	Entire Project	Permittee	
46	Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all temporary fill and construction refuse, including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, strapping, twine, buckets, metal or plastic containers, and boxes.	ITP Condition # 6.16	Entire Project	Permittee	
47	Permittee shall prohibit Project personnel and any other individuals associated with the Project from bringing any firearms or dogs on the Project Area during Covered Activities, except those in the possession of authorized security personnel or local, state, or federal law enforcement officials or service dogs under Title II and Title III of the American with Disabilities Act.	ITP Condition # 6.17	Entire Project	Permittee	
48	The Designated Representative shall immediately notify CDFW if Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or this MMRP. The Designated Representative shall follow up with CDFW within 24 hours with a written report describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.	ITP Condition # 7.2	Entire Project	Permittee	
49	The Authorized/Designated Biologist(s) shall be on-site daily until all Covered Species surveys, translocations, installation of exclusionary fencing, clearing, grubbing, and grading occurs. The Biological Monitor(s) may assist the Authorized/Designated Biologist(s) with daily on-site compliance monitoring. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall then only be present monthly to conduct compliance inspections, including during periods of inactivity until Covered Activities are completed. The Designated Biologist(s) shall conduct compliance inspections to: (1) minimize incidental take of the Covered Species; (2) prevent unlawful take of species; (3) check for compliance with all measures of this ITP; (4) check all exclusion zones; and (5) ensure that signs, stakes, and fencing, including exclusionary fencing, are intact, and that Covered Activities are only occurring in the Project Area. The Designated Representative or Authorized/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 for days on site.	ITP Condition # 7.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
50	The Designated Representative or Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall compile the observation and inspection records identified in Condition of Approval 7.3 into a Quarterly Compliance Report and submit it to CDFW along with a copy of this MMRP table with notes showing the current implementation status of each mitigation measure. Quarterly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Scott Jakubowski (Scott.Jakubowski@wildlife.ca.gov) and the Headquarters CESA Program email is CESA@wildlife.ca.gov . CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.	ITP Condition # 7.4	Entire Project	Permittee	
51	Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year, beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports identified in Condition of Approval 7.4 for that year; (2) a general description of the status of the Project Area and Covered Activities, including actual or projected completion dates, if known; (3) a copy of the table in this MMRP with notes showing the current implementation status of each mitigation measure; (4) an assessment of the effectiveness of each completed or partially completed mitigation measure in avoiding, minimizing and mitigating Project impacts; (5) all available information about Project-related incidental take of the Covered Species; (6) an accounting of the number of acres subject to both temporary and permanent disturbance, both for the prior calendar year, and a total since ITP issuance; and (7) information about other Project impacts on the Covered Species.	ITP Condition # 7.5	Entire Project	Permittee	
52	The Authorized/Designated Biologist(s) shall submit all observations of Covered Species to CDFW's California Natural Diversity Database (CNDDB) within 60 calendar days of the observation, and the Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall include copies of the submitted forms with the next Quarterly Compliance Report or ASR, whichever is submitted first relative to the observation.	ITP Condition # 7.6	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
53	Permittee shall immediately notify the Authorized/Designated Biologist(s) if a Covered Species is taken, injured, or if nestlings or eggs are found abandoned as a result of a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project Area. The Authorized/Designated Biologist(s) or Designated Representative shall initially notify CDFW immediately (within 24 hours) by calling the Regional Office at (909) 484-0167. The initial notification to CDFW shall include information regarding the location, species, and number of animals taken or injured, and this ITP Number. Following initial notification, Permittee shall send CDFW a written report within two calendar days. The report shall include the common and scientific name, the date and time of the finding or incident, observer name and contact information, georeferenced location of the animal or carcass (County and GPS location and datum), sex (if known), life stage/age class (if known), a photograph, explanation as to cause of take or injury, and any other pertinent information. Injured individual(s) shall be taken to a CDFW approved veterinarian (see Condition of Approval 6.4), the Authorized/Designated Biologist(s) or Designated Representative shall provide the name and address of the facility and the name and contact information of the attending veterinarian. The Designated Biologist(s) or Designated Representative shall provide CDFW weekly updates on the status of the rehabilitation facility's treatment of the individual(s).	ITP Condition # 7.8	Entire Project	Permittee	
54	Permittee shall develop an Invasive Plant Management Plan (Plan) focused on controlling or eradicating existing invasive plants within the Project Area and preventing the introduction of new nonnative and invasive plants into the Project Area. The Plan shall include a list of plant species targeted for control or eradication, a description of the methods that will be used for control or eradication, a list of Best Management Practices to prevent the introduction and spread of invasive plant species into and out of the Project Area, monitoring requirements, success criteria, and a rapid response plan in the event that a new plant species invades the Project Area. A list of common invasive plant species including guidelines for preventing the establishment of invasive plants can be found on the California Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website. The Plan shall be implemented during Covered Activities and monitored for the time specified in the Plan. The Plan shall be submitted to CDFW for review and approval no later than 30 calendar days prior to the commencement of Covered Activities.	ITP Condition # 8.1	Entire Project	Permittee	
55	Permittee shall only use herbicides containing a harmless dye and that are registered with the California Department of Pesticide Regulation (DPR). All herbicides shall be applied in accordance with regulations set by DPR. All herbicides shall be used according to labeled instructions. Labeled instructions for the herbicide used shall be made available to CDFW upon request. No herbicide application shall occur when winds are greater than five miles per hour.	ITP Condition # 8.2	Entire Project	Permittee	
56	Permittee shall not use rodenticides and/or insecticides on the Project Area without prior written permission from CDFW. Permittee shall not use any second-generation anticoagulant rodenticide (brodifacoum, bromadiolone, difethialone, and difenacoum) on the Project Area. Permittee shall not use any first-generation anticoagulant rodenticide (diphacinone, chlorophacinone, and warfarin) on the Project Area without prior written permission from CDFW.	ITP Condition # 8.3	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
57	To minimize the risk of ensnaring and strangling Covered Species, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as jute, coconut (coir) fiber, or other products without welded weaves. Permittee shall use erosion control materials composed entirely of natural-fiber biodegradable materials. Permittee shall not use plastic "photodegradable" erosion control materials.	ITP Condition # 8.4	Entire Project	Permittee	
58	Throughout construction and operations and maintenance of the Project, Permittee shall eliminate all nonessential lighting throughout the Project Area and limit the use of artificial light at night between the hours of dusk and dawn when many wildlife and Covered Species are most active. Where feasible, Permittee shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass, including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Permittee shall ensure use of lighting with a correlated color temperature of 3,000 Kelvins or less where feasible.	ITP Condition # 8.5	Entire Project	Permittee	
59	Workers shall inspect for Covered Species under vehicles and equipment before the vehicles and equipment are moved. If a Covered Species is present, the worker shall contact the Authorized/Designated Biologist(s) or Biological Monitor(s) and wait for the Covered Species to move unimpeded to a safe location, or the Authorized/Designated Biologist(s) shall translocate the Covered Species as described in Conditions of Approval 8.17 and 8.22 before moving vehicles and equipment.	ITP Condition # 8.6	Entire Project	Permittee	
60	The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect any pipes, culverts, or similar structures with a diameter greater than 8 centimeters (3 inches) for Covered Species individuals and eggs before the material is moved, buried, or capped. The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect all open holes and trenches that may act as pitfalls traps within Covered Species habitat at least once daily and again immediately prior to backfilling. These inspections shall continue until all Covered Species surveys, translocation, installation of exclusion fencing, and clearing, grubbing, and grading have been completed. At the end of each workday, Permittee shall cover or place an escape ramp at each end of open trenches to allow any trapped wildlife to exit overnight. Ramps may be constructed of dirt, wood planking, or other suitable material, and shall be installed at an angle no greater than 30 degrees. If any worker discovers a Covered Species individual that has become trapped, they shall immediately halt Covered Activities and notify the Authorized/Designated Biologist(s) and/or Biological Monitor(s). Project workers and the Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall allow the animal to escape unimpeded whenever possible. If needed, an Authorized/Designated Biologist(s) approved under Condition of Approval 6.2 of this ITP shall translocate the individual out of harm's way before Covered Activities may resume per Conditions of Approval 8.17 and/or 8.22.	ITP Condition # 8.7	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
61	If a Covered Species is observed during Covered Activities, all work within 300 feet of the Covered Species shall immediately stop and the observation shall be immediately reported to the Authorized/Designated Biologist(s) and/or Biological Monitor(s). Covered Activities shall not resume until the Authorized/Designated Biologist(s) and/or Biological Monitor(s) has verified the Covered Species has left the Project Area OR the Authorized/Designated Biologist(s) approved under Condition of Approval 6.2 of this ITP relocates the Covered Species as described in this ITP and the Desert Tortoise Translocation Plan in Condition of Approval 8.17 or the Western Burrowing Owl Mortality Reduction Plan in Condition of Approval 8.22. The Designated Representative shall notify CDFW of any Covered Species observations within the Project Area. Notification shall occur immediately (within 24 hours). Notification and the written report shall include the date, location, circumstances of the observation, the name of the Authorized/Designated Biologist(s) that relocated the individual, pictures, and map and shapefiles with the location (including GPS coordinates) where the individual was relocated to.	ITP Condition # 8.8	Entire Project	Permittee	
62	The Authorized/Designated Biologist(s) shall maintain a record of all Covered Species handled. This information shall include: (a) the locations (narrative and maps with GPS datum) and dates of observation, including whether the individual(s) was found above ground or in a burrow; (b) ambient temperature when handled and released; (c) general condition and health of the individual(s), including injuries, state of healing, and whether the individual(s) voided its bladders; (d) identified diagnostic markings (i.e., identification numbers or marked marginal scutes); (e) location moved from and location moved to (using GPS technology), including information on any burrow (natural or artificial) utilized; (f) whether any eggs were discovered and relocated; (g) digital photographs of any Covered Species and eggs handled; and (h) results of ongoing monitoring. The Designated Representative(s) shall provide CDFW with the information listed above submitted in the reports following Condition of Approval 7.4, 7.5, and 7.7.	ITP Condition # 8.9	Entire Project	Permittee	
63	The Authorized/Designated Biologist(s) and/or Biological Monitor(s) shall inspect the desert tortoise exclusionary fencing monthly and within 24 hours following major rainfall events to ensure desert tortoise is prohibited from entering the Project Area. If the exclusionary fence is compromised, repairs shall be completed immediately (within 24 hours), and the Authorized/Designated Biologist(s) shall verify that desert tortoise has not entered the Project Area. If desert tortoise is confirmed to have entered the Project Area, the Desert Tortoise Translocation Plan in Condition of Approval 8.17 shall be implemented.	ITP Condition # 8.13	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
64	During all handling procedures, desert tortoise shall be treated in a manner to ensure that they do not overheat or exhibit signs of overheating (e.g., gaping, foaming at the mouth, etc.), or are placed in a situation where they cannot maintain surface and core temperatures necessary to their well-being. Desert tortoise shall be kept shaded at all times until it is safe to release them. For the purposes of this permit, ambient air temperature shall be measured in the shade, protected from wind, at a height of five centimeters above the ground surface. For all Covered Activities, no desert tortoise shall be captured, moved, transported, released, or purposefully caused to leave its burrow for whatever reason when the ambient air temperature is above 95° Fahrenheit (F) (35° Celsius (C)). No desert tortoise shall be captured if the ambient air temperature is anticipated to exceed 95° F (35° C) before handling or processing can be completed. If the ambient air temperature exceeds 95° F (35° C) during handling or processing, desert tortoise shall be kept shaded in an environment that does not exceed 95° F (35° C) and not released until ambient air temperature declines to below 95°F (35°C). During relocation, the Authorized Biologist(s) may hold a captured desert tortoise overnight and move them the following morning within these temperature constraints.	ITP Condition # 8.17	Entire Project	Permittee	
65	If a desert tortoise voids its bladder as a result of being handled, the Authorized Biologist(s) shall rehydrate the animal(s). The Authorized Biologist(s) shall rehydrate the desert tortoise immediately at the location where the animal(s) was or were captured, or the location where the animal(s) is or will be released. The Authorized Biologist(s) shall rehydrate the desert tortoise by placing it in a tub with a clean plastic disposable liner. The Authorized Biologist(s) shall add water to the lined tub while ensuring that the water level is not higher than the lower jaw of the desert tortoise. The Authorized Biologist(s) shall rehydrate each desert tortoise individually for a minimum of 10 to 20 minutes. The Authorized Biologist(s) shall place the lined tub in a quiet protected and shaded area during rehydration.	ITP Condition # 8.18	Entire Project	Permittee	
66	Only Authorized Biologist(s) and Biological Monitor(s) under Condition of Approval 6.2 are authorized to conduct burrow excavation. The Biological Monitor(s) may only excavate burrows by hand under the direct supervision of the Authorized Biologist(s). Excavation of burrows shall follow the methods described in the USFWS Field Manual.	ITP Condition # 8.19	Entire Project	Permittee	
67	Permittee shall install the following wildlife crossings and culverts in the Project Area to facilitate the safe movement of desert tortoise: • Permittee shall install one wildlife crossing through installation of an 84-inch culvert underneath the rail line at Main Street Milepost 12.5 and four smaller water conveyance culverts, one of 48 inches and three of 36 inches, shall be placed in the main BNSF rail line right-of-way (see Attachment 5). Any deviations from these specifications shall be approved by CDFW in writing. • A second wildlife crossing shall be installed under Main Street at Milepost 12.5 and at a minimum shall be a 5-foot by 5-foot box culvert (see Attachment 5). • Permittee shall perform maintenance of the wildlife crossings and culverts at least once quarterly and at least once during each desert tortoise active season (Spring and Fall) to ensure that these features serve for wildlife movement. Any deviations from these specifications shall be approved by CDFW in writing.	ITP Condition # 8.20	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
68	For any potential Western burrowing owl burrows that remain onsite additional monitoring shall be conducted by the Designated Biologist(s) and/or Biological Monitor(s) to determine their status as either inactive or active/known burrows. Permittee shall establish no-disturbance buffer zones as described in the Western Burrowing Owl MRP around confirmed active/known (including roosting and satellite burrows) and nesting Western burrowing owl burrows according to the following guidelines: • If an active known Western burrowing owl burrow is discovered, Permittee shall establish a minimum no-disturbance buffer. A no-disturbance buffer as described in the Western Burrowing Owl MRP shall be established around active known burrows. • If a nesting Western burrowing owl burrow is discovered within or immediately adjacent to the Project Area, Permittee shall follow procedures outlined in the Western Burrowing Owl MRP. • If Western burrowing owl burrows cannot be avoided as described above, Permittee shall implement Conditions of Approval 8.22, 8.27, and 8.28, as appropriate. Western burrowing owl active known or nest burrows that cannot be avoided shall be replaced per Condition of Approval 8.26. • If Western burrowing owl individuals are visibly stressed by the Covered Activities or by workers in the vicinity after these no-disturbance buffers are established, all work in the vicinity shall immediately cease and increased no-disturbance buffers shall be determined by the Designated Biologist(s) based on their behavioral observations of the affected Western burrowing owl. The Designated Biologist(s) shall report to CDFW any buffers that were increased due to behavioral observations for evaluation and determination of buffer effectiveness. Permittee shall change the method of marking for the no disturbance buffer if corvids, raptors, or other predators are observed perching on marking materials. Permittee shall limit the materials necessary to mark the no-disturbance buffer to that which is necessary for identification of the site. Permittee shall remove and properly dispose of all materials used for delineation immediately upon completion of the Project. • The buffers prescribed above shall not be reduced or otherwise modified below the minimum distance as described in the Western Burrowing Owl MRP, unless approved by CDFW in writing.	ITP Condition # 8.24	Entire Project	Permittee	
69	Permittee shall replace each active known and/or nest Western burrowing owl burrow (as defined above) that cannot be avoided within the Project Area with an artificial burrow to compensate for the loss of important shelter used by Western burrowing owl for protection, reproduction, nesting, and escape from predators. Permittee shall submit to CDFW for review and approval the proposed location where burrow replacements will be constructed. Permittee shall obtain all necessary landowner approvals and authorizations prior to the construction of artificial burrows.	ITP Condition # 8.25	Entire Project	Permittee	

