



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. 2081-2025-066-06

**COPPER BASIN VALVE REPLACEMENT AND ACCESS ROAD IMPROVEMENTS**

**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 2081.15. Section 4700 of the Fish and Game Code prohibits the take<sup>1</sup> of fully protected mammals specified in Fish and Game Code section 4700, subdivision (b). However, for qualifying projects, CDFW may authorize the take of any such species by permit pursuant to the conditions set forth in Fish and Game Code section 2081.15, subdivisions (a), (b), (c), and (d).<sup>2</sup>

|                           |                                                               |
|---------------------------|---------------------------------------------------------------|
| <b>Permittee:</b>         | <b>The Metropolitan Water District of Southern California</b> |
| <b>Principal Officer:</b> | <b>Shivaji Deshmukh, General Manager</b>                      |
| <b>Contact Person:</b>    | <b>Jennifer Harriger, (213) 217-7658</b>                      |
| <b>Mailing Address:</b>   | <b>700 North Alameda Street<br/>Los Angeles, CA 90012</b>     |

**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 **November 13, 2030**.

Notwithstanding the expiration date on the take authorization provided by this ITP, Permittee's obligations pursuant to this ITP do not end until CDFW accepts as complete the Permittee's Final Mitigation Report required by Condition of Approval 6.6 of this ITP.

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

<sup>2</sup> Senate Bill 147 added section 2081.15 to the Fish and Game Code to allow CDFW to authorize the take of a fully protected species in sections 3511, 4700, 5050, and 5515. Section 2081.15, subdivision (b) specifies the projects or categories of projects eligible for a take authorization permit pursuant to section 2081.15

**III. Project Location:**

The Copper Basin Valve Replacement and Access Road Improvements (Project) is located at Copper Basin Reservoir in the Whipple Mountains of the Colorado Desert. The Project is approximately 5 miles west of Parker Dam and the California-Arizona border, within unincorporated San Bernardino County (See Figure 1).

**IV. Project Description:**

The Project will rehabilitate the emergency slide gate valve and replace the discharge valve within the Copper Basin Dam valve house; install new conduit and electrical components within the valve house; install three new concrete pads and electrical components 250 feet southwest of Copper Basin Dam; install and anchor approximately 250 feet of above-ground electrical conduit from the new concrete pads to Copper Basin Dam; replace the ladder on the dam face; install a new catwalk and stairs immediately downstream of and adjacent to the valve house; remove and reconstruct two concrete weirs approximately 125 feet downstream of the dam; and install electrical conduit and instrumentation from the two weirs along the catwalk to the valve house.

The Project will also improve the existing 1.66-mile, existing dirt access road that runs around the perimeter of Copper Basin Reservoir. Improvements include re-grading the road; paving steep segments of the road; installing metal beam guard rails; constructing Arizona crossings at drainage crossing locations; installing v-ditches and riprap outlet structures along the access road; and installing vehicle turn out areas and safety signs.

Project staging will occur at two existing staging/operation areas along the west side of the reservoir.

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

This ITP covers the following species:

| <u>Name</u>                                                 | <u>Protected Status</u>      |
|-------------------------------------------------------------|------------------------------|
| 1. Desert bighorn sheep ( <i>Ovis canadensis nelsonii</i> ) | Fully Protected <sup>3</sup> |

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

**VI. Impacts of the Taking on Covered Species:**

Project activities and their resulting impacts may 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 any construction work and construction-related staging and access (Covered Activities).

Incidental take of individuals of the Covered Species in the form of mortality (“kill”) may occur as a

<sup>3</sup>See Fish & G. Code § 4700, subdivision (b).

result of Covered Activities such as vehicle strikes along access roads, fatal injuries sustained as a result of visual or auditory startling from construction activities, or exposure to pathogens introduced through vehicles, equipment, and personal gear. The areas where authorized take of the Covered Species is expected to occur include: the Valve Replacement construction area, Access Road Improvements areas, Staging Areas, and Bighorn Sheet Lambing Habitat within one kilometer of Covered Activities (collectively, the Project Area; Figure 1).

