

## Attachment 1

### CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE MITIGATION MONITORING AND REPORTING PLAN (MMRP) LAKE OR STREAMBED ALTERATION AGREEMENT

#### LAKE OR STREAMBED ALTERATION AGREEMENT NO. EPIMS- SBR-18339-R6 (AMENDMENT NO. 2)

**PERMITTEE:** Silverwood Development Phase 1, LLC.

**PROJECT:** Tapestry Phase 1

#### **PURPOSE OF THE MMRP**

The purpose of the MMRP is to ensure that the impact mitigation measures required by the Department of Fish and Wildlife (CDFW) for the above-referenced Lake or Streambed Alteration Agreement EPIMS No. EPIMS-SBR-18339-R6 (Agreement) are properly implemented, and thereby to ensure compliance with, section 15097 of the California Code of Regulations and section 21081.6 of the Public Resources Code. A table summarizing the mitigation measures required by Fish and Game Code 1600 et seq. 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 Agreement, 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**

Permittee has the primary responsibility for monitoring compliance with all mitigation measures and for reporting to CDFW on the progress in implementing those measures. These monitoring and reporting requirements are set forth in the Agreement 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**

Table 1. The following items are identified for each Mitigation Measure: Mitigation Measure number (#), Mitigation Measures, Implementation Schedule, Responsible Party, and Status/Date/Initials. The # column indicates the mitigation measure number in the Agreement. The Mitigation Measure column summarizes the mitigation, monitoring, and reporting requirements contained in the Agreement. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the entity 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. The Permittee must identify the implementation status of each mitigation measure, the date that status was determined, and the initials of the person determining that status.

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
Pre-project Activities				
2.1	<p><u>Designated Representative</u>. Before initiating ground- or vegetation-disturbing construction activities, Permittee shall designate a representative (Designated Representative) responsible for communications with CDFW and overseeing compliance with the Agreement. The Permittee shall notify CDFW in writing thirty (30) days prior to commencement of ground- or vegetation-disturbing activities of the Designated Representative's name, business address, and contact information. Permittee shall notify CDFW in writing if a substitute Designated Representative is selected or identified at any time during the term of the Agreement.</p>	<p>Before initiating ground- or vegetation-disturbing project activities.</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.2	<p><u>Designated Biologist(s).</u> Permittee shall retain a CDFW-approved qualified biologist(s), botanist(s), or other biological specialist(s) (Designated Biologist) to be onsite daily when project activities are being performed throughout the entirety of the project. At least thirty (30) days before site preparation and initiating ground- or vegetation-disturbing activities, Permittee shall submit the Biologist Resume Form to CDFW for review and approval (Exhibit M). The form shall demonstrate the biologist is knowledgeable and experienced in the identification, biology, natural history, and/or appropriate survey methodology of local fish and wildlife resources described in the measures of the Agreement and those that are present or may be present at the project site. The Designated Biologist(s) shall conduct necessary pre-construction surveys within Fish and Game Code section 1602 resource areas, present the Worker Environmental Awareness Program (WEAP), demarcate the limits of project activities within the areas subject of Fish and Game Code section 1602, demarcate resources to be avoided, monitor all construction activities subject to Fish and Game Code section 1602 (i.e., ensuring the prescribed access routes and work areas are respected), prevent unlawful take of species, conduct compliance inspections, monitor any active bird nests or buffered on-site resources, ensure impacts to wildlife habitat are minimized, and take photographs during the construction process.</p>	<p>Before commencing ground- or vegetation-disturbing activities.</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.4	<p><u>Worker Environmental Awareness Program.</u> Prior to any construction activities on the project site, the Permittee will implement a Worker Environmental Awareness Program (WEAP) to educate on-site workers about sensitive environmental issues associated with the Project. The program will be administered to all on-site personnel, including the Permittee’s personnel, contractors, and all subcontractors, prior to the worker’s commencing project activities on the site. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. The WEAP will include but not be limited to the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and project-specific protective measures included in the Agreement. The WEAP shall include but not limited to special status plants, nesting birds, desert kit fox, American badger, ringtail, burrowing owl, and other species listed in the Project Impact section of the Agreement. The WEAP shall be re-administered to all on-site personnel on an annual basis during the term of the Agreement. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite office and available to CDFW upon request.</p>	Before commencing ground- or vegetation-disturbing activities.	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.5	<p><u>Demarcate Work Area Boundary.</u> Project-related personnel shall access the project site using existing routes and shall not cross-country travel outside of or in route to the project site. In consultation with the Designated Biologist, the Permittee shall demarcate the outer perimeter of the work area associated with BAC, RCB, and bridge construction, additionally, demarcation shall also be used to prevent damage to adjacent Fish and Game Code section 1602 resource habitat identified for avoidance within the project site and demarcate the edge of the project site to provide visual orientation to the limits of the project site and access routes. Fencing, stakes, or flags may be used, and the marking shall be in place and maintained during all periods of operation. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project site and vicinity of the Fish and Game Code section 1602 resource upon completion of construction, or at the onset of precipitation if materials can be washed downstream.</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire project.</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.6	<p><u>Avoidance of Sensitive Resources.</u> The Designated Biologist shall ensure that all sensitive resources identified during pre-construction surveys are mapped/marked for avoidance and that the buffers proposed to protect those sensitive resources are appropriately sized and clearly demarcated using fencing, stakes, or flags. The Designated Biologist shall follow the requirements of species-specific measures and use available guidance and recommendations, scientific research, independent judgement, and personal experience when assigning avoidance buffers. In addition, the Designated shall identify and mark the most appropriate path (i.e., the route that provides full avoidance of protected or sensitive resources, and greatest avoidance of native vegetation and other habitat values) for personnel, vehicles, and equipment for construction activities to avoid these demarcated areas. All persons employed or otherwise working on the project site shall be instructed about the restrictions that the marking represents. Permittee shall remove all delineation materials from the project site and vicinity of the Fish and Game Code section 1602 resource upon completion of construction activities, or at the onset of precipitation if materials can be washed downstream. The Designated Biologist shall ensure delineation materials are visible, yet do not attract predators to the resource.</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.10	<p><u>Pre-Construction Plant Survey.</u> Prior to the start of project activities, the Designated Biologist shall conduct a thorough floristic-based vegetation survey following Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, March 2018). The survey shall be conducted within the project site and a 50-foot buffer. The survey shall determine whether special status plant populations have established, expanded and/or migrated onsite. Surveys shall be performed during the time of year when plants are evident and identifiable (i.e., flowering or fruiting). Results of the survey(s) shall be submitted to CDFW through EPIMS prior to start of project activities. For survey protocol and species lists, see <a href="https://wildlife.ca.gov/conservation/plants/info">https://wildlife.ca.gov/conservation/plants/info</a>. Consultation with CDFW shall be required prior to initiating project activities that may impact present state-listed plant species that are not a Covered Species within ITP No. 2081-2021-026-06</p> <p><u>Special-Status Plant Species Avoidance.</u> The Designated Biologist shall flag the locations of any special-status plants that are present within the work area and place a species appropriate no-disturbance buffer around the individual and potential seedbank. The buffer areas shall be avoided by project personnel.</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.11	<p><u>Sensitive Plant Species Conservation.</u> If protection in place is not feasible for special status plant species within project impact areas, Permittee shall prepare a species-specific conservation plan to be submitted to CDFW for review and approval before start of project activities that will impact the individual plant(s). Minimization measures may include transplanting perennial species, seed collection and dispersal for annual species, and other conservation strategies that will protect the viability of the local population. The plan shall include photos, maps and Geographic Information Systems (GIS) files of the individual(s), translocation sites and/or seed dispersal areas. The plan shall also include the conservation methods for the individual, translocation or seed dispersal site characteristics, plans and specification for site preparation, methods of selective non-native vegetation clearing, protocol for topsoil collection and application, and success criteria for the establishment and/or germination and growth to reproduction of individual plants. If these measures are implemented, monitoring and management of plant population shall be conducted by the Permittee for years (4) years to assess the mitigation's effectiveness. If success criteria do not meet established goals, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five (4) years after planting. Permittee shall ensure successful establishment. A monitoring report shall be submitted annually. The plan and monitoring reports shall be submitted through EPIMS, and any GIS data emailed to the CDFW Regional Representative.</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire project.</p>	<p>Permittee</p>	