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
70	The Designated Biologist(s) or the Biological Monitor(s) under direct supervision of the Designated Biologist(s), shall excavate known or potential Western burrowing owl burrows that exhibit signs of current or past Western burrowing owl use or characteristics suggestive of a burrow (including burrows in natural substrate and in/under man-made structures) that cannot be avoided per the Condition of Approval 8.25 within the Project Area. Exclusion shall occur outside the breeding season unless otherwise approved by CDFW in advance in writing. Burrows to be destroyed shall be fully excavated, filled with dirt or soil, and compacted to ensure that Western burrowing owl cannot reenter or use the burrow during the period that Covered Activities occur in the Project Area. An established no-disturbance buffer around a burrow may be removed once the burrow is collapsed and Western burrowing owl(s) is/are no longer using the burrow. • Potential Western burrowing owl burrows (any subterranean hole eight centimeters or larger for which no evidence is present to conclude that the burrow is being used or has been used by a Western burrowing owl) without any signs of Western burrowing owl or characteristics suggesting it is a Western burrowing owl burrow may be excavated immediately without prior camera monitoring by the Designated Biologist(s) or the Biological Monitor(s) under direct supervision of the Designated Biologist(s). • Excavation of known Western burrowing owl burrows shall only occur after the Designated Biologist(s) has determined that Western burrowing owl is not currently present after four consecutive 24-hour periods of monitoring with infrared cameras or through other methods approved by CDFW. Burrows shall be carefully hand excavated with hand tools, or by mechanical means if a specific methodology is approved in writing by CDFW, until it is certain no individuals of Western burrowing owl are inside. If during the excavation process, evidence of current use by Western burrowing owl is discovered, then burrow excavation shall cease immediately, and camera monitoring as described above shall be conducted/resumed. • Western burrowing owl burrows used for nesting shall not be excavated until biological and camera monitoring confirm that the chicks have fledged, are foraging independently, and are no longer dependent on the nest, and then only after written concurrence from CDFW.	ITP Condition # 8.26	Entire Project	Permittee	
71	If an unoccupied Western burrowing owl burrow can be avoided by construction and does not need to be collapsed but is within a distance of construction to cause significant stress to Western burrowing owl, the Designated Biologist(s) shall block rather than destroy the burrow. The Biological Monitor(s) may assist the Designated Biologist(s) with blocking of burrows. The blocked burrow shall be unblocked and made available for use after construction is complete. Burrow blockage shall be done in a manner that prevents burrowing animals from digging back into the burrow. All blocked burrows shall be monitored by the Designated Biologist(s) or Biological Monitor(s) at least once a weekly to ensure that the exclusionary material is still intact. If Western burrowing owl gains access to the burrow, the Designated Biologist(s), Biological Monitor(s), or Designated Representative shall contact CDFW immediately (within 24 hours) and obtain written guidance regarding how to proceed. All blocked burrows shall be unblocked within 48 hours of completion of Covered Activities within the prescribed buffer distance.	ITP Condition # 8.27	Entire Project	Permittee	
POST-CONSTRUCTION					

	Mitigation Measure	Source	Implementation Schedule	Responsible Party	Status / Date / Initials
72	No later than 60 calendar days after completion of all mitigation measures in this MMRP, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Representative and Authorized/Designated Biologist(s) shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Quarterly Compliance Reports and all ASRs; (2) a copy of the table in this MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) 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; (6) beginning and ending dates of Covered Activities; (7) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (8) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (9) any other pertinent information.	ITP Condition # 7.7	Post-construction and after completion of mitigation	Permittee	

Project Name: Barstow International Gateway (BIG) Project
LSA Agreement/ITP Number(s): 2081(b)-2026-009-06



Department of Fish and Wildlife

CDFW Region 6 Desert Tortoise Biologist Qualification Form

This form requests information about the qualifications of the Desert Tortoise Authorized Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).

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 qualifications.

Requesting Approval for: Authorized Biologist (AB) or Biological Monitor (BM) (skills needed are determined by the conditions in the ITP and measures in the LSA)

Date Submitted: _____

Requesting Approval as: ☐ Desert Tortoise AB ☐ Desert Tortoise BM

SECTION I. BIOLOGIST NAME AND CONTACT INFORMATION:

Name:		Title:	
Company Name & Address:		Phone:	
		Email:	

SECTION II. RELEVANT STATE OR FEDERAL WILDLIFE PERMITS CURRENTLY HOLD, OR HAVE PREVIOUSLY HELD OR WORKED UNDER (Attach A Copy of the Permit and Any Amendments):

Species	State Permit Number	Federal Permit Number	Dates From/To	Permit Holder

SECTION III. EDUCATION:

College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	
College/University & Degree Type Related to Natural Resources or Science/Graduation Date:	

Project Name:				
LSA Agreement/ITP Number(s):				
Name/Type of Training	Certification Received (Provide Copy)	Dates (From/To) and Hours	Location	Instructor/Sponsor

SECTION V. ITP/LSA REQUIREMENTS (Copy and paste measure(s) from LSA and/or ITP that describe the Authorized Biologist/Biological Monitors necessary qualifications that require CDFW review and approval)

Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	
Relevant LSA Agreement Measures or ITP Conditions:	

SECTION VI. SPECIFIC DESERT TORTOISE FIELD EXPERIENCE

Number of <u>hours</u> conducting desert tortoise-related activities.	
How many worker education programs have you presented?	
How many projects/hours have you been on-site monitoring project activities for compliance and to prevent incidental take of desert tortoise?	
Number of <u>miles walked</u> conducting protocol level presence/absence surveys and clearance surveys.	Presence/Absence Surveys: Clearance Surveys:
Number of wild, free-ranging desert tortoises you encountered during <u>protocol level surveys</u> .	< 100 mm carapace length: ≥ 100 mm carapace length:
Check, one for each size, the number of wild, free-ranging desert tortoises you personally <u>handled under direct supervision of an AB</u> .	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check, one for each size, the number of wild, free-ranging desert tortoises you have personally <u>handled, under no supervision of an AB</u> .	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐

Project Name:	
LSA Agreement/ITP Number(s):	
Check, one for each size, the number of transmitters or other devices (specify) you have personally <u>attached</u> to wild, free-ranging desert tortoises.	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check, one for each size, the number of transmitters or other devices (specify) you personally <u>removed</u> from wild, free-ranging desert tortoises.	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under direct supervision of an AB.	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check, one for each size, the number of <u>blood samples</u> that you have personally collected from wild, free-ranging desert tortoises, under no supervision.	<100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ ≥100 mm: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check how many desert tortoise burrows you have excavated, under direct supervision of an AB.	Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check how many desert tortoise burrows you have excavated, under no supervision.	Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs, under direct supervision of an AB. What month(s) did you find and rebury the eggs?	Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Month:
Check how many desert tortoise burrows you have collected and reburied desert tortoise eggs, under no supervision. What month(s) did you find and rebury the eggs?	Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Month:
How many wild, free-ranging desert tortoises have you conducted health assessments on independently under the supervision of an AB and/or without supervision?	Disinfection/Sanitation Protocols: / Capture/Handling: / Physical Examination: / Biological Sample collection: / Hydration: / Other: /
Check, one for each category, how many biological samples have you prepared for shipment.	Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐

Project Name:	
LSA Agreement/ITP Number(s):	
Check, how many artificial burrow(s) for desert tortoise have you constructed and how many artificial burrow(s) have you supervised the construction?	Constructed: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Supervised Construction: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
How many temporary holding pens have you constructed? How many temporary holding pens have you supervised the construction?	Constructed: Supervised Construction:
Check how many translocation plans you have implemented as an AB? Check how many translocation plans you have implemented as a BM? Check how many desert tortoise you have personally translocated without supervision as an AB and BM?	Translocation Plans Implemented as Authorized Biologist: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Translocation Plans Implemented as Biological Monitor: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Desert tortoise translocated as Authorized Biological: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐ Desert tortoise translocated as Biological Monitor: Zero ☐ <10 ☐ 10-25 ☐ 25-50 ☐ 50-75 ☐ 75-100 ☐ 100-150 ☐ >150 ☐
If you have trained an AB or BM please provide one contact for each. Include the person's name, project name, and ITP number.	Authorized Biologist Name/Project Name/ITP #: Biological Monitor Name/Project Name/ITP:

SECTION VII. REFERENCE INFORMATION

This section requests three references that can confirm your qualifications. Include co-workers/biologists that can verify your experience, but do not use supervisors¹ listed in Section VIII.

Name:	Employer/Position	Address/Location:	Phone:	Email:

¹ In order to provide a broader spectrum of references, supervisors both past and present should not be included.

SECTION VIII. DESERT TORTOISE FIELD EXPERIENCE

This section details desert tortoise experience from the most recent and relevant projects. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

A. Project 1:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	

Project Name:			
LSA Agreement/ITP Number(s):			
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
B. Project 2:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
C. Project 3:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
D. Project 4:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
E. Project 5:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			

Project Name:			
LSA Agreement/ITP Number(s):			
Skills Used:			
F. Project 6:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
G. Project 7:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
H. Project 8:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			
I. Project 9:			
Project Name & Location (include County):		Worked on Project Start & End Dates:	
ITP or Other Agency Permit Number:		Role(s):	
Company Name, Project Supervisor Name, Phone, Email:			
Skills Acquired:			
Skills Used:			

Add Additional Pages for More Experience

**BIOLOGIST RESUME**

Project Name: Barstow International Gateway

LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

COVER SHEET

SUBMIT EACH RESUME AS A SEPARATE DOCUMENT

Name	Requested Role(s) ¹	Species/Resource(s)

This form requests information about the qualifications of the Qualified Biologist, Designated Biologist and Biological Monitor specified in California Endangered Species Act Incidental Take Permits (ITP) and Lake or Streambed Alteration (LSA) Agreements issued by California Department of Fish and Wildlife (CDFW).

¹ Requested roles correspond to the biological staffing requirements indicated in the Lake and Streambed Alteration (LSA) Agreement or California Endangered Species Act Incidental Take Permit (ITP). Roles may include a "Qualified Biologist" or "Designated Biologist" with the necessary experience to survey for special status species, or a "Biological Monitor" with the necessary experience to monitor construction activities for special status species. An individual may request more than one role.



BIOLOGIST RESUME

Project Name: Barstow International Gateway
LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

Completing this form will ensure the receipt of adequate information and expedite CDFW review of qualifications.

SECTION I. NAME AND CONTACT INFORMATION

Name:	Title:
Company Name & Address:	
Phone:	Email:

SECTION II. EDUCATION

College/University, Degree Name and Type Related to Natural Resource Science (e.g., BS in ecology), and Dates of Attendance:

Other Relevant Workshops & Training:

SECTION III. ROLE(S) AND PERMIT REQUIREMENTS

Requested Role(s):

Relevant LSA Agreement Measures or ITP Conditions²:

SECTION IV. SPECIES AND RESOURCE EXPERIENCE – SUMMARY

This section summarizes experience by special status species and other resource. Use one row for each species or other resource where surveys or special protections are required in the CESA ITP or LSA Agreement for which biologist approval is requested.³ If more space is needed, add rows to this table. Provide details in Section V.

Species or Resource	Number of Field Seasons & Hours, Life Stages Observed Provide project details in Section 5	Life History Knowledge Describe formal workshops & training with dates, or informal training details	CDFW SCP, MOU, & USFWS 10a1a Authorization Number & Authorized Activities This form does not fulfill SCP, MOU, & USFWS 10a1a reporting requirements	
Insert Species or Resource 1	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 2	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:
Insert Species or Resource 3	Field seasons: Hours: Life Stages:			Issued to: Expiration: Agency contact:

² List all measures and conditions from the LSA Agreement or ITP requiring biological staff (i.e., Qualified Biologist, Designated Biologist, or Biological Monitor).

³ Often LSA Agreements/ITPs require surveys and other protections for multiple species and other resources. Include only those for which the biologist has experience and is requesting approval.

**BIOLOGIST RESUME**

Project Name: Barstow International Gateway

LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

SECTION V. SPECIES AND RESOURCE EXPERIENCE – DETAILS

This section details experience from the three most recent and relevant projects for each species and resource identified in Section IV. If more space is needed, attach additional pages in the same table format (i.e., copy/paste format).

SPECIES OR RESOURCE 1:**Project 1 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s)⁴:****Survey Type(s)⁵:****Construction Monitoring⁶****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:****Number Handled:****Reported to****CNDDB⁷ (Y/N):****If not reported to CNDDB, why:****CDFW and Other Agency Email:****Project 2 Name & Location:****Project Start Date:****Project End Date:****LSA Agreement, ITP, or Other Agency Permit Number:****Role(s):****Survey Type(s):****Construction Monitoring:****Days:****Activities:****Species Life Stages Observed & Handled, Number of Each****Company Name, Professional Reference Name, Phone, Email:****Life Stage:****Number Observed:**

⁴ Insert the role as described in the associated LSA Agreement, ITP or other agency permit. If these permits were not issued, describe the role based on the duties, e.g., "lead biologist with handling authorization" or "biological monitor."

⁵ For example, pre-construction survey or description of the protocol or guideline followed.

⁶ Include the number of days and describe the types of activities monitored (e.g., heavy equipment operation).

⁷ CNDDB is the abbreviation for California Natural Diversity Database.

**BIOLOGIST RESUME**

Project Name: Barstow International Gateway
 LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

Number Handled: Reported to CNDDDB (Y/N):	
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Additional Information:	
SPECIES OR RESOURCE 2:	
Project 1 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage:	Company Name, Professional Reference Name, Phone, Email:



BIOLOGIST RESUME

Project Name: Barstow International Gateway
LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

Number Observed: Number Handled: Reported to CNDDB (Y/N):		
If <u>not</u> reported to CNDDB, why:		
CDFW and Other Agency Email:		
Project 2 Name & Location:		
Project Start Date:		Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:		
Role(s):		
Survey Type(s):		
Construction Monitoring Days: Activities:		
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDB (Y/N):		Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDB, why:		
CDFW and Other Agency Email:		
Project 3 Name & Location:		
Project Start Date:		Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:		
Role(s):		
Survey Type(s):		
Construction Monitoring Days: Activities:		
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to		Company Name, Professional Reference Name, Phone, Email:



BIOLOGIST RESUME

Project Name: Barstow International Gateway
LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

CNDDDB (Y/N):		
If <u>not</u> reported to CNDDDB, why:		
CDFW and Other Agency Email:		
SPECIES OR RESOURCE 3:		
Project 1 Name & Location:		
Project Start Date:		Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:		
Role(s):		
Survey Type(s):		
Construction Monitoring Days: Activities:		
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):		Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:		
CDFW and Other Agency Email:		
Project 2 Name & Location:		
Project Start Date:		End Date:
LSA Agreement, ITP, or Other Agency Permit Number:		
Role(s):		
Survey Type(s):		
Construction Monitoring Days: Activities:		
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed:		Company Name, Professional Reference Name, Phone, Email:

**BIOLOGIST RESUME**

Project Name: Barstow International Gateway

LSA Agreement/ITP Number(s): 2081(b)-2026-009-06

Number Handled: Reported to CNDDDB (Y/N):	
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	
Project 3 Name & Location:	
Project Start Date:	Project End Date:
LSA Agreement, ITP, or Other Agency Permit Number:	
Role(s):	
Survey Type(s):	
Construction Monitoring: Days: Activities:	
Species Life Stages Observed & Handled, Number of Each Life Stage: Number Observed: Number Handled: Reported to CNDDDB (Y/N):	Company Name, Professional Reference Name, Phone, Email:
If <u>not</u> reported to CNDDDB, why:	
CDFW and Other Agency Email:	

**DESERT MANAGERS GROUP
DEPOSIT DOCUMENT**

Please fill out all applicable sections highlighted in blue.