The Project is expected to cause temporary, indirect impacts to 2.38 square kilometers of habitat for the Covered Species. Impacts of the authorized taking include temporary adverse impacts to the Covered Species related to temporal losses, increased habitat fragmentation and edge effects, and the Project's incremental contribution to cumulative impacts (indirect impacts). These impacts include: stress resulting from noise and vibrations, stress resulting from visual stimuli, and displacement from preferred habitat, and long-term effects due to lowered recruitment, 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 the Permittee, its employees, contractors, and agents to take Covered Species incidentally in carrying out the Covered Activities, subject to the limitations described in this section and the Conditions of Approval identified below. This ITP does not authorize take of Covered Species from activities outside the scope of the Covered Activities, take of Covered Species outside of the Project Area, take of Covered Species resulting from violation of this ITP, or intentional take of Covered Species.

#### **VIII. Conditions of Approval:**

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

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws in existence on the effective date of this ITP or adopted thereafter.
- 2. CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to the Covered Species in the Biological Resources section of the Mitigated Negative Declaration and Initial Study (SCH No.: 2022120316) adopted by The Metropolitan Water District of Southern California on March 14, 2023 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

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(LSAA) (Notification No. EPIMS-SBR-42438-R6) for the Project executed by CDFW pursuant to Fish and Game Code section 1600 et seq.

**4. 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.

**5. General Provisions:**

- 5.1. 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.
- 5.2. Designated Biologist(s) and Biological Monitor(s).** Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) and Biological Monitor(s) using the Biologist Resume Form (ATTACHMENT 2) or another format containing the same information at least 30 days before starting Covered Activities. Permittee shall ensure that the Designated Biologist(s) and Biological Monitor(s) are knowledgeable and experienced in the biology and natural history of the Covered Species. The Designated Biologist(s) and Biological Monitor(s) shall be responsible for monitoring Covered Activities to help minimize and fully mitigate or avoid the incidental take of individual Covered Species and to minimize disturbance of Covered Species' habitat. Permittee shall obtain CDFW approval of the Designated Biologist(s) and Biological Monitor(s) in writing before starting Covered Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) or Biological Monitor(s) must be changed.
- 5.3. Designated Biologist Authority.** To ensure compliance with the Conditions of Approval of this ITP, the Designated Biologist shall immediately stop any activity that does not comply with this ITP and/or order any reasonable measure to avoid the unauthorized take of an individual of the Covered Species. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the Designated Biologist in the performance of his/her duties. If the Designated Biologist is unable to comply with the ITP, then the Designated Biologist shall notify the CDFW Representative immediately. Permittee shall not enter into any agreement or contract of any kind, including but not limited to non-disclosure agreements and confidentiality agreements, with its contractors and/or the Designated Biologist that prohibit or impede open communication with CDFW, including but not limited to providing CDFW staff with the results of any surveys, reports, or studies or notifying CDFW of any non-compliance or take. Failure to notify CDFW of any non-compliance or take or injury of a

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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.

- 5.4. Education Program.** Permittee shall conduct an education program for all persons employed or otherwise working in the Project Area before performing any work. The program shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and general behavior of the Covered Species, information about the distribution and habitat needs of the Covered Species, sensitivity of the Covered Species to human activities, its status pursuant to CESA including legal protection, recovery efforts, penalties for violations and Project-specific protective measures described in this ITP. Permittee shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. 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.
- 5.5. Construction Monitoring Documentation.** The Designated Biologist(s) and Biological Monitor(s) shall maintain construction-monitoring documentation on-site in either hard copy or digital format throughout the construction period, which shall include a copy of this ITP with attachments and a list of signatures of all personnel who have successfully completed the education program. Permittee shall ensure a copy of the construction-monitoring documentation is available for review at the Project site upon request by CDFW.
- 5.6. Trash Abatement.** Permittee shall initiate a trash abatement program before starting Covered Activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.
- 5.7. Dust Control.** Permittee shall implement dust control measures during Covered Activities to facilitate visibility for monitoring of the Covered Species by the Designated Biologist. Permittee shall keep the amount of water used to the minimum amount needed and shall not allow water to form puddles.
- 5.8. Erosion Control Materials.** Permittee shall prohibit use of erosion control materials potentially harmful to Covered Species and other species, such as monofilament netting (erosion control matting) or similar material, in potential Covered Species habitat.
- 5.9. Delineation of Property Boundaries.** Before starting Covered Activities, Permittee shall clearly delineate the boundaries of the Project Area with fencing, stakes, or flags. Permittee shall restrict all Covered Activities to within the fenced, staked, or flagged areas. Permittee

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shall maintain all fencing, stakes, and flags until the completion of Covered Activities in that area.