#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.16	<p><u>Nesting Birds.</u> The Permittee shall be responsible for avoiding impacts to nesting birds. The Permittee shall ensure that impacts to nesting birds are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of avoidance and minimization measures.</p> <p><u>Pre-project Nesting Bird Survey Methodology.</u> The Permittee shall limit removal of vegetation and project activities to outside of nesting bird season to the greatest extent feasible. During the nesting bird season, the Designated Biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the project site and species appropriate buffer. Surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than three (3) days prior to the initiation of project activities addressed by the Agreement. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the area subject to the Agreement, density and complexity of the habitat, and survey techniques employed, and survey duration shall be sufficient to ensure the data collected is complete and accurate. The survey shall be repeated if project activities lapse for more than five (5) days during nesting bird season. Contd.</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.16	<p><u>Buffers and Ongoing Monitoring of Nests.</u> If active nests containing eggs or young are found, the Designated Biologist shall document species, baseline behavior, stage of reproduction, and existing site conditions including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. The Designated Biologist shall establish an appropriate nest buffer based on the species and the planned activity's level of disturbance, site conditions, and the observed bird behavior. The Designated Biologist shall increase buffer sizes as needed if nesting individuals show signs of disturbance. The buffer zone may be decreased based on the individual's sensitivity to visual or audible disturbances but shall not be decreased below 500-feet for special status species or raptor species. Active nests shall be monitored until the Designated Biologist has determined the young have fledged or the project is finished. The Designated Biologist has the authority to stop work if nesting individuals or pairs exhibit signs of disturbance. Established buffers shall remain until the Designated Biologist determines the young have fledged or the nest is no longer active.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17	<p><u>Burrowing Owl Pre-Construction Survey.</u> Pre-construction surveys shall be completed by the Designated Biologist following the breeding season survey methodology provided within the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). The survey shall encompass the project site and 500-foot buffer surrounding those areas. Time lapses between project activities of more than 5 days during breeding season shall trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	
2.17.1	<p><u>Burrowing Owl Active Burrows.</u> If an active burrowing owl burrow is detected within the project work area, or within a 500-foot buffer of the project work area, the Designated Biologist shall conduct site-specific monitoring to inform development of buffers. demarcate a buffer zone with a setback distance as recommended by level of disturbance of the proposed project activities as recommended within the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). No impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. The Designated Biologist shall monitor active burrows daily during project activities and document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. (Continued on next page)</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17.1	<p>Monitoring shall take place a minimum of two hours immediately following sunrise, during times of increased levels of disturbance, and two hours immediately prior to sunset, or until project activities cease for the day. The Designated Biologist shall increase buffer size as needed if owls show signs of disturbance. The buffer zone may be decreased based on the individual owl's sensitivity to visual or audible disturbances but shall not be decreased below the recommended setback distances defined in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). Visual screens (e.g., hay bales) may be used to minimize disturbance but shall be monitored during the day and removed at night to prevent raptor perching. Such screens shall not exceed 4 feet in height and shall be at least 30 feet from active burrows. The Designated Biologist has the authority to stop work if individuals exhibit signs of disturbance.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	
2.17.2	<p><u>Burrowing Owl Inactive Burrow Avoidance.</u> The Designated Biologist shall determine if a burrow is inactive through appropriate monitoring for burrowing owl (a minimum of a three (3)-consecutive-day observation period two hours immediately following sunrise and two hours immediately preceding sunset) or use of camera stations for 48 hours. Inactive and unoccupied burrows within the project site that will be impacted by the project activities may be hand-excavated and collapsed by the Designated Biologist. (Continued on next page)</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17.2	The Designated Biologist shall block inactive burrows in the project site and buffer zone that will not be impacted by project with rocks and sticks to discourage use during the term of the Agreement and shall be removed when project activities are complete.	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	
2.17.3	<p><u>Burrowing Owl Passive Relocation.</u> If active burrowing owl burrows are located within the project impact area that cannot be buffered, the Permittee shall provide permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced. The Designated Biologist may passively relocate the burrowing owl(s), outside the nesting season and when fledglings are independent and no longer dependent on parental care (approximately 1 February to 15 October, although status shall be confirmed by Designated Biologist regardless of date). Independence shall be determined by the Designated Biologist through a three (3)-consecutive-day observation period. Trail cameras may be used to assist with observation but shall not be the sole basis upon which the status is determined. Passive relocation shall include a written assessment provided by the Permittee to CDFW for review and comment through EPIMS, and any GIS data emailed to the CDFW Regional Representative. prior to commencing the effort that includes, but is not limited to, the following elements:</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17.3.1	<p><u>Assessment of Suitable Burrow Availability.</u> The Designated Biologist shall inventory the availability of existing, suitable, and unoccupied burrow sites within 100 meters of the project site. Suitable burrows include inactive desert kit fox or ground squirrel burrows that are deep enough to provide suitable burrowing owl nesting sites. If two or more suitable and unoccupied burrows are present in the area for each burrowing owl that is to be passively relocated, then no replacement burrows need to be built.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17.3.2	<p><u>Replacement Burrows.</u> For each burrowing owl that is passively relocated, if fewer than two suitable unoccupied burrows are available in the area, Permittee shall construct or enhance at least two replacement burrows near the project site and encourage use through installation of a wood post 12-inches or less from grade in front of the entrance, white-washing the burrow with white paint, and using speakers to broadcast burrowing owl calls. Burrow replacement sites shall be in areas of suitable habitat for burrowing owl nesting and prey availability and shall be characterized by minimal human disturbance and access, and be at least 100 meters from powerlines, fences, or trees that can be used as raptor perches. Relative cover of non-native plants within the proposed relocation sites shall not exceed the relative cover of non-native plants in the adjacent habitats, and vegetation height shall be between 10-15 cm for 10-20 yards surrounding the burrow. The burrow installation or improvements may not affect sensitive species or any burrowing owls already present in the relocation area. Design of the artificial burrows shall be consistent with CDFW guidelines and include two entrances into the nesting chamber (Department of Fish and Game, March 2012) and shall be approved by CDFW. Artificial burrows shall be monitored for use and the burrows and areas surrounding the burrows shall be maintained annually for the benefit of burrowing owls, with the specific goal of maintaining the functionality of the burrows for a minimum of five years. The monitoring reports shall be submitted through EPIMS, and any GIS data emailed to the CDFW Regional Representative.</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.18	<p><u>Special-status Reptiles.</u> Permittee shall minimize impacts to non-listed, special-status reptiles within the project site footprint, including, but not limited to those identified in the Project Impacts section of the Agreement. The Designated Biologist(s) shall conduct pre-activity clearance surveys immediately prior to the initiation of ground-disturbing activities within areas containing suitable habitat, including burrows, sand fields, and rock piles. If any special-status reptiles are detected, the Designated Biologist(s) shall provide the animal sufficient time to leave on its own accord. If any state-listed reptile species is identified and has the potential to be impacted by the project, Permittee shall halt all project activities that could result in impacts and contact CDFW immediately. If full avoidance cannot be accomplished, Permittee shall postpone the project until appropriate CESA</p>	<p>Before commencing ground- or vegetation-disturbing activities / Entire project.</p>	<p>Permittee/ Designated Biologist</p>	