Project Name:

Project Phase (if applicable):

Project Location
(i.e. County, Township, Range,
Section, Base and Meridian):

**Land Ownership
of Project Site:**

Project Proponent:

Permittee/Grantee:

☐	Prior Deposit Document(s) submitted for previous deposit(s) (check and complete, if applicable)			
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	
	Project Phase:		Deposit: \$	

Permitting Agency (check if applicable) and Decision Documents (identify by name, date, and permit #):

FEDERAL AGENCIES

☐ **Bureau of Land Management** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **National Park Service** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Forest Service, San Bernardino National Forest** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Bureau of Indian Affairs** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Fish and Wildlife Service** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **U.S. Geological Survey** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

U.S. DEPARTMENT OF DEFENSE AGENCIES

☐

Marine Corps Installations West-Marine Corps Base Camp Pendleton
(check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐

Edwards Air Force Base (check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐

Marine Corps Air Ground Combat Center, Twentynine Palms (check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐

Marine Corps Air Station, Yuma (check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐

Marine Corps Logistics Base, Barstow (check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐

National Training Center, Fort Irwin (check if applicable)

☐

Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐	Naval Air Weapons Station, China Lake (check if applicable)
☐	Check here to confirm that the decision document is attached
	Decision Document Name:
	Decision Document Date:
	Project ID or Tracking #:

STATE OF CALIFORNIA AGENCIES

☐	California Department of Fish and Wildlife (check if applicable)
☐	Check here to confirm that the decision document is attached
	Decision Document Name:
	Decision Document Date:
	Project ID or Tracking #:

☐	California Department of Parks and Recreation (check if applicable)
☐	Check here to confirm that the decision document is attached
	Decision Document Name:
	Decision Document Date:
	Project ID or Tracking #:

☐	California Department of Transportation (check if applicable)
☐	Check here to confirm that the decision document is attached
	Decision Document Name:
	Decision Document Date:
	Project ID or Tracking #:

☐	California Energy Commission (check if applicable)
☐	Check here to confirm that the decision document is attached
	Decision Document Name:
	Decision Document Date:
	Project ID or Tracking #:

COUNTIES - STATE OF CALIFORNIA

☐ **Imperial County** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Inyo County** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **Kern County** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

☐ **San Bernardino County** (check if applicable)

☐ Check here to confirm that the decision document is attached

Decision Document Name:

Decision Document Date:

Project ID or Tracking #:

Monies Required for Deposit:

☐ **Raven Management Sub-Account**

Management Measures \$

☐ **NFWF Deposit Fee (\$3,000)**

Not Applicable

TOTAL DEPOSIT for Project (or Project Phase)

\$

SUB-ACCOUNT AND REQUIRED MEASURE DETAILS:
Raven Management Sub-Account

Measures:

A. Description of Measure:

--

B. Citation (e.g., page, section, condition number) to Applicable Decision Document(s):

--

C. Implementation Schedule:

--

D. Applicable DMG Agency(ies) with Authority over Implementation of the Measure:

AGENCY	CONTACT PERSON & INFORMATION

E. Name and contact information for each applicable DMG Agency(ies)' designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account):

AGENCY	CONTACT PERSON & INFORMATION

INFORMATION & INSTRUCTIONS

The Deposit Document is used for internal purposes by the DMG Agencies and NFWF. The Deposit Document is not itself a Decision Document. The following is information and direction with respect to the Deposit Document.

The Deposit Document is to be filled out by the appropriate DMG Agency(ies) staff or depositors, as determined by the DMG Agencies. The DMG Agency staff who takes the lead in preparing the Deposit Document shall coordinate with the other applicable DMG Agency staff, and National Fish and Wildlife Foundation (NFWF) staff prior to finalizing the Deposit Document.

Project Name:

- Identify the name of the permitted project.

Project Phase:

- If the project has been permitted in phases, specify the phase(s) to which this Deposit Document applies.

Project Location:

- Identify the county in which the project is located.
- Provide available information as to township, range, section, and base and meridian.

Land Ownership of Project Site:

- Indicate whether the land on which the permitted project or project phase(s) is located is privately or publicly owned.
- If it is publicly owned, identify the applicable governmental entity.

Permittee/Grantee:

- Identify the name of the permittee/grantee, which also may be known as the project proponent or responsible party.
- If the permittee/grantee is a company that is owned by another company, identify the name of the parent company.

Prior Deposit Documents:

- Check the box if a prior deposit document was submitted for the project. If the box is checked, identify the phase of the project and the total dollar figure of the deposit for which the prior deposit document was submitted. There is space to identify up to six (6) prior deposit documents.

Permitting Agency and Decision Documents:

- Check the box of each permitting agency. This is an agency that has issued a decision document (permit or other authorization) for the project or project phase(s).
- Under the applicable permitting agency, identify the decision document by (1) name; (2) date; (3) permit identification number.

- Submit with the Deposit Document, a CD or hard copy of each decision document, and indicate by checking the box that the decision document is attached.
- Under the applicable permitting agency, identify the project identification or tracking number. For example, for BLM, this is the “CACA” number. For DFW, this may be an “TTP”, “SAA”, “SCH”, or other number. For the CEC, this is the “Decision” number. For the USFWS, this is the “Permit” or “File” number.

Monies Required for Deposit:

Currently, there is one single subaccount established under the NFWF DMG Mitigation Account. For purposes of the Deposit Document, a subaccount may be referred to as “Account.” The existing Account and the associated NFWF fees are as follows:

1. Raven Management Account
 - a. NFWF Deposit Fee (\$3,000 for the establishment of a single subaccount into which all deposits will be made. This single, one-time deposit fee will satisfy the deposit fee for all depositors, but shall be deducted from the initial deposit into the subaccount at the time of deposit)
 - b. NFWF Annual Fee (greater of 2% or \$1,000 annual)
2. To calculate the “**TOTAL DEPOSIT for Project (or Project Phase)**,” enter the amount of the required Raven Management payment. (The NFWF Deposit Fee need not be added to the calculation of any deposit into the Raven Management Account because the single, one-time Deposit Fee shall be deducted from the initial deposit made into the subaccount at the time of the deposit, and it will satisfy the Deposit Fee for all depositors. In addition, the NFWF Annual Fee need not be added to the calculation of the Total Deposit because it is assessed and collected against earned investment income, and to the extent investment income is insufficient, the Annual Fee is assessed against the Account balance.)

Required Measure Details:

- **Raven Management Measures:** These are actions to manage ravens in order to minimize and mitigate impacts to desert tortoise.
- For each listed measure, subsections a-d call for specific information, as follows:
 - Subsection A.: description of the Measure.
 - Subsection B.: citation(s) to the applicable Decision Document(s) requiring the Measure, such as the page, section, and condition number.
 - Subsection C.: identification of the implementation schedule for the Measure so that the deadlines and time periods within which the Measure must be completed are clear.
 - Subsection D.: identification of the applicable DMG Agency(ies) with authority over implementation of the Measure, the name of the agency contact person, and the contact information for the agency person, including phone number and email address.
 - Subsection E.: Name and contact information for each applicable DMG Agency(ies)’ designated DMG Agency Representative for the Sub-Account (if different from the DMG Agency Representative for the DMG Account.

Submitting the Deposit Document and Funds for Deposit

The Deposit Document may be submitted to NFWF by a DMG Agency separately from, but concurrent with, the Permittee's payment of funds for deposit, or the Deposit Document may be submitted to NFWF by the Permittee together with the payment of funds for deposit.

The funds for deposit may be paid by check or wire:

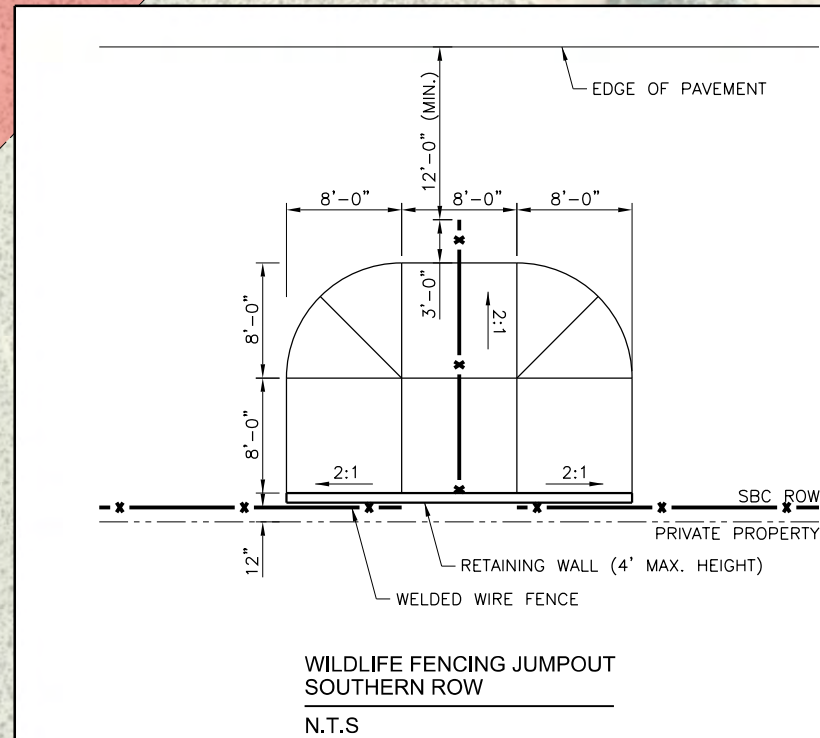
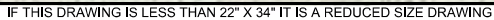
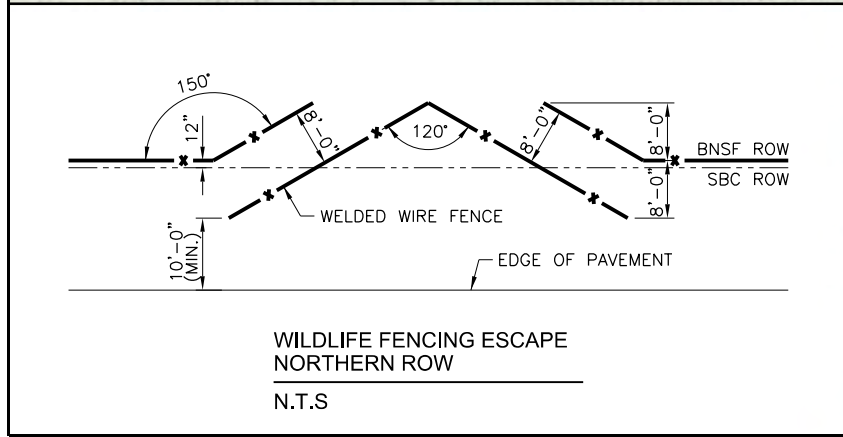
Deposits by check shall be sent to:

National Fish and Wildlife Foundation,
1625 Eye Street NW, FL 3
Washington, DC 20006
Attn: Chief Financial Officer

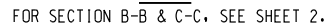
Deposits by wire shall be sent to:

For depositors desiring to send funds to NFWF via electronic funds transfer, the deposit will be made in accordance with wire instructions provided by NFWF in writing at the time of deposit.

All deposits must include a notation identifying the name of the project for which the deposit is being made.