- 5.10. Delineation of Habitat.** Permittee shall clearly delineate habitat of the Covered Species within the Project Area with posted signs, posting stakes, flags, and/or rope or cord, and place fencing as necessary to minimize the disturbance of Covered Species' habitat.
- 5.11. Project Access.** Project-related personnel shall access the Project Area using existing routes, or routes identified in the Project Description and shall not cross Covered Species' habitat outside of or en route to the Project Area. Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. Permittee shall ensure that vehicle speeds do not exceed 20 miles per hour to avoid Covered Species on or traversing the roads. If Permittee determines construction of routes for travel are necessary outside of the Project Area, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this ITP, among other reasons, if additional take of Covered Species will occur as a result of the Project modification.
- 5.12. Staging Areas.** Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the Project Area using, to the extent possible, previously disturbed areas. Additionally, Permittee shall not use or cross Covered Species' habitat outside of the marked Project Area unless provided for as described in Condition of Approval 5.11 of this ITP.
- 5.13. 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.
- 5.14. CDFW Access.** Permittee shall provide CDFW staff with reasonable access to the Project and mitigation lands under Permittee control, and shall otherwise fully cooperate with CDFW efforts to verify compliance with or effectiveness of mitigation measures set forth in this ITP.
- 5.15. Refuse Removal.** Upon completion of Covered Activities, Permittee shall remove from the Project Area and properly dispose of all 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. Monitoring, Notification and Reporting Provisions:**

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- 6.1. 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.
- 6.2. Notification of Non-compliance.** The Designated Representative shall immediately notify CDFW if the Permittee is not in compliance with any Condition of Approval of this ITP, including but not limited to any actual or anticipated failure to implement measures within the time periods indicated in this ITP and/or the MMRP. The Designated Representative shall follow up within 24 hours with a written report to CDFW describing, in detail, any non-compliance with this ITP and suggested measures to remedy the situation.
- 6.3. Compliance Monitoring.** The Designated Biologist shall be on-site daily when Covered Activities occur. The Designated Biologist shall conduct compliance inspections to:
- (1) minimize incidental take of the Covered Species;
  - (2) prevent unlawful take of species;
  - (3) check for compliance with all measures of this ITP;
  - (4) check all exclusion zones; and
  - (5) ensure that signs, stakes, and fencing are intact, and that Covered Activities are only occurring in the Project Area.

The Designated Representative or Designated Biologist 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.

- 6.4. Monthly Compliance Report.** The Designated Representative or Designated Biologist shall compile the observation and inspection records identified in Condition of Approval 6.3 into a Monthly Compliance Report and submit it to CDFW along with a copy of the MMRP table with notes showing the current implementation status of each mitigation measure. Monthly Compliance Reports shall be submitted to the CDFW offices listed in the Notices section of this ITP and via e-mail to CDFW's Regional Representative and Headquarters CESA Program. At the time of this ITP's approval, the CDFW Regional Representative is Kim Freeburn (Kim.Freeburn@wildlife.ca.gov) and Headquarters CESA Program email is CESA@wildlife.ca.gov. CDFW may at any time increase the timing and number of compliance inspections and reports required under this provision depending upon the results of previous compliance inspections. If CDFW determines the reporting schedule must be changed, CDFW will notify Permittee in writing of the new reporting schedule.

**6.5. Annual Status Report.** Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this ITP and continuing until CDFW accepts the Final Mitigation Report identified below. Each ASR shall include, at a minimum: (1) a summary of all Monthly Compliance Reports for that year identified in Condition of Approval 6.4; (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; and (6) information about other Project impacts on the Covered Species.