#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.19	<p><u>Special Status Small Mammals.</u> Permittee shall minimize impacts to non-listed, special-status small mammals within the project site footprint, including, but not limited to those identified in the Project Impacts section of the Agreement. The Designated Biologist(s) shall conduct pre-construction surveys to determine if active or potential special-status small mammal species burrows are present immediately prior to the initiation of ground-disturbing activities within areas containing suitable habitat. Surveys shall encompass both the project site and a buffer distance adequate to determine the potential for direct or indirect impacts. Surveys shall attain 100% visual coverage to determine the presence or absence of burrows. The Designated Biologist shall flag and avoid any small mammal burrow that may contain a special-status wildlife species. If burrows cannot be avoided, the Permittee shall have a qualified Designated Biologist implement a trapping protocol adequate to identify the presence of any special-status small mammal wildlife species and relocate the species out of harm's way.</p>	Before commencing ground- or vegetation-disturbing activities / Entire project.	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.20	<p><u>Pre-Construction Mammal Den Surveys.</u> No more than 14 days prior to the beginning of project activities, the Designated Biologist shall conduct a survey to determine if potential desert kit fox, American badger, or ringtail dens are present in the project site. Surveys shall encompass both the project site and a buffer distance adequate to determine the potential for direct or indirect impacts. Surveys shall attain 100% visual coverage and be conducted using 10-m transects (or reduced based on topography and vegetation), to determine the presence or absence of individuals, dens, and sign. If potential dens are located, they shall be monitored by the Designated Biologist to determine if the den is active or inactive. The Designated Biologist shall use observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the den.</p>	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	
2.20.1	<p><u>Mammal Active Dens.</u> If non-natal active dens can be avoided and buffered from project activities, the Designated Biologist shall flag a minimum 300-foot disturbance-free buffer zone. No disturbance of active dens may take place when juveniles may be present and dependent on parental care. A minimum 500-foot disturbance-free buffer shall be placed around the natal den and maintained until juvenile independence and dispersal has taken place, and/or the den is no longer active as determined by the Designated Biologist. Should vegetation removal be occurring around a buffered den, a 100-foot-wide strip of vegetation shall be protected in place to provide cover and connection to adjacent habitat. (Continued on next page)</p>	Before commencing ground- or vegetation-disturbing activities	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.20.1	The Designated Biologist has the authority to stop work if individuals exhibit signs of disturbance. If the project results in the displacement, injury, or take of the individual, Permittee shall notify CDFW within 24 hours.	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	
2.20.2	<u>Mammal Exclusion/Relocation Plan</u> . If active dens are present within the project site that will be impacted by project activities, the Permittee shall have the Designated Biologist prepare and submit a monitoring, exclusion/relocation plan for CDFW's review and approval. Once approved, the plan shall be performed outside of breeding/pupping season and after juvenile dispersal. Permittee shall implement compensatory mitigation such that the habitat acreage, number of dens, and individuals impacted are replaced. The plan and monitoring reports shall be submitted through EPIMS, and any GIS data emailed to the CDFW Regional Representative.	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.20.3	<p><u>Inactive Mammal Dens.</u> Inactive and unoccupied dens within the project impact area may be hand-excavated and collapsed by the Designated Biologist. The Designated Biologist shall block inactive dens near the project work area that may be indirectly impacted by project activities with rocks and sticks to discourage use during project activities. The Designated Biologist shall periodically check the inactive burrows remain blocked and are not reoccupied. The Designated Biologist shall remove the obstruction when project activities are complete</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.21	<p><u>Pre-Construction Bat Roost Survey.</u> Permittee shall have a qualified Designated Biologist conduct a survey and habitat assessment for bat species and their roosts within the project site and a buffer distance adequate to complete a visual inspection for the presence of potential day and night roosting features (bats need not be present) including, but not limited to, rocky outcrops, rock crevices, snags, man-made structures, mines, caves, and vegetation as well as bat sign (guano, urine staining, and culled insect parts). The survey shall be sufficient in nature to identify bats occupying the roost to species and, if conducted during the pupping season, to determine if the roost is a maternal roost. Should confirmed or potential day or night bat roosts be identified in the project site and buffer zone, Permittee shall have the qualified Designated Biologist place a minimum 250-foot disturbance free buffer surrounding the roost. If active roost sites may be impacted by project activities, the Designated Biologist shall identify the species of bat and implement species-specific appropriate minimization and mitigation measures. If avoidance is not possible and the roost is comprised of vegetation, Permittee shall remove vegetation using a two-step process, implemented over a two (2)-day period, and be monitored by a qualified Designated Biologist to ensure take is prevented. On Day 1, branches and limbs that do not contain crevices or cavities shall be removed using hand tools. (Continued next page).</p>	Before commencing ground- or vegetation-disturbing activities/ Entire Project	Permittee/ Designated Biologist	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.21	<p>The goal is to create a disturbance sufficient to cause any bats roosting in the vegetation to leave that night and not return, but not at a level of intensity that will cause bats to fly out of the tree during the disturbance itself (i.e., during the daytime, when roost abandonment will likely result in predation). On Day 2, the remainder of the vegetation may be removed if bats are not present. Permittee shall not disturb active maternity day roosting sites and an appropriate buffer shall be implemented until juveniles are independent and maternity season has ended. Impacts to a bat roosting site, including removal of vegetation roosting sites or impacts that cause bats to leave a roosting site during the day or abandon a roosting site shall be subject to compensatory mitigation sufficient to replace roosting habitat at a 2:1 ratio. The replacement roost plan shall be submitted to CDFW for review and comment through EPIMS, and any GIS data emailed to the CDFW Regional Representative.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee/ Designated Biologist</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.2	<p>CDFW has determined that permanent protection and perpetual management of compensatory habitat is necessary to mitigate project-related impacts to Fish and Game Code section 1602 resources. To meet this requirement, the <b>Permittee has purchased</b> <del>shall either purchase 19.78 acres of Fish and Game Code section 1602 resource credits from a CDFW-approved mitigation or conservation bank.</del> <b><u>The remaining 0.03 acres of compensatory mitigation shall be either of Fish and Game Code section 1602 resource credits from a CDFW-approved mitigation or conservation bank</u></b> OR shall provide for both the permanent protection and management of 19.78 acres of Habitat Management (HM) lands pursuant to Measure 3.3 below and the calculation and deposit of the management funds pursuant to Measure 3.4 below. Purchase of Fish and Game Code section 1602 resource credits OR permanent protection and funding for perpetual management of HM lands must be complete before starting project activities, or within 18 months of the effective date of this Agreement if <del>Security is provided pursuant to Measure 3.6 below for all uncompleted obligations.</del> The Permittee shall also restore on-site 0.30 acres of Fish and Game Code section 1602 resource habitat pursuant to Measure 3.1</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months from issuance of this Agreement if <del>Security is provided</del></p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.3	<p><u>Mitigation Land Acquisition.</u> Permittee shall provide for the acquisition, permanent protection, and perpetual management of HM lands containing a minimum of <del>49.06</del> <b>19.78</b> acres of off-site Fish and Game Code section 1602 resource habitat. Subphase 1A shall require <del>40.40</del> <b>10.96</b> acres of HM lands. Subphase 1B shall require <del>2.46</del> <b>2.48</b> acres of HM lands. Subphase 1C shall require <del>3.82</del> <b>3.66</b> acres of HM lands. Subphase 1D shall require 2.68 acres of HM lands. The habitat shall be located within the Mojave River watershed and biologically equal or superior to the lands being impacted. The habitat shall be characterized by the same or comparable soil type and permeability, and hydrological and biological functions as the impacted Fish and Game Code section 1602 resource. The permanent protection and funding for perpetual management of HM lands shall be complete before starting project activities or within 18 months from issuance of this Agreement if Security is provided pursuant to Measure 3.6 below. To complete compensatory mitigation obligations, the Permittee shall complete each of the following Measures.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months from issuance of this Agreement if Security is provided</p>	<p>Permittee</p>	