REVISIONS:

**GFT**

DES: EMO
DRAWN: RSB
CHECK:
DATE: MARCH, 2026
PLAN:
LINE SEG: 7600

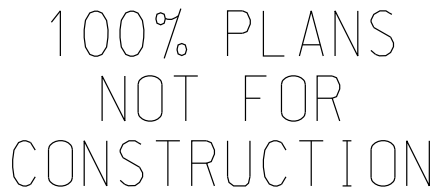
BNSF
RAILWAY
BRIDGE ENGINEERING KANSAS CITY, KS
APPROVED: _____
ASST. DIRECTOR STRUCTURES DESIGN

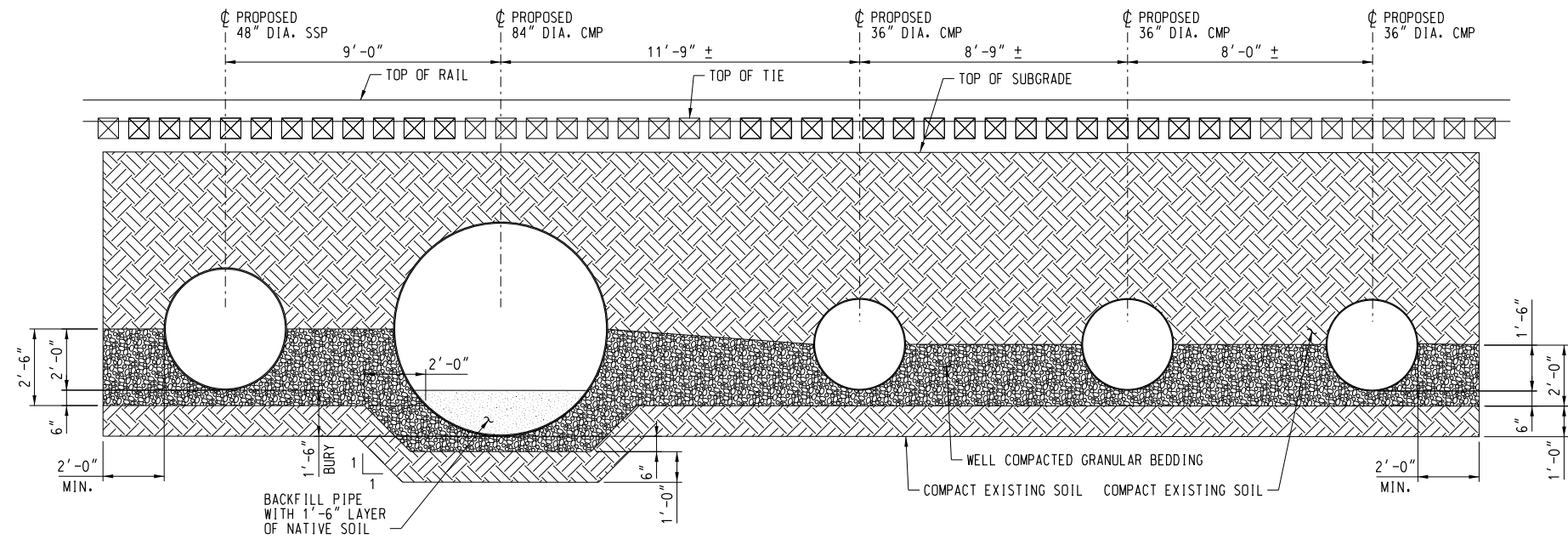
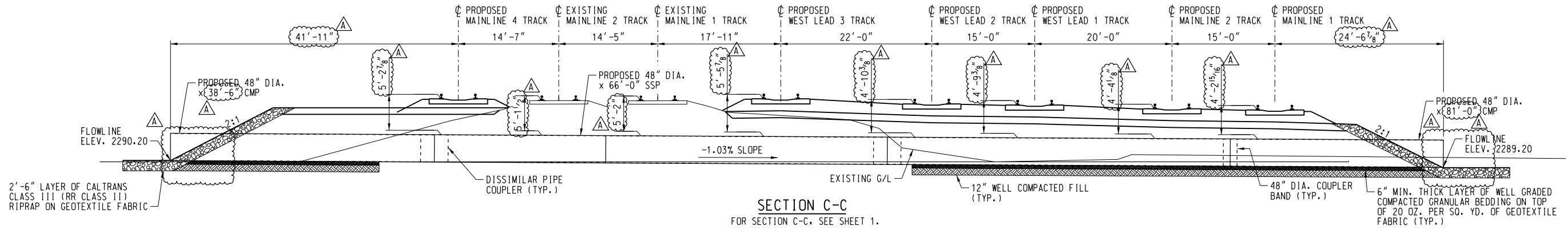
BARSTOW, CA TO SAN BERNARDINO, CA
CULVERT NUMBER 12.5
OVER UNNAMED STREAM AT BARSTOW, CA

GENERAL PLAN~EXTEND JACK & BORE PIPES

PLAN NO: 7600-0012.500-001

SHEET: 1 OF 4



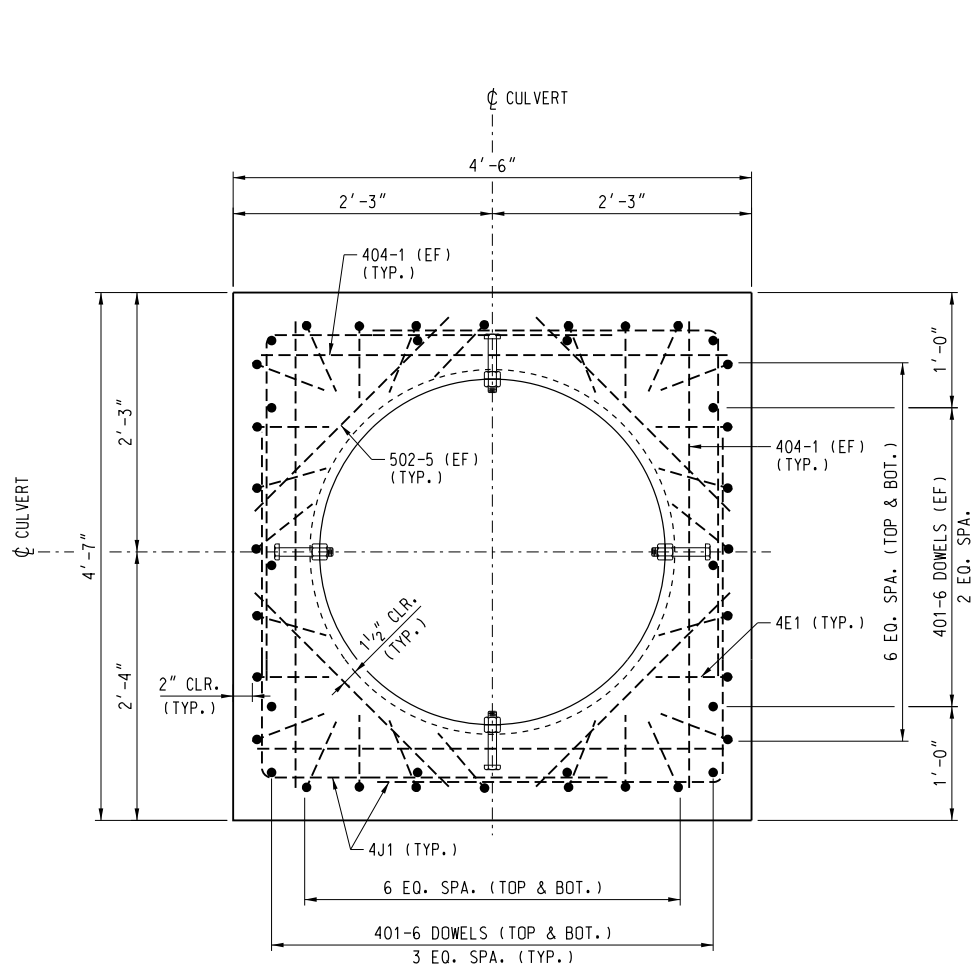


100% PLANS
NOT FOR
CONSTRUCTION

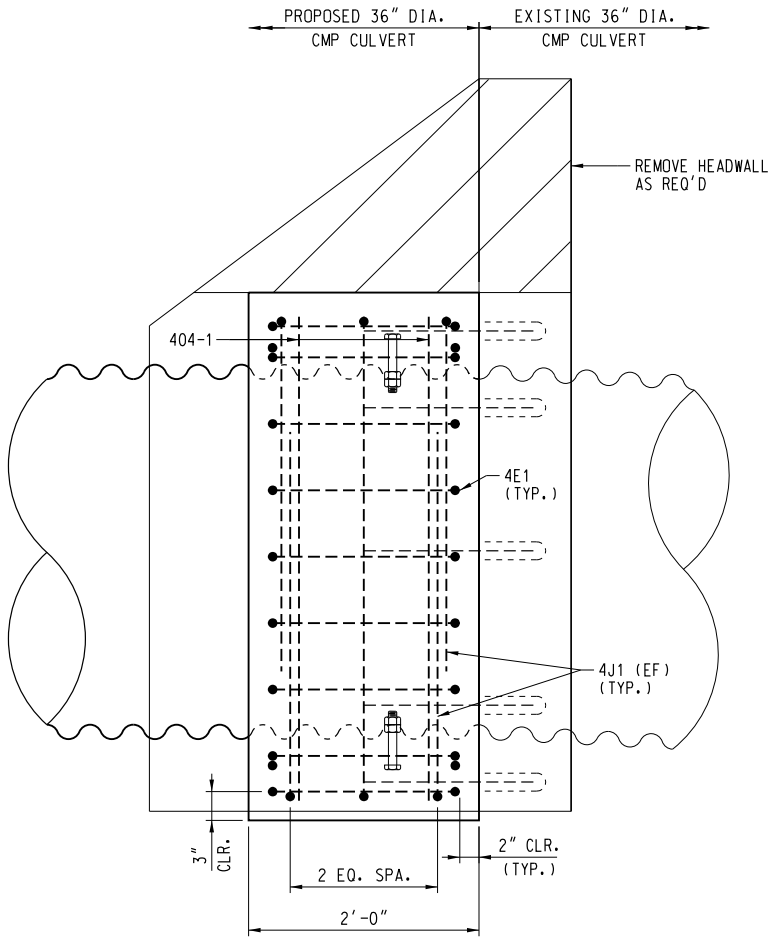
File Location: \$FILEL\$



DES: EMO	 BRIDGE ENGINEERING KANSAS CITY, KS	BARSTOW, CA TO SAN BERNARDINO, CA	
DRAWN: RSB		CULVERT NUMBER 12.5	
CHECK:		OVER UNNAMED STREAM AT BARSTOW, CA	
DATE: MARCH, 2026		SECTION VIEWS (2 OF 2)	
PLAN:		PLAN NO: 7600-0012.500-003	
LINE SEG: 7600	APPROVED: ASST. DIRECTOR STRUCTURES DESIGN	SHEET: 3 OF 4	



ELEVATION



END VIEW

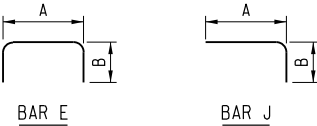
CONNECTION COLLAR DETAILS

LIST OF REINFORCING BARS

FOR EACH CONNECTION COLLAR						
QUAN.	MARK	SIZE	TYPE	A	B	LENGTH
28	4E1	4	E	1'-8"	8"	3'-0"
12	4J1	4	J	3'-0"	3'-0"	6'-0"
14	401-6	4	STR.	1'-6"		1'-6"
8	404-1	4	STR.	4'-1"		4'-1"
8	502-5	5	STR.	2'-5"		2'-5"

WEIGHT OF REINF. STEEL = 150 LBS.

BENDING DETAILS:



ALL DIMENSIONS ARE OUT TO OUT.