**6.6. Final Mitigation Report.** No later than 45 days after completion of all mitigation measures, Permittee shall provide CDFW with a Final Mitigation Report. The Designated Biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) a summary of all Monthly Compliance Reports and all ASRs; (2) a copy of the table in the MMRP with notes showing when each of the mitigation measures was implemented; (3) all available information about Project-related incidental take of the Covered Species; (4) information about other Project impacts on the Covered Species; (5) beginning and ending dates of Covered Activities; (6) an assessment of the effectiveness of this ITP's Conditions of Approval in minimizing and fully mitigating Project impacts of the taking on Covered Species; (7) recommendations on how mitigation measures might be changed to more effectively minimize take and mitigate the impacts of future projects on the Covered Species; and (8) any other pertinent information.

**6.7. Notification of Take or Injury.** Permittee shall immediately notify the Designated Biologist if a Covered Species is taken or injured by a Project-related activity, or if a Covered Species is otherwise found dead or injured within the vicinity of the Project. The Designated Biologist or Designated Representative shall provide initial notification to CDFW by calling the Regional Office at (909) 484-0523 and emailing the CDFW Regional Representative. 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 date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information. In the event of take or injury of a Covered Species, including a mortality alert from a collar, Permittee shall provide CDFW staff with immediate access to the Project Area to investigate the cause of mortality or injury.

**7. 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.

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Permittee shall implement and adhere to the following conditions to minimize take of Covered Species:

- 7.1. Project Timing.** To the extent feasible, Permittee shall initiate Covered Activities outside of the typical lambing season of December 1 – June 30. If Covered Activities must be initiated within the typical lambing season, the Designated Biologist will survey within 1 km of planned work areas in advance of the Covered Activities to confirm absence of the Covered Species. If the Covered Species is observed, the Covered Activities will only commence with implementation of measure 7.3 - Avoidance During Construction. To the greatest extent feasible, Permittee shall limit access road improvements and other Covered Activities with the potential to create significant sound or visual disturbances, to the period from July 1- November 30 (outside of the typical lambing season).
- 7.2. Access Road Use.** Permittee shall maintain a speed limit of 20 miles per hour or less along the access roads associated with the Project. Permittee shall yield to any Covered Species encountered along the access roads or reservoir and allow the individual(s) ample space and time to move away from the road/reservoir, of its own accord. If Covered Species are between the road and the reservoir, Permittee shall wait for the Covered Species to cross the road, away from the reservoir, to avoid trapping the individual(s) between the reservoir and the road. Permittee shall wait to proceed until the Covered Species is no longer visible from the road.
- 7.3. Avoidance During Construction.** If Covered Species individuals are observed within 1 km of the Project Area (i.e., Valve Replacement construction area, Access Road Improvements areas, and Staging Areas) while Covered Activities are occurring, Permittee shall, to the extent feasible and safe, stop all Covered Activities until the Covered Species is greater than 1 km away. Additional consideration shall be given to Covered Activities that have the potential to produce sudden, loud sounds that could startle Covered Species individuals. During lambing season, if any ewes or ewe groups are observed within 1 km of the Project Area, all Covered Activities occurring within the 1 km buffer shall be immediately halted until the Designated Biologist determines that the ewe groups and lambs are at very low risk. Factors considered shall include but not be limited to: distance of Covered Activities from the sheep, age classes of sheep, presence of lambs, season, nature of construction activities, duration of activities, topography, work area located in trees or other natural features that attenuate the sound, etc. All construction activity will halt when ewes or lambs exhibit vigilance behavior such as interruption of foraging, staring towards disturbance, movement with uplifted head (vs. oriented towards forage) within 1 km of the construction. If ewes or lambs flee, an effort will be made to ensure the sheep are more than 1 km away before construction resumes. If the Designated Biologist determines continued activities could result in impacts to lambs, activities shall not recommence until the group is greater than 1 km away, or at a distance deemed safe and appropriate by the

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Designated Biologist based on the above considerations. If a lamb or ewe is injured or dies within the 1-km buffer while activities are occurring, all Covered Activities within the 1-km buffer shall be halted until CDFW Wildlife Biologists can assess the impacts and coordinate on an appropriate path forward.