#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.3.1	<p><u>Conservation Easement.</u> CDFW shall act as grantee for a conservation easement over the HM lands or shall, in its sole discretion, approve a non-profit entity, public agency, or Native American tribe to act as grantee for a conservation easement over the HM lands provided that the entity, agency, or tribe meets the requirements of Civil Code section 815.3. If CDFW elects not to be named as the grantee for the conservation easement, CDFW shall be expressly named in the conservation easement as a third-party beneficiary. The Permittee shall obtain CDFW written approval of any conservation easement before its execution or recordation. No conservation easement shall be approved by CDFW unless it complies with Civil Code sections 815-816, as amended, and Government Code sections 65965-65968, as amended and includes provisions expressly addressing Government Code sections 65966(j) and 65967(e). Because the “doctrine of merger” could invalidate the conservation interest, under no circumstances can the fee title owner of the HM lands serve as grantee for the conservation easement.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months t if Security is provided</p>	<p>Permittee</p>	
3.3.2	<p><u>HM Lands Approval.</u> Permittee shall 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 Fish and Game Code section 1602 resources. Permittee shall provide a jurisdictional delineation and baseline biological assessment of the land.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.3.3	<p><u>HM Lands Documentation.</u> Permittee shall 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.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>		
3.3.4	<p><u>Land Manager.</u> Permittee shall 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. The grantee for the conservation easement cannot serve as the interim or long-term manager without the express written authorization of CDFW in its sole discretion.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.3.5	<p><u>Start-up Activities.</u> Permittee shall 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 <a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=137386&amp;inline</a>) (2) conducting a land survey report within four months of recording or transfer; (3) developing and transferring Geographic Information Systems (GIS) data; (4) establishing initial fencing (if deemed necessary by CDFW); (5) conducting litter removal; (6) conducting initial habitat restoration or enhancement, if applicable; and (7) installing signage;</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>		