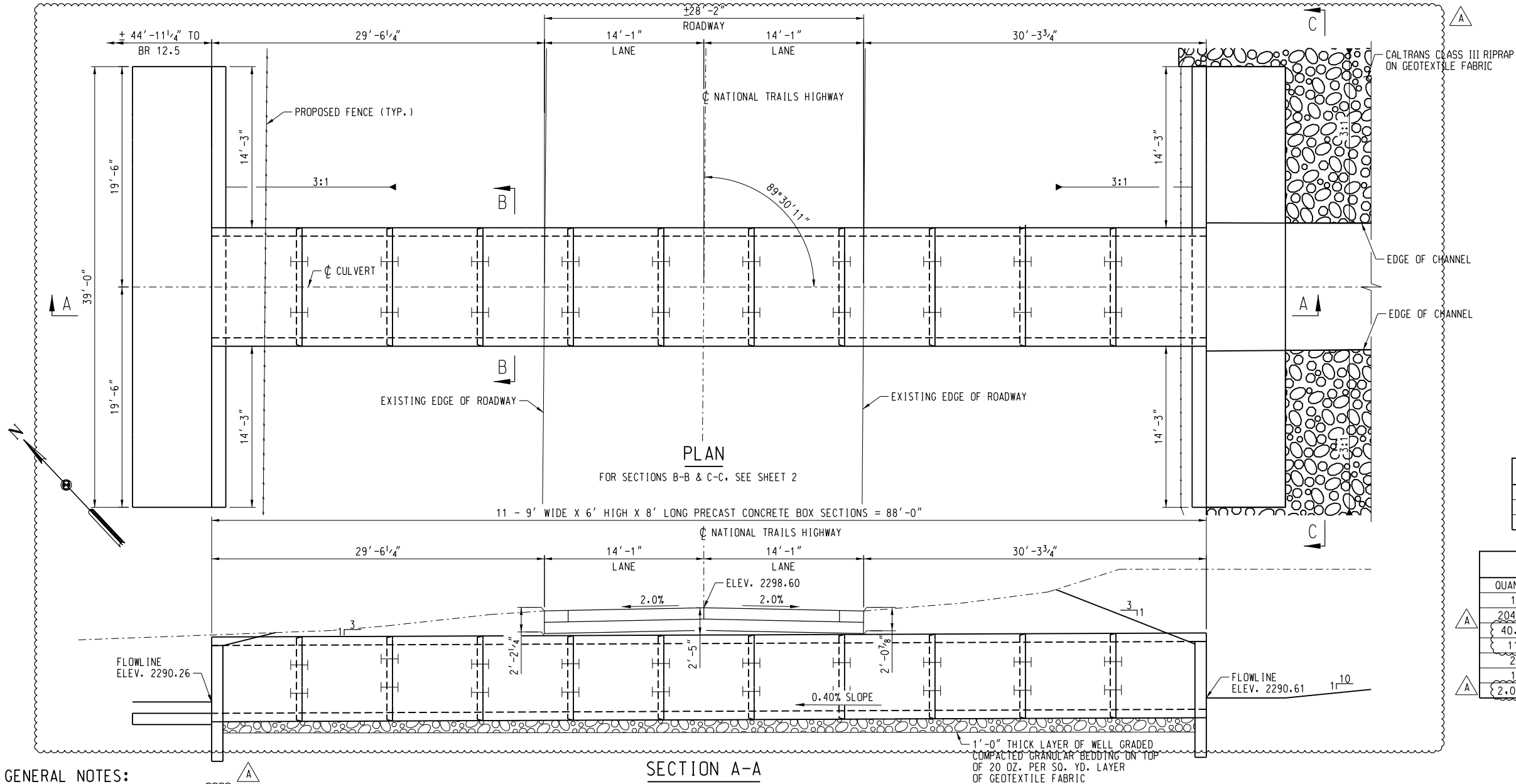
VOLUME OF CONCRETE = 1.0 CU. YDS.

100% PLANS
NOT FOR
CONSTRUCTION

File Location: \$FILEL\$

GFT

DES: EMO	 BRIDGE ENGINEERING KANSAS CITY, KS	BARSTOW, CA TO SAN BERNARDINO, CA	
DRAWN: RSB		CULVERT NUMBER 12.5	
CHECK:		OVER UNNAMED STREAM AT BARSTOW, CA	
DATE: MARCH, 2026		CONNECTION COLLAR DETAILS	
PLAN:		PLAN NO: 7600-0012.500-004	
LINE SEG: 7600	APPROVED: ASST. DIRECTOR STRUCTURES DESIGN	SHEET: 4 OF 4	



LIST OF DRAWINGS	
PLAN NO.	TITLE
7600-0012.50A-001	GENERAL PLAN ~ BUILD CULVERT
7600-0012.50A-002	SECTION VIEWS

SUMMARY OF ESTIMATED QUANTITIES		
QUANT.	UNIT	ITEM
1	L.S.	CULVERT ERECTION INCLUDING BACKFILL
204.8	C.Y.	RIPRAP, CLASS III WITH GEOTEXTILE FABRIC
40.8	C.Y.	WELL COMPACTED GRANULAR BEDDING
11	EA.	PRECAST CONCRETE UNITS
2	EA.	PRECAST CONCRETE END WALL
1	L.S.	INSTALL PRECAST CULVERT AND END WALL
2,090	LBS.	REINFORCING STEEL (GRADE 60)

GENERAL NOTES:

DESIGN LOADING: HL-93 LIVE LOAD FOR 2.42 FEET OF FILL.

GENERAL: ALL MATERIAL AND WORKMANSHIP SHALL BE PER THE CURRENT BNSF RAILWAY STANDARD CONSTRUCTION SPECIFICATIONS & AREMA MANUAL FOR RAILWAY ENGINEERING: CHAPTER 8, PART 16 - DESIGN AND CONSTRUCTION OF REINFORCED CONCRETE BOX CULVERTS.

THE BNSF STANDARD CONSTRUCTION SPECIFICATIONS SUPPLEMENT THE ABOVE AREMA MANUAL AND SHALL GOVERN.

STATIONING AND ELEVATIONS BASED ON SURVEY DATED JANUARY 2024, BY SURVWEST.

VERIFY ALL DIMENSIONS, STATIONS, AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

STREAM FLOW DIVERSION: IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DIVERT THE STREAM FLOW DURING CONSTRUCTION IN ORDER TO KEEP THE CONSTRUCTION AREA FREE OF WATER.

INSTALLATION, BACKFILL AND EMBANKMENT SHALL BE IN ACCORDANCE WITH SECTION 05100 OF THE BNSF RAILWAY STANDARD CONSTRUCTION SPECIFICATIONS.

REFER TO STANDARD CONSTRUCTION SPECIFICATIONS SECTION 3200 AND SECTION 4100 FOR FILL PLACEMENT AND BACKFILL REQUIREMENTS. REFER TO BNSF GENERAL INFORMATION FOR CULVERTS, OCTOBER 18, 2018, SECTION 44500.

PROVIDE WELL COMPACTED BEDDING AS REQUIRED TO ESTABLISH GRADE OF THE CULVERT. BEDDING SHALL CONSIST OF GRANULAR MATERIAL BENEATH THE CULVERT USING AGGREGATE ORDINARILY SPECIFIED AND USED IN CONSTRUCTION OF HIGHWAY BASE AND SUB-BASE. THESE AGGREGATES INCLUDE CRUSHED STONE, NATURAL OR CRUSHED GRAVEL, NATURAL OR MANUFACTURED SANDS, CRUSHED SLAGS OR HOMOGENEOUS MIXTURE OF THESE MATERIALS. RECOMMENDED GRADATION IS AS FOLLOWS:

SCREEN SIZE	% PASSING (BY WEIGHT)
1 INCH	100
1/2 INCH	60-90
3/8 INCH	20-40
NO. 4	10-20
NO. 200	LESS THAN 5%

WELL COMPACTED FILL SHALL BE WELL GRADED GRANULAR SOIL FREE OF ANY ORGANIC MATERIAL, STONES LARGER THAN 3 INCHES, FROZEN LUMPS, DEBRIS OR EXCESSIVE MOISTURE. FILL SHALL BE COMPACTED TO 95% OF MAXIMUM DRY DENSITY DEFINED IN ASTM D689-91 (STANDARD PROCTOR). FILL SHALL BE PLACED IN LAYERS NOT TO EXCEED 6 INCHES AND SHALL BE PLACED EQUALLY ON EACH SIDE OF THE CULVERT.

GFT

SECTION A-A

REINFORCEMENT: STEEL BARS FOR REINFORCEMENT SHALL BE DEFORMED BILLET-STEEL BARS CONFORMING TO THE REQUIREMENTS OF THE CURRENT ASTM DESIGNATION: A615, GRADE 60, OR A706. FABRICATION OF REINFORCING STEEL SHALL BE IN ACCORDANCE WITH CHAPTER 7 OF THE CURRENT C.R.S.I. MANUAL OF STANDARD PRACTICE. ALL BENT BARS SHALL BE BENT AROUND A 2 1/2" DIAMETER PIN. WELDED WIRE FABRIC SHALL MEET THE REQUIREMENTS OF ASTM A185.

RIPRAP CONSTRUCTION REQUIREMENTS: RIPRAP PLACEMENT SHALL START IN A TRENCH AT THE TOE OF THE SLOPE, EXCAVATED TO THE DEPTH SHOWN ON THE PLANS AND PROGRESS UPWARD. THE SLOPES SHALL BE IN ACCORDANCE WITH THE PROPER CROSS SECTION AND SHALL BE COMPACTED TO A UNIFORM DENSITY AS REQUIRED FOR ADJACENT MATERIAL. THE ROCK OR BROKEN CONCRETE SHALL BE PLACED ON THE SLOPE, TO THE SPECIFIED THICKNESS, ELEVATION AND EXTENT, AND MANIPULATED SUCH THAT MOST OF THE FLAT SIDES ARE IN CONTACT, THEREBY ELIMINATING LARGE VOIDS. THE FINISHED SURFACE OF THE BLANKET SHALL PRESENT AN APPEARANCE FREE OF SEGREGATION AND WITH A PROPORTINATE QUANTITY OF THE LARGER PIECES SHOWING.

RIPRAP: CLASS OF RIPRAP SHALL BE SPECIFIED BY THE ENGINEER. RIPRAP SHALL BE PLACED ON GEOTEXTILE FABRIC IN SUCH A MANNER TO AVOID SEGREGATION OF VARIOUS SIZES OF ROCK, AND DISTRIBUTED SO THAT THERE WILL BE NO LARGE ACCUMULATION OF EITHER THE LARGER OR SMALLER SIZES OF STONE. RIPRAP SHOULD BE PLACED OVER THE GEOTEXTILE FABRIC BY METHODS THAT DO NOT STRETCH, TEAR, PUNCTURE, OR REPOSITION THE FABRIC. A MAXIMUM DROP HEIGHT OF 3 FT IS RECOMMENDED. FOR CALTRANS CLASS, REFER TO CALTRANS HIGHWAY DESIGN MANUAL, TABLES 873.3A AND 873.3B.