- 7.4. Pathogen Management.** Prior to entering any Project Area, Permittee shall disinfect all personal gear, vehicles, and equipment if it may have had contact with domestic livestock. Permittee shall install and maintain a boot disinfection station at each staging area and any workers who have had potential contact with grounds occupied by sheep or goats (for example, at home, visiting a farm, attending a County fair, going to a petting zoo, etc.), shall disinfect their boots before going to the work site. Workers will also ensure that their vehicles/equipment are washed at either a project wash station or a commercial wash if there is a chance that the tires or interior may be contaminated. Alternatively, personnel can be required to change their footwear so that contaminated footwear is not used in work vehicles or on the Project site.
- 7.5. Covered Species Onsite Monitoring.** The Designated Biologist shall be onsite at all times when Covered Activities are occurring and shall visit the site weekly, otherwise. If construction inactivity exceeds a period of two weeks, then the Designated Biologist will reduce site visits to monthly until Covered Activities recommence. A site visit will be completed one week prior to re-initiation of Covered Activities.
- 7.5.1. Daily Monitoring.** The Designated Biologist shall conduct ongoing, visual surveys of all Project Areas and a 1 km buffer surrounding these areas. The surveys shall be conducted using 10x40mm optics and by naked eye, where appropriate.
- 7.5.2. Lambing Season Monitoring.** In addition to the ongoing daily monitoring described above, during the typical lambing season, the Designated Biologist(s) shall visually survey (using 10x40mm optics) all potential lambing habitat prior to the initiation of construction activities each day, and then roughly every three hours thereafter until the end of the work day, from each of the following three vantage points: (1) 34.277008, -114.219799, (2) 34.278356, -114.223048, and (3) 34.280872, -114.218109. The duration of each vantage point survey shall last a minimum of ten minutes. Vantage point locations and monitoring periods may be adjusted through coordination with CDFW's Wildlife Biologists.
- 7.5.3. Monitoring & Communication.** Permittee shall facilitate an appropriate means of communication between the Designated Biologist and onsite Project personnel, such that the Designated Biologist can immediately communicate out any directives related to Covered Species avoidance and minimization, such as pausing of Covered Activities. Permittee shall instruct Project personnel on how to appropriately

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implement potential directives; this guidance shall be included in the Education Program.

**7.5.4. Monitoring & Documentation.** The Designated Biologist shall document the locations of any Covered Species groups or individuals identified (map, photos, and GPS coordinates); number of rams, ewes and lambs in each group; any indications of health issues (e.g., coughing, nasal discharge); and any observed behavioral changes in response to Covered Activities. Documentation of Covered Species observations shall be completed daily, and compiled and transmitted weekly via email to the CDFW Regional Representative and CDFW Wildlife Biologists Danielle Glass ([Danielle.Glass@wildlife.ca.gov](mailto:Danielle.Glass@wildlife.ca.gov)) and Jeff Villepique ([Jeff.Villepique@wildlife.ca.gov](mailto:Jeff.Villepique@wildlife.ca.gov)).

**7.6. Covered Species Remote Monitoring.** Permittee shall fund remote monitoring of local desert bighorn sheep populations through the purchase of eight (8) custom PinnaclePro collars, or as otherwise approved by CDFW in writing. Custom collar set-ups shall include the PinnaclePro+ MS collars, foam padding, magnetic expander, custom belting, data plan activation fee, and custom CA IR Plan. Permittee shall consult with CDFW Wildlife Biologists prior to purchasing the units to ensure the set-ups are accurate and complete. Once received, Permittee shall transfer the units to CDFW Wildlife Biologist for deployment within the local populations during the Project term. GPS collar data shall be disseminated directly to CDFW and shall be the sole property of CDFW. Information relevant to the Project will be made available to the Permittee by CDFW in the form of maps or other format deemed appropriate by CDFW.

**7.7. Adaptive Management.** The above Take Minimization Measures, including the monitoring and reporting elements, shall be considered an Adaptive Management Plan. Adaptive management shall include mortality reduction actions for the duration of this ITP unless updated by CDFW to reflect best available science, in which case CDFW will contact the Permittee to discuss needed updates. As provided for in Fish and Game Code section 2081.15, subdivisions (a)(3) and (d), this ITP's conditions of approval may be amended when necessary to minimize and fully mitigate the impacts of the authorized take. The Designated Biologist may also propose updates to the CDFW-approved Adaptive Management Plan as a result of new information gathered through compliance monitoring.