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.3.6	<p><u>Interim Management (Initial and Capital)</u>. Permittee shall provide for the interim management of the HM lands. The Permittee shall ensure that the interim land manager implements the interim management of the HM lands as described in the final management plan and conservation easement approved by CDFW. The interim management period shall be a minimum of three years from the date of HM land acquisition and protection and full funding of the Endowment and includes expected management following start-up activities. Interim management period activities described in the final management plan shall include fence repair, continuing trash removal, site monitoring, and vegetation and invasive species management. Permittee shall either (1) provide Security to CDFW for the minimum of three years of interim management that the land owner, Permittee, or land manager agrees to manage and pay for at their own expense, (2) establish an escrow account with written instructions approved in advance in writing by CDFW to pay the land manager annually in advance, or (3) establish a short-term enhancement account with CDFW or a CDFW-approved entity for payment to the land manager.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.4	<p><u>Endowment Fund.</u> Permittee shall ensure that the HM lands are perpetually managed, maintained, and monitored by the long-term land manager as described in the Agreement, the conservation easement, and the final management plan approved by CDFW. After obtaining CDFW approval of the HM lands, Permittee shall provide long-term management funding for the perpetual management of the HM lands by establishing a long-term management fund (Endowment). The Endowment is a sum of money, held in a CDFW-approved fund that is permanently restricted to paying the costs of long-term management and stewardship of the mitigation property for which the funds were set aside, which costs include the perpetual management, maintenance, monitoring, and other activities on the HM lands consistent with the Agreement, the conservation easement, and the management plan. Endowment as used in the Agreement shall refer to the endowment deposit and all interest, dividends, other earnings, additions and appreciation thereon. The Endowment shall be governed by the Agreement, Government Code sections 65965-65968, as amended, and Probate Code sections 18501-18510, as amended. After the interim management period, Permittee shall ensure that the designated long-term land manager implements the management and monitoring of the HM lands according to the final management plan. The long-term land manager shall be obligated to manage and monitor the HM lands in perpetuity to preserve their conservation values in accordance with the Agreement, the conservation easement, and the final management plan. Such activities shall be funded through the Endowment.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.4.1	<p><u>Identify an Endowment Manager.</u> The Endowment shall be held by the Endowment Manager, which shall be either CDFW or another entity qualified pursuant to Government Code sections 65965-65968, as amended. Permittee shall submit to CDFW a written proposal that includes: (i) the name of the proposed Endowment Manager; (ii) whether the proposed Endowment Manager is a governmental entity, special district, nonprofit organization, community foundation, or congressionally chartered foundation; (iii) whether the proposed Endowment Manager holds the property or an interest in the property for conservation purposes as required by Government Code section 65968(b)(1) or, in the alternative, the basis for finding that the Project qualifies for an exception pursuant to Government Code section 65968(b)(2); and (iv) a copy of the proposed Endowment Manager's certification pursuant to Government Code section 65968(e). Within thirty days of CDFW's receipt of Permittee's written proposal, CDFW shall inform Permittee in writing if it determines the proposal does not satisfy the requirements with a written explanation of the reasons for its determination. If CDFW does not provide Permittee with a written determination within the thirty-day period, the proposal shall be deemed consistent with Section 2081(b)(3).</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.4.2	<p><u>Calculate the Endowment Funds Deposit.</u> After obtaining CDFW written approval of the HM lands, long-term management plan, and Endowment Manager, Permittee shall prepare an endowment assessment (equivalent to a Property Analysis Record (PAR)) to calculate the amount of funding necessary to ensure the long-term management of the HM lands (Endowment Deposit Amount). Note that the endowment for the easement holder should not be included in this calculation. The Permittee shall submit to CDFW for review and approval the results of the endowment assessment before transferring funds to the Endowment Manager.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	
3.4.2.1	<p><u>Capitalization Rate and Fees.</u> Permittee shall obtain the capitalization rate from the selected Endowment Manager for use in calculating the endowment assessment and adjust for any additional administrative, periodic, or annual fees.</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.4.2.2	<u>Endowment Buffers/Assumptions</u> . Permittee shall include in the endowment assessment assumptions the following buffers for endowment establishment and use that will substantially ensure long-term viability and security of the Endowment:	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	
3.4.2.2.1	<u>10 Percent Contingency</u> . A 10 percent contingency shall be added to each endowment calculation to hedge against underestimation of the fund, unanticipated expenditures, inflation, or catastrophic events.	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	
3.4.2.2.2	<u>Three Years Delayed Spending</u> . The endowment shall be established assuming spending will not occur for the first three years after full funding.	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	