INDIVIDUAL ROCKS SHALL VARY AS SHOWN:

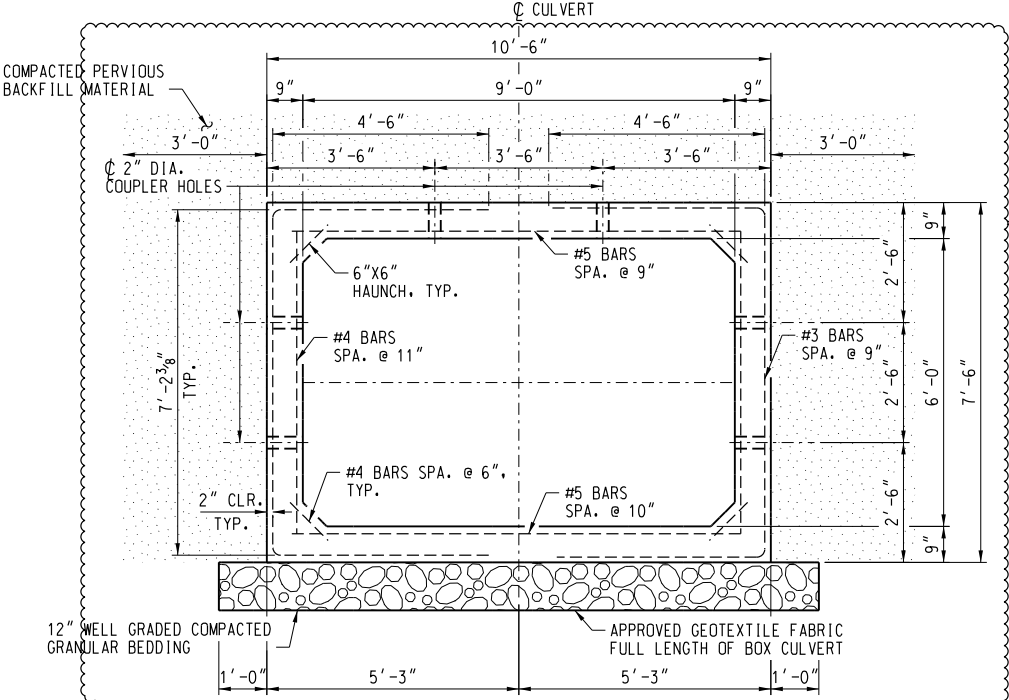
RIPRAP CLASS	AVERAGE WEIGHT PER STONE (LBS.)	DIMENSION (INCHES)	UNIT OF MEASURE	LAYER THICKNESS
CALTRANS IV	300	15	TON	3'-0"

THE ENTIRE MASS OF RIPRAP SHALL BE WELL DISTRIBUTED WITHIN THE LIMITS SPECIFIED.

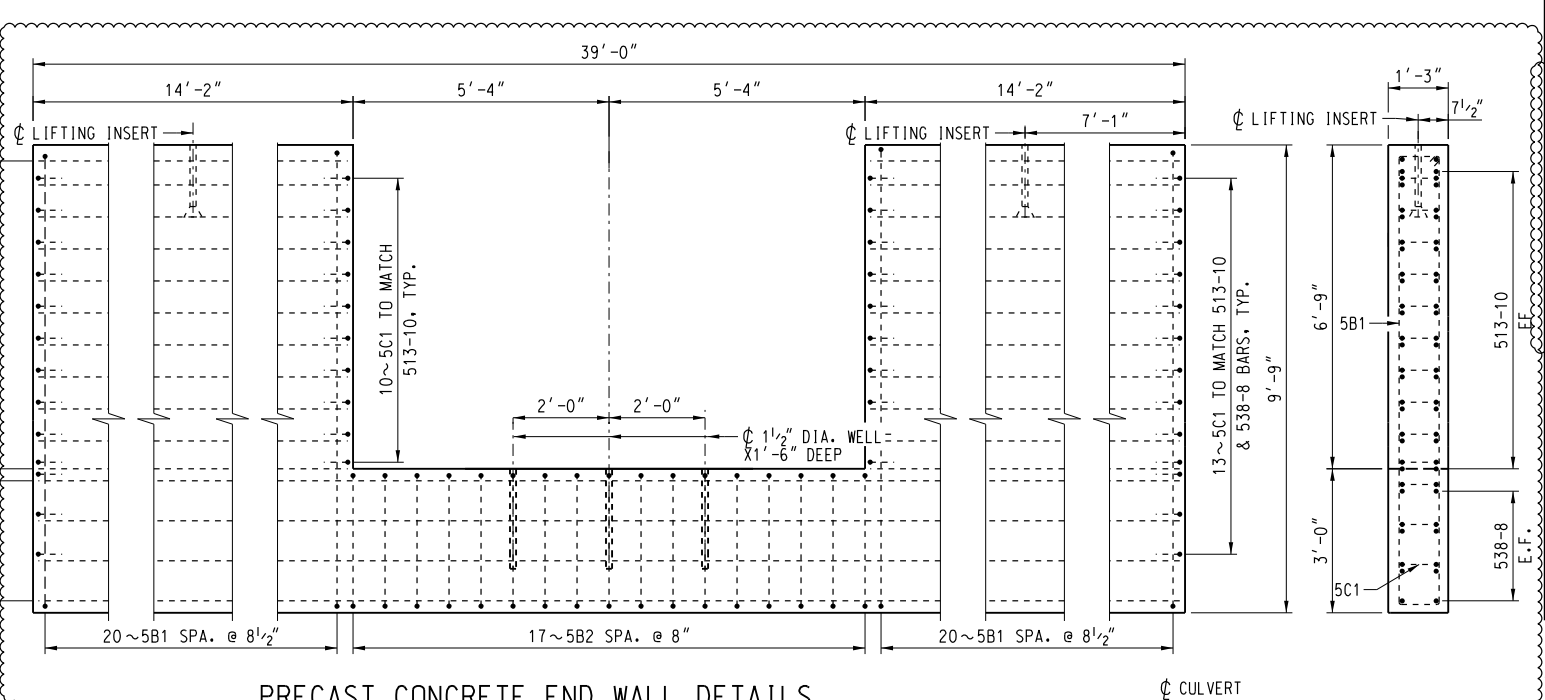
PRECAST CULVERT: THE CULVERT SHALL BE DESIGNED BY THE PRECAST SUPPLIER ACCORDING TO ASTM C1577. THE WALLS, SLABS, AND HAUNCHES OF THE BOXES SHALL BE 9" THICK. THE BOXES SHALL BE FABRICATED TO ACCOMMODATE TWO SETS OF COUPLERS PLACED IN THE WALLS OF THE BOX. THE HOLES FOR THE COUPLERS SHALL BE 2 INCH DIAMETER. THE ADJACENT EDGES OF THE CULVERT SECTIONS SHALL HAVE TONGUE OR GROOVE DETAILS AS APPROVED BY THE ENGINEER. THE PRECAST SUPPLIER SHALL SUBMIT THREE SETS OF SHOP DRAWINGS, OF THE CULVERTS, TO THE ENGINEER FOR APPROVAL PRIOR TO FABRICATION. THE PRECAST SUPPLIER SHALL SUBMIT THREE COPIES OF ALL MATERIAL CERTIFICATIONS AND THE CONCRETE MIX DESIGN TO THE ENGINEER FOR APPROVAL PRIOR TO FABRICATION. PRODUCTION PROCEDURES FOR THE FABRICATION SHALL BE IN ACCORDANCE WITH THE PRECAST/PRESTRESSED CONCRETE INSTITUTE MANUAL MNL 116. THE PRECAST SUPPLIER IS RESPONSIBLE FOR MAKING THE PRECAST COMPONENTS AS SPECIFIED IN SECTION 13.4.4 OF CHAPTER 8 OF THE CURRENT AREMA MANUAL FOR RAILWAY ENGINEERING. THE CONCRETE SHALL BE CURED WITH THE ASSISTANCE OF A MEMBRANE CURING COMPOUND OR BY USE OF STEAM. THE PRECAST SUPPLIER SHALL SUPPLY AND INSTALL 4-8 TON CAPACITY SWIFT LIFT ANCHORS AND RECESS PLUGS INTO THE TOP OF EACH BOX SECTION. THE ANCHORS AND PLUGS SHALL BE PLACED SO THAT THE VERTICAL AXIS OF THE COMPONENTS ARE PERPENDICULAR TO THE LIFTING SURFACE. THE CONTRACTOR SHALL SUPPLY THE 8 TON SWIFT LIFT LIFTING EYES. THE PRECAST UNITS SHALL BE INSPECTED BY THE ENGINEER AT THE PRECAST SUPPLIER'S FACILITY BEFORE SHIPMENT. GASKETS SHALL BE PLACED BETWEEN THE PRECAST BOX UNITS. THE GASKETS SHALL BE RAM NECK, RUBBER NECK, OR APPROVED EQUAL. THE COST OF THE SWIFT LIFT COMPONENTS, GASKETS, COUPLERS, CONNECTION ANGLES AND JOINT FILLER AT THE END WALL SHALL BE CONSIDERED INCIDENTAL TO THE COST OF THE PRECAST CONCRETE UNITS.

DES: JE	 BRIDGE ENGINEERING KANSAS CITY, KS	BARSTOW, CA TO SAN BERNARDINO, CA	
DRAWN: JE		CULVERT NUMBER 12.5A	
CHECK: JRM		OVER UNNAMED STREAM AT BARSTOW, CA	
DATE: MARCH, 2026		GENERAL PLAN ~ BUILD CULVERT	
PLAN:		PLAN NO: 7600-0012.50A-001	
LINE SEG: 7600	APPROVED: ASST. DIRECTOR STRUCTURES DESIGN	SHEET: 1 OF 2	