**7.8. Covered Species Injury.** If a Covered Species is injured as a result of Project-related activities, the Designated Biologist shall immediately contact the CDFW Regional Representative and CDFW Wildlife Biologist(s) and provide CDFW Wildlife Biologists with access to the injured Covered Species. The Permittee shall notify CDFW of the injury to the Covered Species immediately by telephone and e-mail followed by a written incident report as described in the Notification of Take or Injury Condition of Approval.

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**8. Habitat Management:** CDFW has determined that the establishment and perpetual management of a supplemental water source is necessary and required pursuant to CESA, including Fish and Game Code section 2081.15, 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 the duration of time in which the habitat will be impacted.

To meet this requirement, the Permittee shall provide for the acquisition, installation, and permanent management of one (1) supplemental water source pursuant to Condition of Approval 8.2 below and the calculation and deposit of the management funds pursuant to Condition of Approval 8.3 below. Complete acquisition of materials and full funding for installation and perpetual management of the water source must be complete before starting Covered Activities, or within 6 months of the effective date of this ITP if Security is provided pursuant to Condition of Approval 9 below for all uncompleted obligations.

The establishment and perpetual management of a supplemental water source along with compliance with this ITP's conditions of approval are sufficient to fully mitigate Project-related impacts of the taking on Desert bighorn sheep and satisfy the conditions in subdivisions (a)(1) and (a)(2) of Fish and Game Code section 2081.15 related to the conservation standard of subdivision (d) of Fish and Game Code section 2805 with respect to Desert bighorn sheep.

**8.1. Cost Estimates.** For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, installation, and perpetual management of the supplemental water source as follows:

- 8.1.1. Material acquisition costs identified in Condition of Approval 8.2 below, estimated at **\$38,880**. Material acquisitions costs include unit prices, shipping costs, and taxes and are estimated using recent acquisition costs of the same or similar equipment;
- 8.1.2. Site preparation and installation costs as described in Condition of Approval 8.2 below, estimated at **\$2,500**;
- 8.1.3. Long-term management funding as described in Condition of Approval 8.3 below, estimated at **\$15,000**. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of management.

**8.2. Supplemental Water Source.** Permittee shall fund the acquisition, installation, and perpetual management of a supplemental water source for the Covered Species. The supplemental water source shall consist of two rain catchment tanks (sourced through the Society for the Conservation of Bighorn Sheep), a rain collection mat (approximately 3,200

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square feet) with sandbags and spikes, plumbing from the mat to the tanks, and water level monitors.

**8.3. Endowment Fund.** Permittee shall provide long-term management funding for the perpetual management of the supplemental water source by establishing and transmitting to an account identified by CDFW 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 for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities consistent with this ITP. 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.

**9. Security:** The Permittee may proceed with Covered Activities only after the Permittee has ensured funding (Security) to complete any activity required by Condition of Approval 8 that has not been completed before Covered Activities begin. Permittee shall provide Security as follows:

**9.1. Security Amount.** The Security shall be in the amount of **\$56,380** or in the amount identified in 8.1 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 8.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring.

**9.2. Security Form.** The Security shall be in the form of an irrevocable letter of credit (see Attachment 3) or another form of Security approved in advance in writing by CDFW's Office of the General Counsel.

**9.3. 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.

**9.4. Security Holder.** The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.

**9.5. Security Transmittal.** Permittee shall transmit security to CDFW by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.

**9.6. 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.

**9.7. Security Release.** The Security (or any portion of the Security then remaining) shall be

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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:

- Documentation of the material acquisition or receipt of funding for CDFW to acquire;
- Receipt of the full Endowment; and
- Timely submission of all required reports.

Even if Security is provided, the Permittee must complete the required acquisition and transfer of endowment fund no later than 6 months from the effective date of this ITP. CDFW may require the Permittee to provide additional compensatory mitigation in the form of Habitat Management 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 Fish and Game Code section 2081.15, subdivisions (a)(3) and (d), and other applicable law. This ITP may be amended without the concurrence of the Permittee as required by law, including if CDFW determines that continued implementation of the Project as authorized under this ITP would jeopardize the continued existence of the Covered Species or where Project changes or changed biological conditions necessitate an ITP amendment to ensure that all Project-related impacts of the taking to the Covered Species are minimized and fully mitigated.