#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.4.2.2.3	<p><u>Non-annualized Expenses.</u> For all large capital expenses to occur periodically but not annually such as fence replacement or well replacement, payments shall be withheld from the annual disbursement until the year of anticipated need or upon request to Endowment Manager and CDFW</p>	<p>Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.6 – 3.6.1.4	<p><u>Security:</u> The Permittee may proceed project activities only after the Permittee has ensured funding (Security) to complete any activity required by Measure 3.2 or 3.3 -3.5 that has not been completed before project activities begin.</p> <p><u>Cost Estimates.</u> For the purposes of determining the Security amount, CDFW has estimated the cost sufficient for CDFW or its contractors to complete acquisition, protection, and perpetual management of the HM lands as follows:</p> <p>Land acquisition costs for HM lands identified in Measure 3.3, estimated at \$5,000.00/acre for <del>19.06</del> <b>19.78</b> acres: <del>\$95,300.00</del> <b><u>\$98,900.00</u></b>. Land acquisitions costs are estimated using local fair market current value per acre for lands with habitat values meeting mitigation requirements;</p> <p>All other costs necessary to review and acquire the land in fee title and record a conservation easement: \$20,000.00;</p> <p>Start-up costs for HM lands, including initial site protection and enhancement costs, estimated at \$19,060.00; including.</p> <p>Interim management period funding, estimated at \$6,505.00;</p> <p>(Continued on next page).</p>	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.6.1.5 – 3.6.2	<p>Long-term management funding, estimated at \$3,000.00/acre for <del>49.06</del> <b>19.78</b> acres: <del>\$57,180.00</del> <b>\$59,340.00</b>. Long-term management funding is estimated initially for the purpose of providing Security to ensure implementation of HM lands management.</p> <p>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, estimated at \$6,000.00.</p> <p>All costs associated with CDFW engaging an outside contractor to complete the mitigation tasks, including but not limited to acquisition, protection, and perpetual funding and management of the HM lands and restoration of temporarily disturbed habitat. These costs include but are not limited to the cost of issuing a request for proposals, transaction costs, contract administration costs, and costs associated with monitoring the contractor’s work \$75,000.00.</p> <p><u>Security Amount.</u> The Security shall be in the total amount of <del>\$279,045.00</del> <b>\$284,805.00</b> or in the amount identified in Measure 3.6.1 specific to the obligation that has not been completed. This amount is determined by CDFW based on the cost estimates identified in Measure 3.6.1 above, sufficient for CDFW or its contractors to complete land acquisition, property enhancement, startup costs, initial management, long-term management, and monitoring. (Continued on next page).</p>	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.6.3-3.6.7	<p><u>Security Form.</u> The Security shall be in the form of an irrevocable letter of credit (see Exhibit N), or another form of Security approved in advance in writing by CDFW's Office of the General Counsel. Permittee shall provide a draft copy of the LOC (or other approved security) to CDFW at the email address listed below for review and approval prior to execution. The security shall not be executed without CDFW's prior approval.</p> <p><u>Security Timeline.</u> The Security shall be provided to CDFW before project activities begin or within 30 days after the effective date of the Agreement, whichever occurs first.</p> <p><u>Security Holder.</u> The Security shall be held by CDFW or in a manner approved in advance in writing by CDFW.</p> <p><u>Security Transmittal.</u> Permittee shall transmit it to CDFW with a completed Mitigation Payment Transmittal Form (see Exhibit O) or by way of an approved instrument such as an escrow agreement, irrevocable letter of credit, or other.</p> <p><u>Security Drawing.</u> The Security shall allow CDFW to draw on the principal sum if CDFW, in its sole discretion, determines that the Permittee has failed to comply with the Conditions of Approval of the Agreement. (Continued on next page).</p>	Before commencing ground- or vegetation-disturbing activities or within 18 months if Security is provided	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
3.6.8	<p><u>Security Release.</u> The Security (or any portion of the Security then remaining) shall be released to the Permittee after CDFW has conducted an on-site inspection and received confirmation that all secured requirements have been satisfied, as evidenced by: 1) submission of a Copy of Bill of Sale(s) and Payment Receipt(s) for the purchase of Fish and Game Code section 1602 resource credits; and as evidenced for HM land acquisition by: 1) submission of written documentation of the acquisition of the HM lands, 2) Copies of all executed and recorded conservation easements, and 3) written confirmation from the approved Endowment Manager of its receipt of the full Endowment.</p> <p>Even if Security is provided, the Permittee must complete the required credit purchase or acquisition, protection and transfer of all HM lands and record any required conservation easements no later than 18 months from the effective date of the Agreement.</p>	Within 18 months of the effective date of the Agreement	Permittee	
4.2	<p><u>Notification of Start and Completion of Construction.</u> Permittee shall notify CDFW, in writing, at least seven (7) days prior to initiation of project activities, and at least five (5) days prior to completion of project activities.</p>	Before commencing ground- or vegetation-disturbing activities/ Post-construction.	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
4.3	<p><u>Pre-project Survey Summary.</u> Permittee shall prepare and submit to CDFW a summary of all pre-project survey results, including any special status species identified onsite, identify the applied avoidance, minimization, and mitigation measures for each resource, and photos, maps, and GIS files for identified individuals, sign, and any active burrows/dens/nests/roosts. The report shall be submitted through EPIMS, and the GIS data emailed to the CDFW Regional Representative.</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Permittee</p>	
4.5	<p><u>Notification to CNDDDB.</u> If any special-status or listed species are observed on or in proximity to the Project site, or during Project surveys, Permittee shall submit California Natural Diversity Data Base (CNDDDB) forms and maps to the CNDDDB within five working days of the sightings. The CNDDDB form is available online at: <a href="https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data">https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data</a>. A copy of this information shall be emailed within 5 days to the CDFW staff associated with this Project.</p>	<p>Before commencing ground- or vegetation-disturbing activities/ Entire Project</p>	<p>Permittee</p>	
During Project Operations				
2.22	<p><u>Speed Limit.</u> Permittee shall ensure that vehicle speeds do not exceed 15 miles per hour in the project site</p>	<p>Entire Project</p>	<p>Permittee</p>	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.23	<p><u>Stockpile Sites.</u> Stockpile sites shall not be located within areas subject to Fish and Game Code section 1602, or locations that may be subjected to high storm flows, where stockpiled materials shall be washed back into the Fish and Game Code section 1602 resource where it will impact habitat and riparian vegetation.</p>	Entire Project	Permittee	
2.24	<p><u>Rock (Rip Rap) Slope Protection.</u> Rock slope protection and energy dissipater materials shall consist of rock competent for the application, sized and properly installed to resist washout. The materials used for bank stabilization shall be clean (washed) and free of trash and debris. The slope of placed rock shall not exceed 2:1. The area that rock shall be placed shall be surveyed immediately prior to placement by the Designated Biologist to ensure there are no crevices or burrow that may contain wildlife. Rocks shall not be placed in a manner that entombs wildlife. Grout shall be immediately applied after the rocks are placed to avoid entombing wildlife that may move overnight to take refuge in the voids between the rocks.</p>	Entire Project	Permittee	
2.25	<p><u>Staging and Storage Areas.</u> Permittee shall confine all Project-related parking, storage areas, laydown sites, and equipment storage, to the extent possible, previously disturbed areas and shall not be placed within areas subject to Fish and Game Code section 1602, or where materials could pass into the Fish and Game Code section 1602 resources.</p>	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.26	<u>Materials Placed in Fish and Game Code section 1602 Resources.</u> Permittee shall not allow fill material, other than clean material free of trash and invasive species, to enter the Fish and Game Code section 1602 resources.	Entire Project	Permittee	
2.27	<u>Geotechnical Boring.</u> At no time shall drill cuttings, drilling mud, and/or materials or water contaminated with bentonite, or any other substance deemed deleterious to fish or wildlife be allowed to enter the Fish and Game Code section 1602 resources or be placed where they may be washed into the Fish and Game Code section 1602 resource. Any contaminated water/materials from the drilling and/or project activities shall be pumped or placed into a holding facility and removed for proper disposal.	Entire Project	Permittee	