100% PLANS
NOT FOR
CONSTRUCTION



SECTION B-B



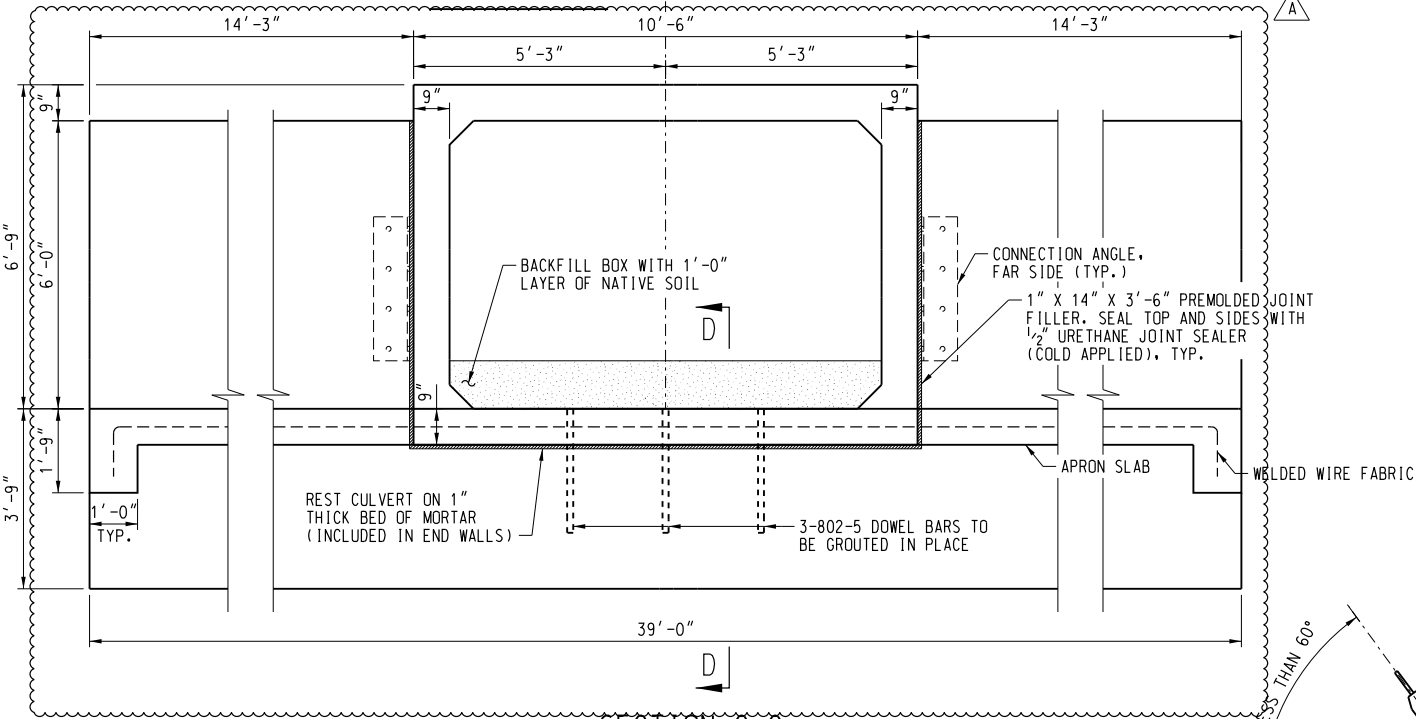
PRECAST CONCRETE END WALL DETAILS

LIST OF REINFORCING BARS						
QUANTITY FOR PRECAST END WALL						
QUAN.	MARK	SIZE	TYPE	A	B	LENGTH
44	513-10	5	STR	-	-	13'-10"
8	538-8	5	STR	-	-	38'-8"
3	802-5	8	STR	-	-	2'-5"
40	5B1	5	B	9'-5"	0'-11"	21'-7"
17	5B2	5	B	2'-8"	0'-11"	8'-1"
40	5C1	5	C	0'-9"	0'-6"	1'-9"

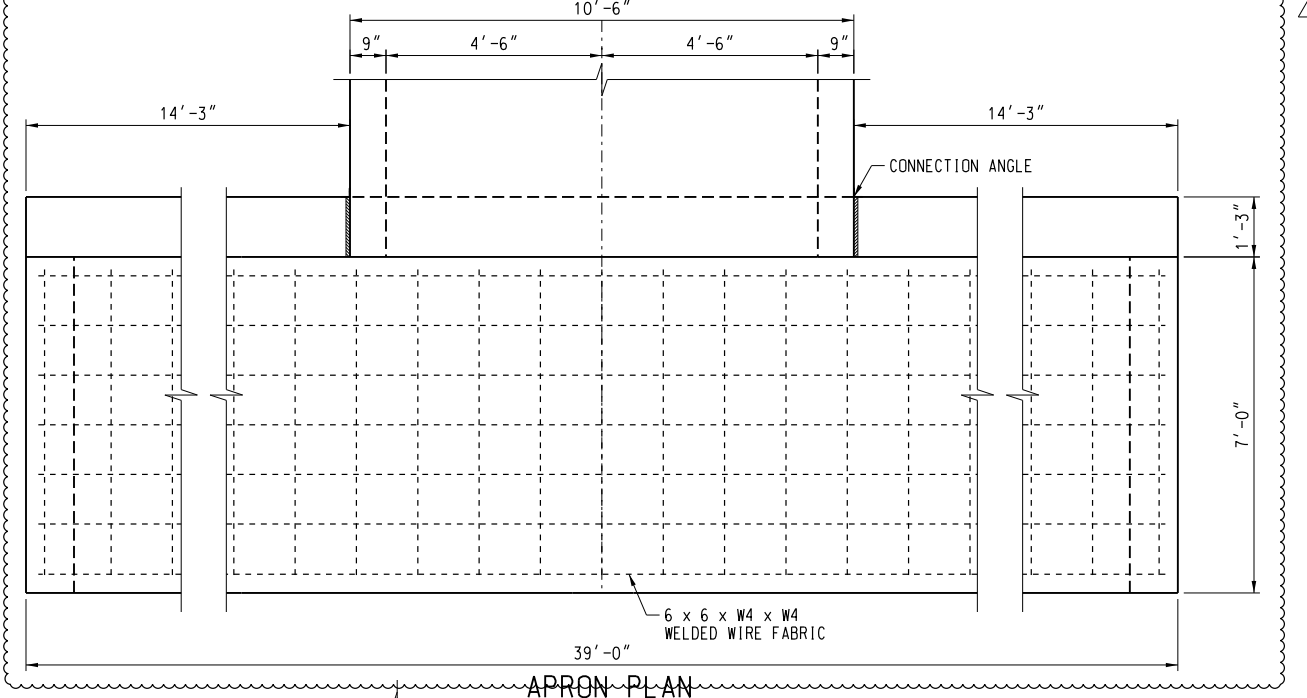
VOLUME OF CONCRETE PER END WALL = 14.3 CU. YDS.
WEIGHT OF REINF. STEEL PER END WALL = 2,090 LBS.

BAR C **BAR B**

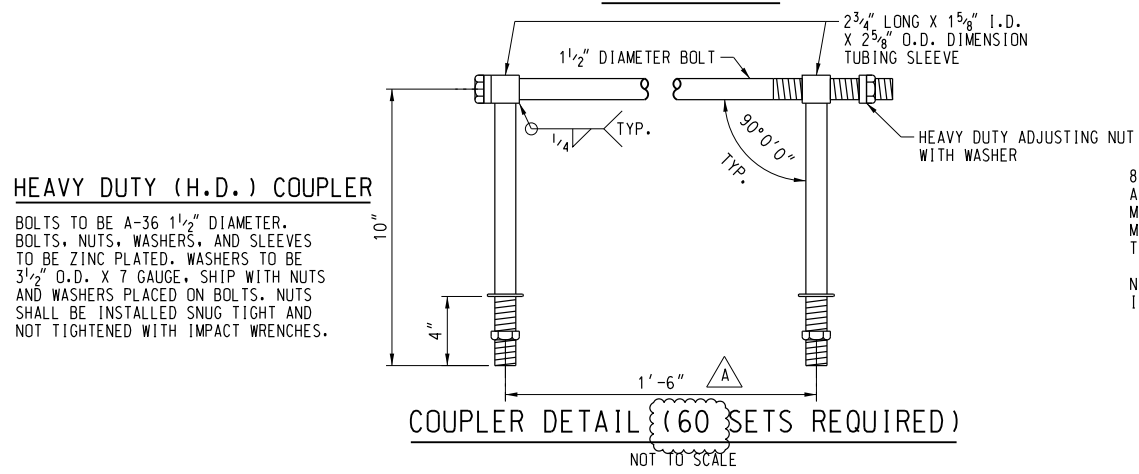
REINFORCING STEEL DETAILS
ALL DIMENSIONS SHOWN ARE OUT TO OUT OF BARS



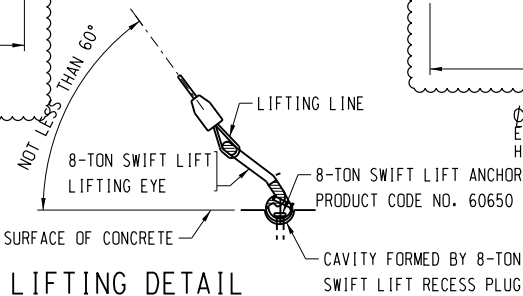
SECTION C-C



APRON PLAN



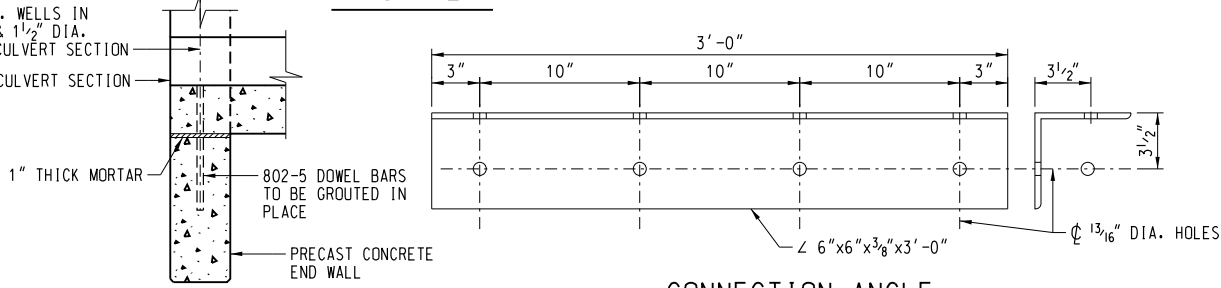
COUPLER DETAIL (60 SETS REQUIRED)



LIFTING DETAIL

8-TON SWIFT LIFT RECESS PLUGS, ANCHORS AND LIFTING EYES ARE AVAILABLE FROM DAYTON SUPERIOR CORP., 1125 BYERS ROAD, MIAMISBURG, OH 45342. TELEPHONE (937) 866-0711. THE MATERIALS FOR THIS LIFTING SYSTEM ARE NOT INCLUDED IN THE BILL OF MATERIAL BUT ARE TO BE ORDERED AS REQUIRED.

NOTE: FILL LIFTING CAVITIES WITH EPOXY GROUT AFTER BOX IS SET



SECTION D-D

CONNECTION ANGLE

4 REQ'D MATERIAL ASTM A36 EST'D WEIGHT = 52.34 LBS GALVANIZED

100% PLANS NOT FOR CONSTRUCTION

DES: JE	 BRIDGE ENGINEERING KANSAS CITY, KS	BARSTOW, CA TO SAN BERNARDINO, CA	
DRAWN: JE		CULVERT NUMBER 12.5A	
CHECK: JRM		OVER UNNAMED STREAM AT BARSTOW, CA	
DATE: MARCH, 2026		SECTION VIEWS	
PLAN:		APPROVED: _____	
LINE SEG: 7600	ASST. DIRECTOR STRUCTURES DESIGN	PLAN NO: 7600-0012.50A-002	SHEET: 2 OF 2

GFT

File Location: \$FILEL\$

[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 or the Principal Sum will be reduced upon receipt by us of Certificate of Cancellation/Reduction, 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 of 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/REDUCTION

[**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 presented documentary evidence of compliance with the following Mitigation Requirement[(s)] referenced in paragraph 3 of the Credit: [**insert brief description of requirement(s) or requirement number(s) completed**]." **or** "The Applicant has provided CDFW with an equivalent security approved by CDFW to replace the Credit."]
2. [**Insert one of the following statements:** "CDFW therefore requests the cancellation of the Credit." **or** "CDFW therefore requests a reduction in the Principal Sum in the amount of \$_____, thereby making the new Principal Sum \$_____."]

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"]