#### **X. Stop-Work Order:**

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

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

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## **XI. Compliance with Other Laws:**

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

## **XII. Notices:**

Written notices, reports and other communications relating to this ITP shall be delivered to CDFW by email or registered first class mail at the following address, or at addresses CDFW may subsequently provide the Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and ITP Number (2081-2025-066-06) 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  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
Telephone (909) 484-0523  
[R6CESA@wildlife.ca.gov](mailto: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](mailto:CESA@wildlife.ca.gov)

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

Heather Brashear  
3602 Inland Empire Blvd, Suite C-220  
Ontario, CA 91764  
Telephone (909) 484-0523  
[Heather.Brashear@wildlife.ca.gov](mailto:Heather.Brashear@wildlife.ca.gov)

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**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 Metropolitan Water District of Southern California. (See generally Pub. Resources Code, §§ 21067, 21069.) The lead agency's prior environmental review of the Project is set forth in the Copper Basin Discharge Valve Replacement and Access Road Improvements Project Mitigated Negative Declaration (SCH No.: 2022120316) dated December 2022 that The Metropolitan Water District of Southern California adopted on March 14, 2023. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project it also adopted various mitigation measures for the Covered Species as conditions of Project approval.

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

**XIV. Findings Pursuant to CESA:**

These findings are intended to document CDFW's compliance with the specific findings requirements set forth in CESA and related regulations. (Fish & G. Code § 2081, subs. (b)-(c); Cal. Code Regs., tit. 14, §§ 783.4, subds. (a)-(b), 783.5, subd. (c)(2); and Fish & G. Code § 2081.15, subds (a) – (d)))

CDFW finds based on substantial evidence in the ITP application, Copper Basin Discharge Valve Replacement and Access Road Improvements Project Mitigated Negative Declaration, the results of consultations, and the administrative record of proceedings, that issuance of this ITP complies and is consistent with the criteria governing the issuance of ITPs pursuant to CESA, including Fish and Game Code section 2081.15:

- (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, and will meet the conservation standard described in Fish and Game Code section 2081.15, through the implementation of measures required by this ITP and as described in the MMRP. Measures include: (1) establishment of a supplemental water source; (2) establishment of avoidance

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zones; (3) worker education; and (4) Monthly Compliance Reports. CDFW evaluated factors including an assessment of the importance of the habitat in the Project Area, the extent to which the Covered Activities will impact the habitat, and CDFW's estimate of the acreage required to provide for adequate compensation. Based on this evaluation, CDFW determined that the establishment and management in perpetuity of a supplemental water source that is within other protected Covered Species habitat 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) This ITP provides for the development and implementation of a monitoring program and adaptive management plan for monitoring the effectiveness of, and amending, as necessary, the measures to minimize and fully mitigate the impacts of the authorized take of desert bighorn sheep. The take monitoring program and adaptive management plan is in the form of the Adaptive Management Plan, as required by the measures in this ITP;
- (4) The Project that is the subject of this ITP's authorization to take desert bighorn sheep incidentally in carrying out Covered Activities is a maintenance, repair, and improvement project to critical regional or local water agency infrastructure.
- (5) 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;
- (6) The measures required by this ITP maintain Permittee's objectives to the greatest extent possible;
- (7) All required measures are capable of successful implementation;
- (8) This ITP is consistent with any regulations adopted pursuant to Fish and Game Code sections 2112 and 2114;
- (9) Permittee has ensured adequate funding to implement the measures required by this ITP as well as for monitoring compliance with, and the effectiveness of, those measures for the Project; and
- (10) 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 are 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

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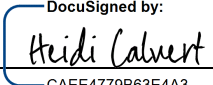
avoid jeopardy and as required by law.

- (11) As stated in finding (2) above, the impacts of the taking on desert bighorn sheep will be minimized and fully mitigated through the implementation of measures required by this ITP. CDFW also determined that those same measures satisfy the conservation standard of subdivision (d) of Fish and Game Code section 2805 with respect to desert bighorn sheep.