#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.17.4	<p><u>Burrowing Owls Observed During Construction.</u> If burrowing owls are observed within the project site during project implementation and construction that were not identified during pre-construction surveys, Permittee shall notify CDFW and stop work in that area immediately. Further, Permittee shall be responsible for implementing the appropriate avoidance and mitigation measures, including habitat avoidance, establishing buffers, passive relocation, or other appropriate mitigation measures as outlined in the Agreement and Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012).</p>	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.28	<p><u>Best Management Practices.</u> Permittee shall actively implement Best Management Practices (BMPs) to prevent erosion and discharge of sediment and pollutants into Fish and Game Code section 1602 resources during construction activities. BMPs shall be monitored and repaired, if necessary, to ensure maximum control of erosion, sediment, and pollution. Permittee shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as welded-weave monofilament netting (erosion control matting) or similar material, within and adjacent to Fish and Game Code section 1602 resources. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be certified free of nonnative plant materials. Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread. Dust control measures shall be implemented.</p>	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.33	<u>Hazardous Substances.</u> Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from construction-related activities shall be prevented from contaminating the soil and/or entering the Fish and Game Code section 1602 resource. These materials, placed within or where they may enter a Fish and Game Code section 1602 resource by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately.	Entire Project	Permittee	
2.36	<u>Trash Abatement.</u> Permittee shall ensure that trash and food items are contained in animal-proof, self-closing, sealable receptacles with lids that latch. Permittee shall ensure all trash receptacles are regularly inspected, emptied, and removed from the project site a minimum of once a week to prevent spillage, maintain sanitary conditions, and avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs	Entire Project	Permittee	
2.38	<u>Operating Equipment and Vehicle Leaks.</u> All equipment or vehicles driven and/or operated within or adjacent to the Fish and Game Code section 1602 resources shall be checked daily and maintained as need to prevent deleterious material leaks	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.40	<p><u>Minimize Equipment Operation and Parking.</u> Only equipment necessary for performing construction activities shall be present within the Fish and Game Code section 1602 resource. Vehicles may not be parked overnight within the Fish and Game Code section 1602 resource; nor shall vehicles be parked where mechanical fluid leaks may potentially enter the Fish and Game Code section 1602 resource. Staged vehicles in proximity to the Fish and Game Code section 1602 resource shall have oil drip pans underneath to contain potential leaks.</p>	Entire Project	Permittee	
3.1	<p><u>Restoration and Revegetation.</u> The Permittee shall restore <del>0.38</del> <b>0.30</b> acres of Fish and Game Code section 1602 resources impacted by project activities through restoration of geomorphology and flow regimes to match pre-project conditions or better, and decompaction of soils; if stabilization through seeding is necessary a plant palette of pesticide-free native and local species shall be used that includes a variety of annual and perennial species beneficial to local species habitat and diet, as well as plant species with early and late season blooms in consideration of local and migratory pollinator species. Permittee shall provide photo documentation of completion of this Measure within a status report submitted via EPIMS.</p>	Entire Project/ Post-construction	Permittee	
4.1	<p><u>CESA-listed, Nesting Bird, Protected Species Reporting.</u> All personnel shall be informed of their responsibility to report any form of take of CESA-listed species, Nesting Birds, and Protected species to the Designated Biologist. If a live or injured special status species is found within the project site, project activities shall be halted immediately, and the Designated Biologist shall contact CDFW.</p>	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
4.4	<p><u>On-site Resource Updates.</u> Permittee shall provide updates on the status/outcome of any new or previously identified resource, and any adjustments made to applied avoidance, minimization, and mitigation measures. Summaries shall be submitted on a quarterly basis until project completion, relocation per a CDFW approved plan has taken place, and/or there is no further evidence of presence. CDFW may adjust the rate of updates in writing. If the Project results in the abandonment of or damage to a resource, Permittee shall notify CDFW within 24 hours. The summary shall be submitted through EPIMS, and any GIS data emailed to the CDFW Regional Representative.</p>	Entire Project	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
4.6	<p><u>Four Year Status Reports.</u> Permittee shall prepare and submit a four-year status report to CDFW for review. Reports shall be provided to CDFW no later than 90 days after the end of every fourth year of the Agreement term based on the date of execution of the Agreement. The report shall be submitted through EPIMS and contain evaluation of the success or failure of the Measures of the Agreement to protect fish and wildlife resources that the activity may substantially adversely affect, a discussion of any factors that could increase the predicted adverse impact on fish and wildlife resources, and a description of the resources that may be adversely affected. In addition, the Permittee shall include pre-project photographs of the areas impacted, current photographs of the areas impacted, total amount of area subject to Fish and Game Code section 1602 impacted to date in the report, biological survey results and summary notes (including construction monitoring), status/outcome of on-site resources, and minimization activities to date including the status of conservation efforts of special status plants (i.e. number and species of plants transplanted, and an evaluation of the success of the enhancement), and monitoring of any relocated species, and separately send a GIS shapefile depicting impact areas (via email to the CDFW Regional Representative), Contd.</p>	Entire Project	Permittee	
Post-project Activities				