**XV. Attachments:**

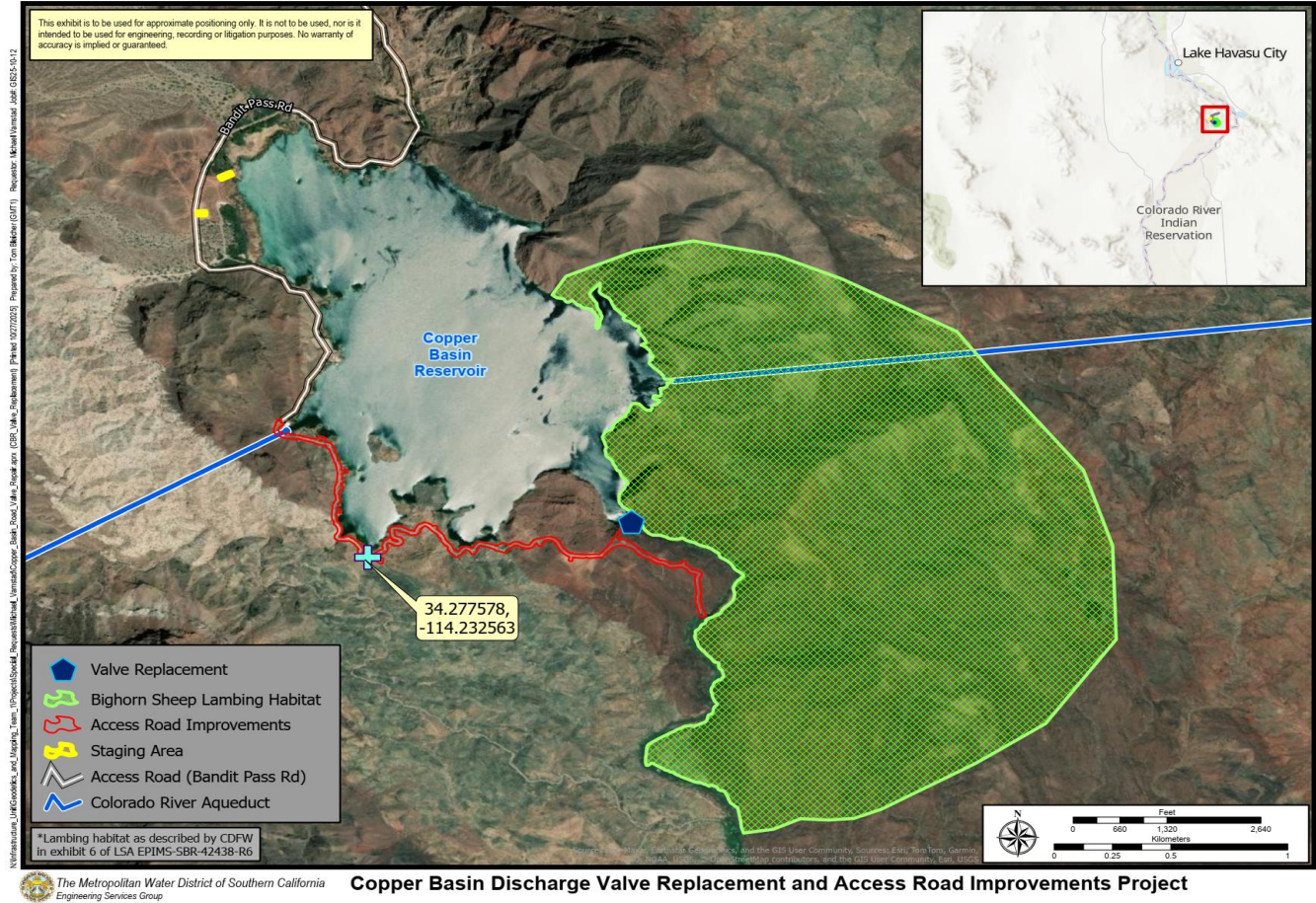
|              |                                             |
|--------------|---------------------------------------------|
| FIGURE 1     | Project Area Map                            |
| ATTACHMENT 1 | Mitigation Monitoring and Reporting Program |
| ATTACHMENT 2 | Biologist Resume Form                       |
| ATTACHMENT 3 | Letter of Credit Form                       |

**ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON** 8/6/2026

DocuSigned by:  
  
CAEE4779B63E4A3...  
Heidi Calvert, Regional Manager  
Inland Deserts Region

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**Figure 1. Project Area Map**



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