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
2.32	<p><u>Removal of Debris and Refuse.</u> Permittee shall remove and properly dispose 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. Permittee shall remove all hardened concrete and other loose debris in areas that need to be cleared by slowly removing stored material starting from the top and working down to ground level, rather than scooping from the ground up. This method will minimize the possibility of harming terrestrial wildlife possibly using the debris as shelter and will allow them to escape.</p>	Post-construction.	Permittee	

#	Mitigation Measures	Implementation Schedule	Responsible Party	Status/Date/Initials
4.7	<p><u>Final Report.</u> Permittee shall provide a final project report to CDFW no later than thirty (60) days after the project is fully completed including color photographs of before and after project-related activities within areas subject to Fish and Game Code section 1602. The Permittee shall include the information for the time period that elapsed between the previous four-year status report and the final report that includes submission pre-project photographs of the areas impacted, current photographs of the areas impacted, total amount of area subject to Fish and Game Code section 1602 impacted to date including a GIS shapefile, biological survey results and summary notes (including construction monitoring), status/outcome of on-site resources, and minimization activities to date including the status of conservation efforts of special status plants (i.e. number and species of plants transplanted, and an evaluation of the success of the enhancement) and monitoring of any relocated species. Additionally, the Permittee shall include an overall summary of the requested information for the entire Agreement term with a GIS shapefile of the entire project site. The report shall be submitted through EPIMS, and any GIS data emailed to the CDFW Regional Representative.</p>	Post-construction.	Permittee	